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Private Plan Change Request to Kaipara District Council

Plan Change (Private) - Mangawhai East Development Area

**Applicant Name:** Cabra Mangawhai Limited and Pro Land Matters Company Limited

**Date:** July 2025

This Report has been prepared by The Planning Collective Limited and forms part of the Private Plan Change request on behalf of Cabra Mangawhai Limited and Pro Land Matters Company Limited seeking to rezone rural land to a range of urban zones at Black Swamp Road and Raymond Bull Road Mangawhai. (TPC Reference: CAB 121-22).



This report has been prepared by:

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Dated: 8 May 2025

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*"The curves within the circle symbol of our logo are a depiction of the shape the Mahurangi River takes as it weaves its way through Warkworth. This was chosen to illustrate the whenua and landscape of the town that The Planning Collective works so closely with."*

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# 1. Application Details

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**Applicants** : Cabra Mangawhai Limited and Pro Land Matters Company Limited

**Site Address** : Black Swamp Road, Raymond Bull Road and Windsor Way – Refer Section 2.2

<b>Legal Description</b>	Refer Section 2.2
<b>Plan Change Extent</b>	94 hectares approximately
<b>Operative Zoning Kaipara District Plan 2013</b>	<ul style="list-style-type: none"><li>• Rural</li><li>• Harbour Overlay</li><li>• Coastal Inundation Overlay</li><li>• Area of Significance to Māori (coastal edge) Te Uri o Hau SM04</li><li>• Indicative Growth Area – Greater Growth Catchment</li><li>• Tomarata Road Local Purpose reserve RMU 336</li></ul>
<b>Changes Requested:</b>	<p><i>Zones:</i></p> <ul style="list-style-type: none"><li>• Rural Lifestyle zone</li><li>• Large Lot Residential zone</li><li>• Low Density Residential zone</li><li>• Medium Density Residential zone</li><li>• Neighbourhood Centre zone</li><li>• Mixed Use zone</li></ul> <p><i>Overlay:</i> Coastal Hazard Overlay</p> <p><i>Development Area:</i></p>

## 2. Plan Change Request

---

The Plan Change Request seeks to:

- a) Re-zone 94 hectares (approx.) of rural zoned land, within the Mangawhai Harbour overlay to a mix of residential and commercial zoned land:
  - i. Rural Lifestyle zone
  - ii. Large Lot Residential zone
  - iii. Low Density Residential zone
  - iv. Medium Density Residential zone
  - v. Neighbourhood Centre zone
  - vi. Mixed Use zone.
- b) Create a Development Area containing a suite of planning provisions to control and manage subdivision, use and development within the Plan change area. The Development Area provisions will be standalone so that potentially they can be incorporated into the Proposed Kaipara District Plan private plan review if appropriate and timings appropriately align.
- c) Apply a Coastal Hazard overlay over the land area identified to be potentially subject to coastal hazard where the effects of potential mitigation measures will need to be managed.
- d) Incorporate a Structure Plan into the Development Area to visually depict key features and outcomes required.
- e) Include Ecological features maps to convey areas of ecological sensitivity for future protection.
- f) Include the Structure Plan map to visually depict key outcomes that will be secured.

The proposed plan change maps are **Appendix 2**, the Development Area provisions are **Appendix 3** and the Structure Plan is **Appendix 4**.

## 2.1 Purpose of the Proposed Plan Change

The purpose / objectives of the Proposed Plan Change (“PPC”) are:

- to provide additional urban zoned land as a natural extension of Mangawhai Village in a location reflecting the demand for land adjacent to the coast, for residential and supporting business activities,
- to support the growth of Mangawhai and ensure that there is sufficient land supply to provide choices and maintain affordability.
- To provide a coordinated and efficient use of the land resource for the Mangawhai East area where there are urban activities and extensive rural residential living activities establishing in an ad hoc manner.

The proposed new zoning will provide additional residential dwellings to meet the demand of the increasing population and contribute to maintaining affordable housing in the Mangawhai area.

The proposed commercial zones will serve the immediate planned urban area and the immediately adjacent rural catchment with neighbourhood convenience services.

The proposed mixed-use zone will provide choices for land uses to respond to market and local demands and may include employment activities or residential.

The proposed zones have been located purposefully across the PPC area so as to reflect the natural and physical constraints of the area. This is reflected in the application of the rural lifestyle zone within the area of coastal inundation adjacent to the Mangawhai Harbour edge, and use of the Residential Low Density zone for those sites within the Coastal Hazard overlay that are already of a size or land use that is urban rather than rural. The proposed density of residential zones increases to the proposed central node containing the Neighbourhood Centre zone on the corner of Black Swamp Road and Raymond Bull Road. Low density residential zones extend to the north and south of the PPC area to form a logical transition to the surrounding rural zoned land.

In summary, the purpose of the PPC is to enable the urbanisation of land to support projected population growth in the Mangawhai area resulting from high levels of ongoing demand for living opportunities likely associated with the high amenity value of the location

The PPC is in accordance with the requirements of the Regional Policy Statement for Northland and the Kaipara District Plan 2013 where the Mangawhai area is identified for growth. Kaipara District Council has notified a District Plan Review on 28<sup>th</sup> April 2025. The contents have been considered and relevant objectives and policies considered.

The PPC is also in keeping with the NPS Urban Development (“NPS UD”) which is a relevant document given Mangawhai meets the definition of *Urban Environment* stated in the NPS UD:

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

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

Mangawhai is a Tier 3 local authority as that is defined in the NPS UD. This is supported by the economic analysis.



## 2.2 Plan Change Area and Property Details

Figure 1 below shows the PPC area outlined in blue.



Figure 1 – Proposed Plan Change Area.

Figure 2 shows the Applicant's landholdings held in the ownership entity of Cabra Mangawhai Limited (blue) and Pro Land Matters Company Limited (green), within the PPC area. The coloured properties are within the Plan Change area but are not owned by the Applicant's.

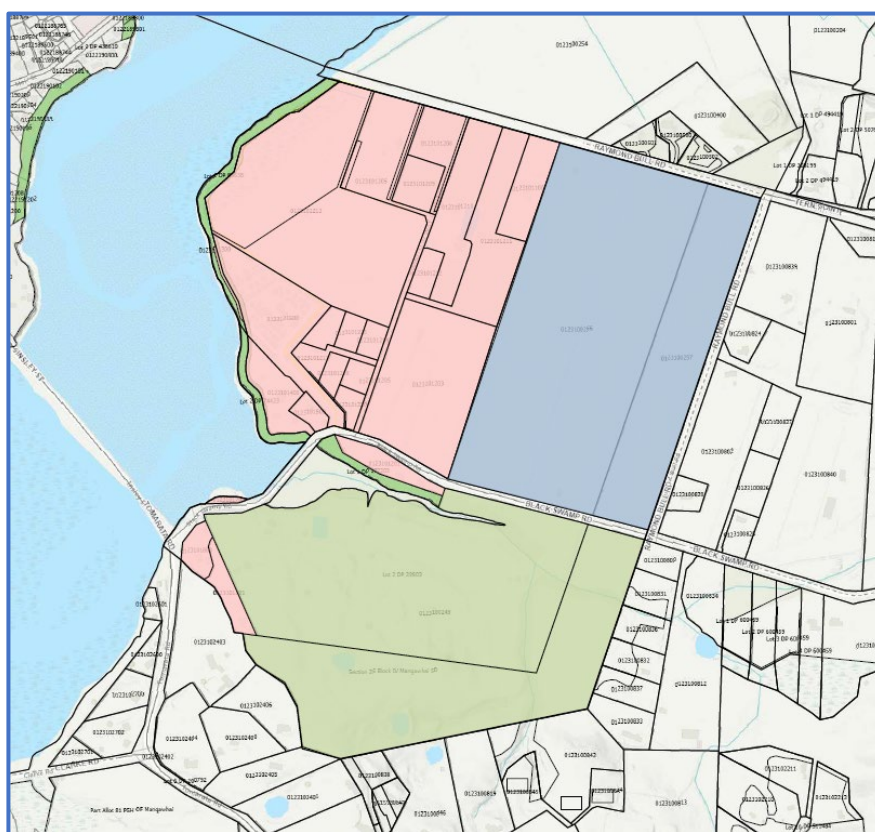


Figure 2- Applicant's Land Holding (blue and green) in Context of Plan Change Area.

A list of the landholdings included in the PPC area and their legal descriptions is detailed below:

	<b>Address</b>	<b>Legal Description</b>
1.	Black Swamp Road	LOT 1 DP 560798
2.	4 Black Swamp Road	Lot 1 Deposited Plan 392239
3.	4A Black Swamp Road	Lot 2 Deposited Plan 392239
4.	13 Black Swamp Road	Lot 3 DP 29903
5.	18A and 18B Black Swamp Road	Deposited Plan 29903 Section 25 Block IV Mangawhai Survey District and Lot 2
6	39 Black Swamp Road	Lot 1 Deposited Plan 83638
7	41 Black Swamp Road	Lot 1 Deposited Plan 84426
8	45 Black Swamp Road	Lot 3 Deposited Plan 177202
9	45B Black Swamp Road	Lot 3 Deposited Plan 560798
10	56 Black Swamp Road	Lot 2 Deposited Plan 177202
11	Black Swamp Road	Section 25 Block IV Mangawhai Survey District and Lot 2 Deposited Plan 29903
12	Raymond Bull Road	LOT 1 DP 29903 SEC 3 BLK IV MANGAWHAI SD
13	109 Raymond Bull Road	Lot 1 Deposited Plan 33798
14	3 Windsor Way	Lot 1 Deposited Plan 565865
15	5 Windsor Way	Lot 2 Deposited Plan 565865
16	7 Windsor Way	Lot 3 Deposited Plan 565865
17	15D Windsor Way	Lot 5 Deposited Plan 565865
18	25 Windsor Way	Lot 8 Deposited Plan 565865

	Address	Legal Description
19	5 Windsor Way	Lot 2 Deposited Plan 565865
20	7 Windsor Way	Lot 3 Deposited Plan 565865
21	15D Windsor Way	Lot 5 Deposited Plan 565865
22	25 Windsor Way	Lot 8 Deposited Plan 565865
23	43A Windsor Way	Lot 2 Deposited Plan 545009
24	45 Windsor Way	Lot 1 and Lot 3 Deposited Plan 545009, and Lot 2 DP 560798

Ownership information can be provided on request. All landowners within the PPC area have been sent an information package detailing the PPC and inviting them to provide feedback. Follow up engagement has taken place with some landowners as requested or required.

Copies of all records of Title are in **Appendix 1**. The communications and information pack sent to all landowners within and adjacent to the plan change area is **Appendix 18**.

### 3. Executive Summary

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This Planning Report has been prepared in support of a private plan change request to Kaipara District Council (“Council”) by Cabra Mangawhai Limited and Pro Land Matters Company Limited to the Operative Kaipara District Plan 2013 (“KDP”).

The applicant’s land holding, includes two parcels of Rural zoned land within the proposed PPC area as listed below:

- Cabra Mangawhai Limited own land to the north of Black Swamp Road and bordered by Raymond Bull Road to the north and east, 27.0375 hectares in area.
- Pro Land Matters Company Limited own land to the south of Black Swamp Road, 30.9373 hectares in area.

As set out above the PPC seeks to rezone Rural zone land to the south-east of Mangawhai Township to create a new urban neighbourhood centre with accompanying low to medium density residential zoned land and a mixed-use zone providing additional employment opportunities to the area. More sensitive areas of the PPC are proposed for large lot residential and rural lifestyle zones.

The PPC area will provide additional residential capacity to the Mangawhai area which has experienced ongoing population growth over the past decade. This growth is projected to continue over the next 30 years creating a demand for housing that cannot be met within the existing urban zoned areas of Mangawhai including the recent plan change rezonings of Plan Change 83 The Rise Limited and Plan Change 84 Mangawhai Hills Limited. The additional commercial zoned land will also contribute to the demand for employment opportunities within Mangawhai to serve existing and future residents and will provide for the local everyday needs of the population living within the Development Area.

The PPC introduces new urban and rural zones to the Operative Kaipara District Plan that conform with the National Planning Standards 2019 and have attempted to align to the greatest extent practicable with the Exposure Draft of the Kaipara District plan review, that being the greatest indication available as to what the Proposed District Plan may contain.

The PPC proposes a Development Area which encompasses a wide range of provisions to manage the subdivision, development and use of the land within. It is intended that the PPC operate as a comprehensive management framework for the Mangawhai East PPC area within the operative Kaipara District Plan, and that can in turn be incorporated into the Proposed District Plan

In summary, the objectives of the PPC are the most appropriate way to achieve the purpose of the Act, because:

- The objectives will achieve an efficient use of natural and physical resources, in particular an efficient use of the land resource immediately adjacent to Mangawhai Village and will contribute to housing and business land supply to meet the expected demands of the Kaipara District, the Mangawhai community and potential future residential markets.

- The sustainable management of natural and physical resources will be achieved because the objectives seek to achieve a high-quality urban environment with a strong delineation between urban and rural areas.
- Connections promoted and enabled to an area with many employment opportunities and expressing high demand for housing and business land
- Areas of sensitive ecological habitat will be protected and enhanced.
- Public access to and along rivers and streams will be enhanced.
- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other toanga is respected, acknowledged and provided for.
- Appropriate methods employed in specified areas to achieve management of significant risks from natural hazards.

The provisions of the PPC are the most appropriate way to achieve the objectives, because:

- The targeted use of a Development Area delivering differentiated zones that are carefully designed to be responsive to the environmental characteristics and sensitivities including the transition between the urban and rural environments.
- The application of a Structure Plan that promotes integrated and connected transport and accessibility networks, targeted landscape treatments and ecological enhancements with methods to achieve high quality residential and commercial living environments is considered to represent the most effective means of delivering the high-quality outcomes sought by the Development Area objectives.
- The transport and walking and cycling networks promoted by the plan framework will contribute to achieving the well functioning urban environment needs of the Mangawhai urban environment.
- The use of site specific development controls and standards will ensure that new housing and business land is integrated with the surrounding environment, and that natural features and habitats of natural flora and fauna are protected and enhanced.

This report considers the benefits and costs of the environmental, economic, social, and cultural effects anticipated from implementation of the PPC's provisions. In particular, it concludes:

- Cultural effects are positive. Engagement with local iwi and recommendations from a Cultural Effects Assessment (CEA) prepared by Te Uri o Hau, Environs Holdings Limited have been incorporated into the plan change proposal to recognise and protect Māori cultural and traditional interests.
- Social effects are overall positive. The PPC will provide a planned approach to new development in the area with public infrastructure proposed to serve future residents, including new and enhanced access and transport networks, recreational assets and a new integrated living and employment environment.
- Economic effects of the proposal are positive. The PPC will provide an important role for the local economy **enabling a more efficient housing market by** increasing the supply of residential dwellings in Mangawhai which has been identified to have a shortage of dwellings over the medium to long term. The PPC will offer a mix of housing types, from large lot residential to medium-density housing aiding housing choice and flexibility with the added benefit of employment choice through the creation of new business lands.

- Environmentally, the PPC will provide for urban growth in an integrated manner designed to protect and enhance ecological features while managing the pattern of development and provision of infrastructure and mitigation of landscape effects. Additionally, the PPC will deliver protection measures for Mangawhai Harbour coastal edge, estuarine stream and riparian margins, natural wetland and saltmarsh and a range of intermittent and permanent streams.

Therefore, the PPC is the most effective and efficient option to achieve the objectives; and the objectives of the Operative Kaipara District Plan 2013 relating to urban growth, quality compact urban form and efficient use of the land resource.

A Section 32 report must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is sufficient information to assess the effects anticipated from implementation of the PPC's provisions. The effects of urban development are well understood, and the PPC is supported by technical expert reports which identify the need to deliver additional planned urban development capacity in the Kaipara region, specifically Mangawhai, in the immediate future.



## 4. Plan Change Context

The PPC has been developed with careful consideration to the existing environment, achieving the objectives of the plan change, as set out in Section 2.1 above, and determining the optimal future land uses and how they can be integrated to achieve a well-functioning urban environment to support the ongoing development of Mangawhai and provide for the planned growth.

### 4.1 Mangawhai Structure Plan

The Operative Kaipara District Plan 2013 (KDP) includes the Mangawhai Structure Plan that was developed in 2005. The structure plan recognises the rapid growth occurring in Mangawhai and attempted to provide a template for future growth both in the existing urban area but also in the wider rural area with space rural-residential development earmarked. This included the PPC area as shown in Figure 3 below.

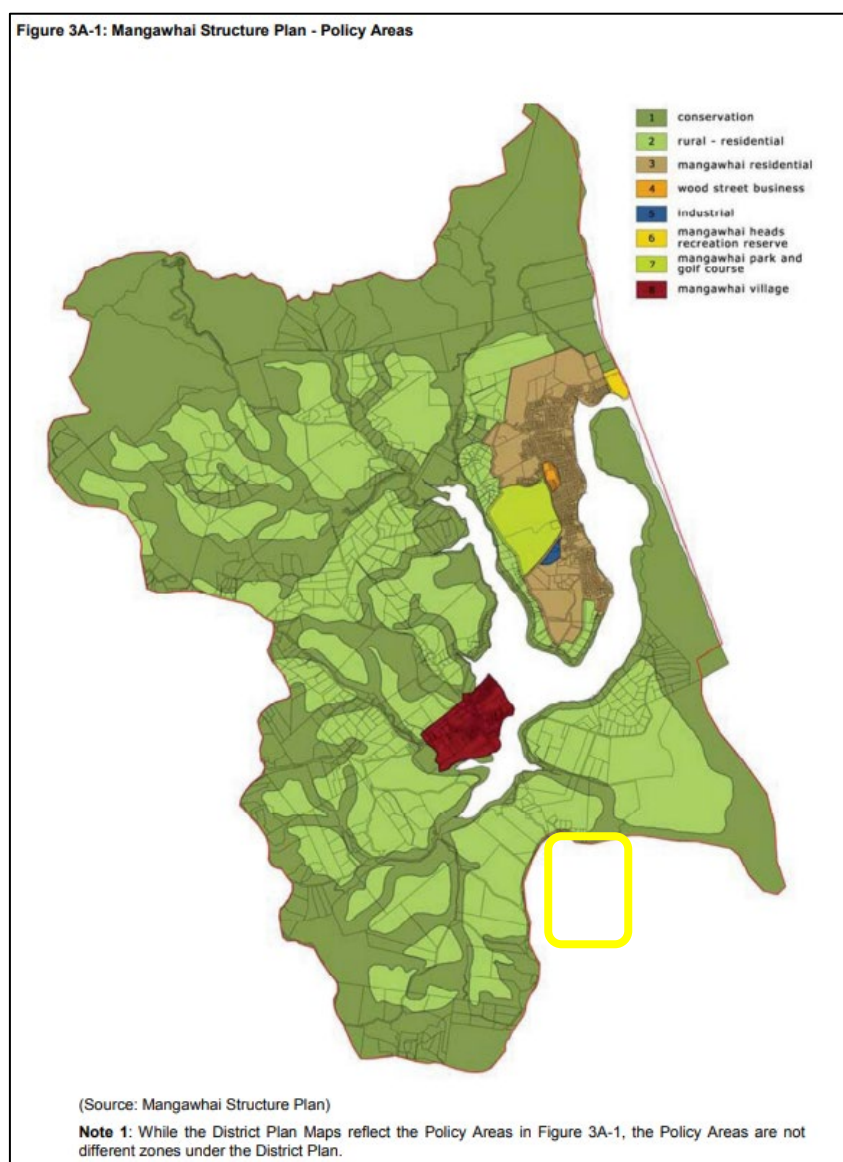


Figure 3 – Mangawhai Structure Plan 2005

The Structure Plan development pattern is also supported in the operative KDP by the identification of Growth Areas across Mangawhai. The existing core urban area is identified for residential, commercial and industrial growth. The wider Mangawhai area is generally identified for 'greater growth', refer Figure 4.

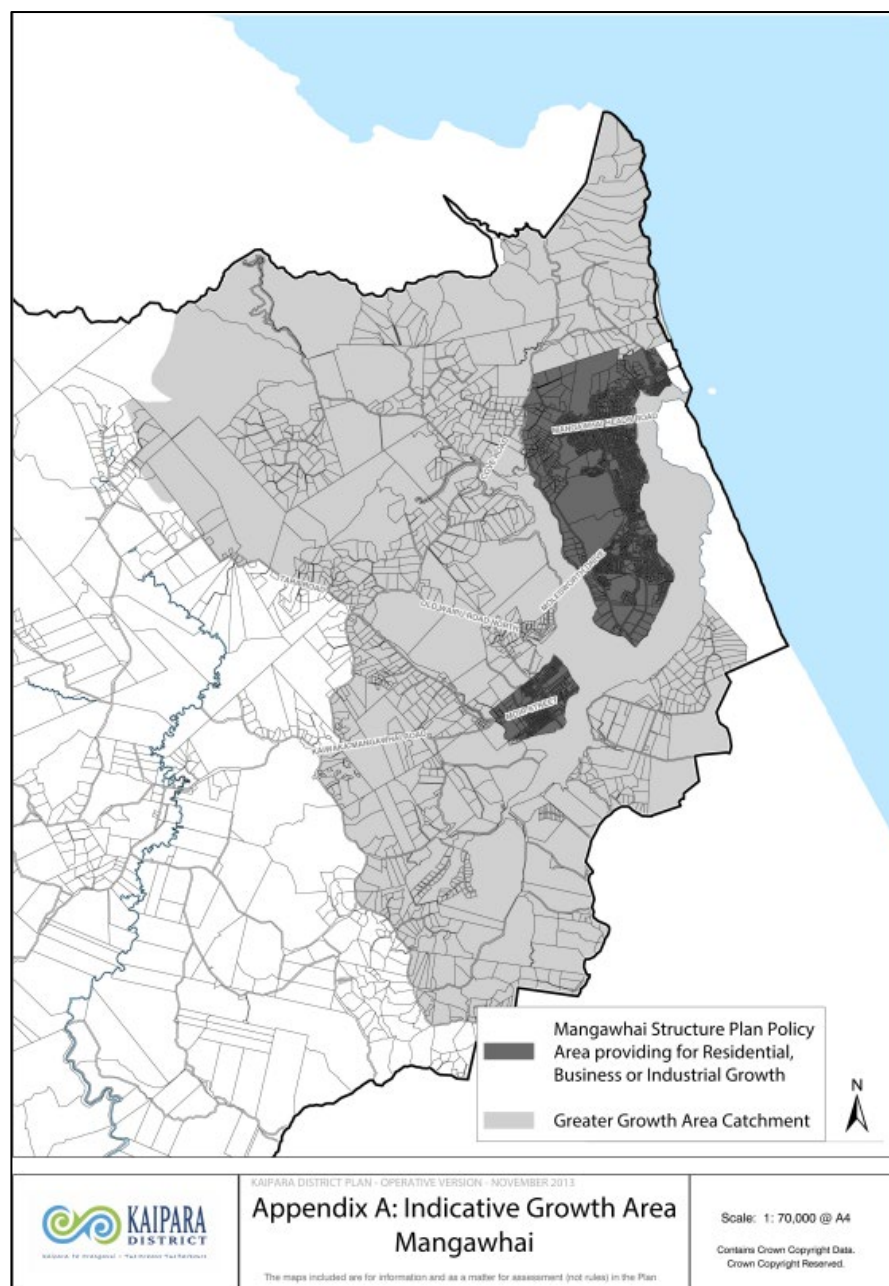


Figure 4 – Operative Kaipara District Plan – Appendix A

To date the operative KDP has not implemented the formal rezoning of the PPC site area to Rural Residential as indicated in the 2005 Structure Plan.

## 4.2 Mangawhai Spatial Plan December 2020

The Mangawhai Spatial Plan was developed to provide a blueprint for how Mangawhai could grow in a planned and sustainable way over the next 20 – 25 years period from when it was developed



The Spatial Plan states that Kaipara is the fastest growing district in Northland.

## SECTION 2 - MANGAWHAI SPATIAL PLAN 2020

### 2.1 THE VISION

The Mangawhai Spatial Plan is depicted in **Figure 2-1**. It works to achieve:

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 plan continues to support overall the vision for the area that was set out in the MCP:

*Mangawhai will grow well. While we grow, we shall care for nature, encourage a slow pace and active lifestyle, and retain the coastal character and history.*

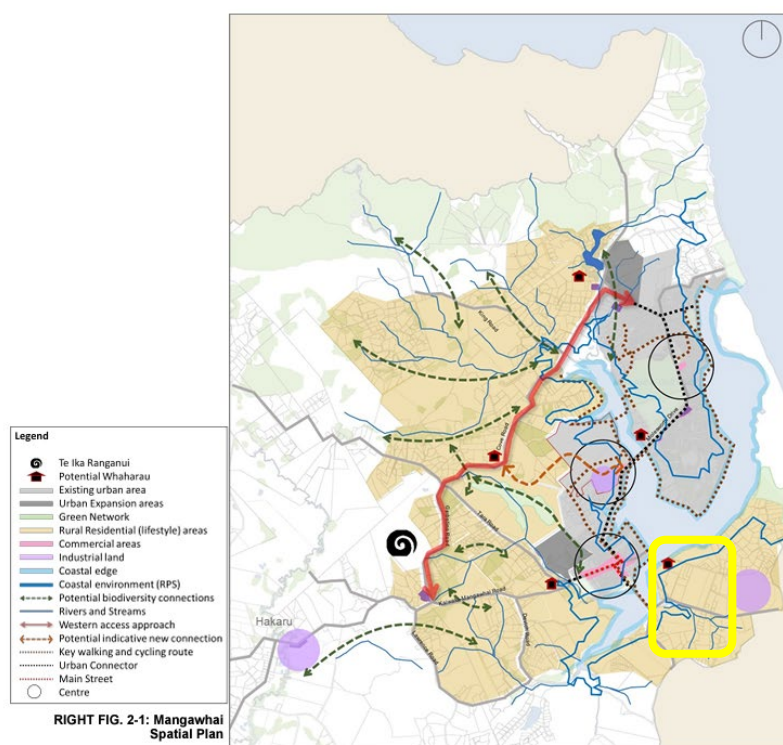


Figure 5 – Mangawhai Spatial Plan

As per the previous Mangawhai Structure Plan 2005 the area of the proposed Mangawhai East plan change is identified to be rural residential – Zone 3 with site sizes in the range of 2-4 hectares; with an indication of industrial land further to the east.

### 4.3 Description of the Plan Change Area

The PPC area is located to the south-east of Mangawhai Village on the southern side of Mangawhai Harbour with the land bordering Black Swamp Road and Raymond Bull Road. The PPC area encompasses approximately 94 hectares with multiple landowners.

Two large blocks of land on Black Swamp Road and Raymond Bull Road are owned by the applicants as described above. These two properties account for approximately 68% of the PPC area.

The land south of the Black Swamp Road consists of north facing hill slopes and lower lying estuary margin land. North of the Black Swamp Road and west of Raymond Bull Road, the landform comprises flat coastal terrace. The land south of Black Swamp Road is presently used for small scale agricultural activities (livestock) whilst to the north approximately fifty percent of the area is used for pasture with the remainder used for horticulture, a brewery and a caravan park. Residential development is sparse and consists of larger lot development associated with horticultural use or clustered to the western part of the plan change area.

The coastal edge of the Mangawhai Harbour is lined with esplanade reserve that runs the length of the coastline that the plan change area fronts and turns south-east into an estuarine tributary to the south of 56 Black Swamp Road. The esplanade reserve does not continue along the southern side of the tributary. The coastal edge of the harbour is also identified as being an area of significance to Māori with the Mangawhai Harbour being a Statutory Acknowledgement Area for Te Uri O Hau.

The north-western portion of the PPC is identified by the Northland Regional Council as being subject to coastal and river flood hazards.

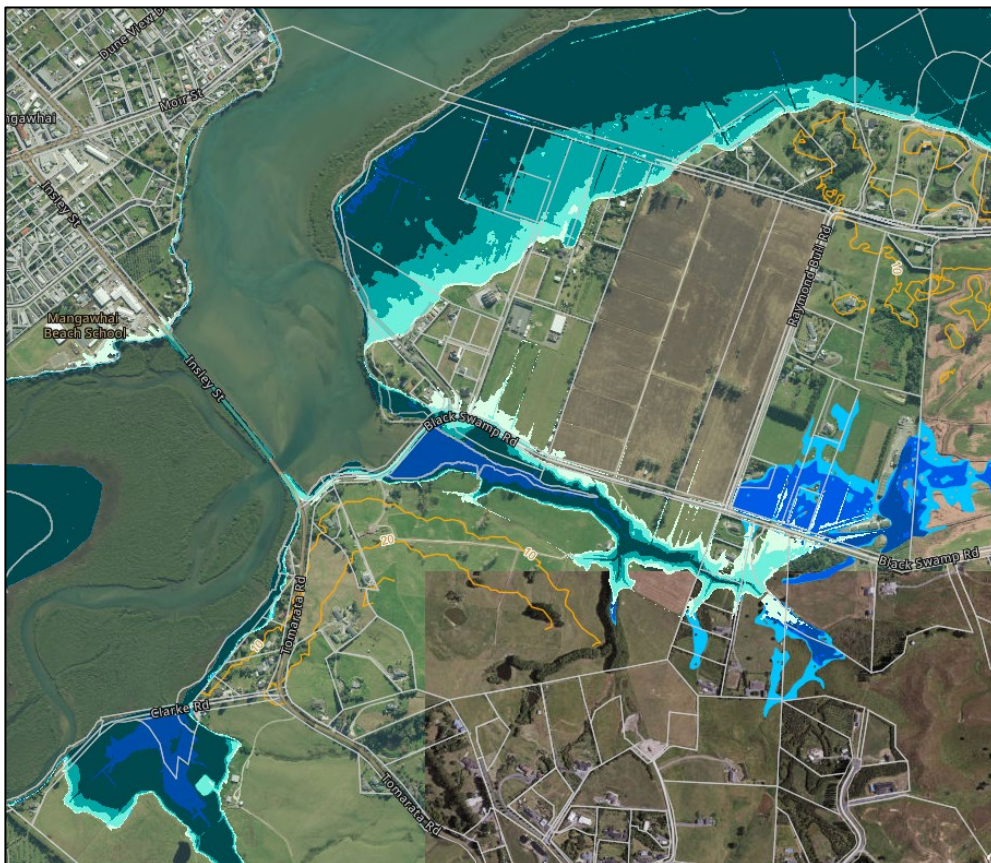


Figure 6 – Northland Regional Council Natural Hazards GIS map, showing coastal and river flood hazards across the subject site at Black Swamp Road and Raymond Bull Road, Mangawhai.

#### 4.3.1 Coastal Processes

Davis Coastal Consultants have undertaken a Coastal Processes and Hazard Assessment of the PPC area (**Appendix 8**) and they identify the following main features of the coastal site:

- The site drops down to the north from raised hillslopes along the southern boundary to the estuarine stream running alongside Black Swamp Road.
- The land on the northern side of Black Swamp Road forms an elevated plateau of approximately RL4. The northern corner of the PPC area is low lying at or below RL2. These two areas are separated by a north-east orientated, relatively, steep bank.
- A discontinuous raised bund is located at the coastal edge at the northern extent of the PPC area and ranges from approximately 1.5-1.8m high. A drain runs parallel to the bund on the landward side, with this area being still affected by tidal waters. Mangroves and other salt-marsh species are colonising the area immediately behind the bund.



- Existing armouring is present to part of the estuary edge starting at the causeway and extending north to the edge of the campground. The armouring is in a variety of forms from gabion baskets at the causeway to rock riprap and a timber wall.

The drawing in **Figure 7** below illustrates the changes in landforms and location of key features described above.

Given the location of the site within the Mangawhai Harbour it is not subject to open ocean swells and the coastline will only be subject to locally generated wind waves. The predominant wind direction being from the south and west.

Coastal erosion within the harbour at the PPC site is evident through the wetting and dying of tides, wind generated waves and the tidal and river currents that act against the land. This is evident along the PPC coastline where the channel hugs the southern side of the harbour as it passes beneath the Insley Street causeway.

The coastal flood hazard experienced in the northern and low lying areas of the PPA are largely a result of storm surges and future sea level rise. Davis Coastal Consultants has estimated the 100 year future inundation level to be RL3.7, which includes allowance for the most extreme current predictions for sea-level rise. This area covers the low lying areas in the northern corner of the PPC area as well as alongside the estuarine stream that runs east, inland along Black Swamp Road, refer **Figure 11** in section 4.2.5 below.

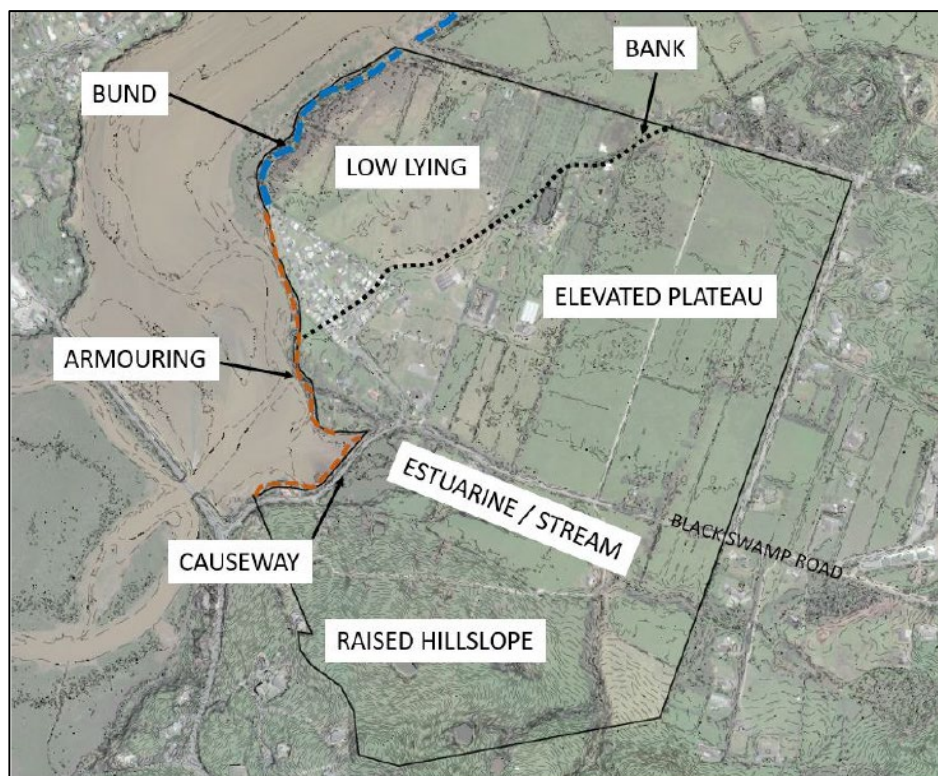


Figure 7 – Landform through the Proposed Plan Change Area. Source: Davis Coastal Consultants, Appendix 8.

### 4.3.2 Soil Quality

Hanmore Land Management has undertaken detailed soil mapping and land use class assessment of the PPC area. They have also produced an addendum to this report comparing their results to that of the New Zealand Resource Inventory (NZLRI) maps, refer **Appendix 13**.

The NZRI maps the majority of the PPC land as Land Use Classification 3w4 and 3s4 with a small area to the south-east 4e5. These classifications are described in the table below.

Resource information	Luc unit	Total area (ha)	Parent material	Dominant soil type	Slope (degree)	Land Cover	Erosion degree & severity		Landuse suitability	Stock carrying capacity (su/ha)
							Actual	Potential		Forestry site index (FSI)
<b>3e 5</b> Undulating to rolling slopes on old coastal dune landforms with yellow-brown sands on unconsolidated to compact dune sands		See areas in table in Section 4.2	Unconsolidated sands and gravels	Yellow-brown sands from the Pinaki suit	7-15°	Pasture	Nil	Slight sheet, rill, and gully. Slight to moderate wind, sheet and rill when cultivated	Horticulture Root and green fodder crops Pasture Forestry	Average: 13 Top: 15 Potential: 18 FSI: 27-30m
<b>3w 4</b> Flat land to undulating slopes with organic soils on alluvial and estuarine plains, terraces and in interdune areas.		57.9	Peat and fine alluvium	Organic soils on peat or peat and sand	0-7°	Pasture	Nil	Negligible to Slight wind when cultivated	Grazing Horticulture Cereals Root and green fodder crops	Average: 17 Top: 20 Potential: 24 FSI: 19-29
<b>3s 4</b> Flat to undulating slopes on valley floors, swales, and sand plains between old coastal dune hills.		0.4	Unconsolidated sand	Yellow-brown sands and organic soils on aeolian sand.	0-7°	Pasture	Nil	Slight to moderate wind and sheet when cultivated.	Root green fodder crops. Horticulture. Intensive grazing. Forestry	Average: 13 Top farmer: 15 Potential: 18 FSI: 29-32m
<b>4e 5</b> Rolling and strong rolling slopes within a subdued rolling to hilly landscape on strongly weathered interbedded and occasionally massive sandstones and mudstones.		See areas in table in Section 4.2	Bedded sandstone and mudstone, less extensive areas of massive sandstone and mudstone.	Yellow-brown earths on stratified and massive sandstones and mudstones	8-20°	Pasture	Nil	Slight to moderate sheet, soil slip, tunnel gully, earthflow, and rill. Slight to moderate rill and gully and moderate to severe sheet when cultivated.	Root and green fodder crops Intensive grazing Forestry	Average: 13 Top: 15 Potential: 18 FSI: 29-32

Table 1: Land Use Classification Descriptions. (Source Appendix 13 Page 9, taken from Harmsworth 1996)

The NZRI maps are reflective of the more detail mapping undertaken by Hanmore Land Management and described in their report dated 5 April 2024 and shown in the maps below in **Figure 8** and **9** below.

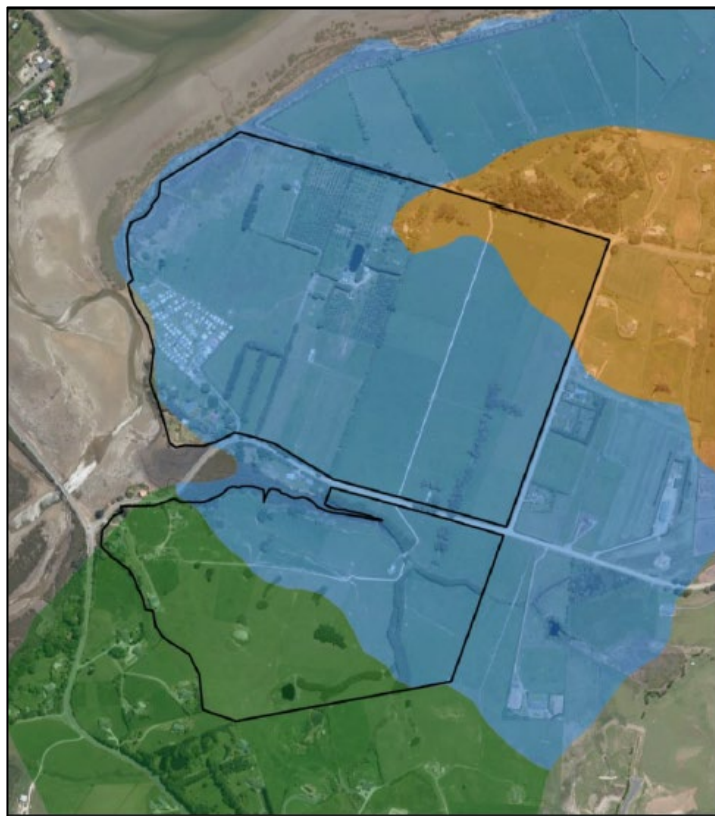


Figure 8 – Land Use Classification mapping by the NZLRI. Blue shading 3w 4, orange shading 3s 4, green shading 4e 5. (source Appendix 13, Page 4, NZLRI).



Figure 9 – Highly Productive Land (LUC 3) and non-highly productive land across proposed plan change area. (Source Appendix 13 Hanmore Land Management.

According to Hanmore Land Management’s figures approximately 55 hectares or 58.3% of the PPC area (94 hectares) falls under the LUC 3 classification and is considered to be Highly Productive Land (HPL) in accordance with the National Policy Statement for Highly Productive Land (NPS-HPL). The LUC 3 land is located in the relatively flat area to the north of the site along Black Swamp Road and Raymond Bull Road. Hanmore Land Management note in their addendum report that much of the LUC 3 land is fragmented across multiple titles ranging from 0.3 hectares to 19.8 hectares.

The remainder of the land is LUC 4, 5, 6 and 7 and is not considered to be HPL and is located around the coastal edges and to in the steeper hill slopes to the south.



### 4.3.3 Geology

(south of Black Swamp Road)

Wiley Geotechnical has undertaken a Geotechnical Assessment of the southern area of the PPC site (**Appendix 9**) at 18 and 18A Black Swamp Road (Section 25 Block IV Mangawhai Survey District and Lot 2 Deposited Plan 29903).

The southern area of the site contains hills that slope down to the north and meet a relatively flat area in the north and northeast of the site. The high point of the site is RL55 at the southernmost location. Gradients across the site are generally 1 vertical: 5 horizontal and lower. Steeper slopes ~1V:2.5H are located towards the south-west extent of the property. A 1V:1H rock batter along the road edge is located in the northwest corner of the site.

Overland flow paths cross the site following the general direction of the landform with man-made farm ponds located across the site with flood plains running alongside the estuarine stream crossing the northern part of the site.

Wiley Geotechnical undertook a series of hand auger subsurface investigations across the site and described their findings as follows:

*“The hand augers were carried out to depths ranging between 0.4 m and 3.0 m. The subsurface material encountered in our hand auger investigation can be generally described within two categories, those located roughly above the 4 m RL contour and those roughly below the 4 m RL contour line. Above the 4 m RL contour the subsurface material generally consisted of topsoil underlain by friable tephra material before grading into clayey SILT with varying amounts of sand. Below the 4 m RL contour line the subsurface material generally consisted of sandy topsoil underlain by silty sand or sandy silt before grading into clean light brown sand at depth. Sandstone hardpan was encountered in HA21 and HA23 and inferred along the length of the hand probe line at depths ranging between 0.3 m and 0.6 m where refusal was encountered. Measured undrained shear strengths ranged from 50 kPa to and inferred >200 kPa, however the majority of the undrained shear strength values exceeded 80 kPa.” (Geotechnical Assessment, Page 5).*

Areas of non-engineered fill are expected to be found across the site around existing buildings, ponds, drains, water troughs, and farm tracks. Ground water was encountered between 0.8m and 2.8m depth.

The expansive clay and silt soils that are present on the site range in class from ‘A – no movement’ to ‘M – moderate’. Mitigation measures for development on these soils includes specific foundation design and moisture control within subgrade soils.

Overall, the hand auger investigations found the spread of materials that is broadly consistent with the published geologic maps. Wiley Geotechnical concludes that the site is generally suitable for residential subdivision and development subject to site specific investigations at the time of development.

Initia Geotechnical Specialists has undertaken a Geotechnical Assessment of the northern area of the PPC site (**Appendix 9**) at land owned by Cabra Mangawhai Limited bounded by Black Swamp Road and Raymond Bull Road (s Lot 1 DP29903, Lot 3 DP 177202, and Section 3 Block IV Mangawhai SD).

A series of onsite ground investigations were undertaken in June 2022 and February 2024. The land is relatively flat in this section of the PPC area and was found to consist of topsoil and Late Pleistocene River Deposits as shown in the table copied below.

Geol. Unit	Soil type and description	Depth to top of unit (mbgl)	Layer thickness (m) [Typical]	Cone resistance typical range [Typical] $q_c$ (MPa)
Topsoil	Black, SILT with some rootlets. Firm, non-plastic, moist.	0.0	0.2 – 0.4 [0.3]	1 - 2
Late Pleistocene River Deposits	<b>Riv1:</b> Black organic sandy SILT / Fibrous PEAT, soft, moist, high organic content.	0.2 – 0.4	0.2 – 1.2 [0.5]	0.5 – 1
	<b>Riv2:</b> Brown HARDPAN SAND, strongly cemented, moist.	0.4 – 1.4	0.1 – 0.8 [0.4]	25 – 50 [30]
	<b>Riv3:</b> Brown/grey SAND, tightly packed, fine to medium, moist to wet.	0.2 – 1.6	Unproven.	5 – 20 [8]

Table 2: Site Stratigraphy and In Situ Testing Summary (Table 3-1, Geotechnical Assessment Report, September 2024, prepared by Initia Geotechnical Specialists (Appendix 9))

The ground conditions of the land to the north-west within the PPC area not owned by the applicants, has not been specifically tested and have been inferred. Published geological maps of ground conditions show the northern areas of the site, adjacent to the Mangawhai Harbour, as being underlain by Holocene River deposits which are described as typically poor, consolidated mud, sand, gravel and peat deposits of alluvial, colluvial and lacustrine origins.

Typical groundwater depth was recorded as 1.5m below existing ground level. The groundwater level is likely to be controlled by the Mangawhai Harbour and will fluctuate up to 1m in response to rainfall seasonal trends and tidal movements. The presence of a hardpan layer may also mean that surface groundwater may get perched during the winter months resulting in waterlogged soils. The assessment identifies a number of risks to development associated with the geological conditions of the soils. These risks are summarised below:

- The settlement and low bearing capacity of the soft compressible organic silt and fibrous peat layers of the Pleistocene river deposits. Materials are not suitable for building platforms or infrastructure such as roads or footpaths.
- Soils may contain sulphate and sulphide rich soils and groundwater which can present a risk to concrete and proposed infrastructure.

- Soils are considered to be susceptible to liquefaction with a moderate to high risk.
- Soils may also be susceptible to lateral displacement, particularly close to the estuary.

Initia Geotechnical Specialists has advised a number of recommendations to mitigate these risks at the time of construction. Primarily, it is recommended to excavate upper topsoil and organic sandy SILT/Fibrous PEAT (Riv1) soils and replace with engineered fill beneath building platforms, infrastructure and hard surfacing. Specific foundation design and construction at the time of resource consent and building consent will be required.

Overall, the site is generally suitable for residential subdivision and development subject to the use of engineered fill and site specific foundation design at the time of development.

#### 4.3.4 Soil Contamination

SQN Geosciences has undertaken a preliminary site investigation (PSI) of the properties owned by the applicants at 18 and 18D Black Swamp Road and at the corner of Black Swamp Road and Raymond Bull Road (LOT 1 DP 29903 SEC 3 BLK IV MANGAWHAI SD and Section 25 Block IV Mangawhai Survey District and Lot 2 Deposited Plan 29903), and at 45 Black Swamp Road.

The PSI identified potentially contaminating activities that may have occurred at these sites including, the application of pesticides, the deterioration of buildings and the improper demolition of buildings. Soil sampling was undertaken on three of the four sites (those to the north of Black Swamp Road) and no evidence of soil contamination found.

While heavy metal concentrations in two locations marginally exceed the predicted background concentrations (PBC) for the site, all remaining concentrations were within the PBCs, and below the adopted guideline values for the protection of human health and the environment as controlled by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

As no testing was undertaken at 18 and 18A Black Swamp Road and the site does contain potentially contaminating activities further PSI testing will be required at the time of development. However, SQN has advised that given the findings of their investigations any potential contamination would likely be localised and at levels that would not preclude the rezoning of the PPC area for residential activity.

#### 4.3.5 Ecological Values

The PPC area covers two distinct areas, one to the north of Black Swamp Road and one to the south. Ecological assessments have been undertaken of both areas in support of this application, refer **Appendix 14**.

- Ecological Impact Assessment – Northern Area, prepared by Viridis Environmental Consultants.
- Ecological Assessment Proposed Private Plan Change – Mangawhai East, Southern Area, prepared by Rural Design 1984 Limited.



As previously described, the PPC area covers an area of sloping hillside to the south and a relatively flat plain located to the north of Black Swamp Road. The western coastal boundary adjoins the Mangawhai Harbour. The main ecological features of the site are:

- Mangawhai Harbour coastal edge.
- The estuarine coastal salt marshes extending into the site in the north-west and along the estuarine inlet located to the south of Black Swamp Road. These are Natural Inland Wetlands as defined by the National Policy Statement for Freshwater Management 2020.
- Two streams (intermittent and permanent) run through the south-eastern portion of the site to the south of Black Swamp Road.
- Four small minor natural inland wetlands have been identified across the PPC site.
- There are fragmented areas of indigenous vegetation across the site with a strip of native restoration planting in the north-west corner of the site and around the campground. The road edges also contain scattered native planting.

These features are shown in **Figures 10** and **11** below.

The majority of the PPC area is cleared and covered with pasture and orchards. Other smaller lots have been developed for rural residential and commercial use such as the Riverside campground, the brewery and the garden centre. A number of artificial watercourses (drains, swales and farm ponds) cross the site and while they may contain native freshwater aquatic species, they are not considered to be ideal habitat for native species.

The two streams that run through the southern area drain from adjacent watercourses to the east that have been restored and protected in perpetuity as part of adjacent rural residential subdivision. These streams provide a continuous corridor between the inland waterways and the estuarine stream connecting to the Harbour. These corridors are preferred habitat for indigenous aquatic species.



Figure 10 – Watercourses and wetlands across the northern Proposed Plan Change area. (Source: Viridis Environmental Consultants. Appendix 14)



Figure 11 – Natural features across the southern Proposed Plan Change area. (Source: Rural Design 1984 Limited. Appendix 14)

The fragmented vegetation present across the PPC area reflects the historical landuse of agriculture and horticulture with shelterbelts consisting of exotic species. The nature of the vegetation and its fragmentation means that it is of low ecological value and is unlikely to contain ideal habitat for indigenous species of birds, bats and herpetofauna. The vegetation present does, however, provide some ecological functions such as bank stability, erosion protection, a buffer to adjacent wetlands and the marine area as well as potential habitat for fauna.

In summary, Virdis Environmental Consultants and Rural Design 1984 Limited have assessed the ecological values of the site as follows:

Low	Low-Moderate	Moderate - High	High
<ul style="list-style-type: none"> <li>• Exotic trees</li> <li>• Mixed native / exotic vegetation</li> <li>• Orchard / crops</li> <li>• Weedy vegetation / rank grass</li> <li>• Pasture / grass</li> <li>• Artificial watercourses</li> <li>• Freshwater habitats</li> <li>• Herpetofauna</li> <li>• Bats</li> </ul>	<ul style="list-style-type: none"> <li>• Native dominant vegetation</li> <li>• Terrestrial connectivity and ecological function</li> <li>• Herpetofauna (lizards)</li> <li>• Chiroptera (bats)</li> <li>• Natural inland wetlands - freshwater</li> </ul>	<ul style="list-style-type: none"> <li>• Natural inland wetlands – salt marsh</li> <li>• Ichthyofauna</li> </ul>	<ul style="list-style-type: none"> <li>• Coastal environment</li> <li>• Avifauna (birds)</li> </ul>

#### 4.3.6 Transportation

Commute Transportation Consultants have undertaken an Integrated Transportation Assessment for this PPC and provides a detailed description of the existing transportation environment surrounding the subject site, refer **Appendix 16**.

The key transport characteristics of the PPC area can be summarised as follows:

- Black Swamp Road is a sealed two lane road (one lane in each direction) with no pedestrian or cycling facilities or bus-stops. The speed limit is 60 Km/hr.
- Tomorata Road/ Insley Street is an arterial road with no pedestrian or cycling facilities or bus-stops. The speed limit on Tomorata Road is 80 Km/hr but drops to 60 Km/hr prior to the Insley Street causeway.
- The intersection between Black Swamp Road and Tomorata Road/ Insley Street has recorded 1 crash in the five year period between 2019 and 2024.
- Traffic volumes at the intersection between Black Swamp Road and Tomorata Road/ Insley Street are low with the peak recorded during the summer holiday period. Daily traffic volumes generally peak towards the end of the week when visitors and commuters to Auckland would leave for the working week.

- The limited public transport available in Mangawhai consists of the Bream Bay Link from Kaiwaka to Whangarei and during the summer, a free bus service running between the Domain in Mangawhai Township to Mangawhai Heads beach.
- Peak travel times to Auckland City runs between 1 to 2 hours and are sensitive to State Highway 1 motorway flows.

Black Swamp Road is the main road through the PPC area that connects to Tomarata Road/ Insley Street which accesses the existing urban area of Mangawhai Township. The road and development area to the north is relatively flat and provides an ideal walking and cycling environment.

Commute advises that the practical walking distance of 1.5 Km or 20 minutes walking is the industry standard by which walkability is measured. The primary walking catchment for the PPC area has been mapped by Commute and is located outside of the Mangawhai Township. The practical cycling distance is 3 Km and the mapped cycling catchment does extend to the Mangawhai Township and up Molesworth Drive towards Mangawhai Central.

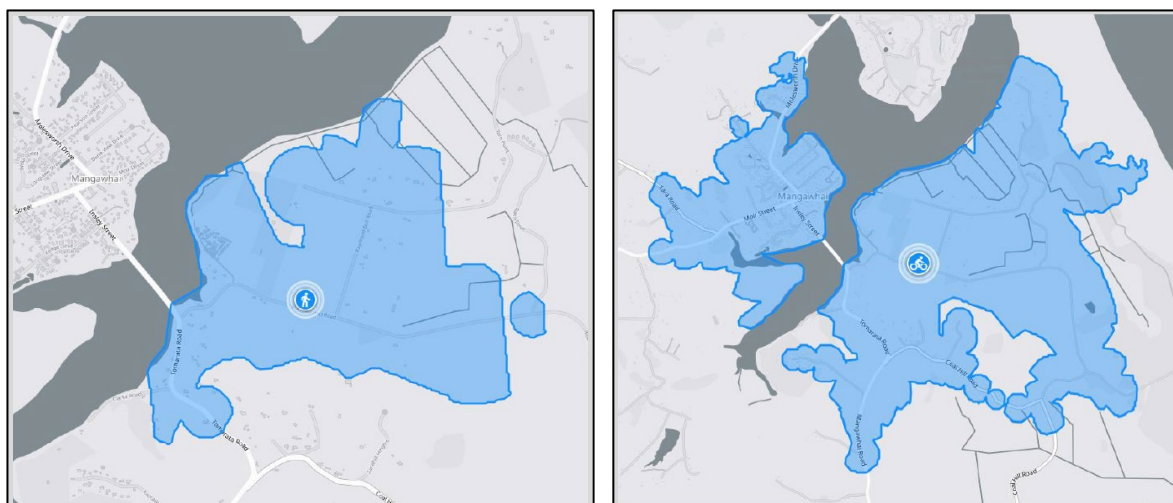


Figure 12 – Approximate walking (left) and cycling (right) catchments (to site entrance) of the PPC area. (source: Commute Transportation Consultants, Appendix 16)

Commute has also reviewed the various strategy and policy documents that existing for the Mangawhai area and note the transport infrastructure projects that have been identified in Mangawhai and the surrounding area including:

- A dual carriageway between Whangarei (SH14) and Port Marsden Highway;
- A Brynderwyn Hill bypass;
- Warkworth to Wellsford (designations in place); and
- Puhoi to Warkworth (completed).
- Insley Street / Moir Street intersection is upgraded within the next 4 years (Completed).
- Moir Street intersection with Molesworth Drive upgrade within the next 6 years (Completed),
- Old Waipu Road intersection with Molesworth Drive upgrade within the next 9 years or earlier in conjunction with Mangawhai Central development and/or connection with Old Waipu Road



North; and

- Thelma Road intersection with Estuary and Molesworth Drive upgrade within the next 10 years (or in conjunction with a Thelma Road link connection).

#### 4.3.7 Infrastructure Servicing

Aspire Consulting Engineers has prepared an Infrastructure report (**Appendix 10**) on the PPC area. Aspire has advised that all infrastructure required to service any future development of the PPC area can be managed either within the site or within the road reserve subject to the resource consent process.

Existing infrastructure such as roads and power and telecom utilities will need to be upgraded as part of any proposed development of the land. Infrastructure that will need to be specifically designed and implemented to serve the site include stormwater, potable water supply, and wastewater reticulation, treatment and disposal.

In relation to stormwater drainage, the site has two catchments that largely follow the northern and southern areas of the site separated by Black Swamp Road. The main features of these catchments are summarised below:

Northern catchment:

- The northwest half of the northern catchment drains north to Raymond Bull Road.
- The southeast half drains to the estuarine tributary located to the south.
- Overland flow paths will need to be managed through formal channels or road carriageways.
- Development within the Coastal Inundation zone will require the raising of building platforms and/or finished floor levels to provide adequate freeboard above flood levels.

The southern catchment:

- The southern catchment drains to the estuarine tributary.
- Given the hilly nature of the catchment, overland flow paths need to be channelled via road reserves discharging to flow paths or central tidal tributary (estuarine tributary).

Water Acumen has advised that Mangawhai / Mangawhai Heads do not have a reticulated Potable Water supply and properties rely on rainwater collection and onsite storage for domestic use. In times of low rainfall water is purchased from water supply companies and brought in by tanker. A limited number of council properties and two fire hydrants in Mangawhai Heads are serviced via a reticulated system. This system is from a borehole feeding into two storage tanks (timbertank), located at an elevated level.

KDC have removed the need to comply with the NZ Fire Service Code of Practice at the time of building and has introduced a new risk-based approach to help with assessment of subdivision applications. The new approach aims to help Council and applicants understand if there are potential fire hazards which may need to be considered at the time of subdivision consent applications, where sufficient firefighting water is not supplied.

Mangawhai and Mangawhai Heads Wastewater Network is predominantly serviced by pressure sewer systems, feeding into gravity networks, which feed into network pump stations. Wastewater is then conveyed through to the wastewater treatment plant located off Thelma Road South.

Stage one of a plan to expand Mangawhai's wastewater treatment plant capacity is reported to be complete, with stage two well underway, catering for projected community growth to at least 2030.

The first of the two stages has increased Mangawhai Wastewater Plant's capacity by 550 to 3,550

Connections

Currently, the Mangawhai Wastewater Network does not service land on the southern side of the Harbour. However, Water Acumen notes that KDC have agreed to pay the Riverside Holiday Park Committee \$250,000 plus GST, and legal fees, to allow the adjacent developments to connect to the connection currently provided to Riverside. The developments are understood to include 3,5,7, 15D and 25 Windsor Way (formerly 41 Black Swamp Road), a total of 7 residential lots with an 8th lot that includes a brewery.

#### 4.3.8 Archaeology

Geometria Limited has undertaken an Archaeological and Historic Heritage Assessment of the PPC area (refer **Appendix 6**). The assessment provides background commentary on the history of urban development and associated archaeological assessments, noting that most of the New Zealand Archaeological Association (NZAA) recorded sites in the area were recorded post year 2000. This is primarily as a result of amendments to the RMA in 2004 and the growth in the Mangawhai regions over the past 1256 to 20 years. Thus, the recorded sites provide an incomplete picture of pre 1900 occupation of the area as there has been a lack of surveys or excavations around the Mangawhai Harbour prior to year 2000.

The recorded archaeological sites in the near vicinity of the PPC area are predominantly midden/ovens located around the harbour edge adjacent to the existing Mangawhai town centre on the western side of the harbour. Three midden/oven sites are recorded inland directly to the north-east of the PPC area. Two other recorded sites are located to the south-east of the site and are associated with historical gum digging activities in the area.

One midden/oven site (R08/256) was found on the southern portion of the site and recorded in 2022. The midden is located on the southern edge of the estuarine stream. It is a shell midden located on the edge of the alluvial terrace and is consistent with evidence for a pre-European contact Māori occupation.

The site survey undertaken by Geometria Limited in June 2024 two additional sites were uncovered and recorded as R08/258 and R08/259.

- R08/258 is located on the esplanade reserve beside the campground to the north of Black Swamp Road. It contained bottles, ceramics, brick, and iron artefacts.

- R08/259 is a site located in the southeast of the site around a known former kauri gum store. There are no signs of any remains of the gum store above ground but Geometria have advised that there is likely to be subsurface features.

Figure 13 shows the location of the recorded archaeological sites on the PPC area.

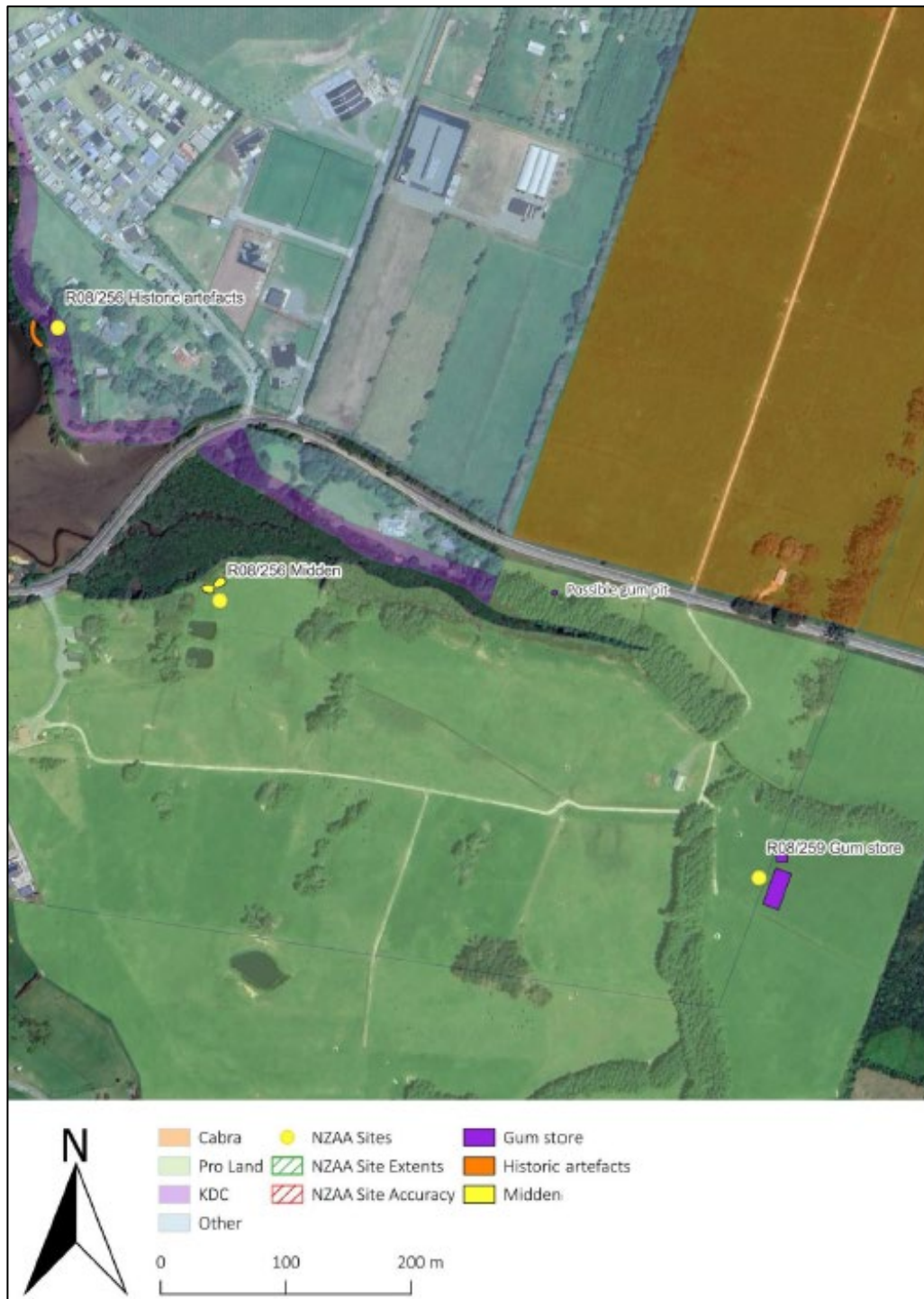


Figure 13 – Archaeological sites and features in the plan change area (source Geometria Ltd, Appendix 6)

Geometria Limited has provided a historical review of the subject site and wider Mangawhai region. In summary, Te Uri O Hau (part of Ngati Whatua) have mana whenua over Mangawhai and westwards to the Kaipara Harbour. Ngati Wai and their whanaunga Ngati Manuhiri also have an interest in the coastal area of the wider region.

The Pa at the currently named Moir Point is a known important site that would have had high strategic value providing views up and down the harbour and ready access to the fish and shellfish resources of the harbour, the inland waterways and wetlands to the northwest, west and south and the well-travelled portage to the Kaipara, and the open coast on the other side of the Mangawhai sand spit.

In 1825 a conflict occurred between Nga Puhi and local Ngati Whatua people who ended up fleeing the area. The first European land purchase in Mangawhai is recorded in 1839 and in 1854 the Crown purchased the 'Mangawhai Block' with the deed containing no formal survey and only descriptive boundaries and no total acreage. The Archaeological Assessment provides the settlement and ownership history of the land within the PPC area post 1854. The path to the existing agricultural and horticultural use of the land in the wider area included the discovery of a coal seam in the 1850s that ran from the harbour edge east to what is now known as 'Coal Hill'. The area was also part of the original Mangawhai Kauri Gum Reserve which was established in 1899. Unregulated gum digging is known to have occurred on Crown land prior to 1900 in Mangawhai.

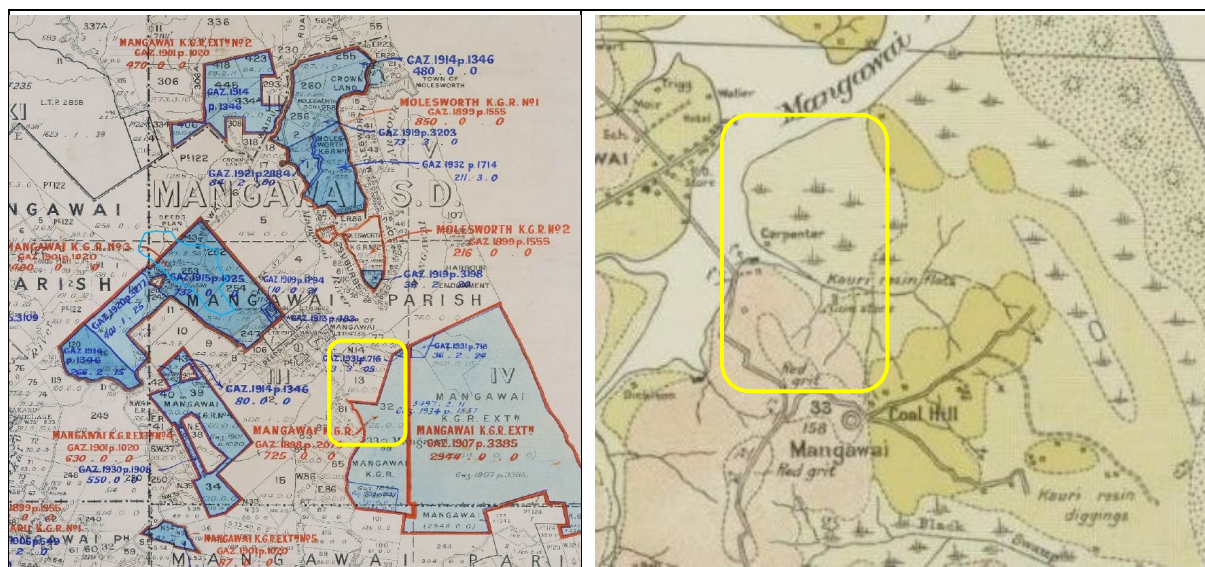


Figure 14 – Left: Detail from Kauri Gum Reserves Map - Hakaru 1, 2, 3; Kaiwaka; Mangawhai and extensions; Molesworth and extensions. Lands and Survey Department, 1928. Right: Detail from H.T. Ferrar's 1928 geological survey of Mangawhai (ATL) and approximate location of subject property (Source: Geometria Ltd, Figures 18 and 20, Appendix 6).

#### 4.3.9 Cultural Values – Te Uri o Hau

Te Uri o Hau, Environs Holdings Limited, has prepared a Cultural Effects Assessment of the Mangawhai East Proposed Plan Change (PPC), refer **Appendix 5**. The Cultural Effects Assessment (CEA) provides a detailed description of the site and Te Uri o Hau's history and connection to the site and the wider Mangawhai Area.



The CEA identifies Te Uri o Hau as an iwi/ hapū of Ngāti Whātua located in the North Kaipara including the Mangawhai area.

*“Te Uri o Hau tribal area encompasses the Taporapora and Okahukura regions on the west coast, and inland to Wellsford to the east coast at Te Arai Point to Paepae ō Tū - Bream Tail. Continuing north to Pikawahine in the Tangihua Ranges to the west coast from Mahuta Gap to Pouto peninsula. Both Mangawhai and Kaipara Harbours’ are inclusive of Te Uri o Hau Statutory Area of Interest extending to the outer limit of the Exclusive Economic Zone (EEZ).”*

Through the Waitangi Tribunal process, the Te Uri o Hau Claims Settlement Act 2002 came into effect on 17 October 2002. The legislation provides statutory acknowledgement of statements by Te Uri o Hau regarding their particular cultural, spiritual, historical and traditional association, requiring the relevant authorities to have regard to all matters affecting Te Uri o Hau. Provisions acknowledge Te Uri o Hau cultural, spiritual, historical and traditional interests and relationships to Mangawhai. The statutory acknowledgements in the Act are the Mangawhai Harbour Coastal Area and Mangawhai Marginal Strip which are directly adjacent to the PPC area.

The CEA refers to the archaeological record that provides clear evidence of pre-European settlement around the Mangawhai Harbour, at Tern Point Farm Park and at Mangawhai sandspit. Three archaeological sites have been recorded in the PPC area (as detailed in 4.2.6 above). Site (R08/256) is an oven/midden located on the southern riparian area of the estuarine stream (to the south of Black Swamp Road). Further earthworks across the PPC area has the potential to uncover additional archaeological sites and features including *Wāhi Tapū and Wāhi Tāonga: Sacred Areas, Treasures, Places* which will contribute further to understanding the history of Te Uri o Hau across the Mangawhai area.

The cultural values of the area extend beyond archaeological sites and includes the life supporting capacity of the whenua/ land, water quality, habitat and biodiversity of indigenous flora and fauna along with the ecological values of the freshwater streams, estuarine areas and the Mangawhai Harbour itself.

#### 4.3.10 Landscape Character and Values

LA4 Landscape Architects has undertaken an Assessment of Landscape and Visual Effects of the PPC area (Refer **Appendix 7**). The assessment describes the site within the wider landscape context and evaluates the proposal, including features of the PPC that will work to mitigate adverse effects on the natural features and landscape character and visual amenity of the site and surrounding areas.

The site and surrounding area is highly modified through a variety of previous land use activities such as farming, horticulture, residential lifestyle subdivision and development, and the establishment of businesses such as the camp ground and brewery. Associated activities such as vegetation clearance, modification of streams and the construction of roads has also contributed to the modified natural and landscape character of the PPC area and its surrounds.

The assessment notes that while some localised areas in wider Mangawhai surrounds have a relatively high level of rural and or general landscape amenity, the site itself has relatively low landscape values and sensitivity, other than the coastline of the Mangawhai Harbour. There are no Outstanding Natural Landscapes, Outstanding Natural Features or areas of Outstanding Natural Character in the vicinity of the PPC area.

The site and local area exhibit semi-rural characteristics but not a high degree of 'ruralness'. This is due to the combination of the size of properties, existing infrastructure and built development patterns and the urban influences evident in the immediate surrounding area. The urban influences in the surrounding area reduce the sensitivity of the site and surrounding environment to change, such as that anticipated by the PPC.

The main natural and landscape features of the site are:

- a. the Mangawhai Harbour and coastal harbour edge,
- b. the estuarine stream to the south of Black Swamp Road,
- c. intermittent and permanent streams in the southern portion,
- d. natural inland wetlands including the northern saltmarsh.

The topography of the PPC site is varied and thus the viewing audience and significance of the views vary depending on proximity and elevation of the viewing site. The southern hills of the PPC are the most prominent location when viewed either directly adjacent to the site or from afar such as from the western side of the existing Mangawhai urban area and the Harbour edge. The southern hills also afford clear and wide views north across the entire PPC from north facing properties accessed off Tomarata Road, Coal Hill Road, Ocean Sands Place, Coastview Lane and Sandhill Heights.

The northern PPC area is relatively flat and closer views of the site from the western side the Harbour are buffered by the existing esplanade reserve and riparian planting. Views south across the PPC area from the adjoining Raymond Bull Road and Tern Point are clear and unobstructed. Road users will also gain a mix of direct close-up views of the site from Black Swamp Road.

Further description of the PPC area is set out in the Landscape and Visual Effects assessment report – **Appendix 7.**

## 4.4 Description of the Wider Area

Mangawhai is a rapidly growing township within the Kaipara District. The Mangawhai Spatial Plan 2020 identified the high rate of population growth occurring in the region since 2014. This growth has been accompanied by a change in the proportion of permanent residents versus short term holiday visitors. The growth in Mangawhai has occurred in response to the noted population movement of people out of the Auckland urban area to other less populated regions, particularly those that exhibit high levels of amenity or provide access to amenities such as beaches and other recreational activities. The proximity to Auckland city via the newly extended motorway between Puhoi and Warkworth and plans for future extensions to Wellsford means that commute times from Mangawhai are and will continue to be reduced. This coupled with the increased ability for people to work from homes has meant that more people are able to make Mangawhai their permanent residence.

The Mangawhai Sandspit is an undeveloped wildlife refuge administered by the Department of Conservation. It is identified as an Outstanding Natural Landscape in the operative Kaipara District Plan 2013.

The PPC area is located on the south side of the Mangawhai Harbour outside of the existing urban area. The PPC area and surrounding land to the south is rural low-lying hill country. The administrative boundary with Auckland Council is located to the south of Coal Hill Road and to the east at the Te Arai coast. The coastal area and former commercial pine forests are undergoing redevelopment as private golf courses with residential development within. The land immediately to the north and east of the PPC area along Tern Point has is characterised by predominantly rural residential sized lots.

The area to the south across both the Kaipara District and Auckland Council region is rural in nature and zoned for generally for rural production activities. Pockets of rural lifestyle subdivision has occurred within the Kaipara District between Mangawhai and State Highway 1.

The existing Mangawhai urban area is located on the northern side of the harbour with Mangawhai village directly across the Insley Street causeway. The village is one of three commercial centres that serve the wider Mangawhai area including Mangawhai Heads and adjacent rural lifestyle areas.

## 4.5 Existing Zoning Pattern – Wider Area

Zoning of land neighbouring the PPC area includes:

- The immediately surrounding land is zoned Rural with Harbour overlay.
- Mangawhai Township and Mangawhai Heads is zoned Residential.
- The business commercial zone covers the area around Moir Street and Molesworth Street as well as the Wood Street shops.
- Mangawhai Central contains a mix of residential, business and service zones.
- Land to the south in the Auckland Council region is Rural Production zone and Rural Coastal zone.

Relevant Operative Kaipara District Plan 2013 overlays in the surrounding area, include:

- The Harbour overlay covers the bulk of the Mangawhai urban area and extends inland across the immediate surrounding rural area.
- The Mangawhai Structure plan policy area is located over the Mangawhai township and Mangawhai Heads urban areas.
- The Greater Growth Area Catchment shown in the extends over the immediate surrounding rural area.

Figure 15 below shows the plan change site in the context of the wider zoning pattern.

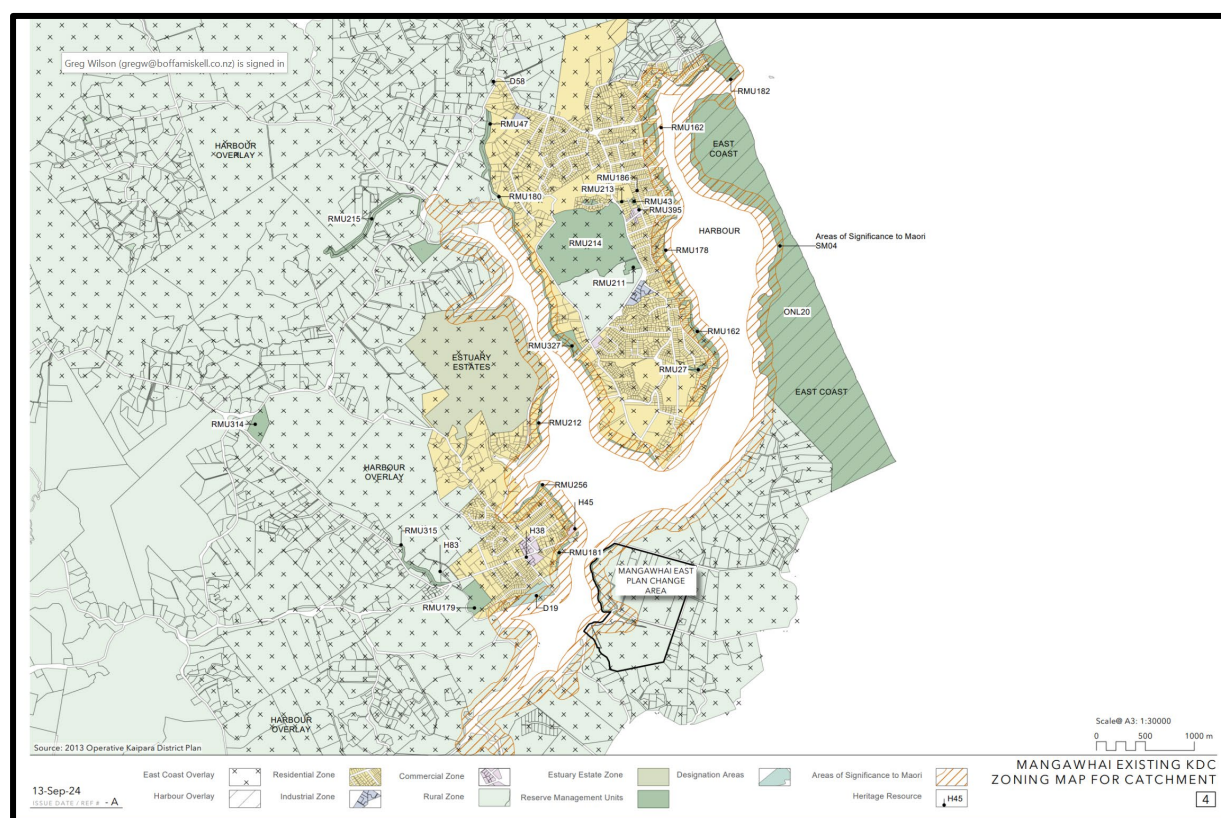


Figure 15 – Wider site environment in the context of existing zones PPC area bolded.

## 4.6 Mangawhai East Structure Plan

A Structure plan has been prepared for the Plan Change area to assist in determining the most appropriate land uses and extent of the Plan Change. As a result of initial plan change work the extent of the plan change extended to include the land on both sides of Black Swamp Road and then later in the process, to include the land at 4 and 4A Black Swamp Road.

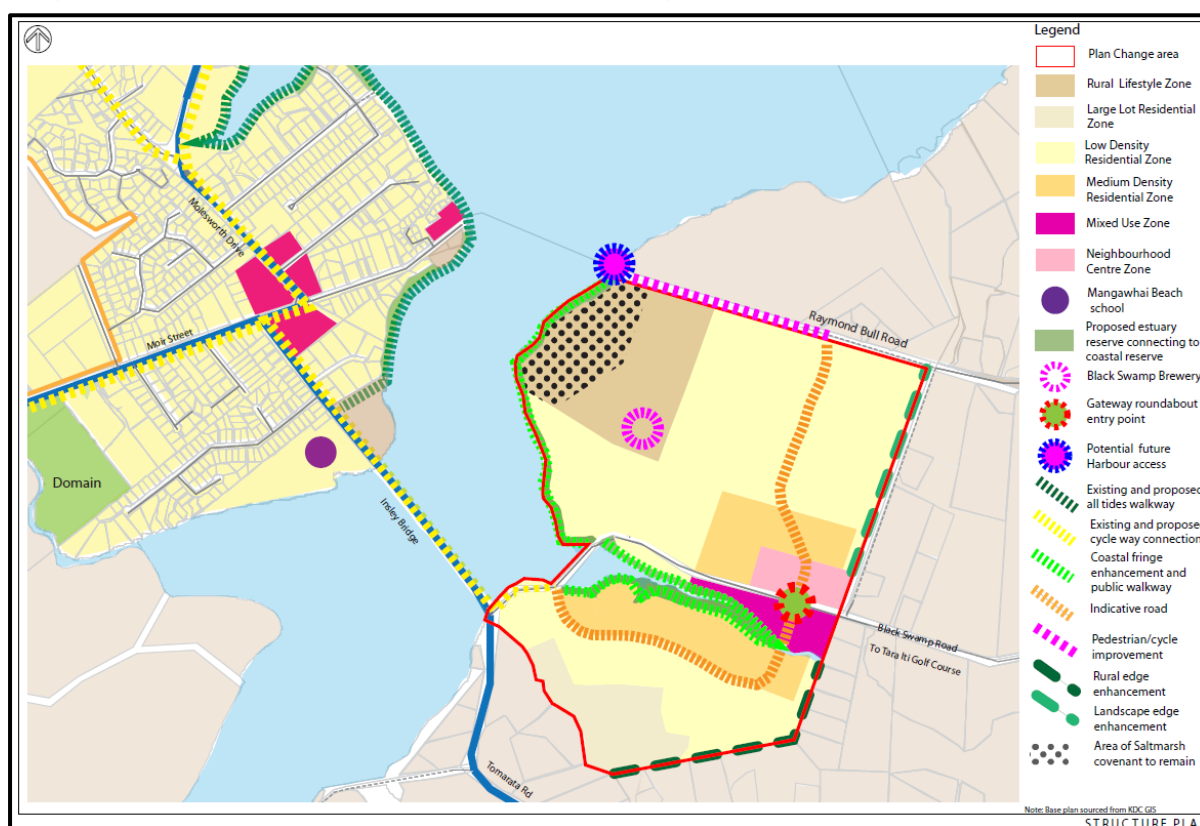


Figure 16 – Mangawhai East Structure Plan

The Structure Plan was prepared in a wider context to the Plan Change area to ensure that assessment of edge effects or other impacts or features were considered in determining the appropriate zoning outcome for the land.

The final Structure Plan identifies key features and outcomes within the proposed Development Area that will be secured as part of the land development. The Structure Plan will have statutory weighting as part of the Development Area provisions.

## 4.7 Consultation and Engagement

A report summarising the consultation and engagement that has occurred to date and the general feedback undertaken in relation to the PPC is set out in **Appendix 18**. The consultation and engagement undertaken has informed the proposed zoning pattern.

A public open day was held on 15 June 2024 at Mangawhai Library Hall. The majority of responses from the Public open day, were not in support of the PPC. Common themes of concern related to ecological impact infrastructure and environmental management, housing and development, recreational use management, wildlife and habitat protection, and financial impacts.

Iwi engagement has occurred with Te Uri o Hau with a meeting held on 13 June 2024 with engagement ongoing. Te Uri o Hau, Environs Holdings Limited, has prepared a Cultural Effects Assessment (**Appendix 5**) which provides the history of the iwi/hapu within the Mangawhai area and describes the cultural values present across the site. The assessment also addresses the potential effects on cultural values that may arise from the PPC. These are discussed in section 4.5 below.

The project team met individually with three of the landowners within the Plan Change Area, to discuss the PPC in more detail and answer any respective questions the owners may have had.

A meeting was also held with Mangawhai Matters Society (MMS) on 13 June 2024. The feedback from MMS was supportive of the proposed plan change approach to development of the area rather than ad hoc development and poor development outcomes that are not in keeping with the Mangawhai environment. The cumulative effects of the PPC alongside other current plan change applications currently being processed in Mangawhai are also of concern.

Subsequent meetings have been held with the Department of Conservation and the Fairy Tern Trust representatives and more recently site-specific meetings with representatives of Riverside Holiday Park.

Neighbouring landowners of the PPC area were advised of the PPC via hand delivered letters, with approximately 20 adjacent property owners responding both in support and opposition. A number of suggestions were provided to address matters raised by the neighbouring landowners such as views.

In summary the general consensus among neighbouring landowners was supportive of the PPC, whilst there was less favourable opinion expressed by one neighbour and the general public at the Open Day. However, this stance appears to be flexible and could shift to be in support of the proposal, subject to the application of changes suggested by the public/ adjacent landowners. Concerns expressed in the feedback include environmental preservation, maintaining rural amenities, intensification, servicing, traffic, and safety.

Follow up engagement with all landowners, key stakeholder groups, iwi and affected parties will occur following the submission of the PPC.



## 5. Proposed Plan Change Description

The proposed Mangawhai East Development Area provisions are attached as **Appendix 3** and planning maps are included as **Appendix 2**.

The proposed zoning seeks the following approximate zone areas from the operative Rural Zone:

Zoning	Area
• Large Lot Residential	6.3450 ha
• Low Density Residential	45.5909 ha
• Medium Density Residential	12.560 ha
• Neighbourhood Centre	2.655 ha
• Mixed Use	2.235 ha
• Rural Lifestyle	24.69 ha
Total Area	94 hectares

The land areas of the proposed new zones are shown in **Figure 17** below:

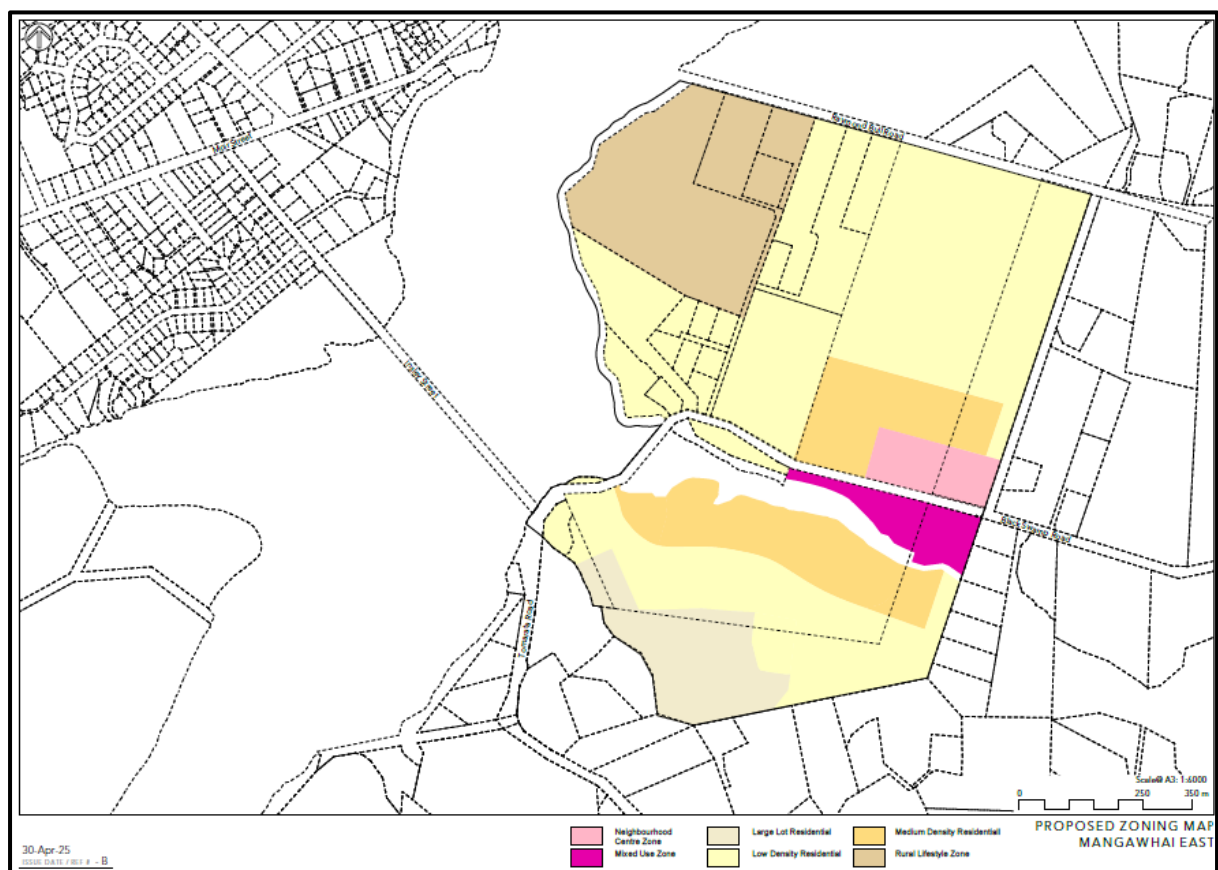


Figure 17 – Proposed Zone Map

## 5.1 Description of the Proposed Zoning

It is proposed to rezone the PPC area from Rural zone to a mix of higher density residential and commercial zones as listed below and shown on the PPC map attached as **Appendix 2** and copied in **Figure 18** below.

Rural Lifestyle zone
Large Lot Residential zone
Low Density Residential zone
Medium Density Residential zone
Neighbourhood Centre zone
Mixed Use zone.

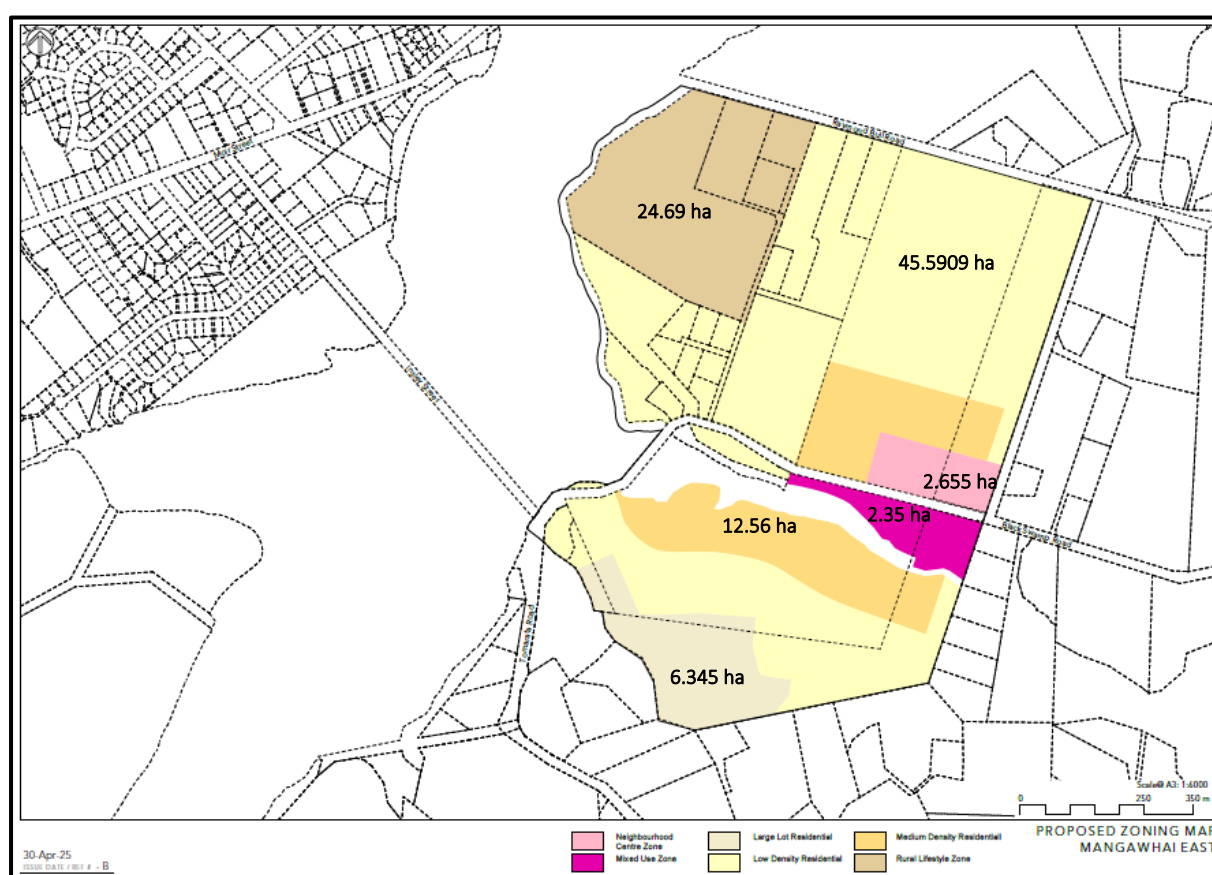


Figure 18 – Figure showing the PPC area and proposed zone pattern.

The central point of the proposed plan change area is at the corner of Black Swamp Road and Raymond Bull Road, this will be anchored by the Neighbourhood Centre zone and business Mixed Use zone. From here the proposed residential zones fan out with Medium Density Residential immediately adjacent to the commercial centre and the Low Density Residential zone covering the majority of the PPC area in the low lying plain. The Low Density Zone adjacent to the harbour edge is also subject to the Coastal Hazard overlay. This area was not appropriate to zone rural given the existing land uses.



The Rural Lifestyle zone is proposed in the north-west corner of the PPC area in response to the transition to the rural area to the north; low lying land identified as being potentially subject to coastal hazard the ecological sensitive coastal edge and inland wetland 'saltmarsh' area. This area is identified by a Coastal Hazard Overlay.

The Large Lot Residential zone is proposed for the highest most visible elevations at the south of the site.

The proposed zones follow the zone framework standard set out in the National Planning Standards (2019).

Zone Name	National Planning Standards Description	Proposed Plan Change Location and Description
Rural lifestyle zone	Areas used predominantly for a residential lifestyle within a rural environment on lots smaller than those of the General rural and Rural production zones, while still enabling primary production to occur.	<p>The Rural Lifestyle zone is applied to land at the coastal and rural edge where there is existing rural lifestyle development, protected ecological features, and where the land is subject to coastal hazard.</p> <p>The zone will enable an appropriate level of lifestyle development subject to demonstrating the avoidance of coastal hazards.</p>
Large lot residential zone	Areas used predominantly for residential activities and buildings such as detached houses on lots larger than those of the Low density residential and General residential zones, and where there are particular landscape characteristics, physical limitations or other constraints to more intensive development.	The Large Lot zone is located to respond to topography and the rural edge to the south of the Development Area. Larger sites in this location will ensure an appropriate development response with residential units set back from the rural edge, landscape treatments to create a transition between the urban and rural environments and Development Standards to ensure a spacious landscape quality is maintained.
Low density residential zone	Areas used predominantly for residential activities and buildings consistent with a suburban scale and subdivision pattern, such as one to two storey houses with yards and landscaping, and other compatible activities.	<p>This zone applies to most of the Development Area land and will deliver a residential outcome that is efficient but suitably spacious to respond to the location of the land in proximity to the rural edge and within the coastal environment.</p> <p>Sites will be designed to ensure that onsite services such as water supply and onsite parking and maneuvering can be provided in a manner that ensures a high residential quality, with each site retaining area for private outdoor open space, solar access to residential units and sufficient outlook space between units to maintain privacy.</p>
Medium density residential zone	Areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.	The zone is sited on a lower elevation landform in proximity to the Business- Neighbourhood Centre and Business- Mixed Use zoned land. The zone enables a higher density of residential development and a choice of typologies and living options through freehold subdivision or comprehensively designed residential development.

Zone Name	National Planning Standards Description	Proposed Plan Change Location and Description
		The higher density is appropriate within walking distance to the amenities to be provided within the business zones.
Neighbourhood centre zone	Areas used predominantly for small-scale commercial and community activities that service the needs of the immediate residential neighbourhood.	The Neighbourhood Centre will provide a focal point for the Development Area community and provides the opportunity to deliver services for the local community and the wider area where tourism and recreational activities are established.
Mixed use zone	Areas used predominantly for a compatible mixture of residential, commercial, light industrial, recreational and/or community activities.	<p>The purpose of this zone is to provide flexibility for a range of appropriate land use outcomes in proximity to the Business – Neighbourhood Centre and transitioning between the residential and business zones.</p> <p>The zone is applied to land adjacent to Black Swamp Road and the estuarine environment that provides opportunity to open up connected public walkways and deliver ecological enhancement and protection of riparian areas.</p>

Figure 19 – Proposed zone names and descriptions (source: National Planning Standards 2019)

## 5.2 Proposed Overlays

### *Coastal Inundation Overlay*

The PPC proposes a Coastal Inundation Overlay as identified in the existing Kaipara District Council Hazard maps and by Davis Coastal Consultants Limited (**Appendix 8**).

A Coastal Hazard Overlay is applied to land identified as being potentially subject to coastal inundation now or in the future and where mitigation to avoid the hazard may generate wider or offsite effects. Development of land within the overlay will need to demonstrate that building sites and access can be provided in a manner that avoids coastal hazard risk and does not adversely affect the amenity values of adjacent land.

### *Significant Natural Area Overlay*

The salt marsh meets the criteria set out in Appendix 1 of the NPS IB to be mapped as SNA.

## 5.3 Development Area Provisions

The proposed Development Area provisions include general and specific rules that are applicable across the PPC area. These rules cover the following activities and effects:

- |                                    |                                   |  |
|------------------------------------|-----------------------------------|--|
| • Earthworks – Excavation and Fill | • Indigenous Vegetation Clearance | • Roads, Vehicle Access, Pedestrian Walkways and Cycleways |
| • Vibration                        | • Hazardous Substances            | • Radioactive Materials                                    |
| • Lighting                         | • Signs                           | • Vehicle crossing   |
| • Noise                            | • Network Utilities               | • Markets and Outdoor Recreational Activities              |
| • Temporary Activities             | • Primary Production Activities   | • Subdivision  |
|                                    |                                   | • Financial Contributions                                  |

These rules and associated standards will guide and manage land-use, subdivision or building consent within the PPC area.

## 5.4 Services

The following infrastructure solutions are proposed for the PPC:

### Stormwater

A Stormwater Management Plan (“SMP”) has been prepared to ensure stormwater in the Development Area is properly managed. The SMP is **Appendix 11**.

### Water supply: Residential / domestic

It is proposed that all properties to have rainwater collection and storage tanks for domestic /

potable use

#### Fire Fighting water supply

It is proposed to match the existing Kaipara District Council Mangawhai Heads reticulation set-up, with a local borehole(s) feeding into a reservoir, with reticulation feeding fire hydrants within the Neighbourhood Centre, mixed use area and medium density housing area.

#### KDC Proposed Wastewater Upgrade

It is noted that KDC have agreed to pay the Riverside Holiday Park Committee \$250,000 plus GST, and legal fees, to allow the adjacent developments to connect. The developments are understood to include 3,5,7, 15D and 25 Windsor Way (formerly 41 Black Swamp Road), a total of 7 residential lots with an 8th lot that includes a brewery.

Earlier engagement with Kaipara District Council staff indicated that there would likely be capacity within the network to service the proposed development. It is understood that there are several new developments in Mangawhai and servicing capacity will depend on the timing and nature of development undertaken.



## 6. Statutory Context

Part 2 of Schedule 1 of the RMA sets out the requirements for a private plan change request. Clause 21 of Schedule 1 of the Resource Management Act 1991 (“the Act”), states any person can request a change to a district or regional plan (including a regional coastal plan).

Clause 22 (1) states that A request made under clause 21 shall be made to the appropriate local authority in writing and shall explain the purpose of and the reasons for the plan change and shall contain an evaluation report prepared in accordance with Section 32 for the proposed plan or change.

Sub-section (2) states that:

*(2) Where environmental effects are anticipated, the request shall describe those effects, taking into account clauses 6 and 7 of Schedule 4, in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement, or plan.*

Section 32 (1) of the RMA requires an evaluation report that must:

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) An assessment under subsection (1)(b)(ii) must—*
  - (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
    - (i) economic growth that are anticipated to be provided or reduced; and*
    - (ii) employment that are anticipated to be provided or reduced; and*
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*
- (3) If the proposal (an amending proposal) 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 subsection (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.*

With respect to s32 (3) the PPC proposes to include new objectives as part of a Development Area to the KDP including a specific policy framework and controls for ecological features, subdivision and zone interface treatments to manage reverse sensitivity urban design principles and methods. The KDP has existing objectives and is also subject to proposed plan changes relating to the other areas across Mangawhai. This report assesses the appropriateness of the PPC proposed objectives as they sit alongside the existing objectives of the KDP (including taking into account any other relevant plan changes) and assesses the appropriateness of the PPC provisions against the existing KDP objectives as well as the proposed PPC Development Area objectives.

Section 74 of the RMA sets out the matters to be considered by a territorial authority in preparing or changing its district plan, including under s74(1)(ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard.

Additionally, under section 75(3) a district plan must give effect to:

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (ba) a national planning standard; and*
- (c) any regional policy statement.*

In preparing the Evaluation Report we have:

- Reviewed the KDP and the associated active Plan Changes.
- Considered relevant higher order policy documents, including:
  - The New Zealand Coastal Policy Statement 2010 (NZCPS)
  - The National Policy Statement for Freshwater Management (NPS-FM)
  - The National Policy Statement on Urban Development (NPS-UD)
  - The National Policy Statement on Highly Productive Soil (NPS-HPL)
  - The National Policy Statement for Indigenous Biodiversity (NPS- IB)
  - The Regional Policy Statement for Northland (RPSN)
- Relevant Kaipara District Council Documents, including technical publications and guideline documents to the extent they are relevant.
- Reviewed a full suite of technical reports procured to inform a structure planning exercise and the development of the plan change proposal.

This PPC request and ‘Evaluation’ report have been prepared in accordance with the requirements of Schedule 1 of the RMA, in particular clause 22.

The PPC satisfies Clause 25 of Schedule 1 of the RMA. The PPC is in accordance with sound resource management practice (4(c)) and incorporates the NPS-UD.

## 6.1 Notification

Private plan change requests may be either limited notified or fully publicly notified. In order to be limited notified, as provided for in Clause 5A, the local authority must be able to identify all persons directly affected by the proposed change or variation.

In this instance, given the scale of the PPC and the number of interested parties' full public notification is appropriate.

# 7. Assessment - Non-Statutory Planning Documents

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## 7.1 Background Context

Mangawhai is a coastal community located around the Mangawhai Harbour on the east coast of the Kaipara District. The Mangawhai town and surrounding areas have experienced significant growth in permanent population over the past 15 years. It has become the second largest town and the fastest growing urban area in the Kaipara District.

The Kaipara District Plan was made operative in 2013 and incorporated aspects of the Mangawhai Structure Plan 2005 which was intended to provide a strategic framework to help guide decisions on development, infrastructure management and the environmental matters for Mangawhai.

The Mangawhai Spatial Plan was adopted in December 2020 in response to the high level of growth in Mangawhai population, subdivision and development within the existing urban areas and the surrounding rural area including to the south – east of the Harbour around Black Swamp Road.

Higher level planning documents have more recently been released which aim to manage the location of growth and the form of urban development through the National Policy Statement on Urban Development 2020 and the National Policy Statement for Highly Productive Land 2022.

To undertake a full and complete assessment of the appropriateness of the PPC, non-statutory and relevant non-RMA documents should also be considered.

## 7.2. Mangawhai Structure Plan 2005

The Mangawhai Structure Plan was adopted by Council in 2005 and was updated and incorporated into the Operative District Plan 2013 with the aim of delivering the outcomes of the Mangawhai Structure Plan. This is achieved through the rules, performance standards and assessment criteria of the District Plan. The Mangawhai Design Guidelines were developed as part of the structure plan to help guide subdivision and development and assist with the implementation of the Structure Plan vision within Mangawhai.

The Mangawhai Structure Plan identifies a number of policy areas which reflect intended landuse activity, refer **Figure 20** below. The Proposed Plan Change area is located within Policy Area 2: Rural - Residential. With the external coastal riparian areas identified as Policy Area 1: Conservation.

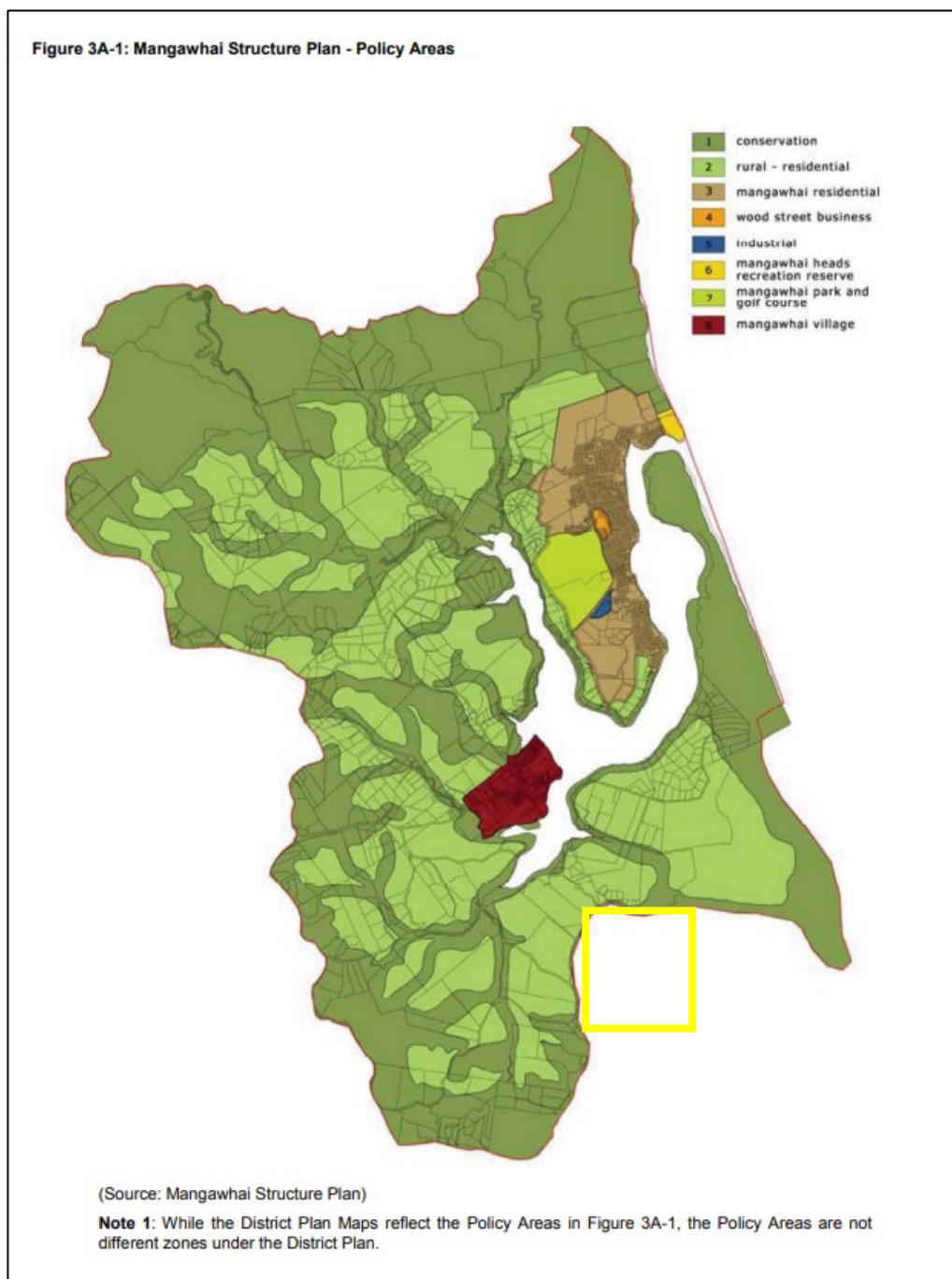


Figure 20 – Map of the Mangawhai Structure Plan – Policy Areas (source: Chapter 3A, Operative Kaipara District Plan 2013).  
Proposed Plan Change Site located within yellow box.

This proposed plan change will be a departure from the Mangawhai Structure Plan 2005 in that it proposes greater residential density and commercial development than the rural – residential activity identified in the Structure Plan.

Since the adoption of the Mangawhai Structure Plan in 2005 and the operative District Plan in 2013, Mangawhai has undergone significant population growth and consequential residential and commercial development. As a result, subsequent planning documents (statutory and non-statutory) have overtaken the provisions of the Mangawhai Structure Plan. These documents are discussed in the sections below and include the following:



- Mangawhai Spatial Plan 2020,
- National Policy Statement for Urban Development 2020, and
- National Policy Statement on Highly Productive Land 2022.

### 7.3 Kaipara District Spatial Plan – Ngā Wawata 2020 and Mangawhai Spatial Plan 2020

The Kaipara District Spatial Plan Ngā Wawata 2050 sets out the Council's future direction of the numerous urban, peri-urban, rural and coastal communities within the Kaipara District, including Mangawhai. The spatial plan provides a vision for each settlement and will inform the Kaipara District Plan review currently underway.

The Mangawhai Spatial Plan was adopted in December 2020 and is a response to the significant growth in population over the past fifteen to twenty years and which is projected to continue to grow and amongst double by 2043<sup>1</sup>. The spatial plan also identified the existing spread of rural-residential subdivision in the rural area immediately surrounding the urban area of Mangawhai. The spatial plan sets a boundary around the existing rural residential areas with the aim of containing future residential style subdivision within this catchment and protecting the rural production zone from inappropriate more sensitive activities. Within the rural residential area differentiation was made between large lot residential sized lots (between 0.4 and 0.8 hectares) and rural lifestyle sized lots (between 0.8 and 2 hectares and 2 – 4 hectares) reflecting existing subdivision patterns across the area.

Large lot residential area was identified along the west side of Tara Road, both sides of Devich Road and a short stretch of the adjacent Kaiwaka – Mangawhai Road. The land subject to this plan change, on the southern side of the harbour was ultimately identified as rural-residential (lifestyle), refer map of the Preferred Growth Option copied in Figure 22; however, there were also a series of 'Provisional Residential Growth Areas' identified as set out in Appendix C to the Spatial Plan – refer Figure 21 below:

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<sup>1</sup> Mangawhai Spatial Plan 2020: [Appendix B – Growth Projection Assumptions](#)

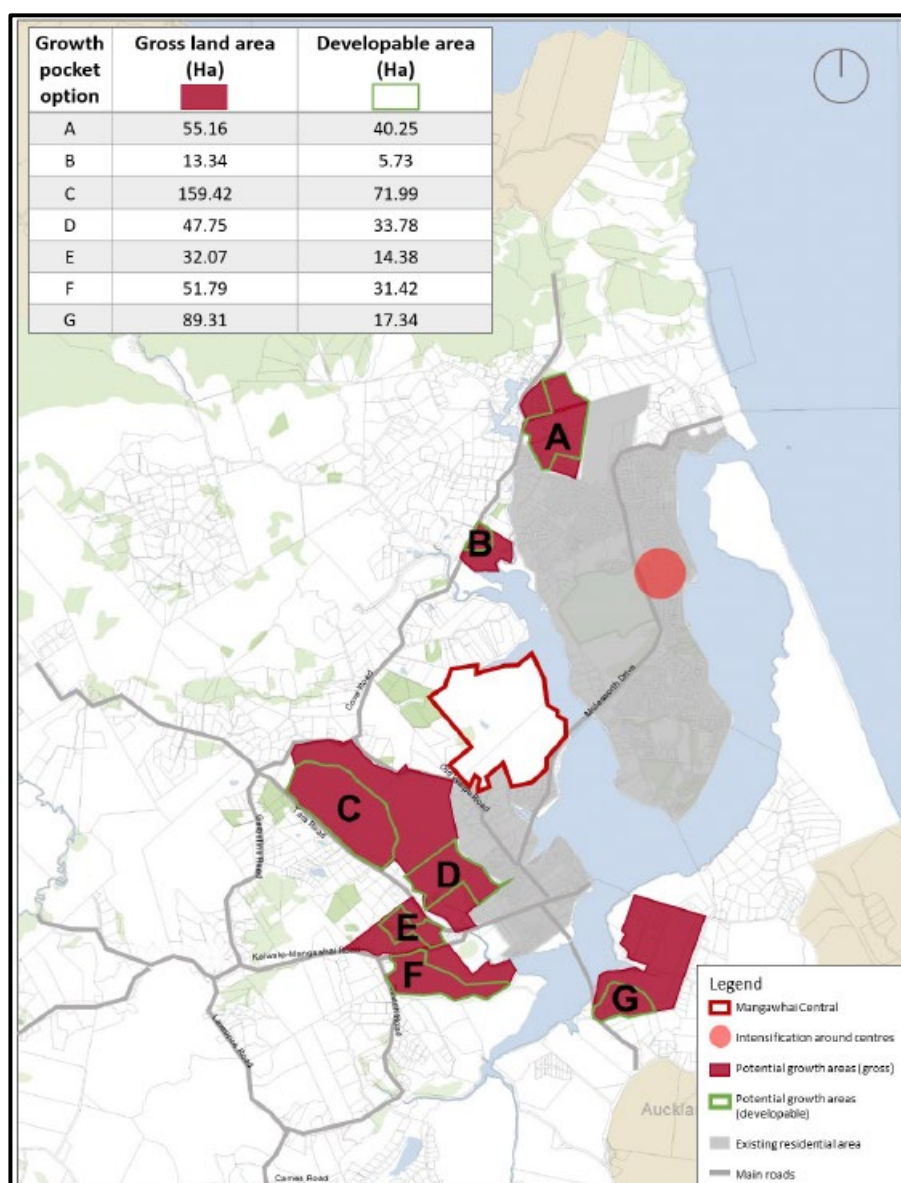


Figure 21 – Provisional Residential Growth Areas – Appendix C Mangawhai Spatial Plan

The proposed plan change is based on a series of technical assessments and a Structure Plan developed in response to a more detailed assessment of the Plan Change area and surrounds. In response to the Structure Plan and technical assessments, the Plan Change seeks to rezone the identified area for more intensive urban development with some external areas retained for Large Lot residential and Rural Lifestyle zones. A new Neighbourhood Centre is also proposed with associated Business - Mixed-Use zoning and Medium Density Residential in the immediate vicinity.

While the proposed urbanisation of the area contrasts with the Mangawhai Spatial Plan it does provide a considered alternative that provides for the projected growth of Mangawhai within a compact form required by the National Policy Statement – Urban Development 2020 (discussed in Section 6.3.1 below). The PPC will continue to contain urban and rural residential subdivision within the identified Mangawhai catchment, protecting the rural production zone from increased fragmentation.

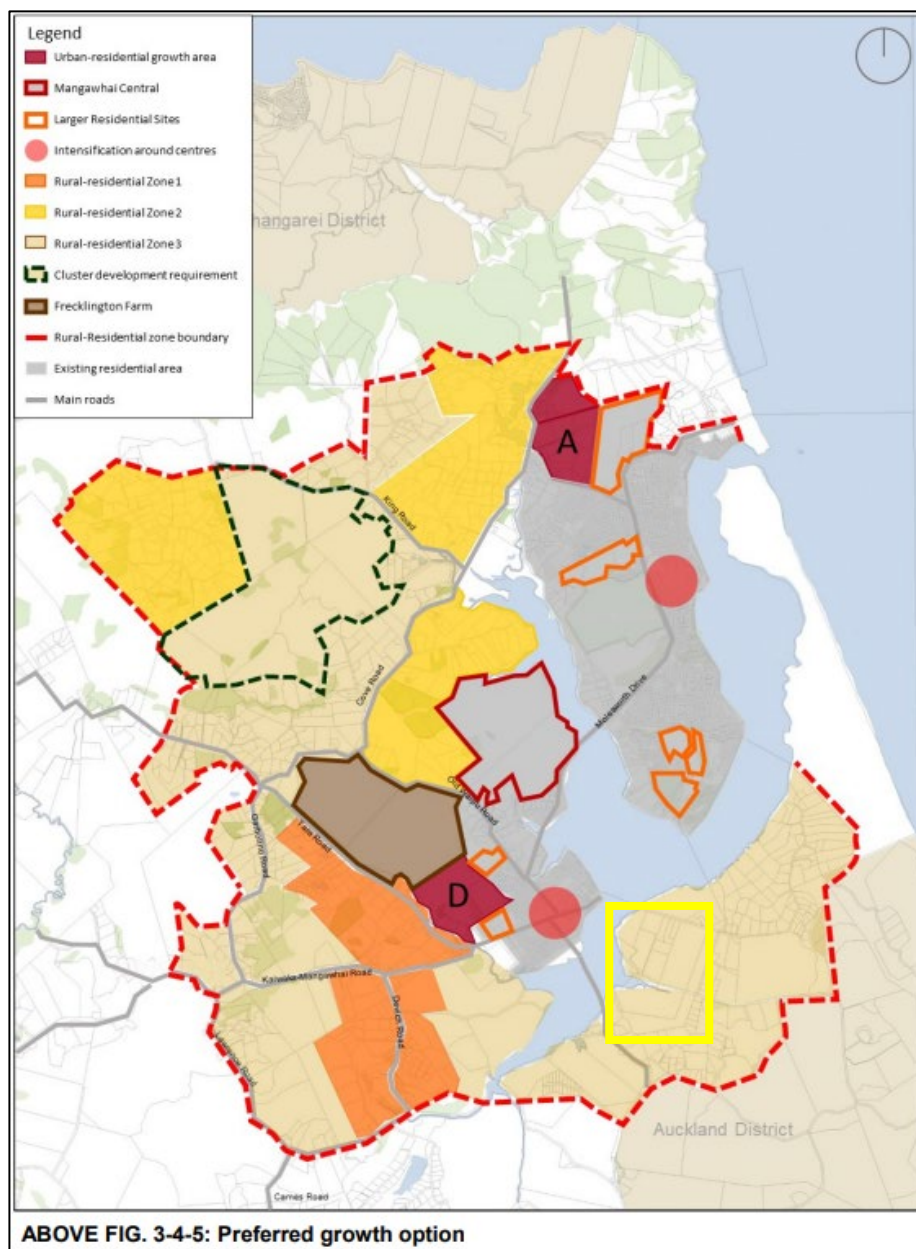


Figure 22 – Map showing preferred growth option, Mangawhai Spatial Plan 2020. Proposed Plan Change Site located within yellow box.

The Mangawhai Spatial Plan also identifies a number of constraints that affect future development of land within the proposed plan change area. These constraints include:

- Coastal flooding,
- Geohazards,
- NZLRI Land Use Capability High class Soils Type 3,
- Coastal and riparian values, and
- Capacity constraints of Wastewater Mangawhai infrastructure, and
- Capacity constraints of potable water supply.

Land identified as subject to river and coastal flooding and geohazards is proposed for low density residential and rural lifestyle zones thus avoiding additional adverse effects to sensitive activities.

Capacity constraints of the Wastewater Mangawhai Infrastructure and potable water supply are discussed in section 6.2.4 below. However, the Spatial Plan does identify the north-western portion of the plan change area as subject to future possible wastewater servicing refer **Figure 23**.

High class soils are discussed in section 6.3.3 (NPS – HPL) below.

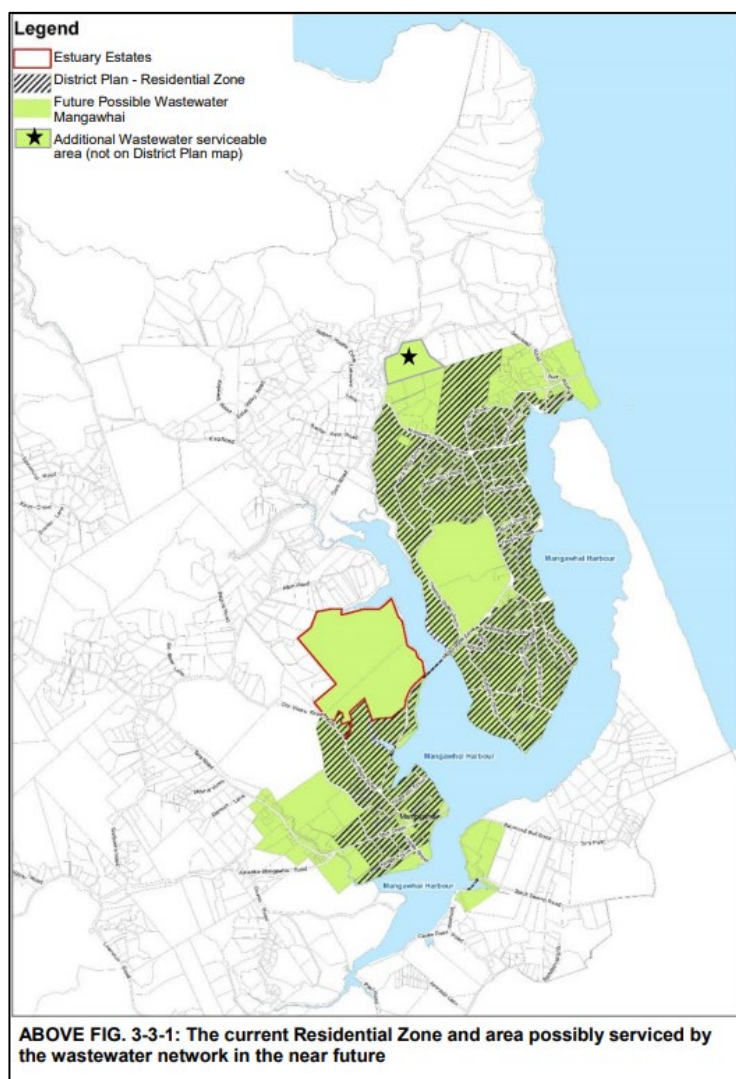


Figure 23 – Area of Mangawhai served by the Wastewater Network (source Mangawhai Spatial Plan 2020).

## 7.4 Infrastructure Strategy 2024-2027 (July 2024)

The Kaipara Infrastructure Strategy was updated in 2024 and focusses on a 3-10 year period. This document, has identified the following key issues to assist with strategic service delivery and improvement:

- Growth and Recovery: Focus on supporting urban towns and recovering from 2023's adverse weather events.
- Challenges: Addressing disruptions in roading, open spaces, and stormwater networks.
- Future Planning: Emphasis on resilience, economic value, and improved service levels.

The following trends affecting Kaipara were identified in the updated strategy:

- Growth: Household numbers projected to rise significantly by 2054.
- Economic Development: Growth in GDP, job creation, and tourism.
- Regional Connections: Importance of improved transport connections and collaboration with other councils.

Overall, the strategy aims to build resilience, support economic development, and ensure sustainable infrastructure for the Kaipara District.

The PPC provides a compelling response to the strategy, enabling a targeted response to the growth demands experienced now and identified for the future by enabling quality living and business environments in close proximity, and immediately adjacent to the existing Mangawhai Village. This pattern of urban intensification is also in a location that will allow for economically viable deployment of additional development infrastructure when new residential development exceed identified thresholds in the plan provisions, including the upgrade of the transport network.

## 7.5 Long Term Plan 2024-2027

The Kaipara District Council Long Term Plan (LTP) for 2024-2027 focuses on recovery from the severe weather events of 2023. Key elements relevant to the PPC include a focus on infrastructure recovery involving repairing critical infrastructure damaged by extreme weather, improvement on roading infrastructure, and a continued provisions of core services. The plan acknowledges the growth pressures and opportunities for future growth, being on the 'doorstep' of Auckland City.

The PPC represents a growth response to the needs of the Kaipara District but also to the expansion and competition representative of the Auckland housing market. The PPC offers a viable living and employment environment both within District and for those wishing to move to Northland.

## 7.6 Iwi & Hapū Management Plans

According to s74(2A) of the RMA, when preparing or changing a district plan, territorial authorities 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 five iwi and hapū<sup>2</sup> that are recognised as iwi authorities for the purposes of the RMA, within the Kaipara District:

- Te Roroa
- Te Uri o Hau
- Ngāti Whātua
- Ngāti Manuhiri
- Ngāti Wai

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<sup>2</sup> Iwi Authorities in the Kaipara District as advised by Council staff and Te Puni Kōkiri website: [TKM | Local Authority](#) | [Kaipara District Council](#) | [Te Kahui Mangai](#)



All groups have completed the Treaty of Waitangi settlement process except Ngātiwai. 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 Kaipara District Council. Te Roroa are located primarily along the west coast north of Dargaville, with Te Uri o Hau having continued presence in the Mangawhai area and have been consulted as part of this proposal.

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

The purpose of 'Te Uri o Hau Kaitiakitanga o te Taiao' is to provide a comprehensive plan to support Te Uri o Hau kaitiakitanga (guardianship) and rangatiratanga (authority) responsibilities in natural resource management within the statutory area of Te Uri o Hau. It has set objectives, policies, and methods in response to identified natural resource issues and how best to interact with Te Uri o Hau.

The document sets out the context of Te Uri o Hau within the area of interest surrounding the Mangawhai area. Matters relevant to this plan change include the following:

- **Fresh water**

Objectives support the preservation and restoration of mauri of all freshwaters within the statutory area through the maintenance and enhancement of the purity of freshwater whether naturally occurring or manmade. Policies seek to work with local authorities to develop protocols for the protection of indigenous freshwater species and sustainable freshwater management along with culturally appropriate monitoring. They also advocate for the appropriate planning of subdivisions to avoid, remedy or mitigate adverse effects to freshwater.

- **Takutai Moana: Marine and Coastal Area and Harbours**

Te Uri o Hau maintains a long traditional relationship with the marine and coastal area, and the Kaipara and Mangawhai Harbours and the many catchments of the rivers that enter these harbours. Te Uri o Hau seeks the integrated management of the marine and coastal area of the Mangawhai Harbour with policies to protect the biodiversity of the marine and coastal areas through sustaining the mauri of the ecological systems and managing the planning of subdivisions to avoid, remedy or mitigate adverse effects.

- **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. Te Uri o Hau seeks to provide 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 / Mangawhai Development**

Te Uri o Hau recognises that population growth is occurring and objectives seek to sustainably manage natural resources while providing housing and infrastructure to accommodate this growth.

### Comment

The Cultural Effects Assessment (CEA) prepared by Te Uri o Hau, Environs Holdings Limited, in response to the PPC describes the effects of the PPC on the identified values of Te Uri o Hau in this area. Several recommendations have been made in relation to the implementation of the PPC and the mitigation of potential adverse effects on Wāhi Tapu and Wāhi Tāonga.

These recommendations are acknowledged and have been incorporated into the PPC provisions. Of note are the following:

- The provision of an esplanade reserve over the recorded midden (R08/256) located on the southern side of the estuarine stream to the south of Black Swamp Road.
- The implementation of Accidental Discovery Protocols in the discovery of archaeological sites during earthworks.
- Implementation of sediment and erosion controls during earthworks and construction.

At the time of writing the CEA Te Uri o Hau had not had the opportunity to review all specialist assessment including the ecological reports for the entire PPC. Thus, leaving a gap in their assessment where they have asked for further opportunity to review additional information as it is completed. Other areas of interest where further information is sought includes:

- The effects on stormwater management and freshwater bodies from the removal of peat soils and its replacement with engineered fill.
- The mitigation measures associated with managing effects from acid sulphate in the soils.
- How Māori Toi – Cultural Wayfinding - Iwi concepts, designs, naming will be included in the implementation of the PPC and development of the proposed urban area.

## **7.7 Statutory Acknowledgements**

Te Uri o Hau Claims Settlement Act 2002 identifies the Mangawhai Harbour coastal area as a Statutory Acknowledgement Area. The western boundary of the proposed plan change area abuts the coastal edge of the Mangawhai Harbour.

Te Roroa Claims Settlement Act 2008 does not identify any Statutory Acknowledgement Area on or adjacent to the proposed plan change area.

Ngāti Manuhiri Claims Settlement Act 2012 does not identify any Statutory Acknowledgement Area on or adjacent to the proposed plan change area.

## 8. Assessment – Statutory Planning Documents

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### 8.1 National Policy Statements

#### 8.1.1 New Zealand Coastal Policy Statement 2010

The purpose of the National Coastal Policy Statement 2010 (“NZCPS”) is to state policies to achieve the purpose of the RMA in relation to the coastal environment. The PPC area contains tributaries to the Mangawhai Harbour along with the northern saltmarsh which is identified as a natural inland wetland. All of which is a part of the wider coastal environment.

The PPC is consistent with the objectives and policies within the NZCPS. There are provisions in the operative Kaipara District Plan, the Regional Plan for Northland, and proposed within the PPC that will ensure any adverse effects on the coastal environment arising from development enabled by the PPC will be appropriately managed. Specifically, there are controls on stormwater discharges and earthworks that will ensure any effects on water quality, or sedimentation in the coastal environment are appropriately managed.

Specifically, the PPC has had careful regard to the ecological values associated with the coastal environment adjacent to the PPC area, the sensitivity of avifauna in this area that utilise the intertidal zone and adjacent areas, related habitat values; and the ecological values associated with the extensive salt marsh areas. The salt marsh on Lot 8 DP 565865 is protected by legal covenant and this legal protection will remain. This area is also within the identified coastal hazard zone and is proposed to be retained as Rural Lifestyle zoning reflective of the current land use, hazards identification and ecological values.

Consultation and engagement with the Department of Conservation (“DoC”), Fairy Tern Trust (“FTT”) and Mangawhai Matters Incorporated (“MMI”) has resulted in specific provisions being incorporated into the proposed Development Area provisions to ensure that the effects of development on ecological and coastal habitat values are overall potentially positive and at worst of minimal impact. There are provisions proposed to address matters relevant to the NZCPS. These are summarised in DEV X-P4. These are summarised below:

- A requirement to register a no cat’s restrictive covenant.
- Requirement to landscape the coastal edge to restrict access to the coastal edge and construct a walkway to ensure access is contained to a defined area.
- Requirement for dogs to be on a lead.
- Addition of signage at either end of the walkway explaining dogs to be on a lead and to advise tidal restrictions.

It is considered that these provisions will ensure that the proposed zoning will achieve the relevant objectives and policies of the NZCPS. Specifically, the following provisions of the NZCPS are relevant:

Provision	Content	Comment
Objective 1	<p><i>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</i></p> <ul style="list-style-type: none"> <li><i>• maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</i></li> <li><i>• protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and</i></li> <li><i>• maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.</i></li> </ul>	<p>The proposed Development Area provisions described in proposed DEV X-P4 will ensure that effects of the proposal on the natural biological and physical processes of the coastal environment are maintained and enhanced. They will also ensure protection of the representative and significant natural ecosystems that feature in the coastal environment that is within and adjacent to the Site.</p> <p>The objective will be met by the provisions proposed and also the location and nature of the zoning sought which responds to the effects of future development on the coastal environment.</p>
Objective 2	<p><i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i></p> <ul style="list-style-type: none"> <li><i>• recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</i></li> <li><i>• identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and</i></li> <li><i>• encouraging restoration of the coastal environment.</i></li> </ul>	<p>The objective is achieved. Please refer to the comment above.</p>
Objective 4	<p><i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</i></p> <ul style="list-style-type: none"> <li><i>• recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</i></li> <li><i>• maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</i></li> <li><i>• recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.</i></li> </ul>	<p>The proposal will secure a defined and formed walkway over the esplanade reserve where currently there is no formation. This in addition to the other conditions will ensure the objective is achieved.</p>

Objective 5	<p><i>To ensure that coastal hazard risks taking account of climate change, are managed by:</i></p> <ul style="list-style-type: none"> <li>• <i>locating new development away from areas prone to such risks;</i></li> <li>• <i>considering responses, including managed retreat, for existing development in this situation; and</i></li> <li>• <i>protecting or restoring natural defences to coastal hazards.</i></li> </ul>	<p>The location and nature of the proposed zones respond to coastal hazard risk.</p> <p>The objective is achieved.</p>
Objective 6	<p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</i></p> <ul style="list-style-type: none"> <li>• <i>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i></li> <li>• <i>some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</i></li> <li>• <i>functionally some uses and developments can only be located on the coast or in the coastal marine area;</i></li> <li>• <i>the coastal environment contains renewable energy resources of significant value;</i></li> <li>• <i>the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;</i></li> <li>• <i>the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;</i></li> <li>• <i>the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and</i></li> <li>• <i>historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.</i></li> </ul>	<p>The objective is achieved.</p> <p>The proposed location of the plan change is considered appropriate given the demand for coastal living environments in the Mangawhai location, as discussed in the Economic report.</p> <p>The location is also directly adjacent to existing urban development in the coastal environment and rural residential development at Tern Point. From an effects perspective this is considered to be entirely appropriate with respect to the impacts of development of the values of the coastal environment.</p>
Policy 3	<p><i>(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</i></p> <p><i>(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:</i></p> <p><i>(a) avoidable social and economic loss and harm to communities does not occur;</i></p> <p><i>(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</i></p> <p><i>(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.</i></p>	<p>The location and nature of zoning proposal adopts a precautionary approach to the relevant matters of coastal processes, ecosystems, habitats, and the provisions future proof for protecting and enhancing natural character, public access and amenity for current and future generations.</p> <p>The policy is achieved.</p>



Policy 6	<p><i>(1) In relation to the coastal environment:</i></p> <p><i>(a) recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</i></p> <p><i>(b) consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</i></p> <p><i>(c) encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;</i></p> <p><i>(d) recognise tangata whenua needs for papakāinga<sup>3</sup>, marae and associated developments and make appropriate provision for them;</i></p> <p><i>(e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;</i></p> <p><i>(f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;</i></p> <p><i>(g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;</i></p> <p><i>(h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;</i></p> <p><i>(i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and</i></p> <p><i>(j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</i></p>	<p>The proposal represents a consolidation of an existing coastal settlement by providing additional land for urban development adjacent to the coast in an area where there is demand for this living environment.</p> <p>The policy is achieved.</p>
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Policy 7	<p><i>(1) In preparing regional policy statements, and plans:</i></p> <p><i>(a) consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level, and:</i></p> <p><i>(b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development:</i></p> <p><i>(i) are inappropriate; and</i></p> <p><i>(ii) may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.</i></p> <p><i>(2) Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects.</i></p> <p><i>Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.</i></p>	As above, this proposal considers the required matters and achieves the policy.
Policy 11	<p><i>To protect indigenous biological diversity in the coastal environment:</i></p> <p><i>(a) avoid adverse effects of activities on:</i></p> <p><i>(i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</i></p> <p><i>(ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;</i></p> <p><i>(iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;</i></p> <p><i>(iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;</i></p> <p><i>(v) areas containing nationally significant examples of indigenous community types; and</i></p> <p><i>(vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and</i></p> <p><i>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</i></p> <p><i>(i) areas of predominantly indigenous vegetation in the coastal environment;</i></p> <p><i>(ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</i></p> <p><i>(iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;</i></p> <p><i>(iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;</i></p> <p><i>(v) habitats, including areas and routes, important to migratory species; and</i></p> <p><i>(vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.</i></p>	For the reasons stated above the policy is achieved because provisions are proposed that will ensure indigenous biodiversity is protected.

Policy 13	<p><i>Preservation of natural character</i></p> <p><i>(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</i></p> <p><i>(a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</i></p> <p><i>(b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; ....</i></p>	<p>For the reasons stated above the proposal will ensure that natural character values are preserved to the extent practicable and that overall the will not be significant adverse effects on natural character. The proposed planting of the coastal edge will in fact enhance and protect this area of natural character within the coastal environment.</p>
Policy 18	<p><i>Public open space</i></p> <p><i>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</i></p> <p><i>(a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</i></p> <p><i>(b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</i></p> <p><i>(c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</i></p> <p><i>(d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</i></p> <p><i>(e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</i></p>	<p>As above provisions are proposed within the Development Area to secure enhanced public access for current and future generations.</p> <p>The policy is achieved.</p>

Policy 19	<p><i>Walking access</i></p> <p><i>(1) Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.</i></p> <p><i>(2) Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:</i></p> <p><i>(a) identifying how information on where the public have walking access will be made publicly available;</i></p> <p><i>(b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and</i></p> <p><i>(c) identifying opportunities to enhance or restore public walking access, for example where:</i></p> <p><i>(i) connections between existing public areas can be provided; or</i></p> <p><i>(ii) improving access would promote outdoor recreation; or</i></p> <p><i>(iii) physical access for people with disabilities is desirable; or</i></p> <p><i>(iv) the long-term availability of public access is threatened by erosion or sea level rise; or</i></p> <p><i>(v) access to areas or sites of historic or cultural significance is important; or</i></p> <p><i>(vi) subdivision, use, or development of land adjacent to the coastal marine area has reduced public access or has the potential to do so.</i></p> <p><i>(3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:</i></p> <p><i>(a) to protect threatened indigenous species; or</i></p> <p><i>(b) to protect dunes, estuaries and other sensitive natural areas or habitats; or</i></p> <p><i>(c) to protect sites and activities of cultural value to Māori; or</i></p> <p><i>(d) to protect historic heritage; or</i></p> <p><i>(e) to protect public health or safety; or</i></p> <p><i>(f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or</i></p> <p><i>(g) for temporary activities or special events; or</i></p> <p><i>(h) for defence purposes in accordance with the Defence Act 1990; or</i></p> <p><i>(i) to ensure a level of security consistent with the purpose of a resource consent;</i></p> <p><i>or</i></p> <p><i>(j) in other exceptional circumstances sufficient to justify the restriction.</i></p> <p><i>(4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.</i></p>	<p>Please refer to the response above. The policy is achieved.</p>
Policy 24	<p>Identification of Coastal Hazards – refer NZCPS.</p>	<p>Coastal hazards have been identified and are consistent with the identification in the RPSN and the Proposed Kaipara District Plan.</p>

Policy 25	<p><i>Subdivision, use, and development in areas of coastal hazard risk</i></p> <p><i>In areas potentially affected by coastal hazards over at least the next 100 years:</i></p> <p><i>(a) avoid increasing the risk of social, environmental and economic harm from coastal hazards;</i></p> <p><i>(b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;</i></p> <p><i>(c) encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;</i></p> <p><i>(d) encourage the location of infrastructure away from areas of hazard risk where practicable;</i></p> <p><i>(e) discourage hard protection structures and promote the use of alternatives to them, including natural defences; and</i></p> <p><i>(f) consider the potential effects of tsunamis and how to avoid or mitigate them.</i></p>	
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Matters including erosion controls and sediment management during future earthworks will be secured as conditions on future resource consent ensuring that effects on the coastal environment are avoided, remedied and mitigated following the re-zoning of the land. This will ensure the proposal achieves the outcomes sought by Policy 21 relating to the enhancement of water quality, Policy 22 relating to sedimentation and Policy 23 relating to the discharge of contaminants.

Overall, the PPC fully achieves all relevant matters stated in the NZCPS.

### 8.1.2 National Policy Statement Urban Development 2020 (updated May 2022)

Section 75 (3) (a) of the Act states that a district plan must give effect to a National Policy Statement.

The NPS-UD has 8 objectives and 11 policies that are assessed below.

Kaipara District Council is an urban environment and consequently Kaipara District Council is a tier 3 local authority as per the definition in the NPS. As a tier 3 local authority Kaipara District Council is required to ensure that there is sufficient development capacity in the district to meet the demand for housing and business land in the short, medium and long term. A tier 3 local authority does not specifically have to prepare a Housing and Business land Assessment or a Future Development Strategy. The NPS-UD does, however, strongly encourage tier 3 local authorities to proactively undertake this work. The NPS-UD requires responsive and evidence-based decision-making.

In particular Subpart 2 Clause 3.8 (2) requires a local authority to have particular regard to the development capacity provided by a plan change *if that development capacity: would contribute to a well-functioning urban environment; and is well-connected along transport corridors; and meets the criteria set under subclause (3).*



The NPS-UD sets out objectives and policies for the development of New Zealand's urban environments. The relevant objectives and policies are assessed below:

Well-functioning Urban Environments:

Objective 1 provides that 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. Under Policy 1 planning decisions must contribute to **well-functioning urban environments**. Policy 1 defines well-functioning urban environment as environments that have as a minimum:

- (a) 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*
- (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- (c) 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*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

The PPC will achieve a well-functioning urban environment because:

- The Plan Change proposes zones that will enable a variety of homes to be delivered, including rural lifestyle, large lot sites and higher density freehold single sites and duplex, townhouse or multi-unit type development.
- The housing variety that the PPC will facilitate will meet the needs of a broad cross-section of society in terms of affordability, accessibility to jobs, community services, natural and open space networks. The location of the PPC is within 1 to 2 kilometres of the Mangawhai Township which includes convenience shops and services, as well as public and community facilities such as the Mangawhai School, sports fields and other cultural facilities.
- The PPC includes a variety of commercial zones including mixed use and neighbourhood centre to provide for local convenience and minimise the requirement for travel beyond the area for everyday needs.
- The catchment of the proposed neighbourhood centre extends into the surrounding rural zoned land to the south and west of the existing Mangawhai township.
- The PPC is located in close proximity to existing walking and cycling connections to the wider Mangawhai community; will facilitate additional and improved connections and provides for private vehicle use and alternative active modes.
- Proposes connections that contribute to resilience in the event of hazards occurring i.e a footbridge / pedestrian connection to connect to existing paths in Mangawhai Village
- The PPC zones respond to the local topography, ecological features and natural hazard risks such as coastal inundation and flood plains. Low density zones are proposed in high hazard areas along the harbour edge which may be subject to increased risk due to climate change effects.

- As identified in the Economic Assessment – **Appendix 15** and the Mangawhai Spatial Plan, additional capacity is required within the Mangawhai area to provide for forecast population growth and to ensure that competitive land markets are supported and to limit, as much as possible, the adverse impacts on the competitive operation of land and development markets.

Specific features of this PPC, including the provision of a variety of residential housing density and typologies along with the provision of a local neighbourhood commercial centre will work together to create a well-functioning urban environment. The proximity of the PPC area to existing community services within Mangawhai township such as the primary school and library, halls, Council offices and supermarket in Mangawhai Central mean that future residents of the PPC area will be connected to essential services within the immediate Mangawhai area and avoid the need for travel further afield for everyday necessities.

#### Development Capacity:

Policy 2 of the NPS-UD requires: “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.”

Objective 3 requires that Regional policy statements and District Plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- (a) the area is in or near a centre zone or other area with many employment opportunities*
- (b) the area is well-serviced by existing or planned public transport*
- (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*

The Mangawhai area has experienced significant population growth since 2014 which is expected to continue over the next 30 years as people move out of Auckland to the surrounding regions. This growth has been evident in the fact that 73% of all dwellings consented in Kaipara over the past five years were located in Mangawhai. The Economic report states that over the last 5 years, an average of 150 dwellings per annum were consented within Mangawhai, which accounts for the 73% cited.

The Kaipara District Council (KDC) has projected ongoing population growth and housing demand out to 2053. UE has also undertaken its own forecast for housing demand and planned capacity, refer **Appendix 15**. UE’s growth and demand projections are higher than the KDC’s figures in both the medium and high growth scenarios. This is due to factoring in the region and district’s share of national population growth. The higher rates of growth forecast by UE translate to a shortfall in greenfield housing and development over the short, medium and long term under the current provisions of the operative Kaipara District Plan.

UE has also reviewed Exposure Draft District Plan (DDP) that was put out for feedback by KDC in August/September 2024. The development capacity provided in the DDP, if enabled, would still result in a shortfall in housing capacity across the medium to long term. Scenario's also included the fully enabled capacity versus the reasonably expected to be realised (RER) capacity plus the additional capacity provided if PPC83 and PPC84 are enabled, refer **Table 3**.

	2023		2033		2053	
	Infill	Greenfields	Infill	Greenfields	Infill	Greenfields
Dwelling Demand per annum <sup>1</sup>	25	246	250	2,450	750	7,350
Current Capacity <sup>2</sup>	430	-	-	-	-	-
Exposure Draft District Plan (DDP) Capacity						
Scenario 1 <sup>3</sup>	-	-	430	955	430	3,080
Scenario 2 <sup>4</sup>	-	-	430	2155	430	3,540

**Table 3.** Forecast dwelling demand versus planned capacity 2023 to 2053 (source UE, Appendix 15)

#### Table Notes:

1. UE forecast numbers.
2. Operative District Plan 2013
3. Scenario 1 includes Plan Enable and RER Capacity based on DDP zones.
4. Scenario 2 includes Plan Enable and RER Capacity based on DDP zones and proposed plan changes (PPC83 and PPC84).

In summary, this table suggests that Mangawhai needs the Proposal and both PC83 and PC84 to meet the housing demand in the medium term. In order to meet the demand in the long term, Mangawhai requires between 15-20 additional medium to large-scale developments in the market.

In relation to employment land the PPC includes a neighbourhood centre that has been sized to support commercial demand of the proposed residential community within the PPC area and the identified secondary catchment in the surrounding area to the south and west.

Currently, Mangawhai has 9.7 hectares of business zoned land, including commercial and industrial. Mangawhai Central will add 7.2 hectares to the operative land provision. The only industrial zoned land available at Mangawhai is that at Mangawhai Central. This land is limited. The proposed mixed use zoned land within the PPC area will contribute to the overall commercial zoned land demand currently not being met. The business zoned land will also contribute to the access to local employment for existing and future Mangawhai residents.

The operative Kaipara District Plan 2013 is currently being reviewed with a proposed district plan being notified on 28 April 2025. This PDP could provide much needed additional housing and employment capacity to the Mangawhai area in the short to medium term as required by the NPS-UD, however the initial review suggests that additional land will be required.

#### Planned built form and amenity values:

Objective 4 requires “New Zealand’s urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.” Policy 6 of the NPS -UD acknowledges that there may be changes to the planned built form of an area to give effect to the NPS-UD and that those changes, may detract from the existing amenity values, but are not, of themselves an adverse effect. The benefits of a well-functioning urban environment need to be considered when assessing the effects of urban development.

The PPC provides a good variety of living choices from rural lifestyle, larger lot living to medium density residential areas. The arrangement of the proposed zones recognises the existing landscape and the high cultural, natural and environmental values of the Mangawhai Harbour and its margins.

The location of the PPC near the existing Mangawhai Township with its community facilities and other commercial and employment zones. The upgrading of the existing transport network within the PPC area to provide for walking and cycling along with planned and desired upgrades to the wider Mangawhai network will provide connectivity across the urban areas of Mangawhai.

The Environment, Landscape, Natural and Rural Character, and Visual Effects Assessment prepared by LA4 (**Appendix 7**) concludes that the proposed development represents a positive transformation of the landscape character and physical/visual amenity of the existing environment within its rural and coastal setting. The proposed PPC layout will also result in very high urban value outcomes.

As described by the Urban Design Assessment prepared by ET Urban Design Limited, a master planned approach for the area will establish a shared vision and certainty for the wider community with a well-planned and integrated settlement. This is in contrast to the fragmented approach of individual subdivisions.

Overall, the PPC will result in a change to the existing environment, built form and amenity, however, the proposal will result in a master planned, cohesive and well-functioning urban environment.

#### Infrastructure Planning:

Objective 6 of the NPS-UD outlines that decisions on urban development that affect urban environments are integrated with infrastructure delivery, are strategic over the medium term and long term and are responsive to proposals that would supply significant development capacity.

Policy 8 of the NPS-UD notes that: “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:

- a. *unanticipated by RMA planning documents; or*
- b. *out-of-sequence with planned land release.*

The PPC is considered to appropriately add significantly to development capacity and contribute to a well-functioning urban environment representing an optimised and programmed use of land near the Mangawhai Village that can contribute to the short-, medium- and long-term housing needs for Mangawhai and the District, whilst complementing the supply and enablement of business land and associated employment benefits of the Mangawhai Village and Mangawhai Central.

As set out above, the Development Area can be serviced by existing and planned networks. Potable water supply will be provided on a site-by-site basis but firefighting supply will be provided as described above. Stormwater will be managed by way of the proposed SMP and there will be additional capacity in the wastewater network once the planned upgrades are delivered. The extent of available capacity will depend on the uptake of existing capacity in zoned land areas and recent plan changes such as The Rise and Mangawhai Hills.

#### Climate Change:

Objective 8 of the NPS-UD seeks that New Zealand's urban environments support reductions in greenhouse gas emissions; and are resilient to the current and future effects of climate change.

The PPC aligns with climate change objectives. The PPC has been designed in response to climate change risks such as increased flooding and coastal inundation, particularly in the north-west corner of the site.

The proximity of the PPC area to Mangawhai Village and its proposed mixed use and neighbourhood centre business zones provide facilities such as community services, sports and recreation areas within easy distance ensuring that greenhouse gas emissions arising from urban development in this location, have the opportunity to be minimised.

Overall, the PPC gives effect to the NPS-UD.

### **8.1.3 National Policy Statement Highly Productive Land (2022)**

The NPS- HPL seeks to protect Highly Productive Land ("HPL") for use in land-based primary production (food and fibre production) for current and future generations.

Section 3.5(7) provides that until HPL is mapped, territorial authorities must apply the NPS-HPL as if references to highly productive land were references to land which at the date of commencement:

- is zoned general rural or rural production and is LUC 1, 2, or 3 land;
- but is not identified for future urban development or 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 PPC site is zoned Rural. The rural zone provides for farming activities as a defining feature; however, it also acknowledges that other activities can also be appropriately located within the rural environment, due to particular requirements for resources and land type. The Mangawhai Harbour overlay provides additional constraints for activities in close proximity to the Coastal Marine Area however the zone is administered as a general rural zone or rural production zone in the District Plan.

The existing environment is an important consideration in the effects of any proposal on the productive capacity of land or HPL for land-based primary production, as are the future plans for any land area.

The NPS HPL provides for land identified for future urban development to be exempt from being mapped as Highly Productive Land -

*identified for future urban development means:*

*(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years; or*

*(b) identified:*

*(i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*

*(ii) at a level of detail that makes the boundaries of the area identifiable in practice.*

The Mangawhai Spatial Plan identifies the PPC area as Rural – Residential with sites between 2 and 4 hectares. Whilst the Spatial Plan is a relevant strategic planning document it does not identify the land as earmarked as suitable for commencing urban development in the next 10 years and is therefore not considered to be identified for future urban development as that term is defined in the NPS HPL.

Northland Regional Council has not yet undertaken a plan change to map HPL therefore the transitional mapping provisions apply. It is understood that NRC is waiting for the signalled changes to the NPS HPL that are indicated to be removing LUC Class 3 from the definition of HPL.

The Site has been mapped by Manaaki Whenua Landcare Research as containing Highly Productive Land – Land Use Capability 3 (HPL-LUC Class 3). HPL-LUC Class 3 soils are described by Manaaki Whenua Landcare Research as having moderate limitations, restricting crop types and intensity of cultivation. The soils are suitable for cropping, viticulture, berry fruit, pastoralism, tree crops and forestry.

It is noted that much of the existing urban area of Mangawhai is also mapped as HPL-LUC Class 3 with the wider rural zone not classified or mapped by Manaaki Whenua. Detailed mapping undertaken by Hanmore Land Management (**Appendix 13**) finds the area surrounding Mangawhai to contain predominantly soil classes LUC 3, 4, 6 and 7.

The PPC area is identified in the Operative Kaipara District Plan 2013 as being within the ‘Greater Growth Area Catchment’ surrounding Mangawhai urban area. The Mangawhai Spatial Plan 2020 also identifies this area for rezoning to rural residential zone and with the potential to accommodate additional industrial zoned land. This has been reflected in the Exposure Draft District Plan the Kaipara District Council put out for feedback in August - September 2024, where the area to the south of the Mangawhai Harbour has been proposed as Rural Lifestyle zone.



These documents all indicate the intention of the Kaipara District Council to rezone the area from Rural zone to a higher density living zone and business zones. There is a clear signal that the land is not to be retained for rural productive land use activities. This has been signalled as far back as the 2005 Structure Plan for Mangawhai.

Thus, it is concluded that the land has been identified for uses other than rural productive activities and therefore even though there is no clear exemption it is clear that the land will unlikely be used for productive uses. Even now there is very limited productive use of the land and a range of urban activities have already established such as the brewery, garden centre and the Riverside Holiday park.. Clause 3.6 (4) states that territorial authorities that are not Tier 1 and 2 may allow urban rezoning of HPL only if:

- (a) *the urban rezoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
- (b) *there are no other reasonably practicable and feasible options for providing the required development capacity; and*
- (c) *the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values.*

Finally, section 3.6 (5) provides:

- (5) *Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.*

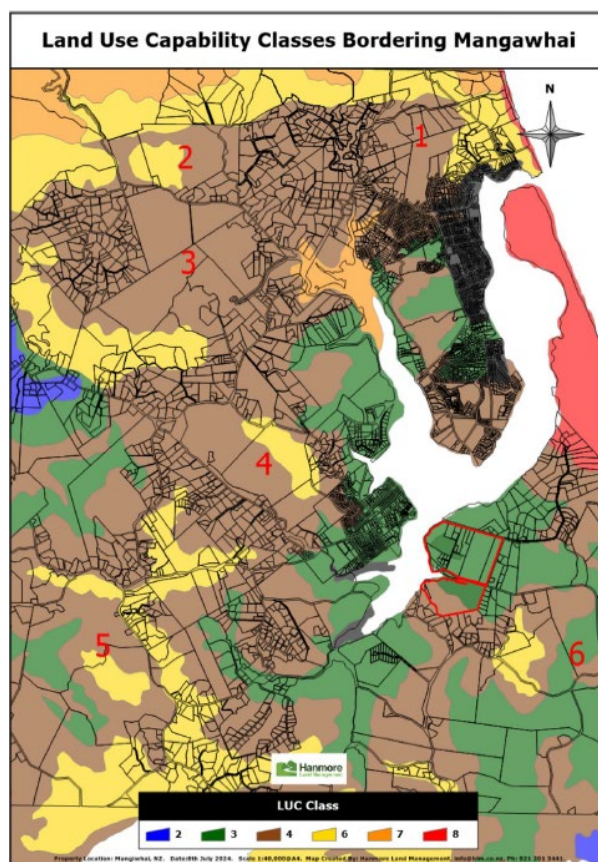


Figure 24 – Highly Productive Land – Soil Quality Assessment Areas bordering Mangawhai – Hanmore Land Management

Comment:

The Economic Assessment – **Appendix 15**, Section 9 addresses the loss of HPL associated with the PPC. This assessment is supported by an assessment of the proposal in relation to the Clause 3.6 (4) Pathway set out above. The Ag First assessment is **Appendix 13**.

In relation to the assessment required by the NPS-HPL and the assessment provided in the Economic Assessment I consider that the PPC rezoning is required to provide sufficient capacity for growth in the Mangawhai area for the following reasons:

- The proposed rezoning is required to provide sufficient development capacity, refer discussion in section 6.3.2 above and in the Economic Assessment prepared by UE (**Appendix 15**).
- Additional land is required to be rezoned for urban housing and business use as Mangawhai does not currently have the capacity to provide for the medium to long term housing and business demand arising from ongoing high rates of population growth, particularly to the permanent residents of the area.
- The projected housing demand projections take into account the potential for infill development within the existing urban areas of Mangawhai and Mangawhai Heads as well as the implementation of current proposed plan change applications 83 – The Rise Limited and 84 – Mangawhai Hills Limited.
- Even with the planned development capacity of the operative KDP and the exposure DDP, the implementation of PPC83 and PPC84, it is concluded that the Mangawhai area needs the proposed PPC and an additional 15 to 20 further residential developments to meet the medium- and long-term housing demands across the Mangawhai area.

The Mangawhai Spatial Plan 2020 identified land immediately adjacent to the existing urban areas to the north and west of Mangawhai Village and Mangawhai Heads which have been subject to and approved through individual plan change processes (PC 83 and PC 84). At the time of writing PC 84 was subject to appeal. The Spatial Plan did not identify any other areas immediately adjacent to the existing urban areas for residential re-zoning. Instead, it identified the opportunity for residential infill and rural residential development, both of which have been shown to be deficient in providing the required capacity to meet medium- and long-term housing demands.

HPL class LUC 3 is not located evenly across the Mangawhai region. Large areas of LUC 3 soils are mapped across the existing urban area of Mangawhai as well as within the planned Rural – lifestyle/residential zones identified by the Mangawhai Spatial Plan and the exposure Draft District Plan. The surrounding areas are zoned a mix of LUC 4, 6 and 7, however these areas are rolling hill country and would not easily accommodate medium density and commercial development as proposed by the PPC.

The PPC area is in close proximity (1.5 kilometres along the Insley Street causeway) of the existing Mangawhai urban and surrounding rural residential areas where a demand for additional development capacity has been identified. The majority of the PPC area is generally flat making it ideal for higher density development and accommodating to easy walkable and cycling connections both within the PPC area and beyond to the existing Mangawhai urban areas to the north. The majority of the PPC area is also in two ownership parcels held by the applicants of this PPC. These factors combine to make the PPC area a practical and feasible development site to meet the growing and forecast residential and commercial demand of the Mangawhai region. There are no other reasonably practicable and feasible options for providing at least sufficient development capacity within the same locality and market.

Overall, the PPC area is considered to be appropriate for proposed urban development required to meet the growth demands of the Mangawhai region. The loss of HPL class LUC 3 in this instance is considered to be acceptable and appropriate and in line with the planned direction of the KDP indicated through the Mangawhai Spatial Plan 2020 and the proposed zoning in the exposure Draft District Plan. The PPC area will work to locate the higher density development within a contained area around the existing urban areas and the Mangawhai Harbour, rather than spreading urban style subdivision and development across the surrounding Rural zone.

It is considered that the benefits of the PPC zoning with respect to the very small loss of HPL far outweigh any costs to that loss with respect to loss of rural productivity, food supply or production of fibre. The environmental, social, cultural and economic benefits are greater than any actual or potential costs. The PPC therefore gives effect to the requirements of the NPS HPL.

#### **8.1.4 National Policy Statement- Indigenous Biodiversity**

The NPS-IB sets out a policy framework for maintaining indigenous biodiversity in the terrestrial environment. It came into effect in July 2023 and an amended version was released in October 2024. This NPS provides policy direction for councils on identifying and managing significant natural areas as well as sets out requirements for engagement and monitoring.

The PPC does not contain any areas of mapped Significant Natural Areas in the Operative Kaipara District Plan or the RPSN or Northland Regional Plan. The ecological assessments of the PPC area did not find any significant areas of indigenous vegetation.

The proposed Development Area provisions seek to secure riparian planting and protection of key riparian areas. The existing salt marsh is legally protected by way of covenant and will continue to be protected. Further consideration has been given to whether this area of salt marsh should be mapped as Significant Natural Area (“SNA”) and it has been determined that the salt marsh meets the criteria in Appendix 1 of the NPS IB to be mapped as SNA. Specifically, the salt marsh achieves the representativeness, diversity and pattern as well as rarity and distinctiveness.

An updated planning map is provided showing the proposed SNA layer.

The coastal edge is proposed to be planted with appropriate nature vegetation and this will also create a buffer to the sensitive habitats in the coastal marine area for wading birds.

For these reasons it is considered that the PPC gives effect to the NPS IB, as amended in October 2024.

#### 8.1.5 National Policy Statement Freshwater Management (2020)

The NPS-FM is a national policy statement that gives local authorities direction on how to manage freshwater resources.

The NPS-FM is based on the over-arching concept -of Te Mana o Te Wai which encompasses six principles relating to the *roles of tangata whenua and other New Zealanders in the management of freshwater*. The six principles are:

- (a) *Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater*
- (b) *Kaitiakitanga: the obligations of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations*
- (c) *Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others*
- (d) *Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future*
- (e) *Stewardship: the obligations of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations*
- (f) *Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.*

Clause 1.3 (5) states that there is a hierarchy of obligations in Te Mana o te Wai 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.*

The ecological assessments of the PPC area have identified freshwater resources including inland natural wetlands and intermittent and permanent streams across the site. These identified features are identified on the Ecological Features maps to be included in the Development Area provisions. Assessments of the impacts of the Plan Change on the identified ecological features are in the reports prepared by Viridis Environmental Consultants (14A) and Rural Design 1984 Limited (14B) **Appendices 14A and 14B.**

The proposed plan change offers an opportunity for these features to be retained and protected through the resource consent process. The proposed zoning around the Inland wetland/ saltmarsh to the north of the site and the small inland wetland in the south, are located within proposed low density rural lifestyle zones with the central estuarine inlet area outside of the PPC development area. The indicative masterplan layout provides for the retention, enhancement and protection of the ecological corridors and habitats running along the intermittent and permanent streams that run across the south-east portion of the PPC area and there are proposed provisions in the Development Area that seek riparian setbacks and planting. These Standards specify that a 15-metre setback is required from all natural inland wetlands. This is a greater setback than the permitted and restricted discretionary standards for vegetation clearance stated in Regulations 38, 39 and 45C of the NES F, noting that the NES F will also apply to future development works and they will need to demonstrate compliance, or obtain the necessary consents under the NES. The 15-metres setback proposed in the proposed Development Area Standards therefore achieves s 43B (1) of the RMA which states:

***43B Relationship between national environmental standards and rules or consents***

- (1) A rule or resource consent that is more stringent than a national environmental standard prevails over the standard, if the standard expressly says that a rule or consent may be more stringent than it.*
- (2) For the purposes of subsection (1),—*
  - (a) a rule is more stringent than a standard if it prohibits or restricts an activity that the standard permits or authorises:*
  - (b) a resource consent is more stringent than a standard if it imposes conditions on an activity that the standard does not impose or authorise.*



Figure 25 – Indicative Master Plan – Urban Design Report prepared by ET Urban Design Limited.



The PPC, including associated infrastructure to enable development resulting from the proposed zoning, does not impact on any identified freshwater resources. Overall, it is expected that freshwater quality and values will be improved as a result of the PPC because riparian areas will be protected, esplanade reserve areas will be vested and there will be better management of stormwater discharges.

The PPC therefore gives effect to the NPS-FM.

## 9.0 National Environmental Standards

### 9.1 Resource Management (National Environmental Standard Freshwater) Regulations 2020

The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“NES-FW”) were last updated on 21 September 2023. The Regulations control activities that can impact freshwater resources such as farming activities, earthworks, discharges.

Regulation 45C relates to Urban development and states the following are Restricted discretionary activities:

- (1) Vegetation clearance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development.*
- (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural inland wetland is a restricted discretionary activity if it is for the purpose of constructing urban development.*
- (3) Earthworks or land disturbance outside a 10 m, but within a 100 m, setback from a natural inland wetland is a restricted discretionary activity if it—*
  - (a) is for the purpose of constructing urban development; and*
  - (b) results in, or is likely to result in, the complete or partial drainage of all or part of the wetland.*
- (4) The taking, use, damming, or diversion of water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if—*
  - (a) the activity is for the purpose of constructing urban development; and*
  - (b) there is a hydrological connection between the taking, use, damming, or diversion and the wetland; and*
  - (c) the taking, use, damming, or diversion will change, or is likely to change, the water level range or hydrological function of the wetland.*
- (5) The discharge of water into water within, or within a 100 m setback from, a natural inland wetland is a restricted discretionary activity if—*
  - (a) the discharge is for the purpose of constructing urban development; and*
  - (b) there is a hydrological connection between the discharge and the wetland; and*
  - (c) the discharge will enter the wetland; and*
  - (d) the discharge will change, or is likely to change, the water level range or hydrological function of the wetland.*
- (6) A resource consent for a restricted discretionary activity under this regulation must not be granted unless the consent authority has first—*
  - (a) satisfied itself that the urban development—*
    - (i) will contribute to a well-functioning urban environment; and*
    - (ii) will provide significant national, regional, or district benefits; and*
  - (b) satisfied itself that—*



- (i) *there is no practicable alternative location for the activity within the area of the development; or*
  - (ii) *every other practicable alternative location in the area of the development would have equal or greater adverse effects on a natural inland wetland; and*
  - (a) *applied the effects management hierarchy.*
- (7) *A resource consent for a restricted discretionary activity under this regulation must not be granted if the activity—*
- (a) *occurs on land other than land that is identified for urban development in the operative provisions of a regional or district plan; or*
  - (b) *occurs on land that is zoned in a district plan as general rural, rural production, or rural lifestyle.*
- (8) *The limitation in subclause (7) on granting resource consent does not apply if—*
- (a) *the urban development is in the Bay of Plenty region; and*
  - (b) *the activity is necessary for the purpose of urban development in areas specifically identified as planned urban growth areas in the SmartGrowth Programme.*
- (9) *In this regulation, SmartGrowth Programme means the SmartGrowth Urban Form and Transport Initiative Connected Centres Programme incorporated by reference in clause 1.8 of the National Policy Statement for Freshwater Management.*
- (10) *This subclause and subclauses (8) and (9) are revoked on 8 December 2027.*

Any development in the PPC area will need to comply with the NES- FW permitted activity standards or obtain resource consent. Regulation 45C contains a consenting pathway for urban development that satisfies the requirements of clause 45C(6).

Matters of discretion are set out in Regulation 45C (11) and Regulation 56. These matters of discretion relate to:

- *whether the urban development will be of significant national, regional or district benefit; and*
- *whether the activity contributes to a well-functioning urban environment; and*
- *whether there is another practicable alternative location in the area of development for the activity, and the extent to which any alternative locations would have equal or greater adverse effects on a natural inland wetland; and*
- *Whether there is an alternative configuration; and*
- *Whether the effects will be managed through the effects management hierarchy.*

Overall, it is considered the PPC is consistent with the requirements of the NES-F and the consenting pathway provided via Regulation 45C will ensure that the zoned land can be used efficiently to deliver urban / residential capacity. Based on the Ecological assessments and known environment it is unlikely that the requirements of the NES-FM would result in any restrictions on the development of the PPC area or that would result in an inefficient, or inappropriate use of the land area proposed to be zoned. Specifically, it is considered that should any wetland areas, or works in or around them, trigger the need for consent under the NES-F, that the development would be able to comply with the requirements of consenting pathways for urban development, in particular development under the PPC will contribute to a well-functioning urban environment and any effects will be able to be managed through the effects management hierarchy.

As stated above, more stringent standards are proposed for setbacks from natural inland wetlands than specified for permitted activities in the NES F and this is consistent with s43B of the RMA as stated above under the NES F.

## 9.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES-CS”) applies to certain activities, such as subdivision, undertaken on a ‘piece of land’ that contains an activity that is listed on the Hazardous Industries and Activities List.

A Preliminary Site Investigation (“PSI”) has been completed and identifies some areas of likely contamination. The development of these areas within the PPC area will need to be addressed and remediated if required prior to, or as part of the land use consenting process for development subsequent to the PPC.

The PSI concludes that the land within the PPC area is suitable for residential development as no evidence of historical use of the land for HAIL activities was found in the area to the north of Black Swamp Road. Further investigation of the untested area to the south of Black Swamp Road will need to occur across the entire site during the resource consenting stage for development.

Overall, the PSI did not find any evidence of land contamination and risk to human health and while more detailed site investigations are recommended it is concluded that any areas of land contamination can be suitably addressed at the resource consenting stage. The PSI does not identify any land contamination issues that would prevent or constrain urbanisation of the land as proposed.

### Section 44 of the RMA

In addition, s44A of the RMA and s43A(1)(e) set out the requirements for plan provisions with respect to a National Environmental Standard.

The PPC does not propose any provisions that conflict with a NES.

## 10.0 Regional Policy Statement and Regional and District Plans

### 10.1 Regional Policy Statement for Northland

Section 75 (3) (c) of the RMA requires the PPC must give effect to the Regional Policy Statement for Northland (RPSN).

The RPSN 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.

The site is identified as being affected by natural hazards such as flooding and coastal inundation and erosion. The site is also within the Tsunami Evacuation Zone. The Mangawhai Harbour is also identified as High Natural Character by the RPSN.

The most relevant objectives and policies of the RPSN for assessing this PPC are:

- 3.1 Integrated catchment management
- 3.4 Indigenous ecosystems and biodiversity
- 3.5 Enabling economic wellbeing

- 3.6 Economic activities – reverse sensitivity and sterilisation
- 3.8 Efficient and effective infrastructure
- 3.11 Regional form
- 3.12 Tangata whenua role in decision-making
- 3.13 Natural hazard risk
- 3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage.
- 5.1 Regional form
- 6.1 Efficient and effective planning
- 7.1 Development in natural hazard-prone areas
- 8.1 Participation in decision-making, plans, consents and monitoring.

The commentary below addresses the objectives and policies that are related to the Plan provisions detailed above. These objectives and policies relate to the identified regional issues set out in Section 2 of the RPS.

#### *Integrated Catchment Management:*

Objective 3.1 requires development to:

*Integrate the management of freshwater and the subdivision, use and development of land in catchments to enable catchment-specific objectives for fresh and associated coastal water to be met.*

The Stormwater Management Plan submitted that will be secured as part of the plan change process will ensure the outcomes sought by the objective will be achieved.

#### *Indigenous Ecosystems and Biodiversity:*

The proposed plan change (PPC) addresses the unique natural and physical characteristics of the site and its surroundings. It prioritizes the safeguarding of coastal marine areas and indigenous ecosystems, such as the northern salt marsh and freshwater watercourses, by identifying the salt marsh as SNA and designating low-density zones adjacent to these features, while higher density zones are situated further away.

This plan change offers a chance to enhance and protect these natural attributes through the resource consent process, a step beyond what current rural practices provide. Additionally, it allows for effective management of natural hazards and associated risks for future developments.

#### *Economic Wellbeing and Economic Activities:*

The Regional Policy Statement (RPSN) aims to foster economic wellbeing by attracting investment while ensuring that existing activities can continue without the risk of land sterilization or adverse sensitivity effects. Given that the Mangawhai area has seen considerable growth over the past 15 to 20 years, as outlined in previous section 6.3.2. there is a pressing need for increased urban land capacity to accommodate population growth over the next 30 years.

The PPC serves as a mechanism for planned and coordinated subdivision and development, carefully considering the opportunities and constraints of the site and surrounding area. It aims to maintain or enhance the area's sense of place and character, ensuring that growth is both sustainable and sensitive to the local environment.

#### *Efficient and Effective Infrastructure:*

The PPC will optimise the use of existing infrastructure, particularly the existing wastewater infrastructure and roading infrastructure.

Planned new infrastructure is detailed in the civil engineering information submitted and this demonstrates that new infrastructure that will be provided in flexible, adaptable and resilient to meet the needs of future communities.

The infrastructure proposed to service and support the Mangawhai East plan change area will support regional economic development and community wellbeing.

#### *Regional Form:*

The proposed PPC and the indicative master plan demonstrate that the proposal will achieve the outcomes sought by the regional form provisions. Specifically, the development will be sustainable and will integrate infrastructure with the future development. A sense of place will be created and the PPC will enable a range of lifestyle and employment opportunities. Development Area provisions will secure a range of transport choices, in particular new and connected walking and cycling networks along the coast and to Mangawhai Village.

The provisions of 5.1.1, 5.1.2, 5.1.3 are met by the proposed zone layout and Development Area provisions. The proposal also achieves the outcomes for regional development and the design guidelines set out in Appendix 2 of the RPSN. The proposal

- Connects to existing development.
- Multi modal transport opportunities are provided.
- Open space areas will be provided and enhancements to existing open space areas will be delivered.
- Hazard areas are identified and will be managed by the proposed zone layout.
- Existing infrastructure will be optimised and new infrastructure will be delivered in conjunction with future development as required.

#### *Tangata Whenua:*

Engagement has occurred with Te Uri o Hau and the Cultural Effects Assessment provided has been considered and relevant matters included in the Development Area provisions.

The applicants have committed to acknowledging the conditions in Section 10 of the CEA and will ensure ongoing engagement, and involvement with Te Uri o Hau occurs as the project moves forward.

### *Natural Hazards:*

Natural hazard risks have been identified and the zone pattern and associated provisions will ensure that natural hazard risk is appropriately managed. The extent and nature of hazards identified are consistent with those identified by the regional plan.

### *Natural Character:*

The Development Area provisions will ensure that the natural character values of the coastal environment are acknowledged, protected and enhanced. Specifically, the matters identified in proposed Policy DEV X-OP4 will ensure overall positive and improved natural character outcomes in the plan change area.

The PPC gives effect to the Regional Policy Statement for Northland as required by s74(2) and s75(3c) of the Act. It should also be noted that many of the outcomes are also sought by the provisions of the NPS UD which are relevant given KDC is a Tier 3 local authority.

## **10.2 Proposed Regional Plan for Northland February 2024**

The Proposed Regional Plan for Northland (PRPN) is a combined regional air, land, water and coastal plan, which sets controls for the sustainable management of natural and physical resources of the Northland Region. This Plan has regard to the RPSN and the suite of national policy statements. This regard is reflected in the objectives and policies of the PRPN.

Much like the RPSN the Plan's objectives and policies seek to achieve the following, among others:

- The use of Northland's natural and physical resources occurs in an efficient and effective manner.
- Maintain regional indigenous biodiversity, where practicable enhance and restore indigenous ecosystems and habitats to a healthy functioning state.
- Protect from inappropriate use and development.
- Minimise risks and impacts of natural hazards on people communities, properties and natural systems and infrastructure.
- Ensure the use and development of land and resources in the coastal marine area makes efficient use of space and is of a scale, density and design compatible with its location.

As previously discussed, the PPC serves as a mechanism for planned and coordinated subdivision and development, carefully considering the opportunities and constraints of the site and surrounding area. It aims to maintain or enhance the area's sense of place and character, ensuring that growth is both sustainable and sensitive to the local environment.

### 10.3 Operative Kaipara District Plan 2013

The appropriateness of the PPC and the Precinct has been considered within the full framework of the Operative Kaipara District Plan 2013 (KDP).

The following overlays are present on the site:

- **Harbour Overlay:** This overlay is present across the entire PPC site and wider Mangawhai area.
- **Areas of Significance to Māori:** Te Uri o Hau. This overlay is located across and around the entire CMA of the Mangawhai Harbour.
- **Reserve Management Unit:** This overlay is an existing esplanade reserve along the coastline of the northern section of the PPC area.

The entire PPC area extends over the Rural zone. The proposed zoning layout and provisions of the PPC responds to the overlays and topography as described by the specialist assessments. The effects of the PPC and the appropriateness of the proposal has been determined on the basis of the above factors in the context of the existing Regional and District provisions, existing relevant plan changes and the technical reports to inform the PPC.

The operative KDP sets out objectives and policies for the sustainable growth and development of the district. Chapter 3: Land use and Development Strategy sets out objectives and policies (sections 3.4 and 3.5 of the KDP) the effective and sustainable supply of residential and business land to meet the current and future demands of the Kaipara District and to enable the community to provide for their social and economic well-being. The objectives seek to minimise ad hoc expansion into rural areas where adverse environmental effects are likely to arise in terms of issues of reverse sensitivity and effects on ecological features within the receiving environment; while seeking to contain and manage the effects of unplanned urban expansion, the objectives also acknowledge the requirement to provide adequate areas to accommodate future residential development and to provide appropriate infrastructure and servicing in advance of or alongside future residential and business development. Objective 3.4.8 is *To provide adequate areas to accommodate future residential development which maximise the use of existing infrastructure*. Policy 3.5.4 states:

*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.*

The notes accompanying this Policy state that within

*Kaipara the timing for future land use change is uncertain. The Council needs to carefully manage future land use to meet the demands for growth. The Land Use and development Strategy seeks to provide clear direction on future Growth Areas without placing undue costs and resources on existing and current communities to fully investigate these areas (as would be required for full re-zoning). Specific elements of the Land Use and Development Strategy are detailed in Appendix 3.1 and Chapter 3B. These identify areas for future development and the specific matters that need to be considered to enable the rezoning of these areas.*



*The purpose of the Land Use and Development Strategy is also to identify areas that need to be protected from residential and business growth. For example, Council does not envisage that Private Plan Changes will be received for re-zoning to Residential or Business in the Kai Iwi Lakes Overlay.*

*As demand for residential and business land occurs, the Council intends to undertake structure planning, followed by re-zoning of these areas. This enables the community to have confidence that adequate land will continue to be provided, and ensure that other rural landowners will be able to manage their activities without the risk of uncoordinated ad hoc development occurring that may negatively impact on their ability to sustainably manage their resources. Furthermore, it provides the opportunity for privately initiated investigations and Plan Changes to be undertaken to enable parties to realise individual economic opportunities.*

Appendix 3.1 sets out Structure Plan outcomes. The proposed Mangawhai East Structure Plan achieves the outcomes sought, namely:

- The type and location of landuses,
- Multi modal transport links and connectivity
- landscape character and amenity
- natural hazards
- community facilities and reserves (there is the potential for community facilities to be provided in the Business Mixed-Use and Neighbourhood Centre zones and additional reserve networks are proposed).
- The proposed Development Area provisions that the Structure Plan forms part of include measures to protect the values associated with Kaipara Harbour, to protect and enhance ecological values, and measures to ensure an appropriate transition between rural and urban environments.

Chapter 3A: Mangawhai Growth Area acknowledges that Mangawhai has transitioned from an isolated seasonal beach settlement and rural farming community to a rapidly growing urban centre. As discussed in the Economic Assessment, prepared by UE, Mangawhai is the fastest growing area of Kaipara and this growth is expected to continue over the next 20 to 30 years. The 2005 Structure Plan provides a framework to help guide decisions on development. Objectives set out in 3A.4 seek to manage growth to protect the existing character of the area while providing the required infrastructure and employment land that will serve a growing residential community. The Structure Plan identified the PPC area for rural residential development in the future. The land beyond is to be retained for rural production activities.

As the provisions relate to the 2005 Structure Plan and the rate of growth has continued in Mangawhai it is appropriate in the current policy framework to reassess the appropriateness of the land use outcomes depicted in the 2005 Structure Plan. The environment in 2024 is significantly different to Mangawhai in 2005 when the Structure Plan was adopted. In any event the Mangawhai East plan change proposal is in keeping with the intent and overall outcomes sought by the Chapter 3 and 3A objectives and policies.

The proposed PPC will provide a comprehensive and integrated urban development in the area identified for growth. The proposal has been designed to accommodate the sensitive features located across the site and avoid the continuation of the ad hoc fragmentation of the land that is in close proximity to the existing Mangawhai urban area. The proposed mix of low and medium density residential development will contribute to the capacity requirements arising from the existing and projected population growth of Mangawhai. The proposed business zones will serve the area and that immediately beyond with convenience retail and employment land need to meet the social and economic well-being of the community. The overall planned development approach is considered to be appropriate and consistent with the objectives and policies of Chapters 3 and 3A.

Chapter 4: Overlays identifies natural features that should be recognised and protected or enhanced within any future urban development. The Mangawhai Harbour overlay covers the entire Mangawhai area including the PPC area with the natural features recognised as including:

- 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.

The objectives set out in section 4.4 of the KDP seek to avoid adverse effects on the natural features and promote their preservation and restoration. The PPC achieves these objectives by identifying these features within the site and proposing a structure plan and management structure that will result in their protection and enhancement while providing access to the harbour edge and protecting the natural character of the area with the appropriate zoning of land and the requirement for setbacks from natural features. The PPC provisions will be consistent with the Mangawhai Harbour overlay by recognising and protecting its natural features.

The objectives of Chapter 5 require the involvement of Tangata Whenua partners in policy development and implementation including providing for the protection of Wāhi Tapu and Wāhi Tāonga. Te Uri o Hau (Environs Holdings Limited) has provided a Cultural Effects Assessment and is generally supportive of the proposed plan change as it identifies and seeks to protect and enhance identified features across the site. The applicant is committed to continued engagement with Te Uri o Hau throughout the plan change process and as additional information comes to light.

Chapter 6: Ecological Areas objectives set out in section 6.5 seek to maintain the life supporting capacity of ecosystems, maintain ecological values and the natural character of the coastal and streams along with their margins. This PPC application identifies the ecological values and main features present across the site. Chapters 17: Heritage and Chapter 18 Landscapes also seek to identify, protection and enhance the existing features of the site. The proposed provisions of the PPC aim to retain and enhance these features. The proposed urban rezoning and development of the area will provide an opportunity for these features to be protected and enhanced that currently does not exist with the existing rural zone use.

The objectives of Chapter 7: Natural Hazards seek to control subdivision and development so that it doesn't induce or exacerbate adverse effects from natural hazards such as flooding and coastal inundation. The PPC zone layout and development provisions address these requirements through the strategic location of rural lifestyle and low density residential zones in locations subject to coastal inundation and flooding. The requirement for esplanade reserves along the harbour and estuarine edges along with setbacks from intermittent and permanent streams will promote the existing natural drainage patterns across the site reduce the potential risks to future occupants and properties.

In summary, the PPC zoning pattern and Development Area provisions are consistent with the objectives of the operative KDP. The KDP seeks to provide adequate development capacity within the growing Mangawhai area in a planned and integrated manner that services the needs of the people while protecting the existing natural and physical features important to the area. The PPC will provide an area of planned urban development in close proximity to the existing Mangawhai township which will meet the ongoing demand for growth experience in the area.

# 11. National Planning Standards

Section 75(3)(ba) of the RMA requires that district plans give effect to a national planning standard. The National Planning Standards were gazetted in April 2019 and their purpose is to assist in achieving the purpose of the RMA and improve consistency in the structure, format and content of RMA plans. The National Planning Standards provide mandatory direction that any district plan must only contain zones listed within Table 13 of the National Planning Standards documentation and the use of each zone must manage the use, development and protection of natural and physical resources within it, in accordance with Part II of the RMA.

The proposed zones are summarised in **table 4** below:

Zoning	Area
Large Lot Residential	6.3450 ha
Low Density Residential	45.5909 ha
Medium Density Residential	12.560 ha
Neighbourhood Centre	2.655 ha
Mixed Use	2.235 ha
Rural Lifestyle	24.69 ha
Total	94 ha

*Table 4. Summary of the existing zoning and land areas within the Proposed Plan Change*

The zones and provisions of the PPC are generally consistent with the National Planning Standards and it is expected that if approved any further changes to seek consistency with the National Planning Standards would occur in a coordinated manner when the KDP is comprehensively reviewed.

## 12. Assessment of Effects on the Environment

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The evaluation report required under s32 (1) (c) of the RMA requires the report to:

*contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*

Section 32 (2) requires the assessment of the efficiency and effectiveness of the provisions in achieving the objectives to identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions.

Section 76 (3) of the RMA states that in making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including any adverse effect.

Schedule 1 requires the PPC to describe the effects of the Request in accordance with Clauses 6 and 7 of Schedule 4 of the Act. In summary the following is required:

- An assessment of the effects of the proposal on the environment, including any actual or potential effects of the activity and an assessment of alternatives if there is, or is likely to be any significant adverse effects.
- A description of any mitigation measures to help prevent or reduce adverse effects.
- Identification of affected persons including any effect on those in the neighbourhood and where relevant the wider community, including any social, economic or cultural effects.
- Any physical effect on the locality including landscape and visual effects.
- Any effect on ecosystems.
- Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations.
- Any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

Clause 2 (3) (c) of Schedule 4 of the Act states that the information must be provided in such detail as corresponds with the scale and significance of the actual or potential environmental effects anticipated from the implementation of the change, policy statement or plan.

This section details the actual and potential effects that the PPC provisions may have on the environment. The assessment is based on analysis and reporting undertaken to inform the PPC.

The Assessment of Effects has informed our analysis as required under section 32 below.

The future subdivision bulk earthworks and certain land use activities will require resource consents and as part of those processes more detailed assessments will be undertaken in relation to the existing regional and district objectives, policies and rules in the operative Kaipara District Plan and the proposed plan change provisions.

The overall outcome of the assessment of effects of the PPC on the environment, is that there are no environmental, economic, social or cultural effects identified that would result in the PPC being declined.

## 12.1 Cultural Effects

In preparing the PPC and associated structure plan the project team engaged with Te Uri o Hau who are active in representing their interests in the Mangawhai area. The Cultural Effects Assessment (CEA) (**Appendix 5**) details the history of Te Uri o Hau in the Mangawhai area and notes their long-standing occupation of the area, particularly around the Harbour. This is evident by the number of recorded archaeological sites in the area, including within the PPC area.

The CEA also provides an effects assessment of the PPC on identified Wāhi Tāpu and Wāhi Tāonga including:

- Effects on archaeological features.
- Effects of earthworks on physical features along with stormwater and freshwater networks and habitat.
- Effects arising from the removal of peat soils from the ecosystem and the mitigation of acid sulphate.

The CEA also raises the importance of the continued implementation of Chapter 17 Heritage provisions of the operative Kaipara District Plan.

The CEA notes that the PPC includes provisions that address these effects through the management of works during future resource consent and subdivision consent processes. Additional site specific information is requested along with the implementation of recommended conditions of consent.

The CEA recognises that the PPC provides an opportunity to create positive environmental effects and does so by:

- Enhance and protect the ecological corridors from the hills to the sea.
- Improve connectivity and public access to the local natural environment.
- Provide blue-green infrastructure to enhance biodiversity, environmental health, and provisions for adequate stormwater management.

The CEA also recognises that the PPC will provide for urban growth in an integrated manner which can protect and enhance ecological features while managing the pattern of development and provision of infrastructure and mitigation of landscape effects. The CEA also identifies opportunities for the inclusion of Toi Māori (Cultural Wayfinding - Iwi concepts, designs, naming) in the creation of place and community across the PPC area.



Overall, the PPC is considered to be an opportunity for positive effects to arise from the future development of the area in a manner that will not only meet the growth demands of Mangawhai but also protect and enhance the identified cultural values of the area. The applicant is committed to continuing open dialogue with Te Uri o Hau throughout the application and development process.

## 12.2 Social Effects

A range of social effects could arise from the PPC. Such effects include positive and negative effects on social resources and social well-being.

Wide ranging consultation and engagement has been undertaken with landowners within and neighbouring the PPC area, as well as stakeholder and community groups. As evidenced in the Consultation and Engagement report in **Appendix 18**, feedback has been overall positive but mixed with residents supporting the provision of more pedestrian and cycle routes, green infrastructure, and access to the coast. Concerns were raised about the preservation of rural amenity, privacy, and pedestrian safety. Concerns were also raised regarding the environmental impacts of increased development in the area. Stakeholder groups including Mangawhai Matters Society appreciated the masterplan approach to development and were interested in how the PPC would be implemented. The Fairy Tern Trust and Department of Conservation appreciated the proposed measures for protecting and enhancing the coastal edge and the ecological values associated with this area and further beyond for example banning cats on new development within the area, planting, track delineation and signage restricting dogs.

Effects on social wellbeing can arise from poor quality urban environments, lack of access to employment, open spaces, and recreation areas as well as community facilities. The PPC includes the upgrading of the existing road infrastructure to provide new pedestrian and cycling networks within the PPC area and connected to the existing and planned network across Mangawhai. The subdivision process will result in the completion of the coastal esplanade reserve network around the estuarine inlet in the southern portion of the site. These reserves have the ability to form part of an off-road greenway connection.

In addition to the social infrastructure proposed in the PPC, the area is in close proximity to existing and proposed social infrastructure such as:

- Mangawhai Beach School and Kindergarten
- Mangawhai Public Library
- Kaipara District Council Offices
- Mangawhai Domain Sports Grounds
- Local Beaches
- Facilities within the Mangawhai Township.

As described the location of the PPC will provide a planned approach to new development in the area with public infrastructure proposed to serve future residents. The PPC area is near existing public services and infrastructure as well as and commercial areas within the Mangawhai Township. It is also well located to access and enjoy the Mangawhai Harbour and local beaches and other recreational areas further afield.

Overall, the social effects of this proposal are positive.

### 12.3 Economic Effects

An Economic Assessment, prepared by UE Limited is **Appendix 15**.

The Report sets out the latest figures from Statistics New Zealand and compares them against projected population growth by Kaipara District Council and in the Mangawhai Spatial Plan 2020. UE have also undertaken their own forecasting which, based on high-growth scenario forecasting, predicts that the Mangawhai Area will reach between 12,000 and 17,500 residents by 2043. This is from the 2023 population base of 7,400.

The demand for housing and the current capacity of the operative Kaipara District Plan have forecast significant shortfalls in greenfield developments in the medium to long-term. In fact, UE advise that even assuming the realisation of PPC83 and PPC84, Mangawhai would require 15 to 20 additional greenfield developments to occur in order to meet the projected housing demand. This PPC will go some way to reducing this shortfall.

The PPC will provide additional housing stock to the Mangawhai market where the average house price in 2023 was around \$1.2 million up from \$650,000 in 2020. The significant house price increase suggests Mangawhai has experienced a significant increase in popularity and residential house demand and that supply is not keeping pace.

#### Economic Effects Relating to Loss of Highly Productive Land:

The loss of highly productive land (class LUC3) for land-based rural production is unlikely to impede the primary production activities of the wider Kaipara Region, given the small and constrained area of HPL that has been identified.

Based on the Soil Quality Assessment of Hanmore Land Management Limited the highly productive land extent of the site is largely constrained by small land parcels, in fragmented ownership. The low lying nature of the land also lends itself to inundation during storm events with soil wetness constraining the agricultural and horticultural use of the land for productive purposes.

Using this land for residential development will not adversely impact land-based primary production occurring on surrounding rural zoned land now or in the future and will positively enable a well-functioning urban environment that will contribute to achieving better economies of scale. As discussed above, various long term planning documents have consistently identified this location for rural residential development and potentially industrial land uses. The area has not been identified to be protected or retained for its productive potential.

The Economic Assessment summarises the economic benefits of the proposed plan change:

- The proposal would enable a more efficient housing market.
- The proposed plan change will increase the supply of residential dwellings in Mangawhai which has a shortage of dwellings over the medium to long term. It will offer a mix of housing types, from large lot residential to medium-density housing.
- The plan change would not only add more homes to the housing market but also leads to competitive land and development markets.
- The construction of the proposal would generate 1,795 additional construction sector FTE jobs and generate \$238.4 million in GDP per annum.

Only one significant cost is identified by UE and that is:

- The proposal would displace a small amount of land suitable for agricultural activity valued at approximately \$2.9 million.

UE also notes that the provision of rural lifestyle properties as proposed in the Mangawhai Spatial Plan 2020 and in the exposure Draft District Plan would also displace agricultural activity on the basis of small lot size and fragmented land ownership.

Overall, the economic effects of this proposal are positive

## 12.4 Environmental Effects

### 12.4.1 Landscape and Visual Effects Assessment

A thorough assessment of landscape and visual effects has been undertaken by LA4 Landscape Architects. The assessment is **Appendix 7**.

The assessment covers effects on natural character, landscape values and visual amenity and utilises best practice and the New Zealand Institute of Landscape Architects guide (*Te Tangi a Te Manu – Aotearoa New Zealand Landscape Assessment Guidelines, Tuia Pito Ora New Zealand Institute of Landscape Architects, July 2022*).

The assessment takes into account the provision of the PCC that are proposed to ensure the long-term protection and management of the site's natural features, provide an appropriate interface between the rural zone and proposed new urban zones, to ensure key landscape character and natural landscape values of the wider area beyond the site are retained and enhanced.

**Features protected an enhanced:**

- Mangawhai Harbour coastal edge
- Estuarine stream and riparian margins
- Natural wetland and saltmarsh
- Intermittent and permanent streams.

**Provisions that ensure natural landscape character and values are retained:**

- Setbacks from waterways
- Esplanade reserves and planting along coastline
- Large Lot Residential zone and Low Density Residential zone adjacent to the rural interface and coastal environment
- Landscape edge enhancement
- Rural edge enhancement
- Saltmarsh covenant to remain and will be mapped as SNA.

### Natural Character

Section 6 of the RMA requires the natural character of the coastal environment to be preserved.

LA4 describe the PPC as a highly modified component of the existing Mangawhai urban and peri-urban area. The potential adverse effects on the area's natural character are assessed as low with the proposed PPC provisions giving an opportunity for the remaining natural features and qualities that contribute to the natural character; particularly the natural character of the coastal environment and other natural features within the area to be enhanced.

### Landscape Effects

The PPC will result in an obvious change in character from semi-rural to a more intensive and mixed urban development that would be evident in the immediate surrounding area. This change, however, has not been wholly unanticipated with the Mangawhai Spatial Plan 2020 and the Kaipara District Plan's Future Growth Area identifying the area for urban growth.

Urban influences are also evident in the surrounding area with the site and local area currently displaying semi-rural characteristics. This is in contrast to Rural zone areas with a high degree of 'ruralness'. The semi-rural characteristics present include:

- Smaller lot sizes
- Residential and lifestyle activities
- Existing infrastructure
- Non-rural activities and built development
- Close proximity to existing Mangawhai urban area
- Highly modified landscape

These urban influences are highly evident in the site and surrounding environment and work to reduce the sensitivity of the landscape to change.

LA4 note that the only potential negative outcome of the PPC would be the loss of the remaining semi-rural character of the area.

While the PPC would result in change to the landscape character currently existing, the proposed provisions would ensure that a suitable level of amenity will result and will ensure an appropriate transition between urban and rural environments. Overall, the proposed change in landscape values will have less than minor adverse effects.

### Visual Amenity Effects

The site's viewing audience includes both up close views and long-distance views from elevated positions in and around Mangawhai. These include immediately adjacent properties (both on the northern flat area and to the south on the elevated ridgeline), surrounding road, and the wider surrounding area. The immediately adjacent properties would have an obvious potential and significant change to their outlook from the current open semi-rural to a comprehensive urban view.

The actual change in outlook will be minimised and mitigated by the quality and nature of the planned future urban development. LA4 identify several features of the PPC that will ensure a high level of visual amenity will be enhanced and provided. These include:

- Landscape planting along the east and southern edges of the PPC area adjacent to the Rural zone.
- The protection and enhancement of the estuarine stream and its margins that provides a visual break between the north and south areas of the development.
- The provision of rural residential, low density and large lot zones in the outer areas that provide a buffer between new urban areas and the rural zone.

These features will soften the views of the PPC area and the boundary between the rural urban zones. The actual adverse landscape visual effects on adjoining properties will change overtime following the establishing of landscape initiatives.

The changing landscape and associated visual amenity effects will be clearly exposed from the surrounding road network. The significance of the changes will be different for regular road users versus general road users who are not familiar with the surrounding area. Proposed riparian planting to the south of Black Swamp Road and around the edges of Raymond Bull Road will work to break up the extent of the views of the new urban development from the road. This planting along with the existing diverse activities of the PPC area in close proximity to Mangawhai's residential urban environment will further break up the fleeting views of the site seen from the surrounding roads. Overall, the visual amenity effects experienced from the surrounding road network is assessed as low.

Views from the wider surrounding area will be highly variable due to distance, orientation of the view, elements within the view and screening. The vegetative screening elements present along the northern coastal edge along with the low density residential zoning proposed in this area will minimise the extent of change in the visual amenity of the site as viewed from the western side of the Harbour.

To summarise, it is the context in which the site is viewed that is important in assessing the effect of change within the landscape. LA4's assessment concludes that while there will be a noticeable change in the level of built form in the appearance of the site, when viewed within the context of the existing Mangawhai urban area and surrounding settlement pattern the visual amenity effects on the landscape from the wider surrounding area would be low.

Overall, the landscape and visual effects arising from the PPC are considered to be minor. This is predominantly due to the provisions of the PPC which would result in change from a semi-rural to urban landscape including the protection and enhancement of the key natural landscape features of the site.

#### 12.4.2 Urban Form and Quality (Neighbourhood Design) Effects Assessment

An Urban Design Report prepared by ET Urban Design Ltd is attached in **Appendix 17**. This report addresses relevant planning documents including the NPS-UD, the operative Kaipara District Plan 2013 and the Mangawhai Spatial Plan 2020.

An indicative master plan of the proposed PPC has been produced using the following design principles:

- Maximise the existing site's potential for integrated landscape and architectural design.
- Create an identifiable centre focal point for the neighbourhood.
- Provide for a high degree of connectivity and engagement with the estuary environment.
- Provide a legible urban structure that capitalises on views and focal points.
- Encourage walking and cycling for recreation and local trips.
- Foster a sense of environmental renewal and stewardship and incorporate Te Aranga design principles into design outcomes.
- Provide a range of housing choice and market price point to benefit the growing community of Mangawhai.

The potential for a masterplan approach to development of the PPC area is considered a positive opportunity associated with the fact the applicants own a significant portion of the plan change area. In any event the proposed Development Area provisions will ensure the notable features of the site are protected and enhanced and that key outcomes such as an appropriate transition between urban and rural areas and various multi modal connections are secured.

This is considered to be a positive effect in direct contrast to the area being subject to disjointed / ad hoc site by site subdivision that does not result in a cohesive urban design outcome in the delivery of both private development and public and community infrastructure.

Approval of the PPC is considered appropriate from an urban design perspective.



### 12.4.3 Ecological Effects Assessment

An Ecological Impact Assessment, prepared by Viridis Environmental Consultants and Rural Design 1984 Limited, is attached in **Appendix 14**.

The assessment has been informed by relevant regulations, including the NPS-FM, the NES-F and the NPS-IB. Ecological assessments of the PPC area and neighbouring environment identified the presence of two natural inland wetlands the most prominent being the salt marsh in the north-east, and intermittent and permanent streams to the south of Black Swamp Road. The most prominent ecological feature of the site and adjacent area is the Mangawhai Harbour.

An assessment of the applicant's landholding to the north of Black Swamp Road was undertaken by Viridis Environmental Consultants in June and July of 2024, during which the presence and extent of freshwater and terrestrial features within the northern area of the PPC area were recorded and the quality of associated habitat (if any) was visually assessed. An assessment of the southern area of the PPC to the south Black Swamp Road was undertaken by Rural Design 1984 Limited in May and July 2022 and February 2023. Permanent and intermittent streams were identified that drain to the estuarine tributary of the Mangawhai Harbour. A small area of wet ground that meets the definition of a natural inland wetland was found present in the upper slopes of the southern area of the PPC.

Other than the features stated above, the two ecological assessments summarise the ecological values of the PPC area as follows:

- Aquatic ecological values (saltmarsh, wetlands and natural watercourses) of the site are assessed as moderate.
- Terrestrial ecological values of the site are generally low.
- Native vegetation around the coast that is low to moderate value that may contain some habitat for birds, bats and lizards.
- The majority of vegetation present across the site is not considered to be suitable to be important permanent habitat for birds, bats and lizards. The ecological values of stands of exotic trees is considered to be low.

A number of potential adverse effects arising from the urbanisation of the land have been identified and include the following:

- Effects on water quality from earthworks and discharges to watercourses.
- Vegetation modification and habitat loss.
- The establishment of stormwater and wastewater infrastructure and resulting discharges to the environment.
- Effects on aquatic ecological values from the reclamation or diversion of ephemeral and artificial watercourses and the removal and construction of new culverts and infrastructure.
- Effects on indigenous fauna from changes to and loss of habitat.

The PPC proposes to protect these watercourses, coastal edge and identified natural inland wetlands through the proposed zoning pattern, 10m setbacks from watercourses, provision of esplanade reserves along the coastal edge and the resource consent process implementing the NPS-FM and the NES -FW.

The Ecological Impact Assessment for the northern area prepared by Viridis concludes noting that:

*“The proposed zone change is expected to provide for adequate maintenance and enhancement of ecosystem services, indigenous biodiversity and opportunities for enhancement through revegetation planting, while enabling the appropriate future subdivision, use and development of urban land, as long as the recommendations made in this report are implemented.”*

Rural Design 1984 Ltd assessment of the southern area of the PPC states that there are no ecological values present that would prevent urbanisation occurring subject to best practice. The recommended provisions of the PPC and conditions of future resource consents could be anticipated to reduce the overall level of adverse effect on the ecological values of the southern area to between ‘low’ and ‘very low’.

While potential adverse effects from urbanisation have been identified, the PPC also provides the opportunity for the enhancement and protection of identified ecological features across the development area that would not otherwise occur with lower density rural development such as that evident in the surrounding area. For example, banning cats via new development, signage to require dogs to be on a lead along the existing coastal esplanade, planting and new esplanade areas to be provided.

#### 12.4.4 Transportation Effects Assessment

An Integrated Transport Assessment (ITA), prepared by Commute Transportation Consultants is attached in **Appendix 16**. The purpose of the ITA is to assess robustness of the PPC to provide a safe and efficient transport environment.

The notable outcomes of the PPC in terms of transportation effects, as detailed in the ITA are outlined below:

- There is limited public transport options within Mangawhai and the wider region.
- The site is flat in nature and thereby ideal for promoting walking and cycling within the PPC area and to the existing urban area of Mangawhai.
- The existing road network operates safely and efficiently, including at the intersection of Black Swamp Road and Tomarata Road.
- The road network is legible and well connected within the PPC area and wider road network.
- The development will be designed to provide a safe network with a comprehensive walking and cycling network.

In conclusion, the Integrated Transport Assessment finds that the site has no transportation planning or traffic engineering reasons that would impede the implementation of the PPC.

The proposed PPC provisions will also ensure that the transport infrastructure requirements are delivered in conjunction with urban development and that traffic impacts on the wider network are appropriately managed to ensure effects are less than minor and potentially positive.

#### 12.4.5 Land-Based Primary Production and Highly Productive Land

A Soil and Resource report prepared by Hanmore Land Management is attached as **Appendix 13**. The report identifies and maps HPL areas on the PCC site and surrounding areas.

The Soil Resource report, concludes:

- Of the total land area 54.8 hectares or 58.3% of the area is classified as HPL LUC3 and is primarily located in northern lower flat area of the PPC area.
- The HPL LUC 3 land is fragmented by legal titles ranging from 0.3 hectares to 19.8 hectares.
- Wetness of soils in the low lying land susceptible to inundation, including the identified estuarine salt marsh, is also a limiting factor for production across the majority of the PCC area. Issues include limited crop choices, soil shrinkage and degradation and cultivation can cause loss of soil carbon and soil structure.
- Areas to the south and east of Mangawhai Township are also classified LUC 3 with larger land holdings making its productivity greater than PPC area.
- The majority of the existing urban area of Mangawhai and Mangawhai Heads has soils classified as LUC 3.
- The majority of the surrounding rural zoned land beyond the existing urban area and surrounding rural residential land use area is classified LUC 3, 4, 6, and 7 and is held in larger land parcels than within the PPC area.

On the basis of the conclusions reached in the Soil and Resource report any actual or potential adverse effects associated with the loss of PPC on land-based primary production locally and regionally, is considered to be negligible. When the positive effects of providing additional urban capacity in close vicinity to the existing Mangawhai urban area is taken into account, the adverse effects of the loss of productive land to the surrounding area is further reduced.

#### 12.4.6 Site Suitability – Geotechnical, Natural Hazards and Land Contamination Effects Assessment

##### Natural Hazards:

Natural hazards are addressed in the Coastal Processes and Hazard Assessment, prepared by Davis Coastal Consultants and the Infrastructure Report, prepared by Aspire Consulting Engineers attached in **Appendices 8 and 10**.

The Coastal Processes and Hazards Assessment notes that the north-east and coastal estuarine areas of the PPC area are potentially affected by coastal inundation and subject to flooding during a 1 in 100 year storm event, taking into account projected sea level rise over the next 100 years. The PPC accounts for this hazard with proposed Coastal Hazard Overlay and application of the Rural Residential and low density residential zones. The risks to individual site development can be adequately addressed via the resource consent process as detailed in the proposed Development Area provisions.

#### Land Contamination:

A PSI prepared by SQN GeoSciences is attached in **Appendix 12**. The PSI only covered properties owned by the applicants to the north of Black Swamp Road of the PPC area. The PSI concludes that the land within the PPC area is suitable for residential development as no historical use of the land HAIL activities was found. Further investigation of the untested area will need to occur across the entire site during the resource consenting stage for development.

Overall, the PSI did not find any evidence of land contamination and risk to human health and while more detailed site investigations are recommended it is concluded that any areas of land contamination can be suitably addressed at the resource consenting stage.

Therefore, the effects of the PPC on land contamination and risk to human health is less than minor.

#### Geotechnical and Land Stability:

A Geotechnical Assessment Reports, prepared by Wiley Geotechnical and Initia Geotechnical Specialists are attached in **Appendix 9**. The desktop studies and series of hand auger subsurface investigations across the site has identified that the site is generally suitable for the proposed residential and commercial development enabled by the PPC. The northern area of the PPC will require specific ground treatment and foundation design to mitigate the risk posed by the soft organic sandy SILT & Fibrous PEAT (Riv1) soils.

Overall, while further intrusive investigations will be required during the future development of the Site, there are no identified geological constraints within the Geotechnical Reports that would render the land within the PPC area unsuitable for residential development.

### **12.4.7 Infrastructure Servicing Effects Assessment**

An Infrastructure Report, prepared by Aspire Consulting Engineers is attached in **Appendix 10**.

The purpose of the report is to:

- Identify what infrastructure is necessary to allow development in line with the proposed zoning.
- Confirm if existing infrastructure has sufficient capacity, and if not, identify options to provide onsite three waters infrastructure.
- Develop a stormwater management plan (“SMP”) for the site that can be implemented in accordance with the existing Kaipara District Plan provisions ensuring the PPC area is in line with the National Policy Statement for Freshwater Management 2020.
- Demonstrate that there are viable and efficient engineering solutions that can be integrated with the urban development of the land to support urbanisation of the PPC land area.
- Demonstrate that other utility companies have the capability to extend their services into the PPC area.

Final engineering solutions will be detailed as part of the future development through the resource consenting stage.

#### Earthworks Effects:

Kaipara District Plan includes provisions for controlling earthworks within the vicinity of the Coastal Marine Area, wetlands and rivers or streams. The proposed District Plan also contains earthworks provisions and earthwork and vegetation removal activities are also managed by the NEW F Regulations.

The proposed 15-metre setback buffer from natural inland wetlands in the Development Area provisions along with the NES F Regulations will ensure that the effects of earthwork activities will be appropriately managed.

The management of the effects of any land disturbing activity will be addressed by the Erosion and Sediment Control practices implemented at consent stage. Specifically, the Development Area provisions secure application of Auckland Council GD05 which applies higher standards for erosion and sediment control.

#### Water Supply Servicing:

The Infrastructure Report and accompanying memorandum by Water Acumen regarding the water and wastewater servicing of the PPC area note that reticulated potable water supply is not provided to the private properties across the Mangawhai area. Onsite potable water storage is required for individual lots and this will be the same across PPC area.

Collective water storage for firefighting purposes is proposed to be provided via a reservoir located at a higher elevation in the south of the PPC area. The northern area will be served by local boreholes.

The provision of water supply would form part of the design and construction of future resource consents. Minimum storage levels are contained in the Development Area provisions.

#### Stormwater Management:

A SMP prepared by Aspire Consulting Engineers is attached in **Appendix 11**.

The SMP presents a possible solution for the management of the additional stormwater and impervious surfaces as a result of the PPC. The solution includes options for retention and detention of stormwater onsite, to provide treatment of water prior to discharge to the nearby estuarine stream and coastal marine area. The SMP provides a guidance tool and demonstrates that alternative approaches can be undertaken provided that sufficient evidence shows that it is the best practicable option for their development and surrounding circumstances.

#### Wastewater Servicing:

There is currently no public wastewater connection to the PPC area although there is planned capacity to service the western side of the PPC area. Water Acumen advises that there are multiple options for servicing the PPC area with a combination of low pressure wastewater systems and gravity feed systems

that discharge to a new public pump station near Black Swamp Road. A rising main would be installed and discharged into the existing Longview Street Wastewater network.

Larger lots would have the area to provide onsite wastewater treatment and disposal if required or desired.

Based on the advice provided by Aspire and Water Acumen, the PPC area can be serviced with respect to wastewater and if necessary, Development Area provisions can be incorporated to manage the staging of development in relation to infrastructure servicing.

*Electricity Supply and Telecommunications Servicing:*

Discussions have been had with Vector regarding power, Northpower regarding both power and fibre and Tuatahi regarding fibre.

All utility companies stated that the current infrastructure in the Plan Change area is insufficient but confirmed that the networks can be extended to service the PPC area if it is successful. The final designs and connection locations are to be completed as part of future resource consents and subsequent Engineering Approval Process phase.

***Summary:***

In summary, as confirmed by the Infrastructure Report, the PPC can be fully serviced by infrastructure provided within the PPC area and or connected to wider service networks.

Based on the report prepared by Aspire Consulting Engineers, there are no civil engineering limitations that would prevent or hinder urban development of the PPC area in accordance with the proposed zoning and the associated provisions.



#### 12.4.8 Reverse Sensitivity and Residential Amenity Effects Assessment

The PPC area is located adjacent to the rural zone along with other important natural features such as the Mangawhai Harbour and the area affected by coastal inundation in the north-west. In order for these features to continue to operate as intended without incurring reverse sensitivity effects from the proposed urban development, the PPC must recognise and provide for their existing and ongoing land use activities, functions, character and amenity.

The proposed zone layout and features of the proposed Structure Plan directly address the sensitivities of the identified natural features and adjacent rural zoned land with the following:

- Provision of low density zones including rural residential, residential large lot and residential low density across the majority of the site and directly adjacent to rural zoned land.
- The provision of the commercial neighbourhood centre and mixed use zones centrally on the main road so as to consolidate the intensive urban effects.
- The provision of rural edge vegetative enhancement.
- Identifying the Coastal Inundation Overlay.

The transition to the rural environment will also be assisted with the provision of a landscaped and rural edge enhancement along Raymond Bull Road and to the south boundary with the rural zone. The low density zones and vegetative edge treatment aims to create a visual transition space between the urban and rural environments. Where necessary larger yard setbacks are also proposed to ensure retention of amenity values for adjacent sites, particularly those in the rural zones.

The provisions of the plan require the consideration of reverse sensitivity effects when establishing sensitive activities (both residential and non-residential) in proximity to the rural zone, as well as when determining the location of building platforms within the coastal inundation hazard overlay area. These provisions acknowledge the existing features of the site and surrounding areas, aiming to avoid exacerbating existing hazards or increasing the risk of new hazards. Additionally, the provisions seek to preserve the enjoyment and full use of adjacent land, ensuring that development does not negatively impact the surrounding environment or land use.

Overall, reverse sensitivity and residential amenity effects are appropriately addressed within the proposed Development Area provisions so as to minimise reverse sensitivity effects arising from the transition of rural zoned land to urban zone.

#### 12.4.9 Archaeological Effects Assessment

An Archaeological Assessment, prepared by Geometria Limited is attached in **Appendix 6**. The Assessment concludes that there are three archaeological sites within the PPC area. The recorded sites are listed below:

- R08/256 One midden/oven site is located on the southern edge of the estuarine stream. It is a shell midden located on the edge of the alluvial terrace and is consistent with evidence for a pre-European contact Māori occupation.
- R08/258 is located on the esplanade reserve beside the campground to the north of Black Swamp Road. It contained bottles, ceramics, brick, and iron artefacts.

- R08/259 is a site located in the southeast of the site around a known former kauri gum store. There are no signs of any remains of the gum store above ground but Geometria have advised that there is likely to be subsurface features.

The archaeological sites are described by Geometria Limited as being of low to moderate significance. Sites R08/256 and R08/258 are both located in esplanade/riparian margins and can be protected at the time of subdivision via the s77 (RMA) requirement to vest a 20m wide esplanade reserve. A greenway connection is shown on the proposed structure plan prepared by ET Urban Design Ltd (**Appendix 17**) and provision during detailed design would need to be made to manage any adverse effects on the recorded site R08/256. Site R08/259 around the previous gum store will require further assessment at the time of subdivision with appropriate archaeological management measures in place.

The effects on the archaeological sites can be managed and appropriately mitigated through any future planning applications by way of consenting requirements under the AUP and obtaining the necessary Authorities from Heritage New Zealand.

## 13. Section 32 Analysis

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Section 32 sets out the requirements for preparing and publishing evaluation reports. The overall purpose of section 32 in that context is to ensure that any provisions proposed through a plan change are evidence based, clear and certain, and the most appropriate way to achieve the purpose of the Act.

This section of the Report assesses the appropriateness of the PPC objectives in relation to the purpose of the Act, and whether the proposed provisions are the most appropriate way to achieve the objectives of the PPC.

Section 32(1)(b) requires an examination of other reasonably practicable options. We have examined the following options:

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

This option involves retaining the Operative District Plan Rural Zone, and associated provisions within the Mangawhai Harbour Overlay. This option continues the low-density rural framework allowing for continued rural production activities and the establishment and operation of a diverse range of land uses, using the resource consent process to assess the effects of individual proposals and determine their appropriateness. This option would allow for continued low density dispersed development on the eastern and southern shore of the estuary. Any future potential retail and commercial development would be constrained by the rural environment framework of the Operative Kaipara District Plan, noting however that some commercial activities such as the brewery and garden centre have been able to establish in the rural zone framework.

This option will also allow for continued small scale primary production activities but is also likely to facilitate ad hoc and uncoordinated development outcomes because of the demand pressure for land in close proximity to the existing urban area. The PPC area is directly adjacent to the existing urban area and the existing range of land uses established in this location indicate that it is an 'in demand' location.

### Option 2: Rezone Plan Change area to reflect the residential zone in the Operative District Plan 2013

This option would rezone the subject area residential, with a generic and undifferentiated application of the residential zone provisions. This option would represent an extension of the existing residential zoned area to the north – at the Mangawhai Town Centre. This option would represent the application of a homogenous set of provisions that would not reflect the characteristics and natural environment sensitivities of the subject area. In addition, the operative KDP is signalled for review to ensure that there is a District Plan reflective of the current and future environment of Mangawhai and the current communities' aspirations for the area. A new district plan is also required to meet and respond to current legislative requirements.

Using the operative Plan Residential zone is determined to be an inefficient and ineffective response to the current legislative and policy documents and the existing and anticipated future environment and would generate additional demand for infrastructure to be provided to service development but the provision of that infrastructure would not be provided as efficiently from an economic perspective with a lesser density and range of urban development being provided.

#### Option 3: Rezone as per the Mangawhai Spatial Plan - Rural Lifestyle Zone

This option involves rezoning the plan change area a new proposed Rural Lifestyle Zone providing for sites in the 2 to 4 hectare range. There would be limited potential for any commercial or industrial activities. This option would allow for some moderate infill of lifestyle development with a more spacious character. This option is considered to allow for outcomes sought in the Kaipara Spatial Plan but represents an inefficient use of the land resource directly adjacent to the existing urban area where there is continuing strong growth and demand for additional urban development in the short, medium and long term.

This option would not generate any additional demand on reticulated infrastructure as future development would be servicing. There would be additional demand on roading.

#### Option 4: Rezone with a bespoke proposal - Mangawhai East Development Area with Zones reflecting the Exposure draft Kaipara District Plan (the subject of the Proposed Plan Change), the existing environment and current legislative and policy requirements

This option involves rezoning the plan change by way of a comprehensive plan change with a bespoke set of provisions responsive to the spatial setting and peri-urban context and supported by way of a Structure Plan. This option would optimise the benefits of density that can be realised through the addition of housing and business land in walking distance to the Mangawhai Village and through provisions that are designed to maintain the integrity of the natural character and environment.

This option enables an efficient and effective planning outcome where the Development Area provisions can align with the district plan direction that will be outlined in the Proposed District Plan when it is notified and infrastructure has been demonstrated to be able to be provided in an efficient and effective manner.

#### Option 5: Rezone with Operative District Plan Zones and a Precinct for site specific matters

This option would utilise operative KDP zones as set out above but apply a Precinct to address and manage site specific outcomes.

This option is determined to be less efficient because of the signalled notification of a Proposed District Plan in April 2024.

A Precinct would need to be rewritten to fit within the context of the proposed District Plan.

A table with the detailed options analysis, which assesses the efficiency and effectiveness and the benefits and costs of the environmental, economic, social, and cultural effects anticipated from the implementation of the options is provided in **Attachment A** to this Planning Report.

The outcome of the evaluation determined that Option 4 was the preferred option. Applying a bespoke zoning to the area via the Mangawhai East Development Area was discerned as being the most effective and efficient means of achieving the objectives.

This option enables residential development and the use of land more efficiently and enables site specific responses to achieve better environmental outcomes. The Development Area provisions 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.

### 13.1 Assessment of the Objectives against Part 2 of the RMA

Section 32(1)(a) of the RMA requires that the evaluation report:

*examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act.*

The purpose of the RMA is set out in s5. The stated purpose is:

*(1)..... to promote the sustainable management of natural and physical resources.*

*(2)In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

*(a)sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b)safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c)avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The purpose of the RMA is supported by Section 6 – Matters of National Importance that shall be recognised and provided for; Section 7 – Other Matters to which particular regard must be had; and Section 8 Treaty of Waitangi. Section 8 states that the principles of Te Tiriti o Waitangi shall be taken into account.

The objectives of the PPC overall are as stated in Section 2.1 above:

#### **DEV X-O1 Quality Urban Environment**

*Provide quality urban outcomes with:*

- a connected urban form;*
- a choice of living environments and housing types;*
- supporting business activities;*
- connectivity to the existing urban area and harbour, and*
- supply of urban land to ensure competitive markets for housing and business land at Mangawhai.*

#### **DEV X-O2 Transportation, Connectivity and Access**

1. Provide walking and cycling connections to Mangawhai Village; defined walking connections around the coastal edge and new walking and cycling connections through the development and alongside new reserve areas.
2. Deliver intersection and road upgrades to secure safe, functional transport networks.

***DEV X-03 Community***

*Provide opportunity for community activities and facilities in the Business Mixed Use and Neighbourhood Centre zones to support the local community and harness locational opportunities associated with the coastal / estuarine and existing environment.*

***DEV X-04 Indigenous Biodiversity and Ecological Values***

*Protect and enhance the ecological and habitat values of the Development Area including adjacent land estuarine environments the coastal marine area.*

***DEV X-05 Freshwater Management***

*Ensure freshwater resources in the Development Area are protected and enhanced.*

***DEV X-06 Coastal and Erosion Hazards Management***

*Ensure land is developed to avoid increased risk from coastal inundation hazards.*

***DEV X-07 Landscape Character and Amenity***

*Deliver urban development with necessary controls to ensure development appropriately responds to the urban / rural interface and the coastal environment.*

***DEV X-08 Commercial and Non-Residential Land Uses***

*Provide opportunity for a range of supporting commercial and non-residential land uses to support the local community and location-based activities beyond the Development Area, to ensure positive economic and environmental outcomes.*

***DEV X-09 Stormwater Management***

*Manage stormwater from development to ensure positive ecological and freshwater outcomes and that adverse effects associated with natural hazards are avoided.*

***DEV X- O10 Infrastructure Servicing***

*Ensure all development, other than in the Rural Lifestyle zone and the Residential Large Lot zone, is connected to a reticulated wastewater network, stormwater management network and can provide sufficient water supply for potable and fire-fighting water use.*



The objectives are considered to be the most appropriate way to achieve the purpose of the Act for the following reasons:

- The sustainable management of natural and physical resources will be achieved because the objectives seek to achieve a high-quality urban environment with a strong delineation and appropriate transition between urban and rural areas.
- Connections promoted and enabled to an area with many employment opportunities and expressing high demand for housing and business land
- Areas of sensitive ecological habitat will be protected and enhanced.
- Public access to and along rivers and streams will be enhanced.
- The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other toanga is respected, acknowledged and provided for.
- Appropriate methods employed in specified areas to achieve management of significant risks from natural hazards.

The objectives will achieve an efficient use of natural and physical resources, in particular an efficient use of the urban land resource and will contribute to housing and business land supply to meet the expected demands of the Kaipara District, the Mangawhai community and potential future residential markets.

The principles of Te Tiriti o Waitangi have been taken into account through the consultation and engagement that has occurred and is ongoing with Te Uri o Hau.

The PPC's objectives are therefore the most appropriate way to achieve the purpose of the Act.

## 13.2 Appropriateness of the Provisions to Achieve the Objectives and Benefits and Costs

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

- identifying other reasonably practicable options for achieving the objectives; and
- assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
- summarising the reasons for deciding on the provisions; and
- contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.

Pursuant to section 32(3) of the Act, as the proposed Plan Change is amending the operative Kaipara District Plan the s32(1) (b) assessment must relate to the proposed Development Area provisions and whether they are the most appropriate to achieve the objectives of the PPC.

The relevant RPS objectives and zone objectives are set out and assessed at section 6.5 and section 6.6 of this report. An evaluation of the relevant costs and benefits, efficiency and effectiveness of the preferred options is provided in **Attachment A** to this Planning Report.

In summary, the PPC zoning pattern and development provisions have been developed to be consistent with the objectives of the operative KDP, respond to the current and likely future environment, the current legislative and policy framework and the objectives for the Development Area.

The KDP seeks to provide adequate development capacity within the growing Mangawhai area in a planned and integrated manner that services the needs of the people while protecting the existing natural and physical features important to the area. The PPC will provide an area of planned urban development in close proximity to the existing Mangawhai village which will meet the ongoing demand for growth being experienced in the area. The following evaluation supports this determination.

### 13.2.1 Mangawhai East Development Area - Spatial Extent

The Mangawhai East Development Area generally coincides with the major landholdings of the proponents and utilises natural and physical boundaries to delineate a coherent and defensible boundary for the spatial layer. The reduced potential for agricultural capacity provides a unique opportunity to harness the opportunities for high quality residential and commercial development connected to Mangawhai village by way of existing and proposed new walking and cycling connections. The location provides the opportunity for access to the eastern side of the Estuary whilst protecting and enhancing ecological values associated with existing harbour and land-based habitat values.

The National Planning Standards 2019 and associated District Spatial Layers Standard and Zone Framework Standard identifies the role of Development Areas:

*A development area spatially identifies and manages areas where plans such as concept plans, structure plans, outline development plans, master plans or growth area plans apply to determine future land use or development. When the associated development is complete, the development areas spatial layer is generally removed from the plan either through a trigger in the development area provisions or at a later plan change.*

The PPC method of identifying the subject area through a Development Area containing a targeted application of zones consistent with the Exposure Draft is considered to represent the most appropriate method of achieving the objectives of the PPC. This method is aligned with the plan exposure draft policy framework and management approaches and therefore represents the most closely aligned plan methods to the future proposed district plan.

The added utilisation of a Structure Plan to visually depict outcomes sought provides further certainty to the achievement of the intended spatial outcomes and represents the comprehensive design statement analysis for the Development Area. This informs the spatial pattern of land use and subdivision within the Development Area.

### 13.2.2 Proposed Policies and Methods

The PPC policies and methods have been developed to provide an integrated and self-contained package of methods that are coherently linked to the PPC objectives. The policies and associated provisions demonstrate a thoughtful and targeted management approach for the subject area. The following extract of the policy framework demonstrates the appropriateness of policies tethered to the PPC objectives. The associated rules and standards (refer to **Appendix 3**) ensure a comprehensive framework that are effective in achieving the development area objectives:

<b><u>DEV X-01</u></b>	<b><u>Quality Urban Environment</u></b>
DEV X-P1	Quality Urban Environment
DEV X-P2	Land Development and Built Form
<b><u>DEV X-02</u></b>	<b><u>Transportation, Connectivity and Access</u></b>
DEV X-P3	Transportation and Connectivity
<b><u>DEV X-03</u></b>	<b><u>Community</u></b>
DEV X-P1	Quality Urban Environment
DEV X-P2	Land Development and Built Form
DEV X-P6	Infrastructure Servicing
<b><u>DEV X-04</u></b>	<b><u>Indigenous Biodiversity and Ecological Values</u></b>
DEV X-P4	Biodiversity and Ecological Values
<b><u>DEV X-05</u></b>	<b><u>Freshwater Management</u></b>
DEV X-P4	Biodiversity and Ecological Values
<b><u>DEV X-06</u></b>	<b><u>Coastal and Erosion Hazards Management</u></b>
DEV X-P7	Subdivision
<b><u>DEV X-07</u></b>	<b><u>Landscape Character and Amenity</u></b>
DEV X-P5	Landscape Character and Amenity
<b><u>DEV X-08</u></b>	<b><u>Commercial and Non-Residential Land Uses</u></b>
DEV X-P2	Land Development and Built Form

<i>DEV X-P3</i>	<i>Transportation and Connectivity</i>
<i>DEV X-P6</i>	<i>Infrastructure Servicing</i>
<i>DEV X-P7</i>	<i>Subdivision</i>
<i>DEV X-P8</i>	<i>Commercial and Non-residential Land Uses</i>
<b><i>DEV X-O9</i></b>	<b><i>Stormwater Management</i></b>
<i>DEV X-P5</i>	<i>Landscape Character and Amenity</i>
<i>DEV X-P7</i>	<i>Subdivision</i>
<b><i>DEV X-O10</i></b>	<b><i>Infrastructure Servicing</i></b>
<i>DEV X-P3</i>	<i>Transportation and Connectivity</i>
<i>DEV X-P6</i>	<i>Infrastructure Servicing</i>
<i>DEV X-P7</i>	<i>Subdivision</i>
<i>DEV X-P8</i>	<i>Commercial and Non-residential Land Uses</i>

The outcomes sought by Objectives *DEV X-O1 Quality Urban Environment*, *DEV X-O2 Transportation, Connectivity and Access*, *DEV X-O3 Community and DEV X-O7 Landscape Character and Amenity* are supported by a range of policies that combine to ensure that the PPC area is well planned and integrated into the settlement of Mangawhai as a coherent and quality living and business environment, rather than becoming a series of incongruous subdivisions in a gateway setting.

The appropriateness generally of the policy cascade in achieving the Development Area objectives are further enhanced by the scaled and targeted array of zones designed to apply to specific locations the Mangawhai East Development Area.

### 13.2.3 Proposed Development Area Provisions and Rules

The Mangawhai East Development Area zones have been developed to be responsive to the subject area conditions, constraints the rural environment interface.

The following zones in the PPC are targeted to the apply in the PPC:

- *Residential Large Lot Zone*
- *Residential Low Density Zone*
- *Residential Medium Density Zone*
- *Business Neighbourhood Centre Zone*
- *Business – Mixed Use Zone*
- *Rural Lifestyle Zone*

In addition to the application of differentiated zones a Coastal Hazard Overlay is also applied to areas of the coastal margin and manages the establishment of new vulnerable activities in these locations.

This appropriateness of this method is further enhanced by the application of a Structure Plan that promotes integrated and connected transport and accessibility networks, targeted landscape treatments and ecological enhancements with methods to achieve high quality residential and commercial living environments is considered to represent the most effective means of delivering the high-quality outcomes sought by the Development Area objectives.

The proposed Development Area provisions and supporting Structure Plan have been developed to respond to key aspects of the proposal that respond to legislative requirements, identified values, or are required to secure a well-functioning urban environment.

This connectivity and cohesiveness through the plan methods is evidenced and reflected in the *RX-01 Residential Zone and Rural Lifestyle Zone* provisions that include a range of rules and associated standards designed to ensure the quality living environments are achieved. This includes the use of targeted methods designed to manage sensitive environments such as management of interface between residential units and natural features demonstrated in *DEV X-LU-R2 Residential unit* and the standard *DEVX-SU-7 Setback from Natural Features*. This suite of standards and connectivity to the Residential Zone and Rural Lifestyle Zone provisions are demonstrated in the extract from the PPC provisions below:

DEV X-LU-R2	Residential unit
<p><b>1. Activity Status:</b> Permitted</p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>a. The residential unit(s) provide a minimum net site area per residential unit consistent with the minimum site size specified for the zone in which the residential unit is located.</li> <li>b. It complies with: <ul style="list-style-type: none"> <li>i. DEVX-LU-S1 Site coverage</li> <li>ii. DEVX-LU-S2 Height</li> <li>iii. DEVX-LU-S3 Height in relation to boundary</li> <li>iv. DEVX-LU-S4 Setbacks from internal boundaries</li> <li>v. DEVX-LU-S5 Setback from road boundaries</li> <li>vi. DEVX-LU-S6 Fencing and Landscaping</li> <li>vii. DEVX-LU-S7 Setback from natural features</li> <li>viii. DEVX-LU-S8 Residential unit separation distance</li> <li>ix. DEVX-LU-S9 First floor window and balcony setbacks</li> <li>x. DEVX-LU-S10 Outdoor living space</li> <li>xi. DEVX – LU-S11 Exterior finish</li> <li>xii. DEVX-G-S1 Earthworks</li> <li>xiii. DEVX-G-S2 Building platforms</li> <li>xiv. DEVX-G-S3 Vehicle Crossings</li> <li>xv. DEV1-G-S4 Traffic intensity</li> <li>xvi. DEVX-SUB-S6 Roads, accessways, pedestrian walkways and cycleways</li> </ul> </li> </ul>	<p><b>2. Activity status when compliance not achieved with DEV1-R2.1:</b> Restricted Discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. Residential character and amenity.</li> <li>b. Sufficient sunlight access and direct access to outdoor living spaces.</li> <li>c. Building mass, orientation and passive surveillance of the road/street.</li> <li>d. Bulk and scale effects.</li> <li>e. Effects on any natural features with respect to natural wetlands, intermittent and permanent streams, and indigenous vegetation.</li> <li>f. The extent to which the activity is consistent with the outcomes sought in the Mangawhai East development Area and associated Structure Plan.</li> <li>g. The ability for necessary onsite services such as water supply, parking, maneuvering, waste collection and landscaping to be provided, as anticipated by the Standards, without generating adverse effects on the site or surrounding area.</li> </ul>

<p>xvii. DEVX-SUB-S7 Water Supply</p> <p>xviii. DEVX-SUB-S8 Stormwater Disposal</p> <p>xix. DEVX-SUB-S9 Wastewater</p> <p>xx. DEVX-SUB-S10 Minimum Floor Level</p>	
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Together with the standards associated with Fencing and Landscaping Standard, the Setback from Natural Features Standard applies a method that provides buffers from modification and the natural environment, including natural wetlands, intermittent and permanent streams from modification ensuring protection of the characteristics of the natural and physical resources.

DEV X-LU-S7	Setbacks from natural features
<p>1. Buildings, accessory buildings and structures must be setback a minimum of:</p> <ul style="list-style-type: none"> <li>a. 15m from the edge of natural wetlands, intermittent and permanent streams; unless the stream has an average width of 3m or greater in which case the setback shall be 25m.</li> <li>b. 5m from the edge of riparian planting, wetland planting, and indigenous vegetation.</li> </ul> <p>2. The setbacks above do not apply to:</p> <ul style="list-style-type: none"> <li>a. Ephemeral streams.</li> <li>b. Where there is a legally formed and maintained road between the site boundary and the coastal water, wetland or river.</li> <li>c. Fences.</li> <li>d. Infrastructure provided by a network utility operator.</li> <li>e. Structures associated with vehicle, pedestrian or cycle network access.</li> </ul>	<p><b>3. Activity status when compliance not achieved:</b> Restricted Discretionary</p> <p><b>Matters of discretion are restricted to:</b></p> <ul style="list-style-type: none"> <li>a. The design and siting of the building or structure with respect to effects on the natural character and amenity of the waterbody.</li> <li>b. The impacts on existing and future esplanade reserves, esplanade strips, and public access to the waterbody margins.</li> <li>c. Screening, planting and landscaping on the site.</li> <li>d. Natural hazard mitigation and site constraints.</li> </ul>



Overall, the use of targeted development controls aimed at appropriate integrating new housing and business land that transition to a rural environment, coastal margin and sensitive ecological habitats are considered to present the most efficient, effective and appropriate means to achieve the objectives for the PPC.

The proposed Development Area provisions and supporting Structure Plan have been developed to respond to key aspects of the proposal that respond to legislative requirements, identified values, or are required to secure a well-functioning urban environment.

- The targeted use of a Development Area delivering differentiated zones that are carefully designed to be responsive to the natural environment sensitives and rural transitions to urban environment enables moderated intensification across the subject area.
- The application of a Structure Plan that promotes integrated and connected transport and accessibility networks, targeted landscape treatments and ecological enhancements with methods to achieve high quality residential and commercial living environments is considered to represent the most effective means of delivering the high-quality outcomes sought by the Development Area objectives.
- The transport and walking and cycling networks promoted by the plan framework will achieve the well-functioning urban environment needs of the Mangawhai urban environment.
- The use of targeted development controls aimed at appropriate integrating new housing and business land that transition to a rural environment, coastal margin and sensitive ecological habitats.

### 13.3 The Risk of Acting or not Acting

In this case, there is sufficient information about the subject matter of the provisions to determine the range and nature of environmental effects of the options assessed above.

The risks of not acting are that there will be a more constrained residential property market in Mangawhai; there will be less housing choice, particularly for retired and elderly people; the costs of housing generally in this market will increase and the quality of the environment will diminish as a result of ad hoc, poorly planned development. As stated above the recent establishment of activities such as the brewery and garden centre, and residential lifestyle sites on Windsor Way indicates the demand for living and business activities in this location. The risk of not acting is that the land resource in this location will develop in an ad hoc and unplanned manner that will not be able to deliver the quality outcomes that the proposed planned approach can deliver.

The risks associated with acting are significantly lesser than the risks of not acting.

### 13.4 The Preferred Option

Based on the s32 Assessment the PPC is the most appropriate way to achieve the purpose of the Act, the objectives of the PPC and the relevant objectives of the KDP.

The benefits of the provisions outweigh any costs associated with them.

## 14. Conclusion

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Based on the Assessment of environmental effects and the specialist assessments, it is concluded that the proposed Private Plan Change of the land will have positive effects on the environment through providing housing supply and choice for the Mangawhai community and Kaipara District for the short medium and long term, contribute to a well-functioning urban environment whilst protecting the natural and physical resources of the unique environment and gateway location to the Mangawhai Town Centre.

It is concluded that objectives of the PPC are the most appropriate to achieve the purpose of the RMA and that the provisions are the most appropriate way to achieve the objectives.

The proposed Mangawhai East Development Area, Structure Plan and zone changes will provide the following outcomes:

- The targeted use of a Development Area delivering differentiated zones that are carefully designed to be responsive to the natural environment sensitivities and rural transitions to urban environment enables moderated intensification across the subject area.
- The application of a Structure Plan that promotes integrated and connected transport and accessibility networks, targeted landscape treatments and ecological enhancements with methods to achieve high quality residential and commercial living environments is considered to represent the most effective means of delivering the high-quality outcomes sought by the Development Area objectives.
- The transport and walking and cycling networks promoted by the plan framework will achieve the well-functioning urban environment needs of the Mangawhai urban environment.
- The use of targeted development controls aimed at appropriately integrating new housing and business land that transition to a rural environment, coastal margin and sensitive ecological habitats.

For the above reasons, it is considered that the Proposal accords with the sustainable management principles outlined in Part 2 of the RMA and is the most appropriate way to achieve the objectives and the proposal and the statutory requirements of the RMA.