

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of **Private Plan Change 78** by Mangawhai Central Limited to the Operative Kaipara District Plan 2013.

**HEARING DIRECTIONS FROM THE HEARING PANEL –
INFORMATION REQUESTED FROM COUNCIL OFFICERS IN RELATION TO WASTEWATER AND WATER
SUPPLY INFRASTRUCTURE PLANNING AND FUNDING DECISIONS**

1. Pursuant to section 34A of the RMA, Kaipara District Council (*the Council*) has appointed a Hearing Panel consisting of two independent hearing commissioners -Greg Hill (Chairperson) and David Hill, and Councillor Anna Kurnow (as a Commissioner) to hear and determine submissions to Plan Change 78 to the Kaipara District Plan.
2. As signaled at the hearing the Hearing Panel requests some specific written information from the Council officers relating to infrastructure planning and funding decisions for wastewater and water supply for Mangawahi, and in relation to Private Plan Change 78 (PC 78).
3. The Hearing Panel is yet to determine if the National Policy Statement on Urban Development 2020 applies to PC 78 or not. However, notwithstanding this Objective 6 states:

Local authority decisions on urban development that affect urban environments are:

- a) integrated with infrastructure planning and funding decisions; and*
- b) strategic over the medium term and long term; and*
- c) responsive, particularly in relation to proposals that would supply significant development capacity.*

4. With respect to wastewater for the Mangawahi area we request officers' provide a written report on:
 - What is the infrastructure planning being undertaken for wastewater disposal given the issues raised in the PC 78 hearing about whether or not there is disposal capacity or potential capacity in the existing scheme, or an alternative scheme, to accommodate further development within Mangawahi, including the additional capacity that would be enabled should PC 78 be approved as notified?
 - In relation to the above bullet point, what are the funding decisions that have been made or are being contemplated by the Council in relation to the provision wastewater treatment/disposal (i.e. what has been committed and what is contemplated in the Council's Long Term Plan (LTP) or the next review of the LTP.
 - We request this information be provided in relation to a 30 year time horizon, given this is the 'long term' as defined in the NPSUD.

5. With respect to water supply for the Mangawahi area we request officers' provide a written report on:
- What is the infrastructure planning being undertaken for water supply/water security given the issues raised in the PC 78 hearing about whether or not there is sufficient water supply/water security to provide for the development within Mangawahi, including the additional capacity that would be enabled should PC 78 be approved as notified?
 - In relation to the above bullet point, what are the funding decisions that have been made or are being contemplated by the Council in relation to securing a potable water supply to service the Mangawahi community, (ie what has been committed and what is contemplated in the Council's Long Term Plan (LTP) or the next review of the LTP).
 - We request this information be provided in relation to a 30 year time horizon, given this is the 'long term' as defined in the NPSUD.
6. We request these reports be provided no later than **16 December 2020**.
7. Mr Savage, counsel for Mangawahi Matters, set out in his legal submission the following ¹:
- The late alterations to the applicant's proposal introducing a new road connection to Old Waipu Road and providing a reticulated water supply do not form part of the notified proposal. As a consequence, potentially affected people have not had the opportunity of submitting on those matters. Access to Old Waipu Road was opposed at the time of the original Estuary Estate plan change and resulted in the road link being deleted. The water reticulation system may well have implications for third parties who have not had the opportunity to consider it.*
8. In questioning Mr Savage he submitted that introducing a new road connection to Old Waipu Road and providing a reticulated water supply was out of scope of the Plan Change and therefore could not be considered. Could Council's counsel please address this matter as part of the Council's response to the application, and whether you agree or not if we have scope to address these matters.
9. Any enquiries regarding these Directions or related matters should be directed to the Council's Planning Technical Support Officer, by email at ppc78@kaipara.govt.nz.



Greg Hill Chairperson
27 November 2020

¹ Paragraph 54