



# Private Plan Change Request

Rezone between Tara Road, Cove Road, Old Waipu  
Road to the Mangawhai Hills Development Area.

Mangawhai

Assessment of Effects and Section 32 Evaluation Report

5 March 2023

**B&A**

Urban & Environmental

Prepared for:  
Mangawhai Hills Limited



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# Contents

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<b>1.0</b>	<b>Executive Summary</b>	<b>8</b>
<b>2.0</b>	<b>Introduction</b>	<b>10</b>
2.1	Background	10
2.2	Pre-application meetings	10
<b>3.0</b>	<b>Plan Change Location and Description</b>	<b>11</b>
3.1	Site Description	11
3.2	Surrounding Locality	12
<b>4.0</b>	<b>Planning Context</b>	<b>14</b>
4.1	Operative Kaipara District Plan	14
4.2	Regional Policy Statement and Proposed Regional Plan	14
<b>5.0</b>	<b>Description of the Plan Change Request</b>	<b>16</b>
5.1	Description of the Proposal	16
5.2	Purpose and Reasons for the Plan Change	18
5.3	Accepting the Plan Change Request (Clause 25)	18
<b>6.0</b>	<b>Policy Framework</b>	<b>19</b>
6.1	National policy documents	19
6.2	National Planning Standards	25
6.3	National Environmental Standards	26
<b>7.0</b>	<b>Regional Policy Statement and Plans</b>	<b>26</b>
7.1	Northland Regional Policy Statement	26
7.2	Regional Plans	28
7.3	Kaipara District Plan (Operative 2013)	28
7.4	Council Strategic Plans and Policies	38
7.5	Iwi & Hapū Management Plans	43
7.6	Statutory Acknowledgements	46
7.7	Development of the Structure Plan and Plan Change	47
7.8	Consultation & Engagement	47
<b>8.0</b>	<b>Assessment of Environmental Effects</b>	<b>47</b>
8.1	Quality Built Environment	47
8.2	Ecology	48
8.3	Transport	49
8.4	Infrastructure	51
8.5	Flooding	52
8.6	Geotechnical	53
8.7	Urban Character and Density	53
8.8	Landscape and Visual Effects	54
8.9	Rural Productivity and Reverse Sensitivity	55
8.10	Connectivity and Open Space	55
8.11	Heritage	56
8.12	Tangata Whenua	56

<b>9.0</b>	<b>Section 32 Analysis</b>	<b>57</b>
9.1	Appropriateness of the Proposal to Achieve the Purpose of the Act	57
9.2	Appropriateness of the Provisions to Achieve the Objectives	60
9.3	Risk of Acting or Not Acting	67
<b>10.0</b>	<b>Conclusion</b>	<b>67</b>

## Appendices

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- Appendix 1: Proposed Zoning Plan and Locality Map
- Appendix 2: List of Records of Title and properties within the Plan Change Area
- Appendix 3: Proposed Mangawhai Hills Development Area provisions and Mangawhai Hills Structure Plan
- Appendix 4: Urban Design Statement (Barker and Associates)
- Appendix 5: Landscape Report (Greenwood Associates)
- Appendix 6: Integrated Transport Assessment (Traffic Planning Consultants Limited)
- Appendix 7: Land Development Report (Chester)
- Appendix 8: Flood Risk Assessment (Chester)
- Appendix 9: Stormwater Management Plan (Chester)
- Appendix 10: Geotechnical Statement (Tetra Tech Coffey)
- Appendix 11: Ecological Impact Assessment (Biosearches)
- Appendix 12: Evaluation of alternative options to achieve plan change objectives and the efficiency and effectiveness of the proposed provisions

## Abbreviations

List of Abbreviations used in this Report	
Integrated Transport Assessment	ITA
Iwi and Hapū Environmental Management Plans	IMP / HEMP
The Rise Limited	TRL
National Environmental Standards	NES
National Planning Standards	NP Standards
National Policy Statement on Urban Development	NPS-UD
Northland Regional Policy Statement	RPS
Northland Regional Plan (Appeals Version)	PRP
Operative Kaipara District Plan	ODP
Resource Management Act 1991	RMA
Section 32 of the RMA	S32
Kaipara District Council	KDC

## The Applicant and Property Details

<b>To</b>	Kaipara District Council
<b>Attention</b>	Michael Day
<b>Applicant's Name</b>	Mangawhai Hills Limited
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<b>Legal Description</b>	Various - Refer to Records of Title list as Appendix 1
<b>Plan Change Area</b>	Approximately 218.3 hectares
<b>District Plan Zoning</b>	Rural Zone Harbour Overlay
<b>Brief Description of Proposal</b>	<p>Private Plan Change request to rezone 218.3 hectares of land at Tara Road, Cove Road, Moir Street and Old Waipu Road, Mangawhai to the Mangawhai Hills Development Area to provide for high quality large lot residential development in a sustainable environment and a natural landscape, framed by indigenous vegetation, wetlands and water systems. The Development Area contributes to Mangawhai's enhancement of ecological and landscape values through environmentally conscious and innovative design techniques, promotes high quality urban design, ensures a safe transport network, and enhance landscape and amenity.</p>

## 1.0 Executive Summary

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Mangawhai Hills Limited is applying for a Private Plan Change (**the plan change**) to the Kaipara District Plan (**ODP**) to rezone and modify planning provisions on 218.3 hectares of land at Tara Road, Moir Street, Cove Road and Old Waipu Road, Mangawhai. The purpose of the plan change is to rezone the location to the Mangawhai Hills Development Area. The key features of the plan change are:

- Rezone 218.3ha of land at Tara Road, Cove Road, Moir Street and Old Waipu Road, Mangawhai from Rural Zone with Harbour Overlay to a Development Area, including consequential amendments to the ODP Maps;
- The creation of a development area (Mangawhai Hills Development Area) with core provisions that to provide for high quality large lot residential development in a sustainable environment and a natural landscape, framed by indigenous vegetation, wetlands and water systems. The Development Area contributes to Mangawhai's enhancement of ecological and landscape values through environmentally conscious and innovative design techniques, promotes high quality urban design, ensures a safe transport network, and enhance landscape and amenity;
- The Mangawhai Hills Development Area includes a Structure Plan which illustrates spatial outcomes has been prepared to reflect the comprehensive design statement analysis for the Mangawhai Hills Development Area. This informs the spatial pattern of land use and subdivision, including detail of indicative primary and secondary road networks, a landscape protection area, identified ecological features for enhancement and protection, indicative landscape and open space areas, and a community hub area;
- Any necessary consequential amendments to the ODP provisions.

The Plan Change responds to the specific characteristics of the Plan Change area and the surrounding area, with reference to the regional context and gives effect to the relevant planning documents for the following reasons:

- The Plan Change has been informed by, and is consistent with, the Mangawhai Hills Structure Plan (refer **Appendix 4**);
- Large lot residential density will be enabled, responding to locational attributes, environmental and topographical constraints, and providing for pedestrian and cycleway connectivity from the site to the wider existing urban area;
- The Plan Change provides for residential development whilst contributing to Mangawhai's enhancement of ecological and landscape values through environmentally conscious and innovative design techniques, and promotion of high-quality urban design.
- The Mangawhai Hills Development Area is located adjoining to and within a walkable distance of existing residential zoned land, and will provide for the day to day needs of the local community that will establish in the proposed residential areas;
- The proposed commercial hub area is small in scale to ensure that there will be no adverse effects arising with respect to the functioning and vitality of the existing Mangawhai Commercial zones;



- The zoning pattern enables a connected and high-quality road network to be established that provides appropriately for all modes;
- The proposed zoning pattern will be defined by strong topographical and infrastructure boundaries; and
- The Plan Change area is able to be serviced by infrastructure.

Pre application meetings have been held with Council staff prior to the lodgement of the plan change. Consultation is also being undertaken with a number of stakeholders including mana whenua and other landowners within area on an ongoing basis. Feedback from Council and stakeholders have informed the development of the approach and provisions of the plan change.

This report details the comprehensive evaluation in accordance with section 32 of the Resource Management Act 1991 (**RMA**) that has been undertaken to confirm the appropriateness of the plan change. The proposed provisions have been detailed and compared against viable alternatives in terms of their costs, benefits, efficiency and effectiveness and risk in accordance with the relevant clauses of section 32.

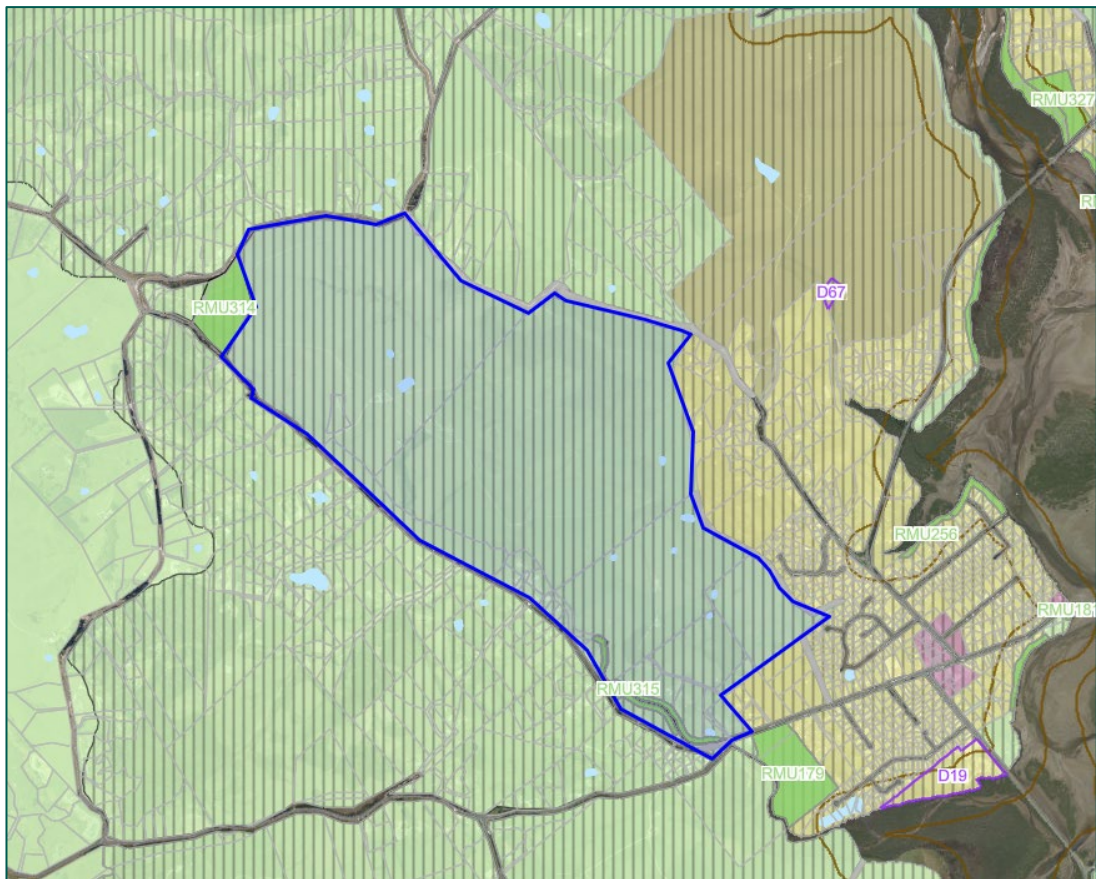
The proposed land uses have been assessed to be the most optimal to achieve the objectives of the Operative Kaipara District Plan, and the purpose of the RMA, in this location. The area subject to this Plan Change has been identified in the Mangawhai Structure Plan as a 'rural – residential' policy area, and within Council's Mangawhai Spatial Plan as appropriate for a future Urban-Residential growth area, and a future rural-residential use. The detailed site and context analysis completed as part of this Plan Change as well as the Mangawhai Hills Structure Plan and Design Statement, demonstrates that the proposed use will be an efficient and effective method for achieving the sustainable management purpose of the RMA, objectives of other higher order planning documents and the relevant objectives of the ODP.

## 2.0 Introduction

### 2.1 Background

Mangawhai Hills Limited is a major landowner of land currently zoned as Rural Zone within the Operative Kaipara District Plan (ODP). Mangawhai Hills Limited envisages that the proposed plan change will provide viable and sustainable residential development which integrates with surrounding residential uses and provides residential capacity and growth opportunities within Mangawhai. The rezoning proposal has been informed by a structure planning exercise (refer **Appendix 3**) and will provide capacity for approximately 106ha of land to be occupied by large residential allotments within a sustainable environment and a natural landscape, framed by indigenous vegetation, wetlands and water systems.

The land subject to this application is defined on the zoning plan provided in support of the Plan Change (**Appendix 2**). **Figure 1** below illustrates the ODP zoning and identified plan change area:



**Figure 1: Extract of ODP Zoning plan (Source: Kaipara District Plan Map Viewer).**

### 2.2 Pre-application meetings

A pre-application meeting was held with Council staff on 28 October 2022. The concept of the plan change was generally discussed with Council Policy and Infrastructure Staff. This included a discussion regarding the status quo of the ODP and the potential zoning under the impending draft District Plan. Separate meetings have been held with Council departments, including with Council

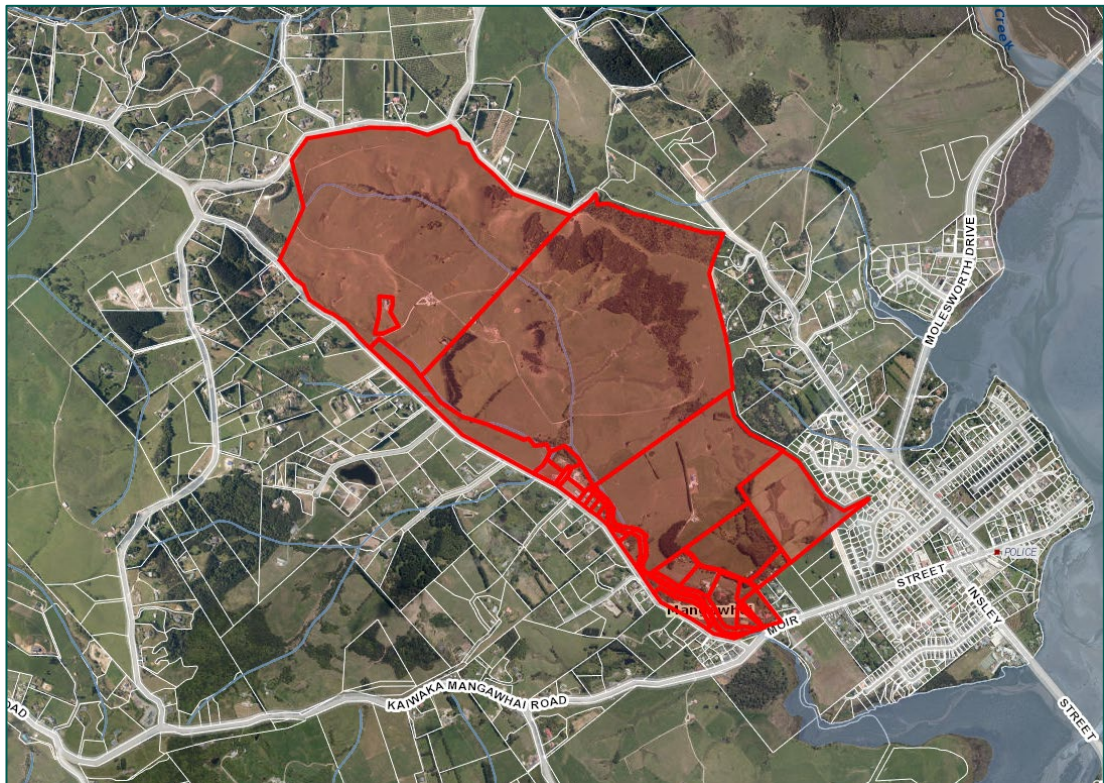
Infrastructure staff, the Northern Transport Alliance, and the Community Engagement advisory staff.

These discussions have informed the final provisions and details of the private plan change application as lodged.

## 3.0 Plan Change Location and Description

### 3.1 Site Description

The area for the plan change comprises 218.3ha of land located at Tara Road, Cove Road and Old Waipu Road Mangawhai approximately 3km west of Mangawhai Central. See **Figure 2** below.



**Figure 2: Aerial photograph of the plan change area (Source: Emaps).**

The plan change 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. The southern boundary partially adjoins Moir Street and existing neighbouring residential lots. Vehicle access is possible from all common boundaries adjoining a public road reserve.

The site is a dairy farm which currently comprises large pastoral areas for grazing purposes. There are a series of terrestrial (native and exotic vegetation) and freshwater features (intermittent and permanent streams and natural wetlands) throughout the site of varying quality. A large number of the freshwater features have been degraded as a result of historic stock and farm management.

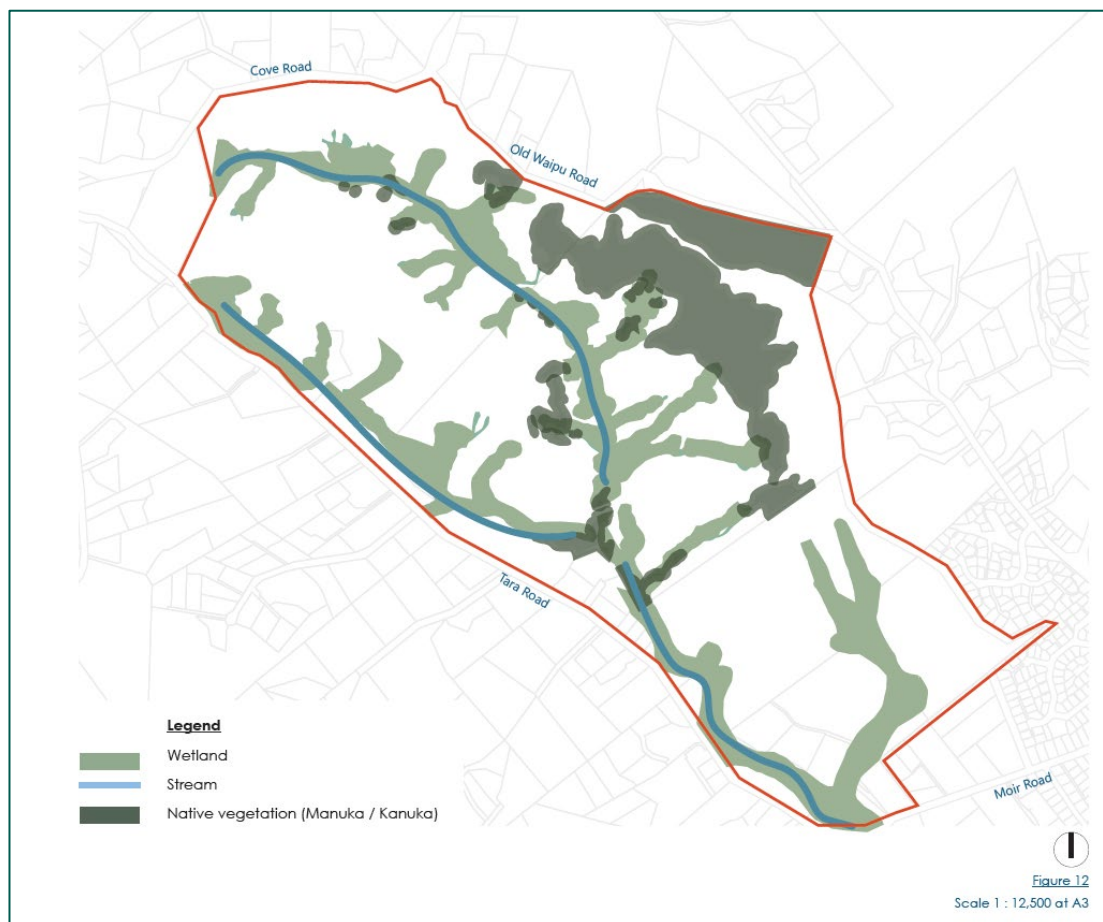
The site contains a ridge line which runs along the eastern boundary then curves around Old Waipu Road and Cove Road to the north. There is a smaller ridge line which runs through the middle of the site, with a valley that contains a stream between the two ridge lines. The highest point within the site is to the north east along Old Waipu Road. Small gullies form an integral natural drainage



pattern across the site. These gullies in combination with the existing vegetation patterns and ecology will form some of the key structural landscape elements associated with this site.

Numerous smaller allotments have been included in the plan change area, which have existing vehicle crossings onto Tara Road and Moir Street. Residential dwellings and accessory buildings are located within the smaller allotments to be rezoned.

The plan change area has a rich underlying ecological layer largely based on the distinctive topography. 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 have been identified which are typically located in close proximity to the stream network. Large clusters of native vegetation, are located within the area, the largest clusters are located toward the northern portion of the site.



**Figure 3: Ecology Analysis (Source: B&A Urban Design Statement included as Appendix 4).**

### 3.2 Surrounding Locality

Mangawhai Central is located approximately 3km from the site and comprises a number of amenities including Mangawhai Beach School, eateries / restaurants, supermarket and health care facilities. The plan change area abuts Molesworth Drive which is a strategic growth corridor that connects Mangawhai Central to Mangawhai Heads. Immediately to the east and north of the plan change area is predominantly residential in nature being dominated by residential dwellings, and

larger residential lifestyle development extends to the west. The surrounds immediately to the north predominantly rural lifestyle in nature dominated by large rural holdings.

The Mangawhai Activity Zone public recreation area is located approximately 3.6km north of the plan change area. Mangawhai Beach Primary school is located approximately 3km east of the plan change area, within the Mangawhai Residential zone, while secondary education includes Rodney College, approximately 30km to the south.

With regards to the surrounding roading network, Cove Road provides a north south link to Mangawhai from State Highway 1, intersecting at Waipu in the north and Kaiwaka or Wellsford in the south.

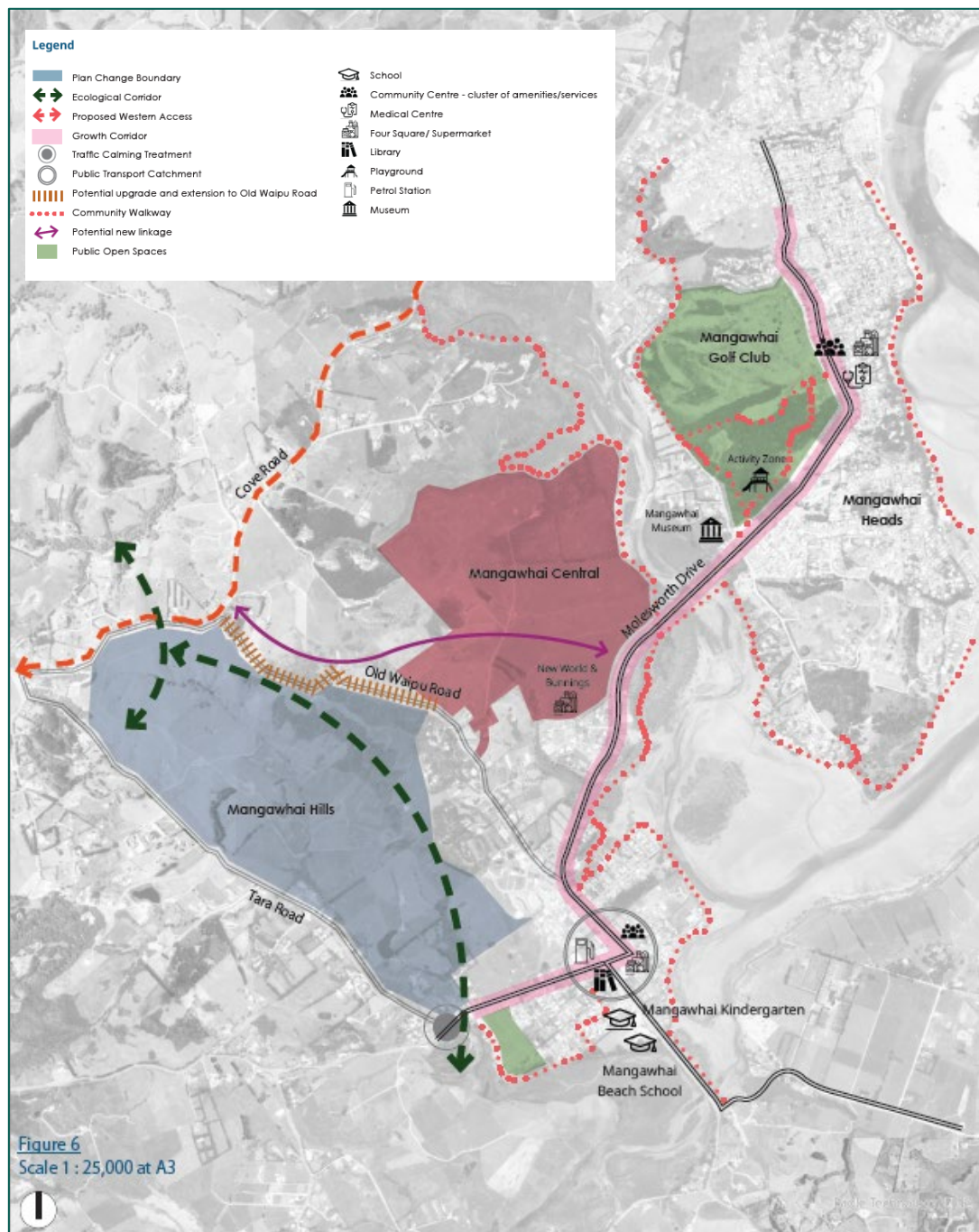


Figure 4: Local context map (Source: Source: B&A Urban Design Statement included as Appendix 4).



## 4.0 Planning Context

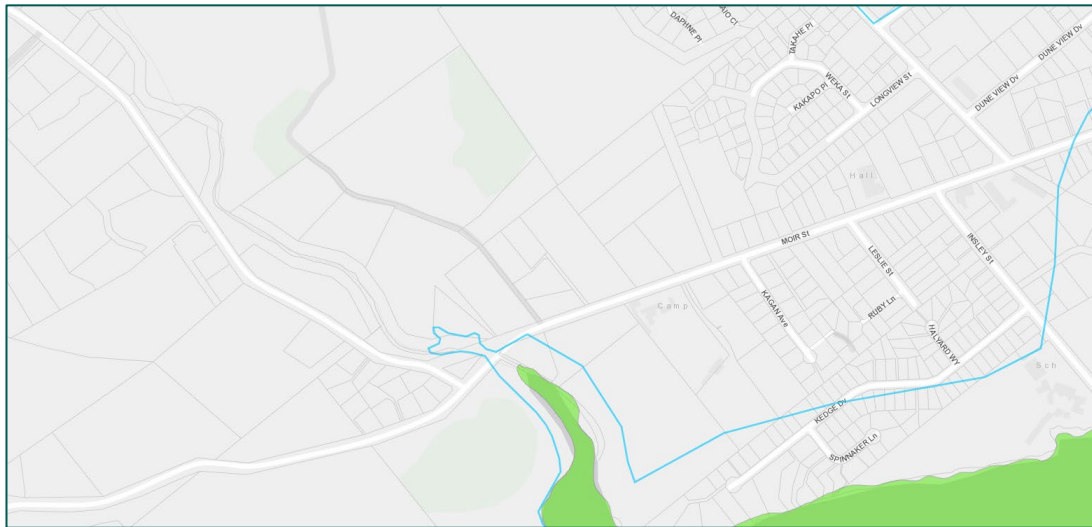
### 4.1 Operative Kaipara District Plan

The plan change area is zoned Rural Zone in the ODP and is subject to the Mangawhai Harbour Overlay Area. The plan change area is identified in the Mangawhai Structure Plan as a 'rural – residential' policy area, and in Council's adopted Mangawhai Spatial Plan as appropriate for a future Urban-Residential growth area, and a future rural-residential use. Land to the east and south is located within the Residential Zone, and land to the west and north is situated within the Rural Zone of the Operative District Plan. Land to the northeast of the plan change area (commonly referred to as 'Mangawhai Central' is located within the Estuary Estates Zone of the Operative District Plan.

### 4.2 Regional Policy Statement and Proposed Regional Plan

The plan change area does not contain any Outstanding Natural Landscapes or Features, or areas of High or Outstanding Natural Character.

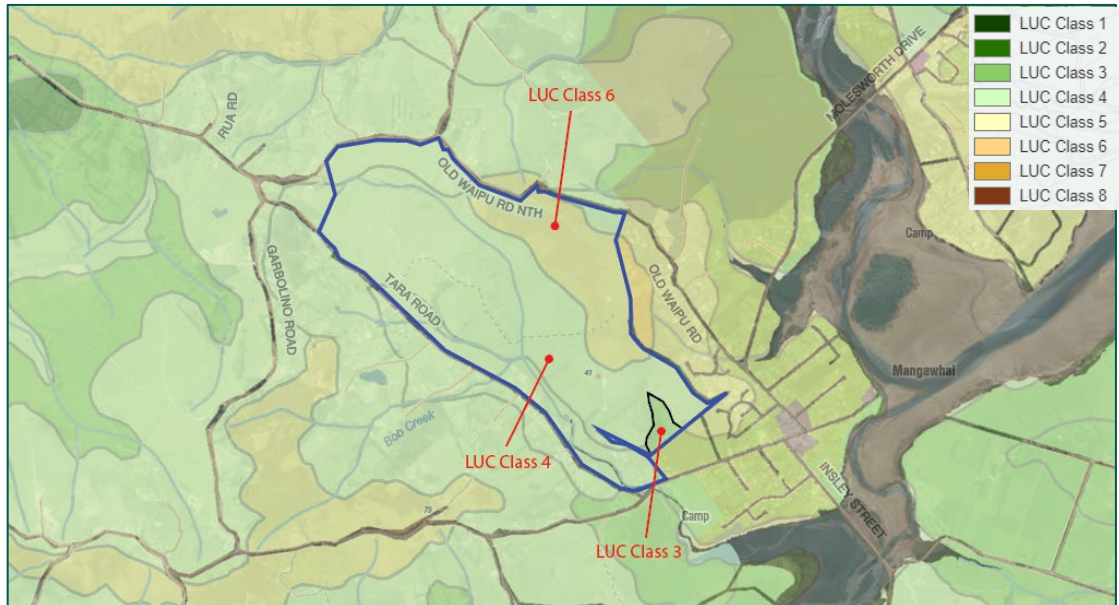
A very small portion of the plan change area is located within the Coastal Environment as identified within the Regional Policy Statement for Northland (RPS).



**Figure 5: Northland Regional Policy Statement Map Extract (Source: NRC Online Maps).**

Further, the site does not contain any Heritage Features, known Sites of Cultural Significance to Māori and is not located within any Statutory Acknowledgement areas.

The plan change area is largely classified as class 4e45 and 6e18 Land Use Classification (LUC), with a small area of class 3w-14 LUC within the southern portion of the area. The plan change area is not classed as highly productive land as the land is not predominantly LUC 1-3 land that forms a large and geographically cohesive area. **Figure 6** below includes a map showing the Land Use Capability.



**Figure 6: Map showing land use capability (Source: NZLRI) in proximity to plan change site.**

With regards to the Proposed Regional Plan (PRP), the site 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.

The stream networks throughout the plan change area are 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
- River flood hazard zone – Regionwide modes 100cc extent

The coastal and river flood hazards in proximity to the plan change area are shown in **Figure 7** below.

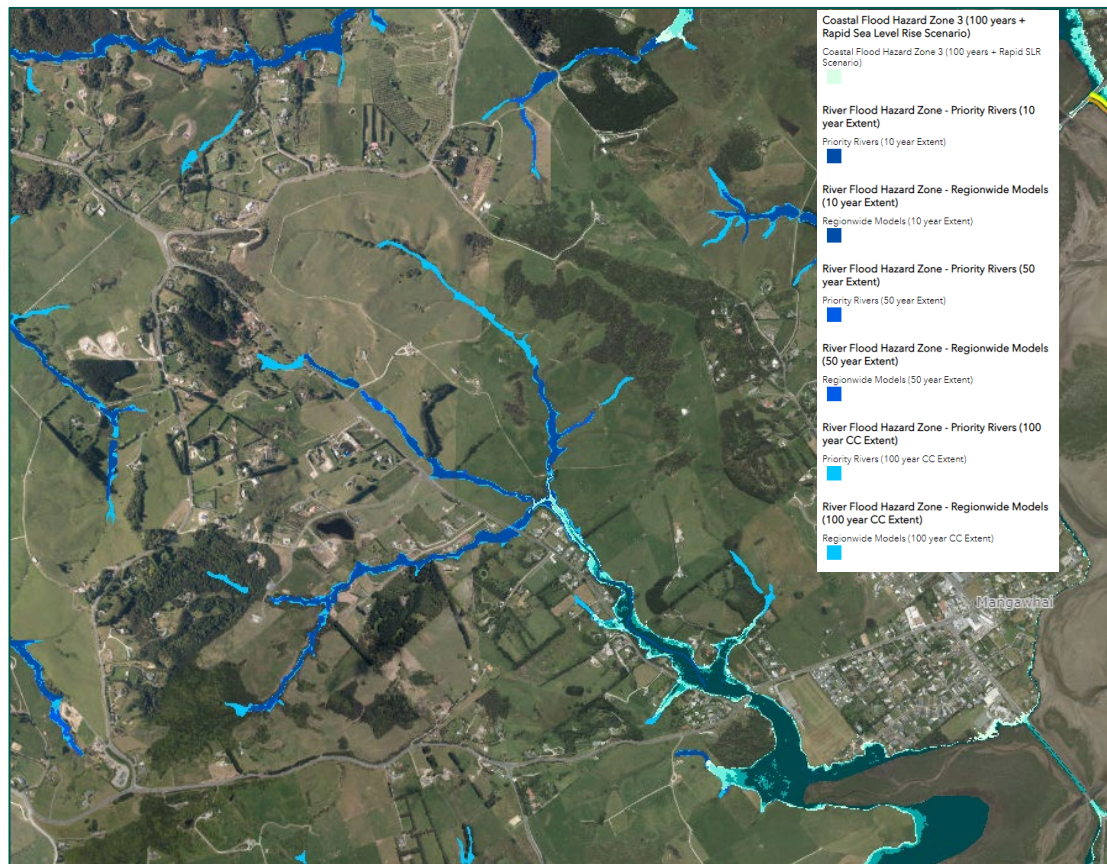


Figure 7: Map showing coastal and river flood hazards (Source: NRC Hazard Maps Online).

## 5.0 Description of the Plan Change Request

### 5.1 Description of the Proposal

The plan change seeks to rezone the plan change area to the Mangawhai Hills Development Area with a suite of objectives, policies, and rules that will guide development, provisions are detailed in **Appendix 3**. The Mangawhai Hills Development Area is proposed with place-based provisions that create a spatial framework for development. The development area provisions are focused on the layout of development necessary to achieve the objectives of the ODP, including:

- Achieving an appropriate residential layout that complements the traditional and valued character of Mangawhai;
- Providing an integrated and connected street network;
- Consolidating and enhancing the existing commercial centres for Mangawhai;
- Providing a network of open space which integrates with the natural features of the area; and
- Ensuring that development coordinates with the required infrastructure upgrades.

The Development Area has been informed by, and is consistent with, the Mangawhai Hills Structure Plan, of which has been prepared to illustrate intended spatial outcomes and to reflect

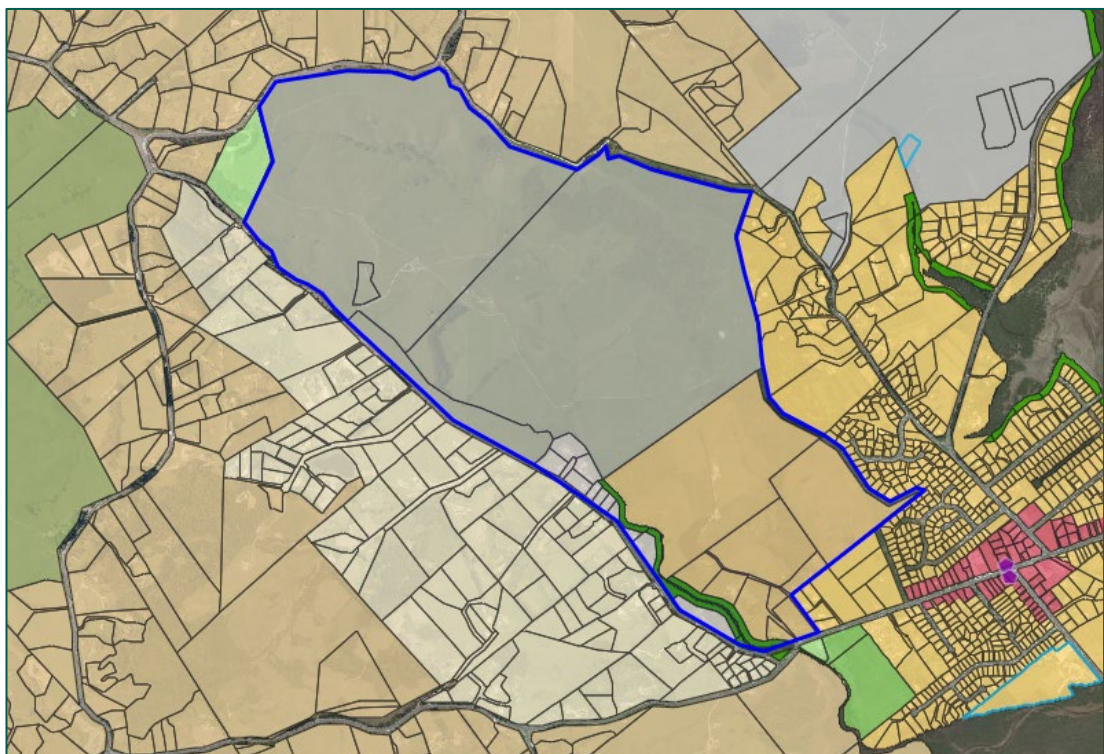


the comprehensive design statement analysis for the Mangawhai Hills Development Area. This informs the spatial pattern of land use and subdivision within the Development Area.

On balance, this approach enables the Plan Change area to develop to a scale and intensity which is broadly consistent with areas of similar zoning patterns across the district. The development area will however, include more tailored standards and assessment criteria to support the development of a quality built environment within this locality that creates a distinctive sense of place.

### 5.1.1 Relationship with KDC Draft Plan

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. This is detailed in **Figure 8** below. The draft GRZ promotes a minimum density of one residential unit per site, or two residential units per site where it is equal to or greater than 40ha and is less than 80ha and three residential units per site where the site is equal to or greater than 80ha. The draft MDRZ promotes a minimum density of 400m<sup>2</sup> net site area and up to three units per site as a permitted activity. The plan change area is surrounded by the proposed Large Lot Residential Zone, Low Density Residential Zone and Medium Density Residential Zone.



**Figure 8: Extract from Draft Kaipara District Plan, with plan change area outlined in blue (Source Kaipara District Council Map View).**

The Draft District Plan has no legal weight, and while it is recognised that Council is planning to progress to a Proposed District Plan, there is no guarantee of this being adopted for formal notification.

The plan change has been proposed to blend into the ODP, recognising that the development area will be readily accommodated into any future Proposed District Plan.

## 5.2 Purpose and Reasons for the Plan Change

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Clause 22(1) of the RMA requires that a plan change request explains the purpose of, and reasons for the proposed plan change.

The purpose of the plan change is to deliver viable and sustainable residential housing. The plan change also seeks to apply a development area to the plan change area to provide for future residential development.

The reason for this plan change is that the Applicant, who is a major landowner of the plan change area, intends to develop the site in a manner consistent with the proposed land use pattern. Technical assessments have demonstrated that the current rural zoning is not the most appropriate zoning of the site.

This report provides an assessment of effects of the plan change and an evaluation of the plan change prepared in accordance with Section 32 (**S32**) of the RMA. Supporting expert assessment reports are appended to the report. The evaluation of plan change concludes that these amendments are consistent with the objectives of the Council's planning documents and, in this regard, the reasons for the Plan Change are justified and consistent with sound resource management practice. Further, the amendments are concluded to be the most appropriate way to achieve the purpose of the RMA.

Wherever possible, consistency with the structure of the ODP under the National Planning Standards (**NP Standards**).

## 5.3 Accepting the Plan Change Request (Clause 25)

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The Council has discretion to accept or reject a plan change request in accordance with Clause 25 of Schedule 1 of the RMA, subject to the matters set out in Clause 25(4)(a)-(e). Given that the ODP has now been operative for more than two years, the Council is able to reject the plan change request only on the following grounds:

- The plan change request is frivolous or vexatious (clause 25(4)(a));
- The plan change request is not in accordance with sound resource management practice (clause 25(4)(c));
- The plan change request would make the plan inconsistent with Part 5 - Standards, Policy Statements and Plans (clause 25(4)(d).

In relation to (a), considerable technical analysis has been undertaken to inform the plan change, which is detailed in the report below. For this reason, the proposal cannot be described as frivolous or vexatious.

'Sound resource management practice' is not a defined term under the RMA, however, previous case law suggests that the timing and substance of the plan change are relevant considerations. This requires detailed and nuanced analysis of the proposal that recognises the context of the plan change area and its specific planning issues.

In this context, the plan change is considered to be in accordance with sound resource management practice for the following reasons:

- The proposed zoning is generally in accordance with the Mangawhai Structure Plan and is consistent with the more recent Mangawhai Spatial Plan.



- The proposed zoning is consistent with the higher order policy framework of the ODP.
- The proposed zoning supports a compact urban form and integrated urban development;
- All necessary statutory requirements have been met, including an evaluation in accordance with S32 of the RMA with supporting evidence, and consultation with interested iwi is on-going; and
- The Plan Change is considered to be consistent with the sustainable management purpose of the RMA as discussed in the report below.

The proposed zoning and Development Area provisions seek to enable residential development whilst protecting ecological features, enhancing residential amenity and character, ensuring a safe transport network and maintaining landscape values.

In relation to (c), the plan change is considered to be consistent with the sustainable management purpose of the RMA as detailed throughout this report.

On this basis, the merits of the proposal should be allowed to be considered through the standard Schedule 1 process.

## 6.0 Policy Framework

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### 6.1 National policy documents

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The following national policy documents prepared under the RMA are considered relevant to this application:

- National Policy Statement on Urban Development;
- National Policy Statement for Freshwater Management; and
- National Policy Statement for Highly Productive Land.

#### 6.1.1 Proposed National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (**NPS:UD**) came into force on 20 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016. The NPS-UD recognises the national significance of:

- Having **well-functioning urban environments** that enable all **people and communities** to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future; and
- Providing sufficient development capacity to meet the **different needs of people and communities**.

This is about ensuring New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It removes overly restrictive barriers to development to allow growth 'up' and 'out' in locations that have good access to existing services, public transport networks and infrastructure.

The NPS-UD is specifically designed to improve the responsiveness and competitiveness of land and development markets. In particular, it requires local authorities to open up more development

capacity, so more homes can be built in response to demand. The NPS-UD provides direction to make sure capacity is provided in accessible places, helping New Zealanders build homes in the places they want – close to jobs, community services, public transport, and other amenities our communities enjoy.

The NPS-UD applies to all local authorities that have all or part of an “urban environment” within their district and applies to planning decisions by any local authority that affect an “urban environment.” The NPS-UD does not specifically list Tier 3 local authorities, relying upon the definition of urban environment<sup>1</sup> to determine whether or not the NPS-UD applies. Applying a conservative approach, Mangawhai could be considered to fall within the definition of urban environment<sup>2</sup>.

For completeness, the NPS-UD objectives, policies and outcomes relevant to Tier 3 local authority include:

- **Objective 1 and Policy 1** – New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future. Planning decisions need to directly contribute to delivering this concept of well-functioning urban environments, which at a minimum, have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; (ii) have or enable a variety of sites that are suitable for different business sections; (iii) **have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport.**
- **Objective 3 and Policy 5** – Regional policy statements and district plans apply to urban environments, heights and density of urban form **which is commensurate to the level of accessibility by existing or planned active or public transport to a range of commercial and community services, or relative demand for housing and business use in the location.**

**Table 1: NPS-UD Policy Assessment**

NPS-UD Policy	Comment
<i>Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and have or enable a variety of sites that are</i>	The plan change provides for residential development which enables the continued growth of Mangawhai to cater for current demand and anticipated demand through the provision of a variety of housing type. The plan change area is located in proximity to existing community facilities, including Mangawhai Domain and the Mangawhai

<sup>1</sup> Urban environment - means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that: is, or is intended to be, predominantly urban in character; and is, or is intended to be, part of a housing and labour market of at least 10,000 people.

<sup>2</sup> See Paragraph 57 of the Commissioners Recommendation Report, dated 12 March 2021.

<https://pub-kaipara.escribemeetings.com/filestream.ashx?DocumentId=3434>.

<p><i>suitable for different business sectors in terms of location and site size; and have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and support reductions in greenhouse gas emissions; and are resilient to the likely current and future effects of climate change.</i></p>	<p>Village. The plan change will provide for development which can be serviced by infrastructure whilst achieving a quality urban design outcome and providing for the protection of the ecological features within the plan change area.</p> <p>The proposal has been prepared giving careful consideration to climate change and natural hazards, and future development will be required to incorporate water sensitive design techniques to ensure adequate management of stormwater.</p> <p>The plan change will enable the ability to establish residential development with significant opportunities to incorporate sustainable design measures to support climate resilience. For example, through water efficiency measures that promote water reuse and smart attenuation and energy efficiencies through positive solar access (via proposed layout of the residential component of the site).</p>
<p><i>Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.</i></p>	<p>The plan change will provide capacity for residential development, contributing to the capacity of Mangawhai to meet housing demand.</p>
<p><i>Policy 5: Regional policy statements and district plans applying to tier 2 and 3 urban environments enable heights and density of urban form commensurate with the greater of: the level of accessibility by existing or planned active or public transport to a range of commercial activities and community services; or relative demand for housing and business use in that location.</i></p>	<p>The plan change will enable heights and density of residential development appropriate to meet the demand for development within Mangawhai, recognising the limited public transport but close proximity to commercial activities and community services from the site.</p>
<p><i>Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this</i></p>	<p>It is considered that this plan change will be consistent with the planned urban built form anticipated for Mangawhai giving effect to the Mangawhai Spatial Plan and the Mangawhai Structure Plan.</p>

<p><i>National Policy Statement; (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect; (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1); (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity; € the likely current and future effects of climate change.</i></p>	<p>The plan change is supported by an Urban Design Assessment which has considered the suitability the area for residential zoning, and recommended particular outcomes to ensure a well-functioning urban environment is created.</p> <p>As detailed further in this assessment the plan change will enable the creation of a well-functioning urban environment.</p>
<p><i>Policy 8: Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is: unanticipated by RMA planning documents; or out-of-sequence with planned land release.</i></p>	<p>It is acknowledged that this plan change application seeks to bring forward residential zoning ahead of Council's Draft District Plan, however the large lot residential zoning is anticipated in the Mangawhai Spatial Plan which identifies the site within both an Urban-Residential growth area, and a future rural-residential area. It is considered that this plan change application will add significant residential development capacity to Mangawhai. As such, Council should be responsive.</p>
<p><i>Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must: involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage</i></p>	<p>The applicant is underway with preliminary consultation with hapū, and the assessment has considered all relevant hapū management plans and statutory acknowledgements within this assessment. It is considered that this plan change application has taken into account the principles of the Treaty of Waitangi.</p>

*orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and operate in a way that is consistent with iwi participation legislation.*

### 6.1.1 National Policy Statement for Freshwater Management

The fundamental concept of the National Policy Statement for Freshwater Management (**NPS-FM**) is “Te Mana o te Wai” and refers to the fundamental importance of water; recognising that protecting the health of freshwater protects the health and well-being of the wider environment. Te Mana o te Wai seeks to protect the mauri of water by restoring and preserving the balance between the water, the wider environment, and the community. The only objective of the NPS-FM is:

#### 2.1 Objective

*(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*

*(a) first, the health and well-being of water bodies and freshwater ecosystems*

*(b) second, the health needs of people (such as drinking water)*

*(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

Policies of the NPS-FM focuses upon the management of freshwater in an integrated way to ensure that the health and well-being of water bodies and freshwater ecosystems is maintained and improved.

The plan change area contains a number of wetlands, intermittent and permanent streams as confirmed by the Ecological Impact Assessment prepared by Bioresarches (**Appendix 11**). Therefore, policies 3 and 6 are considered to be particularly relevant to the plan change.

The plan change, taking account of the directions of the NPS-FM incorporates clear objectives and policies that acknowledge an integrated management approach to land use and subdivision activities is required to protect and restore freshwater bodies. The plan change provisions promote stream, riparian and wetland restoration by requiring all subdivision activities to be supported by an Ecological Planting and Management Plan in order to achieve integrated management of freshwater within the proposed Mangawhai Hills Development Area.

The Mangawhai Hills Development Area has been reviewed by Bioresarches, who have confirmed that the proposed Development Area provisions are sufficient and appropriate to give effect to the NPS-FW.

Overall, it is considered that the plan change is consistent with the relevant objectives and policies of the NPS-FM.

### 6.1.2 National Policy Statement for Highly Productive Land

Purpose of the National Policy Statement for Highly Productive Land (**NPS-HPL**) is to protect highly productive land for the use in land-based primary production, both for now and for future generations as set out in Objective 2.1. Part 2 includes the objective and policies which set clear



directions that recognise highly productive land and its importance and value to land-based primary production by requiring regional and district plans to map these resources. Further, the NPS-HPL seeks to protect highly productive land from inappropriate use and development. Of particular relevance to this plan change is Policy 5, which seeks to avoid urban rezoning of highly productive land, except as provided for within the NPS-HPL. Part 3 of the NPS-HPL details the implementation, with 3.4 setting the mapping criteria. Of particular relevance is subclause (1) as follows:

*(1) Every regional council must map as highly productive land any land in its region that:*

- (a) is in a general rural zone or rural production zone; and*
- (b) is predominantly LUC 1, 2, or 3 land; and*
- (c) forms a large and geographically cohesive area.*

And subclause (5), copied below:

*(5) For the purpose of identifying land referred to in subclause (1):*

- (a) mapping based on the New Zealand Land Resource Inventory is conclusive of LUC status, unless a regional council accepts any more detailed mapping that uses the Land Use Capability classification in the New Zealand Land Resource Inventory; and*
- (b) where possible, the boundaries of large and geographically cohesive areas must be identified by reference to natural boundaries (such as the margins of waterbodies), or legal or non-natural boundaries (such as roads, property boundaries, and fence-lines); and*
- (c) small, discrete areas of land that are not LUC 1, 2, or 3 land, but are within a large and geographically cohesive area of LUC 1, 2, or 3 land, may be included; and*
- (d) small, discrete areas of LUC 1, 2, or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2, or 3 land.*

Clause 3.4 requires regional council to map land as highly productive which is in a general rural zone or rural production zone and is predominantly LUC 1, 2 or 3 land, and forms a large and geographically cohesive area. Until such time as a RPS 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:

- (a) Is*
  - (i) Zoned general rural or rural production; and*
  - (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.*

With respect to subclause (1), the plan change area is currently zoned Rural Zone in the ODP, but importantly, is not classified by NZRLI as LUC 1, 2 or 3 land, with the exception of approximately 1.5% of the plan change area which includes an isolated pocket of LUC 3 land that adjoins the Residential Zone and therefore cannot form part of a large geographically cohesive area. Further, in terms of subclause (7)(a) and (b), both the Mangawhai Structure Plan and Mangawhai Spatial

Plan identify the plan change area as being suitable for a combination of urban residential, rural residential, and large lot residential development. The specific portion of the plan change site that contains LUC 3 soils, is within land that is identified for future urban development, being identified as 'urban' within the Mangawhai Structure Plan and Mangawhai Spatial Plan.

Therefore, it is assessed that the plan change area is not highly productive land under the NPS-HPL, is not required by clause 3.6 to be mapped as highly productive, and is considered to accord with the directions of the national policy statement.

## 6.2 National Planning Standards

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The National Planning Standards (**NP Standards**) came into effect on 5 April 2019. These are established under s58B – J of the RMA. The purpose of the NP Standards is to improve consistency in plan and policy statement structure, format and content throughout the country. These codify the structure, mapping, definitions and noise/vibration metrics of District, Regional and Unitary Plans.

The ODP was not prepared under the NP Standards; however, it is acknowledged that the Council has prepared a Draft District Plan seeking to implement the NP Standards.

Mandatory direction 12 of the NP Standards specify when a type of spatial layer should be utilised, options have been considered further in s32 evaluation refer to **Appendix 11**. It is considered that a development area is the most appropriate spatial layer to utilise as it will apply additional place-based provisions which refine urban design, landscape features, protection of ecological features and open space within the plan change area.

In accordance with mandatory direction 8 of the NP Standards, it is considered that a Special Purpose Zone is not appropriate for this private plan change as the proposed land use activities and anticipated outcomes do not meet the specified criteria:

- *Mandatory direction 8.3a. Significant to the district, region or country:*

The proposed private plan change will provide additional residential capacity within Mangawhai, however, the rezoning is not considered to be of a scale that is significant to the district, region or country. The proposed Development Area introduces a level of urban design and connectivity, and protection of ecological features and maintenance of landscape values beyond that of the ODP Residential Zone however, these provisions are not considered to be significant to the district, region or country.

- *Mandatory direction 8.3b. are impractical to be managed through another zone:*

The proposed private plan change seeks to rezone the site for residential development whilst creating urban design, connectivity and protection of ecological features and open space. These outcomes go beyond that of the ODP Residential Zone, there is not an equivalent zone available within the ODP and is impractical to be achieved via another zone given signalled intention of Council in the Draft District Plan.

- *Mandatory direction 8.3c. are impractical to be managed through a combination of spatial layers:*

The proposed private plan change seeks to rezone the site for residential development whilst creating a high level of urban design, connectivity and protection of open space, it is practical to manage this via the ODP residential zone and proposed Development Area.

The plan change recommends consequential amendments to the provisions of the ODP to reflect an efficient and user-friendly set of provisions, and the insertion of a bespoke Mangawhai Hills Development Area with provisions that are consistent with the ODP structure.

It is acknowledged that the NP standards require implementation of mandatory district plan structure and standard definitions, however, this plan change does not propose to implement NP standards definitions to ensure consistency with the ODP, avoiding complicated dual definitions applying to the proposed Development Area.

Overall, it is considered that the proposed private plan change provisions appropriately take into account and are consistent with the gazetted NP Standards.

### 6.3 National Environmental Standards

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National Environmental Standards (**NES**) are regulations issued under the RMA. They prescribe technical standards, methods and other requirements for environmental matters. Section 44A of the RMA requires local authorities to recognise NES and Section 44A requires local authorities give effect to the NES in their plans. There are currently nine National Environmental Standards:

- 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.

In accordance with Section 74 of the RMA, the plan change has been prepared in accordance with the relevant national environmental standards and will not result in any conflict with the provisions of the standards.

## 7.0 Regional Policy Statement and Plans

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### 7.1 Northland Regional Policy Statement

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The Northland Regional Policy Statement (**RPS**) provides broad direction for managing Northland's natural and physical resources. The policies and methods contained in the RPS provide guidance for territorial authorities for plan making.

As stated within section 4 of this report, the site for the plan change is void of any landscape or heritage overlays under the RPS. In addition, the site is not located within any statutory acknowledgement areas. This aside, of particular relevance to the proposed plan change, are the

provisions of the RPS pertaining to economic wellbeing, regional form, tangata whenua, hazards, participation in resource management and water quality.<sup>3</sup>

### **Economic Wellbeing**

The RPS seeks to sustainably manage Northland's natural and physical resources in a way that is attractive for businesses and investment that will improve the economic wellbeing of Northland and its communities. The plan change seeks to rezone the site from Rural to Residential Zone increasing the residential development opportunities within Mangawhai, which intern will enable population growth to improve the economic wellbeing of the Kaipara District, Northland and its communities.

### **Regional Form**

The RPS requires subdivision, use and development to be located, designed and built in a planned and coordinated manner, as well as being well-integrated with transport and three waters infrastructure. The plan change has been designed in accordance with these provisions as follows:

- The plan change has been designed in accordance with the Regional Urban Design Guidelines, particularly with regards to encouraging quality urban design within urban environments. The provisions of the plan change encourage future development to recognise and respond to the unique context and cultural identity of the locality, while offering a choice in urban lifestyle, and a range of housing options for residents;
- The plan change area is not located within high classed soils. As such, the plan change does not further materially reduce the potential for soil-based primary production on land containing highly versatile soils;
- The plan change area is bounded on two sides by residential zoning, and site topography accompanied with proposed setback provisions will ensure reverse sensitivity is appropriately managed on major transport corridors and adjoining land uses; and
- Changes in sense of place and character are consistent with the Mangawhai Spatial Plan and the Residential Zone of the ODP.

Overall, the proposal represents an efficient use of resources and will result in a consolidated, high-quality urban centre that is well serviced by existing infrastructure.

### **Tangata Whenua Participation**

The role of Te Uri o Hau as kaitiaki within the Mangawhai area is recognised and consultation is underway with preliminary consultation having commenced. It is noted that Te Uri o Hau will provide further inputs during the plan change process if deemed necessary.

### **Hazards**

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<sup>3</sup> Objectives: 3.2 Region-wide water quality, 3.5 – Enabling economic wellbeing, 3.6 – Economic activities - reverse sensitivity and sterilization, 3.7 – Regionally significant infrastructure, 3.8 – Efficient and effective infrastructure, 3.11 – Regional form, 3.12 – Tangata whenua role in decision-making and 3.13 Natural hazard risk.

Policies: 4.2.1 Improving overall water quality, 5.1.1 – Planned and coordinated development, 5.1.3 – Avoiding the adverse effects of new use(s) and development, 5.2.1 – Managing the use of resources, 5.2.2 – Future-proofing infrastructure, 6.1.1 – Regional and district plans, 7.1.1 General risk management approach, 7.1.2 New subdivision and land use within 10 year and 100 year flood hazard areas, 7.1.3 New subdivision, use and development within areas potentially affected by coastal hazards, 8.1.1 – Tangata whenua participation 8.1.2 – The regional and district council statutory responsibilities.

The RPS seeks to manage subdivision, use and development of land to minimise risks of natural hazards. The proposed plan change area is affected minimally by natural hazard risk focused to the waterways. The proposed Development Area includes Objective 1, policies 1, 5 and 6 3, rule DEV1-R19 Subdivision, and Standards DEV1-S12 Building Platforms and DEV1-S18 Minimum Floor Level, which will ensure that development will provide for the protection and enhancement of waterways, effectively minimising risks of natural hazards.

### **Water Quality**

The RPS seeks to improve the overall quality of Northland's water resources by, establishing freshwater objectives, reducing loads of sediment, nutrients and faecal matter to water and promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands. The plan change area contains a number of wetlands, intermittent and permanent streams as confirmed by the Ecological Assessment (**Appendix 6**).

The importance of these natural features has been recognised and the proposed Development Area includes Objectives 1 and 5, policies 1, 3, 5 and 64, and rules DEV1-R19 Subdivision and Standards DEV1-S16 Stormwater Disposal and 13.14.5(3) Stormwater, which will ensure integrated management of future development and ensure that the wetlands and streams are protected and enhanced as an integrated network.

### **RPS Summary**

Overall, the private plan change has been developed with a view of striking an appropriate balance between providing for the efficient residential development of Mangawhai, whilst ensuring that adverse effects are managed to an acceptable level. The plan change is therefore considered to be consistent with the provisions of the RPS.

## **7.2 Regional Plans**

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There are a number of operative Regional Plans for Northland that have been developed under the RMA. These include the Regional Water and Soil Plan, Air Quality Plan and the Coastal Plan. The Proposed Northland Regional Plan (**PRP**) combines the operative Regional Plans applying to the coastal marine area, land and water and air, into one combined plan. It is considered that the proposed provisions of the private plan change are generally consistent with the PRP.

As stated within section 4.2 of this report, the plan change area is subject to a limited number of regional plan resource mapping overlays, of which largely relate to the impacts of land use activities on water and air quality (such as stock care, mass land disturbance, discharges etc.). Given the site is proposed to accommodate urban development, these overlays will have little to no impact on the plan change. The provisions of the PRP will be addressed at the time of development if and when required.

## **7.3 Kaipara District Plan (Operative 2013)**

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The ODP has a number of policy chapters which detail the outcomes expected for the Kaipara District. Relevant objectives and policies are discussed below, noting that the proposed provisions have been considered in accordance with section 32, in section 9 of this report:

### **7.3.1 Chapter 2 District Wide Resource Management Issues**

District wide resource management issues objectives and policies seek in summary to:



- (a) to maintain and enhance opportunities for sustainable resource use, to enable economic development and growth;
- (b) to recognise the importance of providing for the relationship of Māori, including their culture and traditions, with their ancestral lands, water, sites, waahi tapu and other taonga;
- (c) to recognise and enhance the amenity of character of the District;
- (d) to protect and enhance historic heritage, ecological and landscape values;
- (e) to provide guidance on areas for long term growth and land use change while recognising the limited resources of Council;
- (f) take a precautionary approach to natural hazards.

It is considered that the plan change will be consistent with these objectives and policies, seeking to provide for residential development within a central location that is planned to use sustainable design measures and self-sufficient infrastructure services, adjacent to existing Residential Zone of Mangawhai, without significant areas of historic heritage or landscape, free of natural hazards, and which appropriate protection of ecological natural features via proposed development area provisions is achieved.

### 7.3.2 Chapter 3 Land Use and Development Strategy

Chapter 3 provides objectives and policies for Council to respond to growth and economic development opportunities. Chapter 3 specifically notes that Council will consider how a private plan change proposal contributes the objectives and policies of this Chapter including, where relevant, the Structure Plan outcomes contained in Appendix 3.1 to Chapter 3. Chapter 3 links directly to chapter 3A the Mangawhai Structure Plan.

Each of the relevant objectives and policies are evaluated as follows:

**Table 2: ODP Chapter 3 Land Use and Development Strategy – Objectives Assessment**

ODP – Chapter 3 Objective	Comment
<i>3.4.1 To encourage and establish an effective and sustainable supply of residential and business land to meet the current and future demands of the Kaipara District and enable the community to provide for their social and economic well-being.</i>	<p>The plan change will provide capacity for residential development, contributing to the ability of Mangawhai to meet housing demand.</p> <p>The plan change provides for residential development, located in proximity to existing community facilities and the commercial areas of Mangawhai. The proposed development area provisions enable the integration with the existing residential built environment to the east and north, and will ensure future development is connected pedestrian and cycleway connections creating accessibility for residents.</p>

<p><i>3.4.2 To minimise the ad hoc expansion of residential and business activities in the rural heartland, where such activities have the potential to give rise to adverse environmental effects and issues of reverse sensitivity.</i></p>	<p>It is considered that the plan change will not result:</p> <ul style="list-style-type: none"> <li>a. in ad hoc expansion of residential activities in the rural heartland; and</li> <li>b. in adverse effects on sensitive receiving environments.</li> </ul>
<p><i>3.4.3 To restrict growth of residential and business activities in inappropriate locations where such activities have the potential to give rise to adverse effects on sensitive receiving environments.</i></p>	<p>The plan change seeks to rezone an area of rurally zoned land south-west of Mangawhai, directly adjacent to existing residentially zoned land to the east and south.</p> <p>The plan change will generally be consistent with the planned built form anticipated for Mangawhai giving effect to the Mangawhai Structure Plan and Mangawhai Spatial Plan.</p>
<p><i>3.4.4 To ensure emissions, discharges and effects of residential and business development are managed so that adverse effects on the surrounding environment, including existing settlement areas, are comprehensively addressed.</i></p>	<p>The potential adverse effects of the proposed rezoning have been assessed within this report and supporting technical assessments. It is considered that this application and proposed Development Area provisions have comprehensively addressed potential adverse effects.</p>
<p><i>3.4.5 To provide appropriate infrastructure and servicing in advance of or alongside future residential and business development.</i></p>	<p>The Land Development Report has assessed the potential infrastructure and servicing demand from the proposed residential zone and future development. This concludes that appropriate infrastructure can be provided at the time of development.</p>
<p><i>3.4.6 To provide clear direction on the information, planning and management requirements considered to be required to enable future changes in land use within the identified development areas.</i></p>	<p>It is considered that this application and proposed development area provisions have comprehensively addressed plan change requirements.</p>
<p><i>3.4.7 To minimise potential conflicts between natural and physical limitations, including hazards and future residential and business areas.</i></p>	<p>The potential natural and physical limitations of the plan change area have been considered and addressed via proposed development area provisions as necessary.</p>

The following policies are considered to be relevant:

**Table 3: ODP Chapter 3 Land Use and Development Strategy – Policies Assessment**

ODP Chapter 3 Policy	Comment
<p><i>3.5.1 By providing for clear direction and certainty for a range of residential and business land use activities throughout the Kaipara District.</i></p>	<p>It is considered that the plan change is generally in accordance with both the Mangawhai Structure Plan and Mangawhai Spatial Plan direction for rural residential land use activities.</p> <p>The proposed provisions are consistent with the ODP residential zone, seeking to implement area specific outcomes to ensure connectivity, high level of urban design and protection of ecological features and maintaining landscape and amenity values.</p>
<p><i>3.5.2 By establishing standards for minimum site sizes, for each Zone in the District</i></p>	<p>The plan change seeks to retain the ODP minimum allotment sizes which have been considered to be appropriate to enable a range of residential activities.</p>
<p><i>3.5.3 By providing for a diverse range of residential and business opportunities in appropriate locations that enable their effects to be effectively managed.</i></p>	<p>The plan change seeks to provide for residential development that is consistent with the range of residential opportunities provided for in the ODP. The plan change will be consistent with the planned urban built form anticipated for Mangawhai.</p> <p>The proposed provisions are consistent with the ODP Residential Zone, seeking to implement area specific outcomes to ensure connectivity, high level of urban design and protection of ecological features and manage effects of future residential development.</p>
<p><i>3.5.4 By establishing a Land Use and Development Strategy, including nominated future Growth Areas, which ensures protection of natural character and ecological, amenity and landscape values and enables adequate opportunity for residential and business land to meet future demand.</i></p>	<p>The plan change area is located on the edge of the future growth area of Mangawhai, with portions identified as future residential growth area and greater structure plan policy area.</p> <p>The characteristics and values of the plan change area have been identified and where appropriate protected via proposed development area provisions.</p>
<p><i>3.5.5 By ensuring infrastructure and servicing (e.g. transport, stormwater and sewerage reticulation and treatment systems and networks) for new development areas are</i></p>	<p>The Land Development Report (refer to <b>Appendix 7</b>) has assessed the potential infrastructure and servicing demand from the proposed residential zone and future</p>

<i>designed and provided for at the outset of development, so that any adverse effects on the environment or existing systems are adequately avoided, remedied or mitigated.</i>	development. This concludes that appropriate infrastructure can be provided at the time of development to avoid, remedy or mitigate potential adverse effects.
<p><i>3.5.6 By requiring new residential and business development to comprehensively consider (on a catchment wide basis) potential:</i></p> <p><i>a) Adverse effects on the natural character of the coastal environment, lakes, rivers, wetlands or their margins;</i></p> <p><i>b) Adverse effects on areas of significant indigenous vegetation or significant habitats of indigenous fauna;</i></p> <p><i>c) Adverse effects on outstanding natural features, landscapes and heritage resources;</i></p> <p><i>d) Adverse effects on the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;</i></p> <p><i>e) Conflicts with areas where natural hazards could adversely affect the physical resources of residential and business development or pose risks to people's health and safety;</i></p> <p><i>f) Conflicts with finite resources which can reasonably be expected to be valuable for future generations (including highly productive and versatile soils and aggregate resources). (For example, where residential and business development could adversely affect the availability of finite resources); and</i></p> <p><i>g) to identify mechanisms to avoid, remedy or mitigate such impacts.</i></p>	As detailed in earlier sections of this report, it is considered that this application has comprehensively considered and addressed all potential adverse effects.

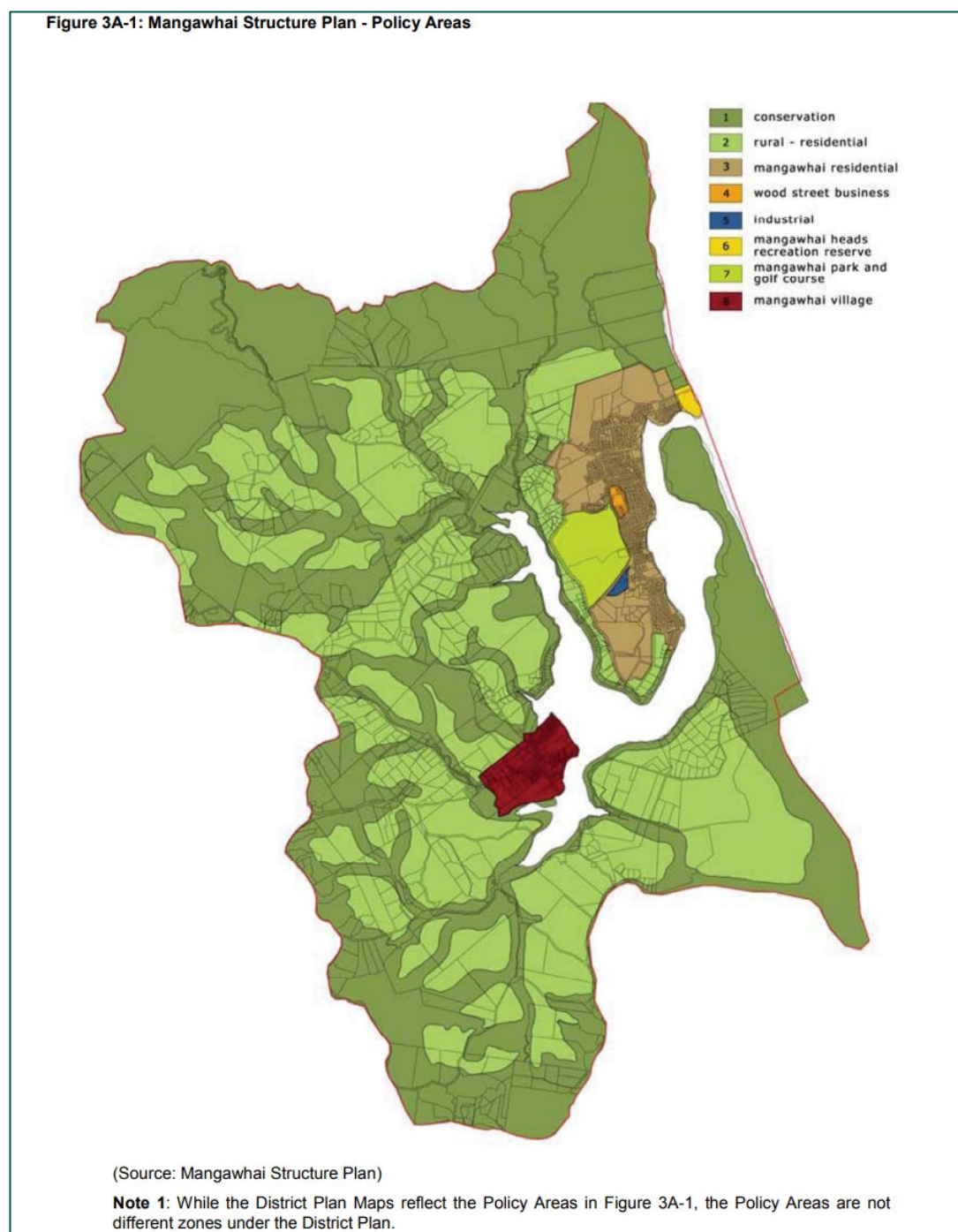
Method 3.6.3 focuses on structure planning, stating that Council will prepare a structure plan for growth areas to direct land use change and future rezoning, stating that a private plan change in advance of a structure plan must be assessed against the outcomes of Appendix 3.1. The Mangawhai Structure Plan is identified as a 'template' for a structure plan; therefore, it is considered that no assessment against Appendix 3.1 is required.

As illustrated in **Figure 9** below, the plan change area is located within an area indicated for growth being future rural residential zone. It is noted that Council has more recently released a Spatial Plan for Mangawhai and this is addressed in further detail at Section 7.4.

For completeness the Mangawhai Structure Plan outcomes – Chapter 3A is evaluated below.

### 7.3.3 Chapter 3A Mangawhai Structure Plan

Chapter 3A, summarises the methods to implement the Mangawhai Structure Plan, which was adopted by Council in January 2005 and provides a strategic framework to help guide decisions on development, infrastructure management and environmental matters for Mangawhai. The plan change area is largely located within the Rural Residential Policy Area, with a portion in the Conservation Policy Area.



**Figure 9: Mangawhai Structure Plan - ODP (Source: KDC Website – ODP Eplan).**

The proposed plan change is evaluated against the objectives and policies of Chapter 3A as follows:

**Table 4: ODP Chapter 3A Mangawhai Structure Plan – Objective and Policy Assessment**



Objective/Policy	Comment
<i>3A.4.1 To encourage residential development that complements the traditional and valued beach settlement character of Mangawhai and is consistent with the outcomes of the Mangawhai Structure Plan.</i>	The proposed plan change will rezone the plan change area Residential Zone with the proposed Mangawhai Hills Development Area, with provisions which will protect the natural and physical features within the plan change area. This is considered to complement the character of Mangawhai, giving effect to the outcomes of the Mangawhai Structure Plan.
<i>3A.4.2 To ensure provision of efficient infrastructure and roading network systems to provide for properly serviced and orderly development within Mangawhai.</i>	<p>The Land Development Report confirms that development within the Plan Change Area can be efficiently serviced, with sufficient area for on-site water supply and on-site stormwater and wastewater networks that will be appropriately managed by the suite of provisions proposed as part of the Mangawhai Hills Development Areas. The Traffic Report concludes that the rezoning will not result in adverse effects to the road network and proposed road linkages will be designed to provide for vehicle and pedestrian safety.</p> <p>The provisions ensure that future development will occur in an orderly fashion, with future connections for multi-modes of transport.</p>
<i>3A.4.4 To protect existing, and require new, public open space and reserve connections in conjunction with development in the Mangawhai Structure Plan Area.</i>	The plan change area does not include any existing public open space which does not require protection. Provisions ensure that esplanade reserves are provided in accordance with the RMA. The proposed Development Area provisions encourage the establishment of public open spaces to support the recreational needs of the community.
<i>3A.4.6 To ensure development of the Mangawhai Structure Plan Area is managed appropriately so as to ensure the protection of landscape elements, areas of ecological value, waterways and the enhancement of degraded areas of land within the Mangawhai Structure Plan Area.</i>	The proposed Development Area provisions seek to protect natural ecological features of the site as supported by the Landscape Report ( <b>Appendix 5</b> ) and Ecological Impact Assessment ( <b>Appendix 11</b> ).

<p><i>3A.5.1 By providing guidance on design and environmental standards to direct development consistent with the vision for the Mangawhai Area.</i></p>	<p>The plan change has been evaluated against the Mangawhai Structure Plan design guidelines and relevant provisions for the Mangawhai Hills Development Area are proposed in <b>Appendix 3</b>.</p>
<p><i>3A.5.2 By providing guidance on infrastructure provision (in accordance with the rules and performance standards in the Part B Chapters or the Kaipara District Council Engineering Standards 2011) for the Mangawhai Structure Plan Area.</i></p>	<p>The Land Development Report (<b>Appendix 7</b>) has confirmed that the proposed plan change can be appropriately serviced by on-site water supply, stormwater and wastewater networks.</p>
<p><i>3A.5.3 By the implementation of low impact urban design stormwater management principles in all infill and “greenfield” housing developments.</i></p>	
<p><i>3A.5.4 By requiring that all new wastewater disposal systems within Mangawhai provide for connection to Council’s public (EcoCare) system.</i></p>	
<p><i>3A.5.8 By providing for the efficient staging of development to ensure an overall integrated development is achieved through the subdivision process. This will include consideration of the timing for the provision of open space, the protection of natural or heritage features, including ecological corridors, and the provision of key infrastructure services.</i></p>	<p>The proposed Development Area provisions seek to protect the natural ecological features within the plan change area, including ecological corridors as part the Landscape Protection Area and seek to provide areas of open space as supported by the Landscape Report (<b>Appendix 5</b>) and Ecological Impact Assessment (<b>Appendix 11</b>).</p>

#### 7.3.4 Chapter 4 Overlays

Chapter 4 Overlays, provides policy direction with respect to all overlays identified in the ODP. The plan change area is located within the Mangawhai Harbour Overlay.

**Table 5: ODP Chapter 4 Overlays – Objective and Policy Assessment**

Objective/Policy	Comment
<p><i>4.4.1 To promote the preservation, restoration, rehabilitation and enhancement of the natural character of the coastal environment.</i></p>	<p>A very tiny portion of the plan change area (south-west corner) is located within the RPS coastal environment. The proposed provisions of the plan change will ensure</p>

	that the natural character to this portion is enhanced. The majority of the plan change area is located outside of the coastal environment as identified by the RPS.
<i>4.4.2 To enable subdivision, land use and development in the Overlays, where it recognises and provides for: · The protection of natural character; and · Maintenance or enhancement of the water quality of receiving environments; and · Maintenance or enhancement of amenity values; and · Any other specific values identified in an Overlay.</i>	<p>The proposed Mangawhai Hills Development Area provisions ensure the protection of natural character within the area, including existing indigenous vegetation, wetlands and streams.</p> <p>The proposed Development Area provisions ensure protection of wetlands and manage stormwater to enhance the water quality.</p> <p>Proposed Development Area provisions seek to maintain amenity values, via strong urban design and landscape requirements within the proposed residential zone.</p>
<i>4.4.3 To maintain and enhance public access to and along the Coastal Marine Area in the Overlays.</i>	The proposed plan change area is not adjacent to the Coastal Marine Area.
<i>4.4.4 To recognise the functional need for activities in the coastal environment and encourage greater integration of landward and maritime land use planning.</i>	The proposed plan change area is partially located within the coastal environment, as noted in the response to 4.4.1 above.
<i>4.4.11 To recognise and provide for the protection of habitats and ecological values.</i>	The proposed Development Area provisions ensure the protection of natural character within the area, including existing indigenous vegetation, wetlands and streams, with strong protections established for areas identified within the Landscape Protection Area as discussed in the Landscape Report included as <b>Appendix 5</b> .
<i>4.4.12 To recognise and where appropriate protect cultural, heritage and amenity values, including the special sense of place of land within the Mangawhai Harbour Overlay</i>	The proposed Development Area provisions set out to protect cultural, heritage and amenity values through the management of lot sizes, locations, and associated built form and development.
<i>4.4.13 To enable growth in the Mangawhai Harbour Overlay in a manner that protects and enhances the identified valued natural environments which includes: · Coastal dune</i>	The proposed Development Area provisions ensure the protection of natural character within the area, including existing

<p><i>systems and coastal edge; · Estuarine wetland and saltmarsh systems; · Terrestrial wetland systems and associated riparian corridors; · Significant areas of contiguous bush remnants and regenerating bush shrubland areas; · Visually prominent ridgelines; · Significant wildlife habitats and corridors; and · The Brynderwyn Range.</i></p>	<p>indigenous vegetation, wetlands and streams.</p> <p>The development area includes Landscape Protection areas which seek to manage landscape and visual amenity effects. A suite of provisions are proposed to manage development with building controls which respond to the sensitivity of the surrounding environment, including setback controls from natural features (DEV1-S7).</p>
<p><i>4.5.1 By encouraging consolidation of coastal settlements where it contributes to the avoidance of sprawling or sporadic patterns of development in the coastal environment.</i></p>	<p>The plan change area is adjacent to residentially zoned land to the east and south. The proposed rezoning to residential will provide a continuation of urban form in the surrounding rural-residential environment whilst providing a contained form of development avoiding sprawl.</p>
<p><i>4.5.2 By managing the location, scale and design of subdivision, use and development to minimise the potential adverse effects on the natural character of the coastal environment.</i></p>	<p>The plan change area is partially located within the coastal area, however majority of the site is unaffected. As previously discussed, the proposed provisions will ensure subdivision and development protects the natural features such as indigenous vegetation, wetlands and streams within the plan change area.</p>
<p><i>4.5.16 By requiring careful management of subdivision, land use activities including their location, design and operational arrangements (including wastewater and stormwater systems) so as to avoid, remedy or mitigate adverse effects (including discharges) arising from these activities on sensitive receiving environments.</i></p>	<p>The proposed Development Area provisions include development and subdivision rules which ensure location, design and layout of development manages the potential effect on the environment. Subdivision in particular is required to be designed protect natural features to avoid adverse effects.</p>
<p><i>4.5.17 By managing the scale, location and design of activities in the Mangawhai Harbour Overlay.</i></p>	
<p><i>4.5.18 By identifying areas where public access to and along the Mangawhai Harbour needs to be improved, cognisant of the on-going development and population pressure in this area.</i></p>	<p>The plan change area is not located adjacent to the Mangawhai Harbour.</p>



<p><i>4.5.19 By requiring the identification and mapping of areas of valued natural environment at the time of subdivision and development.</i></p>	<p>A very tiny portion of the plan change area is located within the RPS coastal environment. The proposed provisions of the plan change will ensure that the natural character to this portion is enhanced. The majority of the plan change area is located outside of the coastal environment as identified by the RPS.</p>
<p><i>4.5.20 By protecting those areas identified as valued natural environments from inappropriate use and development, particularly by:</i></p> <ul style="list-style-type: none"> <li><i>· Locating those activities which have the potential to discharge contaminants and adversely impact on waterways and the sensitive receiving harbours out of these areas;</i></li> <li><i>· Carefully managing the scale, location, operation and design of activities, particularly in respect to built form and vegetation.</i></li> </ul>	<p>As previously discussed, the proposed provisions will ensure subdivision and development protects the natural features such as indigenous vegetation, wetlands and streams within the plan change area.</p>

### 7.3.5 Conclusion

For the reasons detailed above, it is considered that the proposed plan change is consistent with and will implement the relevant higher order objectives and policies of the ODP.

## 7.4 Council Strategic Plans and Policies

KDC have a number of strategic plans and policies which are considered relevant to the plan change in accordance with Section 74 of the RMA. These are assessed as follows:

### 7.4.1 Kaipara District Spatial Plan – Ngā Wawata 2050 – Our Aspirations

The Kaipara District Spatial Plan sets a spatial plan framework for growth of Kaipara, including project objectives, outcomes, background and history providing the overall context for how the spatial plan has reached the recommended direction and supporting key moves required to achieve the desired growth. The Spatial Plan identifies key urban areas, including Mangawhai. Mangawhai has a separate spatial plan adopted in December 2020.

The plan change seeks to implement Kaipara District Spatial Plan, providing residential capacity within a location identified for residential growth in the Mangawhai Spatial Plan (**MSP**).

### 7.4.2 Mangawhai Spatial Plan

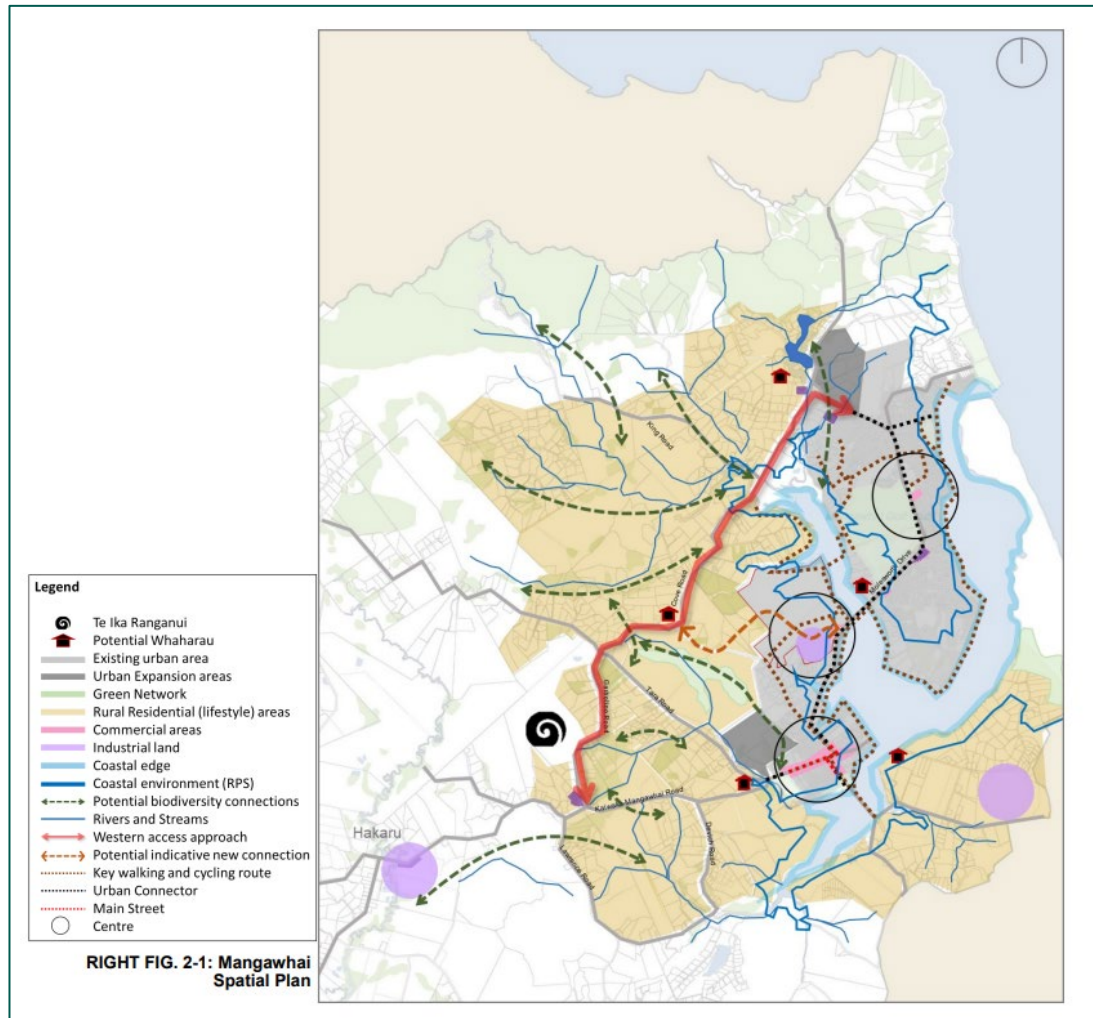
The Mangawhai Spatial Plan aims to provide a high-level 'spatial picture' of how Mangawhai could grow over the next 20-25 years, address the community's social, economic and environmental needs, and respond to its local context.

The MSP vision is

*A cohesive Mangawhai community that:*

- *Respects its natural setting;*
- *Offers diverse and affordable living and working choices; and*
- *Celebrates its iwi culture, its heritage, and embraces the future.*

The MSP includes an overall plan of the growth for Mangawhai. The MSP identifies the plan change area as urban expansion area and rural residential, with green network and biodiversity condition (refer to Figure 8).



**Figure 10: Mangawhai Spatial Plan (Source: MSP)**

The south-eastern portion of the plan change area is identified as future possible wastewater servicing.

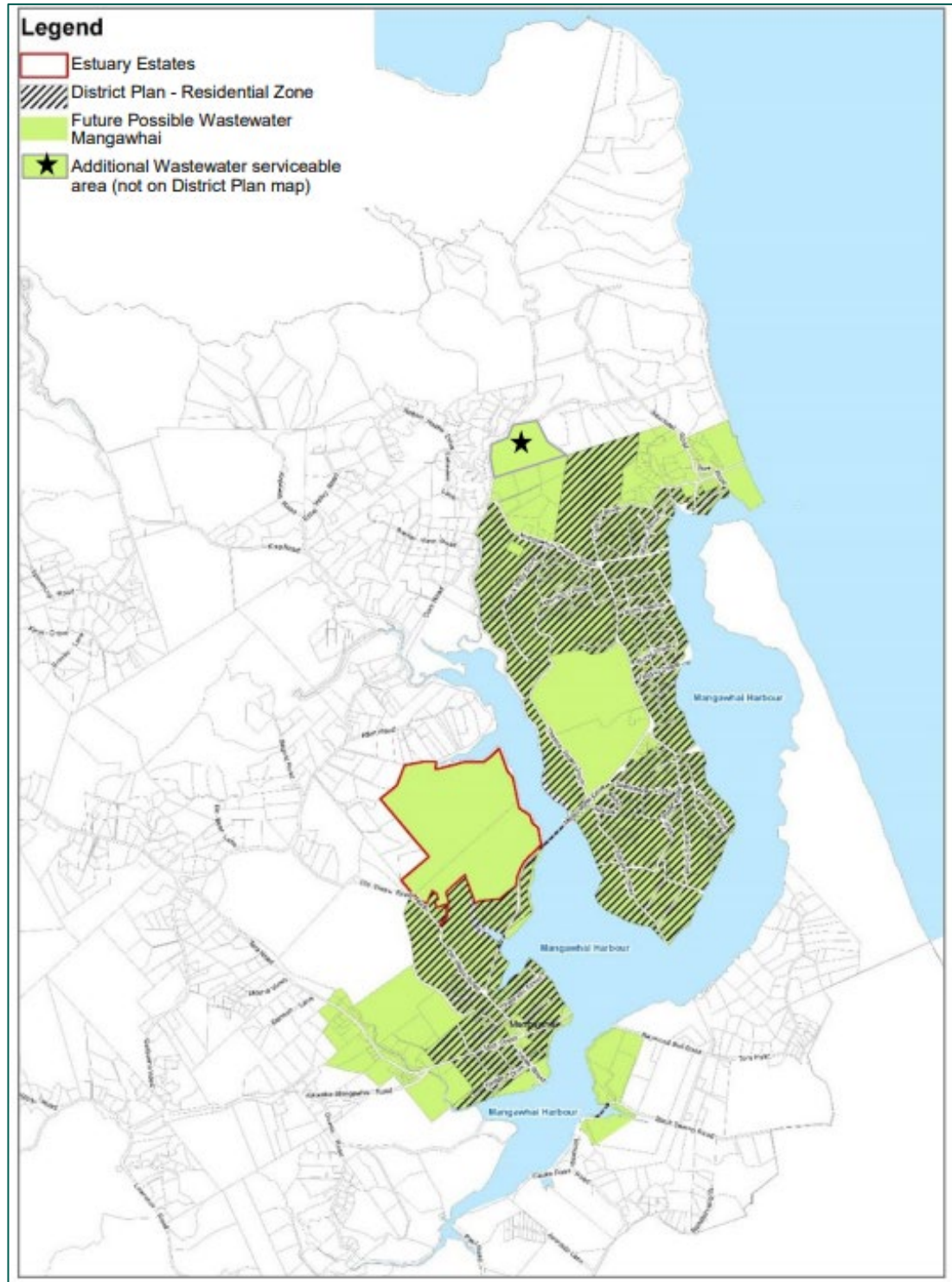
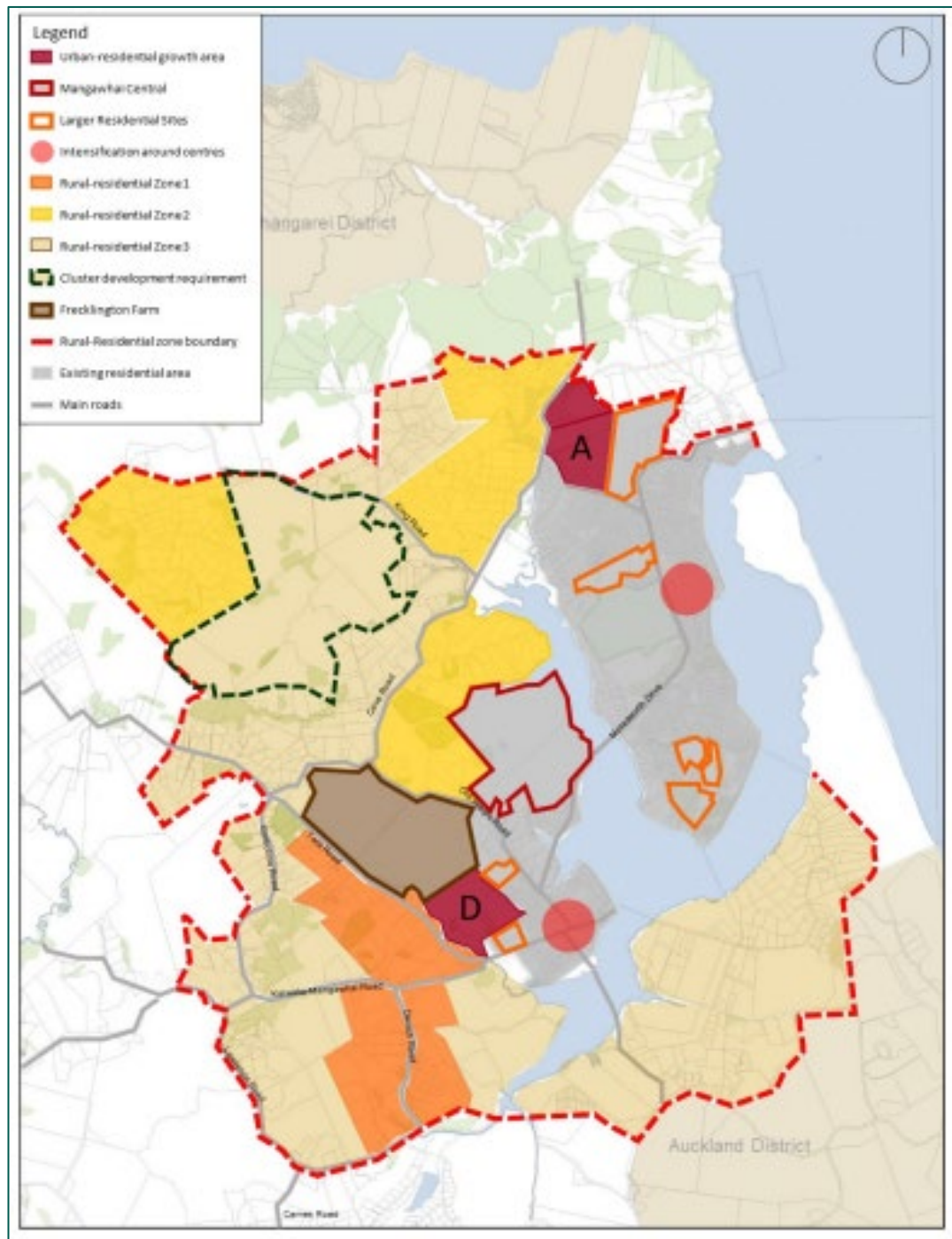


Figure 11: Waste Water Network (Source: MSP)



**Figure 12: Proposed new residential growth areas A and D and possible residential intensification around centres and Mangawhai Central (Source: MSP)**

**Comment:** The plan change seeks to rezone an area of land identified as Frecklington Farm and Urban Residential Growth Area, the Mangawhai Hills Development Area which will provide for a level density generally consistent with that anticipated by the MSP. It is considered that the plan change is entirely consistent with the MSP and will achieve all of the outcomes sought.

#### 7.4.3 Infrastructure Strategy 2018- 2048 (June 2021)

The Infrastructure Strategy seeks to outline how Kaipara District Council will manage the provision of infrastructure roads, water, wastewater, stormwater and flood protection to meet population



growth and economic demands. The Infrastructure Strategy anticipates the total capital and operating expenditure over the 30 year period.

The Infrastructure Strategy identifies a number of significant projects relevant to Mangawhai, including the Mangawhai library and wastewater treatment plan upgrades (up to 7000 connections), waters storage and security of waters supply, town centre upgrades.

The plan change seeks to rezone the area from Rural to Residential Zoning, the proposed zoning is consistent with the anticipated growth of Mangawhai in general accordance with the MSP which has been provided for within the Infrastructure Strategy. As such the plan change is consistent with the expected growth and strategic direction anticipated and provided for within the Infrastructure Strategy.

#### 7.4.4 Long Term Plan Mahere Wā Roa 2021-2031

The Long Term Plan 2021-2031 (**LTP**) seeks to grow a better Kaipara which is supported by six community outcomes:

- Climate Smart - Climate change and its impacts are reduced through community planning
- Healthy Environment - Our natural environment is protected and open to the community
- Celebrating Diversity - Our local heritage and culture are valued and reflected in the community
- A Trusted Council - An open organisation working for our community
- Prosperous Economy - Development is encouraged, supported and sustainable
- Vibrant Communities - Kaipara communities offer an attractive place to live and visit

Planned improvements for Mangawhai includes:

- Completion and adoption of an updated stormwater catchment management plan;
- Mangawhai Community Wastewater Scheme - resource consent variation application, extend the irrigation system, upgrade the existing reticulation and pump stations; and upgrade the treatment plant, extend the reticulation system;
- Deliver a programme of works in partnership with Taharoa Domain, Mangawhai Community Park and Pou Tu Te Rangi Harding Park Governance Committees;
- Continue to develop the Mangawhai Heads-to-Mangawhai Village all-tide coastal walkway; and
- Deliver agreed projects in the Mangawhai Community Plan.

The plan change seeks to rezone the site from Rural to Residential Zoning, the proposed zoning is generally consistent with the anticipated growth of Mangawhai Spatial Plan. As such the plan change is consistent with the expected growth and strategic direction anticipated and provided for within the LTP.

## 7.5 Iwi & Hapū Management Plans

According to s74(2A) of the RMA, Council must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.

There are four iwi and hapū that are recognised as Iwi Authorities for the purposes of the RMA, within the Kaipara District:<sup>4</sup>

- Te Roroa
- Te Uri o Hau
- Ngāti Manuhiri
- Ngātiwai

In terms of Treaty of Waitangi settlement process all groups have completed the process except Ngātiwai<sup>5</sup>. The settlement legislation contains obligations for government agencies including territorial authorities.

Both Te Roroa and Te Uri o Hau have lodged their Iwi Management Plan's with KDC. Under the RMA these plans must be "taken into account when making changes to the District Plan".<sup>6</sup> The plan change area is located within the Te Roroa rohe.

The relevant parts of these plans are discussed below.

### 7.5.1 Nga Ture mo te Taiao o Te Roroa – Te Roroa Iwi Environmental Policy Document (Reviewed Versions 2019)

Te Roroa have prepared and lodged the Te Roroa Iwi Environmental Policy Document (**TRIEPD**) with KDC. TRIEPD has been prepared to encourage and promote partnerships, facilitate communication, and express resource management issues to all government agencies including district and regional councils for the purposes of the RMA and Local Government Act 2002 (**LGA**). The TRIEPD contains useful guidance on policies and processes for kaitiakitanga, mātauranga Māori and tikanga in the management of resources within their rohe. TRIEPD expressly refers to KDC and identifies the ODP as a key planning document including noting the role of Statutory Acknowledgements identified in the Te Roroa Deed of Settlement. Further, there are direct policies that outline their desire for participation in statutory planning processes including plan making and resource consenting.

In terms of the plan change, the following policies are most relevant:

- Land:
  - Policies 2 and 3 seek to ensure that development within the rohe is not at the expense of the relationship of Te Roroa with that land, culture and heritage or at the expense of the environment. That development should be preceded by proper infrastructure planning.

<sup>4</sup> By Te Puni Kōkiri's Te Kahui Māngāi Directory of Iwi and Māori Organisations – see <http://www.tkm.govt.nz/> and as advised by staff from KDC staff.

<sup>5</sup> At the time of writing this report Ngatiwai had not completed its Treaty Settlement claim.

<sup>6</sup> Section 74(2A) Resource Management Act 1991

- Soils and Minerals:
  - Policies 3 and 4 seek that the district plan requires compliance with stringent environmental performance standards for permitted earthworks and that integrated earthworks management plans are required for earthworks consent applications detailing how erosion, sediment control, possible archaeological or cultural sites and rehabilitation are to be managed, and how risks will be identified and minimised.
- Utilities, Amenities and Infrastructure:
  - Policies 1 – 5 seek to ensure that Te Roroa are involved with all decision-making processes for development and management of utilises, amenities and infrastructure, innovative means of providing for infrastructure should be encouraged and public services to green field developments should not be at the expense of existing communities, and public reserves should be adequately managed.
- Waste Management:
  - Policy 1 Te Roroa seek a zero-waste rohe.
- Water:
  - Policies 1 – 10 seek to ensure protection of water, discharge human effluent, treated or untreated, directly to water is culturally repugnant. All discharges of pollutants or contaminants to natural waterbodies should be avoided. Policies support an integrated catchment management planning and implementation programme that includes all waterbodies in our rohe. All aquifers will be protected from contamination and over allocation, puna and repo will be protected from inappropriate use and development and Te Roroa and council are to develop management strategies to allocate and monitor all waterbodies in the rohe.
- Biodiversity:
  - Policies 1 – 7 recognise, Te Roroa as kaitiaki, seeking that activities which involve modification of existing indigenous flora or habitats of indigenous fauna are to be preceded by thorough biological audits to identify indigenous species and potential impacts, Te Roroa will only support negative impacts on indigenous flora and fauna after effective engagement and agreed remediation or mitigation.
- Climate Change:
  - Policies 1 – 4 recognises that climate change is a serious and immediate issue, that now is the time for the review of catchment management to recognise and respond to major changes in climatic conditions. Effective catchment management includes large scale enhancement of indigenous ecosystems.

### 7.5.2 Te Uri o Hau Kaitiakitanga o te Taiao (TUoHKT)

Te Uri o Hau Kaitiakitanga o te Taiao (TUoHKT) is a comprehensive plan that sets out Te Uri o Hau's role as kaitiaki and their rangatiratanga as it relates to natural resource management within their rohe. TUoHKT provides important cultural, historical, and environmental context and includes sites of cultural significance to Te Uri o Hau. It includes directions for consultation and guiding relationship principles for government agencies, including district and regional councils, resource consent applicants and the wider community. Further, reference is made to Te Uri o Hau Claims

Settlement Act 2002, and the relevant Statutory Acknowledgement Areas and resource consent requirements afforded within the settlement legislation.

In terms of the plan change, the following policies are most relevant:

- Wai: Fresh Water
  - Policies which seek to protect indigenous species within all freshwaters; protect, restore and maintain existing wetlands in collaboration with NRC, Auckland Council and land-holders; monitoring of pollutants and advocacy of appropriate planning of subdivisions to avoid, remedy or mitigate adverse effects to freshwater.
- Whenua: Land
  - Policies seek protection of existing indigenous plants and animals, restoration of habitat through developing strategies for plant and pest control, education and promotion of sustainable land management and appropriate resource consent advice in the planning of subdivisions to minimise adverse effects to the environment while protecting Te Uri o Hau wahi tapu/wahi taonga and the biodiversity of the whenua.
- Growth and Development
  - Policies directly relate to growth and development which seek to:
    - Any proposed development or subdivision shall avoid, remedy or mitigate adverse effects of natural hazards including erosion, flooding and inundation, landslips, rock fall, alluvion (deposition of alluvium), avulsion (erosion by streams and rivers), unconsolidated fill, soil contamination, subsidence, and fire hazards.
    - Where no reticulated water supply is available, the ability to provide individual water supply on any respective allotment within a subdivision/development.
    - The adequacy of the supply of water to every allotment being created on the subdivision, and its suitability for the likely land use, e.g. the installation of filtration equipment if necessary, and water supplies for fire fighting purposes.
    - The provision of allotments with a means for the disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way to mitigate any adverse effects of storm-water runoff on receiving environments.
    - Control of water-borne contaminants, litter and sediments, and the effectiveness and environmental impacts of any measures proposed for by avoiding or mitigating the effects of storm-water run-off, including low impact design principles.
    - All plantings to be locally sourced native species.
    - Where connection is not available for sanitary sewage disposal, all allotments in urban, rural and coastal zones shall be provided with a means of disposing of sanitary sewerage within the neat area of the allotment, except where the allotment is for a road, or for access purposes, or for a purpose of activity for which sewerage is not necessary.
- Biodiversity

- Biodiversity policies generally seek to recognise the biodiversity of Te Uri o Hau sites of significance and the protection and preservation of plants and animals of all kinds, air, water and soil in or on which any plant or animal lives or may live, systems interacting with any living organisms, and their environment; and any other interest in natural resources for future generations.
- Cultural Landscape:
  - Cultural landscape policies seek, legal protection of a cultural landscape, archaeological sites or sites of significance through a covenant registered on a certificate of title and restoration of a cultural landscape, archaeological sites or sites of significance as a joint project, including access agreements between landowners and Te Uri o Hau.

#### Discussion:

The plan change will be consistent with the TRIEPD and TUoHKT for the following reasons:

- The plan change area does not contain any known or identified areas of waahi tapu, waahi taonga or Statutory Acknowledgement areas;
- Land development and potential earthworks which will be managed via ODP provisions;
- The land development report confirms that the proposed rezoning to residential can be serviced via reticulated services or onsite solutions whilst avoiding adverse effects; and
- The proposed development area provisions and policies will ensure protection and rehabilitation of wetlands and streams within the plan change area.

## 7.6 Statutory Acknowledgements

A statutory acknowledgment is formal recognition by the Crown of the particular cultural, spiritual, historic and traditional associations that an iwi or hapū has within a statutory area. Statutory acknowledgements may only apply to Crown land and may consist of land, rivers, lakes, wetlands, a landscape feature or a particular part of the coastal marine area. KDC is legally obliged to have regard to statutory acknowledgments and to record them in the District Plan. The ODP currently lists statutory acknowledgements in Appendix 17.2: Nohoanga Areas and Areas of Significance to Māori. **Table 6** below provides a full list of statutory acknowledgements within the KDC's boundaries as identified in the relevant settlement legislation.

**Table 6: List of settlement legislation**

Iwi	Deed of Settlement Legislation	Location(s)
Te Roroa	Te Roroa Claims Settlement Act 2008	- Tokatoka Scenic Reserve
Te Uri o Hau	Te Uri of Hau Claims Settlement Act 2002	- The Mangawhai Marginal Strip - Oruawharo River Stewardship Area - Pouto Stewardship Area - Pukekararo Scenic Reserve - Kaipara Harbour



		- Mangawhai Harbour
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**Comment:** The locations identified in the statutory acknowledgements are not located within the plan change area. However, it is recognised that the plan change area is located in proximity to the Mangawhai Harbour. As such any future development within the plan change area has the potential to have an effect on harbour. As detailed within this assessment the plan change is considered to have less than minor potential adverse effects and the proposed residential zoning is appropriate.

## 7.7 Development of the Structure Plan and Plan Change

In accordance with Policy 5.1.1, policy 5.1.2, Method 5.1.7 B2.2.2(3) of the Regional Policy Statement, the proposed Plan Change has been prepared following the preparation of a Structure Plan that accords with the Structure Plan Guidelines at Appendix 3.1 of the ODP. The Mangawhai Hills Structure Plan area is located inside the Mangawhai Growth Area, and primarily applies to land that has been identified as rural-residential.

The Mangawhai Hills Structure Plan (and corresponding Mangawhai Hills Development Area encompasses approximately 218.3 ha of land, and sets out how the Mangawhai Hills Development Area can be comprehensively developed over the next 20 years to integrate with the existing Mangawhai settlement. The Structure Plan has been informed by technical reports across the wide range of disciplines in line with Appendix 3.1 of the ODP, engagement with key infrastructure providers, and Kaipara District Council. The Mangawhai Hills Structure Plan document is included at **Appendix 3**.

## 7.8 Consultation & Engagement

Consultation, consisting of informal meetings with other landowners within the plan change site, and key stakeholders has been undertaken since August 2022 and consultation is on-going.

# 8.0 Assessment of Environmental Effects

Section 76 of the RMA states that in making a rule, the territorial authority must have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect. This section details the actual and potential effects that the plan change provisions may have on the environment. This assessment is based on analysis and reporting undertaken by various experts, which are attached as appendices to this report.

## 8.1 Quality Built Environment

The Urban Design Statement prepared by Barker and Associates (refer **Appendix 4**) identifies the opportunities and constraints presented by the plan change area provided a high-level yield and established the following urban design outcomes and which has informed the development area provisions of the plan change:

- (1) Residential density and minimum lot size, promoting high quality large lot developments in the rural residential environment, with supporting assessment criteria which achieves best practice urban design practice aligned with sustainable design principles;

- (2) Movement network establishing connections to Cove Road, Tara Road, Old Waipu Road and adjacent residentially zoned land.;
- (3) Open space network along stream corridors, wetlands and native bush areas to promote connections across ecological areas.
- (4) Public streets and open space networks should be well connected, legible and safe while enhancing environmental and ecological values.
- (5) Where private development adjoins future public open space, a safe positive and open edge condition should be provided, that promotes connectivity across recreational spaces within the wider plan change area.

These outcomes have been incorporated into the proposed Plan Change provisions (**Appendix 9**) and form the foundation of the Mangawhai Hills Structure Plan.

## 8.2 Ecology

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The Ecological Assessment (**Appendix 11**) prepared by Bioresearches, identifies the ecological features of the plan change area and assesses the potential effect of the proposed Residential Zoning.

As a part of the Ecological Assessment, Bioresearches considered at a high level the potential ecological effects on terrestrial and freshwater features and values on the site attributable to the plan change, and subsequent subdivision development of the site, before and after the implementation of recommended mitigation and management actions.

The terrestrial ecology identified on the site includes a mix of native vegetation, native-exotic bush areas, pasture and exotic shelterbelts. Of particular note, there is a large native bush remnant within the northern portion of the site, with a total area of approximately 14.7ha, which comprises a mix of mānuka and kanuka (up to 8m in height), tree ferns, tōtara, pōhutukawa and puriri tree species. This area of bush is considered to have high ecological value due to the suitability of the area to provide resources and habitat for indigenous fauna and its significance as a prominent forest within Mangawhai in close proximity to the coast. There are smaller areas of native dispersed across the site, however, the ecological value of these areas is considered low due to the minimal understorey (due to heavy grazing overtime), degraded nature and their size.

With regards to freshwater ecology, the site comprises a mix of permanent and intermittent streams, natural wetlands, ephemeral flow paths and constructed features (i.e., artificial drains and constructed ponds utilised for farm drainage purposes). Of particular note, there are two main watercourses within the north-western portion of the site which is fed by a network of seepage wetlands. The seepage wetlands are considered to have low ecological value considering the impact of stock damage, dominance of exotic species and lack of buffer vegetation. All other streams identified on the site are considered to have low ecological value due to their poor water quality, highly modified nature and lack of riparian management.

The proposed Plan Change (**PPC**) contains a number of provisions that seek to protect and maintain the existing terrestrial and freshwater ecology within the site. In regards to terrestrial ecology, the existing areas of native bush are proposed to be protected under the Mangawhai Hills Development Area, such that the PPC will provide long term protection of native vegetation. A key feature of the PPC is the extensive revegetation planting proposed to extend the ecological corridor across the site and linkages to surrounding areas, which increases ecological connectivity

and will result in increased habitat for indigenous fauna. The protection measures proposed promotes long term viability of ecosystems, such that any adverse effects on the existing native vegetation will be negligible.

In regards to freshwater ecology, all proposed works required by the PPC, including the construction of stream crossings to support roading connections across the site, will be developed to avoid adverse effects on water quality. This includes utilising existing stream crossings where possible, and ensuring that the 10m riparian yard setback required on either side of the streams are enhanced and protected through revegetated planting. If crossings are required over wetlands, bridges or arched culverts will be utilised to avoid full or partial wetland drainage. Stormwater management is key factor that could impact existing water quality on site., including the increase in impervious surfaces and potential pollutant runoff is key factor. In this case, a comprehensive Stormwater Management Plan (SMP) is proposed to ensure that stormwater design

Overall, Bioresearches conclude that the proposed re-zoning will not result in any significant adverse effects on freshwater values, rather the proposal will result in positive effects, being the significant enhancement of freshwater values by the removal of grazing stock and planting of riparian margins.

It is recognised that the operative KDP, the NES-F and the proposed Development Area provisions provide a framework that manage any proposed future development at the resource consenting phase to ensure development aligns with the appropriate policies and regulations. Bioresearches conclude that the proposed plan change to rezone land to Residential will ensure adequate maintenance and enhancement of ecosystem services, indigenous biodiversity and areas of contiguous indigenous vegetation cover, and will not result in appropriate subdivision, use and development of land.

For these reasons It is considered based upon this report and proposed Development Area provisions, that the effects of the proposed plan change on ecology will be less than minor and acceptable.

### 8.3 Transport

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Traffic, access and parking matters have been considered in the Assessment of Traffic Effects Report prepared by Traffic Planning Consultants (TPC) (see **Appendix 6**). This assessment has considered the existing transport environment, internal access and the traffic generation, origins and destinations, as well as the extent to which the planned transport network and required upgrades will promote integrated land use and transport outcomes.

Access to the Plan Change area is proposed to be provided through a number of connections to the wider existing public road network, including a new primary road intersection onto Cove Road, Old Waipu Road, Moir Street and Tara Road, as well as new secondary roading connections onto Tara Road, Old Waipu Road and Moir Street. The location of the new intersections have been selected to optimise the sightlines available while taking into consideration the vertical geometry along the existing public road network. The proposed intersections will be fed by a network of proposed internal roads, including a primary road connecting Tara Road to old Waipu Road, a primary road connecting Cove Road to Moir Street, and secondary roads that connect the primary roads both within the site, and to the existing public road network.

The indicative location of the primary and secondary roads and where these will intersect with the existing road network is shown indicatively on the Mangawhai Hills Structure Plan. The location of

these roads is principles-based it is expected that the location of these roads would be located in general accordance with the Structure Plan, with the details confirmed through the resource consent process. The Plan Change also includes provisions to guide the location and layout of the road network to ensure these achieve a highly connected street layout that integrates with the surrounding transport network. Assessment of the movement network in Mangawhai Hills Development Area for people, cyclists and cars are included by way of access and formation rules, standards, matters of discretion and subdivision information requirements, with reference to the Mangawhai Hills Structure Plan included within these provisions. This will ensure that a highly integrated, safe and accessible movement network for all transport modes is provided within the Development Area.

Transport modelling has been undertaken to assess the effects of the proposed developments within the live zone portion of the plan change area on the external transport network. In general, the modelling concludes that the transport network surrounding the Plan Change area has current deficiencies largely attributed to the fact that the roads in general are a rural standard. The ITA identifies a number of upgrades which are considered to influence the operation of the surrounding transport network for the Plan Change.

Taking into account the above, and based on the investigations carried out as part of this assessment the following is concluded:

- The proposed plan change for approximately 218 hectares of rural land, enabling the creation of approximately 400-600 residential lots, will generate approximately 4,920 daily trips and 540 peak hour trips.
- Trip generation has been calculated based on the 85th percentile trip generation rate for each of the 600 dwellings; thereby representing a conservative approach to effect determination.
- A review of the area crash history did not suggest any inherent road safety issues, which would likely result in serious injury or death.
- When these trips are assigned to the wider road network, there are noticeable effects onto the intersection of Molesworth Drive and Old Waipu Road, all other studied intersection operate at acceptable levels.
- At the intersection of Molesworth Drive and Old Waipu Road, turning movements from Old Waipu Road experience significant delays, due to a combination of increased through volumes along Molesworth Drive (due to other development) and increased turning movements at the intersection (due to Plan Change Area). To mitigate the effects of the proposal, the intersection should be upgraded to either a signalised intersection or roundabout (subject to more detailed assessment and investigation) to improve the intersection's capacity and reduce delays to an acceptable level.
- Area roads (intersections) where accommodating turning movements associated with the Plan Change Area, should be provided with auxiliary right turn bays to increase the general safety of vehicle movements, along with increased lighting and safety barriers (where appropriate).
- Area roads (Tara Road and Old Waipu Road) shall have their footpaths extended to connect to the proposed Plan Change Area's public footpath/trail network.
- Subsequent subdivision applications involving public roads to be vested shall provide an Integrated Transport Assessment and Safe System Assessment to ensure more detailed assessment is carried out with respect to the proposal.

Overall, it is considered that the proposed provisions will trigger appropriate upgrading of the intersection of the surrounding road network as identified within the Integrated Transport Assessment. Based on the above conclusions, it is considered that the plan change area is suitable to be rezoned to the Mangawhai Hills Development Area and potential effects with respect to transportation will be less than minor.

## 8.4 Infrastructure

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The provision of infrastructure and three waters services to service the development has been considered in the Land Development Report prepared by Chester. Their report is attached as **Appendix 3**. Chester have undertaken an assessment of the potential effects of rezoning the site Residential based upon the potential yield based upon the proposed minimum lot size. The proposed infrastructure provision is assessed as follows:

### Earthworks

Earthworks will be required to transform the existing rural land use to a residential land use. Typical earthwork operations to build internal roads, control stormwater and install in ground services will be required at subdivision stage with the potentially for building platform works at either the subdivision stage or at the time of the dwelling being constructed. Erosion and sediment controls will be implemented at the time of any future development works and it is considered that any potential effects will be appropriately managed via the proposed Mangawhai Hills Development Area provisions and ODP framework as required.

### Water Supply:

Chester concludes that there is no comprehensive public reticulated water available to service the plan change area. As such onsite potable water will be supplied which is consistent with the sustainable development values that underpin the plan change.

The plan change proposes its own set of provisions to manage water supply on the site, including DEV1-R19 and DEV1-S15 which will ensure that water supply or engineering solutions will be in place at the time of development and subdivision.

### Waste Water:

Chester have considered the potential increased demand on the wastewater system based upon the potential yield, and investigated the current capacity of the Mangawhai reticulated wastewater system and wastewater treatment plant. Chester has identified potential constraints to service the plan change area with reticulated wastewater, including the wastewater treatment plant capacity which would require upgrading to accommodate future growth within Mangawhai. However, noting that the remedies in general terms are timing and funding, these upgrades can be co-ordinated with planned development to utilise the funding available from more connections, noting that development will occur over time and the increased demand will not be instantaneous.

- Chester concludes that these capacity constraints do not prevent the rezoning of the plan change area, and that considering the constraints opportunities in this space, the plan change area has three possible wastewater strategies, being:
- Individual onsite wastewater disposal including individual standalone onsite wastewater disposal systems;



- Connection to the Council Wastewater Network and disposal to the existing Community Wastewater Treatment plant, where suitable capacity would need to be available at the time of the subdivision consent being granted;
- Community wastewater treatment plant.

Future Resource Consent applications will require a robust assessment to be undertaken at the time of development. Furthermore, the proposed provisions ensure that there are engineering solutions available to service future development.

Overall, Development Area provisions ensure that at time of development, wastewater disposal will be provided by way of either connection to reticulated infrastructure where capacity is available or onsite disposal to individual systems or a community treatment plant.

#### **Stormwater:**

Chester have assessed the potential effect of the rezoning with respect to stormwater, remarking that the notable difference is the increase of impermeable coverage from the existing Rural permitted activity coverage of 15% to proposed permitted activity coverage of 50%. Chester have also noted that the NPS-FW requires a more comprehensive assessment of stormwater quality and quantity than that required by the KDP and the Kaipara Environmental Engineering Standards 2011 (Rule 13.14.5).

Proposed Mangawhai Development Area provisions have been prepared to require management of stormwater at time of subdivision, following current best practice and water sensitive design. This includes an information requirement rule for every resource consent application to subdivide to be supported by a stormwater assessment and stormwater management plan.

Stormwater management is also required for all proposed impermeable surfaces at time of development in accordance with a stormwater management plan previously approved via subdivision or in accordance with a proposed stormwater management plan.

Chester have prepared an example stormwater management plan which provides indicative options to manage stormwater onsite in accordance with best practice. It is considered that this confirms that potential effects of stormwater as a result of the proposed rezoning can be managed.

On the basis of the assessment from Chester, it is considered that the effects of the proposed plan change on three waters infrastructure will be less than minor and acceptable.

## **8.5 Flooding**

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The Plan Change area is identified on Council's Regional mapping system as being subject to coastal and River flood hazard areas. A Flood Risk Assessment and Stormwater Management Plan (**SMP**) has been prepared by Chester, and is included as **Appendix 8 and 9** respectively. The Land Development Report in **Appendix 7** also reports on the flood risk assessment carried out within the Plan Change area to identify any flooding effects associated with development of the Plan Change area and whether there is any need to provide flood mitigation measures. The flood modelling has been undertaken for the PPC and surrounding areas including a desktop assessment of the Flood Hazard using Northland Regional Council (NRC) data, and a 2D flood model to estimate the changes in fluvial flooding that would occur in a post development scenario. Pre and post-development scenario model results indicate flooding is largely contained within existing water courses within existing flood extents. The results in a 'post development' scenario indicate that

any increase to the existing flood effects on downstream properties resulting from development within the Plan Change area can be appropriately mitigated through proposed provisions to ensure that potential hazard effects will be less than minor. The standard provisions in Chapter E36 of the AUP will apply to any development within identified flood plains and/or overland flow paths, which would sufficiently manage the effects of potential development in these areas. Therefore, any increases to flood levels can be minimised through optimising the design through the resource consent stage. Overall, the stormwater and flood hazard assessment has concluded that the potential effects on flooding anticipated by the PPC are less than minor and will be appropriately mitigated.

## 8.6 Geotechnical

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The Geotechnical Assessment prepared by Tetra Tech Coffey included as **Appendix 10** provides a detailed review of the proposed subdivision masterplan and desktop data to identify potential constraints with the site. This letter confirms that the area is generally suitable for the proposed plan change for residential development, noting that further investigations at subdivision stage will be required to identify suitable building platforms. a

With respect to contamination, there are no HAIL activities or features identified within the plan change area on Northland Regional Council's Selected Land Use Register.

On the basis of the assessment from Tetra Tech Coffey, it is considered there are no adverse effects from rezoning the area Residential with respect to geotechnical and land stability matters.

## 8.7 Urban Character and Density

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The plan change seeks to rezone the site from Rural to the Mangawhai Hills Development Area which introduces a large lot residential density, amongst other bespoke provisions with the supporting Mangawhai Hills Structure Plan. As previously discussed, the plan change will see a change in character within the plan change area and immediate surrounds.

The Urban Design Statement prepared by Barker & Associates has informed the Mangawhai Hills Structure Plan and the Proposed Plan Change (refer **Appendix 4**). The Urban Design Statement identifies the opportunities and constraints associated with the wider Mangawhai area, and develops a series of design principles, which the zoning pattern responds to. There are copied as below as follows:

- Integrated and connected - Create interconnected transportation, ecological, and hydrological networks within the site and with the surrounding area. Integrate this new community, socially and spatially, with Mangawhai village, Mangawhai Central and Mangawhai Heads.
- Regeneration - Restore, replant and 're-wild' identified conservation areas, eliminate grazing and restore stormwater quality.
- Quality public realm – Ensure a high standard of development, public space, design amenity and public access.
- Community – Build a strong sense of community through shared amenities, public trails, access to nature, and places to meet and interact.

- Native Landscapes – Conserve and expand riparian areas, native vegetation. Protect conservation areas through covenants on title and common management.
- Self Sufficiency and Longevity - Showcase best practices and environmental technologies including low-impact water, stormwater, wastewater, and energy systems. Establish long-term, governance and conservation.

The Development Area provisions seek to provide for residential development at a density and character which is consistent with the density anticipated in the Mangawhai Spatial Plan and Mangawhai Structure Plan whilst giving effect to the key design principles outlined above. The plan change also seeks tailored bulk and location controls to enable an efficient use of land for residential purposes while maintaining privacy, outlook and access to sunlight, landscape and visual amenity. The appropriateness of the proposed Development Area provisions is considered further in accordance with section 32 in Section 9 of this report.

It is considered that the proposed provisions provide for an efficient use of land for residential purposes and the change in character will be appropriately managed in accordance with best practice urban design principles.

## 8.8 Landscape and Visual Effects

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The plan change area has a recognised landscape character, established by significant and mature trees, gully and riparian corridor systems within a rolling topography, northern and southern ridgelines, and streams.

The proposed development of the land will inevitably result in the transformation of the site from a rural-residential to a large lot residential environment, with residential development, a community hub, enhancement and protection of natural indigenous vegetation, stream and wetland features, open space and roading networks. This will change the manner in which the site is viewed and perceived from the surrounding rural and residential land, with development having the potential to impact on the remaining qualities of these areas.

The Assessment of Landscape Effects prepared by Greenwoods Associates (Appendix 5) has evaluated the landscape effects of the proposed rezoning, and concludes overall that subject to utilising a number of recommended methods, the proposed plan change will ensure that “built form can be successfully managed without degeneration of the prevailing landscape character values”. The Development Area provisions seek to provide for residential development whilst managing the natural and cultural landscape values, with particular regard to:

- Enhancement of existing native vegetation fragments including along the southern slopes within the valley that runs through the centre of the site, and provision for open space to be located adjacent to the margins of native vegetation to preserve key landscape character and integrate built form into the landscape;
- Revegetation of riparian corridors, minimising retaining and requiring building setback from riparian corridors to ensure that built form is conspicuous within the gully and riparian corridor landscape;
- Reducing repetition and ribbon development of built form, reducing heights of structures, providing for separation and planting around buildings on the most prominent (northern) ridgeline to absorb built form into the landscape and manage the effects of built form from degenerating the prevailing landscape character.

Although the subject site includes productive land, it is a modified degraded site with relatively low landscape values and largely separated from the wider coastal edge. Furthermore, the plan change area is not identified by the RPS or ODP as an Outstanding Natural Landscape or containing an Outstanding Natural Feature.

Taking this into account, the site is appropriate for the type of large lot residential development enabled through the plan change. The transformation of the site from a rural production site to a large lot residential environment is consistent with the wider area which is in transition and in an area identified for urban expansion in the foreseeable future.

It is accepted that the proposed rezoning will result in a change in character and amenity, and the sensitivity of the landscape to the north has been carefully considered. It is considered that the subdivision and bulk and location rules will manage the level of built development to avoid any adverse landscape effects across the majority of the plan change area. The Landscape Protection Area (the northern ridgeline) includes requirement for a specific landscape assessment to be submitted as part of any resource consent application to ensure that future built form proposed within the Landscape Protection Area is carefully managed and visual effects are mitigated.

Overall, it is considered that the objectives, policies and rules in the PPC will sufficiently address any concerns relating to landscape and amenity values and mitigate any potential adverse effects of the PPC on such values.

## 8.9 Rural Productivity and Reverse Sensitivity

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The plan change area is currently zoned Rural and is utilised as pasture, the land use capability class is partially Land Use Classification 3 (LUC) in the southern portion of the site, whilst the remainder of the plan change area is identified as LUC 4 and 6 which is not classified as highly productive land. The area of LUC 3 is located within an area identified for future urban zoning and therefore is not classed as highly productive land. The site is identified in both the Mangawhai Structure Plan and Mangawhai Spatial Plan for future residential development. Therefore, it is considered that the plan change area is not highly productive land under the NPS-HPL.

The plan change area is currently surrounded by residential and rural residential activities, and is largely fragmented. The ability to utilise the site for a range of productive uses has been compromised not only due to soil types and access to water but also due to the adjacent residential zoning and land uses. As a result of the proposed zone boundaries, there will be no risk of reverse sensitivity effects to existing rural production activities.

As such, it is concluded that the plan change will result in less than minor and acceptable effects on rural productivity and reverse sensitivity.

## 8.10 Connectivity and Open Space

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Provision of connectivity and open spaces has been a key urban design element considered by the plan change and the proposed development area requires the establishment of:

- A multi-modal movement network including street, off street and on street pathways and cycle connections across the plan change area and establishing connections to Cove Road, Mangawhai Heads Road and the residentially zoned land to the east.
- Protection and enhancement of the network of ecological features and creation of the Landscape Protection Area as part of the Mangawhai Hills Development Area and Structure Plan.
- Promotion of public open spaces and providing focal points along the stream corridor and movement network.

The outcomes described above have been indicatively identified on the Mangawhai Hills Structure Plan with subdivision rule matters of discretion included to ensure consistency. Pedestrian and cycling networks are proposed to create north south connectivity through the plan change area and the wider Mangawhai area, particularly future connections to Mangawhai Central to the east of the site.

The proposed Development Area provisions ensure the adequate provision of accessible and quality open space for future residents. The surrounding existing and planned amenities and social facilities, are and will be accessible by active modes of transport, and are or will be of a sufficient size to cater for the social and cultural needs and well-being of future residents of the Plan Change area. Overall, it is considered that the proposed open space and connectivity will positively contribute to the onsite and wider environment amenity, openness and general community wellbeing.

### 8.11 Heritage

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The plan change area does not contain any known historic heritage features, sites or areas of significance to Māori or archaeological sites. It is considered that the plan change will not result in any adverse effects to historic heritage, furthermore the accidental discovery protocol under the Heritage New Zealand Pouhere Taonga Act will apply to any future development under the proposed Residential Zone.

### 8.12 Tangata Whenua

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The ODP does not identify recorded sites of significance to Māori within the plan change area. The plan change area is also not located within an identified area of cultural significance and the regional plan does not identify recorded sites of significance to Māori within the immediate area.

Proposed provisions will ensure that integrated management of future development within the proposed Development Area will occur in a manner that is responsive to any identified areas of matters of cultural significance. In particular, provisions will ensure that the natural features such as indigenous vegetation, wetlands and streams are protected and enhanced, and that earthworks are managed to avoid, remedy and mitigate adverse effects on any sites of significance to Māori that may be discovered.

The Development Area provisions also seek to amend Rule 13.14.5, to ensure that stormwater management is appropriately designed at subdivision stage, following best practice of Stormwater Management Devices in the Auckland Region (GD01).

Based on the above assessment, it is considered that any adverse cultural effects will be less than minor.



## 9.0 Section 32 Analysis

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### 9.1 Appropriateness of the Proposal to Achieve the Purpose of the Act

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Section 32(1)(a) of the RMA requires an evaluation to examine the extent to which the objectives of the proposed Plan Change are the most appropriate way to achieve the purpose of the RMA.

#### 9.1.1 Objectives of the Plan Change

The purpose of the Plan Change is to deliver additional land for residential use with a supporting network of connections and management of landscape, ecological, infrastructure transport, and character and amenity effects are managed.

The proposal seeks to rezone the plan change area for large lot residential which is consistent with the ODP zoned sites surrounding the site to the east and south of the site. The proposed Mangawhai Hills Development Area has a incorporates the following objectives to guide development within the Plan Change area:

- DEV1-O1 Mangawhai Hills Development Area - Sustainable and environmentally conscious residential living opportunities are provided for in the Mangawhai Hills Development Area whilst ecological, landscape, amenity, servicing, transportation effects are managed.
- DEV1-O2 Amenity - Subdivision and development are comprehensively designed, and promote high quality urban design that responds positively to the local context and outcomes anticipated with a large lot residential housing density.
- DEV1-O3 Transportation - Provide a connected, legible and safe multi-modal transport network in the Mangawhai Hills Development Area.
- DEV1-O4 Indigenous Biodiversity and Significant Landscapes - Identify, protect and promote the restoration and enhancement of indigenous biodiversity within the Mangawhai Hills Development Area.
- DEV1-O5 Freshwater Management - Subdivision and development are undertaken in a manner that adopts an integrated approach to the effects of land use and development on freshwater values.
- DEV1-O6 Non-residential Activities - Non-residential activities are compatible with the character and amenity of the Mangawhai Hills Development Area and do not have any significant adverse effects on the role and function of commercial zones in Mangawhai.

#### 9.1.2 Assessment of the Objectives against Part 2

The Plan Change seeks to remove the underlying rural zoning, and proposes to apply a Development Area (Mangawhai Hills Development Area) in accordance with schedule 1 of the RMA. This assessment is focused upon the proposed Mangawhai Hills Development Area plan change objectives.

**Section 5** of the RMA, identifies the purpose of the RMA as to promote the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining

those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Comment: The proposed Mangawhai Hills Development Area objectives (refer above to Section 9.1.1) are considered to be consistent with Section 5 of the RMA for the following reasons:

- Objectives DEV1-O1, DEV1-O2 and DEV1-O6 reflect the Mangawhai Development Area opportunities for large lot residential living in an area adjacent to existing residential activities to establish a gradual and cogent development pattern. Mangawhai Hills Development Area is in proximity Mangawhai Central and the Mangawhai Heads business area, enabling communities to provide for their social and economic well-being.
- Objectives DEV1-O1 – DEV-O5 take account of the landscape, ecological, transport and amenity values within and seek to ensure that subdivision and development is comprehensively designed by responding the topography, natural features and transport connections.
- Objective DEV1-O2 - ensures residential development and subdivision is comprehensively designed and promotes high quality urban design outcomes that responds to the local context.
- Objectives DEV1-O1 and DEV1-O5 ensure subdivision and development will be coordinated with the delivery of required infrastructure led by environmentally conscious and innovative design techniques, resulting in sustainable development.
- Objective DEV1-O3 specific to transportation recognising the importance of the transportation network and ensuring residential development is well connected to the existing roading network. This is considered particularly relevant to promote connections with Cove Road and Mangawhai Village. The Plan Change ensures this by the introducing indicative primary and secondary roading connections that ensure the transport network is legible, safe and multi-modal.
- Objectives DEV1-O4 and DEV1-O5 protects key ecological features (indigenous vegetation, wetlands and streams) and promotes ecological restoration and enhancement at the time of subdivision and development.

**Section 6** of the RMA sets out a number of matters of national importance which need to be recognised and provided for in achieving the purpose of the RMA. This includes the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins; protection of outstanding natural features and landscapes, the protection of areas of significance indigenous vegetation and significant habitats of indigenous fauna; maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers; the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga; the protection of historic heritage; the protection of protected customary rights and the management of significant risks from natural hazards.

The Plan Change area is not located within a protected historic heritage area and does not contain outstanding natural features or outstanding natural landscapes. A very small portion of the plan change area is located within the Coastal Environment in the south-west corner of the site as shown in **Figure 5** earlier in the report, however, majority of the plan change area is not identified within the coastal environment. Further, the site does not contain any known Sites of Cultural Significance to Māori and is not located within any Statutory Acknowledgement Areas. Furthermore, mana whenua engagement is underway with respect to the proposal.

Of relevance to the proposal is section 6(c), as the Plan Change area does contain areas of indigenous vegetation, wetlands, and intermittent and permanent streams. The Plan Change is considered to have comprehensively responded to these features, particularly with the inclusion of proposed objectives DEV1-04 and DEV-05. Objective DEV1-04 seeks to identify, protect and promote the restoration of indigenous biodiversity when undertaking subdivision and development by maintaining. While DEV-05 requires development and subdivision to adopt an integrated approach when establishing new develop and undertaking subdivision in proximity to freshwater bodies. These objectives are supported by targeted policies, rules with some features spatially mapped to ensure the outcomes of these objectives are achieved.

For these reasons, the objectives of the proposed Plan Change are considered to be consistent with section 6 and appropriate to achieve the purpose of the RMA.

**Section 7** of the RMA identifies a number of “other matters” to be given particular regard by Council. Specific matters from section 7 that are relevant to the Plan Change include:

- (b) *The efficient use and development of natural and physical resources;*
- (c) *The maintenance and enhancement of amenity values and*
- (f) *Maintenance and enhancement of the quality of the environment -*

The Plan Change supports the efficient use of natural and physical resources by applying the Mangawhai Hills Development Area 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. The Mangawhai Hills Development Area introduces a suite of objectives that enable residential activities while responding to the landscape, ecological and physical features within the site. Additionally, the objectives 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. This is achieved through provisions that respond to the specific land characteristics of the site and edge conditions.

**Section 8** requires Council to take into account the principles of the Treaty of Waitangi. It is considered that this proposal will not offend against the principles of the Treaty of Waitangi. In order to achieve this, the Applicant is underway with ongoing consultation with mana whenua.

In summary, the Plan Change is considered to be effective and appropriate means of achieving the sustainable management purpose of the RMA than the current planning framework or an alternative (as detailed below in section 9.4 of this report). Overall, it is considered that the objectives of the Plan Change are the most appropriate way to achieve the purpose of the RMA.

### 9.1.3 Assessment of the Objectives against Higher Order Policy

The Plan Change proposes to introduce the Mangawhai Hills Development Area which will sit as a standalone Development Area with a specified policy framework and provisions at the same tier as the existing ODP Residential Zone. The proposed Development Area has a similar intent to the ODP Residential Zone with specific provisions that lend to the sustainability led development approach intended. As such it is necessary to evaluate the proposed objective against the settled higher order objectives of the ODP. The Plan Change has been evaluated against the higher order objectives of Chapters 2 District Wide Resource Management Issues, Chapter 3 Land Use and

Development Strategy, Chapter 3A Mangawhai Growth Area and Chapter 4 Overlays in Section 7.3 of this report. Whilst the ODP Residential Zone objectives will not apply to the proposed Development Area, it is necessary to ensure that the proposed Development Area objectives remain consistent with these. The objectives of the ODP Residential Zone are listed below:

Objectives of the Residential Zone seek:

- 13.5.1 *To maintain and where appropriate enhance the amenity values of the residential environment.*
- 13.5.2 *To ensure that the servicing of new subdivision and development does not adversely affect the environment, particularly sensitive receiving environments.*
- 13.5.3 *To maintain and enhance public access to the coast, rivers and lakes as a result of land use and subdivision development.*
- 13.5.4 *By managing the effects of those activities which have the potential to adversely affect residential amenity (e.g. building location, earthworks and vegetation clearance).*
- 13.5.5 *To enhance linkages (e.g. pedestrian, vehicular, open space) between adjoining residential uses.*
- 13.5.6 *To maintain sites and buildings during development to avoid adverse visual amenity effects.*
- 13.5.7 *To recognise business and economic activity that enables people and communities of the District to provide for their social, economic and cultural wellbeing, while avoiding adverse effects (including reverse sensitivity effects) on the environment*

The proposed Mangawhai Development Area objectives are consistent with the intent of the ODP residential zone objectives, including enhancing amenity values and transport linkages and managing effects on the surrounding environment but seeks to achieve outcomes specific to the plan change area. These specific objectives address residential opportunities for large lot developments incorporating sustainable design principles within a unique landscape with strong ecological and landscape values which is not referenced in the ODP objectives; therefore, the proposed objectives will achieve a more directive outcome than that of the ODP residential zone objectives.

The language of the objective is consistent with objectives 13.5.1 and 13.5.4 seeking to manage effects, whilst being more specific with respect to what effect must be managed (such as freshwater values and indigenous biodiversity) and what effects must be managed on (character, amenity, significant landscape values and ecology).

Overall, it is considered that the proposed Mangawhai Hills Development Area will appropriately give effect to higher order policy of the ODP and be consistent with the intent of the Residential Zone objectives.

## 9.2 Appropriateness of the Provisions to Achieve the Objectives

Section 32(1)(b) of the RMA requires an evaluation to examine whether the provisions (e.g. policies and methods) of the proposed plan change are the most appropriate way to achieve its objectives by:

- Identifying other reasonably practicable options for achieving the objectives;
- Assessing the efficiency and effectiveness of provisions in achieving the objectives; and
- Summarising the reasons for deciding on the provisions.

Any assessment under section 32(1)(b)(ii) must:

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for:*
  - (i) *economic growth that are anticipated to be provided or reduced; and*
  - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

If the proposed will:

*amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under section 32 (1)(b) must relate to:*

- (a) *the provisions and objectives of the amending proposal; and*
- (b) *the objectives of the existing proposal to the extent that those objectives—*
  - (i) *are relevant to the objectives of the amending proposal; and*
  - (ii) *would remain if the amending proposal were to take effect.*

The Plan Change seeks to introduce a new Mangawhai Hills Development Area. Therefore, the above assessment must relate to the provisions and objectives of the proposed Development Area. The Plan Change does not seek to amend the ODP objectives, but instead proposes a set of objectives listed in 9.1.3 above.

**Appendix 10** provides a detailed evaluation of the proposed Mangawhai Hills Development Area. .

### 9.2.1 Other Reasonably Practicable Options for Achieving the Objectives

In determining the most appropriate method for achieving the objectives of the Plan Change, consideration has been given to the following other reasonably practicable options:

#### **Option 1:** Status quo (Rural Zone)

This option involves retaining the operative Rural Zone, zoning and provisions.

#### **Option 2:** Rezone Plan Change area ODP Residential Zone

This option involves rezoning the plan change area Residential Zone. The rezoning will apply standard ODP residential zone, relying upon the zone and district wide provisions to control development and does not introduce bespoke provisions.

#### **Option 3:** Rezone a new proposed zone Low Density Residential Zone



This option involves rezoning the plan change area a new proposed Low Density Residential Zone with new provisions to allow for living opportunities.

**Option 4:** Seek for Residential Zone change via Structure Plan or Urban Development Area.

This option involves rezoning the plan change area Residential Zone by way of inserting a Structure Plan into the ODP following the directions of the ODP chapter 3.

**Option 5:** Rezone the plan change area with a Development Area that sits within the ODP with stand along bespoke provisions detailed in **Appendix 3**.

This option introduces a Development Area to the ODP that includes bespoke controls for subdivision, urban design, protection and enhancement of ecological features, provision of open space and reverse sensitivity.

Evaluation of the alternative options have been evaluated in **Appendix 12**.

Option 5 is the preferred option. Rezoning the plan change area to the Mangawhai Hills Development Area, is the most appropriate mechanism for achieving the objectives of the plan change. This option enables residential development and the use of land more efficiently. The Development Area will ensure that urban growth is integrated with the protection and enhancement of ecological features, management of provision of infrastructure and mitigation of landscape effects.

### 9.2.2 Assessing the Efficiency and Effectiveness of Provisions in Achieving the Objectives

The proposed objectives DEV1-O1 to DEV1-O6 are achieved through the implementation of policies and methods, in this case the use of land use and subdivision rules, standards and information requirements. The policies proposed for inclusion (See **Appendix 3**) are considered to achieve the objectives by:

- Providing for large lot residential development.
- Promoting good subdivision design that implements the Mangawhai Hills Structure Plan.
- Managing adverse effects on residential amenity and character.
- Achieving a well-connected, legible and safe, open space, and multi-modal pedestrian and transport network.
- Protecting and enhancing the ecological values of all natural wetland features, intermittent and permanent streams, and indigenous vegetation.
- Promoting environmentally conscious development using best practice eco-design principles.
- Protection of sensitive and significant landscapes identified within the Landscape Protection Area.
- The provision of open spaces that provide for the recreation and amenity needs of the residents.

The proposed policies provide a coherent link to the methods and rules of the Mangawhai Hills Development Area. The use of clear and direct policies improves the effectiveness of methods in achieving the Development Area objectives. Table 5 below demonstrates that the policies proposed for the Mangawhai Hills Development Area implement the proposed objectives, and that the rules implement the proposed policies:

**Table 5: Linking of proposed Mangawhai Hills Development Area Provisions**

Proposed Objective	Proposed Policies	Proposed Methods
<p>DEV-O1 – Mangawhai Hills Development Area</p> <p>Sustainable and environmentally conscious residential living opportunities are provided for in the Mangawhai Hills Development Area whilst ecological, landscape, amenity, servicing, transportation effects are managed.</p>	<p>DEV1-P1 Development</p> <p>Built</p>	<p>DEV1-R1 (Buildings, accessory buildings and structures)</p> <ul style="list-style-type: none"> <li>DEV1-S1 (Site Coverage)</li> <li>DEV1-S2 (Height)</li> <li>DEV1-S3 (Height in Relation to Boundary)</li> <li>DEV1-S4 (Setback from internal boundaries)</li> <li>DEV1-S5 (Setback from road boundaries)</li> <li>DEV1-S6 (Fencing and Landscaping)</li> <li>DEV1-S8 (Residential unit separation distance)</li> </ul> <p>DEV1-R2 (Residential unit)</p> <p>DEV1-R4 (Visitor accommodation offer to more than 6 guests)</p> <ul style="list-style-type: none"> <li>DEV1-S11 (Traffic Intensity)</li> </ul> <p>DEV1-R7 (Excavation and Fill)</p> <ul style="list-style-type: none"> <li>DEV1-S10 (Earthworks)</li> </ul> <p>DEV1-R9 (Noise)</p> <p>DEV1-R10 (Vibration)</p> <p>DEV1-R11 (Hazardous Substances)</p> <p>DEV1-R12 (Radioactive Materials)</p> <p>DEV1-R13 (Lighting)</p> <p>DEV1-R17 (Network Utilities)</p>
	<p>DEV1-P2 Transportation and Connectivity</p>	<p>DEV1-R2 Residential unit</p> <ul style="list-style-type: none"> <li>DEV1-S13 (Vehicle Access)</li> </ul>

		<ul style="list-style-type: none"> <li>DEV1-S14 (Public Roads, Pedestrian and Cycle Network)</li> </ul>
	DEV1-P3 Ecological Values	DEV1-R1 (Buildings, accessory buildings and structures) <ul style="list-style-type: none"> <li>DEV1-S7 Setback from natural features</li> </ul> DEV1-R7 (Excavation and Fill)
	DEV1-P4 Open Space	DEV1-R19 (Subdivision)
	DEV1-05 Environmentally Conscious Development	DEV1-R2 (Residential Unit) <ul style="list-style-type: none"> <li>DEV1-S15 (Water Supply)</li> <li>DEV1-S16 (Stormwater Management)</li> <li>DEV1-S17 (Wastewater Management)</li> </ul> DEV1-R19 (Subdivision)
	DEV1-P6 Subdivision	DEV1-R19 (Subdivision) <ul style="list-style-type: none"> <li>DEV1-S12 (Building Platforms)</li> </ul>
DEV1-02 Amenity  Subdivision and development are comprehensively designed, and promote high quality urban design that responds positively to the local context and outcomes anticipated with a large lot residential housing density.	DEV1-P1 Development           Built	DEV1-R1 (Buildings, accessory buildings and structures) <ul style="list-style-type: none"> <li>DEV1-S1 (Site Coverage)</li> <li>DEV1-S2 (Height)</li> <li>DEV1-S3 (Height in Relation to Boundary)</li> <li>DEV1-S4 (Setback from internal boundaries)</li> <li>DEV1-S5 (Setback from road boundaries)</li> <li>DEV1-S6 (Fencing and Landscaping)</li> <li>DEV1-S8 (Residential unit separation distance)</li> <li>DEV1-S9 (Exterior finish)</li> </ul>

		<ul style="list-style-type: none"> <li>DEV1-R17 (Network Utilities)</li> </ul>
	DEV1-P6 Subdivision	DEV1-R19 (Subdivision) <ul style="list-style-type: none"> <li>DEV1-S12 (Building Platforms)</li> </ul>
DEV1-O3 Transportation Provide a connected, legible and safe multi-modal transport network in the Mangawhai Hills Development Area.	DEV1-P2 Transport and Connectivity	DEV1-R15 (Vehicle Access) DEV1-R16 (Public Roads, Pedestrian and Cycle Networks) DEV1-R18 (Outdoor Recreational Activities)
	DEV1-P6 Subdivision	DEV1-R19 (Subdivision)
DEV1-O4 Indigenous Biodiversity and significant landscapes Identify, protect and promote the restoration and enhancement of indigenous biodiversity and managing the effects on significant landscape values within the Mangawhai Hills Development Area.	DEV1-P3 Ecological Values	DEV1-R1 (Buildings, accessory buildings and structures) <ul style="list-style-type: none"> <li>DEV1-S7 Setback from natural features</li> </ul>
	DEV1-P6 Subdivision	DEV1-R19 (Subdivision)
DEV1-O5 Freshwater Management Subdivision and development are undertaken in a manner that adopts an integrated approach to the effects of land use and development on freshwater values	DEV1-P1 Built Development	DEV1-R1 (Buildings, accessory buildings and structures) <ul style="list-style-type: none"> <li>DEV1-S7 Setback from natural features</li> </ul>
	DEV1-P3 Ecological Values	DEV1-R7 (Excavation and Fill)
	DEV1-P6 Subdivision	DEV1-R19 (Subdivision)
DEV1-O6 Non-residential activities Non-residential activities are compatible with the character and amenity of the	DEV1-P7 Commercial Activities, Community Facilities and Educational Facilities	DEV1-R3 (Homes Business)
		DEV1-R5 (Commercial Activities, Educational Facilities and Community Facilities) DEV1-R9 (Noise)

Mangawhai Hills Development Area and do not have any significant adverse effects on the role and function of commercial zones in Mangawhai.		DEV1-R10 (Vibration) DEV1-R11 (Hazardous Substances) DEV1-R12 (Radioactive Materials) DEV1-R14 (Signs) DEV1-R18 (Outdoor Recreational Activities)
	DEV1-P6 Subdivision	DEV1-R19 (Subdivision) <ul style="list-style-type: none"> <li>DEV1-S12 (Building Platforms)</li> </ul>

### 9.2.3 Proposed Mangawhai Hills Development Area Boundaries

Spatial mapping is considered to be an appropriate method of achieving the objectives of the Mangawhai Hills Development Area as it identifies where the proposed new objectives and provisions do and do not apply. In order to assess the appropriateness of the proposed spatial extent of the Development Area in achieving the objectives of the Plan Change, the following three options are evaluated. It is considered that options are appropriate methods and would be effective and efficient with respect to spatial mapping, however the evaluation must determine the most effective and efficient.

- **Option 1:** Status Quo: Do not map a Development Area and instead retain the Rural Zone.

Option 1 maintains status quo, the costs and benefits of this option have been evaluated within **Appendix 10** and it is considered that this option will not give effect to objectives DEV1-O1 to DEV1-O6 and is therefore not an effective and efficient method.

- **Option 2:** Map the spatial extent of the Development Area based on the Mangawhai Spatial Plan extent of the Residential Growth Area A following cadastral boundaries.

The Mangawhai Spatial Plan has been established following a comprehensive constraints and opportunities analysis, community consultation and capacity analysis of future development areas. Growth Area A follows both Cove Road and Mangawhai Heads Road as physical boundaries, residential zoning to the east and utilises cadastral boundaries to establish northern boundaries. Therefore, it is considered that Option 2 is the most efficient and effective method to achieve the plan change outcomes and objectives DEV1-O1 to DEV1-O6.

- **Option 3:** Map the spatial extent of Development Area based upon topographical and physical features.

Natural wetlands, intermittent and permanent streams, indigenous vegetation and rolling topography are present within the Plan Change area. Option 3 would identify the spatial extent of the Development Area to the boundary of these physical features excluding them from being rezoned. It is considered that Option 3 is not efficient and effective because it will not provide the ability to protect and enhance the natural features at the time of development.



#### 9.2.4 Method – Proposed Development Area Methods

**Appendix 10** provides an evaluation of the efficiency and effectiveness of the Development Area methods proposed.

#### 9.3 Risk of Acting or Not Acting

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In this case, it is considered that there is sufficient information about the subject matter of the provisions to determine the range and nature of environmental effects of the options set out in the evaluation above. For this reason, an assessment of the risk of acting or not acting is not required.

### 10.0 Conclusion

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This report has been prepared in support of Mangawhai Hills Limited's request for a plan change to the provisions of the ODP. The Plan Change seeks to rezone the plan change site from Rural to the Mangawhai Hills Development Area, with a suite of supporting provisions and policy framework that affect the Plan Change area.

The request has been made in accordance with the provisions of Schedule 1; Section 32 of the Resource Management Act 1991.

Based on an assessment of environmental effects and specialist assessments, it is concluded that the proposed Plan Change will have positive effects on the environment in terms of the social and economic well-being of the community. Other potential effects are able to be managed through the application of the ODP zone and district-wide provisions.

An assessment against the provisions of section 32 of the RMA is provided in section 9 of the report. This includes an analysis with respect to the extent to which the objectives of the plan change are the most appropriate to achieve the purpose of the RMA and an examination of whether the provisions of the plan change are the most appropriate way to achieve the objectives.

For the above reasons, it is considered that the proposed Plan Change accords with the sustainable management principles outlined in Part 2 of the RMA and should be accepted and approved.