



## Form 5

Submission on a notified proposal for Private Plan Change 85 – Mangawhai East

*Clause 6 of Schedule 1, Resource Management Act 1991*

### Submitter details

*(Please note that any fields with an asterisk (\*) are required fields and must be completed)*

First name\*

Surname\*

Agent (if applicable)

Postal address\*

Postcode

Contact phone

Daytime phone

Mobile phone

Email address for Submitter\*

Email address for Agent (if applicable)

Please select your preferred method of contact\*

By email

By post

Correspondence to\*

Submitter (you)

Agent

Both

## Submission on application

### This is a submission on a private plan change

Please complete this form if you wish to make a submission to a current plan change that is open for submissions.

Plan change number: **PPC85**

Plan change name: **Mangawhai East**

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.

Trade competition and adverse effects (select one of the following options) \*

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

If you ticked 'I could' above, please answer this question by selecting one option below:

I am                      I am not    directly affected by an effect of the subject matter of the submission

that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

#### Note:

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 adversely affects the environment; and does not relate to trade competition of the effect of trade completion: Clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Would you like to present your submission in person at a hearing?	Yes	No
If others make a similar submission, will you consider presenting a joint case with them in the hearing?	Yes	No

**Please complete a line for every submission point, adding as many additional lines as you need.**

**Note:** This form is intended for brief submission only, if you wish to provide us with more in-depth content, please do this on a separate page and attach it to this form when returning it to us.

The specific provisions of the proposal that my submission relates to (e.g. provision number, map)	Do you: • Support? • Oppose?	What decision are you seeking from Council? Select which action you would like: • Retain • Amend • Add • Delete	Reasons
<b>Example:</b> Zoning	<b>Example:</b> Support	<b>Example:</b> Retain zoning for proposal	<b>Example:</b> Supports the growth of Mangawhai

**Please complete a line for every submission point, adding as many additional lines as you need.**

**Note:** This form is intended for brief submission only, if you wish to provide us with more in-depth content, please do this on a separate page and attach it to this form when returning it to us.

The specific provisions of the proposal that my submission relates to (e.g. provision number, map)	Do you: <ul style="list-style-type: none"> <li>• Support?</li> <li>• Oppose?</li> </ul>	What decision are you seeking from Council? Select which action you would like: <ul style="list-style-type: none"> <li>• Retain</li> <li>• Amend</li> <li>• Add</li> <li>• Delete</li> </ul>	Reasons
<b>Example:</b> Zoning	<b>Example:</b> Support	<b>Example:</b> Retain zoning for proposal	<b>Example:</b> Supports the growth of Mangawhai

Your signature: ..... Date: .....

**(A signature is not required if you make your submission by electronic means)**

Please return this submission form and any attachments **no later than 5pm Monday 18 August 2025** to Kaipara District Council by:

**Posting to:** Kaipara District Council, Private Bag 1001, Dargaville 0340

**Email to:** [planchanges@kaipara.govt.nz](mailto:planchanges@kaipara.govt.nz) or

**Hand-deliver to:** Kaipara District Council, 32 Hokianga Road, Dargaville or 6 Molesworth Drive, Mangawhai

**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.

## SUBMISSION IN OPPOSITION TO PC85 (MANGAWHAI EAST)

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### INTRODUCTION

1. This submission is made by the Tern Point Recreation & Conservation Society Inc. ("**Conservation Society**"), which is responsible for the management of approximately 125 ha of land known as Tern Point adjoining the Department of Conservation estate and the southern side of the estuary. The Conservation Society opposes Plan Change 85 ("**PC85**").
2. As noted in the Introduction & Strategic Direction sections of KDC's Proposed District Plan ("**Proposed Plan**"):

*"Private plan changes must align with the Kaipara Spatial Plan – Ngā Wawata 2050... and must demonstrate consistency with strategic outcomes and infrastructure capacity."*

3. While PC85 is sought in respect of the current (but soon to be inoperative) district plan, the same principles should apply and the Conservation Society submits that PC85 should not be approved because:
  - (a) The primary justification advanced for PC85 is that as a Tier 3 council, Kaipara District Council ("**KDC**") "need 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".<sup>1</sup> However:
    - (i) That principle taken from the 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
      - taken into account by KDC in its Proposed Plan.

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<sup>1</sup> Letter from The Planning Collective on behalf of developer, dated 17 February 2025, as well as references in the application for PC85.

- (ii) It is inadvisable to allow for the development of more commercial hub/mixed use zones when there are already three: the objective should be to facilitate their consolidation, not to undermine critical mass by adding another, and
  - (iii) If projections change and further zoning adaptation is required beyond 30 years, there will be timely opportunity to do so given district plan reviews every 10 years (**Section 1 below**).
- (b) Approving PC85 would be inconsistent with the recommendations in the Spatial Plan and with the National Policy Statement for Highly Productive Land 2024 ("**NPS-HPL**"), in force 17 October 2022. It would also conflict with policies of the Northland Regional Policy Statement ("**NRPS**") and the New Zealand Coastal Policy Statement ("**NZCPS**") (**Section 2 below**).
- (c) KDC has recently notified its Proposed Plan. The Proposed Plan is consistent with the Spatial Plan, tightens relevant current rural zoning rules and does not suggest the land east of the estuary should be re-zoned. It would defy reason to allow a private plan change to the current plan which is inconsistent with and undermines the intent of the imminent Proposed Plan (**Section 3 below**).
- (d) In the absence of a very good reason to allow re-zoning (which, for the reasons above, there is not), it is in the interests of sustainability and good planning to protect and enhance the natural environment and to maintain the rural character of the south side of the estuary. There are environmental concerns arising from an intensive development bordering the estuary and within the defined Coastal Environment. To the extent any development occurs within that zone, it should at most be one consistent with the type of limited lot, rules-based coordinated "farm park" development exemplified by Tern Point, under Proposed Plan zoning (**Section 4 below**).
- (e) There are significant infrastructural issues such as the capacity of the Mangawhai Community Wastewater Scheme ("**MCWWS**"), the wisdom of extending the wastewater system and pumping effluent via pipes across the estuary (even if there was capacity for processing and distribution of by-product), who will pay for that, the effect on traffic at the intersection, across the bridge and into the Village, and the effect on Mangawhai School (**Section 5 below**).

## **SECTION 1: NPS-UD AND TIER 3 COUNCILS**

4. The NPS-UD does not explicitly oblige Tier 3 councils to implement Medium Density Residential Standards, albeit they are strongly encouraged. Tier 3 councils can choose to adopt and develop their own standards achieving similar outcomes (which KDC has, see further below), as long as they enable greater intensification than existing rules, based on council's assessment of its own housing needs and potential for intensification in its urban areas.
5. Provisioning for demand by residential zoning cannot be entirely open-ended and left to the market to decide. If it was, councils would over-provision residential zoning, regardless of impacts. Rather, provisioning is to provide what is **sufficient** based on projections over the short, medium and long term.

6. A detailed, factual and strong analysis was conducted by Formative for KDC in respect of the Proposed Plan (Attachment 1 to the Strategic Direction report prepared under s32 of the RMA). That analysis:

- (a) set out growth projections and development capacity already planned for, in section 4, and in [4.3.2] concluded:

*“[c]omparing the residential capacity estimates from Figure 4. and Figure 4. with projected residential demand to 2054 (Figure 4.4) shows that expected growth is projected to be much less than the capacity that is available in all parts of Kaipara District. The place where growth is likely to result in the greatest pressure on capacity is in Mangawhai...The development capacity enabled within Estuary Estates, and by PPCs 83 and 84 will be sufficient to meet the next 30 years of residential demand growth (including competitiveness margin), and almost all dwelling growth including for holiday...even before other vacant lots (such as the Metlifecare site and the large block next to the PPC83 area) are accounted for”, and*

- (b) concluded in section 7.2 that:

*“Kaipara District’s largest urban areas are Dargaville (2,140 households) and Mangawhai (1,980 households, with another 1,550 living in the Mangawhai rural hinterland).”*

*“Mangawhai and its hinterland is projected to be the fastest growing area out to 2054, with growth of 1,980 households (+56%), 72% of District growth.”*

*“Growth will place the greatest pressure on capacity in Mangawhai, although even there projected demand growth (2,550 dwellings by 2054) will be much less than plan-enabled capacity (3,670 plus 2,760 infill, a total of 6,440 dwellings).”*

*“Overall across the District, the PDP proposes to zone much more capacity than is required to accommodate residential growth, and there is a good variety of residential zone types and locations to provide for the needs of household growth.”*

7. In respect of any reference to “business land” as justification for PC85, action identified in KDC’s Economic Development Strategy 2024 included enabling businesses to thrive by understanding their needs and supporting them to build capability and grow.<sup>2</sup> There are already three commercial “hubs” in the Mangawhai conurbation: historically the “Village” and the “Heads”, with now also “Central” in the middle. It is preferable from a strategic and resource management perspective that KDC support the viability, vitality, and integration of the existing commercial centres in Mangawhai, rather than permitting additional, potentially fragmented commercial nodes, because:

- (a) The Proposed Plan and the Spatial Plan both promote a compact urban form and discourage dispersed commercial development that undermines integrated growth. The Formative analysis notes in section 7.3 that 7ha is already provisioned in the Proposed Plan for commercial zoning growth in Mangawhai Village to meet an estimated potential requirement of 8.2 ha by 2054.

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<sup>2</sup> At p 35

- (b) A new commercial area risks diluting the critical mass of activity in the existing centres, which should (instead) be given the chance to achieve that critical mass (which the Proposed Plan seeks to), as well as potential risks relating to infrastructure support (additional to that required for residential).

8. In summary:

- (a) By virtue of permitted residential developments under way, and the Proposed Plan, KDC has taken into account and developed its own standards which achieve similar outcomes to those exhorted by the NPS-UD and which do enable greater intensification than existing rules, based on council's assessment of its own housing needs and potential for intensification in its urban areas and in light of all other relevant policies and objectives.
- (b) There is no need for PC85 on the basis of NPS-UD. Much like Auckland Council's rejection of Arvida's proposed plan change at Warkworth, it is at best premature (but, as set out in the next section, would be inappropriate in any event).
- (c) There is more than sufficient provision for growth for the long term (30 years), but also ample opportunity to re-assess and provision beyond that, if it becomes necessary, by virtue of further district plan reviews every 10 years.

## SECTION 2: OTHER (COUNTERVAILING) POLICY DIRECTIVES

9. If and to the extent there may become a need in future for further residential zones, there are other, countervailing, considerations and policy objectives which outweigh re-zoning this land, including within the Spatial Plan, the NPS-HPL and the NZCPS.

### Spatial Plan

10. The actions recommended in the Spatial Plan included 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".<sup>3</sup>
11. The Spatial Plan further:
- (a) recommended that urban expansion be "within wastewater network limits"<sup>4</sup>;
  - (b) noted various constraints, including affecting this land (such as geohazards and LUC-3 high class soils, among others), many of 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.*"<sup>5</sup>
  - (c) as a result of which it marked up this land as being at the less suitable end of the range for development (even without considering landscape character "*which is an important consideration and potential constraint identified by the MCP and subsequent community consultation by KDC*")<sup>6</sup>,

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<sup>3</sup> Page 4.

<sup>4</sup> Ref Fig. 2-2, page 8.

<sup>5</sup> Fig. 2-3, page 9.

<sup>6</sup> Fig. 2-4, page 10.

- (d) also identified significant parts as being of “coastal and riparian value”<sup>7</sup>,
- (e) did not identify expansion of the residential zone to east of the estuary; to the contrary recommended more efficient development of 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*”<sup>8</sup>
- (f) set out strengthened considerations for the district plan regarding rural zones<sup>9</sup>;
- (g) recommended strengthening the existing commercial hubs (since when Mangawhai Central has added considerably more,<sup>10</sup> and an area tagged “south of the bridge” for investigating for new industrial zoning has since developed around Mangawhai Engineering Limited),
- (h) provisionally identified in Appendix C 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, areas “A” (The Rise) and “D” (Freck Farm), were preferred and recommended - the latter also subsequently including area “C” (Mangawhai Hills). Those areas do not have boundaries to, or raise issues regarding, the estuary, and
- (i) a number of characteristics were identified relating to “G” which differentiated it and undermined its suitability for development, such that in Appendix D (page A-9) it was stated in respect of the following sub-areas within “G”:
  - (i) the land “o” and “p”, 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***”
  - (ii) the land “q” (which part of PC85 land is), 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.*” (emphasis added), and

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<sup>7</sup> Fig. 3-1-1, page 13.

<sup>8</sup> Pages 26 - 30.

<sup>9</sup> Page 31.

<sup>10</sup> Page 41.

- (j) as a result of which none of the options ultimately proposed in the Spatial Plan involved intensified development of this land.

## NPS-HPL

- 12. The recommendations of the Spatial Plan as to protection of the rural zone is also reflected in the objective and policies of the NPS-HPL, insofar as highly productive land (defined as land that is predominantly LUC 1, 2 or 3) should be “*protected for use in land-based primary production, both now and for future generations*” (cl 2.1). “*Land-based primary production*” is defined in the NPS-HPL as being “*production, from agricultural, pastoral, horticultural, or forestry activities, that is reliant on the soil resource of the land.*” The Ministry for the Environment states:

- (a) “*The influence of the NPS-HPL on rezoning plan changes will depend on whether that area has been identified for future urban development, and whether the plan change is needed to provide sufficient development capacity under the National Policy Statement on Urban Development 2020 (NPS-UD)*”.<sup>11</sup>
- (b) “*The NPS-HPL will begin to influence the preparation and processing of plan changes to rezone HPL and resource consents (for both land use and subdivision on HPL) from the day the NPS-HPL came into force (17 October 2022).*

*Before regionwide mapping of HPL is notified, the transitional definition of HPL (Clause 3.5(7)) will apply.*

*Provisions requiring territorial authorities to introduce new policy and rule frameworks that give effect to this NPS will not need to be implemented until two years after the mapping becomes operative in the relevant regional policy statement. However, these provisions may be relevant for local authorities currently undertaking full plan reviews or preparing plan changes.*<sup>12</sup>

- 13. “*The productive capacity of land does not depend on whether the current use is land-based primary production, or its past history of land uses. The key measure of productive capacity depends on the potential capacity of the land to support land-based primary production activities.*”<sup>13</sup> The land covered by this application has historically been used for dairy farming by two generations of the Bull family, and is still being used for agricultural and pastoral purposes, namely, the raising of maize for a number of years now (see aerial photos attached, post-harvest of the 2025 maize crop). Its potential capacity is evidenced by that activity (and “*economic viability is not a consideration in an assessment of productive capacity under clause 3.8*”. Any constraints are assessed under clause 3.10<sup>14</sup>).
- 14. The subject land is identified as LUC-3 in the Spatial Plan and in Manaaki Whenua Land Use Capability maps. Allowing re-zoning of this land for residential development is not only contrary to the limitations intended by those and other related documents, but would also be a damaging precedent for development of all the land along Black Swamp Road up to the boundary with Auckland City Council.

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<sup>11</sup> Ministry for the Environment, “National Policy Statement for Highly Productive Land: Guide to Implementation”, December 2022, p5.

<sup>12</sup> MOE, Guide to Implementation, p7, clause 1.3 NPS-HPL.

<sup>13</sup> MOE, Guide to Implementation, p21.

<sup>14</sup> MOE, Guide to Implementation, p23.

### SECTION 3: THE PROPOSED PLAN HAS TAKEN ALL THIS INTO ACCOUNT

15. KDC's Proposed Plan acknowledges these objectives and policies and the recommendations of the Spatial Plan, for instance in Strategic Direction Chapter – Natural Environment and Urban Development sections:

*“Subdivision and land use must avoid loss of highly productive land, unless the land is within identified growth areas or the benefits outweigh the loss.”*

16. The Mangawhai coastal environment is also identified in KDC plans as being of *“high natural character”*.
17. The Proposed Plan does not identify the land in PC85 for urban development nor recommend re-zoning that land. Rather, it tightens relevant current zoning rules and no circumstances have arisen by virtue of arguments on behalf of developers for PC85 which justify now retreating from that considered position advanced by council in the Proposed Plan.
18. In addition, Policy 7 of the NZCPS directs in respect of Strategic Planning that in preparing regional policy statements and plans, council should *“(1)(b) identify areas of the coastal environment where particular activities and forms of subdivision, use and development: (i) are inappropriate; and (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.”*
19. The Proposed Plan does this, and PC85 would be a reversal of KDC's approach. Policies and objectives within NZCPS also run counter to intensifying development of the subject land, which counsel for a *“precautionary approach”* (Policy 3) and against *“inappropriate subdivision, use, and development”*: eg, Policy 7, 13, 15 and 25.
20. It would, given that intent of the Proposed Plan, be anomalous to make an adjustment to the current plan when it will soon cease to be operative by virtue of the Proposed Plan. PC85 is in effect opposition to and an amendment of the Proposed Plan, and it should be considered in that context. The Proposed Plan has been notified and its provisions reflect a shift in policy direction consistent with the recommendations in the Spatial Plan and other operative documents referred to above. The Proposed Plan is a relevant and important consideration in this application for a private plan change.

### SECTION 4: ENVIRONMENTAL AND GUARDIANSHIP FACTORS

21. A significant aspect of the special nature of the east side of the estuary is its rural character adjacent to the Outstanding Natural Landscape of the Mangawhai Barrier Spit with its big dunes, and the coastal strip with beach accesses through residual pine forest. It is the rural counterpoint to urban Mangawhai and recognised in the Spatial Plan as a natural and desirable buffer and corridor to that unique coastline. That would be ruined by creeping intensive urbanisation (PC85 of itself, but also by way of precedent for similarly intensive development throughout that corridor all along Black Swamp Road).

22. While the current zoning of the land, and under the Proposed Plan, potentially permits some development:
- (a) the baseline is significantly limited compared to what is sought under PC85,
  - (b) the discretionary aspects of current and proposed rules enable sufficient control by council to limit development or to permit only a rules-based, clustered housing, “farm park” type of development (such as Tern Point, for instance) which preserves the bulk of the highly productive land and
  - (c) in any event does not of itself provide justification for intensive residential development and the complete abandonment of opportunity for the use of the land in a productive or associated rural capacity as a result.
23. In addition, the current and proposed rules limiting rural development in this area provide greater protection for the movement and habitats of local fauna, such as bittern (observed and signposted in the area), as well limiting introduction of predators generally. Only a short distance from the plan change area, is the nesting, fledging and feeding grounds of one of the country’s most precious and critically endangered iconic bird species, the fairy tern. Decades of careful work by a number of agencies has been dedicated to protecting and sustaining the continuation of this species, and it is quite clear from this intensive conservation focus that cats are an apex predator of the fairy tern, with the capacity to inflict catastrophic mortality impacts in a single predation episode.
24. No cats have been allowed in Tern Point since its inception in 2000, enforced by the Conservation Society, and no households have them. And yet over that time sightings have been and continue to be made within Tern Point and on the Barrier Spit. A consistent trapping programme within Tern Point undertaken by the Conservation Society, and in collaboration with DOC and the Fairy Tern Trust on its boundary with the DOC estate, has managed down the original feral population but it continues to replenish even now. The experience has been that they are very elusive and even one cat can take many, many months to trap.
25. Since domestic cats are known to wander many kilometres at night, locating 600 or more residences nearby to the conservation estate<sup>15</sup> will increase the risk of domestic cats themselves predating and also multiplying the feral population, significantly increasing the current existential risks already faced by the fairy tern in their sandspit location. While a ban on cats might be proposed, it is unclear how that could effectively be monitored and enforced over that number of residences once established (would council want to take on the cost and complexity of that role?).
26. Tern Point provides a protective buffer to the DOC Wildlife Refuge and Mangawhai Sandspit. The Conservation Society provides an important element of guardianship, by organising assistance with trapping all pests (possums, rats, mustelids, cats), monitoring and enforcing rules in the Refuge (such as no vehicles or horses) with signage and education, and supporting and enabling the work of organisations such as DOC, the Fairy Tern Trust and Birds NZ through facilitating access, while controlling human visitors more generally by means of a security gate.
27. Intensive urbanisation in close proximity on the eastern side of the estuary, as sought by PC85, would threaten that. Development (if any), should be confined to what will be

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<sup>15</sup> At a public presentation of PC85 it was said there could be approximately 900.

permitted under the proposed district plan in maintenance of the zone's rural character.<sup>16</sup>

## SECTION 5: INFRASTRUCTURE ISSUES

28. The subject land borders the Mangawhai Estuary and the defined Coastal Environment. Policy 23 of the NZCPS mandates that particular regard be had to the discharge of contaminants. An intensive residential subdivision of the kind that would be allowed under PC85 (currently said to be 600, but stated at a public presentation that it could potentially be around 900) would necessarily need to be connected to a sewage system and prevent stormwater discharge into the estuary.
29. First, while anything may be possible in engineering terms, that does not make it desirable, either because of the risk associated with transport of effluent across the estuary, lack of capacity in the Mangawhai sewage system, or because of the cost.
30. "Effect" is defined under the RMA in terms of risk-based thinking as including "*any potential effect of low probability which has a high potential impact*". Where there is uncertainty and potential for serious or irreversible harm, a precautionary approach is the default. The engineering certainties of yesterday become the maintenance liabilities of the future (eg, former concrete sewage pipes across Orakei Basin in Auckland). The discharge of effluent into the estuary, through deterioration, damage or failure of any kind of the pipes carrying it, would be a very significant impact, even if the probability of that may be argued as low.
31. The fact that the campground has connected is not support for a residential development doing so as well:
  - (a) something which was mitigation of an existing situation (an improvement of the counterfactual - septic tanks) in respect of an existing inhabitation does not justify considerable new residential development, and
  - (b) the scale and potential impacts of a substantial residential development are considerably different, carrying far larger quantities of effluent from a large number of homes across (whether under or over) a taonga such as the Mangawhai Estuary.
32. Second, there is uncertainty as to capacity of the system even with current actions to increase that to meet further demand coming onstream. It is noted in this regard, also, that even if there is sewage treatment capacity, use of that for PC85 would have an opportunity cost insofar as it would prevent that capacity being used for another development in a preferred or less risky planning location.
33. Third, who would bear the cost, and when (recalling also the initial projected cost but the significant overruns related to the original development of the MWWS, and the consequences of that)? Wastewater is a contentious and sensitive issue for the whole Mangawhai community, given its history.
34. Finally, PC85 raises considerable issues and concerns regarding:

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<sup>16</sup> While a matter for any resource consent under the proposed district plan once operative, any application for the exercise of discretion under the Proposed Plan's zoning would be an opportunity to implement controls by way of a coordinated rules-based limited lot clustered residential "farm park" like Tern Point, founded on a Society with clear rules and providing an appropriate link in the conservation ecosystem.

- (a) traffic, out of Black Swamp Road, across the bridge and past the school. Currently Black Swamp Road is a low traffic area, with approximately 1,174 traffic movements a day according to the proposal. This could increase around 5x as 7,000-8,000 daily traffic movements have been predicted for the proposed plan change area. A significant intersection upgrade would certainly be required at the intersection of Black Swamp and Tomarata Roads, though none is currently planned nor in the pipeline. The majority of traffic will turn right to head towards Mangawhai Village and Mangawhai Heads which will take increased volumes of vehicles straight past the School.
- (b) Mangawhai Beach School. It is at capacity and although new classrooms are planned, there is a limit to how much it can expand, and no additional primary school is currently proposed for the area. Attracting more families with school age children to the proposal area with this development will result in increased pressure on the existing school and its resources, as well as increased traffic congestion in the immediate school area (Insley Road) and from those having to travel out of zone to other primary and secondary schools due to capacity restrictions in Mangawhai.



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Kirsti Burns  
Chair  
Tern Point Recreation & Conservation Society Incorporated

17 February 2025



Dear Interested Party

**RE: Open Day for Progress Update – Mangawhai East Private Plan Change Request (Plan Change 85)–  
Black Swamp and Raymond Bull Roads Mangawhai**

We are getting in touch as we previously reached out regarding a proposal by Cabra Mangawhai Limited and Pro Land Matters Company Limited to rezone land at Black Swamp and Raymond Bull Road.

A public open day was held on 15 June 2024 to provide an overview of the proposal and to seek feedback from the community. The feedback provided led to further refinements to the proposal. Following the Open Day all technical reporting was completed, and a standalone Development Area set of provisions was prepared. The plan change application was submitted to the Council on 12 December 2024.

The Plan Change Request is proposed plan change number 85 to the Kaipara District Plan. We are currently responding to the council's request for clarification and further information, and we would expect that the plan change would be notified for public submission sometime in the next few months. During the notification period, any member of the public will have the ability to make a submission on the plan change request and can ask to be heard at a future hearing.

**Purpose of the Plan Change Request**

Kaipara District Council has now been acknowledged as a Tier 3 council meaning that Kaipara Council has to achieve the outcomes directed by the National Policy Statement – Urban Development; namely they need to provide sufficient development capacity for housing and business land to meet expected demand in the short, medium and long term i.e. The present to at least 30 years out.

**Sausage Sizzle and Information Session**

The Applicants will be hosting a Sausage Sizzle at 18 Black Swamp Road on Saturday 15 March from midday to 2pm to provide a further opportunity for people to find out about the plan change proposal, ask questions and receive an update following the completion of the further information response to council.

If you would like to meet with the Applicants to discuss any aspect of the proposal prior to the information session, please let us know and we would be happy to arrange this. You can also call me at the number below to discuss.

Yours sincerely,

Burnette O'Connor  
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