

MICHAEL SAVAGE
Barrister

18 January 2021

Independent Hearing Commissioners

Dear Commissioners,

Plan Change 78

I refer to your directions to the applicant (for information in respect of submissions) and to council (in respect to infrastructure questions relating to water, wastewater and a potential connection to Old Waipu Road).

My client (Mangawhai Matters Incorporated) has considered the information provided to you which includes both factual material and new expressions of opinion. It is considered appropriate to respond briefly to specific matters raised to ensure a fair hearing throughout this process.

Firstly, in response to information on two matters raised by experts for the applicant.

- 1) The proposed incorporation of a reference to Appendix 25A Design Guidelines in PPC78 is noted. MM does not agree with Mr Tollemache's consideration that *"...this amendment to be appropriate to implement the strategic objectives of the District Plan contained in Chapters 3 and 3A"*, which include objectives and policies relating to the staging of development and timing of infrastructure, and the provision of public open space. In particular, it is noted that the Appendix 25A Design Guidelines are insufficient to deliver the Chapter 3A "encourage residential development that complements the traditional and valued beach settlement character of Mangawhai" objective.
- 2) MM notes the amendment made by the applicant apparently in response to submissions about a possible connection to Old Waipu Road made by the Northern Transport Alliance. This amendment appears to make subdivision consent conditional on access being provided to the existing transport network. This falls far short of the existing policy 16.3.10 *"To ensure that the timing of subdivision and development of the Estuary Estates Structure Plan area is coordinated with the provision of infrastructure needed to serve the area and that development contributes its share of the growth related costs of this infrastructure."*

Secondly, in response to information provided by Mr Sephton for Kaipara District Council.

MM notes the references to work underway now as the KDC prepares the draft LTP 2021-2031 for public consultation, and recognise the financial pressure KDC and the community is under now because KDC's previous decisions.

In that regard MM notes that while this is not the place to cry over spilt milk, it wishes to draw attention to Mr Sephton's confirmation that the existing WWTP only has capacity for 389 further connections, and note that the outstanding debt for the present scheme is in excess of \$50 million. We note that KDC's Draft Funding Strategy paper (dated 9 Dec 2020) describes an aim "that development contributions are set to recover the costs of growth", while noting that "...for the Mangawhai Wastewater Plant ...funding costs continue to be well ahead of development contributions received..."

It is acknowledged that the applicant has amended PPC78 to make some development applications subject to the presence of a potable water supply and others subject to access to the existing transport network.

We note that KDC's Development Contribution policy settings are being reviewed for the Draft LTP 2021-2031. A document has been considered at the 9th December Council LTP meeting. This states:

The purpose of this policy is to:

- a) Provide predictability and certainty to developers that the Council can give them the infrastructure they need to support their investments;
- b) Ensure developers know what they are paying for and that development is not discouraged by high infrastructure costs; and
- c) Ensure the existing community is not burdened by the costs of growth but does contribute to growth infrastructure when it provides a clear benefit to them by improving their existing levels of service, renewing aging assets or helping them meet new legislative standards.

MM notes that this draft policy excludes two crucial Tables 1 and 2, and that KDC appears to presume that only Mangawhai's wastewater and potential library merit development contributions, leaving ratepayers and existing capacity to provide for any additional transport network, community infrastructure, open space, stormwater infrastructure demands that will arise from the Mangawhai Central development.

Finally, Commissioner's attention is drawn to the WSP letter appended to Mr Sephton's information. This clearly distinguishes three wastewater capital costs which tend to get lumped together by KDC: the collection network; the wastewater treatment plant; and the disposal field. As the WSP letter notes: "The scheme will require phased upgrades of wastewater network pump stations, mains and gravity sewers as new properties are developed and infill housing occurs" and goes on to advise: "Community engagement with township and Iwi is seen as essential on this journey as the views will be considered and discussions on affordability and funding must be held...."

The community is still only at the start of this fiscal recovery journey here in Mangawhai and relevant infrastructure planning and funding policies are at an undeveloped and uncertain stage. MM considers that in order to protect Council, ratepayers and developer alike, checks and balances are needed in the District Plan provisions for Mangawhai Central relating to development staging, and the funding and provision of infrastructure – as set out in the operative provisions for the land – noting that its maximum capacity of 500 dwellings cannot be serviced by the existing capacity of the Mangawhai wastewater system.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Michael Savage', is positioned above the typed name.

Michael Savage
Counsel for Mangawhai Matters Incorporated