

## 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

<b>Your first and last names</b>	Arthur and Jocelyn Rutherford
<b>Street number and name</b>	4 Black Swamp Road
<b>Town</b>	Mangawhai
<b>Contact phone</b>	021749649
<b>Email address for correspondence (one email address only)</b>	rutherfordz1@xtra.co.nz

- 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 would like a copy of your submission sent to your agent, enter their email address below.

1D Otherwise leave blank.

Natasha@civilplan.co.nz

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

- [20250818\\_2648\\_v02\\_SUB PC58\\_nar.pdf](#)

- 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.

- 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)

Provisions

- 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

As per attached,

**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](mailto:planchanges@kaipara.govt.nz) or phone 0800 727 059

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[PublicVoice](#)

## Form 5

### Submission on the Kaipara District Plan Private Plan Change 85: Mangawhai East

To: Kaipara District Council

Name of Submitter: Arthur and Jocelyn Rutherford

**Address for Service:** C/- CivilPlan Consultants Limited  
PO Box 97796  
Manukau City  
Auckland 2241  
Attn: Natasha Rivai

Telephone: (09) 222 2445

Email: [Natasha@civilplan.co.nz](mailto:Natasha@civilplan.co.nz)

1. Arthur and Jocelyn Rutherford ("the Submitters"), c/- CivilPlan Consultants at the address for service above, makes this submission on Private Plan Change 85: Mangawhai East ("PPC85") to the Kaipara District Council's ("the Council").
2. The Submitters own the property at 4 and 4A Black Swamp Road, Mangawhai (Lots 1 and 2 DP 392239). The Submitters have also submitted on the Kaipara District Council Proposed District Plan ("PDP").

### Specific provisions of the proposal that this submission relates to

3. Prior to the notification of PPC85, the Submitters have been engaged with by the Applicant and provided feedback to their proposal. The following submission points are generally consistent with the feedback that has been provided through the pre-notification engagement.

### Zoning and Subdivision

#### Residential zones

4. The Submitters are generally supportive of the proposed 'Low Density Residential' zone over parts of 4 and 4A Black Swamp Road and the minimum net site area of 750m<sup>2</sup>. This zoning is over an area located close to the main road for access and located on the lower, buildable areas and considered to be appropriate land area for residential development where sites can be serviced by public reticulation.
5. The Submitters are opposed to the minimum 1,000m<sup>2</sup> site size in the 'Large Lot Residential' zone. The 1,000m<sup>2</sup> land area is not considered appropriate site size for the large lot zoning, and instead the zoning should be associated with 2,000m<sup>2</sup> (unserviced) sites size, that provides a clear

differentiation between the urban (750m<sup>2</sup>) and more rural-coastal context and on sloping topography.

6. The proposed 'Medium Density Residential' zone that anticipates minimum net sites areas of 600m<sup>2</sup>, where these sites are publicly serviced, is supported. However, the integrated residential developments (on parent sites over 2,000m<sup>2</sup>) to create 350m<sup>2</sup> sites will result in an inappropriate significant intensification of this Development Area. The site size proposed is not present in the operative or proposed District Plans or close to the Mangawhai town centre. Accordingly, this level of intensification is not appropriate and is not supported.
7. The Submitters consider that there are an unnecessary number of residential zones/site sizes within the Development Area i.e. there are four residential zones, where the PDP has one General Residential zone and Precincts to address site/area specific requirements. This is at odds with the PDP. Instead, a simpler residential zoning configuration of medium density (600m<sup>2</sup>), low density (750m<sup>2</sup>) and large lot (2,000m<sup>2</sup>) would be sufficient and are appropriate typologies for this rural-urban transition anticipated by the Development Area, will be simpler to administer and achieve more alignment with the current PDP.

#### Business zones

8. The proposed Neighbour Centre and Mixed Use zones are located adjacent and enroute to Turn Point and Tara Iti which are premium residential areas and the level of investment/quality of development will be reduced by the introduction of ad hoc commercial activities. There needs to be a limit or restriction on the commercial development along Black Swamp Road as it does not meet the quality and enhancement that has occurred.
9. The Mangawhai township is 1km from the Development Area – an appropriate distance to walk or cycle to access commercial services that it would not warrant provision of further business zoned land. Additionally, given the available business zoned land that is currently undeveloped in Mangawhai, it is considered unnecessary for additional business land to be zoned in this area.

#### Design review

10. The PPC85 provision have not included specific Design Guidelines for development in this rural-urban transition Development Area. As this has previously been discussed with the Applicant to ensure quality outcome of the development, the Design Guidelines needs to be included in the provisions. These include design and amenity elements such as building materiality, landscaping and retaining wall finishes.

### **Infrastructure and Transportation**

11. The intensity of development and soil conditions requires detailed stormwater management from the significant increase of impervious surfaces anticipated. Specifically, the Applicants have requested a bund to be constructed within the agreed 8m setback in DEVX-LU-S4(2)(b) to deflect or channel stormwater runoff to the road and not across their property.
12. To accommodate this scale of development, the Submitters consider that local improvements to the safety and function of the roading network is required, particularly at the Insley Street and Tomarata Road / Black Swamp Road intersection. Infrastructure and transportation provisions need to be adequately provided / constructed prior to enabling any further subdivision within the Development Area.

13. The Submitters consider that a roundabout intersection would better accommodate traffic volumes and safety for traffic flowing into and out of Black Swamp Road. The Applicant has forecasted traffic volume increasing from 500 movements per day to 5000 movements per day along Black Swamp Road. Without a roundabout controlling traffic movements at this intersection, there will be significant congestion and safety concerns along Black Swamp Road as well as on Tomarata Road (turning into Black Swamp Road).
14. Specifically, the Submitters will not be able to access their driveway at 4 and 4A Black Swamp Road. Hazards of stopped traffic waiting to turn on both Black Swamp Road (blind corner just after 4 Black Swamp Road) and Tomarata Road / Insley Street, waiting to turn in coming from Auckland, held up by traffic leaving Mangawhai.
15. In relation to the provision of a connection between the Development Area and Mangawhai township, a grade separate pedestrian and cycle connection should be provided on the estuary edge of Black Swamp Road where there are clearer sightlines, less road crossings and suitable topography to accommodate this shared path.

### Submission and Relief Sought

16. The Submitters have identified a number of notified PPC85 provisions which are included in this submission, with associated reasons and requested amendments (refer to **Attachment 1**). For those provisions which it opposes, the Submitter considers that the requested amendments will better promote the purpose and principles of the Resource Management Act 1991 ("RMA").

### Summary

17. The relief sought has been detailed in the above submission.
18. The Submitter reserves the right to revise their position in response to other submissions or changes to the notified provisions.
19. The Submitters confirm:
- a. They could not gain an advantage in trade competition through this submission.
  - b. They wish to be heard in support of their submission.
  - c. If others make a similar submission, the Submitter will consider presenting a joint case with them at a hearing.
20. The Submitter agrees to participate in mediation or other alternative dispute resolution and would be pleased to discuss the content of this submission with Council staff, as required.



**Signature:** .....  
**Natasha Rivai – Director, CivilPlan Consultants Ltd**  
**on behalf of Arthur and Jocely Rutherford**

**Date:** 18 August 2025

Document1

Attachment 1: Submission Points

#	Plan Change	Support / Oppose	Reasons	Relief Sought
<b>Map</b>				
1	Zoning Map	Support	Supports the rezoning of the site at 4 and 4A Black Swamp Road to Large Lot Residential	
2	Zoning Map	Support	Supports the rezoning of the site at 4 and 4A Black Swamp Road to Low Density Residential	
3	Zoning Map	Oppose	Oppose the business zoning along Black Swamp Road as this is unnecessary and an oversupply of commercially zoned land available in Mangawhai.	Remove Business zoning.
<b>Provisions</b>				
4	DEVX-LU-R3 Minor residential unit	Oppose 1(c)	A GFA of 90m <sup>2</sup> is effectively a small dwelling with multiple bedrooms. Minor dwellings are intended to be ancillary to the main dwelling, and it would be more appropriate for the minor dwelling GFA to adopt the more widely accepted 65m <sup>2</sup> GFA.	Reduce the maximum GFA of the minor residential unit to <u>65m<sup>2</sup></u> .
5	DEVX-LU-S4 Setback from internal boundaries  2(b) Where a building or structure adjoins Lot 2 DP 392239, or subsequent legal description, then the setback shall be 8m minimum and the exceptions below do not apply.	Support with changes	The Submitter has sought that this applies to building or structure that are directly adjacent to Lot 2 DP 392239, as opposed to 'adjoining'. This landscaped setback must not contain any services so as to not require disturbance in the future.	2(b) Where a building or structure <u>is located directly adjacent to</u> Lot 2 DP 392239, or subsequent legal description, then <u>a no build landscaped setback shall be 8m minimum and the exceptions below do not apply. This area shall include a bund to redirect stormwater runoff from development to the road.</u>



#	Plan Change	Support / Oppose	Reasons	Relief Sought
6	DEVX-LU-S1 Site coverage	Oppose	<p>The site coverage between the different residential zones needs to be clearly outlined. As drafted, any residential zone (being the large lot, low density and medium density) can have a building coverage of 45% net site area. There are no other GFA limitations which would mean that a nearly half the large lot and low density site areas (established in accordance with the subdivision minimum site area requirements) could be built or over half impervious – this would detract from the intent of the zone.</p> <p>Site coverage for Large Lot and Low Density zones should be reflective of the purpose of the zone which is effectively a rural-urban transition.</p>	<p>If the Low Density Residential zone is kept, then as follows:</p> <p><u>Low Density Residential</u>  <u>Building coverage – 25%</u>  <u>Impervious surface – 40%</u></p> <p><u>Large Lot Residential</u>  <u>Building coverage – 25%</u>  <u>Impervious surface – 35%</u></p>
7	DEVX-LU-S13 Transport Upgrades		Include the requirement for the intersection of Insley Street and Black Swamp Road to be a roundabout intersection.	<p>Include provision <u>S14 Transport Upgrades – Residential zones – Restricted Discretionary Activity</u></p> <ol style="list-style-type: none"> <li><u>1. The intersection at Insley Street and Black Swamp Road shall be a roundabout intersection prior to s.224c approval for any development within the Development Area.</u></li> <li><u>2. The roundabout intersection shall be designed to Austroad standards.</u></li> <li><u>3. The intersection shall include landscaping and design features to achieve a quality entrance to the Development Area.</u></li> </ol>

#	Plan Change	Support / Oppose	Reasons	Relief Sought
				4. <u>A pedestrian footpath and cycleway, connecting the Development Area with Mangawhai township, along the estuary edge of Black Swamp Road shall be constructed to the engineering standards in conjunction with the any development in the Development Area.</u>
8	DEVX-G-S4 Traffic Intensity 1. The total traffic generated from each site in a Residential or the Rural Lifestyle zone shall not exceed 20 daily one-way movements, where the traffic generated by a single residential unit, and construction traffic are excluded.	Oppose	The standard traffic generated from a residential site is generally accepted as being 9 daily one-way movements. Acknowledging that minor dwellings are permitted in all residential zones, this could allow for an additional 6 daily one-way vehicle movements.	Accordingly, <u>up to 18 daily one-way vehicle movements per site, excluding construction traffic only</u> , should be permitted.
9	DEVX-SUB-S1 Density / Minimum Site Size Large Lot Residential zone a. 1,000m <sup>2</sup> when connected to a reticulated wastewater network.	Oppose	The density for the Large Lot Residential zone serviced and serviced sites is not supported. This zoning should only have a minimum 2,000m <sup>2</sup> net site area. The 1,000m <sup>2</sup> site size is not appropriate in a Large Lot Residential zone.	DEVX-SUB-S1 Density / Minimum Site Size <u>Large Lot Residential zone</u> a. <u>2,000m<sup>2</sup>.</u>

#	Plan Change	Support / Oppose	Reasons	Relief Sought
	b. 2,000m <sup>2</sup> where a connection to the reticulated wastewater network is not available.			
10	DEVX-SUB-S1 Density / Minimum Site Size Low Density Residential zone 750m <sup>2</sup>	Support	The density for the Low Density Residential zone is supported.	
11	DEVX-SUB-S1 Density / Minimum Site Size Medium Density Residential zone 350m <sup>2</sup>	Oppose	The density for the Medium Density Residential zone is not supported, specifically, the 350m <sup>2</sup> for comprehensive developments. This scale of development is not present in the current Mangawhai township and not appropriate for the area.	Remove reference to 350m <sup>2</sup> and comprehensive developments.
12	Information Requirements DEVX-REQ2 Subdivision or Development that will enable 50 or more residential units or residential unit equivalents in the Development Area	Oppose	<p>The intersection of Insley Street and Tomarata Road / Black Swamp Road is a significant intersection into Mangawhai and any increase in development within the Development Area should require the intersection to be upgraded to a roundabout intersection to ensure traffic and pedestrian safety, particularly with respect to the provision of increased pedestrian and cycle connections between the Development Area and Mangawhai.</p> <p>The ITA prepared by Commute suggests that the upgrade to a roundabout at this intersection is only required where development scale reaches 180% of the PPC. However, given the Submitters property access in close proximity to this intersection combined with the increase in traffic generation, it would be a necessary safety measure to provide a roundabout at this intersection.</p>	<p>The Development Area anticipates development / intensification and therefore the Developer should undertake an upgrade to the intersection of Insley Street and Tomarata Road and provide a roundabout intersection.</p> <p><u>Information Requirements</u> <u>DEVX-REQ2 Subdivision or</u> <u>Development in the</u> <u>Development Area</u></p>