

Form 5: Submission on notified proposal for policy statement or plan, change or variation

Pursuant to clause 6 of the First Schedule of the Resource Management Act 1991

To: Kaipara District Council

Name of submitter: Director-General of Conservation (the **Director-General**)

1. This is a submission on a change proposed to the following plan:

Operative Kaipara District Plan 2013 – Proposed Plan Change 85 Mangawhai East

2. I could not gain an advantage in trade competition through this submission.
3. The **Director-General** represents relevant aspects of public interest and has interest in the proposal that is greater than the interest the general public. The Director-General has all the powers reasonably necessary to enable the Department of Conservation to perform its functions¹. The Conservation Act 1987 (the CA) sets out the Department's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage². Section 2 of the CA defines 'conservation' to mean 'the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations'.
4. The specific provisions of the proposal that my submission relates, and the detailed decisions sought to are set out in **Attachment 1** to this submission.
5. The Department of Conservation previously provided high-level comments on the proposed plan change in November 2024, and I note that there have been some positive responses to

¹ Refer section 53 Conservation Act 1987.

² Conservation Act 1987, section 6.

the broad concerns raised in these comments. However, I do not agree with the AEE's position that, under the current proposal, "...the effects of development on ecological and coastal habitat are overall potentially positive and at worst of minimal impact".

6. I **seek** the following decision from the Council:

- a. That the particular provisions of Proposed Plan Change 85 that I support, as identified in Attachment 1, are retained;
- b. That the amendments, additions and deletions to Proposed Plan Change 85 sought in Attachments 1 are made; and
- c. Further or alternative relief to like effect to that sought in 4. a. and 4. b. above.

7. The decisions sought in this submission are required to ensure that the Operative Kaipara District Plan 2013:

- a. Gives effect to the New Zealand Coastal Policy Statement 2010, the National Policy Statement for Freshwater Management 2020, the National Policy Statement for Indigenous Biodiversity 2023, and the Northland Regional Policy Statement 2016;
- b. Recognises and provides for the matters of national importance listed in section 6 of the Act and has particular regard to the other matters in section 7 of the Act;
- c. Promotes the sustainable management of natural and physical resources; and
- d. The changes sought are necessary, appropriate and sound resource management practice.

8. I wish to be heard in support of my submission, and if others make a similar submission, I will consider presenting a joint case with them at the hearing.



Robert Akuhata
Operations Manager Whangarei

Department of Conservation

Acting pursuant to delegated authority on behalf of the Director-General of Conservation

Date: 18 August 2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

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ATTACHMENT 1:

Proposed Plan Change 85: Mangawhai East
SUBMISSION BY THE DIRECTOR-GENERAL OF CONSERVATION

The Chapters that my submission relates to are set out in the table below. My submissions are set out immediately following these headings, together with the reason and the decision I seek from the Council.

The decision that has been requested may suggest new or revised wording for identified sections of the proposed plan. This wording is intended to be helpful but alternative wording of like effect may be equally acceptable. Text quoted from the Proposed Plan Change is shown in *Italics*. The wording of relief sought shows new text as underlined and original text to be deleted as ~~striketrough~~.

Unless specified in each-submission point, my reasons for supporting are that the provisions are consistent with the purposes of the Act.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Mangawhai East Plan Change Planning Report: July 2025 (Planning report)			
Ecological impact assessments for the northern and southern areas	Oppose in part	<p>The Planning report is supported by two ecological impact assessments (EclAs):</p> <ul style="list-style-type: none">“Ecological Impact Assessment – Northern Area”, June 2025, prepared by Viridis Environmental Consultants, and“Ecological Impact Assessment – Southern Area”, November 2024, prepared by Rural Design. <p>Neither EclA adequately assesses the implications of the rezoning and associated development beyond the boundaries of the plan change area, including impacts on the fauna of Mangawhai Estuary and Harbour. This is of significant concern to DOC due to the ecological importance of the estuary and harbour, particularly for indigenous birdlife including threatened and at-risk species. It is noted that, as shown in the Proposed Regional Plan maps, Mangawhai Estuary is a Significant Bird Area and the area of the estuary/harbour adjacent to the proposed plan change area contains Critical Bird Habitat for both NZ fairy tern / tara iti and Australasian bittern / matuku-hūrepo. Both of these species are classified as “threatened – nationally critical” in the NZ Threat Classification System. Effects that could contribute to the risk to critically endangered species must be avoided.</p> <p>In addition, there has been insufficient field work to detect lizards or bats, and insufficient work to define the locations and use of threatened birds in both the northern and southern areas.</p> <p>Australasian bittern have been recorded only 200m away above the Insley Road Causeway, and it is therefore very likely that they use the proposed plan change site. Black shag (at-risk, relict) have nested beside the wetland and bridge on Black Swamp Road, and dead banded rails (at-risk, declining) have been discovered by DOC staff beside the bridge on Black Swamp Road. Spotless crane (at-risk, declining) may be present in the areas but there is no indication that this species has been surveyed.</p>	<ul style="list-style-type: none">Undertake additional ecological impact assessment to address the gaps identified in this submission point.Use this information to revise proposed provisions as necessary to give effect to the NZCPS, NPSIB and Northland RPS. This is likely to involve methods to avoid or minimise additional human (and pet) presence along the coast of Mangawhai Estuary and Harbour, in order to minimise disturbance of fauna, particularly birds. Methods of this kind are outlined in the submission points below, as follows:<ul style="list-style-type: none">Amending the zoning pattern shown in the proposed structure plan, so that land near the coast either remains rural-zoned or is rezoned to rural lifestyle rather than low density residentialProvision of public open space away from the coast, to give alternative options for recreationA ban on the keeping of dogs as pets within the plan change area, unless an alternative approach is put forward that can avoid adverse effects on threatened and at-risk wildlife in the Mangawhai Estuary and Harbour, and is supported by an ecological impact assessmentEstablishment of the walkway alongside the Insley Causeway prior to development of the plan change area, provided that appropriate measures are taken to manage additional access from MangawhaiRevision of proposals to create new/enhanced walking tracks through SNAs and along the coast and estuaryRemoval of proposals to create new boating access to the harbour and a new route across the harbourSetback of buildings, structures, earthworks and indigenous vegetation clearance from the coast.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Structure Plan			
Reference to ‘potential future harbour access’, and depiction of crossing route from this harbour access to Moir Street, Mangawhai	Oppose	<p>The structure plan marks a potential harbour access from the end of Raymond Bull Road, and also shows a crossing route between this crossing and Moir St, but there does not appear to be any mention of either the access or the crossing in the proposed Development Area Provisions, or the section 32 report or accompanying ecological assessments.</p> <p>Impacts on the harbour will generally be related to the amount and location of access. Any new access by boat will lead to disturbance of wildlife. Therefore, given the potential impacts on shorebirds and the harbour environment, both the access and the crossing are opposed.</p> <p>It is noted that resource consent would be required for any new wharf, boat ramp or similar structure, under both the operative Regional Coastal Plan and the proposed Regional Plan (which is now beyond appeal and will replace the RCP when it becomes fully operative). The activity status is non-complying under the operative plan and discretionary under the proposed plan. In 2020, an application for resource consent for a new wharf at Moir Street (APP.040213.01.01) was declined by Northland Regional Council. A key issue was the risk that the proposed wharf would increase human activity within an area of Mangawhai Harbour that is important for the foraging and reproductive success of the tara iti/ NZ fairy tern (threatened, nationally critical).</p>	<p>Amend the Structure Plan to remove:</p> <ul style="list-style-type: none"> the reference to and depiction of ‘potential future harbour access’, and the depiction of crossing route from this new access to Moir Street, Mangawhai.
Zoning of land adjacent to the coast	Oppose in part	<p>The structure plan shows a large area of land adjacent to the coast in the western and southwestern area of the site being rezoned from rural to low density residential. In the Development Area Provisions, low density residential zoning has a minimum site size/maximum residential density of one site/residential activity per 750m².</p> <p>Residential development at this density directly adjacent to the coast risks impacts on shorebirds and the harbour environment, via increased human activity. Therefore, it is requested that land adjacent to the coast either remains rural-zoned or is rezoned to rural lifestyle rather than low density residential. The zoning pattern should be informed by the additional ecological impact assessment requested in the submission point above.</p>	Amend the zoning pattern in the Structure Plan so that land adjacent to the coast either remains rural-zoned or is rezoned to rural lifestyle rather than low density residential. The zoning pattern should be informed by the additional ecological impact assessment requested in the submission point above.
Proposed location of public walkways along the coast and the banks of the estuary	Oppose in part	<p>It is currently unclear how the proposed walkways will interact with the proposed planted buffers around ecological features (saltmarsh, wetlands and water bodies). The proposal for planted buffers is supported, but the structure plan shows the walkway intersecting with the buffer areas. The planted buffer needs to be located between the walkways and the ecological features.</p> <p>In addition, the walkway appears to be proposed across the saltmarsh in the northwest of the site, which is referred to as “natural inland wetland D” in the Viridis report. A walkway in this area risks potential adverse effects on avifauna via human disturbance.</p> <p>In the Rural Design report (Figure 4, p14), there are suggested buffers around the mangroves and wetlands, but these areas are shown as walkways in the Structure Plan map. Greater clarity is requested as to what is being proposed and what levels of protection are being suggested.</p>	<p>Amend the Structure Plan as follows:</p> <ul style="list-style-type: none"> Clarify the relative location of the walkways and the planted buffers Remove proposed walkway traversing the saltmarsh, “natural inland wetland D” Any new walkways should be separated from ecological features by a planted buffer

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Absence of proposed reserves or public open space areas, except for the coastal and estuary reserves	Oppose	<p>Although the Planning report states (p81), in relation to community facilities and reserves, that “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”, adequate proposed public open space is not depicted on the structure plan map.</p> <p>It is vital that the proposal provides appropriate public open space for residents. Park facilities are poorly represented in Mangawhai, resulting in the esplanade reserves and beaches being substantially used as public space. That brings the public into closer contact with wildlife, including tara iti.</p>	<ul style="list-style-type: none"> Amend the Structure Plan to indicate the location of proposed reserves/public open space areas away from the coast.
Proposed walkway alongside the Insley Causeway	Support	<p>This walkway is outside the proposed plan change area, but is shown on the Structure Plan. In order to reduce disturbance of harbour wildlife, it is important that this walkway is established prior to development of the plan change area; without the walkway in place, it is likely that people will walk from the new development to the village across the sandflats. However, the creation of the walkway could encourage access from Mangawhai to the plan change area; therefore, appropriate measures to manage additional access from Mangawhai, including by dog walkers – such as signage indicating dogs should be kept on a leash – should be in place before the walkway is established.</p>	<ul style="list-style-type: none"> The proposed walkway alongside the Insley Causeway is established prior to subdivision and development of the plan change area, provided that appropriate measures are taken to manage additional access from Mangawhai.
Planning maps			
Proposed “Northern SNA area” and “Southern SNA area” shown on the final planning map in Appendix 2 to the Planning report	Support with amendments	The planning maps provided with the application show two SNA areas, in the northwestern area of the site, and in the centre of the site inland from the Black Swamp Road causeway. These proposed SNAs are supported by assessments in the Viridis and Rural Design EclA reports. However, the SNAs are not labelled in the Structure Plan and are not directly referred to in the Development Area Provisions.	<ul style="list-style-type: none"> Retain proposed Northern and Southern SNAs. Amend the Structure Plan to include the SNAs. Amend the Development Area Provisions to directly refer to SNAs.
DEV X Objectives			
DEV X-04 Indigenous Biodiversity and Ecological Values <i>Protect and enhance the ecological and habitat values of the Development Area including adjacent land estuarine environments the coastal marine area.</i>	Support in part	This objective is supported, with amendments for clarity and to better give effect to the NPSIB, NZCPS and the Northland RPS 2016.	<p>Amend as follows:</p> <p><i>Protect and enhance the ecological and habitat values of the Development Area including and of adjacent land and estuarine environments in the coastal marine area so that there is at least no net loss and preferably a net gain in indigenous biodiversity values.</i></p>
DEV X-05 Freshwater Management <i>Ensure freshwater resources in the Development Area are protected and enhanced.</i>	Support	This objective is supported, with amendments for clarity and to better give effect to NPSFW and RPS.	<p>Amend as follows:</p> <p>Ensure-Protect and enhance freshwater resources in the Development Area are protected and enhanced <u>so that there at least no net loss and preferably a net gain in freshwater values.</u></p>
DEV X-06 Coastal and Erosion Hazards Management <i>Ensure land is developed to avoid increased risk from coastal inundation hazards.</i>	Support	This objective is supported as it gives effect to the RMA and RPS.	Retain as notified.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
<p>DEV X-O7 Landscape Character and Amenity <i>Deliver urban development with necessary controls to ensure development appropriately responds to the urban / rural interface and the coastal environment.</i></p>	Support in part	<p>In the Northland RPS 2016 and the Proposed Kaipara District Plan 2025, all parts of the Mangawhai Estuary adjacent to the proposed plan change site, and the area of mangrove within the proposed plan change site upstream of the Black Swamp Road causeway, are identified High Natural Character Areas.</p> <p>The intent of this proposed objective, to ensure that development appropriately responds to the coastal environment, is supported, however changes are sought to give effect to NZCPS policy 13 and RPS Policy 4.6.1 in relation to preservation of natural character, and NZCPS policy 14 in relation to restoration of natural character.</p>	<p>Either amend this objective and associated Policy DEV X-P5, or add a new objective and policy, to give effect to NZCPS Policies 13 and 14 and RPS Policy 4.6.1, including by:</p> <ul style="list-style-type: none"> Requiring that significant adverse effects on the natural character values of the High Natural Character Areas adjacent to and within the site are avoided, and other adverse effects are avoided, remedied or mitigated. Providing for restoration or rehabilitation of natural character. <p>The policy should be designed for use when assessing applications for resource triggered by proposed rules applying in the plan change area, where there are potential effects on the natural character values of the High Natural Character Areas. This would include but not necessarily be limited to the following rules (as amended by submission points in this submission), where applications affect the HNC Areas:</p> <ul style="list-style-type: none"> DEV X-LU-S7 – Setback from natural features (including requested change at the submission point on this rule below, to add a setback from the coast) DEV X-G-R1 – Earthworks (including requested change at the submission point on this rule below, to add a setback of earthworks from the coast) DEV X-G-R2 – Indigenous vegetation clearance (including requested change at the submission point on this rule below, to add a setback of indigenous vegetation clearance from the coast). DEV X-R1 – Effects of subdivision on natural character values.
<p>DEV X-O10 Infrastructure servicing <i>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.</i></p>	Support in part	<p>Insufficient information has been provided on the route of wastewater piping and the impacts of its establishment and use.</p>	<p>That evidence is provided to demonstrate that the proposed housing can be serviced with wastewater infrastructure in a way that will not have adverse impacts on the harbour. This may impact on final expression of the plan provision.</p>

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
DEV X Policies			
<p>DEV X-P4 Biodiversity and Ecological Values</p> <p>1. Secure ecological and habitat protection and enhancement by:</p> <p>a. Requiring a minimum 10-metre depth native planting along the western coastal edge on the existing esplanade reserve in all locations to the extent practicable recognizing existing agreements for access to, and management of the coastal edge.</p> <p>b. Form a defined metaled walking / cycling track between the planted buffer and the landward boundary of the esplanade reserve.</p> <p>c. Provide council approved signage at either end of the existing western edge esplanade reserve and any other esplanade or riparian reserve land advising that dogs are on leash only.</p> <p>d. Provide a council approved sign at the northern end of the western esplanade reserve advising of the tidal limitations of access further around the coast to the Sandspit.</p> <p>e. Impose covenants and / or restrictive consent notices on all land within the Development Area banning the keeping of cats other than for existing landowners with existing cats.</p> <p>f. Require and deliver riparian planting around existing wetland and freshwater resources in conjunction with the delivery of any public access walking and cycle trail or path requirements.</p> <p>2. Ensure direct access to Mangawhai harbour is restricted to ensure adverse effects on avifauna are avoided to the greatest extent practicable.</p>	Support in part, oppose in part	<p>In order to implement proposed objective DEV X-O4 and relevant higher order provisions, it will be vital to manage potential impacts on harbour wildlife from disturbance caused by human activity, including from pets and dog walking.</p> <p>This proposed policy is supported to the extent that it includes reference to certain methods that will help to manage these impacts, i.e. at clause a in relation to a planting requirement with a depth of 10m along the western edge of the esplanade reserve, at clauses c and e in relation to methods to manage effects from dogs and cats on wildlife (i.e. signage re keeping dogs on the leash, and the banning of cats as pets within the plan change area), and at clause f in relation to planting requirements around wetlands and water bodies.</p> <p>However, changes are sought to better manage these impacts, including by adding references to the following additional methods:</p> <ul style="list-style-type: none"> provision of public open space away from the coast, to give alternative options for recreation setback of buildings, structures, earthworks and vegetation clearance from natural inland wetlands, water bodies and the coast. <p>In addition, the proposed policies in the plan change need to be amended (either via amendment to DEV X-P4 or addition of a new policy) to:</p> <ul style="list-style-type: none"> give effect to NZCPS Policy 11 and NPSIB policies 7 and 8, in relation to protecting indigenous biodiversity in the coastal environment and indigenous biodiversity within and outside SNAs, and link to proposed rules that manage the effects of activities on indigenous biodiversity, and provide direction for how activities that require consent under these rules should be assessed. <p>Clause e of the policy should also be amended to also refer to a ban on the keeping of mustelids, in line with clause i of Rule DEV X-R1 Subdivision. This clause should also be amended to include reference to a ban on dogs, unless an alternative approach is put forward that can avoid adverse effects on threatened and at-risk wildlife in the Mangawhai Estuary and Harbour, and is supported by an ecological impact assessment (see also submission point on related Rule DEV X-R1, below).</p> <p>Finally, clause b of the policy, in relation to formation of a walking/cycling track on the esplanade reserve, is opposed to the extent that it would involve creation of a new track across the saltmarsh in the northwest of the site (see related submission point on the structure plan, above).</p>	<p>Amend proposed Policy DEV X-P4:</p> <ul style="list-style-type: none"> Add references to bans on the keeping of mustelids and dogs as pets, at clause e Delete clause b Add references to additional methods to manage potential impacts on harbour wildlife from disturbance caused by human activity and pets, including: <ul style="list-style-type: none"> provision of public open space away from the coast, to give alternative options for recreation setback of buildings, structures, earthworks and vegetation clearance from natural inland wetlands, water bodies and the coast. <p>Either amend proposed Policy DEV X-P4 or add a new policy to:</p> <ul style="list-style-type: none"> give effect to NZCPS Policy 11 and NPSIB policies 7 and 8, in relation to protecting indigenous biodiversity in the coastal environment and indigenous biodiversity within and outside SNAs – with specific reference to the new SNAs proposed for the area, as shown in the planning maps. I note that giving effect to these higher order provisions will include making clear that adverse effects on taxa listed as threatened, and their habitats, are to be avoided. link to proposed rules that manage the effects of activities on indigenous biodiversity, and provide direction for how activities that require consent under these rules should be assessed. This would include but not necessarily be limited to the following rules (as amended by submission points in this submission): <ul style="list-style-type: none"> DEV X-LU-S7 – Setback from natural features DEV X-G-R1 – Earthworks (including requested change at the submission point on this rule below, to define “riparian yards”) DEV X-G-R2 – Indigenous vegetation clearance DEV X-R1 – Effects of subdivision on indigenous biodiversity values.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
DEV X-P5 Landscape Character and Amenity <i>1. Ensure appropriate yard setbacks to respond to the rural edge areas.</i> <i>2. Deliver edge planting to provide appropriate landscape responses to the rural / urban edges.</i> <i>3. Ensure an appropriate relationship to the coastal edge by creating esplanade reserve or riparian yard setbacks; retaining existing covenanted wetland areas and esplanade reserves.</i> <i>4. Implement appropriate Design Controls at the time of land development for land in the Rural Lifestyle, Residential - Large Lot, Low Density and Medium Density Residential zones to ensure development responds to the rural urban interface and coastal environment.</i>	Support in part	See submission point on DEV X-O7, above.	See submission point on DEV X-O7, above.
DEV X-P6 Infrastructure Servicing ... <i>2. Provide a reticulated wastewater network for all development, other than that in the Rural-Residential and Residential Large Lot zones.</i> ...	Support in part	See submission point on DEV X-O10, above.	See submission point on DEV X-O10, above.
DEV X-P7 Subdivision ... <i>4. Design and deliver subdivision within the Coastal Hazard overlay, to avoid increased risk from coastal hazards by ensuring sites of a size and shape to enable building platforms for vulnerable activities to be constructed to the required Finished Floor Level in a manner that does not adversely affect adjacent land.</i> <i>5. Secure the protection and enhancement of ecological areas as appropriate for the land being developed.</i> ...	Support	Clauses 4 and 5 of this policy are supported, as they help to give effect to higher order provisions in relation to management of risk from hazards and protection of indigenous biodiversity.	Retain as notified.
Mangawhai East Land Use Rules: R X01 – Residential Zones and Rural Lifestyle Zone			
<i>DEV X-LU-R7 – Buildings for vulnerable activities in the Coastal Hazard overlay</i> <i>1. Activity Status: Restricted Discretionary</i> <i>Where:</i> <i>a. It is demonstrated that the building can be designed and constructed to avoid coastal hazards in accordance with Coastal Hazards Standard DEV X-G-S2.</i> ...	Support with amendments	This rule is supported, as it helps to give effect to higher order provisions in relation to management of risk from hazards. However, an amendment is requested to use consistent terminology – the rule refers to the “Coastal Hazard Overlay”, whereas the Planning Map refers to the “Coastal Inundation Overlay”.	Amend provisions as necessary so that the overlay is referred to consistently as either the “Coastal Hazard overlay” or “Coastal inundation overlay”.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Land Use Standards (all zones)			
<p><i>DEV X-LU-S7 – Setbacks from natural features</i></p> <p><i>1. Buildings, accessory buildings and structures must be setback a minimum of:</i></p> <p><i>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 20m.</i></p> <p><i>b. 5m from the edge of riparian planting, wetland planting, and indigenous vegetation.</i></p> <p><i>2. The setbacks above do not apply to:</i></p> <p><i>a. Ephemeral streams.</i></p> <p><i>b. Where there is a legally formed and maintained road between the site boundary and the coastal water, wetland or river.</i></p> <p><i>c. Fences.</i></p> <p><i>d. Infrastructure provided by a network utility operator.</i></p> <p><i>e. Structures associated with vehicle, pedestrian or cycle network access.</i></p>	Support with amendments	<p>This rule is generally supported, as the required setbacks will help to give effect to higher order documents relating to protection of water bodies, wetlands and indigenous biodiversity.</p> <p>However, a setback of buildings and structures from the coast should be added, to help reduce disturbance to harbour wildlife. A suitable setback distance should be informed by the additional ecological impact assessment, requested in the submission point at the start of the submission.</p> <p>It is noted that Rule 12.10.4 of the operative District Plan requires a 30m setback of buildings from the coastal marine area, under the area’s existing rural zoning.</p>	<p>Amend Rule DEV X-LU-S7 (or add a new rule) to add a setback of buildings and structures from the coast. The length of this setback should be informed by the additional ecological impact assessment, requested in this submission.</p> <p>Amend Rule DEV X-LU-S7.2, with respect to the exemptions to setbacks from wetlands, streams, riparian planting, wetland planting and indigenous vegetation, as necessary to address points made elsewhere in this submission regarding the location of proposed walkways – i.e. that walkways should not traverse SNAs, and that any new walkways should be separated from ecological features by a planted buffer.</p>
R X03 – General rules (all zones)			
<p><i>DEV X-G-R1 – Earthworks – Excavation and Fill</i></p> <p><i>1. Activity Status: Permitted</i></p> <p><i>Where:</i></p> <p>...</p> <p>h. <i>There are no earthworks in the riparian yards.</i></p>	Support with amendments	<p>The intent of this rule is supported, but the term “riparian yards” is not defined either in the proposed plan change documents or in the operative District Plan. Therefore, it is requested that the rule is amended to specify the distance of these yards, in accordance with the setbacks included in Rule DEV X-LU-S7.</p> <p>In addition, a setback of earthworks from the coast is requested, in line with the amendment requested to Rule DEV X-LU-S7 in the submission point above.</p>	<p>Amend Rule DEV X-G-R1 to:</p> <ul style="list-style-type: none">clarify that “riparian yards” has the following meaning, in line with Rule DEV X-LU-S7:<ul style="list-style-type: none">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 20m.5m from the edge of riparian planting, wetland planting, and indigenous vegetation.add a setback of earthworks from the coast. The length of this setback should be informed by the additional ecological impact assessment, requested in this submission.

PLAN PROVISION	SUPPORT/OPOSE	REASON	RELIEF SOUGHT
<p><i>DEV X-G-R2 – Indigenous Vegetation Clearance</i></p> <p><i>1. Activity Status: Permitted</i></p> <p><i>Where:</i></p> <p><i>a. The indigenous vegetation is not located within an existing ecological feature identified on the Ecological Features map, Appendix 2; or</i></p> <p><i>b. The indigenous vegetation is not part of a continuous area of predominantly indigenous vegetation greater than 3m in height and greater than 50m2 in area; or</i></p> <p><i>c. Indigenous vegetation is cleared for the following purposes:</i></p> <p><i>i. The removal is of trees that are a danger to human life or existing structures (including network utilities).</i></p> <p><i>ii. The removal is for the formation and maintenance of walking tracks less than 2m wide</i></p> <p><i>iii. The clearance is for maintenance of existing fence lines or for a new fence where the purpose of the new fence is to exclude stock and/or pests from an area which is to be protected for ecological or soil conservation purposes, provided that the clearance does not exceed a width of 3.5m either side of the fence line; wide using manual methods that do not require the removal of any indigenous tree over 300mm girth.</i></p> <p><i>iv. It is part of the operation and maintenance of network utilities.</i></p> <p><i>v. It is in accordance with the terms of a Queen Elizabeth II National Trust or other covenant, or the removal is limited to naturally dead, or wind thrown trees.</i></p>	Support in part, oppose in part	<p>To protect the values of the SNAs and give effect to relevant higher order documents, this rule should be amended to specifically refer to the new Northern and Southern SNAs proposed in the planning maps, and to indicate that indigenous vegetation clearance is not permitted in the SNAs, even where clause b is met. The only exemptions to requirement for consent for indigenous vegetation clearance in SNAs should be the activities listed at clause c.</p> <p>In addition:</p> <ul style="list-style-type: none"> clause c.ii should be amended so that, in the case of the SNAs, the exemption for the formation of walking tracks less than 2m wide is removed. Any tracks should be formed around, rather than within, the SNAs. clause c.iii should be amended to reduce the width of permitted clearance associated with establishment of new fences; 3.5m on each side is unnecessarily wide. <p>Finally, the rule should be amended to include a required setback of indigenous vegetation clearance from the coast, in line with the amendment requested to Rule DEV X-LU-S7 in the submission point above.</p>	<p>Amend Rule DEV X-G-R2 as follows:</p> <ul style="list-style-type: none"> to refer to the new Northern and Southern SNAs proposed in the planning maps not to permit indigenous vegetation clearance in SNAs where clause b is met; the only exemptions to requirement for consent for indigenous vegetation clearance in SNAs should be the activities listed at clause c to remove the exemption for consent requirement for indigenous vegetation clearance for the purpose of formation of walking tracks in SNAs to reduce permitted width of clearance of indigenous vegetation on either side of an existing or new fence, and to add a required setback of indigenous vegetation clearance from the coast – the length of this setback should be informed by the additional ecological impact assessment, requested in this submission.
<p><i>DEV X-G-R6 – Radioactive material</i></p> <p><i>...</i></p> <p><i>2. Activity status when compliance not achieved: Discretionary</i></p>	Support with amendments	Non-complying activity status is more appropriate than discretionary in the case of breach of the permitted activity standard for radioactive material, to indicate that breaches of this kind are not anticipated or provided for.	<p>Amend clause 2 as follows:</p> <p><i>2. Activity status when compliance not achieved: Discretionary <u>Non-complying</u></i></p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
<i>DEV X-G-R7 – Lighting</i> ... <i>2. Activity status when compliance not achieved: Restricted Discretionary</i> <i>Matters over which discretion is restricted:</i> <i>a. operational or functional purpose of the artificial outdoor light;</i> <i>b. effect of light spill on the amenity and character values of the surrounding locality;</i> <i>c. adverse effects on the health, safety and wellbeing of people and communities;</i> <i>d. effects on the land transport network;</i> <i>e. cumulative effect of lighting and glare in the locality.</i>	Support with amendments	Lighting has the potential to cause adverse effects on indigenous biodiversity and natural character. Therefore, in order to give effect to relevant higher order documents and to the proposed objectives of the plan change, the matters of discretion for breach of the permitted lighting standard should include these effects.	Amend clause 2 to add the following matters of discretion: <ul style="list-style-type: none">• Effects on natural character values of the Mangawhai High Natural Character Areas• Effects on indigenous biodiversity values, including the values of the Northern and Southern Significant Natural Areas
General standards (all zones)			
<i>DEV X-G-S1 Earthworks</i> <i>1. The total volume of excavation or fill shall not exceed 500m3 within a site in any 12-month period; and</i> <i>2. The maximum height or depth of any cut or fill face shall not exceed 1.5m over a continuous distance of less than 50m within a site.</i>	Oppose in part	The wording of clause 2 of this standard is confusing and results in a meaning that appears unintended.	Amend clause 2 as follows: <i>2. The maximum height or depth of any cut or fill face shall not exceed 1.5m over a continuous distance of less than <u>more than</u> 50m within a site.</i>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
DEV1 – Subdivision Rules (all zones)			
<p>DEV X-R1 Subdivision</p> <p><i>1. Activity Status: Restricted Discretionary</i></p> <p><i>Where: ...</i></p> <p><i>c. Native revegetation planting to a minimum of 10m from the edge of natural wetlands, intermittent and permanent streams, and indigenous vegetation identified within the Mangawhai East Structure Plan is established and protected in perpetuity. Note: This rule shall not apply to road or track crossings over streams or wetlands.</i></p> <p><i>d. Any amenity landscape feature, bush or wetland area, indigenous vegetation planting is physically and legally protected in perpetuity.</i></p> <p><i>e. Any area of archaeological, cultural or spiritual significance is identified and physically and legally protected unless and Authority is obtained from Heritage New Zealand. ...</i></p> <p><i>h. Each allotment is connected to the reticulated wastewater network unless the allotment is at least 2,000m2 net site area.</i></p> <p><i>i. A covenant in favour of Kaipara District Council and Department of Conservation is registered on all sites stating that there shall be no keeping of cats or mustelids. ...</i></p> <p>Council's discretion is restricted to the following matters:</p> <p><i>a. The matters of discretion of any infringed standard.</i></p> <p><i>b. Subdivision layout, design, shape and range of allotment sizes, including the layout of roads and the number of rear allotments proposed.</i></p> <p><i>c. Streetscape and landscaping proposed.</i></p> <p><i>d. The extent to which the proposal is generally in accordance with the Mangawhai East Structure Plan.</i></p> <p><i>e. Measures and mechanisms for ownership and maintenance to protect, restore and enhance all indigenous terrestrial and freshwater biodiversity values.</i></p> <p><i>f. Within the Landscape Protection Area, integration with the identified characteristics and qualities of the area.</i></p> <p><i>g. Staged subdivision establishes and coordinates with necessary infrastructure upgrades</i></p>	Support with amendments	<p>For clause h on connections to the reticulated wastewater network – see submission point on DEV X-O10, above.</p> <p>Clauses d and e of this rule in relation to physical and legal protection of areas with specified values are supported as they will help give effect to higher order documents.</p> <p>Clause c relating to planting and track crossings is supported in part, but see related submission point on the Structure Plan, above, regarding the proposed location of public walkways along the coast and the banks of the estuary.</p> <p>Clause i relating to covenants to ban the keeping of cats and mustelids is supported, subject to an addition to also ban the keeping of dogs. A ban on the keeping of dogs as pets within the plan change area is appropriate as a precautionary measure, given the risk to disturbance of threatened and at risk wildlife, including tara iti – unless an alternative approach is put forward that can avoid adverse effects on threatened and at-risk wildlife in the Mangawhai Estuary and Harbour, and is supported by an ecological impact assessment.</p> <p>The Council's matters of discretion should be amended to include effects on natural coastal character values (with particular reference to the High Natural Character Area adjacent to and within the site, that is identified in the Proposed Regional Plan) and effects on indigenous biodiversity values, including but not limited to effects on the proposed SNAs.</p> <p>Finally, clarity is sought over the reference to a “Landscape Protection Area” – this area does not appear to be shown on the Structure Plan, proposed planning maps or operative District Plan map, or explained elsewhere in the Development Area Provisions.</p>	<ul style="list-style-type: none">• For clause h – see submission point on DEV X-O10, above.• For clause c – see submission point on the Structure Plan, above, regarding the need to clarify the relative location of the walkways and the planted buffers.• Retain as notified clauses d and e, and the requirement in clause c for native revegetation planting, to a minimum of 10m from the edge of natural wetlands, intermittent and permanent streams, and indigenous vegetation identified within the Mangawhai East Structure Plan, to be established and protected in perpetuity.• Amend clause I to include a ban on the keeping of dogs.• Add the following matters of discretion:<ul style="list-style-type: none">○ Effects on natural character values of the Mangawhai High Natural Character Areas○ Effects on indigenous biodiversity values, including the values of the Northern and Southern Significant Natural Areas• Clarify which area is covered by the “Landscape Protection Area” referred to at clause f of the matters of discretion.

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Subdivision standards (all zones)			
<p><i>DEV X-SUB-S3 Esplanade and other reserve enhancement</i></p> <p><i>1. Prior to the construction of more than 50 residential units, the esplanade reserve area adjacent to Mangawhai harbour shall be upgraded. The nature and extent of upgrade shall be in accordance with the design agreed with Council. The agreed design shall be determined by provision of a report and accompanying plans informed by a topographical survey and prepared with input from an ecologist and civil engineer that addresses:</i></p> <p><i>a. The location and extent of construction of a pathway to facilitate public walking access.</i></p> <p><i>b. The construction detail of the pathway e.g. metal / boardwalk and width.</i></p> <p><i>c. The location, width and nature of any planting required around the coastal edge to provide an ecological buffer. Any planting shall be undertaken with location appropriate native species.</i></p> <p><i>d. Detail of consultation and engagement with adjacent landowners and parties who have agreements for use of the reserve.</i></p> <p><i>2. Weed and pest control shall be undertaken for a minimum period of 6 months to eradicate the esplanade reserve from plant and animal pests to the greatest extent possible. This shall be verified by a report from a suitably qualified ecologist identifying the weed and pest animals and plants prior to the weed and pest control programme commencing and then reporting post completion of the programme.</i></p> <p><i>3. Signage shall be erected at either end of the coastal esplanade reserve walkway access stating that dogs must be kept on a lead at all times.</i></p> <p><i>4. Reserve setbacks with walking and cycling connections shall be formed along both sides of the southern estuary / stream as shown on the Mangawhai East Structure Plan in conjunction with the first subdivision / land development resource consent application on land adjoining the estuary / stream.</i></p>	Support in part, oppose in part	<p>The “pathway to facilitate public walking access” referred to in clause 1.a may include a walkway across the saltmarsh in the northwest of the site, which is referred to as “natural inland wetland D” in the Viridis report and would become the new “Northern SNA”. A walkway in this area risks potential adverse effects on avifauna via human disturbance.</p> <p>The proposed signage relating to the need to keep dogs on a lead is supported (in relation to dogs and dog owners coming from outside the plan change area; as set out above, within the plan change area a ban on the keeping of dogs is sought), however the D-G is concerned that new or upgraded walking or cycling access along the coast and estuary could lead to increased human and pet activity that could disturb wildlife, particularly birds.</p> <p>Proposals for weed and pest control are generally supported, however the proposed 6-month minimum duration is insufficient. Weed and pest control is needed in perpetuity or be directly related to the duration of any development.</p>	<p>Revise provisions relating to the construction of a pathway to facilitate public walking access on the existing coastal esplanade reserve and the proposed estuary esplanade reserve, in the light of additional ecological impact assessment requested in this submission.</p> <p>Amend clause 2 to remove the reference to a minimum period of 6 months for weed and pest control. Provisions should be drafted to ensure ongoing weed and pest control.</p>

PLAN PROVISION	SUPPORT/OPPOSE	REASON	RELIEF SOUGHT
Information requirements			
<p>DEVX-REQ2 Subdivision or Development that will enable 50 or more residential units or residential unit equivalents in the Development Area</p> <p>1. Any subdivision or development resource consent application that will enable 50 or more residential units, or residential unit equivalents, excluding development on sites existing as at 1 January 2025, within the Development Area shall provide a transport assessment and civil engineering design to address the delivery of:</p> <ol style="list-style-type: none"> A right-hand turn bay on Insley Street into Black Swamp Road A walkway connection between the Development Area and Mangawhai Village to connect to the existing cycleway connection as shown on the Mangawhai East Structure Plan. A detailed planting and implementation plan for any ecological planting required along the coastal esplanade reserve. Plans for construction of a defined walkway along the coastal esplanade reserve in accordance with the report required under DEV X-S3. Plans showing the size, location and content of signage required to be erected at either end of the reserve requiring dogs to be on a lead and the sign to the east advising of tidal restriction associated with access to the sandpit. A plan prepared by a suitably qualified ecologist identifying weed and animal pests in the coastal esplanade reserve area and measures to control and remove plant and animal pests. 	Support in part, oppose in part	<p>In relation to the reference to “a defined walkway along the coastal esplanade reserve”, at clause 1.d, see comments in the submission point on DEV X-SUB-S3, above.</p> <p>The requirements at clauses 1.c, 1.e and 1.f are supported.</p> <p>It is noted that the content of clauses c to f do not align well with the earlier reference to a “transport assessment and civil engineering design”. There is also some duplication between REQ2 and REQ4.</p>	<ul style="list-style-type: none"> Retain clauses 1.c, 1.e and 1.f as notified, subject to revisions to DEVX-REQ2 and DEVX-REQ4 as necessary to remove duplication. Revise provisions relating to the construction of a pathway to facilitate public walking access on the existing coastal esplanade reserve and the proposed estuary esplanade reserve, in the light of additional ecological impact assessment requested in the submission point above.
<p>DEVX-REQ4 Ecological Enhancement – Coastal Esplanade and Riparian areas</p> <p>1. A report and plans detailing the nature and extent of upgrade of the coastal esplanade reserve shall be submitted with the subdivision and / or development resource consent application involving 50 or more sites and / or dwellings. The report and plans shall be informed by a topographical survey and shall be prepared with expert input from an ecologist and civil engineer and shall detail:</p> <ol style="list-style-type: none"> The location and extent of construction of a pathway to facilitate public walking access. The construction detail of the pathway e.g. metal / boardwalk and width. The location, width and nature of any planting required around the coastal edge to provide an ecological buffer. Any planting shall be undertaken with location appropriate native species. Detail of consultation and engagement with adjacent landowners and parties who have agreements for use of the reserve. <p>2. A plant and animal pest control plan shall be provided in conjunction with the report and plans required by DEVX-REQ4. The plan shall detail the measures and methods for plant and animal pest control on the coastal esplanade reserve to achieve the requirements of DEVX-SUB-S3.</p>	Support with amendments	<p>In relation to the references to the upgrade of the coastal esplanade reserve and the construction of a pathway, see comments in the submission point on DEV X-SUB-S3, above.</p> <p>The requirements at clauses 1.l, 1.m and 2 are supported.</p> <p>There is some duplication between REQ2 and REQ4.</p>	<ul style="list-style-type: none"> Retain clauses 1.l, 1.m and 2, subject to revisions to DEVX-REQ2 and DEVX-REQ4 as necessary to remove duplication. Revise provisions relating to the upgrade of the coastal esplanade reserve, including the proposed construction of a pathway to facilitate public walking access on the existing coastal esplanade reserve and the proposed estuary esplanade reserve, in the light of additional ecological impact assessment requested in the submission point above.