

Form 6**Private Plan Change 85 – Mangawhai East (PPC85)****Further Submission (Form 6)****Clause 8 of Schedule 1, Resource Management Act 1991**

This is a further submission in support of original submissions received by Kaipara District Council on Private Plan Change 85 – Mangawhai East and contained within the PPC85 Summary of Submissions which is located on the Kaipara District Council website.

Joel Cayford for and on behalf of Mangawhai Matters Incorporated (MMI), being a person representing a relevant aspect of the public interest. Specifically, MMI is an incorporated society whose objectives include Mangawhai's natural environment, built environment, local urban development, relevant RMA planning instruments, adverse effects including sediment and flooding, KDC investment in public infrastructure, development costs. MMI has previously made public interest submissions and been significantly involved in other private plan changes including PPC82, PPC83 and PPC84.

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

MMI would like to present our further submission in person at a hearing.

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

Introduction to these Further Submissions

MMI has supported PPC83 and PPC84 which enable significant additional residential capacity to be provided for within the growth areas identified in the Mangawhai Spatial Plan (MSP) subject to those developments adopting best practices relating to sediment discharges into the Mangawhai Estuary.

MMI provides its further submissions, below, in support of these and other submission points raised by other submitters to PPC85.

Consistency with the Mangawhai Spatial Plan (MSP)

MMI supports the submission points of: P. Wilkes 11.1, p. Nicholas 20.1, K. Burns 26.1, R. Dunning 44.1, Tern Point Society 46.1 and others noting the inconsistencies between PPC85 and the Mangawhai Growth Strategy (MSP).

MMI Further Submissions

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

The MSP provisionally identified seven areas in and around Mangawhai as potential residential growth areas, including "G" (east side of the estuary including the subject land), based initially on available and developable land areas and practical suitability factors. However, in a detailed analysis, areas "A" (The Rise) and "D" (Freck Farm), were preferred and recommended - the latter also subsequently including area "C" (Mangawhai Hills).

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

(a) regarding the land "o" and "p" (part of PPC85), that ***"it is recommended an intensified development pattern is not to be sought. Land is close to the beach, estuary and sand dunes and could play a role in reinforcing connection to protection for flora and fauna, especially at-risk birds which nest in the dune systems."***

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

As a result of which none of the options ultimately proposed in the Mangawhai Spatial Plan supported intensified development of this land. It is MMI's further submission that nothing

has changed in the meantime that would change this position – despite local land owners deciding to apply for this PPC85.

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

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

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

Consistency with the KDC Proposed District Plan (PDP)

MMI supports the many submission points noting the approach taken by KDC’s Proposed District Plan (PDP) to the different land areas that make up PPC85. For example multiple submitters, including Douglas Algie Lloyd (Submitter 86) and Jennifer Budelmann (Submitter 87), note that the PDP does not identify the land in PPC85 for urban development or recommend rezoning. They argue that the proposed plan change is inconsistent with the PDP. Submitters such as Tern Point Recreation and Conservation Society Inc (Submitter 46) and Alex Flavell-Johnson (Submitter 72) highlight that PPC85 contradicts the PDP, which does not anticipate residential development in the proposed area. The New Zealand Fairy Tern Trust (Submitter 58) also mentions that PPC85 is inconsistent with the PDP. Submitters like Janet Hooper (Submitter 74) and Kerry Desmond (Submitter 73) argue that the PDP does not support the level of development proposed in PPC85, particularly in sensitive ecological areas.

MMI Further Submissions

The Kaipara District Plan is the ‘rule book’, which is applied to manage development, activities and the environment within the district. It influences the future shape and feel of Mangawhai. Its purpose is to protect our environment, historical heritage and cultural tāonga for future generations, through sustainable resource management, while supporting communities as they live and grow.

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

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

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

Policy 7 of the NZCPS (NZ Coastal Policy Statement) 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.”* The Proposed District Plan does this, and support for PPC85 would be a reversal of KDC’s approach.

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

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

Secondly, in opposition to development of another commercial hub in the PPC85 land area, we submit it is wasteful and wrong to allow for the development of more commercial hub/mixed use zones when there are already three in Mangawhai. We support the objective set out in the PDP to facilitate their consolidation, not to undermine critical mass, and create a need for more network infrastructure, by adding another.

We also note that if projections change and further zoning adaptation is required beyond 30 years, there will be timely opportunity to do so given district plan reviews occur every 10 years – and similar processes will surely be part of any changes to NZ’s planning law.

And here we summarise S32 evidence prepared for and by KDC supporting its provision for residential growth in the PDP. This 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 set out growth projections and development capacity already planned for, and concluded: *“[c]omparing the residential capacity estimateswith projected residential demand to 2054 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....”*

PPC85 controls to restrict development sediments entering Mangawhai Estuary

MMI supports the submission points expressing concerns about the risk of development sediments being washed into the Mangawhai Estuary. Submitters including Kerry Desmond (73.2) and Janet Hooper (74.2) highlighted the risk of sediment runoff into the estuary during large-scale earthworks. Gareth and Sue Jones (76.1) and Gareth Jones (77.1) also raised concerns that increased development would lead to further decline in the health of the estuary due to stormwater runoff.

MMI Further Submissions

MMI has raised similar concerns with PPC83 and PPC84 earthworks in the past. MMI sought changes to the PPC planning provisions including specific standards and provisions at earthworks and subdivision stages stipulating consistency with Auckland GD05 for sediment management. While those private plan changes relate to lands that are within the catchment of the Mangawhai Estuary, none of those lands present the scale of sedimentation risk to the estuary that are inherent in the PPC85 proposals and lands that are within or adjacent to the proposed Coastal Hazard Overlay.

The applicant’s expert evidence (Aspire and Davis Coastal) advise that the greatest risk of coastal inundation in the proposed Coastal Hazards Overlay land areas (from a combination of storm surge, sea level rise and subsiding ground) is 3.7 metres. Aspire advises that land levels will need to be increased by fill to a depth of “approximately 2 metres to achieve the required building platforms in the Coastal Hazards Overlay Area”, and for some areas outside the proposed Overlay “we expect fill levels to be approximately 1 metre to achieve required building platform levels”. Davis Coastal tabulates the cumulative volumes of fill in Black Swamp Rd – North at 25,000 cubic metres over an area of 84,000 square metres, and in Black Swamp Rd – South at 17,000 cubic metres over an area of 52,000 square metres.

These are huge earthworks to lift developable land levels above the risk of inundation potentially caused by a 1 in 50 year storm. Earthworks of this scale and proximity to the Mangawhai Estuary are a major concern to MMI because of sedimentation risks which need to be controlled by KDC, NRC and through appropriate PPC development controls.

MMI is concerned at the adequacy of the proposed development controls, and the effectiveness/ability of consenting authorities to monitor and enforce adequate development controls.

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

For Mangawhai East development, a policy in DEV X-P2 is: "Earthworks activities will be undertaken in accordance with the erosion and sediment control standards as set out in Auckland Council Guidance Document – GD05". However there are no rules or standards relating to GD05 when considering subdivision or earthworks applications, or opportunities for an assessment of compliance with GD05 as a matter of discretion. (MMI notes advice notes relating to GD01 and presumably GD05 under Indigenous Vegetation Clearance.)

MMI notes that for Mangawhai East development, under the General Standards heading, the DEV X-G-S1 standard for earthworks restricts the total volume of excavation or fill to 500 cubic metres within a site in any 12 month period. MMI's concern is that the risk of sediment runoff from a development is the undeveloped or unvegetated area exposed at the same time. Staging and restrictions on exposed fill/cut surface areas is necessary. MMI notes that a subdivision application is expected to comply with the Earthworks standards, but those standards do not require compliance with GD01 or GD05, and nor is that compliance a matter of discretion when considering a subdivision application.

MMI notes that while it is necessary to have effective and specific standards and rules relating to risks of sediments discharging into the Mangawhai Estuary during consented development of PPC85 lands, especially during and after the placement of fill, MMI is concerned that words in a plan are not reliable if compliance is not monitored or enforced. MMI notes that a rainfall event on 8th August 2025 overwhelmed sediment detention and retention systems and discharged sediments into the estuary catchment from the Mangawhai Hills development. Those systems were reported to be consistent with GD05 approaches as incorporated into PPC84, and built during the early development of sites at the Mangawhai Hills development. This failure demonstrates how important it is that regulating authorities play their part in ensuring the environment is protected.

While the current PPC85 provisions mention GD05 approach to sediment management, the standards and rules and assessment requirements, are insufficient to protect Managwhai Estuary from the sedimentation risks from the proposed change of land use and re-zoning.

PPC85 Stormwater Management and System Proposals insufficient

MMI supports the submission points expressing concerns about the stormwater rules. For example: Pamala and Allen Collenge (62.15), Eve Nicola Susan (63.15), John Michael Bornhauser all note that the stormwater rules in the PPC85 application mention a stormwater management plan, but there isn't one available.

MMI Further Submissions

MMI notes that the Aspire "Stormwater Management Plan" isn't a plan and doesn't contain rules. It is more of a plan for each separate consent application to develop its own site specific stormwater management plan. The Aspire report suggests this approach:

Actions at Resource Consent Stage for Stormwater Management:

- Undertake geotechnical investigations and soakage tests to confirm soil permeability.
- Complete earthworks design and confirm if peat remains in place.
- Assess overland flow path extents and design conveyance through site.
- Assess overland flow path through site and convey flows from the existing entry and exit points of the future development.
- Future developments to consider staging of stormwater infrastructure to ensure SMP requirements are met.
- Provide operation and maintenance manual for all stormwater devices.
- Further design around platforms within the coastal inundation zone and supporting report from Coastal Engineer

The report demonstrates that stormwater can be properly managed within the site and further details of devices and calculations will be provided to support a Resource Consent Application.

These actions appear to be designed to accompany an individual site or subdivision application, rather than for the plan change area as a whole. MMI notes that elsewhere in the application evidence, particularly infrastructure evidence, is the suggestion that stormwater will be directed between elevated building site platforms, and either via ditches and drains built when roads are built, to the estuary. There is no clear guidance or direction given as to how the overall stormwater network for the development as whole will be built, who will be responsible, how it will be funded.

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

MMI notes and supports submissions concerned about the effect of the zone change on the habitat of native birds in particular the highly endangered Fairy Tern. These include: Heather Rogan and Dianne Piesse on behalf of the New Zealand Fairy Tern Trust (58.1), Heather and Colin Young (66.1), David and Glenys Mather (68.1), and Kerry Desmond (73.1).

MMI Further Submissions

MMI has some experience of the delicate ecology of that part of the Mangawhai Estuary that is adjacent to the proposed development boundary between PPC85 land and the Mangawhai Estuary. In particular MMI is aware of the feeding areas and patterns of the endangered Fairy Tern, through member involvement with the proposed rebuild of the Mangawhai Wharf extending from land in the vicinity of the Mangawhai Tavern. That application was declined primarily because of the potential effects of increased recreational use of adjacent waters.

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

The inner areas of Mangawhai Estuary are generally quiet and free of motorised craft. It is a peaceful area to look out upon. Any adjacent development which is a precursor to, or enabling of residential “waterside” activities including the launching of powered boats and jetskis is opposed.

The current boundaries between the large lot Tern Point subdivision and adjacent lands (etc dunes, golf course, etc) and the estuary itself, are wide, natural and undeveloped. That development is an example of how a low density development can be located in this sensitive area – with minimal adverse amenity and ecological effects on its surroundings. In particular, the boundary with the estuary is an extended beach and dune area of considerable width. Some residents fish off the beach. Some residents use paddle boards. It is a very low impact development.

PPC85 Estuary edge development may require construction of sea defences

MMI has recently completed a series of studies in its Sustainable Mangawhai project which include investigations and modelling of inundation risks within Mangawhai and adjacent to the Estuary posed by stormwater flooding, unusual weather patterns, and climate change. This is referred to in the submission of Peter Nicholas (20.1).

MMI Further Submissions

These are recent and we are not ready to provide this evidence at this stage of the PPC85 decision process, but part of this work considers options for dealing with future changes to the water levels in Mangawhai Estuary, and planning for them.

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

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

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

PPC85 requires the development of unplanned infrastructure

A number of submitters express concerns that the the residential and commercial development that would be enabled by PPC85, as applied for, will require the construction and extension of public infrastructure including: wastewater, roading, stormwater, and sea defences. MMI supports related submissions including those from Rosemarie Dunning (44.1), Peter Nicholas (20.1), Karen Staples (6.1), Heather Rogan and Dianne Piesse on behalf of the New Zealand Fairy Tern Trust (58.1), and Gareth and Sue Jones (76.1)

MMI Further Submissions

MMI (and others) raised similar concerns with the Mangawhai Central Private Plan Change – in particular the ability of small lots to provide for freshwater, as well as the availability of wastewater treatment capacity to service the needs of the new housing enabled. The Environment Court required changes relating to the need for the PPC and subsequent subdivision applications to only be permitted if a KDC Long Term Plan included KDC's financial commitment to fund any needed infrastructure.

There has been some discussion of the need to increase the capacity of the privately owned sewer line that runs across the Causeway. But nothing further. No related KDC decisions have been taken as far as we are aware. The Northern Transport Alliance is on record as saying that the roading that presently services the Black Swamp area does not have the capacity to service anticipated traffic movements when development enabled and proposed by PPC85 is built, and no related KDC decisions have been taken despite roading being one of the biggest public expenses for new development of this kind (note that Mangawhai Central investors paid for, built, and transferred to KDC ownership double-laning of a

section of Molesworth Drive. They also built sediment retention pond infrastructure to collect stormwater flows from cleared in filled sites, which allowed sediments to settle before discharging cleaned stormwater). Funding for the stormwater drainage infrastructure needed to prevent flooding of flat areas of PPC85 lands, and to separate sediments, is not clear to us.

MMI advises that the issue of development contributions, what they pay for, who pays them, and when they need to be paid continues to be a vexed matter in the Kaipara. This is especially the case for large and expensive pieces of infrastructure such as new wastewater networks and treatment capacity extensions, new and higher standard transport infrastructure and improvements, and stormwater and sediment detention and retention systems. It makes a big difference to the public funding risk when the rural to residential development investor is prepared to fund and build infrastructure – eg Mangawhai Central designed and built the roundabouts and double-laning needed for that development, and Mangawhai Hills is funding new roads and onsite Wastewater systems.

The investor's approach to PPC85 implementation has the feel of a developer only interested in the uplift in value that come from re-zoning, and rather than demonstrating commitment to the development by investing in critical infrastructure, intends to leave that responsibility in a piecemeal manner to individual subdivisions and site resource consents, with the risk that the KDC – and the ratepayer - will have to pick up the tab.

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

Ends - 6th October 2025

Joel Cayford – For and on behalf of Mangawhai Matters Incorporated