

**Before Kaipara District Council**

**In the Matter** of the Resource Management Act 1991 (**RMA**)

**And**

**In the Matter** of an application for Private Plan Change 84 (**PC84**) by **MANGAWHAI HILLS LIMITED** to rezone 218.3 ha of land between Tara Road, Cove Road, Moir Road and Old Waipu Road, Mangawhai from Rural Zone to the Mangawhai Hills Development Area.

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**Evidence of Evelyn Alisa Neal and Melissa Ivy McGrath on behalf of Mangawhai Hills Limited**

**(Planning)**

**Dated 29 April 2024**

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## Introduction

1. This evidence has been co-authored by Melissa Ivy McGrath and Evelyn Alisa Neal, we provide the following summary of our experience and qualification.
2. My full name is Melissa Ivy McGrath. I am a Senior Associate (Planner) with Barker and Associates. I am a qualified planner with a Master of Resource Management from Massey University, and I am a Full Member of the New Zealand Planning Institute.
3. I have 20 years' experience as a Planner. During this time, I have been employed in various resource management positions in local government and private companies and I have a range of planning experience in consenting, policy development, consultation and public engagement, including experience with:
  - (a) Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts.
  - (b) Consideration of submissions and formulation of policy and policy advice for Whangārei District Council, Far North District Council and Kaipara District Council.
  - (c) Preparation and processing of private plan change applications both on behalf of applicant and council.
  - (d) Preparation of spatial planning for Vanuatu.
  - (e) Analysis and reporting of applications on behalf of the Ministry for Environment under the COVID-19 Recovery (Fast-track Consenting) Act 2020.
4. My full name is Evelyn Alisa Neal (Alisa). I am a Senior Associate (Planner) with Barker and Associates. I am a qualified planner with a Bachelor of

Urban Planning from the University of Auckland, and I am an Intermediate Member of the New Zealand Planning Institute.

5. I have over 10 years' experience as a Planner. During this time, I have been a planning consultant since 2019 as a Senior Associate for Barker and Associates. Prior to that, I held senior planner and planner positions at Hamilton City Council. I have extensive planning experience in consenting, policy development consultation, including experience with:
  - (a) Statutory resource consent planning in the Northland, Auckland, Waikato and Bay of Plenty Regions, including an extensive range of work in the Whangārei, Kaipara and Rotorua Districts, as well as Auckland and Hamilton City.
  - (b) Processing of a private plan change and processing of multiple resource consents on behalf of Kaipara District Council.
  - (c) Preparation of private plan change applications on behalf of applicants.
  - (d) Preparation of submissions and further submissions on plan changes on behalf of applicants.
  - (e) Involvement in master planning of multiple greenfield sites in Mangawhai and Hamilton.
6. We attach a copy of our CV's in **Attachment 1** which provides further detail on our experience and expertise. With particular regard to this project, we highlight that we have extensive experience in policy.
7. Although this is not a hearing before the Environment Court, we record that we have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within our area of expertise, except where we state that we rely upon the evidence of other expert witnesses as presented to this hearing. We have not omitted to consider any material facts known to us that might alter or detract from the opinions expressed.

8. We have been engaged by Mangawhai Hills Limited (“MHL”) to provide planning evidence in support of Private Plan Change Application 84 (“PC84”). We were instructed by MHL in May 2022 to assist with the preparation of the private plan change application. We prepared the following documents:
  - (a) The MHL Private Plan Change Request – Assessment of Environmental Effects (“AEE”), Plan Change text (Mangawhai Hills Development Area Provisions) and Section 32 Evaluation Report, dated 5 March 2023 (“s32 Report”); and
  - (b) Response to Clause 23 Request for Information – Applicant response to request for further information, dated 24 May 2023 (“RFI Response”).
9. We have also been involved in other aspects of the Private Plan Change development including workshops for design testing and advice relating to the development of District Plan provisions and are familiar with the area to which the application for a private plan change relates. We have visited the Plan Change Area and surrounds on numerous occasions since 2022, most recently on 25 March 2024.

### **Scope of Evidence**

10. Our evidence will address the following topics:
  - (a) Context and Background;
  - (b) Overview of the Plan Change;
  - (c) Statutory Framework;
  - (d) Statutory Analysis;
  - (e) Assessment of Environmental Effects;
  - (f) Response to s42A Report and Submissions; and
  - (g) Conclusion.

## **Context and Background**

### ***Background***

11. As a major owner of land currently zoned as Rural Zone within the Operative Kaipara District Plan (“ODP”) adjacent to Mangawhai, MHL has initiated the proposed plan change envisioning that it will provide viable and sustainable residential development which integrates with surrounding residential uses and provides residential capacity and growth opportunities within Mangawhai.
12. A structure planning exercise was undertaken to establish the opportunities and constraints of the plan change area, which informed alongside technical assessments, the plan change outcomes. PC84 will provide capacity for approximately 116ha of land to be occupied by large residential allotments within a sustainable environment and a natural landscape, framed by restored and enhanced indigenous vegetation, wetlands and water systems.

### ***Plan Change Area Description***

13. Section 3.0 of the s32 Report provides a detailed description of the plan change area and we provide the following summary of this section:
  - (a) The area is comprised of 218.3ha of land located at Tara Road, Cove Road and Old Waipu Road, Mangawhai. The land sits approximately 1km west of the Mangawhai Central Commercial area and approximately 1km northwest of the Mangawhai Village shops as illustrated in Figure 1 below.
  - (b) The area has road frontage adjoining three of the existing site boundaries; Cove Road to the north, Tara Road to the west and Old Waipu Road to the east.
  - (c) The southern boundary partially adjoins Moir Street and existing neighbouring residential lots.

- (d) Vehicle access is possible from all common boundaries adjoining a public road reserve.

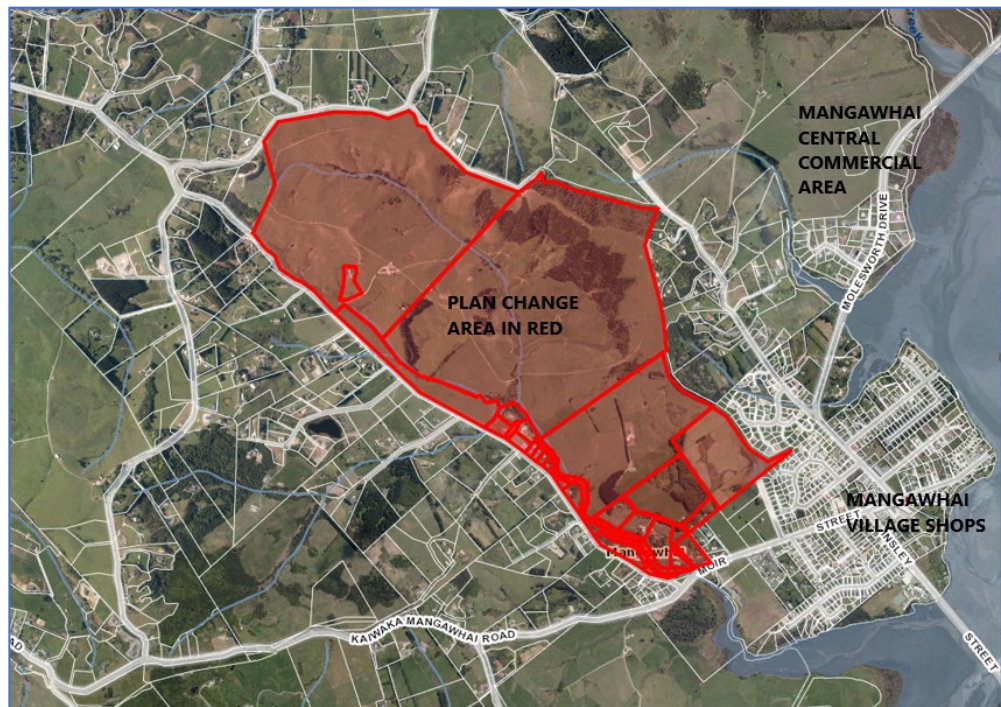


Figure 1: Aerial photograph of the plan change area (Source: Emaps).

- (e) The majority of the area is a dairy farm which currently comprises large pastoral areas for grazing purposes.
- (f) A series of terrestrial (native and exotic vegetation) and freshwater features (intermittent and permanent streams and natural wetlands) are located throughout the area.
- (g) The area has a varied topography with a ridge line running along the eastern boundary and curving around Old Waipu Road and Cove Road to the north. A smaller ridge line runs through the middle of the area, with a valley that contains a stream between the two ridge lines. The highest point within the area is to the north east along Old Waipu Road.
- (h) There are two primary streams, located between ridge lines, which converge toward the south eastern portion of the site and continue further south along Tara Road. A number of wetlands are typically

located in close proximity to the stream network. Large clusters of native vegetation are also located within the area.

- (i) Numerous smaller residential allotments have been included in the plan change area, which have existing vehicle crossings onto Tara Road and Moir Street.
- (j) The extent of the plan change area has been developed based off the physical road boundaries outlined above, and the interface and logical transition with the existing residential zoning to the south and east. We consider that the plan change extent provides an efficient zoning pattern in the District Plan.

### ***Surrounding Locality***

14. Section 3.2 of the s32 Report provides a description of the surrounding locality. Mangawhai Central and Mangawhai Village shopping centre are both located approximately 1km from the site and comprise a number of amenities including eateries / restaurants, supermarket, convenience store, home improvement and health care facilities. The plan change area is in close proximity to Molesworth Drive which is a strategic growth corridor that connects Mangawhai Central and Mangawhai Village to Mangawhai Heads. Old Waipu Road which abuts the site, is a strategic growth corridor that connects Cove Road, via Mangawhai Central and Molesworth Drive to Mangawhai Heads. Immediately to the east and south of the plan change area is predominantly residential in nature being dominated by residential dwellings, and larger residential lifestyle development extends to the west and north.
15. The Mangawhai Activity Zone public recreation area is located approximately 1.5km northeast of the plan change area. Mangawhai Beach Primary school is located approximately 1.3km southeast of the plan change area, within the Mangawhai Residential zone. Secondary education includes Rodney College approximately 30km to the south, Bream Bay College approximately 36km to the northeast, and Otamatea High School approximately 30km to the west. Cove Road provides a north south link to Mangawhai from State Highway 1, intersecting at Waipu in

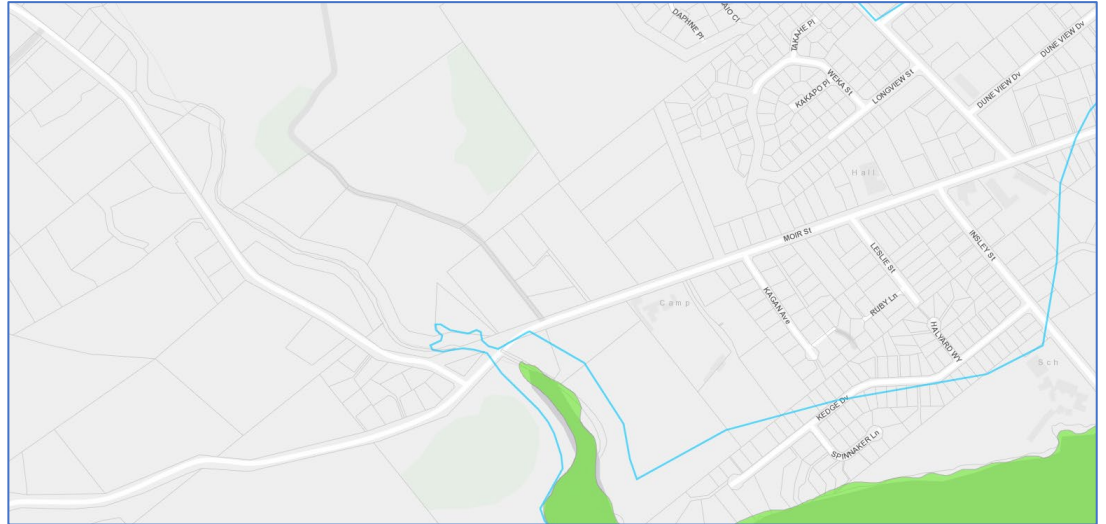
the north and connecting to the wider road network which intersects with Kaiwaka or Wellsford in the west and south respectively.

### ***Planning Context***

16. Section 4 of the s32 report details the planning context for the plan change area. In summary we note the following with respect to the plan change area:

- (a) The area is currently zoned Rural Zone and is subject to the Mangawhai Harbour Overlay Area in the Kaipara District Operative District Plan (“ODP”).
- (b) The area is identified as a rural residential policy area within the Mangawhai Structure Plan adopted in the ODP.
- (c) The area is identified in the Mangawhai Spatial Plan 2020 as appropriate for a future Urban-Residential growth area, and a future rural-residential use.
- (d) Land to the east and south is zoned Residential Zone, to the west and north is zoned Rural Zone and to the northeast is zoned Estuary Estates Zone (commonly named “Mangawhai Central”) under the ODP.
- (e) The area does not contain any Outstanding Natural Landscapes or Features, areas of High or Outstanding Natural Character, known areas or sites of heritage, Sites of Cultural Significance to Māori and is not located within any Statutory Acknowledgement areas as identified in the ODP.
- (f) A very small portion of the plan change area is located within the Coastal Environment as identified within the Regional Policy Statement for Northland (RPS) as identified in Figure 2 below.





**Figure 2: Northland Regional Policy Statement Map Extract (Source: NRC Online Maps).**

(g) Under the Proposed Regional Plan (“PRP”), the area is subject to a number of resource overlays, including:

- Groundwater Management Unit: Coastal Aquifer;
- River Water Quantity Management Units: Coastal river; and
- Lowland Country Area.

(h) The PRP stream networks throughout the plan change area are illustrated in figure 3 as being subject to the following hazards:

- Coastal flood hazard zone 3I;
- River flood hazard zone – Regionwide models 10-year extent;
- River flood hazard zone – Priority rivers 10-year extent;
- River flood hazard zone – Regionwide models 50-year extent ;
- River flood hazard zone – Priority rivers 50 year extent;
- River flood hazard zone – Priority rivers 100 CC extent; and
- River flood hazard zone – Regionwide models 100cc extent.

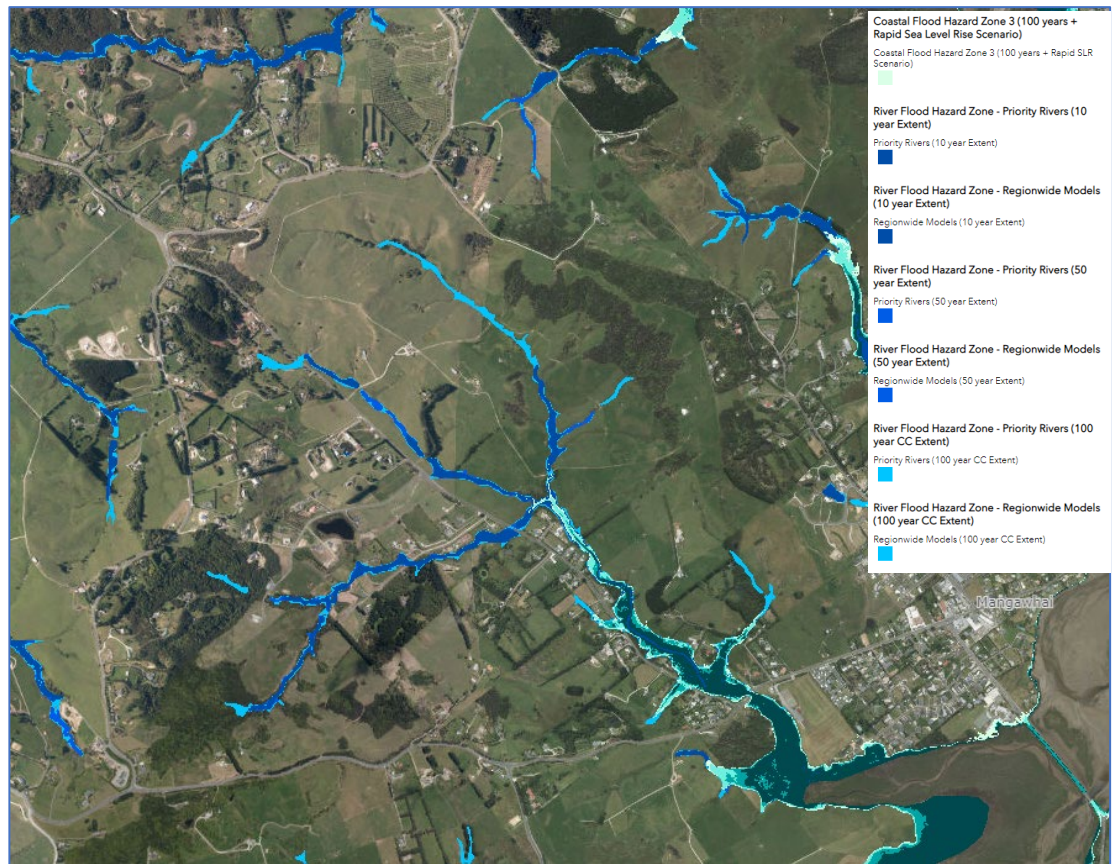


Figure 3: Map showing coastal and river flood hazards (Source: NRC Hazard Maps Online).

## Overview of the Plan Change

- The plan change seeks to rezone the plan change area to the 'Mangawhai Hills Development Area' ("MHDA") and introduce a suite of objectives, policies, and rules which guide development. It is sought that the MHDA provisions stand alone from the existing zone and harbour overlay provisions in the KDP. The MHDA has been informed by, and is consistent with, the Mangawhai Hills Structure Plan ("MHSP") which has been prepared to illustrate intended spatial outcomes of the plan change area, and inform the spatial pattern of land use and subdivision within the MHDA.

### ***Mangawhai Hills Structure Plan***

- The MHSP illustrates the following key features:

- (a) New Primary and Secondary Roads forming an indicative internal connecting network.
- (b) New shared paths and roadside footpath networks.
- (c) Existing native vegetation and wetland and stream features for protection, enhancement and restoration.
- (d) Indicative open spaces for recreation, pedestrian and cycle connectivity.
- (e) Boundary buffer amenity planting areas associated with the plan change area boundaries with the existing Tara Road, Cove Road and Old Waipu Road reserves.
- (f) Landscape Protection Area (**LPA**) to identify and manage built form and development on ridgeline.
- (g) Community Hub Areas to identify areas suitable for provision of commercial activities, community facilities and educational facilities.
- (h) Residential Areas to identify areas suitable for residential development.

19. It is noted that in response to the s42A and submissions, we have relied on the recommendations of our various experts and subsequently recommended that changes are made to the MHSP with the recommended revised MHSP included as **Attachment 2**. These recommendations are detailed further in the following sections, and are summarised as follows:

- a. Recommended changes to internal roading network alignment;
- b. Recommended introduction of green corridor planting areas associated with the ridgeline visual amenity outcomes;
- c. Recommended revised open space areas with removal of active open spaces and inclusion of indicative linear open space networks;

- d. Recommended changes in location and extent of Community Hub Areas;
  - e. Recommended changes in extent of Landscape Protection Area; and
  - f. Recommended introduction of geotechnical moderate to high risk instability areas.
20. The MHSP applies a non-prescriptive, key outcomes-based approach whereby key “structural” features are identified and linked to provisions which guide the outcomes sought. Other features such as off-road walking and cycling trails, local roads, parking areas, accesses and crossings, building platforms, private planting areas, and civil infrastructure have not been identified as the detail of these structural elements would be developed through future subdivision and land use consent processes. The structure plan approach proposed by PC84 is consistent with the experience that we have had with preparing and utilising structure plans and development area provisions in other District Plans.

### ***Mangawhai Hills Development Area Provisions***

21. The plan change seeks to rezone the area MHDA which is a standalone development area, supported by bespoke objectives, policies, rules and standards which address the site-specific opportunities and constraints whilst implementing the spatial outcomes of the MHSP.
22. Proposed MHDA objectives seek to:
- a. Manage ecological, landscape, amenity, servicing and transportation effects whilst enabling sustainable and environmentally conscious residential living opportunities.
  - b. Comprehensively design subdivision and development, promoting high quality urban design and open space networks responding positively to the local context and outcomes anticipated with a large lot residential housing density.

- c. Provide a connected, legible and safe multi-modal transport network.
- d. Identify, protect and promote the restoration and enhancement of indigenous biodiversity.
- e. Ensure subdivision and development are undertaken in a manner that adopts an integrated approach to the effects of land use and development on freshwater values.
- f. Ensure that non-residential activities are compatible with the character and amenity of the MHDA, and do not have any significant adverse effects on the role and function of commercial zones in Mangawhai.

23. Proposed MDHA policies give effect to the proposed objectives by:

- a. Providing for and enabling comprehensively designed built development.
- b. Requiring subdivision and development to achieve a connected, legible and safe multi-modal transport network within the MHDA.
- c. Protecting and promoting the restoration and enhancement of the values of natural wetland features, intermittent and permanent streams, and indigenous vegetation identified within the site when undertaking subdivision and development.
- d. Requiring subdivision within the MHDA to provide for the recreational needs of residents.
- e. Encouraging development within the MHDA to be environmentally conscious.
- f. Providing for high quality subdivision which implements the MHSP.
- g. Providing for commercial activities, community facilities and educational facilities where adjoining residential amenity is maintained, vitality and vibrancy of existing commercial zones

within Mangawhai is maintained and providing for education facilities to service the community needs.

- h. Requiring the form and pattern of built development on the ridgeline (Landscape Protection Area) to be integrated and recessed into the landscape.

24. It is noted that in response to the s42A and submissions, we have recommended that changes are made to the MHDA objectives and policies with the recommended revised MHDA provisions included as **Attachment 3**. These recommendations are detailed further in the following sections, and are summarised as follows:

- a. Recommended amendment to DEV-02 to include promotion of open space networks as part of comprehensive designed subdivision and development;
- b. Recommended amendment to DEV1-P4 open space policy;
- c. Recommended amendment to DEV1-P7 Commercial Activities, Community Facilities and Educational Facilities policy; and
- d. Recommended new LPA policy (DEV1-P8).

25. The proposed MHDA methods which implement the proposed policies include:

- a. Land use rules and standards managing built form bulk and location;
- b. Land use rules and standards managing activities;
- c. Land use rules and standards managing effects, including excavation and fill, indigenous vegetation clearance, noise, vibration, hazardous substances, radioactive material, lighting, signs, vehicle crossing, roads, vehicle access, pedestrian walkways and cycleways, network utilities;
- d. Subdivision rules and standards;

- e. Information requirements specifying minimum requirements applying to subdivision applications applying to stormwater management, integrated transport assessment and ecological assessment;
  - f. Information requirements specifying minimum requirements applying to land use applications applying to landscape protection, area landscape evaluation and integrated transport assessment; and
  - g. Rule stating that the standard definitions of the National Planning Standards shall apply.
26. It is noted that in response to the s42A and submissions, we have recommended that changes are made to the MHDA Rules, Standards and Information requirements, with the recommended revised MHDA provisions included as **Attachment 3** and discussed throughout our evidence.
27. The structure of the MHDA includes Rules and Performance Standards to control the effects of activities and built development, with each Rule linking to relevant Standards to set specific limits which the activities set out in the Rules need to comply with. Other methods including National Environmental Standards and Regional Plan Rules apply to activities and development within the plan change area however these sit outside of the MHDA and have not been duplicated.

## **Statutory Framework**

28. The section 42A Report (“s42A”) has detailed the statutory framework within paragraphs 13 – 21. We agree that these paragraphs accurately reflect the framework relevant to PC84.
29. As a private plan change, PC84 is governed by Schedule 1 to the RMA. The PC84 request was made pursuant to clause 21(1) of Schedule 1. Council accepted the plan change request and PC84 was publicly notified pursuant to clause 26.

30. Under clause 29(1) of Schedule 1, Part 1 of Schedule 1 (which applies to Council-initiated or adopted plan changes) applies with all necessary modifications. This includes provisions for the making of submissions, decisions, and appeals. Other provisions of the RMA, including sections 31, 32, 72, 74 and 75, and Part 2 of the RMA, including the purpose and principles of the RMA, apply to changes to a district plan, regardless of whether it is a Council-initiated or adopted change or an accepted private plan change request.

### ***Section 32 Evaluation***

31. Section 32 of the RMA provides that an evaluation report required under clause 22 of schedule 1 must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA under subsection (1)(a), and whether the provisions in the proposal (i.e. policies, rules and other methods) are the most appropriate way of achieving the objectives under subsection (1)(b).
32. The evaluation must also consider the efficiency and effectiveness of a proposal, taking into consideration benefits and costs and the risk of acting or not acting. At the time of lodgement of PC84, an assessment of alternatives, costs and benefits in accordance with these provisions of the Act was provided in the s32 Report.
33. Section 32AA provides that further evaluation is required when changes are made to a plan change since the original evaluation was completed. As such, section 32 evaluations are ongoing and need to be updated and revisited throughout the plan change process as changes are contemplated in response to requests for information and to address submissions and further submissions.
34. The Reporting Planner has provided a summary of section 32 and a section 32AA evaluation in paragraphs 309-326 of the s42A Report. The Reporting Planner has provisionally supported the plan change overall, *“subject to further assessment regarding geotechnical hazards, the extent of wetlands (and therefore internal road alignment), the decision by NRC on the private wastewater disposal field, and traffic modelling of the*



*effect on the adjacent road network in the event that either or both of the southern and eastern connections are not able to be formed”.*

35. We do not agree with all of the Reporting Planner’s recommendations and conclusions and have provided alternative recommendations which in our opinion are more effective and efficient in giving effect to the objective and policies of the plan change.

### **Statutory Analysis**

36. Sections 6 and 7 of the s32 Report analyse the policy framework relevant to PC84. The Reporting Planner has undertaken statutory analysis with conclusions stated in various sections of his report. Due to large areas of inconsistency between the Reporting Planner and ourselves we have undertaken a more fulsome analysis than we would normally detail in evidence.

### ***Part 2 - Purpose and Principles***

37. In our opinion, PC84 is consistent with section 5 RMA because:
  - a. The plan change will provide for large lot residential living, commercial activities, community facilities, educational activities, and recreational activities on land adjacent to the existing Residential Zone of Mangawhai, and in proximity to the business area of Mangawhai, enabling communities to provide for their social and economic well-being.
  - b. Development will be coordinated with the delivery of required infrastructure, resulting in sustainable development, and seeks to safeguard the life supporting capacity through the use of water sensitive design options for stormwater.
  - c. The landscape, ecological and amenity values of the MHDA are recognised and where appropriate protected as provisions seek to ensure subdivision and development is comprehensively designed

by responding to the topography, natural features and transport connections.

- d. The plan change will ensure protection, restoration and enhancement of significant ecological features within the plan change area.
- e. Adverse effects of urban activities on the environment will be avoided, remedied or mitigated through the PC84 provisions.
- f. The MHDA is in proximity to Mangawhai Central and the Mangawhai Village business area, enabling communities to provide for their social and economic well-being.
- g. The MHDA seeks to achieve a connected transportation network, promoting connections with Cove Road and Mangawhai Village and beyond as well as internally within the plan change area.

38. In our opinion PC84 has recognised and provided for the following Section 6 matters of national importance:

- a. Section 6 (a): the proposal seeks to protect the natural character of wetlands and rivers and their margins by identifying natural features within the MHSP and requiring protection and enhancement at time of subdivision.
- b. Section 6(c): the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is also achieved by the identification of natural features within the MHSP and requiring protection and enhancement at time of subdivision.
- c. Section 6(d): the maintenance and enhancement of public access to and along rivers is proposed via the protection of rivers and their riparian margins via proposed subdivision rules. Public access is promoted, and connectivity is enabled with the MHSP.
- d. Section 6(e): the Applicant has recognised the relationship of Te Uri o Hau with the area and has undertaken extensive engagement

with iwi. The site does not contain any known Sites of Cultural Significance to Māori and is not located within any Statutory Acknowledgement Areas.

- e. Section 6(h): a detailed assessment of potential flood hazard risk and land instability has been undertaken in support of the proposal. The MHDA includes provisions which seek to manage significant risks from natural hazards.

39. In our opinion the following “other matters” under Section 7 are considered relevant to PC84 and have been given particular regard to:

- a. Section 7(b): the efficient use and development of natural and physical resources is achieved by applying the MHDA, to provide for the development of residential living opportunities adjacent to existing and established residential activities. This is considered to represent a logical expansion to the existing residential activities and is in proximity to surrounding community, recreation, transportation and commercial amenities.
- b. Section 7(c): the MHDA introduces a suite of objectives that enable residential activities while responding to the landscape, ecological and physical features within the site which will achieve the maintenance and enhancement of amenity values of the area.
- c. Section 7(d): the MHSP has identified the significant natural areas, rivers, and indigenous vegetation and significant habitats of indigenous fauna within the plan change area. The proposed MHDA provisions seek to protect and enhance these features having particular regard to the intrinsic values of the ecosystems within the plan change area.
- d. Section 7(f): the MHDA proposes provisions which enable residential activities while responding to the landscape, ecological and physical features within the site. Additionally, the provisions are considered to promote comprehensive residential development with high quality urban design outcomes and in doing so, provide a

gradual shift from more intensive residential development to larger lot living opportunities. As such the proposal has had particular regard to the maintenance and enhancement of the quality of the environment.

- e. Section 7(i): a detailed assessment of potential flood hazard risk including the effect of climate change has been undertaken in support of the proposal. The MHDA includes provisions which seek to manage significant risks from natural hazards.
40. Section 8 requires Council to take into account the principles of the Treaty of Waitangi. In our opinion PC84 has been prepared in accordance with the principles of the Treaty of Waitangi, particularly with on-going engagement and consultation with mana whenua.

### ***National Policy Statements***

41. We agree with the Reporting Planner that the following National Policy Statements are relevant to PC84:
- a. New Zealand Coastal Policy Statement 2010 (“NZCPS”);
  - b. National Policy Statement on Urban Development 2020 (“NPS-UD”);
  - c. National Policy Statement on Freshwater 2020 (“NPS-F”);
  - d. National Policy Statement for Indigenous Biodiversity 2023 (“NPS-IB”); and
  - e. National Policy Statement for Highly Productive Land 2022 (“NPS-HPL”).

*New Zealand Coastal Policy Statement*

42. We generally agree with the Reporting Planners discussion and conclusions with respect to the NZCPS<sup>1</sup>. In our opinion PC84 will give effect to the NZCPS.
43. The Northland Region coastal environment has been mapped by Northland Regional Council within the Regional Policy Statement 2016 (“RPS”). The RPS identifies a small portion of the south eastern corner of the plan change area as coastal environment (as illustrated in Figure 2 and Figure 4). The area is comprised of existing river bed and margins, being largely protected by esplanade reserve.



**Figure 4: Northland Regional Policy Statement Map Extract (Source: NRC Online Maps).**

44. Due to the limited extent of the coastal environment and existing land use, we do not consider it necessary to require provisions within the MHDA to explicitly protect this area in order to give effect to the NZCPS.
45. We accept the Reporting Planner’s position that Objective 1 of the NZCPS which seeks to maintain coastal water quality and enhance it where it is deteriorated has relevance beyond the extent of the mapped coastal

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<sup>1</sup> Section 42A Report paragraphs 265-267.

environment. Policies 21 and 22 of the NZCPS seek to restore water quality and require subdivision, use and development to not result in significant increase in sedimentation in the coastal marine area or coastal water.

46. PC84 is supported by a comprehensive stormwater management plan (Appendix 9 to the Application) prepared by Chesters. We rely upon the evidence of Mr Rankin who confirms that PC84 will not result in adverse effects to water quality. In our opinion the proposed provisions DEV1-R7 (excavation and fill), DEV1-R19 (subdivision) DEV1-S15 (stormwater management) and DEV1-REQ1 (stormwater assessment information requirement) will effectively ensure that water quality is maintained, and sedimentation will be managed.

*National Policy Statement on Urban Development*

47. Section 6.1.1 of the S32 Report provides an evaluation of PC84 against the NPS-UD. The Reporting Planner has provided a lengthy evaluation of the NPS-UD amongst his assessment of the proposal and in response to submissions<sup>2</sup>.
48. There remains some debate around whether Mangawhai meets the definition of an 'urban environment' for the purposes of the NPS-UD. Notwithstanding that the current position of Council is that the NPS-UD does not apply to Kaipara, as nowhere in the district is considered to meet the threshold for meeting the definition of 'urban environment', we consider that as the proposal seeks to increase the existing urban area, it is appropriate to ensure PC84 delivers a well-functioning urban environment, and subsequently aligns with the direction and overall policy framework set out in the NPS-UD. We agree with the Reporting Planner that the NPS-UD affords direction regarding the qualities that constitute a well-functioning urban environment.
49. In respect to NPS-UD Policy 1 and 2, the application and supporting evidence of Mr Osborne (Economic) and Mr Falconer (Urban Design)

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<sup>2</sup> Section 42A paragraphs 192-248.

demonstrates that PC84 will contribute to a well-functioning urban environment at Mangawhai and is therefore consistent with the NPS-UD criteria within Policy 1. Policy 2 seeks to ensure that there is certainty of development ready land being available to accommodate future housing and business growth in the medium to long term. This is particularly relevant taking into account projected populations for Mangawhai. Mr Osborne assesses that while not necessarily being an immediate requirement in the short term, PC84 will result in a more efficient and well-functioning market which will provide a safeguard for growth and improve affordability.

50. The Reporting Officer considers that resilient communities also need ready access to employment opportunities and a wide range of community facilities -we agree with Mr Cleese. PC84 as proposed provided for employment opportunities and community facilities via the identification of a central community hub within the MHSP. Within this hub, commercial activities, educational facilities and community facilities are enabled. Outside of the hub visitor accommodation and home business activities are provided for as permitted activities (subject to standards). Mr Foy has raised concerns regarding the under provision of both commercial and retail facilities in business zoned land.
51. In response to Mr Foy's concerns and those raised in submissions (discussed further in this evidence) and relying on the evidence of Mr Osborne, we recommend that the MHSP be amended to include the following:
  - a. Three community hub areas, with 'Community Hub Area A and B comprising a total of approximately 16,645m<sup>2</sup> area to provide up to 1000m<sup>2</sup> net floor area within each hub of commercial activities and community facilities, and Community Hub Area C comprising approximately 41,128m<sup>2</sup> area to provide up to 5000m<sup>2</sup> net floor area of Educational Facilities;
  - b. Amendments to provisions DEV1-P7 (Commercial Activities, Community Facilities and Educational Facilities), DEV-R5

(Commercial Activities and Community Facilities) and DEV-R5A (Educational Facilities).

52. In respect to Policy 5, the application demonstrates that PC84 will enable density of urban form commensurate with the demand for housing and business use at the Site.
53. It is acknowledged that PC84 will enable the urban environment to change (including increased residential densities within this location with respect to the current planning framework) however Policy 6 of the NPS-UD directs that 'change' to an urban environment does not in itself constitute an adverse effect. While the 'change' enabled by PC84 will result in certain adverse effects for some people (in addition to positive effects), the application material demonstrates that any adverse effects will be appropriate. We are of the view that the change provided for through PC84 is in a manner that is entirely consistent with the NPS-UD, including the provision of increased housing densities and development capacity.
54. Policy 8 of the NPS-UD seeks to improve land-use flexibility<sup>3</sup> generally by ensuring that local authorities have particular regard to plan changes that would add significantly to development capacity as they arise, if it would among other things contribute to a well-functioning urban environment. A mix of Residential Development and Rural-Residential Development on the site is anticipated by the Mangawhai Spatial Plan 2020, therefore PC84 is not out of sequence with planned land release. Further, the range of densities proposed in PC84 would add significantly to development capacity, therefore Policy 8 provides direct support for PC84.
55. Overall, we are of the opinion subject to amendments to the MHSP and MHDA provisions as recommended that PC84 will give effect to the NPS-UD.

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<sup>3</sup> Introductory guide to the National Policy Statement on Urban Development 2020, Ministry for the Environment. At p6.



*National Policy Statement on Freshwater*

56. Section 6.1.1 of the S32 Report provides an evaluation of PC84 against the NPS-FM. As previously described the plan change area contains a number of wetlands, intermittent and permanent streams and the ecological value of these features were assessed by Bioreserches as detailed their ecological assessment (Appendix 11 to the application).
57. The Reporting Planner has considered the NPS-FM amongst his assessment of the proposal and response to submissions<sup>4</sup>, however we note that the Mr Clease has not made a specific determination with respect to the NPS-FM, rather stating that the NPS-FM is implemented via the National Environmental Standards for Freshwater (“NES-F”). Mr Clease has then detailed his opinions with respect to the proposal and the NES-F. We disagree with Mr Clease’s conclusions with respect to the NES-F and discuss these further.
58. The core concept of the NPS-FM is “Te Mana o te Wai” being the fundamental importance of water; recognising that protecting the health of freshwater protects the health and well-being of the wider environment, promoted by Objective 1 and implemented by Policy 1. The following policies are considered to be relevant to PC84:
- a. Policy 2 seeks to ensure tangata whenua are actively involved in freshwater management, PC84 has been considered by mana whenua who have supported the application and not raised concerns with respect to freshwater values in response to the MHDA provisions.
  - b. Policies 3 and 4 apply to the management of freshwater both in an integrated way and as part of New Zealand’s response to climate change. In our opinion proposed provisions<sup>5</sup> will effectively ensure

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<sup>4</sup> Section 42A Report paragraphs 124-164.

<sup>5</sup> DEV1-R7 (excavation and fill), DEV1-R19 (subdivision) DEV1-S15 (stormwater management) and DEV1-REQ1 (stormwater assessment information requirement).

that water quality is maintained, and sedimentation and flood risk will be managed.

- c. Policies 6 and 7 seek to ensure that there is no further loss of extent of natural inland wetlands and the loss of river extent is avoided and their values are protected, and restoration is promoted. Policy 9 seeks to protect the habitats of indigenous freshwater species. The plan change provisions include proposed objectives and policies to ensure in our opinion the appropriate protection and restoration of wetlands and rivers within the plan change area.
- d. Dr Brown has identified areas which in his opinion are wetlands within the plan change area, that are not included within the MHSP. Mr Delaney's evidence notes that wetland extents are likely to change in the short and long term as a result of natural processes, however the natural wetlands have been conservatively mapped using aerial imagery analysis and this provides an accurate representation of the main wetland extents within the PC84 area.
- e. Mr Delaney supports the wetland mapping being identified as 'indicative' to account for anticipated change over time, and considers that the MHDA provisions provide adequate controls to ensure the sufficient protection of natural inland wetland areas during future phases of Site development (at which time as part of that process they would be ground truthed). We therefore rely upon the evidence of Mr Delaney and recommend that the MHSP is revised to indicate the wetlands and streams as 'indicative wetlands' in the MHSP legend, to provide a point of reference for future consenting processes, whilst recognising that further detailed assessment at the time may result in a slight variation in the defined boundary of the natural wetland extent.
- f. Policy 15 seeks to ensure that communities are enabled to provide for the social, economic and cultural well-being in a way that is consistent with the NPS. We consider that PC84 will strike a balance to provide for these well-beings whilst giving effect to the NPS.

59. Sub-part 1 of NPS-FM details the approaches to implementation of the NPS, which fall largely to regional council. District Council is required to under clause 3.4 actively involve tangata whenua in freshwater management and under clause 3.5 adopt an integrated approach to the management of the effects of land use and development on freshwater, including:

*3.5 (4) Every territorial authority must include objectives, policies, and methods in its district plan to promote positive effects, and avoid, remedy, or mitigate adverse effects (including cumulative effects), of urban development on the health and well-being of water bodies, freshwater ecosystems, and receiving environments.*

60. In our opinion PC84 has implemented clause 3.4. As previously stated, mana whenua have been involved with the proposal. The proposed provisions give effect to the NPS-FM and comply with clause 3.5(4), providing clear objectives and policies<sup>6</sup> that acknowledge an integrated management approach to land use and subdivision activities is required to protect and restore freshwater bodies.

61. Overall, we are of the opinion subject to amendments to the MHSP and MHDA provisions as recommended that PC84 will give effect to the NPS-FM.

*National Policy Statement for Indigenous Biodiversity*

62. The NPS-IB came into effect following the notification of PC84, and therefore the S32 Report does not include an evaluation against the National Policy Statement. The Reporting Planner has considered the NPS-IB amongst his assessment of the proposal and response to submissions.<sup>7</sup> Mr Cleese has not provided an explicit conclusion with respect to the plan change and the NPS-IB. He notes that the NPS-IB

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<sup>6</sup> Objective DEV1-O4, policy DEV1-P3, subdivision rule DEV1-R19, development standards DEV1-S7 (setback from natural features) and DEV1-S16 (stormwater disposal), and information requirements DEV1-REQ1 (stormwater management) and DEV-REQ2 (subdivision).

<sup>7</sup> Section 42A Report paragraphs 124-164.

means that particular care needs to be taken to retain and restore freshwater habitats, and that there is no overall loss in indigenous biodiversity. It is our opinion that freshwater is primarily managed via the NPS-FM although we acknowledge that there are overlaps with the NPS-IB with respect to indigenous biodiversity within freshwater. We also note that section 1.4(3) states that the NPS-IB prevails if there is conflict between provisions. Ultimately nothing really turns on these observations, given our conclusions as to effects, but it is important to adopt the correct approach to assessment.

63. Objective 2.1 of the NPS-IB seeks to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. We rely upon the evidence of Mr Delaney who confirms that PC84 subject to recommended amendments to the MHSP and provisions, will ensure that indigenous biodiversity within the plan change area will be maintained.
64. We consider that PC84 will give effect to the relevant NPS-IB policies for the following reasons:
  - a. PC84 has been considered by mana whenua who have supported the application and not raised concerns with respect to the protection afforded to indigenous biodiversity, giving effect to policies 1 and 2.
  - b. PC84 includes not only identification of existing indigenous biodiversity within the MHSP but requires the protection and enhancement of these areas via the subdivision and land use rules. PC84 has in our opinion given effect to the requirements of policies 3, 4, 7, 8 and 13.
  - c. Policy 6 requires the consistent identification of significant indigenous vegetation and significant habitats of indigenous fauna (“SNAs”) with Policy 7 which requires SNAs to be protected. Mr Delaney confirms that some of the native vegetation may be of SNA quality, of which is adequately identified and protected by the MHDA provisions.

- d. Extensive restoration planting and enhancement is required by subdivision rules proposed by PC84, giving effect to Policy 14.

*National Policy Statement on Highly Productive Land*

- 65. Section 6.1.2 of the S32 Report provides an evaluation of PC84 against the NPS-HPL. We disagree in part with the Reporting Planners assessment of the Plan Change against the NPS-HPL<sup>8</sup>.
- 66. The purpose of the NPS-HPL is to protect highly productive land for use in land-based primary production, both now and for future generations as set out in Objective 2.1. The policies set clear direction to recognise highly productive land and its importance and value to land-based primary production by requiring regional and district plans to map these resources.
- 67. The NPS-HPL defines highly productive land as:

*Highly productive land means land that has been mapped in accordance with clause 3.4 and is included in an operative regional policy statement as required by clause 3.5 (but see clause 3.5(7) for what is treated as highly productive land before the maps are included in an operative regional policy statement and clause 3.5(6) for when land is rezoned and therefore ceases to be highly productive land).*

- 68. Northland Regional Council has not included mapping of highly productive land in the RPS in accordance with clause 3.4, therefore clause 3.5(7) is relevant to the proposed plan change. Until such time as a Regional Policy Statement containing highly productive land maps is operative each territorial authority must apply the NPS-HPL as if references to highly productive land were references to land that:

(1) *Is*

(i) *Zoned general rural or rural production; and*

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<sup>8</sup> Section 42A paragraphs 268-283.

(ii) LUC 1, 2 or 3 land; but

(2) Is not:

(i) Identified for future urban development; or

(ii) Subject to a Council initiated, or an adopted, notified plan change to rezone it from general rural or rural production to urban or rural lifestyle.

69. The NPS-HPL defines LUC 1, 2 or 3 land as follows:

*LUC 1, 2, or 3 land means land identified as Land Use Capability Class 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory or by any more detailed mapping that uses the Land Use Capability classification.*

70. Handmore Land Management (**Appendix 14 of Application**) have undertaken a site-specific assessment of the Land Use Capability classification of the plan change area. This more detailed mapping assessment concludes that the New Zealand Land Resource Inventory (“NZLRI”) mapping was incorrect:

*“The area mapped by the NZLRI as 3w 4 has been reclassified based on a detailed farm scale survey of the area with the new classifications shown in the table above and on the LUC map in Section 6 [figure 5 below].*

- *3w 4 to 4s 4 – this area has been reclassified as the soil is Mahurangi fine sandy loam not One Tree Hill peaty sand and the slope is class C - rolling slopes rather than class A – flat.*
- *3w 4 to developed – this area has undergone significant earthworks and reshaping including aggregate application in preparation for a new building and associated infrastructure. As such it is no longer a viable productive area. Soil on this area is also not One Tree Point peaty sand but rather a Mahurangi fine sandy loam and Wharekohe silt loam and as such would make this area a LUC 4s 4 unit if no development had been carried out.*

- *3w 4 to trees – this area has a dense cover of mature trees and therefore cannot be used for any other productive purpose in its current state. This area also has a significant proportion of Mahurangi and Wharekohe soils and rolling hill slopes. These features would put the respective areas into LUC units 4s 4 and 4e 5.*
- *3w 4 to residential. This area is comprised of small residential lots including residential dwellings and associated buildings and as such cannot be used for any productive purposes.”<sup>9</sup>*

71. The s32 previously assessed that the detailed mapping of the plan change site, using Land Use Capability classification, determines that the plan change area is not defined as LUC 1, 2 or 3 land. However, following the recently issued Environment Court Decision (Decision No. [2024] NZEnvC 83) we consider that the determination of whether the land is defined as LUC 1, 2 or 3 must be based upon the NZLRI mapping as opposed to more detailed mapping using the LUC classification. As such, a small portion of the plan change area is defined as LUC 3.

72. It is our assessment that the remainder of the plan change area that is not within the NZLRI mapping as LUC 1-3 is not defined as highly productive land under the NPS-HPL. For the small portion that is mapped within the NZLRI as LUC 3, Clause 3.5(7)(b) applies to this portion as it is identified for future urban development.

73. The NPS HPL defines ‘identified for Future Urban Development as:

*(a) identified in a published Future Development Strategy as land suitable for commencing urban development over the next 10 years;*  
*or*

*(b) identified:*

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<sup>9</sup> Soil and Resource Report for Mangawhai Hills, section 4.2.1

*(i) in a strategic planning document as an area suitable for commencing urban development over the next 10 years; and*

*(ii) at a level of detail that makes the boundaries of the area identifiable in practice*

74. The area of land that is 'LUC 3' is identified in the Mangawhai Structure Plan (which is a strategic planning document) within the ODP as a 'Rural – Residential' growth area which anticipates urban development with a minimum 4000m<sup>2</sup> allotment size. We note that when comparing this with the National Planning Standard definition of each zone, this anticipated lot size is akin to a Large Lot zone and therefore falls within the NPS HPL definition of 'urban'.
75. Further, the more recent Mangawhai Spatial Plan maps this area of land as 'urban residential growth area' which due to the availability of infrastructure, anticipates a 600m<sup>2</sup> density (i.e. suitable for urban development). Although the Mangawhai Spatial Plan does not include an explicit implementation timeline for commencing urban development, it is implicit due to this area being mapped within the 'future possible wastewater' area which is confirmed in the Mangawhai Spatial Plan to be available within the next 10 years (by 2026). Both the Mangawhai Spatial Plan and Spatial Plan mapping is of a detail that make the boundaries of this area identifiable in practice, therefore meeting clause 3.5.7(b)(ii).
76. We note that Mr Cleese has determined that 3ha of the 'church site' land and the Council held recreation land are Land Use Capability 3. As above, we agree that this determination with respect to the 'church-site' is correct however we note that the Council held recreation land is outside of the plan change area and is therefore not applicable for consideration. Mr Cleese has further discussed future HPL mapping by Northland Regional Council and has undertaken an assessment of the 3ha area of land within the 'church site' against clauses (2)(i) and (ii). We do not consider that any future assessment of Northland Regional Council can be taken into account as part of this plan change process.



77. It is our opinion that the NPS HPL does not apply to Plan Change 84 under Clause 3.5.7, therefore, it is not necessary to consider excluding the 'church site' from the plan change area or rezoning as suggested by Mr Cleese.



Figure 5: Mangawhai Hills Soil Classification (Source: Hanmore Land Management ).

*Proposed National Policy Statement for Natural Hazard Decision Making*

78. The Reporting Planner considers, whilst acknowledging that it is a consultation draft and does not have any statutory weight, that the Proposed National Policy Statement for Natural Hazard Decision Making

("PNPS-NHD") captures the current thinking of the Ministry for Environment<sup>10</sup>. We consider that the PNPS-NHD has no legal weight. It is not supported by a section 32 evaluation, is entirely open to change and may not ever be gazetted as such, and therefore we do not support consideration of any 'current thinking' from the PNPS-NHD.

79. Section 74 of the RMA does not require consideration of a proposed National Policy Statement when preparing or changing a district plan, nor does Section 32 of the RMA require evaluation of proposed provisions against a proposed National Policy Statement. In our opinion, the Reporting Planners reliance upon the PNPS-NHD is flawed. As detailed elsewhere in this evidence, natural hazard considerations have been appropriately engaged with by this plan change.

### ***National Environmental Standards***

80. For completeness we acknowledge that there are currently nine National Environmental Standards<sup>11</sup>, and we consider that PC84 is in accordance with and will not conflict with these standards.

### *Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011*

81. The Reporting Planner<sup>12</sup> considers that there is risk of soil contamination being present due to the rural use of the land, and such potential risk to human health due to land contamination is managed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES-CS").

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<sup>10</sup> S42A Report paragraphs 74 – 75.

<sup>11</sup> National Environmental Standards for Air Quality 2004; National Environmental Standards for Sources of Human Drinking Water 2007; National Environmental Standards for Telecommunication Facilities 2016; National Environmental Standards for Electricity Transmission Activities 2009; National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011; National Environmental Standards for Plantation Forestry 2017; National Environmental Standards for Fresh Water 2020; National Environmental Standards for Marine Aquaculture 2020; and National Environmental Standards for Storing Tyres Outdoors 2021.

<sup>12</sup> S42A Report paragraphs 80 – 84.

82. We note that no submitters have specifically raised concerns with respect to soil contamination.
83. We accept the Reporting Planners recommendation<sup>13</sup> to add a note cross referencing the NES-CS in the proposed Development Area earthworks rule (DEV1-R7), which will assist plan users.

*Resource Management (National Environmental Standards for Freshwater) Regulations 2020*

84. The NES-F establishes requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. These provisions are relevant insofar as they relate to the existing watercourses, drainage systems and wetlands that have been identified within the plan change area.
85. Ms Cohen has reviewed the application with respect to the NES-F<sup>14</sup> on behalf of Council confirming that:
  - a. Works adjacent to wetlands are restricted discretionary, and loss of waterway extent and values are to be “avoided.” As such, resource consent applications require demonstration of functional need, and the effects management hierarchy applied.
  - b. Analysis will be needed to determine if the discharges result in a change in water quality which will have adverse effect on aquatic life which is more than minor. For this plan change, the activities can be addressed using demonstration of functional need, and the effects management hierarchy, provided that:
    - i. The spatial area required for wastewater treatment is confirmed to understand whether there is sufficient space

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<sup>13</sup> S42A Report paragraph 83.

<sup>14</sup> Awa Environmental Memorandum – PPC84 Mangawhai Hills application review: National Environmental Standards – Freshwater.

for implementing the structure plan outcomes across the site, and

- ii. A final stormwater management design is confirmed, as intended, to maintain wetland baseflows.
      - c. It is possible for the plan change to result in positive effects on freshwater values through appropriate buffer and riparian revegetation in combination, and the uses of bridges and arched culverts when crossing wetlands or streams.
86. Whilst Mr Clease reaches an overall conclusion that provisions (subject to his amendments) in combination with the NES-F are sufficient for appropriately managing ecological effects, he has cast doubt with respect to the ability of future development within the site, roading connections (and subsequent crossings), stormwater discharge and wastewater discharge to comply with the NES-F. Mr Delaney has considered this matter in his evidence, concluding “there is a clear consenting pathway for the roading alignment available under the NES-F and that the NES-F affords the appropriate levels of protection for all wetlands”.
87. Mr Clease and Dr Brown have raised concerns with respect to the accuracy of the geographical mapping of wetlands within the MHSP. We note that the NES-F applies independent of the MHSP, as such, at the time of subdivision and or development, an applicant will be required to delineate wetland land extents and standards will be applied based upon that site-specific analysis. Given the changeable nature of rivers and wetlands, we consider that this is efficient to undertake such assessment at development stage. Mr Delaney has considered this matter in his evidence, concluding that the “mapped extent of the wetland features provides an accurate representation of the main wetland extents within PC84 boundaries at the time of the Site assessments”.
88. Mr Clease notes further concern in paragraph 162 with regards to the potential discharge of stormwater and wastewater to rivers and wetlands as potentially presenting consenting challenges under the NES-F. Stormwater and wastewater discharge are regional council functions, and

in our opinion Mr Cleese has complicated matters, overstepping into regional council functions. In order to approve the plan change, Council must be certain that the zoning is the most appropriate within the scope of the District Plan functions and be satisfied that effects can be appropriately avoided, remedied or mitigated. Although we acknowledge that consent for an onsite wastewater treatment plant has been sought from Regional Council, we do not consider that a decision on this consent would be necessary to support PC84.

89. Mr Cleese has cast doubt on the ability to achieve roading connectivity in accordance with the MHSP due to location of future roads and the high bar of the NES-F. Mr Delaney has evaluated the location of all roads and potential crossings with rivers and wetlands as indicated within the MHSP and confirms that “there is a clear consenting pathway available under the NES-F to enable the Structure Plan to be successfully delivered”.
90. In our opinion the provisions provide a robust consenting pathway and assessment of both connectivity and ecological effects. Subdivision rule DEV1-R19.1.b has a restricted discretionary activity status, requiring that all primary and secondary roads are established in accordance with the indicative roads shown on the MHSP. If at the time of detailed design at subdivision stage, an applicant is unable to locate a road in accordance with the MHSP the proposal defaults to a discretionary activity.
91. We consider that PC84 is consistent with the NES-F, and the NES-F will afford appropriate protection of the freshwater features within the plan change area, whether these are mapped within the MHSP, or whether changes in extent of freshwater features develop on the site over time.

### ***National Planning Standards 2019***

92. Section 6.2 of the s32 Report provides a detailed assessment of the Proposed Plan Change. We consider that the proposed Development Area provisions can be incorporated in with future changes to the ODP to implement the planning standards. We agree with the Reporting Planner that the use of a Development Area is the most appropriate planning tool for the rezoning of this plan change area.

### ***Northland Regional Policy Statement 2016 (“NRPS”)***

93. An assessment against the relevant sections of the NRPS is undertaken in section 7.1 of the s32 Report which we support. The Reporting Planner has assessed the NRPS<sup>15</sup>, concluding that the proposed change in zone and associated DP provisions do give effect to the NRPS. We agree with the Reporting Planner.

### ***Northland Regional Plan***

94. Section 7.2 of the s32 Report addresses the various Northland Regional Plans<sup>16</sup>. The Reporting Planner has assessed all plans<sup>17</sup> and generally we agree with Mr Cleese’s conclusions. As at February 2024, NRC had resolved all appeals against the Proposed Regional Plan (“PRP”), and therefore in accordance with section 86F all rules must be treated as operative and any previous rules as inoperative. For this reason, we do not consider it necessary to consider previous plans. In our opinion PC84 is consistent with the PRP, and the PRP rules will afford appropriate management of potential effects, particularly with respect to discharge of stormwater, wastewater and the disturbance of land within the plan change area.

### ***Operative Kaipara District Plan 2013***

95. Section 7.3 of the s32 Report provides a detailed assessment of PC84 against the ODP. We consider that PC84 is consistent with and will implement the relevant higher order objectives and policies of the ODP for the following reasons:
- a. Rezoning the plan change area residential will ensure the sustainable management of land through efficient utilisation, whilst suitably managing potential effects. The rezoning will give effect to the objectives and policies in chapter 3A, which identify the site as

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<sup>15</sup> S42A Report paragraphs 284 – 290.

<sup>16</sup> Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Proposed Northland Regional Plan.

<sup>17</sup> S42A Report paragraph 291-296.

being within the 'Rural-Residential' growth area in the Mangawhai Structure Plan.

- b. The urban design evidence of Mr Falconer highlights that the proposed precinct provisions include specific provisions that will ensure that PC84 will promote a high-quality predominantly residential environment that mitigates built character and environmental effects, and that responds positively to the local and site-specific context.
- c. There are no identified areas of historic heritage or archaeological sites within the plan change area.
- d. There are no KDP identified significant natural areas or outstanding landscapes within the plan change area that make it more sensitive to development. The ecological evidence of Mr Delaney identifies that the recommended provisions will ensure that indigenous biodiversity is protected from adverse effects.
- e. The engineering evidence of Mr Rankin confirms that the servicing necessary for the proposed plan change including the stormwater, wastewater, water supply, power and telecommunications networks will be available to service the rezoning envisaged by PC84 (and to the extent there are any current limitations, there are suitable solutions to resolve these).
- f. The transport evidence of Mr Kelly has addressed accessibility and safety matters, and we consider that the proposal appropriately integrates land use and transport planning.
- g. The geotechnical evidence of Mr Buhagiar has addressed natural hazard matters, and we consider that the proposal appropriately controls subdivision and development so that it does not induce natural hazards or exacerbate the effects of natural hazards.

### *Draft District Plan*

96. Council has released its Draft District Plan for feedback. Under the Draft District Plan, the plan change area is zoned a mix of General Rural Zone (“GRZ”) and Medium Density Residential (“MDRZ”), with no overlays. The Reporting Planner again considers that the Draft District Plan provides useful context regarding Council’s staged and integrated approach to growth management in Mangawhai.
97. We consider that the Draft District Plan has no legal weight, is not supported by a section 32 evaluation, is entirely open to change and may not be notified in its current form. We do not support consideration of the zoning or context provided by the Draft District Plan.

### ***Iwi & Hapu Management Plans***

98. Section 7.5 of the s32 Report provides a detailed assessment of PC84 against the Te Roroa Iwi Environmental Policy Document 2019 and the Te Uri o Hau Kaitiakitanga o Te Taiao environmental management plan which identifies the statutory area of Te Uri o Hau in relation to the Mangawhai Harbour. We agree with the assessment and conclusions of the Reporting Planner<sup>18</sup>.

### ***Mangawhai Spatial Plan***

99. Section 7.4 of the s32 Report evaluates the Mangawhai Spatial Plan (MSP). The MSP aims to provide a high-level ‘spatial picture’ of how Mangawhai could grow over the next 20-25 years, address the community’s social, economic and environmental needs, and respond to its local context. The MSP identifies an overall vision to achieve a cohesive Mangawhai community that respects its natural setting, offers diverse and affordable living and working choices and celebrates its iwi culture, heritage and embraces its future. The MSP identifies seven themes with a number of actions recommended for each key theme, these being natural

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<sup>18</sup> S42A Report paragraphs 237 – 243.



environment, iwi and cultural, three waters, living environment, community, employment and transport.

100. The MSP identifies a number of features in relation to the PC84 site, these are detailed below with our summary of how PC84 achieves alignment with the key outcomes:

- a. In response to the aim to protect and enhance biodiversity links, waterways and the coastal area, an area of ecological value, rivers and streams and an ecological corridor and linkage is identified. Mr Delaney concludes that “PC84 Structure Plan and precinct provisions provide an appropriate framework that seeks to protect and enhance indigenous terrestrial and freshwater biodiversity values of the Site and provide for a net indigenous biodiversity gain”.
- b. In response to the aim to provide efficient, clean infrastructure that will serve the community well into the future, the south-eastern portion of the plan change area is identified as future possible wastewater servicing. The engineering evidence of Mr Rankin confirms that the servicing necessary for the proposed plan change including the stormwater, wastewater, water supply, power and telecommunications networks will be available to service the rezoning envisaged by PC84 (and to the extent there are any current limitations, there are suitable solutions to resolve these).
- c. The MSP identifies the plan change area as urban expansion area and rural residential. The plan change seeks to rezone the area of land identified on the spatial plan mapping as ‘Frecklington Farm’ and Urban Residential Growth Area. The MSP mapping is identified as a ‘preferred growth option’ to “accommodate the projected permanent population growth, while protecting the rural landscape and production areas and the lifestyle that the Mangawhai community values”. Although PC84 does not align in direct accordance with the ‘preferred growth option’ map, the plan change will provide for an overall yield that is generally consistent

with that anticipated by the MSP when considering the plan change area as a whole. Further, it is noted that the Spatial Plan is a high level tool only to inform how Mangawhai could grow over time, and when considering the broader key outcomes that the spatial plan seeks to deliver in response to the management of growth, we consider that the outcomes of PC84 are consistent with the key outcomes identified in the Spatial plan.

## **Assessment of Environmental Effects**

101. A comprehensive assessment of environmental effects (“AEE”) was undertaken and included within section 8.0 of the s32 Report. The assessment was supported by a comprehensive range of technical reports including:

- a. Urban Design Statement (Barker and Associates);
- b. Landscape Report (Greenwoods);
- c. Transport Assessment (Traffic Planning Group);
- d. Land Development Report (Chester Engineering);
- e. Flood Risk Assessment (Chester Engineering);
- f. Stormwater Management Plan (Chester Engineering);
- g. Geotechnical Statement (Tetra Tech Coffey);
- h. Ecological Impact Assessment (Biosecurities Limited);
- i. Soil and Resource Report (Hanmore Land Management);
- j. Archaeological Assessment (Geometria Limited);
- k. Cultural Effects Assessment (Te Uri O Hau).

102. This assessment was considered by Council to be adequate to proceed to notification at the time of accepting PC84. Since notification the following additional technical reports have been undertaken:

- a. Landscape and Visual Effects Assessment (Reset);
- b. Urban Design Assessment (Reset); and
- c. Supplementary Transport Assessment (Traffic Planning Group).

103. We do not restate all of the assessment undertaken in the AEE here. We specifically address relevant components of technical reporting in our consideration of submissions and the s42A Report below. However, for completeness, we simply reaffirm our agreement with the overall conclusion reached within the AEE which is, subject to the modifications we have recommended:

- a. The actual and potential effects of PC84 have been comprehensively considered, based on extensive reporting and analysis undertaken by a wide range of technical experts;
- b. On the basis of this analysis, we consider that the area is suitable for the land use pattern enabled by PC84 and the proposed provisions will result in positive effects on the environment in terms of the social and economic well-being of the community; and
- c. Where adverse effects are anticipated, we consider that the proposed policies and rules of PC84 ensure they are appropriately avoided, remedied or mitigated.

### **Response to S42A and Submissions**

104. The s42A Report recommends the approval of PC84 subject to provision of further information and some modifications.

105. 74 original submissions and 11 further submissions were received against PC84, and the Reporting Planner has structured his report by grouping his assessment of submitters requests and issues by topic and combining his evaluation of the application and response to submissions into these topics.

106. We have provided a comprehensive response to both the matters raised in the s42A report and submissions. Where possible we have structured our

response following the s42A reporting topic structure. Each section details the s42A position, relevant submitters positions and our response to the matters raised.

There are a number of matters raised by the Reporting Officer, which we cannot clearly link to submissions, therefore we address these separately. There are a number of topics raised by submissions which in our opinion have not been specifically addressed by the Reporting Planner to which we provide a direct response.

### ***Land Suitability***

107. The Reporting Officer has grouped Geotechnical Considerations and Land Contamination under the same topic heading of his s42A Report.

#### *Geotechnical Considerations*

108. Mr Sands on behalf of Council has undertaken a review of the Application, identifying a number of concerns with the reporting and testing, and determining in his opinion that the site is medium and high instability, considering that portions of the land are not suitable for high density development and better align with lifestyle blocks sized lots at 1 to 2 hectares. The Reporting Officer has relied upon Mr Sands findings<sup>19</sup>, providing three options in his opinion:

- a. One: Applicant to provide further information prior to the hearing;
- b. Two: ensure that provisions are sufficiently robust to ensure assessments are undertaken and significantly amend the structure plan; and;
- c. Three: apply larger lot sizes to the areas identified by Mr Sands as medium and high instability.

109. Mr Buhagiar has responded to Mr Sands concerns and disagrees with the conclusions of Mr Sands, specifically with the observed instability mapping.

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<sup>19</sup> S42A Report paragraphs 62-79.

Mr Buhagiar provides a review of additional deep geotechnical testing, additional penetration tests and further geotechnical reporting and based on his technical analysis of available information, concludes that there is no evidence in the site testing to suggest that there is any risk from soft ground or liquefaction. Mr Buhagiar also confirms that the site is considered to have a low to moderate risk of slope instability, with the exception of the two areas of areas with a moderate to high risk of instability which he recommends are mapped in the MHSP with specific provisions to require the retirement and restoration planting and protection of these areas, and to manage earthworks, built development and stormwater disposal within these areas. We prefer the evidence of Mr Buhagiar.

110. In response to the options proposed by Mr Clease, we provide the following response:

- a. The Applicant has undertaken further testing within the timeframe available between receipt of the Council s42A Report and the completion of Applicant evidence. This testing is summarised by Mr Buhagiar who confirms:
  - i. There is no evidence in the site testing to suggest there is any risk from soft ground or liquefaction.
  - ii. The site is considered to have a low to moderate risk of slope instability, with the exception of the two areas of areas with a moderate to high risk of instability and revisions to provisions are recommended as above.
  - iii. The site is predominantly stable Waitemata Group soils (Pakiri Formation) and while areas of soil creep and instability have been observed, these do not pose a risk for the proposed development.
- b. In our opinion, we agree that the proposed provisions along with the incorporation of the additional provisions as recommended by Mr Buhagiar, afford appropriate assessment of potential geotechnical hazards at time of subdivision. Based on the

recommended provisions, DEV1-R1 restricts buildings and structures from being located within moderate to high risk instability areas as a permitted activity, with matters of discretion in place to require specific consideration of natural hazard effects. Further, subdivision rule DEV1-R19 requires the areas identified as moderate to high risk instability areas in the evidence of Mr Buhagiar to be retired, revegetated and protected, compliance with standards DEV1-S9 Earthworks (updated to restrict earthworks within mapped moderate to high risk instability areas) and DEV1-S12 Building Platforms. DEV1-S9 includes as a matter of discretion, consideration of measures to manage land instability. DEV1-S12 requires that every allotment has a building platform to a specified standard, including certification from a geotechnical engineer that it is geotechnically stable.

- c. We consider that section 106 affords sufficient scope for Council to decline a subdivision application or alternatively grant subject to conditions a subdivision application with respect to managing risk from natural hazards.
- d. We consider that lot size does not correlate to land instability, provided that hazard risk is appropriately assessed, and potential effects are managed.
- e. The NRPS does not include specific policy direction with respect to land instability. Policy 7.1.1 applies and we consider that the proposed provisions give effect to this policy.

*“Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:*

*(a) Seeking to use the best available information, including formal risk management techniques in areas potentially affected by natural hazards;*

*(b) Minimising any increase in vulnerability due to residual risk;*

*(c) Aligning with emergency management approaches (especially risk reduction);*

*(d) Ensuring that natural hazard risk to vehicular access routes and building platforms for proposed new lots is considered when assessing subdivision proposals; and*

*(e) Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.” [our emphasis added]*

111. We have identified the following submitters as raising concerns with respect to instability:

- a. C and R Owen (5.1) has raised concerns with respect to future proofing the stability and stormwater on Tara Road for any proposed development.
- b. J Archer (21.1) has opposed PC84 in its entirety due to concerns with landslips on Tara Road.

112. We consider that the proposed provisions will ensure appropriate assessment and management of potential geotechnical hazards at time of subdivision. This combined with stormwater management, protection of the freshwater and indigenous vegetation and revegetation required with development will increase stability of Tara Road.

#### *Land Contamination*

113. We have previously discussed the applicability of the NES-CS; we note that no submitters have specifically raised concerns with respect to soil contamination. We accept the Reporting Planners recommendation<sup>20</sup> to add a note cross referencing the NES-CS in the proposed Development Area subdivision rule DEV1-R19, which will assist plan users.

#### ***Infrastructure Servicing (Water, Wastewater/Stormwater)***

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<sup>20</sup> S42A Report paragraph 83.

114. The Reporting Officer has grouped consideration of water supply, wastewater, stormwater and flood hazard under the same topic heading of his s42A Report.

#### *Water Supply*

115. We note that Ms Parlane and Mr Rankin agree that onsite water supply provision is both typical of household supplies for smaller townships and has been proven to be sufficient, and that the PC84 provisions provide an appropriate tool for delivering adequate water storage and supply. Mr Cleese is satisfied that the proposed water supply solution is sufficient.

116. Submitters<sup>21</sup> have raised concerns with respect to water supply. The majority of these submitters are generally concerned about sufficient water supply, whilst NRC (49.1) have sought amendments to rule DEV1-R2 Residential Unit to require *50,000 litres of onsite potable water storage per residential unit is provided*. We rely upon the evidence of Mr Rankin who concludes that subject to recommended amendments to the water supply provisions that relate to non-residential activities, PC84 will ensure that adequate water supply is achieved. For these reasons and relying upon the evidence of Mr Rankin, we consider that PC84, subject to recommended amendments will result in the appropriate provision of water supply.

#### *Wastewater*

117. Several alternative methods of wastewater disposal are enabled via the proposed provisions. Mr Cantrell and Mr Rankin are in agreement that these provisions will appropriately manage effects of disposal.

118. Mr Cantrell considers that subject to appropriate staging, it is possible to service all 600 lots proposed via the public reticulated wastewater system and this solution is his preferred outcome. We note that Mr Cantrell recommends that consideration should be given to negotiating a developer contribution to bring forward the proposed upgrades to the public system

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<sup>21</sup> C Boonham (6.1), K Marment (32.6), Mangawhai Church Trust (43.3), Northland Regional Council (49.1), L Leslie (76.1).



as an option to provide better overall value to the community. Such a recommendation is completely outside the scope of a plan change, although it is an option open to any developer later in time. Development contributions are established under the Local Government Act 2002. At time of future subdivision such an agreement could be considered in accordance with the Council Development Contribution Policy.

119. Mr Cantrell considers that individual onsite disposal systems are plausible provided that the minimum lot size is sufficient. Mr Cleese has recommended changes to the provisions, and recommended an increase in the minimum lot size if individual septic tank solutions are proposed.

120. Submitters<sup>22</sup> have raised concerns with respect to the effects of wastewater discharge, with regard to both onsite disposal effects and the capacity of the public reticulated system.

121. D Bolton (10.1) opposed the proposed zoning of the Causeway Church, raising concerns with respect to wastewater connections. We note that that the Applicant is not directly involved with the Church development and the proposed provisions<sup>23</sup> ensure that adequate servicing is provided at time of development.

122. NRC (49.2) seeks that rule 13.14.6 – wastewater disposal in the district plan applies to the MHDA, and that the rules state a minimum of 2000m<sup>2</sup> be required for a site where no wastewater connection is available to ensure future development can provide 1500m<sup>2</sup> of land per household for wastewater disposal within the net site area of the allotment.

123. T Simpkin (68.1) and W & F MacLennan (70.1) support PC84, noting they are in support of onsite wastewater disposal.

124. We rely upon Mr Rankin's evidence which addresses the above matters and consider that the proposed provisions will ensure that future development

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<sup>22</sup> C Boonham (6.1), D Parker (11.3), Horizon Surveying (20.4), K James and H Canton (31.2), K Marment (32.6), L Kendall (35.1), M Tschirky (41.1), Mangawhai Church Trust (43.4), Mangawhai Matters Society Inc (44.3), N Campbell (47.2), S Brabant (60.1).

<sup>23</sup> DEV1-S17.

will be appropriately serviced and effects managed. The applicant has lodged an application to NRC for the necessary resource consents to establish a communal onsite disposal system. At the time of writing this evidence a recommendation on this application has not been made. Notwithstanding this, Mr Rankin confirms that the MHDA provisions are suitable to ensure that wastewater servicing is adequately provided at the time of subdivision.

125. With respect to increasing the minimum lot size in conjunction with onsite wastewater treatment, we have not yet seen evidence from NRC, however we note that the PRP rule C.6.1.3 does not manage effects of domestic wastewater discharge by specifying a minimum lot size. Mr Rankin does not consider that a minimum lot size is an appropriate tool to manage wastewater disposal, rather he concludes that DEV1-S16, subject to recommended amendments to the standard reference to 'AS/NZS 1547:2012' is more appropriate to effectively manage onsite wastewater design in accordance with the current New Zealand Standard.

126. We consider that any development enabled under PC84 will contribute to the funding of public infrastructure and that there are adequate funding mechanisms in place to service necessary extensions and upgrades. Relying upon the evidence of Mr Rankin, we consider that PC84, subject to recommended amendments will result in the appropriate provision of wastewater disposal.

#### *Stormwater and Flood Hazard*

127. Mr Senior and Mr Rankin are both in agreement that the Chester reporting undertaken and the Stormwater Management Plan in support of the application. Mr Senior and Mr Rankin are also in agreement that the proposed provisions are appropriate. The Reporting Planner has stated that Mr Senior has recommended that clause 1(b) should be amended to require detention to mitigate the 100-year ARI storm event in order to align with the Flood Risk Assessment undertaken by Chester. We understand from Mr Rankin that Mr Cleese has misunderstood Mr Senior's position, whereby the management of 1/3 of the 2-year ARI storm event is stipulated specifically

to manage stream channel erosion and the mitigation of the 100-year ARI storm event is for flood hazard mitigation.

128. Numerous submitters<sup>24</sup> have raised concerns with stormwater management and potential flood risk. Many have particularly noted flood concerns with Cove Road.

129. C and R Owen (5.9) has sought to reduce the proposed impervious area limits. Mr Rankin has confirmed whilst the impermeable coverage is proposed to be increased, the flood hazard experienced within the catchment for the 100-year design storm is to be maintained at pre-development elevations using peak flow controls onsite.

130. D Bolton (10.1) opposed the proposed zoning of the Causeway Church, raising concerns with respect to stormwater connections. We note that that the Applicant is not directly involved with the Causeway Church development and the proposed provisions<sup>25</sup> ensure that adequate servicing is provided at time of development.

131. NRC (49.3) request that the precinct plan show areas subject to a 1:100 ARI and should disallow residential building platforms or wastewater disposal areas within these areas. In response to the NRC submission which sought to include the 10yr and 100yr flood risk maps in the Structure Plan, and further to the stormwater management methods that are set out in subdivision provisions, we consider that a more effective method of managing the risk of flood hazard, are additional land use rules relating to development and earthworks in proximity and within the flood hazard areas identified within the Stormwater Management Plan. The reason for tying these rules to the mapping in the Stormwater Management Plan is due to this mapping being more up to date and site specific, in comparison to the Regional Council's scale and accuracy of flood hazard mapping. The inclusion of these rules will ensure that flood hazard risk is not increased

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<sup>24</sup> C Boonham (6.1), C. and R. Owen (5.8 and 5.10), G Americh (14.1), D Parker (11.4), K and S Glow (28.3), K Reid (31.1), M Tschirky (41.1), Mangawhai Matters Society Inc. (44.1), N Campbell (47.2), T Harris (68.2), W and F MacLennan (70.3).

<sup>25</sup> DEV1-S16.

or exacerbated as a result of the development of land use activities. We have recommended amendments as set out in **Attachment 3** in addition to the subdivision rules relating to stormwater management.

132. For these reasons and relying upon the evidence of Mr Rankin, we consider that PC84, subject to recommended amendments will appropriately manage stormwater and flood hazard risk.

*Servicing Rule Framework*

133. The Reporting Planner has addressed servicing rules under a separate heading<sup>26</sup>, and he has noted a number of concerns with respect to the proposed provisions. It appears that the Reporting Planner has misunderstood the structure of the Development Area provisions and seems to have interpreted standards as being standalone rules. As proposed the chapter is structured with land use rules comprised of building, activities and effects rules and a subdivision rule. These rules link to standards which establish the acceptable level of effect, standards may apply to both land use and subdivision rules.

134. The Reporting Planner states that the proposed rule pathway provides Council with no opportunity to assess the detail of the proposed three water systems. Mr Clease has made an assumption that the base activity status of “rules” DEV1-S15, DEV1-S16 and DEV1-S17 is a permitted activity, which is incorrect. DEV1-S15, DEV1-S16 and DEV1-S17 are clearly identified as standards and do not specify a particular activity status. DEV1-R19 requires compliance with a number of standards to retain a restricted discretionary activity status. In order to prove compliance with DEV1-S15, DEV1-S16 and DEV1-S17, an applicant must provide detailed design and analysis of systems proposed. In our opinion the standards afford an appropriate level of assessment of three waters systems. Should a subdivision proposal fail to comply with the listed standards, the proposal will default to a discretionary activity affording Council

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<sup>26</sup> S42A Report paragraph 123.

unlimited opportunity to consider the design and potential effect of three waters systems.

135. The Reporting Planner has recommended that DEV1-S16 clause (1)(b) be amended as recommended by Mr Senior. We have addressed this provision within the Stormwater and Flooding section of this evidence.

136. Berggren Trustee Co Ltd (4.12), F Lienert (13.2) and S and J McInteer (59.2) have made submission points with respect to infrastructure servicing options. We consider that the recommended provisions appropriately manage the provision of and potential effects from infrastructure.

137. We note that the Reporting Officer has listed Mangawhai Matters Society Inc (44.3) submission point under this report heading with respect to cost of infrastructure funding and the level of development contribution to infrastructure. Submitters have raised concerns with respect to upgrades and funding of the reticulated services. We note that Council has a mechanism available to it (which is currently utilised) by which costs associated with the provision of public services can be funded (or recovered). This is in the form of Development Contributions under the Local Government Act 2002 that are required to be paid in accordance with the KDC's Development Contributions Policy 2021. The merits or otherwise of KDC's Development Contributions Policy is not within the scope of this plan change, and future consideration of the necessity for, and funding of public infrastructure, is a matter for the KDC's Infrastructure Strategy and the Long-Term Plan 2021/2031.

### ***Ecology and the NPS-FM, NES-F and NPS-IB***

138. Whilst the Reporting Planner has considered ecological effects under the abovementioned heading, we note that there is considerable discussion within this section with respect to stormwater and transportation connections with respect to potential freshwater effects. We have undertaken a detailed evaluation of the proposal against the NPS-FM, NES-F and NPS-IB in the Statutory Evaluation section of this evidence and do not repeat this discussion.

139. Dr Brown has reviewed the application and has raised a number of concerns with respect to the potential ecological effects. Mr Delaney has responded to these in his evidence, which we rely upon. The Reporting Planner has identified a number of changes to provisions which he considers necessary, we address these as follows.
140. Mr Clease considers that DEV1-R7 Earthworks should be amended to ensure that no earthworks occur within the Existing Native Vegetation Areas, Streams, or Riparian Restoration Areas within the MHSP. Mr Delaney has reviewed the proposed provisions and agrees with the recommendation to not provide for earthworks within Existing Native Vegetation Areas. Further, Mr Delaney recommends changes to the existing exemption for vegetation clearance to establish walking tracks within DEV1-R8 Indigenous Vegetation Clearance, as there is potential for adverse effects. Mr Delaney recommends that limitations be applied to both vegetation clearance and earthworks associated with walking tracks. We do not agree with the changes recommended by Mr Clease, instead we rely upon Mr Delaney's evidence and recommend amendments to the provisions as detailed in **Attachment 3**.
141. Mr Clease considers that DEV1-R8 Indigenous Vegetation Clearance should be amended to exclude vegetation clearance as a permitted activity from wetlands and riparian margins for the formation of walking tracks. Whilst DEV1-R8 as proposed provided an exemption for the formation of walking tracks, we note that the NES-F regulation 38 and PRP rule C.8.4.2 'Vegetation Clearance in Riparian Areas' manage vegetation clearance in proximity to wetlands and rivers and are in our opinion more appropriate to manage potential ecological effects particularly on freshwater. We consider that duplication of these controls in the District Plan will result in unnecessary consenting costs and duplication for applicants. Mr Delaney however recommends that Rule DEV1-R8 is amended to only allow for the indigenous vegetation clearance for walking tracks if manual methods are used that do not require the removal of any indigenous tree over 300mm in girth. We do not agree with the changes recommended by Mr Clease,

instead we rely upon Mr Delaney's evidence and recommend amendments to the provisions as detailed in **Attachment 3**.

142. Mr Clease recommends a change to subdivision information requirement DEV1-REQ2(2)(c)(v) to include "the need or any controls on domestic cats and dogs to protect native wildlife". We rely upon the evidence of Mr Delaney who agrees that the recommended change will ensure that the management of cats and dogs is considered at the time of designing an ecological management plan.
143. Mr Clease has recommended an addition to the information requirement to include details of any proposed road crossings over wetlands and waterways. We disagree with Mr Clease, as previously discussed, in our opinion activities in freshwater is managed by NRC and should consents be required under the NES-F or PRP these will be sought and effects managed in accordance with the requirements of those standards and plan.
144. Berggren Trustee Co Ltd (4.2) has requested that DEV1-P5 be amended as it has no specific rules to secure outcomes stated, considering that amendments will align more clearly with the NPS-FM. In our opinion DEV1-P5 is given effect to by DEV1-R17, DEV-R19, DEV1-S14, DEV1-S15 to DEV-S18. As previously discussed, we consider that the proposal will give effect to the NPS-FM.
145. Berggren Trustee Co Ltd (4.11) notes that ground-truthing has not been undertaken for their site and seeks that the provisions acknowledge that the ecological areas shown on the MHSP are indicative only. Mr Delaney agrees with the recommendation to note wetlands as 'indicative wetlands' on the MHSP. We rely upon Mr Delaney's evidence and recommend amendments to the provisions as detailed in **Attachment 3**.
146. C and R Owen (5.3) seeks a new comprehensive pest plan be implemented and J Warden (26.6) seeks greater consideration be had to the protection of ecological features with respect to animal controls. We consider that proposed information requirement rule DEV1-REQ2 appropriately requires the provision of a detailed ecological management plan including pest and weed management at the time of subdivision.

147.J Warden (26.1 – 26.6) seeks clarification on a number of ecological matters:

- a. Confirmation of wetland locations within the plan change area;
- b. Consideration of setbacks from wetlands to provide greater certainty as to where wetland areas are noting potential rules triggers under the PRP and NES-F;
- c. Greater consideration be given to areas assessed in the Ecological Assessment; and
- d. Consideration of potential avifauna species.

148. We rely upon the evidence of Mr Delaney in response to Mr Warden and consider that the provisions afford appropriate protection and enhancement of ecological features and management of effects. In particular, information requirement rule DEV1-REQ2 appropriately requires the delineation of wetlands at time of development.

149.K Marment (32.1) seeks that vegetation be retained, in particular existing vegetation near wetlands which feed the Tara Stream. C Webster (8.1) raises concern that PC84 will have adverse effects on native planting and bird life. We note that the proposed provisions seek to protect all existing indigenous vegetation and wetlands within the plan change area.

150.N Campbell (47.1 and 47.2) seeks that the south-eastern portion of the paper road above Fantail Way becomes a native reserve and that the farmland between Fantail Way, Weka Street, Daphne Place and Ngaio Close be zoned or covenanted as native bush reserve. Mr Delaney considers any additional adverse effects arising from development within the parts of the plan change area that are currently a paper road would be outweighed by the significant ecological gains PC84 seeks, and sufficient provisions are in place to ensure that potential direct adverse impacts on native fauna can be suitably addressed through the requirement of an Ecological Management plan at time of subdivision.



151. For these reasons and relying upon the evidence of Mr Delaney, we consider that PC84, subject to recommended amendments will appropriately protect and enhance ecology.

### ***Transportation/Traffic Effects on the Roding Network***

#### *Traffic Effects and Integrated Transport Assessment*

152. Ms Gasson has a number of concerns with the assumptions underpinning the Transport Assessment Report prepared in support of the plan change. Several submitters<sup>27</sup> have raised concerns with respect to the level of assessment undertaken. Mr Kelly has responded to these concerns, and we rely upon his evidence.

153. The Reporting Planner notes that Ms Gasson recommends the inclusion of a staging rule to require a further Integrated Transport Assessment (“ITA”), proposed by Ms Gasson on the basis that modelling of traffic has not in her opinion considered the effects of more than 600 dwellings. Mr Cleese states that such trigger rules are challenging to enforce and agrees that the Applicant’s modelling would benefit from sensitivity testing<sup>28</sup>. Mr Kelly has addressed the matters raised by Ms Gasson and we rely upon his evidence.

154. Submitters<sup>29</sup> have generally opposed the rezoning on the grounds that it will result in additional traffic pressure, raising various concerns including the need to upgrade existing one lane bridges on Cove Road, additional pedestrian access to the beach, shared paths for cyclists and pedestrians. Mr Kelly has addressed these submissions, and we rely upon his evidence.

155. We note that the proposed provisions include a subdivision information requirement DEV-REQ2 (1) which requires every subdivision application that involves a new road to be supported by an ITA and Safe System

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<sup>27</sup> B and S Pulham (S3.1), S Brabant (60.1), S Hartley (62.1).

<sup>28</sup> S42A Report paragraphs 165-191.

<sup>29</sup> D Parker (11.2), 14.2 G Arnerich (14.2), J Warden (26.7 and 28.8), J Young (27.1), K Marment (32.4), K Francis (29.1), S Hartley (62.2 and 62.3), R McQuerry (57.1 and 58.1).

Assessment which in our opinion will ensure that transport effects are appropriately assessed at time of development.

*Connections – Moir Street and Old Waipu Road*

156. Ms Gasson has identified two potential gaps in the proposed road network within the MHSP, being the ability to link to Moir Street and Old Waipu Road.

157. The proposed primary road link to Moir Street runs through Lot 1 DP 15117 which is owned by Mangawhai Church Trust (43.2). Mangawhai Church Trust have opposed the location of the proposed road on the basis that it will affect the planned future projects. Ms Gasson has confirmed with the Northland Transport Alliance (“NTA”) that they do not seek to use the Public Works Act to acquire non-strategic sections of local road, supporting her conclusion that the southern link will be reliant upon a private agreement between the applicant and the land owner (Mangawhai Church Trust). Mr Cleese further opines that the proposed Moir Street connection will face implementation challenges due to topography, fragmented ownership, location of waterways and wetlands.

158. Mr Kelly acknowledges that the primary road connection onto Moir Street may not be realised however recommends that this connection is appropriate to remain in place on the MHSP to enable a more integrated and well-connected road network. Although it appears unlikely to be realised in the short term, private agreement with the landowner may be concluded later in time or NTA may change its future approach to land acquisition.

159. Importantly, Mr Kelly concludes that based on the findings of additional scenario modelling that was undertaken to assess whether the surrounding network would continue to operate within acceptable levels should the full extent of development occur prior to the primary link road to Moir Street being established, the surrounding network would in his opinion continue to operate within acceptable levels, with no significant delays which would require further mitigation.

160. Mr Clease has noted that in order for Old Waipu Road to form a link to Mangawhai Village, it is necessary to connect the northern section of the road to the southern formed section of road, for which Council does not have funding allocated in its Long Term Plan. Whilst we accept that the lack of funding may result in an incomplete roading link along Old Waipu Road, we note that this is outside of the plan change area and it is considered imperative to ensure that connections within the plan change area are established (albeit ending in a termination as matters stand) to ensure future connectivity. We also note that Council funding may change over time, and should the upgrade not be provided by Council, a future ITA would require any necessary mitigation to be funded and undertaken by the applicant if deemed necessary to directly mitigate effects or upgrade requirements on this roading network resulting from a proposed development. Mr Kelly further considers this point in his evidence, also acknowledging that the MHSP connection onto Old Waipu Road is not contingent on current Council funding arrangements being confirmed.

161. Submitters<sup>30</sup> have raised concerns with respect to the feasibility of these road connections and traffic generation effects.

162. In the event that the Moir Street and Old Waipu Road connections cannot be established, Ms Gasson recommends that a rule be introduced to ensure provision of pedestrian and cycle connection along Tara Road. We do not support the introduction of such a rule as such methods of upgrading will be required and addressed via the ITA. However, we accept the concern raised by Mr Clease that the proposed provisions do not apply to land use consents. To address this, we recommend amendments to DEV1-S14 (now DEV1-S13 in the recommended version) to require private access serving more than 30 household equivalents to default to road standards. Mr Kelly has addressed these concerns, and we rely upon his evidence. In our opinion, sufficient provision is made in the rules to seek to establish transport connections in accordance with the MHSP.

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<sup>30</sup> B and S Pulham (3.2), K and S Gow (28.4 and 28.6), N Gestro (48.1 and 48.2), B and S Pulham (3.1), J Mentzer (23.1), J Sax (24.1), J Young (27.1).

Failure to do so triggers a discretionary activity consent affording Council the ability to consider all potential effects associated with transport and connectivity.

*“Loop Road”*

163. Mr Cleese has raised concerns with respect to the need to travel some distance to reach the internal east-west road, before then looping back south via Tara Road. He has recommended that the MHSP be amended to show two further indicative road access points onto Tara Road. Mr Kelly and Mr Falconer have addressed these concerns by recommending alternate roading connections to provide greater connectivity and reducing the amount of switchback traffic movements, however Mr Kelly, Mr Delaney and Mr Falconer do not agree with the specific locations as suggested by Mr Cleese for a number of reasons including topographical and ecological constraints. Based upon their evidence we do not support the inclusion of additional connections to Tara Road in the locations recommended by Mr Cleese, however agree with the changes in road alignment and connections presented in the revised MHSP in Attachment 2.

*Tara Road Intersection Opposite Moana Views*

164. Numerous submitters<sup>31</sup> have requested that the position of the proposed road intersection with Tara Road, opposite Moana View be moved or rejected. We note that Ms Gasson has confirmed that upgrades necessary will depend upon the delivery of alternative routes to spread the traffic load. Mr Kelly has considered these submissions and recommended that the proposed road intersection be moved as illustrated in the updated MHSP in **Attachment 2** and we rely upon his recommendations.

*Roading Dimensions*

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<sup>31</sup> A van Niekerk (2.3), Berggren Trustee Co Ltd (4.3 and 4.9), C and R Owen (5.4), G Mitchell (16.3), G Van Niekerk (18.3), K Moynihan (33.3), M Hewitt (39.3), N Gestro (48.1), T and J Wilson (65.3), W Neal (72.3).

165. Ms Gasson has recommended a number of amendments to the proposed internal road dimensions and a limit to the number of dwellings that can be serviced off a private access. Submitters<sup>32</sup> have requested that the road widths are consistent with Council's current standards. We rely upon Mr Kelly's evidence and recommendations and recommend amendments to the provisions as detailed in **Attachment 3**.

### ***Urban Design, Urban Form and the NPS-UD***

166. The Reporting Planner has provided a lengthy discussion under the abovementioned heading with respect to the higher order policy (NPS-UD) and spatial direction (ODP Structure Plan, Mangawhai Spatial Plan 2020 and Proposed District Plan) which he considers to be relevant to PC84. We have analysed the higher order policy and spatial direction within the Statutory Evaluation section of this evidence and do not repeat this discussion.

167. The s42A report concludes overall that the MHSP provides an appropriate location for the urban expansion of Mangawhai in a manner that will result in a well-functioning urban environment and supports the MDHA bulk and location provisions from an urban design and form perspective. Mr Falconer agrees with the conclusions of Mr Clease with respect to Urban Design and Urban Form, concluding that PC84 "represents a logical and sympathetic response to the site and surrounding context, taking into account the existing semi-rural character, the topographic and ecological constraints of the Site".

168. Submitters have raised concerns with respect to a number of the MHDA bulk and location rules, including the provision of site coverage being too conservative<sup>33</sup>, the provision of site coverage being too large<sup>34</sup>, and the

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<sup>32</sup> K and S Gow (28.4).

<sup>33</sup> Burggren Trustee Co Ltd (4.7).

<sup>34</sup> M Tschirky (41.1).

appropriateness of the minimum density and yield<sup>35</sup>. Submitters<sup>36</sup> have also raised concerns with the securing of outcomes in urban design and landscape assessments.

169. Mr Falconer has reviewed these submissions from a landscape and urban design perspective and concludes that these changes to provisions are not necessary or appropriate. We rely upon Mr Falconer's evidence and agree that no changes to provisions in response to these submissions are required.

### **Landscape/Rural Character and Amenity**

170. The s42A report does not include a stand-alone topic for consideration of landscape effects, with paragraphs 234 – 241 of the Urban Design Section discussing "landscape change". This section discusses the proposed rezoning and the resultant change in land use away from farming/lifestyle block use and towards residential activities, inherently resulting in a change in landscape as a predominantly pastoral hillside shifts to a more suburban residential appearance.

171. Submitters have raised concerns with respect to the MHDA provisions relating to colour palettes of future residential development<sup>37</sup>, and potential landscape effects resulting from night sky pollution<sup>38</sup>. Submitters<sup>39</sup> have raised concerns with regards to the provision of development, including within the 'ridgeline' from a landscape and visual amenity perspective. K Marment (32.2) seeks that skyline views from all directions are protected and no structures are built on the skyline.

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<sup>35</sup> D. Parker (11.6), M Tschirky (41.2), C Boonham (6.1).

<sup>36</sup> Berggren Trustee Co Ltd (4.1), S Reid (64.1).

<sup>37</sup> A. van Niekerk (2.4), C and R Owen (5.5), G Mitchell (16.4), G van Niekerk (18.4), K Moynihan (33.4), T & J Wilson (65.4), W Neal (72.4).

<sup>38</sup> A. van Niekerk (2.5), C and R Owen (5.5), G van Niekerk (18.5), K Marment (32.5), R Woolnough (56.1), S & J McInteer (59.1).

<sup>39</sup> K & S Gow (28.1), Mangawhai Matters Society Inc (44.2), P Harris (50.1), P Muller (51.1).

172. Submitters<sup>40</sup> seek to retain the paper road as greenspace, retain existing planting and create a densely vegetated buffer between the proposed development and the top of the existing Vista Verano Subdivision.
173. Mr Cleese has supported the proposed controls applying to the LPA and wider plan change area from a Landscape effects perspective.
174. We agree with the Reporting Planner that while the proposed rezoning inevitably will result in a change in character and landscape as land use and development shifts, this change is not necessarily adverse. In our opinion the proposed precinct provisions seek to protect ecological features, enhance connectivity and manage adverse effects on residential amenity far beyond that provided for in the ODP Residential Zone.
175. With regards to the ridgeline, PC84 includes a LPA which applies a bespoke set of provisions that seek to manage potential built form effects resulting from development on the Ridgeline. Upon review of submissions, Mr Falconer has recommended an increase in extent of the LPA to expand across a larger area of the ridge, as well as additional provisions that require planting to assist with managing the potential landscape effects resulting from subdivision and development within this landscape.
176. In response to the submissions that seek low impact street lighting, Mr Falconer does not consider that a specific provision that limits street lighting is necessary. We consider that minimum lighting standards that are in place for roads are necessary to be retained to ensure that roading is fit for purpose.
177. Mr Falconer does not agree with the submissions that seek amendments to the provisions relating to the use of recessive colours, as this “could limit architectural expression and tend towards monotony”.

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<sup>40</sup> D Bolton (10.2), E Jenner (12.1), F Lienert (13.1), N Campbell (47.1).

178. We rely upon Mr Falconer's evidence and recommendations and recommend amendments to the provisions as detailed in **Attachment 3**.

## **Open Space**

179. The s42A report does not include an assessment of open space, a matter which we have identified as being raised by a number of submitters.

180. K Marment (32.3) seeks that 45% of the land be zoned as 'green zones' with public access via walking or biking. Other submitters<sup>41</sup> seek that PC84 is supported by increased open space reserve and recreational space outcomes.

181. A number of submitters<sup>42</sup> have requested that the paper road above / adjacent to Kahu Drive and Daphne Place is retained as 'green space/reserve' and planted.

182. Mr Falconer has recommended changes to the MHDA provisions where they relate to open space, in response to submissions. In particular, the location and extent of open spaces have been refined to better provide for and enhance connections and recreational opportunities throughout the site. Lineal Open Spaces were evaluated as part of the Landscape Assessment, based on 'natural and proposed native vegetation, existing hydrology (including streams and wetlands) and topography'. Amendments to the MHSP have been recommended to implement the lineal open space network and enhance active and passive recreation including pedestrian and cycle connections through these areas. The paper road location adjacent to Daphne Place was not considered appropriate by the Landscape Assessment<sup>43</sup>. Furthermore, Mr Delaney in his evidence does not support specifically precluding the area from

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<sup>41</sup> D Bolton (10.2), D Parker (11.5), E Jenner (12.1), F Lienert (13.1), Mangawhai Matters Society Inc (44.4), N Campbell (47.1).

<sup>42</sup> C Marshall (7.1), D Dalton (10.2), E Jenner (12.1), F Lienert (13.1), K and S Gow (28.1), N Campbell (47.1 and 47.2).

<sup>43</sup> Landscape and Visual Assessment by Reset.



development, and considers that potential ecological effects will be appropriately managed by the MHDA provisions.

183. In response to submitters concerns, Mr Falconer recommends that the MHSP be amended and refined as detailed in the Urban Design Assessment and Landscape and Visual Assessment by Reset. This includes refinement of the lineal open space network and subsequent changes to provisions to strengthen the key active and passive open space outcomes sought in these areas.

184. We rely upon Mr Falconers and Mr Delaney's evidence and recommend amendments to the provisions as detailed in **Attachment 3**.

### **Commercial, Community and Education provision**

185. The s42A report does not include a stand-alone topic for consideration of commercial, community and education activities, instead the s42A report discusses land available for employment and services within the Urban Design topic within paragraphs 219-229.

186. Submitters<sup>44</sup> raise a number of points that relate to the provision of community facilities, commercial activities and educational facilities. These are summarised as follows:

- a. Seeks a new local high school to be built in the Mangawhai Area due to shortage of capacity and high demands;
- b. Raises concern that schools, medical facilities, and childcare facilities will not be able to cope with increased demand;
- c. Raises concern that the development area seeks to enable community facilities which does not align with DEV1-R5; and
- d. Seeks rezoning of 110 Moir Street to Commercial.

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<sup>44</sup>K & S Gow (28.7), L Kendall (35.1), R McQuerry (57.1), R McQuerry (58.1), T Hanna (67.1), T Harris (68.1), L Leslie (76.1) and Berggren Trustee Co Ltd (4.6). P Renner (52.1).

187. In response to these submissions, we, alongside the relevant specialists undertook a review of the extent and location of Community Hubs within the MHSP and identified opportunities to provide for additional educational and community facilities. The recommended revised community hub areas have been selected based on their accessibility to the primary road networks and wider road networks, and their lack of topographical, ecological and hazard constraints.

188. To specifically enable educational facilities, Community Hub C has been proposed along with Policy DEV1-P7 and DEV1-R5A. These provisions do not provide for commercial and community activities within this hub, instead these are provided within Community Hub areas A and B to ensure that the nature and scale of the non-residential activities are appropriately located and managed.

189. Mr Falconer, Mr Kelly and Mr Osborne from an urban design, landscape, traffic and economic perspective support these changes to the MHSP and the MHDA provisions where they relate to the provision of commercial activities, community facilities and educational facilities. In particular, they are in agreement that the location and extent of 'Community Hubs' have been refined to better provide for and enhance commercial activities, community facilities and educational facilities throughout the site, whilst appropriately managing the urban design, landscape, traffic and economic effects. Based on the above, we recommend amendments to the MHSP detailed in **Attachment 2** and provisions as detailed in **Attachment 3**.

190. In response to submission 52.1, we understand that 110 Moir Street has an existing home based business, and the property adjacent at 104 Moir has existing commercial activities operating (Walters Law and a shared office space). If established lawfully, these activities would be enabled by existing use rights. We have considered whether or not it is appropriate to rezone this location (both 104 and 110 Moir St) 'Community Hub Area'. This has included an analysis of the location of the sites, the topography, the accessibility to the existing Moir St Road network and the site constraints that might inhibit commercial development.

191. We note that the sites are subject to flood hazards, however there are proposed provisions in place to appropriately manage any flood risk.

192. The evidence of Mr Osbourne notes *“we understand that this property along with 104 Moir Street, is currently used for a range of commercial activities. From an economic perspective, I can support provisions being amended to enable up to a total of 1,000sqm or combined community and commercial floorspace in this location (across both 104-110 Moir Street properties)”*.

193. Based on the existing activities, the characteristics of the sites and the supporting economic evidence of Mr Osbourne, we would support the rezoning of these sites as ‘Community Hub Area A’.

### **Construction Effects**

194. We agree with the Reporting Planner that potential construction effects associated with future residential development will be appropriately managed via the MHDA provisions.

### **Reverse Sensitivity**

195. The provisions and zone location as proposed are in our opinion adequate to manage reverse sensitivity.

### **Loss of Rural Productivity**

196. The s42A report does not include an assessment of the loss of productive land, a matter which we have identified as being raised by a number of submitters<sup>45</sup>. We note that the Reporting Officer has instead discussed the NPS-HPL, which we have addressed within the Statutory Evaluation section of this evidence and do not repeat this discussion.

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<sup>45</sup> Northland Regional Council (49.4), S Reid (64.1), Y Reid (73.1).

## **Appropriateness of Zoning / Spatial Plan**

197. Submitters<sup>46</sup> raise concerns with the appropriateness of the proposed zoning, seeking a range of alternatives including status quo. The appropriateness of the proposed zoning has been evaluated in the s32. We do not consider that these submissions raise concerns that have not been addressed in the s32 evaluation. The ability for PC84 to align with higher order planning documents such as the NPS-UD, and the consistency of PC84 with the Mangawhai Spatial Plan has been previously assessed in this evidence.

## **Economic Effects**

198. The s42A report does not include a stand-alone topic for consideration of economic effects, instead the s42A report discusses development capacity in the Urban Design topic within paragraphs 215-218.

199. PPC83 seeks to rezone the Plan Change Area from Rural to a bespoke Development Area, providing for predominantly residential development with a level of commercial, community and education activity provided for. Submitters have raised concerns that further development is not needed to meet housing demand in Mangawhai, particularly given perceived limitations to infrastructure capacity.

200. The Reporting Planner has relied upon the evidence of Mr Foy, who notes that the demand for residential development capacity is “elastic and may expand to meet any expansion of capacity”. In response to submissions relating to the issue of demand in relation to the additional capacity that PPC84 would enable, Mr Osborne’s evidence concludes that “the addition of this level of additional residential land capacity within the market is likely to provide a greater safeguard for growth as well as improving the counterfactual affordability... safeguarding the continued capital gains

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<sup>46</sup> A van Niekerk (2.1), Berggren Trustee Co Ltd (4.13), C and R Owen (5.2), D Bell (9.1), D Parker (11.1), G Mitchel (16.1), G van Dalsum (17.2), K Moynihan (33.1), Mangawhai Church Trust (43.5), N & D Wilson (46.1), P Muller (51.1), W & F MacLennan (70.2), W Neal (72.1).

experienced in a buoyant and potential restricted market is not a valid economic reason not to provide for future growth”.

201.Mr Foy further considers that there is an under-provision of both commercial/retail facilities and business zoned land that is able to generate the employment necessary to support a growing residential base. Mr Osborne responds by outlining that although the majority of the site is expected to accommodate residential activity, a suitable level of commercial activity is provided for through the MHDA provisions.

202.In our opinion and relying on the conclusions of Mr Osborne, PPC84 will not result in adverse economic effects.

### **Other concerns raised by submitters**

203.C and R Owen<sup>47</sup> raises concerns with the loss of existing use rights as a result of the proposed zoning.

204.We do not consider that PC84 will impact on existing use rights and do not support any changes to zoning or provisions as a consequence of that submission.

### **Section 32AA Evaluation**

205.Section 32AA contains a requirement that a further evaluation be undertaken if changes are made to a proposed plan after the initial s32 evaluation has been completed. Where we have recommended further significant changes to PC84 in this Evidence, we have conducted a further assessment pursuant to section 32AA in Attachment 4.

206.In summary, we consider that the recommended objectives of PC84 are the most appropriate way to achieve the purpose of the RMA and that the recommended provisions (policies and rules) are the most appropriate way to achieve the proposed objectives.

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<sup>47</sup> C and R Owen (5.7)

## Conclusion

207. Overall, after carefully considering the relevant statutory documents, the submissions and further submissions received and assessment undertaken in the s42A, we recommend that PC84 be **approved with modifications** to the extent detailed in the preceding sections of this evidence and in **Attachments 2 and 3**.

208. The revised provisions and structure plan (Attachment 2 and 3) have, where appropriate, been detailed and compared above against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of s32AA (see Attachment 4). Overall, we consider that the objectives of PC84 are the most appropriate way to achieve the purpose of the RMA, and that the revised provisions (in this case the zoning, objectives, policies and rules) are the most appropriate way to achieve these objectives and other higher order objectives in the ODP.

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**Evelyn Alisa Neal and Melissa Ivy McGrath**

Dated 29 April 2024

Attachment 1 – CVs

Attachment 2 – Recommended Revised MHSP

Attachment 3 - Recommended revised MHDA provisions

Attachment 4 – S32AA