

Form 5

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

Clause 6 of Schedule 1, Resource Management Act 1991

This is a submission on Private Plan Change 85 - Mangawhai East.

Private plan change number: PPC85 | Private plan change name: Mangawhai East

Submissions must be received by 5pm on Monday 18 August 2025.



The purpose of the plan change is to:

a. Rezone approximately 94 hectares of rural zoned land within the Mangawhai Harbour overlay to a mix of residential and commercial zoned land as follows:

- Large Lot Residential 6.3 ha
- Low Density Residential 45.5 ha
- Medium Density Residential 12.5 ha
- Neighbourhood Centre 2.7 ha
- Mixed Use 2.2 ha
- Rural Lifestyle 24.7 ha

Total Area = 94 ha

b. Create a Development Area containing a suite of planning provisions to control and manage subdivision, use and development within the Plan change area.

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. Include Ecological features maps to convey areas of ecological sensitivity for future protection.

e. Incorporate a Structure Plan into the Development Area to visually depict key features and outcomes required.

f. Make any necessary consequential amendments to the Kaipara District Plan Maps.

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

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

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

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

- Please provide your details *

1A

Your first and last names	<input type="text" value="Peter Nicholas"/>
Street number and name	<input type="text" value="27 Lincoln St"/>
Town	<input type="text" value="Mangawhai Heads"/>
Contact phone	<input type="text" value="0210665746"/>
Email address for correspondence (one email address only)	<input type="text" value="peteranicholas@gmail.com"/>

- Please select your preferred method of contact *

1B

- ☒ Email
☐ Postal

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

1C

- ☐ Yes
☒ No

- If you have any attachments that relate directly to your submission on PPC85, you can upload the file/s
1E here

- [Form 5 PPC85 Submission P Nicholas.docx](#)

- If you are a person who could gain an advantage in trade competition through making a submission on PPC85 you may only make a submission if you are directly affected by an effect of PPC85 that:

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

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

- Trade competition and adverse effects - select one: *

2A

- ☐ I could gain an advantage in trade competition through this submission

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

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

2C

- ☒ Yes
☐ No

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

2D

- ☒ Yes
☐ No

- Please submit on ONE provision at a time. Once you have completed your first submission point, you can then select an option to submit on another provision.

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

3A

(For example - Zoning)

zoning and everything

- Do you support or oppose the provision stated above?

3B

- ☐ Support
☒ Oppose

- What decision are you seeking from Council?

3C

- ☐ Retain
☐ Amend
☐ Add
☒ Delete

- Your reasons.

3D

See attached document

**Example -
supports
the growth
of
Mangawhai**

3E Do you want to make a submission on another provision?

☐ Add another submission point

☐ I'm finished

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

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

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

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[PublicVoice](#)

Form 5

Submission on Private Plan Change 85 – Mangawhai East – to the Kaipara District Council (KDC) District Plan

Submission of Peter Alexander Nicholas

Clause 6 of Schedule 1, Resource Management Act 1991

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peteranicholas@gmail.com

Preferred method of contact - By email

This is a submission on private plan change number: PPC85 to KDC's District Plan

Plan change name: Mangawhai East

The purpose of the plan change, as summarised on KDC's relevant webpage, is to:

a. Rezone approximately 94 hectares of rural zoned land within the Mangawhai Harbour overlay to a mix of residential and commercial zoned land as follows:

- Large Lot Residential 6.3 ha
- Low Density Residential 45.5 ha
- Medium Density Residential 12.5 ha
- Neighbourhood Centre 2.7 ha
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- Rural Lifestyle 24.7 ha

Total Area = 94 ha

b. Create a Development Area containing a suite of planning provisions to control and manage subdivision, use and development within the Plan change area.

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. Include Ecological features maps to convey areas of ecological sensitivity for future protection.

e. Incorporate a Structure Plan into the Development Area to visually depict key features and outcomes required.

f. Make any necessary consequential amendments to the Kaipara District Plan Maps.

I/Peter Nicholas could not gain an advantage in trade competition through this submission.

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

If others make a similar submission, I will consider presenting a joint case with them at the hearing.



This map is copied from Kaipara District Council's webpage relating to Plan Change 85. The blue line shows the land area encompassed by Plan Change 85. Of particular note is the edge of the proposed development area that is shared with Mangawhai Estuary.

Introduction to this Submission

I am opposed to the whole of PPC85. My opposition, which supports the submission by Mr Joel Cayford, made on behalf of local ratepayer group, Mangawhai Matters Society Inc, which has more than 300 paid up members, relates to the following areas of concern:

- PPC85 is inconsistent with the Mangawhai Spatial Plan for Growth (MSP)
- PPC85 is inconsistent with the recently notified KDC Proposed District Plan (PDP)
- PPC85 will enable development activities that threaten the amenity and ecology of the Mangawhai Estuary
- PPC85 will enable development activities close to the boundary with Mangawhai Estuary that will affect its ability to absorb present and future inundation naturally along that edge and/or require the construction of flood defence infrastructure along or near that boundary
- PPC85 will require the development of unplanned infrastructure

I also submit on my own behalf that:

- PC85 will have a dramatic impact on the amenities currently available to residents and visitors, notably the boat ramp, the heads carpark and access to most of Mangawhai via Molesworth Drive.

The following sections of this submission, which supports Mr Cayford's submission, address these concerns in more detail.

Consistency with the Mangawhai Spatial Plan (MSP)

The MSP has been fundamental in KDC's approval of PPC83 (The Rise) and PPC84 (Mangawhai Hills).

The MSP provisionally identified seven areas in and around Mangawhai as potential residential growth areas, including "G" (east side of the estuary including the subject land), based initially on available and developable land areas and practical suitability factors. However, in a detailed analysis, areas "A" (The Rise) and "D" (Freck Farm), were preferred and recommended - the latter also subsequently including area "C" (Mangawhai Hills). We note that those areas do not have boundaries to, or raise issues regarding, the estuary, apart from risking sedimentation runoff into the estuary, should development not be subject to best practice sediment retention and detention controls.

The MSP identified a number of issues relating to "G" which differentiated it and undermined its suitability for development:

- (a) regarding the land "o" and "p" (part of PPC85), that ***"it is recommended an intensified development pattern is not to be sought. Land is close to the beach, estuary and sand dunes and could play a role in reinforcing connection to protection for flora and fauna, especially at risk birds which nest in the dune systems. Given the modest size lots, there is potential for coordinated development. The area is also directly on the road to Auckland and the gate to Mangawhai Village so development***

should acknowledge this role as the key entry point and be respectful of the public experience of this area"

(b) the land "q" (which is part of PPC85 land), that *"this area is highly constrained due to risk of sea level rise, coastal hazards and ecological protection. The area is relatively flat and is particularly suitable for hobby farms, horticultural, and commercial/industrial type uses. **We recommend not seeking an intensified development pattern.** It is preferred to have a gradual change from ecological coastline to horticultural/agricultural land use close to the sand dunes. Given the modest size lots, there is potential for coordinated development. This area has the best connection to the coast and the only southern accessible beach to Mangawhai."*

As a result of which none of the options ultimately proposed in the Mangawhai Spatial Plan supported intensified development of this land. It is my, supporting MMI's submission, that nothing has changed in the meantime that would change this position – despite local land owners deciding to apply for this PPC85.

Actions recommended in the Mangawhai Spatial Plan (MSP) include protecting the natural environment, while in respect of the living environment to "make more efficient use of the existing, and slightly expand, the residential zone", and "more strongly protect the rural zone for rural production activities".

The Spatial Plan recommended that urban expansion be "within wastewater network limits"; noted various constraints affecting PPC85 land (such as LUC-3 high class soils), which *"were identified as high importance for protection...should be taken into account in planning considerations and...in some cases may direct the avoidance of development in specific locations."* It identified this land as being at the less suitable end of the range for development, and significant parts as being of "coastal and riparian value".

In summary, the MSP did not identify expansion of the residential zone to east of the estuary; instead recommending more efficient development of other existing residential land and stronger protection of rural production activities, with a preferred growth option of preserving the land as rural residential zone 3, which in summary would *"accommodate the projected permanent population growth, while protecting the rural landscape and production areas and the lifestyle that the Mangawhai community values"*.

Consistency with the KDC Proposed District Plan (PDP)

The Kaipara District Plan is the 'rule book', which is applied to manage development, activities and the environment within the district. Its purpose is to protect our environment, historical heritage and cultural tāonga for future generations, through sustainable resource management, while supporting our communities to live and grow.

The District Plan influences the future shape and feel of our District, which is why it's important for Kaipara communities to be informed and get involved. Every Council is required to have a District Plan and update it every ten years. The current district plan

review has been underway for several years and following the release of a 'Draft' District Plan in 2022, Council established (in 2023) a District Plan Working Party, chaired by Deputy Mayor Jonathan Larsen to prepare the Proposed District Plan. A direction was set for a "simple and enabling" new District Plan that aims to remove red tape, provide opportunities for growth and balance the need to protect our special places whilst allowing appropriate development.

This current review is long past its due date and is welcomed by myself and MMI. The new District Plan is likely to stay in place until the Government has replaced the Resource Management Act – though we are uncertain what its role is now, given recent Government statements. Nevertheless, we consider that the work done by KDC staff and consultants, and evidence prepared in support of the new plan, must continue to stand and be latest data and basis upon which to assess PPC85.

The Proposed District Plan does not identify the land in PPC85 for urban development nor recommend re-zoning that land. Instead, it tightens relevant current zoning rules and no circumstances have arisen by virtue of arguments on behalf of a developer for PPC85 which justify now retreating from that considered position advanced by council in the Proposed Plan.

A primary justification advanced for PPC85 by the applicant is that as a Tier 3 council, Kaipara District Council "needs to provide sufficient development capacity for housing and business land to meet expected demand in the short, medium and long term, ie the present to at least 30 years out".

However, evidence prepared in support of the PDP by KDC, shows that National Policy Statement on Urban Development 2020 (NPS-UD) has been accommodated by KDC to a sufficient extent already, with developments approved within residential areas re-zoned under the operative Plan, and there is more than sufficient capacity to meet projected growth over the long term, and it has been taken into account in any case by KDC in its Proposed Plan.

Secondly, in opposition to development of another commercial hub in the PPC85 land area, I, supporting Mr Cayford's submission, contend it is wasteful and wrong to allow for the development of more commercial hub/mixed use zones when there are already three in Mangawhai. We support the objective set out in the PDP to facilitate their consolidation, not to undermine critical mass by adding another.

PPC85 effects will threaten the amenity and ecology of the Mangawhai Estuary

Mangawhai Matters Society Inc has some experience of the delicate ecology of that part of the Mangawhai Estuary that is adjacent to the proposed development boundary between PPC85 land the Mangawhai Estuary. In particular MM is aware of the feeding areas and patterns of the endangered Fairy Tern, through member involvement with the proposed rebuild of the Mangawhai Wharf extending from land in the vicinity of the Mangawhai

Tavern. That application was declined primarily because of the potential effects of increased recreational use of adjacent waters.

The PPC85 application includes residential development of undeveloped land along the Southern boundary of Mangawhai Estuary. This includes housing and roading which will inevitably lead to more access to and use of land that is effectively the beach and dunes along the edge of Mangawhai Estuary. That access will enable the use of kayaks and paddle boards – which are non-powered – but there has been discussion of the likelihood of launching ramps and suchlike which will enable powered boats, jet skis and the like to be put into the estuary at this point, leading to an intensification of use of this sensitive part of the Estuary, which includes a number of known Fairy Tern feeding areas, putting that endangered bird at risk.

PPC85 Estuary edge development will require construction of sea defences

Mangawhai Matters Society Inc (MM) has recently completed a series of studies in its Sustainable Mangawhai project which include investigations and modelling of inundation risks within Mangawhai and adjacent to the Estuary posed by stormwater flooding, unusual weather patterns, and climate change. These are recent and myself and MM are not ready to provide this evidence at this stage of the PPC85 decision process, but part of this work considers options for dealing with future changes to the water levels in Mangawhai Estuary, and planning for them.

One of those options is the construction of seawalls or bunds or other methods of raising natural ground levels, in order to direct potential flood events from damaging development. Other options include recognising those risks, ensuring adequate natural land or dune areas are available adjacent to the Estuary to absorb those floods, and requiring development to be protected that way, rather than building structures like seawalls and groins and suchlike which alter the natural character of the Estuary's edge.

Modelling at this stage suggests coastal areas of PPC85, Tern Point, and the Camp Ground by Insley are at risk of flooding in the medium term, as is the possibility that Black Swamp Road will flood near the intersection with Insley in the future.

MMI provided notice that further evidence is in preparation in regard to inundation and related development planning.

PPC85 requires the development of unplanned infrastructure

The residential and commercial development that would be enabled by PPC85, as applied for, will require the construction and extension of infrastructure including: wastewater, roading, stormwater, and sea defences.

Mangawhai Matters, and others raised similar concerns with the Mangawhai Central Private Plan Change – in particular the ability of small lots to provide for freshwater, as well as the

availability of wastewater treatment capacity to service the needs of the new housing enabled. The Environment Court required changes relating to the need for the PPC and subsequent subdivision applications to only be permitted if a KDC Long Term Plan included KDC's financial commitment to fund any needed infrastructure.

There has been some discussion of the need to increase the capacity of the sewer main that runs across the Causeway bridge. But nothing further. No related KDC decisions have been taken as far as we are aware. In his submission of this Plan Change, MM's Joel Cayford says The Northern Transport Alliance is on record as saying that the roading that presently services the Black Swamp area does not have the capacity to service anticipated traffic movements when development enabled and proposed by PPC85 is built, and no related KDC decisions have been taken despite roading being one of the biggest public expenses for new development of this kind (note that Mangawhai Central developers paid for, built, and transferred to KDC ownership double-laning of a section of Molesworth). Funding for the stormwater drainage infrastructure needed to prevent flooding of flat areas of PPC85 lands is not clear to MM.

MMI and myself opposes the whole of PPC85 because the application is incomplete in setting out in detail all public/shared infrastructure needed, and the funding streams and related KDC decisions needed, to service the infrastructure needs of subsequent subdivisions and development applications.

No added required infrastructure additions are planned to mitigate the impact on amenities in Mangawhai from PC 85

Further overloading of the current single boat-ramp servicing Mangawhai and surrounds will be the result of the approval of PC85. Limited access to the Heads surf beach will worsen if PC85 is implemented.

The current Resource Management Act says this infrastructure issues must be taken into account when development is planned.

Ends - 11th August 2025

Peter Nicholas