Mangawhai Matters Society Inc wants to give its members and the community an update on its perception of the Mangawhai Central hearing (PC78 ) before independent Planning Commissioners over the last three days.

The Planning Commissioners’ task is to hear the evidence relating to the effects of allowing the extent and form of development proposed under PC78 to go ahead and to recommend to the Council whether or not it should go ahead. They listened to and questioned Mangawhai Development Ltd’s experts on landscape, urban design, water supply, and so, and to the submissions from objectors.

There was not enough time to hear from the Council’s own planners who had earlier recommended in the Section 42A Report required under the RMA) from their reading of the application and all the submission that PC78 should be adopted. Their report did raise questions over traffic impacts, groundwater uncertainty, and seal level rise, and recommended the development be held to 850 lots without further review.

The Hearing was therefore adjourned until the new year.

Here is our summary of proceedings so far.

1. There is little doubt that MM’s submissions, and strong submissions from other community members raised many issues that the Commissioners will have to consider when deciding whether to recommend the Plan Change. Our perspective is that a recommendation in favour of the Plan Change is by no means a forgone conclusion.
2. The issues of how PC78 fits in with Mangawhai’s character and amenities, planned section size and number of sections, water supply and infrastructure were identified by the submitters, and acknowledged by the Commissioners as key issues in making a decision whether to deny, approve the Plan Change, or to approve with amendments.
3. The experts employed by MM gave evidence on urban design, landscape architecture, and planning. Our counsel, Barrister Michael Savage raised issues on the Commissioners’ ability under the law to approve the Plan Change.
4. The landscape architect behind the original proposal for Estuary Estates, Dennis Scott, explained how the green space was defined by a whole series of technical studies, which he supplied to the hearing, of the land’s suitability for development. These were used to set limits where development could take place without undermining the hydrological capacity, environmental features, and landscape character of the site.
5. Urban design expert, James Lunday, acknowledged that some of the provisions within the area identified in the existing plan for Estuary Estates as suitable for development could be modified to take advantage of modern design developments. This includes provision for the sort of soft engineering required for matters stormwater management to reflect today’s understanding of the risks (like short-term high intensity rains storms) associated with climate change.
6. Planner, Burnette O’Connor raised issues over the open-endedness of PC78. She asked whether with the removal of controls and watering down of design guidelines it could be relied on to achieve the objectives set out in Kaipara’s District Plan, quite apart from the questions it raises over inappropriate development form densities, and the risks associated with water and waste water constraints.
7. The Commissioners appeared to accept for consideration whether the existing Estuary Estates provisions (which are set out in Chapter 16 of the District Plan) is a better basis for advancing development than the proposed Plan Change raised too many issues that were unresolved and could not be resolved.
8. The status of late changes to the submitted Plan Change by the applicant were raised by Mr Savage and accepted as an issue on whether the Plan Change met the criteria under the Resource Management Act and recently published government policy statements on the essential need to match infrastructure with development.
9. The ability to obtain sufficient water from outside the development to reticulate the many smaller lots (under 500sqm and down to 350sqm), and the ability and cost of connecting the development to the Mangawhai Wastewater System are the subject of questions that the applicant and the Kaipara District Council have been asked to answer and report back to the Commissioners within two weeks.
10. The applicant and KDC are not permitted to raise new evidence when they report back, but simple to give the basis of their assertion that the wastewater treatment plant and disposal field can cope with the development, the likely cost of that, and the share that the applicant would need to fund.
11. On the supply of potable water, KDC’s and the applicant’s technical advisers must supply data that supports its contention that the limited groundwater supply can be supplemented from stream water stored in a reservoir to supply water to sections too small for water tanks or with insufficient roof area to capture the amount needed for a household, and to provide summer top ups where households rely on tanks.
12. Following the receipt of the requested information the Commissioners will set a date in January or February 2021 (probably no more than a day) for this material to be submitted at the reconvened hearing. The applicant will also have the opportunity to rebut evidence produced by the submitters.
13. On the current timetable it is likely a decision on the applicant’s Plan Change plans will be made by Commissioners in late February, early March 2021.

The Mangawhai community has received high praise from the independent experts hired by Mangawhai Matters to put its case to the Planning Commission.

Typical of this praise came from Landscape Architect Dennis Scott. He said that in more than 500 appearances before various “judiciary hearing” attendances he had never witnesses such intensive and extensive community response, both individual and collective (mostly without any collusion) cohesion, gathered in such a short time frame delivered with such compassion and in such an authentic way. “I am impressed.” He said.