

**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 Patrick Fontein on behalf of Mangawhai Hills Limited**

**Dated 29 April 2024**

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Jeremy Brabant  
Barrister  
Foundry Chambers  
Level 4, Vulcan Buildings  
PO Box 1502, Shortland St  
Auckland City  
021 494 506  
Email: [jeremy@brabant.co.nz](mailto:jeremy@brabant.co.nz)

## **Introduction and Background**

1. My full name is Patrick Fontein. I am a Director of Mangawhai Hills Limited (**MHL**) and property consultancy Studio D4 Limited. I completed a Bachelor of Civil Engineering from Auckland University in 1984 – 1987, majoring in Structural and Geotechnical Design.
2. Since the late 1980's I wanted a career in property development. With mentoring support, I was encouraged to get 8-10 years of large scale construction experience and to obtain more financial training. I completed a part time Masters of Business Administration in 1992-1994, with 1<sup>st</sup> Class Distinction, from the Open University Business School, London, majoring in Corporate Finance.
3. I have 35 years' experience in large scale property and construction projects, initially in construction and since 1995 as a Director / Owner of a number of property consultancy and property development companies in New Zealand.
4. I have significant experience in dealing with difficult and technically challenging sites and sites with complex environmental constraints. Details of my development career are included in Attachment 1 for further context.
5. Proposed Private Plan Change 84 (PC84) has been expertly developed and masterplanned to ensure high quality residential outcomes whilst retaining and enhancing key environmental features and habitats. Infrastructure and residential-supporting activities are identified and enabled from the outset to ensure a high level of integration and coordination of services throughout the site.

## **The Conception of Mangawhai Hills: Environmentally Responsible Design**

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7. Purchasing geotechnical and environmental challenging sites and finding innovative solutions has been my modus operandi for 30+ years. When we unconditionally purchased the Frecklington Farm in May 2022, we knew we would have to manage our own water and wastewater.
8. The first expert I engaged was Doug Leighton, who was back in Canada running Environmental Design Group, and providing Master-planning concept design for large scale environmentally sensitive sites.
9. During 2022 I spent considerable time in Australia, Canada and the USA researching international best practice environmentally responsible master planned communities. Many of my Canada and US connections were made via Doug and his connections through the Urban Land Institute. I was introduced to Bry Sarte of Sherwood Engineers in San Francisco, a leader in environmental responsible civil engineering design. Through a series of design workshops / charette's, Bry conceived the environmental engineering design for Doug and my Mangawhai Hills Masterplan: Bry encouraged us to be brave and target a *Regenerative Design: "leaving the land / environment in a better state post 600 Lot development than the original land: in all 5 disciplines of water, wastewater, stormwater, energy and carbon"*.
10. For the last 2 years I have been working hard to create an international best practise Regenerative master planned community, with very high environmental standards. Whilst from a professional perspective I believe it is the right thing to do, from a property marketing perspective, I believe there are a large number of environmentally sensitive purchasers who want and are prepared to pay to be in this type of community.: When completed, the aim is for this project to be a permanent legacy community for Mangawhai and myself personally.
11. To validate and accredit the Green features of the Project, I have been researching all the international green rating tools. The International Living Future Institute (ILFI) *Regenerative* guidelines have driven our design thinking. ILFI's rating tools are not quite suitable for Mangawhai Hills, so we will target the NZGBC Community Rating Tool, targeting 6 star, which

will be a first for NZ, and will make Mangawhai Hills officially the greenest land development in NZ.

## **The Design Evolution of the Project**

12. I have assembled what I believe are the best quality consultants in their area of expertise, to design the project to an exceptional standard.
13. Regenerative environmentally responsible engineering design drives the culture of the project. Conservation design principles have the master plan set aside all of the areas of the site with ecological and geotechnical constraints. The site's ecological values and features will be maintained and enhanced through bespoke plan change provisions with key areas protected in perpetuity.
14. The ecological features of the site are the main part of the project to be nurtured and protected. The existing native bush, the wetlands and riparian margins and the hill slopes will be replanted and significantly enhanced. I see all these areas as a major attraction of the project that will provide the backdrop to future land purchasers.
15. Wiley Engineering, Tetra Tech Coffey and ourselves have a very strong understanding of all the geotechnical issues that the project faces. Long term slope stability has been carefully considered. Many sloping areas will be set aside as conservation areas. There are geotechnical engineering solutions to address all of the issues faced in the other areas.
16. Strengthening the project's landscape architecture and urban design team was a key focus of the project in the 2<sup>nd</sup> half of 2023. We engaged Reset Urban to work closely with Doug Leighton and have a fresh look at the Master plan, the conservation design, the urban design and landscape architecture.
17. The master plan is guided by best practise urban design and landscape architecture: following the 7 C's.<sup>1</sup> We started with looking at the Context

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<sup>1</sup> Context, character, choice, connections, creativity, custodianship, and collaboration.

of the neighbourhood. Our target purchaser market are environmentally responsible people moving out of the big city, seeking a lifestyle block without the maintenance. Providing Lot sizes of 1,000 to 1,500m<sup>2</sup>, all with nice outlook and set against an ecologically diverse landscape is the market opportunity.

18. To complete the *Regenerative* design, we will focus on improving stormwater sedimentation and flow: water flow and quality leaving the site will be better with 600 housing Lots than before we started developing. Whilst not covered by the PC, we are working on a solar energy Microgrid to generate 105% of the community's annual energy demand. We are also working with carbon sequestering experts to be carbon negative on site, utilising our substantial re-planting, during the lifespan of the project.

### **Community Engagement and Collaboration**

19. Connectivity and Collaboration have been my guiding principles for years. All our projects provide for community inclusion. We have worked closely with Te Uri o Hau for the last 18 months and have a Heads of Agreement on how we will work together for all stages of the project. From our initial meetings with KDC and the Northern Transport Alliance, providing community connectivity through the large land holding has been a key desire. The master plan includes a number of through roads and shared pathways.
20. We have worked closely with the Mangawhai Trackies and have set out a 3.6km loop walking trail through the main Native Bush Area. As part of the first stage of intended works, we will create the bush paths and provide public access for all to enjoy this bush so close to Mangawhai's urban areas. Our target is to produce twice as many pathways as roads. The numerous pathways and walking trails will connect all the communities within and outside our development. The long term Custodianship of the conservation areas is also a key focus, and we are working with Mangawhai Matters, Council and others on the optimum long term solution for this.

21. The initial Private Plan Change documents were provided to Council in March 2023. At that time I engaged a full time Community Engagement Manager, Steve Brebner, to proactively discuss the project with neighbours, affected parties and stakeholders. We have a Moir St Mangawhai Hills Information Centre, that provides full details on the project, as shown in the PPC documents. Steve has provided project flyer information to all neighbouring properties, door knocked and had numerous one on one meetings with any and all who have had requested this.

## **Response to Community Engagement and the s 42A Report**

22. Our community consultation approach has been to meet with all interested parties and hear all reasonable thoughts and perspectives. This community consultation and the submitter responses has led to changes in our design during 2023. In recent weeks we have also carefully reviewed the Council s42A Reports and have made further design updates in response.

23. Our main master plan design change has been to alter the main Tara Rd entry into the project, from opposite Moana Views to opposite Darmah Lane. This addresses the following issues:

- a. It provides a more direct entry to the eastern portion of the Mangawhai Hills land, and into the 24.5Ha Maria Berrgren property.
- b. It places less reliance on the timing of the Urlich Drive extension, through the Causeway Church property.
- c. It addresses the concerns of a number of Moana Views residents.

24. In response to our community consultation, I requested Reset Urban to carry out a full Landscape and Visual Affects Assessment for the project. As part of this I have asked Reset to look carefully at the main ridgeline of land that faces east over Mangawhai Village and north over Mangawhai Central. What needs to be noted is that the land on the east ridgeline is not owned by Mangawhai Hills, but by adjoining already residentially zoned

properties. Whilst not necessarily required by KDC planning rules, Reset have suggested some changes to the Landscape Protection Area on the land area on top of the hill. As requested by a number of submitters, through our project Design Guidelines (not covered by the PC), we are also incorporating a recessive colour and material palette for all properties within Mangawhai Hills.

25. The project's roading network has been updated following discussions with NTA and considering the s 42A comments. The new Old Waipu Rd North connection between Mangawhai Central and Cove Rd is possible, with MHL providing a small portion of our land. We have also agreed with NTA to provide portions of our land along Cove Road, to create greater safety for the future Cove Rd alignment. Full protection of the ecology of wetlands can be provided during construction of roads crossing wetlands.

## **Conclusion**

26. I am very excited about the opportunities that the Mangawhai Hills land provides. I see my role as that of an artist, to create the best masterpiece that I can that will provide a best practise legacy community for all of our future residents, for the wider Mangawhai community, and for myself personally.

**Patrick Fontein**

Dated 29 April 2024

## **Attachment 1 Development Background and Experience**

1. After 2 ½ years of commercial construction experience in Auckland, in 1989 I moved to London and for 5 years worked for Costain Construction in design build civil and commercial construction. After the heady 1980's construction in London, the early 1990's saw an industry wide 50% drop in construction turnover. To survive, Costain had a team of engineers and construction stalwarts focused on providing alternative design and build construction solutions for property development clients whose projects weren't viable. Essentially this resulted in challenging the clients original geotechnical and structural engineering design, and coming up with more efficient / effective engineering solutions, so that projects could be developed more cost effectively. During those extremely tough market conditions, for 5 years I learnt from some of the most experienced design and build engineers, including with respect to highly complex geotechnical ground remediation solutions
2. I returned to NZ at the start of 1995 and set up a property consultancy and development company. For 5 years I provided property consultancy services to various Fletcher Group companies, whilst establishing Kensington Properties as a property development company.
3. Utilising my Civil Engineering skills and my Costain experience, for the last 28 years I have advanced a range of sites / projects including some with major geotechnical and environmental engineering challenges, which we have successfully resolved with the input of experienced experts. For the 10 years from 1996, Kensington Properties completed 20 projects, all known for innovative property solutions to challenging sites. I carried out substantial international best practise property development research, relevant to NZ. Effectively viewing international innovative property projects and "copying" the best parts of each and "stitching" these together to suit the individual nuances of each NZ project.
4. Whilst at Fletcher, in 1995 I joined the Auckland Executive of the Property Council (then BOMA). I was the Auckland President for the Property Council in 2002 to 2004. In 2003, whilst President I initiated the Property Council



setting up the Auckland Council Urban Design Panel with the Institute of Architects. In 2003 I was the property industry representative for the Ministry for Environment Urban Design Protocol; where we set up the 7C's. For 10 years I was the Property Council of NZ Urban Design Champion. For 9 years I sat on the Auckland Council Urban Design Panel, often as Chair.

5. In 2005, I led the Property Council to work with the Institute of Architects, the Planning Institute and others to set up the NZ Green Building Council. I joined the inaugural Board of the NZGBC and was elected by the Board to be the inaugural Chair, a position I held to 2008. Growing the NZGBC membership from 0 to over 400 companies in that time and setting up the initial green building Rating Tools. A period of giving back to the industry, whilst learning extremely valuable urban design and green building initiatives from many experienced NZ and international practitioners.
6. For 20 years I have been a Registered Property Consultant by the Property Institute of NZ (PINZ). In 2004 I was awarded a Fellowship from PINZ. During the 2000's I provided guest lectures at Auckland University for Prof Deborah Levy's property degree in property development, and for Prof John Hunt in the practical applications in urban design, for their Masters Degree in Urban Design. I also provided a series of half day seminars across NZ in property development for PINZ in 2005-2006. In 2006 I was awarded the Property Industry Award by PINZ, their top Award for innovation and leadership in the property industry.
7. In 2005, I purchased the 15 hectare Puriri Park campground in Orewa for a Master Planned Community, to become known as Kensington Park. A range of complex engineering and servicing challenges were successfully resolved during development.
8. Kensington Park engaged Boffa Miskell for Master-planning, urban design and landscape architecture. I worked closely with Doug Leighton on the Masterplan and we incorporated many innovative urban design and green building initiatives. We partnered with Meridian Energy to build market leading Eco Homes, using Meridian's Right House company. In 2008

Kensington Park was awarded the best Asia Pacific Master Planned Community at the CNBC International Property Awards in Singapore.

9. In 2008 the Global Financial Crisis hit, lending rules changed, and ultimately Kensington Park was placed into receivership. However, John Sax bought Kensington Park off the receivers in 2009, and I assisted John for 12 months to re-launch Kensington Park. John has slowly built Kensington Park to the same master-Plan as we originally conceived.
10. From 2009, for the last 15 years I have been providing property consultancy and development management services to the public and private sector.
11. From 2010 to 2016, I was the Property Council representative for the Auckland Council Auckland Plan, followed by the Unitary Plan. I provided substantial property consulting advice to Auckland Council and also for MBIE during this time. With Auckland Council RIMU's Kyle Baulderston I developed the very sophisticated Development Capacity Model, that was used by Auckland Council to model predicted likely actual development capacity across 450,000 land titles.
12. In 2016, I was engaged by the Independent Hearing Panel for the Unitary Plan, to provide property advice for a 5 month period, prior to the IHP issuing its report.
13. In 2016 and 2017 I was engaged by MBIE to provide property consultancy advice in growth planning to all of NZ's 8 high growth Councils, as they respond to what has become the NPS-UD.
14. The Christchurch earthquakes in Feb 2011, provided substantial property consulting and development opportunities in Christchurch. With my business partner, SD4 completed 12 new build and renovation projects in Christchurch from 2012 to 2017 totalling circa \$200m. All of these projects involved remediating difficult, often liquifiable Geotechnical sites.

