

**Before Kaipara District Council**

**IN THE MATTER** the Resource Management Act 1991 ("**RMA**")

**And**

**IN THE MATTER** of an application for Private Plan Change 83 ("**PPC83**") by THE RISE LIMITED to rezone 56.9 ha of land at Cove Road and Mangawhai Heads Road, Mangawhai from Rural Zone to Residential Zone.

**STATEMENT OF EVIDENCE OF  
MELISSA IVY MCGRATH AND EVELYN ALISA NEAL  
ON BEHALF OF THE RISE LIMITED  
PLANNING  
23 February 2024**

Michael Savage

Barrister

Park Chambers

## 1. INTRODUCTION

- 1.1 This evidence has been co-authored by Melissa Ivy McGrath and Evelyn Alisa Neal, we provide the following summary of our experience and qualification.
- 1.2 My full name is Melissa Ivy McGrath. I am a Senior Associate (Planner) with Barker and Associates. I am a qualified planner with a Master of Resource Management from Massey University, and I am a Full Member of the New Zealand Planning Institute.
- 1.3 I have 20 years' experience as a Planner. During this time, I have been employed in various resource management positions in local government and private companies and I have a range of planning experience in consenting, policy development, consultation and public engagement, including experience with:
- (a) Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts.
  - (b) Consideration of submissions and formulation of policy and policy advice for Whangārei District Council, Far North District Council and Kaipara District Council.
  - (c) Preparation and processing of private plan change applications both on behalf of applicant and council.
  - (d) Preparation of spatial planning for Vanuatu.
  - (e) Analysis and reporting of applications on behalf of the Ministry for Environment under the COVID-19 Recovery (Fast-track Consenting) Act 2020.
- 1.4 My full name is Evelyn Alisa Neal (Alisa). I am a Senior Associate (Planner) with Barker and Associates. I am a qualified planner with a Bachelor of Urban Planning from the University of Auckland, and I am an Intermediate Member of the New Zealand Planning Institute.
- 1.5 I have over 10 years' experience as a Planner. During this time, I have been a planning consultant since 2019 as a Senior Associate for Barker and Associates. Prior to that, I held senior planner and planner positions at Hamilton City Council. I have extensive

planning experience in consenting, policy development consultation, including experience with:

- (a) Statutory resource consent planning in the Northland, Auckland, Waikato and Bay of Plenty Regions, including an extensive range of work in the Whangārei, Kaipara and Rotorua Districts, as well as Auckland and Hamilton City.
- (b) Processing of a private plan change and processing of multiple resource consents on behalf of Kaipara District Council.
- (c) Preparation of private plan change applications on behalf of applicants.
- (d) Preparation of submissions and further submissions on plan changes on behalf of applicants.
- (e) Involvement in master planning of multiple greenfield sites in Mangawhai and Hamilton.

1.6 We attach a copy of our CV's in **Attachment 1** which provides further detail on our experience and expertise. With particular regard to this project, we highlight that we have extensive experience in policy.

1.7 Although this is not a hearing before the Environment Court, we record that we have read and agree to and abide by the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2023. This evidence is within our area of expertise, except where we state that we rely upon the evidence of other expert witnesses as presented to this hearing. We have not omitted to consider any material facts known to us that might alter or detract from the opinions expressed.

## 2. INVOLVEMENT WITH THE PROPOSAL

2.1 We have been engaged by The Rise Limited to provide planning evidence in support of Private Plan Change Application 83 ("**PPC83**"). We were instructed by The Rise Limited in 2022 to assist with the preparation of the private plan change application. We prepared the following documents:

- (a) The Rise Limited Private Plan Change Request – Assessment of Environmental Effects ("**AEE**"), Plan Change text (Cove Road North Precinct

Provisions) and Section 32 Evaluation Report, dated 18 November 2022 (“**s32 Report**”); and

(b) Response to Clause 23 Request for Information – Applicant response to request for further information, dated 28 February 2023 (“**RFI Response**”).

2.2 We have also been involved in other aspects of the Private Plan Change development including workshops for design testing and advice relating to the development of District Plan provisions, and are familiar with the area to which the application for a private plan change relates. We have visited the Plan Change Area and surrounds on numerous occasions since 2022, most recently on 11 January 2024.

### **3. SCOPE OF EVIDENCE**

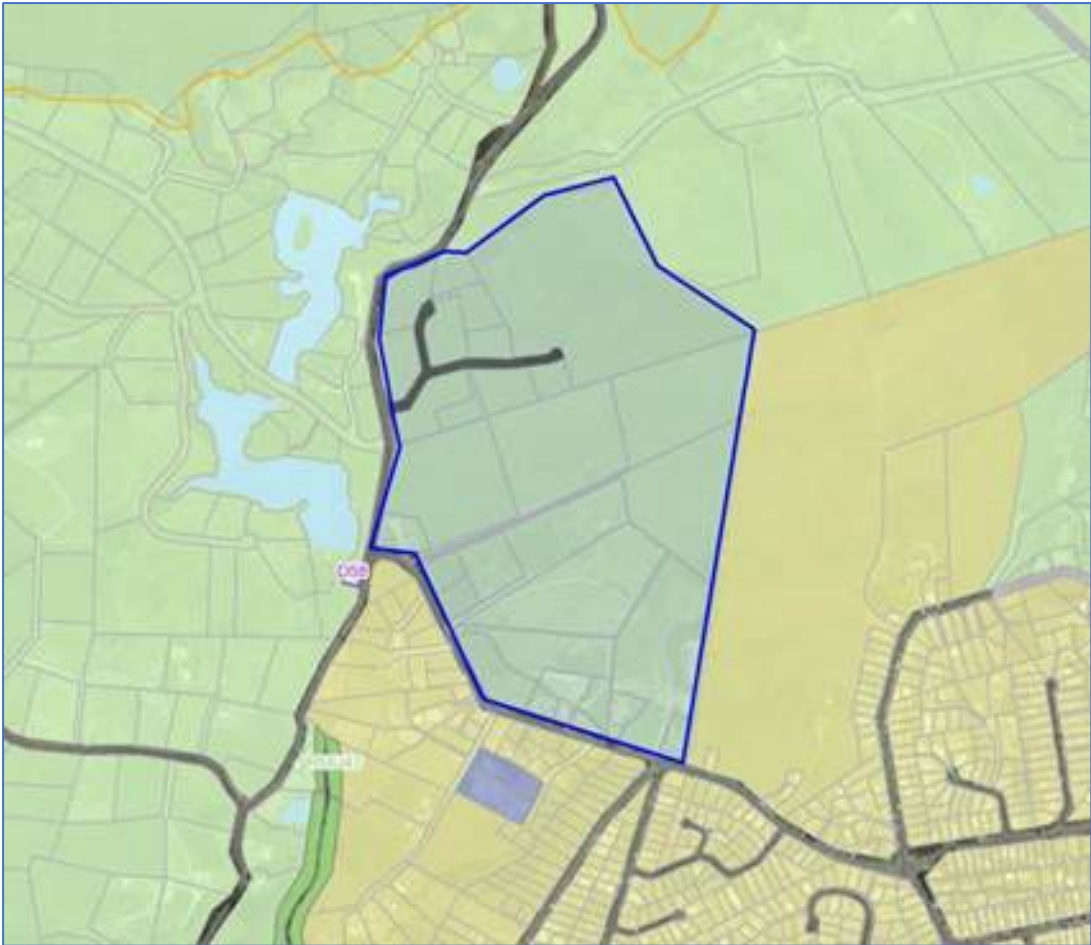
3.1 Our evidence will address the following topics:

- (a) Context and Background;
- (b) Overview of the Plan Change;
- (c) Statutory Framework;
- (d) Assessment of Environmental Effects;
- (e) Response to s42A Report and Submissions; and
- (f) Conclusion.

### **4. CONTEXT AND BACKGROUND**

#### ***Plan Change Area Context***

4.1 Sections 3.0 and 4.0 of the s32 Report provides a comprehensive description of the Plan Change Area, its surroundings and current planning provisions. **Figure 1** below details the extent of the Plan Change Area:



**Figure 1 Plan Change Area**

4.2 We provide a brief summary below:

*Plan Change Area Description:*

- (a) The Plan Change Area comprises of 56.9ha of land located north of Mangawhai Heads Road and west of Cove Road. The Rise Limited owns 11.27ha of land on the northernmost portion of the Plan Change Area, with the remaining area contained in multiple titles that are in separate ownership;
- (b) The Plan Change Area is located towards the northern end of the existing residential zoning along the north eastern edge of Mangawhai Head Road, wrapping around existing residential lifestyle allotments;
- (c) Mangawhai Heads Road forms the southern boundary, Cove Road forms the western boundary and existing Residential Zoning forms the eastern boundary of the Plan Change Area. The northern boundary is established by the cadastral

boundary of the rural residential allotments which gain access from Pigeonwood Place;

- (d) The Plan Change Area is comprised of larger allotments that are primarily vacant and numerous smaller allotments containing existing residential units. Numerous smaller sites have existing vehicle crossings onto both Cove Road and Mangawhai Heads Road;
- (e) The area is varied in topography, comprised of a range of valleys extending to flatter topography adjacent to Mangawhai Heads Road;
- (f) The Plan Change Area is primarily dominated by exotic pasture, the exception is an area of regenerating bush extending along the site's northern boundary (subject to an existing conservation covenant), and some small, scattered areas of indigenous vegetation extending primarily along the central aspect of the area;
- (g) Isolated areas identified as 'indicative wetland areas', are also located within the central part of the site. These are of moderate ecological value in the context of the site location on the residential fringes of Mangawhai. Ms Vilde also deems that the area likely provides aquatic habitat to some indigenous freshwater fauna adapted to the existing urbanised setting encompassing the intermittent and permanent streams within the Cove Road North Precinct, such as banded kokopu (*Galaxias fasciatus*) and eel (*Anguilla* sp.) species;

*Surrounding Locality:*

- (h) Immediately to the south of the area is predominantly residential in nature being dominated by residential dwellings, and larger residential lifestyle development which extends to the west of the Plan Change Area;
- (i) The surrounds immediately to the north predominantly rural lifestyle in nature dominated by large rural holdings;
- (j) Mangawhai Heads commercial area is located approximately 1.8km south east of the Plan Change Area, providing convenience-based retail services. Including a supermarket, medical centre and pharmacy, as well as financial, real estate and food and beverage services;
- (k) The Mangawhai Activity Zone public recreation area is located approximately 2.8km south of the Plan Change Area. Mangawhai Beach Primary school is

located approximately 6km south of the Site, within the Residential Zone, while secondary education includes Rodney College, approximately 36km to the south and Otamatea High School, approximately 30km to the west;

### *Planning Provisions*

- (l) Under the operative Kaipara District Plan (“**ODP**”), the Plan Change Area is zoned Rural Zone, and is within the Mangawhai Harbour Overlay and the Indicative Growth Area - Greater Growth Area Catchment Overlay;
- (m) Land to the east and south is zoned Residential Zone within the Mangawhai Harbour Overlay, and land to the west and north is zoned Rural Zone within the Mangawhai Harbour Overlay;
- (n) The Plan Change Area does not contain any mapped outstanding landscapes, features or areas of high or outstanding natural character, nor is it located in the coastal environment within the Northland Regional Policy Statement (“**NRPS**”); and
- (o) The ODP does not identify the area as susceptible to flood hazard, however the Northland Regional Council Flood Hazard maps which are based on more up to date data, identify the south western corner of the Plan Change Area as being subject to flood hazard risk.

### ***Background to the Plan Change***

- 4.3 The background of PPC83 is described in section 2.0 of the s32 Report. In summary, the Applicant is the major landholder within the Plan Change Area and is seeking to establish viable and sustainable residential development.

## **5. OVERVIEW OF THE PLAN CHANGE**

- 5.1 PPC83 seeks to rezone the Plan Change Area ODP Residential Zone. It is proposed to apply a precinct (the Cove Road North Precinct) to the Plan Change Area with a bespoke suite of objectives, policies, and rules that will guide development. Precinct provisions primarily seek to protect ecological features, promote high quality urban design, provide for sufficient infrastructure and servicing, ensure a safe transport network and enhance landscape and amenity.
- 5.2 It has been recognised that Council is preparing its Proposed District Plan, however, there is no guarantee of this being adopted for formal notification. PPC83 has been

proposed to blend into the ODP, recognising that the Precinct will be accommodated into any future Proposed District Plan.

***Precinct Provisions***

5.3 The proposed Precinct (Cove Road North Precinct) applies to the Plan Change Area. The Precinct includes:

- (a) Description of the Precinct;
- (b) A single objective describing the outcome for the Precinct;
- (c) Six policies focusing upon subdivision, residential amenity, connectivity, ecological values, character and open space for the Precinct;
- (d) Amendments to the following ODP Residential Zone rules:
  - (i) 13.10.3a Dwellings;
  - (ii) 13.10.5 Maximum Height;
  - (iii) 13.10.7 Setbacks
  - (iv) 13.10.11 Private Open Space;
  - (v) 13.10.12 Permeable Surfaces;
  - (vi) 13.10.13 Building Coverage;
  - (vii) 13.14.2 Road, Private Way Formation and Property Access; and
  - (viii) 13.14.3 Provision for the Extension of Services;
  - (ix) 13.14.4 Water Supply;
  - (x) 13.14.5 Stormwater Disposal; and
  - (xi) 13.14.6 Wastewater Disposal.
- (e) New rules in the Residential Zone (applying to the Precinct only):
  - (i) 13.10.7a Fence and Landscaping;



- (ii) 13.10.14 Retirement Facility;
  - (iii) 13.10.15 Buildings and Accessways within the Cove Road North Precinct – Northern Sub-precinct; and
  - (ii) 13.13A Subdivision.
- (f) Precinct Map identifying key features<sup>1</sup>. The Precinct Plan has been informed by the ‘Concept Plan’ by Urbanismplus which was originally developed to support an Urban Design Assessment of the site and zoning. The Concept Plan provides a more detailed set of design layers, including a possible movement network, open space network and residential mix and density, with the purpose to serve as a tool to inform the production of PPC83. The purpose of the more refined ‘Precinct Plan’ is to serve as a visual tool to link to rules which require specific key structural features / areas to be developed generally in accordance with. Other features such as open space, internal road and pedestrian/cycle path alignments within the site have not been identified on the Precinct Plan as these would be developed through the subdivision consent process. The Precinct Plan approach is consistent with the experience we have with preparing and utilising Precinct Plans over other District Plans.
- (g) Changes were made to PPC83 post notification as a result of the recommendations of expert witnesses. In summary, these relate to infrastructure and servicing (stormwater management, wastewater and water supply) and increasing minimum net site area (outside of the Northern Sub-precinct).
- (h) Recommended provisions are provided as **Attachment 3** to this evidence. The Precinct Plan and concept plan maps are included in **Attachment 2**.
- (i) Recommended amendments to the Precinct Plan (**Attachment 2**) are:
- a. Deletion of indicative shared path along Cove Road; and
  - b. Addition of indicative road connection arrows.
- (j) Recommended amendments to the provisions are detailed in **Attachment 3**.

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<sup>1</sup> Application – Attachment 2

- 5.4 Anticipated future capacity of the Proposed Plan Change has been established on a conservative basis resulting in approximately 380 additional lots. Assumptions include an average lot size of 1000m<sup>2</sup> across the Plan Change Area, due to the fragmented ownership and range of existing lot sizes and the Northern sub-precinct; and 70% developable area.

## **6. STATUTORY FRAMEWORK**

- 6.1 The section 42A Report (“**s42A**”) has detailed the statutory framework within paragraphs 11 – 18, for completeness we agree that these paragraphs accurately reflect the framework relevant to PPC83.
- 6.2 As a private plan change, PPC83 is governed by Schedule 1 to the RMA. The PPC83 request was made pursuant to clause 21(1) of Schedule 1. Council accepted the plan change request and PPC83 was publicly notified pursuant to clause 26.
- 6.3 Under clause 29(1) of Schedule 1, Part 1 of Schedule 1 (which applies to Council-initiated or adopted plan changes) applies with all necessary modifications. This includes provisions for the making of submissions, decisions, and appeals. Other provisions of the RMA, including sections 31, 32, 72, 74 and 75, and Part 2 of the RMA, including the purpose and principles of the RMA, apply to changes to a district plan, regardless of whether it is a Council-initiated or adopted change or an accepted private plan change request.

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

- 6.4 Section 32 of the RMA provides that an evaluation report required under clause 22 of schedule 1 must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA under subsection (1)(a), and whether the provisions in the proposal (i.e. policies, rules and other methods) are the most appropriate way of achieving the objectives under subsection (1)(b).
- 6.5 The evaluation must also consider the efficiency and effectiveness of a proposal, taking into consideration benefits and costs and the risk of acting or not acting. At the time of lodgement of PPC83, an assessment of alternatives, costs and benefits in accordance with these provisions of the Act was provided in the s32 Report.

- 6.6 Section 32AA provides that further evaluation is required when changes are made to a plan change since the original evaluation was completed. As such, section 32 evaluations are ongoing and need to be updated and revisited throughout the plan change process as changes are contemplated in response to requests for information and to address submissions and further submissions.
- 6.7 The s42A Report Reporting Planner (“**Reporting Planner**”) has provided a summary of section 32 and section 32AA evaluation in paragraphs 246 – 263 of the s42A Report, concluding that the “series of amendments to these provisions [new precinct and associated bespoke controls] to further improve their effectiveness in managing effects and delivering the outcomes sought in the PPC83 Objective 1”. We do not agree with all of the amendments supported by the Reporting Planner, and have provided alternative recommendations which in our opinion are more effective and efficient in giving effect to the objective and policies of the plan change.

## 7. STATUTORY ANALYSIS

Sections 6 and 7 of the s32 Report analyse the policy framework relevant to PPC83. The Reporting Planner has undertaken statutory analysis throughout his report, with focused assessment in paragraphs 208 – 245. We do not repeat this analysis and provide the following summary.

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

- 7.1 In our opinion, PPC83 is consistent with section 5 RMA because:
- (a) The plan change will provide quality housing opportunities and housing choice on land adjacent to the existing Residential Zone of Mangawhai, and in proximity to the business area of Mangawhai, enabling communities to provide for their social and economic well-being.
  - (b) Development will be coordinated with the delivery of required infrastructure, resulting in sustainable development, and seeks to safeguard the life supporting capacity through the use of water sensitive design options for stormwater.
  - (c) The effects on the transport network from proposed residential development will be managed appropriately.

- (d) The plan change will ensure protection and enhancement of significant ecological features (wetlands and streams) within the Plan Change Area.
- (e) Adverse effects of urban activities on the environment will be avoided, remedied or mitigated through the PPC83 provisions and the existing District Plan Residential Zone rules.

7.2 Section 6(a) preservation of natural character of wetlands, rivers and their margins, and protection of them from inappropriate use and development is the only Section 6 matter the reporting officer concludes is in play<sup>2</sup>. In our opinion, PPC83 recognises and provides for the following relevant section 6 matters of national importance:

- (a) The Plan Change Area contains areas of indigenous vegetation, wetlands, and intermittent and permanent streams and the proposed Precinct provisions seek to protect these ecological features giving effect to section 6 (a) and 6 (c).
- (b) There are no identified areas of high or outstanding natural character, coastal environment, outstanding natural features and landscapes and areas of significant indigenous vegetation and habitats within the Plan Change Area, as such PPC83 affords preservation and/or protection of these giving effect to section 6 (a), (b) and (c).
- (c) Section 6 (d) requires the maintenance and protection of public access along rivers, PPC83 seeks to include subdivision provisions including the provision of walking tracks along wetlands and streams within the Plan Change Area.
- (d) The relationship of Māori with their waahi tapu (and any customary activities) has been recognised and provided for (section 6 (e) and (g)) through ongoing consultation, including the provision of a Cultural Effects Assessment (“CEA”) by Te Uri o Hau for the Site.
- (e) With regards to section 6(f), the Archaeological Assessment does not identify any specific archaeological or heritage sites within the area of residential zoning. The proposed provisions seek to minimise risk from natural hazards giving effect to section 6(h).

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<sup>2</sup> S42A Report paragraph 252.

7.3 Sections 7 (b), (c), (d), (f) and (i) are considered by the Reporting Planner to be relevant to the plan change<sup>3</sup>, and we agree.

- (a) PPC83 will enable an efficient use of natural and physical resources as it seeks to enable greater range of household units, lifestyle choices and affordability options in a manner that creates efficient use of land.
- (b) The amenity values and quality of the area have been recognised and will be enhanced through the implementation of the proposed precinct provisions that emphasise high quality urban design, in conjunction with the existing provisions of the ODP.
- (c) Natural ecosystems can be protected and enhanced alongside future development as envisaged by the proposed precinct provisions.
- (d) No habitat of trout or salmon are identified on the Site.
- (e) The effects of climate change have been taken into account in the Land Development Report, and this can be confirmed through future resource consents.

7.4 With respect to section 8 and taking into account the principles of the Treaty of Waitangi, Te Uri o Hau have been consulted throughout the process of developing PPC83. The Te Uri o Hau CEA identifies the key matters of relevance to hapu, which have been adequately accounted for with the inclusion of mana whenua provisions within the proposed provisions.

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

7.5 We agree with the Reporting Planner that the following National Policy Statements are relevant to PPC83:

- (a) New Zealand Coastal Policy Statement 2010 (“**NZCPS**”);
- (b) National Policy Statement on Urban Development 2020 (“**NPS-UD**”);
- (c) National Policy Statement on Freshwater 2020 (“**NPS-F**”);

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<sup>3</sup> S42A Report paragraph 252.

- (d) National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”); and
- (e) National Policy Statement for Indigenous Biodiversity 2023 (“**NPS-IB**”).

7.6 We agree with the conclusions of the Reporting Planner<sup>4</sup> that the proposal will give effect to these policy statements. We note that the Reporting Planner has recommended series of amendments to the precinct provisions and raised concern with respect to ‘multi-unit development’ and ‘medium-density development’ in his analysis of the NPS-UD. In addition to the assessment provided in the AEE and in response to the concerns raised in the s42A report, we make the following comments with regards to the NPS-UD:

- (a) There remains some debate around whether Mangawhai meets the definition of an ‘urban environment’ for the purposes of the NPS-UD. Notwithstanding that the current position of Council is that the NPS-UD does not apply to Kaipara as nowhere in the district is considered to meet the threshold for meeting the definition of ‘urban environment’, we consider that as the proposal seeks to increase the existing urban area, it is appropriate to ensure that the Proposed Plan Change delivers a well-functioning urban environment, and subsequently aligns with the direction and overall policy framework set out in the NPS-UD;
- (b) In respect to NPS-UD Policy 1 and 2, the application and supporting evidence of Mr Osbourne (Economic) and Mr Bredemeijer (Urban Design) demonstrates that PPC83 will contribute to a well-functioning urban environment at Mangawhai, is consistent with the NPS-UD criteria within Policy 1. Further, taking into account projected populations for Mangawhai, the development enabled by PPC83 has an important role in meeting expected demand for housing.
- (c) The s42A Report outlines that the lot sizes and multi-unit development enablement proposed in PPC83 will result in lots that are smaller than the majority of lot sizes in Mangawhai, and that will result in a significant change through the introduction of Medium Density Residential Development. In response to the statements in the s42A Report, we note the following:

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<sup>4</sup> S42A Report paragraph 209, 218 and 222.

- (i) The Multi Unit Development provisions do not facilitate the introduction of 'Medium Density' Residential development over the site. Typical Medium Density Residential Standards<sup>5</sup> provide for development that is of a higher intensity and scale than what the PPC83 provisions require. In particular, although there is a restricted discretionary consenting pathway in PPC83 for establishing more than one unit per site as a land use activity, the bulk and location provisions have been assessed as ensuring that an appropriate level of development and onsite amenity will be achieved for the site whilst adequately mitigating adverse effects. In addition to the PPC83 bulk and location rules, a comprehensive range of matters of discretion are in place to further guide the appropriate development of more than one residential unit within the site. We consider that it is appropriate to enable an alternative land use consenting pathway (as opposed to a singular consent pathway which involves subdividing vacant lots at a blanket density across the site to be independently developed), as a more comprehensive design-led response to land use activities and development across the site can inform an appropriate level of development and subsequent density across the site. As such, we do not agree with the recommendation to remove 'Medium Density' provisions, noting that Medium Density provisions are not proposed by PPC83. We consider that overall, the provision for multi-unit development meets the benefits of enabling housing choice, providing for a range of typologies sizes and price points, and overall contributing to a well-functioning environment. We also acknowledge that the s42A Report agrees that the rule package proposed by PPC83 for multi-unit development is appropriate.
- (ii) In respect to NPS-UD Policy 5, the Application and supporting urban design evidence by Mr Bredemeijer demonstrates that PPC83 will

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<sup>5</sup> Medium Density Standards referenced in the "Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021" include a maximum 11m + 1m for pitched roof building height; A minimum 1.5m front yard setback and 1m side and rear yard setback; A maximum 50% building coverage; Minimum 20m<sup>2</sup> ground floor area, minimum 4m depth principal living room outlook space and minimum 1m habitable room outlook space; 20% minimum glazing of street facing façade and minimum 20% Landscaped area.

enable a density of urban form commensurate with the demand for housing and commercial use at the site.

- (iii) It is acknowledged that PPC83 will enable the urban environment to change (including increased residential densities with respect to the current planning framework) however Policy 6 of the NPS-UD directs that 'change' to an urban environment does not in itself constitute an adverse effect. While the 'change' enabled by PPC83 will result in certain adverse effects for some people (in addition to positive effects), the Application material demonstrates that any adverse effects will be appropriate. We are of the view that the change provided for through PPC83 is in a manner that is entirely consistent with the NPS-UD, including the provision of increased housing densities and development capacity.
- (d) Policy 8 of the NPS-UD seeks to improve land-use flexibility<sup>6</sup> generally by ensuring that local authorities have particular regard to plan changes that would add significantly to development capacity as they arise, if it would among other things contribute to a well-functioning urban environment. Urban Development on the site is anticipated by the Mangawhai Spatial Plan 2020, therefore PPC83 is not out of sequence with planned land release. Further, the range of densities proposed in PPC83 would add significantly to development capacity, therefore Policy 8 provides direct support for PPC83.

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

7.7 For completeness we acknowledge that there are currently nine National Environmental Standards<sup>7</sup>, and we consider that PPC83 is in accordance with and will not conflict with these standards.

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<sup>6</sup> Introductory guide to the National Policy Statement on Urban Development 2020, Ministry for the Environment. At p6.

<sup>7</sup> National Environmental Standards for Air Quality 2004; National Environmental Standards for Sources of Human Drinking Water 2007; National Environmental Standards for Telecommunication Facilities 2016; National Environmental Standards for Electricity Transmission Activities 2009; National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011; National Environmental Standards for Plantation Forestry 2017; National Environmental



***National Planning Standards 2019***

- 7.8 Section 6.2 of the s32 Report provides a detailed assessment of the Proposed Plan Change. We consider that the proposed precinct provisions can be incorporated in with future changes to the ODP to implement the planning standards. We agree with the Reporting Planner that the use of a precinct is the most appropriate planning tool for this Plan Change Area<sup>8</sup>.

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

- 7.9 An assessment against the relevant sections of the NRPS is undertaken in section 7.1 of the s32 Report which we support.
- 7.10 The Reporting Planner has provided additional assessment<sup>9</sup> concluding that the Proposed Plan Change and associated KDP provisions give effect to the NRPS. Whilst we generally agree with the Reporting Planner, we note that the Reporting Planner states that PPC83 site is not identified as being within areas exposed to high risks of natural hazards. We clarify this point, the NRPS did not map areas of Natural Hazards, the NRPS policy refers to “high risk coastal hazard areas”<sup>10</sup>. The NRPS does specifically refer to 10-year and 100-year flood hazard maps<sup>11</sup> and the Plan Change Area does include locations of flood hazard risk.

***Northland Regional Plans***

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Standards for Fresh Water 2020; National Environmental Standards for Marine Aquaculture 2020; and National Environmental Standards for Storing Tyres Outdoors 2021.

<sup>8</sup> S42A Report paragraph 210.

<sup>9</sup> S42A Report paragraphs 224-230.

<sup>10</sup> NRPS – policy 7.1.3 and explanation.

<sup>11</sup> NRPS – method 7.1.7(1) and (4).

7.11 We agree with the Reporting Planners conclusions with respect to the numerous operative Northland regional plans<sup>12</sup> and the proposed Northland Regional Plan<sup>13</sup>.

***Operative Kaipara District Plan 2013***

7.12 Section 7.3 of the s32 Report provides a detailed assessment of PPC83 against the ODP. The Reporting Planner has noted that the plan change does not seek to remove the Mangawhai Harbour Overlay as part of PPC83. Whilst we recommend changes to the precinct provisions in response to the matters raised in the s42A Report and submissions, overall, we consider that PPC83 is consistent with and will implement the relevant higher order objectives and policies of the ODP for the following reasons:

- (a) Rezoning the Plan Change Area residential will give effect to Method 3.63 which identifies Mangawhai as a growth area;
- (b) The PPC83 provisions will give effect to the relevant objectives and policies of Chapter 4 (Overlays) and Chapter 7 (Natural Hazards);
- (c) The urban design evidence of Mr Bredemeijer highlights that the proposed precinct provisions include specific controls that will ensure that it will promote a high-quality urban design that responds positively to the local and site-specific context;
- (d) There are no identified areas of historic heritage within the Plan Change Area and the ODP provisions will ensure protection of archaeological sites if discovered during future development;
- (e) There are no ODP identified significant natural areas or outstanding landscapes within the Plan Change Area that make it more sensitive to development. The ecological evidence of Ms Vilde identifies that the policies of the NPS-IB will be given effect to as future residential development and growth can be adequately balanced with ecological restoration and protection of the terrestrial and aquatic features contained on site. Overall, the evidence of Ms Vilde has confirmed that the recommended provisions will ensure that

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<sup>12</sup> S42A Report paragraphs 231-233

<sup>13</sup> S42A Report paragraphs 234-236

indigenous biodiversity is protected from adverse effects so that no overall loss of indigenous biodiversity occurs;

- (f) The engineering evidence of Mr Rankin confirms that the servicing necessary for the Proposed Plan Change including the stormwater, wastewater, water supply, power and telecommunications networks will be available to service the rezoning envisaged by PPC83 (and to the extent there are any current limitations, there are suitable solutions to resolve these).
- (g) The transport evidence of Mr Kelly has addressed accessibility and safety matters and we consider that the proposal appropriately integrates land use and transport planning; and
- (h) The Chester Land Development Report and evidence of Mr Rankin has confirmed that the Plan Change Area includes properties within the receiving catchment that are currently flood effected, and therefore the proposed PPC83 provisions relating to mitigation through detailed and site specific flood assessment information requirements (that detail the expected outcomes and performance in and around flood hazards), and provisions requiring stormwater retention and avoidance of development that may increase or worsen flood hazards are supported. The civil engineering evidence of Mr Rankin has addressed flood hazard matters and as such, we consider that PPC83 adequately minimises the risks and impacts of natural hazards.

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

- 7.13 Section 7.5 of the s32 Report provides a detailed assessment of PPC83 against the Te Roroa Iwi Environmental Policy Document 2019 and the Te Uri o Hau Kaitiakitanga o Te Taiao environmental management plan which identifies the statutory area of Te Uri o Hau in relation to the Mangawhai Harbour. We agree with the assessment and conclusions of the Reporting Planner<sup>14</sup>.

### ***Other Non-Statutory Documents***

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<sup>14</sup> S42A Report paragraphs 237 – 243.

7.14 A comprehensive assessment of other relevant non-statutory documents is included in section 7.4 of the s32 Report. We consider that the Proposed Plan Change is consistent with the strategic direction of these documents<sup>15</sup>.

## **8. ASSESSMENT OF ENVIRONMENTAL EFFECTS**

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

- (a) Land Development Report (JAS Civil Ltd);
- (b) Transport Assessment (Engineering Outcomes Ltd);
- (c) Ecological Assessment (Wild Ecology);
- (d) Geotechnical Statement (Wiley Geotechnical);
- (e) Urban Design Assessment (Urbanismplus Ltd); and
- (f) Landscape Report (Simon Cocker Landscape Architecture).

8.2 Cultural Effects Assessment (Te Uri o Hau) was provided in response to request for further information from Council.

8.3 This assessment was considered by Council to be adequate to proceed to notification at the time of accepting PPC83. Since notification the following additional technical reports have been undertaken:

- (a) Flood Risk Assessment (Chester);
- (b) Land Development Report (Chester);
- (c) Stormwater Management Plan (Chester); and
- (d) Transport Assessment (Traffic Planning Consultants Ltd).

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<sup>15</sup> Kaipara District Spatial Plan – Ngā Wawata 2050 – Our Aspirations (“**KDSP**”), Mangawhai Spatial Plan (“**MSP**”); Infrastructure Strategy 2018-2048 (June 2021) and Long Term Plan Mahere Wā Roa 2021-2031.

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

- (a) The actual and potential effects of PPC83 have been comprehensively considered, based on extensive reporting and analysis undertaken by a wide range of technical experts;
- (b) On the basis of this analysis, we consider that the area is suitable for the land use pattern enabled by PPC83 and the proposed precinct provisions will result in positive effects on the environment in terms of the social and economic well-being of the community; and
- (c) Where adverse effects are anticipated, we consider that the proposed policies and rules of PPC83, in conjunction to those of the ODP, ensure they are appropriately avoided, remedied or mitigated.

## **9. RESPONSE TO S42A AND SUBMISSIONS**

9.1 There is generally a high level of agreement between the Applicant's experts and the Council s42A Report and its supporting technical evidence. The s42A Report recommends the approval of PPC83 subject to some modifications.

9.2 68 original submissions and 2 further submissions were received against PPC83, and the Reporting Planner has structured his report by grouping his assessment of submitters requests and issues by topic and combining his evaluation of the application and response to submissions into these topics. For ease of reporting, we respond to the submissions and s42A Report in a similar format and order<sup>16</sup>.

9.3 There are a number of matters raised by the Reporting Officer, which we cannot clearly link to submissions, therefore we address these separately. There are a number of topics raised by submissions which in our opinion have not been specifically addressed by the Reporting Planner to which we provide a direct response in Section 11.

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<sup>16</sup> S42A paragraph 54.

***Land Suitability - Geotechnical Considerations and Land Contamination***

- 9.4 We have not identified any submitters who have identified relief sought or opposed the Proposed Plan Change based upon concerns with respect to geotechnical considerations/land instability or land contamination. We agree with the Reporting Planner<sup>17</sup>, the plan change provisions provide adequate scope for considering geotechnical design and risk mitigation as part of the subdivision consent process.
- 9.5 We also agree with the Reporting Planner<sup>18</sup> that potential risk to human health due to land contamination is managed under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“**NES-CS**”). We accept the Reporting Planners recommendation<sup>19</sup> to add a note cross referencing the NES-CS in the proposed precinct subdivision rule, which will assist plan users.

***Infrastructure Servicing – Water***

- 9.6 A number of submitters<sup>20</sup> have opposed PPC83 raising concerns with respect to water supply, summarised as:
- (a) Quantity of potable water supply available to the sites;
  - (b) Capacity of existing water supply infrastructure to serve the rezoning;
  - (c) 400m<sup>2</sup> [lot size] is too small to collect and dispose of water;
  - (d) 50,000L of water storage onsite is sufficient water supply to account for long term climate change projections and increased risk of wildfire; and
  - (e) Provision of sufficient water supply for firefighting purposes.

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<sup>17</sup> S42A paragraphs 58-62.

<sup>18</sup> S42A Report paragraphs 63-67.

<sup>19</sup> S42A Report paragraph 66.

<sup>20</sup> Bream Tail Residents Association and Northern Farms Limited (“**BTRA**”) (8); C Boonham (12); D. Cornelius and O. Rowan (14), D. Metland Slater (15); Fire and Emergency New Zealand (“**FENZ**”) (19); J Cayford (32); Mangawhai Maters Society Incorporated (41); Northland Regional Council (“**NRC**”) (48); P. and A Maroulis (50).

- 9.7 Northland Regional Council has sought specific relief, recommending an amendment to Rule 13.10.13a as follows to ensure sufficient onsite water supply:

*(2) The Cove Road North Precinct a. Construction of a dwelling is a permitted activity if: i. After completion, it will be the only dwelling on the site.*

*ii. 50,000 litres of onsite potable water storage is provided.*

- 9.8 Fire and Emergency New Zealand have sought the inclusion of the following clause into Rule 13.13X to ensure adequate water supply for firefighting purposes:

That site(s) is adequately serviced and/or services onsite are managed, in particular the extent to which: ... sufficient firefighting water supply is available, taking into account a risk-based assessment. For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are: a. Within 90 metres of an identified building platform on each lot; and b. Existing or likely to be available at time of development of the lot; and c. Accessible and available year-round; and d. May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.

- 9.9 PPC83 seeks to manage water supply via proposed amendments to subdivision Rule 13.14.4 which includes the ability to connect to council reticulated water supply or requires water tanks to be sized according to the size of future residential units to ensure adequate water supply.
- 9.10 Many submitters have assumed that potable water will be supplied to the Plan Change Area by public reticulation, raising concerns with respect to quantity and capacity of reticulated water supply. Proposed Rule 13.14.4 manages both connections to reticulated supply if available, and onsite water supply, Mr Rankin recommended amendment to this rule to include specific tank sizes relative to size of dwelling to provide clarity of what appropriate onsite servicing should be.
- 9.11 The Reporting Planner has relied upon the assessment of Council Asset Management and Capital Delivery Manager Melissa Parlane, who has confirmed the Council reticulated water supply at this time does not reach nor would it have capacity to service the Plan Change Area<sup>21</sup>. As such onsite potable water supply will be required to service future development.

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<sup>21</sup> S42A Report paragraph 73.

- 9.12 Several submitters have raised concern that the proposed (notified) 400m<sup>2</sup> minimum lot size would be too small to accommodate onsite services, and Ms Parlane notes that smaller sites can be challenging when accommodating water storage tanks onsite.<sup>22</sup> Mr Rankin has assessed the feasibility of onsite water supply within a 400m<sup>2</sup> lot size and has recommended an increase in the minimum lot size to 600m<sup>2</sup> to more comfortably accommodate onsite water tanks.
- 9.13 In response to NRC, Mr Rankin concludes that with regards to water tank sizing, the *“sizing needs to consider the water source and the demand thus a static volume is not considered suitable. A table has been provided to tie water tank size to roof area and house population to provide an adequate water supply”*.
- 9.14 PPC83 provisions include a requirement to meet the requirements set out in the table that more specifically defines the adequacy of water supply, as recommended by Mr Rankin.
- 9.15 With respect to water for firefighting purposes, Mr Rankin has confirmed that a firefighting supply can be provided at each site in accordance with the Firefighting Water Supply code of Practice SNZ PAS 4509:2008. Whilst FENZ have sought specific relief, we agree with the Reporting Planner, that the inclusion of an additional matter of discretion which mirrors the ODP will ensure the provision of water supply for firefighting purposes, addressing the FENZ concerns. As noted by Mr Rankin the ODP provisions relating to firefighting water supply were settled via a consent order on an appeal as such it is considered to be an appropriate method.
- 9.16 For these reasons and relying upon the evidence of Mr Rankin, we consider that PPC83, subject to recommended amendments will appropriately manage the provision of water supply.

### ***Infrastructure Servicing – Wastewater***

- 9.17 Numerous submitters<sup>23</sup> have opposed PPC83 on the basis of wastewater servicing or sought specific relief with respect to wastewater servicing of PPC83. We summarise concerns raised as:

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<sup>22</sup> S42A Report paragraph 73.

<sup>23</sup> A. and J. Robb (1); A Mostert (2); Sanctuary Residents Association (4); B. Ramsay Turner and P. Rogers (5); B Prangley (7); BTRA (8); C Boonham (12); Cornelius and O. Rowan (14); D. Metland Slater



- (a) Public wastewater infrastructure be ascertained through development contributions;
- (b) Concerns around the wastewater treatment plant capacity, and the cost of increasing wastewater infrastructure that will have to be met by ratepayers;
- (c) That lots of up to 850m<sup>2</sup> is considered to be too small to have private wastewater treatment services;
- (d) Wastewater treatment plant is currently at capacity, to which the costs to upgrade infrastructure should fall on the developer;
- (e) As the applicant is not a majority shareholder of the PPC83 area, some landowners may not wish to be part of the proposed development which may cause problems when trying to develop an overall wastewater scheme for the PPC83 site;
- (f) The plan change does not provide clear indication in how the proposal will be able to accommodate the additional wastewater infrastructure for each new lot;
- (g) Seeking a requirement for a Master Plan Strategy to extend the Mangawhai Community Wastewater System and to establish a Mangawhai Wastewater Treatment Plant Advisory Group.

9.18 NRC has sought specific relief seeking that Rule 13.14.6 - Wastewater Disposal in the district plan applies to development in the Cove Road North Precinct and the alternative wording for the rule proposed in the plan change document is not adopted. NRC also sought the inclusion of provisions to require a minimum lot size of 2000m<sup>2</sup> be required where no wastewater connection is available to ensure future development can provide 1500m<sup>2</sup> of land per household for wastewater disposal within the net site area of the allotment.

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(15); D. Parker (16); G. Clarke (20); Horizon Surveying (26); J. and J. Horlock (27); J. Warden and A. Baird (28); J. Cayford (32); K. Sutherland (33); K. Walker (36); K. May (38); M. Knox (40); Mangawhai Matters Society Incorporated (41); N. Nathan (45); N. Smith (47); Northland Regional Council (48); P. and A Maroulis (50); P. Humphries (52); P. and K. Barbour (53); S Bary (62); S. Birkenhead (64); T. Gardner (67).

- 9.19 As notified the proposed provisions sought to enable both onsite servicing and connection to public reticulated services if available. Submitters have raised concern with respect to onsite servicing, particularly lot size and ability to accommodate servicing within future sites. In response to submissions with respect to onsite water supply, Mr Rankin has recommended that the minimum lot size be increased to 600m<sup>2</sup> and concludes that this increase in lot size as well as the removal of bespoke precinct provisions that relate to onsite wastewater and the adoption of the current ODP Wastewater Standards will ensure that the provisions are sufficient to provide adequate water, stormwater and wastewater controls. Therefore, based upon Mr Rankin's evidence, we conclude that the specific relief sought by NRC is not required.
- 9.20 In response to submissions, the Applicant engaged Chester to undertake a more detailed assessment of wastewater servicing associated with future urban development as proposed by PPC83<sup>24</sup>. This report evaluated the current capacity in the public reticulated network and treatment plan<sup>25</sup> and the potential demand from urban development within PPC83, concluding that wastewater servicing is possible via connection to the Mangawhai Community Wastewater Scheme with any associated network upgrades identified and addressed through the resource consent process. The area is anticipated to connect at the density proposed by the Council documents. Mr Rankin therefore recommended that no bespoke precinct provisions are included in PPC83, as the existing provisions of the ODP were considered to be adequate for connection to the Council system as well as the ability to utilise a private or communal system at the time of resource consent.
- 9.21 Mr Cantrell from SCO Consulting Ltd has reviewed PPC83, aligning with Mr Rankin's assessment, confirming that the wastewater treatment plant has current capacity to service the Plan Change Area, furthermore, planned upgrades will increase this capacity<sup>26</sup>. Mr Cantrell identifies network upgrading that will be necessary to establish servicing of the Plan Change Area <sup>27</sup>. We agree with the Reporting Planner that

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<sup>24</sup> Land Development Report, prepared by Chester dated 22 January 2024

<sup>25</sup> Land Development Report (Chester) section 8.

<sup>26</sup> S42A Report paragraph 83.

<sup>27</sup> S42A Report paragraph 88.

proposed Rule 13.146(B) will ensure consideration of wastewater servicing including capacity, infrastructure upgrades and funding at time of subdivision<sup>28</sup>.

- 9.22 Submitters have raised concerns with respect to upgrades and funding of the reticulated services. We note that Council has a mechanism available to it (which is currently utilised) by which costs associated with the provision of public services can be funded (or recovered). This is in the form of Development Contributions under the Local Government Act 2002 that are required to be paid in accordance with the KDC's Development Contributions Policy 2021. The merits or otherwise of KDC's Development Contributions Policy is not within the scope of this plan change, and future consideration of the necessity for, and funding of public infrastructure, is a matter for the KDC's Infrastructure Strategy and the Long-Term Plan 2021/2031. In response to the submissions that have raised concerns with regards to the funding of infrastructure, Mr Osbourne responds to these concerns from an economic perspective in his evidence, outlining that infrastructure provision requires a level of certainty (in this case a live zone) in order to consider infrastructure requirements, whereby the planning and provision of infrastructure should be a response to an efficient urban form. Mr Osbourne also acknowledges that growth in any area must occur in response to increased infrastructure capacity. Mr Osbourne concludes that *"While increased infrastructure requirements increases the cost for rate payers, it also facilitates growth through a wider rate payer base as well as associated growth in economic activity resulting for the residential accommodation"*.
- 9.23 We therefore consider that any development enabled under PPC83 will contribute to the funding of public infrastructure and that there are adequate funding mechanisms in place to service necessary extensions and upgrades.
- 9.24 For these reasons and relying upon the evidence of Mr Rankin, we consider that PPC83, subject to recommended amendments will appropriately manage the provision of wastewater services.

### ***Infrastructure Servicing – Stormwater / Flood Hazard***

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<sup>28</sup> S42A Report paragraph 89.

- 9.25 Submitters<sup>29</sup> have opposed PPC83 on basis of stormwater management and increased flood risk or have sought specific relief with respect to stormwater management of PPC83. We summarise concerns raised as:
- (a) Current management of stormwater is not adequate given recent examples of flooding;
  - (b) 400m<sup>2</sup> is too small and 60% impermeable surface will increase risk in terms of flooding from stormwater overflow;
  - (c) Leaving stormwater until subdivision will make it difficult to plan stormwater management across the whole site;
  - (d) PPC83 does not include sufficient means for mitigating flood risk due to stormwater overflow, noting that the area is already prone to flooding; and
  - (e) Streams and lowland wetland areas likely to receive stormwater runoff will need be enhanced and maintained to avoid overflow and potential flood risk.
- 9.26 As notified PPC83 proposed bespoke subdivision (13.14.5A) and permeable surface (13.10.12(2)) provisions to manage stormwater. In response to submissions, the Applicant engaged Chester to undertake a more detailed assessment of stormwater management and flood risk associated with PPC83<sup>30</sup>.
- 9.27 Recognising that parts of the Plan Change Area, and the downstream area are subject to flood hazard risk, Chester have prepared a stormwater management plan, which has evaluated the plan change proposal, including potential development capacity and proposed impervious area coverage (60%). The stormwater management plan includes, outcomes and options to manage stormwater, whilst acknowledging that

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<sup>29</sup> A. and J. Robb (1); A Mostert (2); Sanctuary Residents Association (4); B. Ramsay Turner and P. Rogers (5); B Ashton (6); B Prangley (7); BTRA (8); C Boonham (12); D. Beaven (13); Cornelius and O. Rowan (14); D. Parker (16); G. Clarke (20); Horizon Surveying (26); J. and J. Horlock (27); J. Cayford (32); K. Sutherland (33); K. Walker (36); K. Sullivan and S. Powley (37); K. May (38); L. and N. Adams (39); Mangawhai Matters Society Incorporated (41); M. van Werkum (42); P. Humphries (52); P. and K. Barbour (53); R. and R. Davies (56); R. and H Hawkes (58); S. Mackey-Wood (60); S. Waring (61); S Bary (62); S. Birkenhead (64); T. Gardner (67).

<sup>30</sup> Flood Risk Assessment, prepared by Chester dated 22 January 2024. Stormwater Management Plan, prepared by Chester dated 22 January 2024.

future development throughout the Plan Change Area is not finalised. Mr Rankin has recommended refinement of proposed Rule 13.14.5A to implement the stormwater management plan.

- 9.28 Mr Rankin concludes in his evidence that application of the 80% pre-development is not necessary, as the implementation of the stormwater management plan will provide for an overarching framework to achieve the stormwater management outcomes required within the catchment. This removes an ad-hoc approach and provides a toolbox of appropriate methods based on the context of the development being proposed. We rely upon Mr Rankin's evidence and conclude that subject to recommended changes to provisions PPC83 will ensure that stormwater will be effectively managed. The Reporting Planner has relied upon evidence and technical review of Mr Senior of Awa Environmental Limited. Mr Senior agrees with the Chester Report findings, and supports the need for bespoke subdivision rules relating to stormwater management.
- 9.29 In response to the NRC submission which sought to include the 10yr and 100yr flood risk maps in the Precinct Plan, and further to the stormwater management methods that are set out in subdivision provisions, we consider that a more effective method of managing the risk of flood hazard, are additional land use rules relating to development and earthworks in proximity and within the flood hazard areas identified within the Stormwater Management Plan. The reason for tying these rules to the mapping in the Stormwater Management Plan is due to this mapping more up to date and site specific, in comparison to the Regional Councils scale and accuracy of flood hazard mapping. The inclusion of these rules will ensure that flood hazard risk is not increased or exacerbated as a result of the development of land use activities. We have recommended amendments as set out in **Attachment 3** in addition to the subdivision rules relating to stormwater management.
- 9.30 For these reasons and relying upon the evidence of Mr Rankin, we consider that PPC83, subject to recommended amendments will appropriately manage stormwater and flood hazard risk.

### ***Ecology***

9.31 Submitters<sup>31</sup> have opposed PPC83 on basis of adverse ecological effects or have sought specific relief with respect ecology. We summarise concerns raised as:

- (a) Oppose plan change due to lack of provisions for wildlife and ecology;
- (b) Land to the north of the Plan Change Area contain covenants which should be protected and enhanced to promote the use of wildlife corridors. Inclusion of new provisions which prohibit cats and dogs, and require predator control;
- (c) Urban development will increase in domestic pets, which could have consequential effects on the surrounding flora, fauna and native wildlife;
- (d) BTRA property is recognised being within the Piroa/Brynderwyn High Value Biodiversity Area, with populations of Kiwi now residing on the property. The proposed residential development may have adverse impacts on ecological values;
- (e) Requests for planting buffers along common boundaries (of varying size and depth), predator and human proof fencing;
- (f) Retain allotment sizes in these areas will assist in protecting Kiwi and other native wildlife;
- (g) Information supplied with PPC83 is does not create certainty on which areas are confirmed wetland or not;
- (h) The proposal will result in adverse effects on existing indigenous vegetation, the site is within the home range of the 'Nationally Critical' Australasian bittern, and if so, notes that PPC83 provisions require modification on to suit their requirements; and
- (i) NPS-IB has not been incorporated into PPC83.

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<sup>31</sup> K. Sutherland (33); A. Mostert (2); Sanctuary Residents Association (4); BTRA (8); C. Silvester (11); D Beaven (13); D. Cornelius and O. Rowan (14); G. Mather (22); J. and J. Horlock (27); J. Warden and A. Baird (28); J. Hook (30); J. Coop (31); K. Sutherland (33); K. Sullivan and S. Powley (37); M. Silvester (46); P. and A Maroulis (50); P. and K. Barbour (53); S. Bray (62); S. and C. Brotherton (63); S. Birkenhead (64); W. Fairs (68);.

- 9.32 PPC83 seeks to introduce bespoke rules to enhance and protect ecology within the Plan Change Area, above and beyond the KDP:
- (a) Subdivision Rule 13.13X(3) requiring enhancement of ecological features within the Plan Change Area and any subdivision application must be supported by an ecological assessment and wetland assessment.
  - (b) Land use rule 13.10.15 requiring setback from indigenous vegetation located within the Northern Sub-Precent.
- 9.33 Ms Vilde as undertaken an evaluation of the Plan Change Area in respect to the NPS-IB and she concludes that PPC83 will as a minimum maintain, but more likely enhance indigenous biodiversity across the site as part of future site development, and therefore gives effect to the objectives and policies of the NPS-IB.
- 9.34 Ms Vilde has addressed concerns raised by submitters with respect to protection of kiwi, concluding that kiwi have not been observed on site or immediate surrounds during site assessments carried out to date, and the site and directly adjacent habitats are not deemed to currently provide for optimal habitat to kiwi, nor facilitate kiwi movement.
- 9.35 The Reporting Planner has relied upon technical evidence of Mr Brown who recommends that the Precinct includes a provision that restricts the number of cats and that dogs are securely fenced. We prefer the evidence of Ms Vilde who considers that “any potential effects associated with increased domestic pet animal presence on site on ecological values can be appropriately managed through responsible pet ownership and other regulations, particularly when considered in light of the proposed ecological enhancement measures”. As such, we rely on the evidence of Ms Vilde and do not support the recommendation to include provisions relating to the restriction of cats, and containment of dogs.

### ***Transportation/Modal Choice and Connectivity***

- 9.36 The reporting planner has relied upon technical evidence of Mr van der Westhuizen who has confirmed that there is a high level of agreement between transportation experts, including with appropriate modelling and traffic count data, and the level of connectivity proposed with the internal roading network. Mr van der Westhuizen has recommended a number of further refinements to the assessment of transport effects and the PPC83 provisions where they relate to achieving transportation outcomes,

- 9.37 Mr Kelly has considered these comments and recommendations and responded in his primary evidence. Mr Kelly comprehensively detailed in his primary evidence areas where he agrees or disagrees and we rely on his evidence.
- 9.38 Mr van der Westhuizen recommends that provision is included to require a shared path be constructed along Mangawhai Heads Road and Cove Road (within the Plan Change Area frontage). Mr Kelly disagrees with this recommendation and alternatively recommends that a footpath along Cove Road and Mangawhai Heads Road is appropriate, and that providing shared path and pedestrian connections within the Plan Change Area will better give effect to the Cove Road North Precinct objective (PRECX-01) and policies (PRECX-P1 and PRECX-P3). We agree that a footpath is appropriate along the external edge of the Plan Change Area combined with internal shared path provisions. The recommended shared path along Mangawhai Heads Road and Cove Road is beyond the extent required to mitigate effects resulting from the activity that the provisions relate to.
- 9.39 The reporting planner notes that Mr van der Westhuizen recommends a number of specific upgrades to wider network infrastructure, including intersection design for Pigeonwood Place, the 'Road 6' intersection with Mangawhai Heads Road, and upgrades to the Cove Road / Mangawhai Heads Rd intersection. Lowering of speed limits has also been recommended. Mr Cleese recommends that these road intersection design solutions are not appropriate to include as specific provisions and that a future Resource Consent process is more appropriate to make these recommendations through scope in provisions to make such assessment. Mr Kelly and ourselves agree with Mr Cleese and consider that the recommendations of Mr van der Westhuizen are not appropriate, nor efficient. We consider that the provisions are appropriate to make the relevant assessment at Resource Consent stage and we reinforce this by adding additional matters of discretion to Rule 13.14.3(2) to facilitate this.
- 9.40 Mr van der Westhuizen identified challenges to the implementation of a connected pedestrian and cycle network if development occurs over time due to the Plan Change Area being in multiple ownership. The s42A report further highlights this concern noting that there are no legal mechanisms in place to ensure that the key roading connections are formed, in the case that not all landowners are willing to develop their respective landholdings. The s42A report does acknowledge that the Concept Plan shows multiple internal road connections with the external road network in order to facilitate flexibility in the delivery of key roading infrastructure. We agree that it is common to



have multiple landholdings within a Plan Change Area, and in our opinion, it is standard practice to have an incremental extension of services as the area develops. We consider that Rule 13.14.3 combined with the direction of the Precinct Plan will ensure that connectivity is adequately established over time within the Plan Change Area.

- 9.41 Overall, we agree with the conclusions of Mr Kellys evidence and consider that the recommended provisions will ensure that transportation safety and efficiency effects will be adequately managed.
- 9.42 Submitters<sup>32</sup> have opposed PPC83 on basis of adverse transport effects or have sought specific relief with respect to transportation matters. We summarise concerns raised as:
- (a) PPC83 will result in increased traffic congestion and require increased roading and transport infrastructure, and result in safety concerns for properties with small children;
  - (b) Submitter is concerned around the proposed new road coming onto Cove Road from The Rise, given that the proposed road may cause potential difficulties for traffic turning right onto both The Rise and The Sanctuary;
  - (c) Traffic assessment inadequate, and traffic assessment has undertaken is not representative of current traffic volumes given it was not taken in during the peak of summer;
  - (d) Support for footpath along Cove Road/Mangawhai Road and support for provision of off-street cycle lanes and walkways to help achieve a sense of community;
  - (e) Entry to The Rise is not sufficient given the high traffic volume and has potential to create adverse traffic safety issues for vehicles exiting on Cove Road;

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<sup>32</sup> A. and J. Robb (1); A. Mostert (2); Sanctuary Residents Association (4); B. Ashton (6); B. Prangle (7); BTRA (8); C. Silvester (11); D Beaven (13); D. Parker (16); D. Annandale (17); E. Walker (18); J. and J. Horlock (27); J. Warden and A. Baird (28); J. Hook (30); K. Sutherland (33); K. Sullivan and S. Powley (37); L. and N. Adams (39); Mangawhai Matters Society Incorporated (41); M. and A. Geary (44); P. and A Maroulis (50); P. and K. Barbour (53); R. Blake (55); R Humphries (57); R. Kitchener (59); S. Mackey-Wood (60); S. Bray (62); S. and C. Brotherton (63); S. Birkenhead (64); T. Gardner (67).

- (f) Current road infrastructure is not sufficient;
- (g) Mangawhai has public access issues to the main beach, and the proposed development will exacerbate this; and
- (h) The site roads should be finalised through plan change prior to subdivision.

9.43 PPC83 proposed bespoke provisions to address transportation and connectivity including subdivision rule 13.13X and 13.14.2 including a requirement to establish internal connections in general accordance with the proposed Precinct Plan. Road connections, and key walking and cycling networks have been included on the Precinct Plan to detail the intention to create an integrated network which links to existing networks, including those outside of the Precinct Plan such as the Mangawhai Heads Road and Cove Road networks. Traffic effects have been detailed in the evidence of Mr Kelly, and resulting amendments to PPC83 provide surety that effects on the wider traffic network can be adequately addressed at resource consent stage.

#### ***Urban Form and NPS-UD***

9.44 Submitters<sup>33</sup> have identified that PPC83 will disrupt long term planning or is not consistent with higher order documents. The s32 Report has undertaken an assessment of the proposal against all relevant higher order policy documents, which we agree with. The Reporting Planner provides a detailed description of the “Township Form” of Mangawhai, the ODP Structure Plan/Growth Area-Mangawhai and the Mangawhai Spatial Plan 2020<sup>34</sup>. Mr Bredmeijer highlights the importance of the high-level strategy direction of Mangawhai Spatial Plan guiding the urban growth of Mangawhai. We agree that the PPC83 area is one of the two most suitable locations in the township for accommodating future growth and is consistent with the higher order policy direction.

9.45 The Reporting Planner has provided a detailed analysis of PPC83 against the NPS-UD and in paragraph 133 expresses his view that the NPS-UD does not apply to PPC83, but has been mindful of its directions and considers it to provide a helpful framework for the delivery of a well -functioning urban environment. We generally

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<sup>33</sup> BTRA (8); D. Cornelius and O. Rowan (14); D. Parker (16); Horizon Surveying (26); P Humphries (52); S. and C. Brotherton (63).

<sup>34</sup> S42A Report paragraphs 135-147.

agree that the NPS-UD provides a useful framework and have assessed the NPS-UD in the preceding sections above.

***Economic Effects (Residential Demand/Employment Capacity)***

- 9.46 PPC83 seeks to rezone the Plan Change Area from Rural to Residential Zone, creating additional residential development capacity. Submitters have raised concerns that further development is not needed to meet housing demand in Mangawhai, particularly given perceived limitations to infrastructure capacity. Submitter 12<sup>35</sup> considers that it is not the role of Mangawhai to respond to the demand for housing.
- 9.47 The Reporting Planner has relied upon the evidence of Mr Foy, who notes that the demand for residential development capacity is “elastic and may expand to meet any expansion of capacity”<sup>36</sup>. In response to submissions relating to the issue of demand in relation to the additional capacity that PPC83 would enable, Mr Heath’s evidence concludes that “the potential demand for residential sites in Mangawhai is likely to continue to be highly volatile, with a limited extent of feasible and realisable development capacity within a market that has experienced sizable changes to house prices and therefore resident affordability. PPC83 will provide development capacity that will add to a competitive land market while not resulting in an inefficient dispersal of activity through the area”.
- 9.48 Mr Foy further considers that there is an under-provision of both commercial/retail facilities and business zoned land that is able to generate the employment necessary to support a growing residential base. Mr Heath responds by outlining that typically as a market experiences residential growth, the need for it to provide for supporting activities generally grows, non-linearly. It is acknowledged and agreed that the projected level of growth for Mangawhai will require the provision of a significant level of business land, however these amenities and employment opportunities generally follow the growth. Further, although the majority of the site is expected to accommodate residential activity, a level of commercial activity is provided for through the existing Residential Zone provisions.

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<sup>35</sup> C Boonham (12).

<sup>36</sup> S42A Report paragraph 154.

- 9.49 In our opinion and relying on the conclusions of Mr Osbourne, PPC83 will not result in adverse economic effects.

### ***Business Zoning***

- 9.50 Submitter 56<sup>37</sup> has sought to rezone their four properties (legally described as RT 911113, RT 911115, RT 911114 and RT 911116) as either Commercial or Industrial Zone. The Reporting Officer considers that there is merit in including a small business zone at the southern end of the Precinct. We note that the Reporting Officer has not provided any specific recommendation as to how this zoning is to be provided, whether or not bespoke provisions should apply, nor has the Reporting Officer undertaken a s32AA evaluation to confirm that a business zone would be the most appropriate method to give effect to the purpose of the Plan Change and the Precinct.
- 9.51 Activity within these four properties can continue to operate under existing use rights in accordance with section 10 of the RMA. The ODP Residential Zone has a permitted activity rule 13.10.4 which provides for commercial and industrial buildings subject to compliance with standards and PPC83 has not proposed bespoke changes or an alternative to this rule. We consider that the ODP enables commercial and industrial activities and do not support any changes to zoning or provisions.

### ***Residential Density***

- 9.52 PPC83 sought to enable residential development at a density higher than that permitted by the ODP (outside of the Norther sub-precinct) to achieve an efficient use of land and infrastructure and to provide a range of affordable housing options. Submitters<sup>38</sup> raised concern that the proposed minimum lot size of 400m<sup>2</sup> was too small, the main reasoning being the increased demand on infrastructure services due

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<sup>37</sup> R & R Davies(56)

<sup>38</sup> A. and J. Robb (1), A. Mostert (2); Sanctuary Residents Association (4); B. Ramsay-Turner and P. Rogers (5); C. Silvester (11); C. Boonham (12); D. Beaven (13); D. Parker (16); J. and J. Horlock (27); j. Henschman (29); J. Hook (30); J. Coop (31); J. Cayford (32); K. Sullivan and S. Powley (37); K. May (38); Mangawhai Matters Society Incorporated (41); M. van Werkum (42); M. and A. Geary (44); P. and A. Maroulis (50); P. Humphries (52); P. and K. Barbour (53); R. Humphries (57); S. Mackey-Wood (60); S. Waring (61); S Bray (62); S. Birkenhead (64).

to potential development capacity, inability to service onsite and the change in character does not reflect the coastal character of Mangawhai.

- 9.53 As previously discussed in our evidence, in response to concerns raised with respect to minimum lot size and servicing the Applicant engaged Chester review the proposal with a particular focus upon lot size and servicing. Mr Rankin has recommended that the minimum lot size be increased to 600m<sup>2</sup> to provide sufficient space for onsite water supply.
- 9.54 In our experience both processing consents on behalf of Council and lodging applications, we have seen a shift of the urban character in Mangawhai, particularly seeing an increase in smaller residential allotments and housing density. The Reporting Planner stated that “A minimum size of 600m<sup>2</sup> is still smaller than the majority of sites in Mangawhai”<sup>39</sup>. **Attachment 5** of our evidence provides a visual illustration of the existing lot sizes throughout Mangawhai, approximately 1,787 lots are less than 1000m<sup>2</sup> in size, with 82 lots are less than 600m<sup>2</sup>, more than 50% of new allotments created since the ODP became operative are less than 600m<sup>2</sup> in net site area.
- 9.55 Whilst we agree with the Reporting Planner that a minimum lot size of 600m<sup>2</sup> is more than sufficient to enable development over time of a pleasant suburban residential environment, it is common in our experience, for Residential Zones<sup>40</sup> in second generation District Plans to have minimum lot size smaller than 600m<sup>2</sup> and create pleasant urban environments.
- 9.56 The objectives and policies of the Precinct seek to provide a range of site sizes and densities creating residential living opportunities and housing choice. In our opinion enabling more than one residential unit per site via a restricted discretionary activity land use consent pathway (proposed Rule 13.10.3a (2)), will give effect to this policy outcome by enabling a site-specific analysis of the appropriateness of the residential density including servicing, urban design and amenity. Separate to the blanket subdivision rule that serves as an alternative way to deliver appropriately designed

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<sup>39</sup> S42A Report paragraph 170.

<sup>40</sup> Examples include – Whangarei Operative District Plan, General Residential Zone minimum lot size of 400m<sup>2</sup>; Selwyn District Plan (Appeals Version), Residential Zone minimum lot size 500m<sup>2</sup>, New Plymouth District Plan (Appeals Version), General Residential Zone minimum lot size 400m<sup>2</sup>.

vacant allotments, the 'multi-unit' rule would provide for the development of units, terraces and duplexes and the like through a land use process as an alternative consenting pathway. The same height, building coverage, impervious surface and setback provisions apply for multi-unit development to that of single unit development on a site. However, by not restricting the *number* of units per site and applying clear design and servicing directives and outcomes through the matters of discretion, this will result in a comprehensive design-led approach to development through a restricted discretionary pathway. This is considered to encourage a greater variance and flexibility in design and layout that responds more specifically and appropriately to site constraints and opportunities. In our experience, concurrent land use and subdivision applications which follow a design-led site-responsive approach are becoming more common for the development larger greenfield sites, in comparison to the more traditional vacant lot subdivision that applies a standard lot size and design over and entire area.

- 9.57 It is our opinion that the proposed method does not equate to a medium density zone as purported by the Reporting Planner<sup>41</sup>. We note that the reporting planner has also recommended that as a consequence of deleting the multi-unit development rule, the provisions should apply the ODP bulk and location rules. We note that the PPC83 bulk and location provisions will limit the extent of built form and therefore density of development. Mr Bredemeijer agrees, he notes in his evidence that medium density housing means comprehensive developments including four or more dwellings with an average density of less than 350m<sup>2</sup> per unit. In our experience, the proposed restricted discretionary rule is highly unlikely to result in a complete density change within the Plan Change Area that is akin to a 'Medium Density' level of development, rather will result in a mix of built form and residential typologies.
- 9.58 The Reporting Planner considers that the proposed method is a significant change from the ODP approach to the Residential Zone<sup>42</sup>, whether or not a proposed plan change is a significant shift from status quo is not a matter for section 32 evaluation. The Reporting Planner further describes his position with respect to the requirement for a full district plan review to determine appropriateness of locations for medium

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<sup>41</sup> S42A Report paragraph 171.

<sup>42</sup> S42A Report paragraph 171.

density housing<sup>43</sup>, again we disagree with the Reporting Planner, a plan change must be evaluated against section 32 and in our opinion defaulting to the ODP residential zone density rule would fail to give effect to objective 1 and implement policy 1 of the proposed Precinct. We recommend no further amendment to rule proposed Rule 13.10.3a (2).

### ***Bulk and Location Rules***

#### ***Northern Sub-Precinct***

- 9.59 PPC83 included a sub-precinct located in the north-eastern corner of the Plan Change Area, the sub-precinct proposed bespoke provisions to address the landscape sensitivities and afford a transition to the northern rural area. Submitters<sup>44</sup> have raised concerns with respect to the minimum lot size, pest management and the interface between the proposed Residential Zone and adjacent Rural Zone. We note that the Reporting Planner has supported the proposed minimum lot size of 1000m<sup>2</sup> and rely upon the evidence of Mr Cocker who considers that the minimum lot size is an appropriate method to limit future built density within the sub-precinct in a manner that will mitigate potential effect on the landscape sensitivities.
- 9.60 Submitters have requested specific relief sought in the form of the inclusion to establish a landscaped strip along the northern boundary Plan Change Area and interface with properties from Tangaroa Place. Mr Cocker has evaluated the effectiveness of such planting and concludes a landscape strip along the entire boundary of the shared boundary between the Plan Change Area and the Bream Tail Farms land is not of benefit. Mr Cocker is of the opinion that – given the relative proximity of the Lot 42 building area to the Plan Change Area boundary, and the potential of the future dwelling to offer views of future development on the crest of the spine ridge and on the northern slopes – there would be some merit in providing visual buffering between Lot 42 in the vicinity of the identified building site, and the Plan Change Area. We rely upon Mr Cockers opinion and recommend an amendment to the subdivision rule to

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<sup>43</sup> S42A Report paragraph 172.

<sup>44</sup> A. Mostert (2); Sanctuary Residents Association (4); BTRA (8); C. Silvester (11); J. Coop (31); P. and A Maroulis (50); P. and K. Barbour (53); S. Bray (62); S. and C Brotherton (63); S. Birkenhead (64)

ensure appropriate landscape buffering is achieved along this boundary at time of subdivision.

- 9.61 The Reporting Planner has questioned the effectiveness of a number of proposed provisions including, building height, building setback from vegetation, building and access colour and site coverage. The provisions were recommended based upon the findings and recommendations of the Landscape Assessment supporting the application. Mr Cocker has re-assessed the proposed building height, and as detailed in his evidence he supports an increase to 7m with provisions for a maximum of 50% of the vertical height of the roof (up to 1m) over the permitted 7m height, considering that it will ensure landscape sensitivities of the Northern sub-precinct will be protected. We rely upon the evidence of Mr Cocker and recommend changes to the building height rule as detailed in **Attachment 3** of this evidence.
- 9.62 The Reporting Planner has recommended changes to the proposed building setback from existing indigenous vegetation to include covenant areas and those areas protected under subdivision. Whilst we agree that the effectiveness of the rule could be improved, we do not support the amendments, which would result in unnecessary constraint of built form as the intent of the proposed rule was to ensure setback from the large area of vegetation located within the Northern sub-precinct. We consider that any further mitigation necessary to manage effects on ecology will be established via the subdivision rule, ecological assessment and relevant conditions of consent.
- 9.63 The Reporting Planner has recommended changes to the proposed building and access colour restrictions. Mr Cocker disagrees with the Reporting Planner and continues to support the proposed provisions to limit the visibility of accessways and buildings. We rely upon Mr Cocker's evidence, however recommend refinement of the rule to improve efficiency.
- 9.64 The Reporting Planner has recommended that ODP Residential Zone building coverage and permeable surface permitted activity rules being lower limits should apply to the Northern sub-precinct. We agree that these limits reflect the outcomes sought for this sub-precinct and would more effectively give effect to the Precinct Objective and Policy 6.

### ***Landscape Change***



- 9.65 Submitters<sup>45</sup> have opposed the plan change raising concern at the loss and change to rural character. We agree with the Reporting Planner<sup>46</sup>, rezoning inevitably will result in a change in character and landscape as land use and development shifts, this change is not necessarily adverse. In our opinion the proposed precinct provisions seek to protect ecological features, enhance connectivity and manage adverse effects on residential amenity far beyond that provided for in the ODP Residential Zone.

***Cove Road Frontage and Road Setbacks***

- 9.66 Submitter 21<sup>47</sup> seeks that setbacks from Mangawhai Heads Road should be increased to 5m. The Reporting Planner has recommended that the 5m building setback for Mangawhai Heads Road be retained so that the setbacks are consistent, Mr Bredemeijer agrees with this reasoning and supports this recommendation, we rely upon his expert opinion.

***Construction Effects***

- 9.67 We agree with the Reporting Planner that potential construction effects associated with future residential development will be appropriately managed via subdivision consent conditions, compliance with ODP rule 13.10.15 and 13.10.17.

***Reverse Sensitivity***

- 9.68 Submitters<sup>48</sup> consider that the proposed zoning will result in reverse sensitivity effects on their existing operations within adjoining Rural Zoned land, relief sought includes increased setback from boundaries, imposition of no compliant covenants, predator and people proof fencing and planting strips. We agree with the Reporting Planners<sup>49</sup>

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<sup>45</sup> B. Ashton (6); BTRA (8); C. and L. McLaughlin (9); C. and K. Tyndall (10); C. Silvester (11); D. Cornelius and O. Rowan (14); J. and L. Horlock (27); K. Sullivan and S. Powley (37); M. and A. Geary (44); P. Muller (54); R. and H Hawkes (58); R. Kitchener (59); S. Mackey-Wood (60); S. Waring (61); S. and C. Brotherton (63).

<sup>46</sup> S42A Report paragraph 186.

<sup>47</sup> G. Duff (21)

<sup>48</sup> BTRA (8); D. Cornelius and O. Rowan (14); S. and C. Brotherton (63)

<sup>49</sup> S42A Report paragraphs 196-199.

summary of reverse sensitivity, his assessment of the level of risk and the common nature of pastoral farming practice along rural/urban edges.

- 9.69 In our experience is not common to have landscape treatment at a zone boundary, more typical is a setback from zone boundary. The eastern and northern extent of the proposed zone boundaries being the rural interface have been carefully selected. In our opinion, landscaping treatment will have limited effect in managing reverse sensitivity effect, furthermore, we rely upon Mr Cockers evidence with respect to the benefit of landscape along the northern boundary. For these reasons we do not support the inclusion of landscape treatments in response to these submissions.
- 9.70 We also note that ODP rule 13.10.8 Separation Distance for Noise Sensitive Activities would apply unchanged to the proposed precinct, this rule seeks to manage reverse sensitivity effects, including separation from intensive feed lot or feed storage areas, intensive farming, dairying sheds which are common rural production activities.
- 9.71 No-complaint covenants are commonly registered against titles as a method to limit landowners right to complain. In our experience, these are a legal tool more commonly applied at time of subdivision as such we do not support amendments to the plan change in response to these submissions.
- 9.72 Ms Vilde has detailed in her evidence the effectiveness of predator proof fencing and we rely upon her opinion.
- 9.73 For the reasons above we do not recommend any changes to provisions in response to these submissions.

### ***Cultural and Heritage***

- 9.74 PPC83 is supported by a Cultural Effect Assessment, from Environs Te Uri o Hau, supporting the Proposed Plan Change in principle subject to recommendations being considered and/or implemented. In summary recommendations are:
- (a) Consideration of mana whenua values and Mātauranga to all planning with the Plan Change Area;
  - (b) Protection of archaeological sites;
  - (c) Sediment control of earthworks;

- (d) Protection of ecological values, buffer planting of existing residential lots to the south, low density housing near existing residential lots, fish passage, eco-sourcing of native plants;
- (e) Cultural monitoring; and
- (f) Use of sustainable, energy efficient materials and sustainably source materials in future construction methods.

9.75 Submitters<sup>50</sup> seek consistency with the CEA, advocating for a complete ban of cats and dogs. Ms Vilde has addressed the ban of cats and dogs and we rely upon her opinion. We consider that the proposed provisions will ensure consideration of the above matters and will appropriately manage cultural effects.

9.76 Heritage NZ Pouhere Taonga (25) has requested the inclusion of a provision which would seek to protect archaeology following the completion of an archaeological assessment by a suitably qualified archaeologist. We agree with the Reporting Planners conclusions and recommendations detailed in paragraph 242 of the s42A Report and do not recommend any further amendments to the provisions in response to this submission.

## **10. MATTERS NOT SPECIFICALLY ADDRESSED IN S42A:**

### ***Garage Setbacks***

10.1 The Reporting Planner has recommended the introduction of a specific garage setback rule detailed in Appendix 1 of the s42A report that we were unable to clearly link this to discussion in the s42A report. Mr Bredemeijer has undertaken a more detailed evaluation of the rule and supports this recommendation. We rely upon Mr Bredemeijers evidence and support the addition.

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<sup>50</sup> C. Silvester (11); M. Silvester (46)

### ***Submissions in Support***

10.2 Submitters<sup>51</sup> have supported the PPC83, including the provision of a precinct recognising the need for residential growth.

### ***Private Open Space***

10.3 Submitters<sup>52</sup> have sought changes to the private open space rule 13.10.3(a)(2) to increase the amount of private open space required. Mr Bredemeijer has considered these submissions in his evidence and continues to support the provisions proposed. We rely upon his evidence and recommendation.

### ***Minor Dwellings and Accessory Buildings***

10.4 Submitters<sup>53</sup> have sought changes to the rules to exclude minor dwellings or accessory buildings not contained within a single building. The ODP does not differentiate between or define minor dwellings or major dwellings, as such proposed rule 13.10.3a (2) will apply to all dwellings therefore more than one dwelling would trigger a resource consent requirement. The proposed provisions seek to manage built form via bulk and location rules which we consider to be appropriate to manage effects of accessory buildings.

### ***Setback Rules***

10.5 R Humphries (57) seek that the setback rules be changed to be consistent with the ODP setback standards. We consider that the recommended setbacks are appropriate to manage potential effects to give effect to the objective and policies of the plan change.

### ***Rezone Land Low Density Residential Development***

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<sup>51</sup> A. and J. Robb (1); G. Renall (23); Horizon Surveying (26); K. Ruiterman (34); K. Sullivan and S. Powley (37); P. Fontein (51); S. Brebner (65)

<sup>52</sup> BTRA (8); D. Cornelius and O. Rowan (14)

<sup>53</sup> BTRA (8); D. Cornelius and O. Rowan (14); S. and C. Brotherton (63)

- 10.6 Submitters<sup>54</sup> seek to rezone the land to a lower level of density such as Low Density Residential Development or Rural Lifestyle Zones, alternative zoning options were considered in the s32 evaluation in support of the Application. We consider that zoning to enable a lower residential density or rural lifestyle will not promote efficient use of land and will not give effect to the purpose of the plan change or the objective.

### ***Power Supply Issues***

- 10.7 D. Parker (16) is concerned with the supply of power and makes reference to their own property which is close to the PPC83 area and notes that their property has existing power supply issues. ODP rule 13.14.7 Energy Supply will apply to any future subdivision within the Plan Change Area, in our opinion this rule will ensure appropriate power supply to future development.

### ***Consultation***

- 10.8 Submitters<sup>55</sup> state that the Applicant has not sufficiently consulted with the applicable property owners within the scope of PPC83. The Proposed Plan Change has followed the statutory process under schedule 1 to provide for consultation with affected parties. Furthermore, the Applicant has undertaken direct consultation with submitters who requested further information. We consider that the Applicant has completed sufficient consultation.

## **11. CONCLUSION**

- 11.1 Overall, after carefully considering the relevant statutory documents, the submissions and further submissions received and assessment undertaken in the s42A, we recommend that PPC83 **be approved with modifications** to the extent detailed in the preceding sections of this Evidence and in **Attachment 2** and **3**.
- 11.2 Overall, we consider that the objectives of PPC83 are the most appropriate way to achieve the purpose of the RMA, and that the revised provisions (in this case the zoning, objectives, policies and rules) are the most appropriate way to achieve these

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<sup>54</sup> B. Ramsay- Turner and P. Rogers (5); J. and J. Horlock (27)

<sup>55</sup> M. and A. Geary (44)

objectives and other higher order objectives in the ODP, being the most efficient and effective in accordance with S32AA

**Evelyn (Alisa) Neal and Melissa McGrath**

**Date:** 23 February 2024

**LIST OF ABBREVIATIONS USED IN THIS STATEMENT OF EVIDENCE:**

Council	Kaipara District Council
NRPS	Northland Regional Policy Statement
RMA	Resource Management Act 1991
s32	Section 32 of the RMA / Council's Section 32 Evaluation Report
s42A	Section 42A of the RMA / Council's Section 42A Report
ODP	Kaipara District Plan





Attachment 1

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CVs



Urban & Environmental



## Melissa McGrath

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### Senior Associate

BA; MRP; MNZPI

Melissa has 20 years of experience in resource management planning, with a Masters in Resource Management. Melissa has worked for local authorities throughout the Northland Region, preparing changes to various district plans. During her time at Whangārei District Council as District Plan Manager, Melissa led the rolling review of the District Plan, Melissa has worked internationally with Pacific Aid undertaking policy work in Vanuatu. Melissa previously worked in private consultancy undertaking consenting and policy work throughout New Zealand. Melissa has a range of planning experience in consenting, policy development, consultation and public engagement.

### Projects / Key Experience

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**Policy:** Managing District Plan Review, leading council hearing and appeal management. Preparation of Private and District Plan Changes including section 32 evaluation, 42A Reporting, attendance at hearings and preparation of written right of reply and Environment Court Mediation and Expert Witness. Managing and working alongside technical consultants. Community / Stakeholder engagement including presentations on marae and Council workshops.

**Particular Projects:** Leading Whangārei District Plan Rolling Review, managing topics such as three waters infrastructure, transport including review of Council Engineering Standards. Reporting planner for network utilities plan change in particular implementing the National Policy Statement on Electricity Transmission and National Environmental Standards for Electricity Transmission Activities. Preparation of Whangārei Growth Strategy 30/50. Preparation of Draft Port Vila City Plan (Vanuatu).

**Resource Consents:** Reporting on a number of land use and subdivision consents throughout New Zealand addressing a wide range of environmental, economic, social and cultural issues. Presenting evidence at resource consent hearings on behalf of Council as reporting planner, submitters and applicants at resource consent hearings. Preparing resource consent and notice of requirement applications on behalf of network utility operators.

**Non-statutory work:** Preparation of submissions on District Plans, Central Government legislation and policy documents. Preparation and management of non-statutory documents to assist Māori Land owners develop papakāinga on their ancestral lands.

### Expertise

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- Strategic policy
- District Plan changes, private and public
- Resource consent processing, application preparation and management
- Public consultation

### Affiliations

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- Full Member of the New Zealand Planning Institute



## Alisa Neal

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### Associate

BPlan (Hons); MNZPI

Alisa has 10 years' experience working in the resource management space across both local government and the private sector. She is skilled in working with multi-disciplinary teams and bringing together a diverse range of stakeholders to achieve positive planning outcomes.

Alisa's experience includes processing, application preparation and management of complex resource consents and private plan changes, and input into district plan reviews on behalf of private clients.

### Expertise

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- Processing of subdivision consents, land use consents and other permissions on behalf of regional and district councils.
- Preparation and management of resource consents
- Processing of private plan changes on behalf of district councils.
- Plan reviews and development
- Project Management and specialist liaison
- Community, stakeholder and political engagement
- Project feasibility, due diligence and consent strategies

### Affiliations

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- Intermediate Member of the NZ Planning Institute

### Projects / Key Experience

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**Resource Consent Processing:** Reporting on a range of notified and non-notified resource consent applications of various scales and complexities on behalf of Hamilton City Council, Kaipara District Council and Whangarei District Council.

**Resource Consent Application:** Preparation and management of resource consents within different territorial authorities throughout New Zealand, including large scale subdivision, residential, commercial, industrial, bulk earthworks and stream diversion consents.

**Kāinga Ora – Homes and Communities:** Project planner for more than 65 housing projects comprising well over 1000 homes throughout Bay of Plenty (Whakatane, Tauranga, Rotorua), Waikato, Hamilton, Taupo, Auckland, Whangarei, Matamata, Morrinsville and other Districts, including multiple projects within the Regional Housing programme as well as the 'Off Site Manufacturing' programme.

**District Plan Reviews:** Preparation of submissions and further submissions on Proposed Plan Changes on behalf of clients.

**Private Plan Change Processing:** Processing of a private plan change application to change the zoning and planning provisions for approximately 130ha of land contained within the Estuary Estates Chapter of the Kaipara District Plan 2013

**Project Management:** Managing medium to large scale development projects including engagement, management of specialist deliverables, reviewing consultant reports and coordinating lodgement of resource consent applications.

Attachment 2

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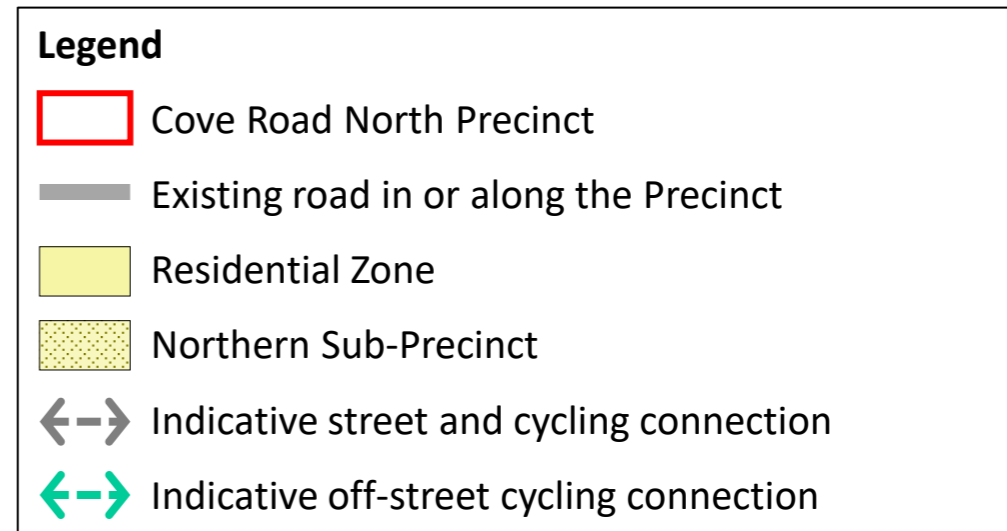
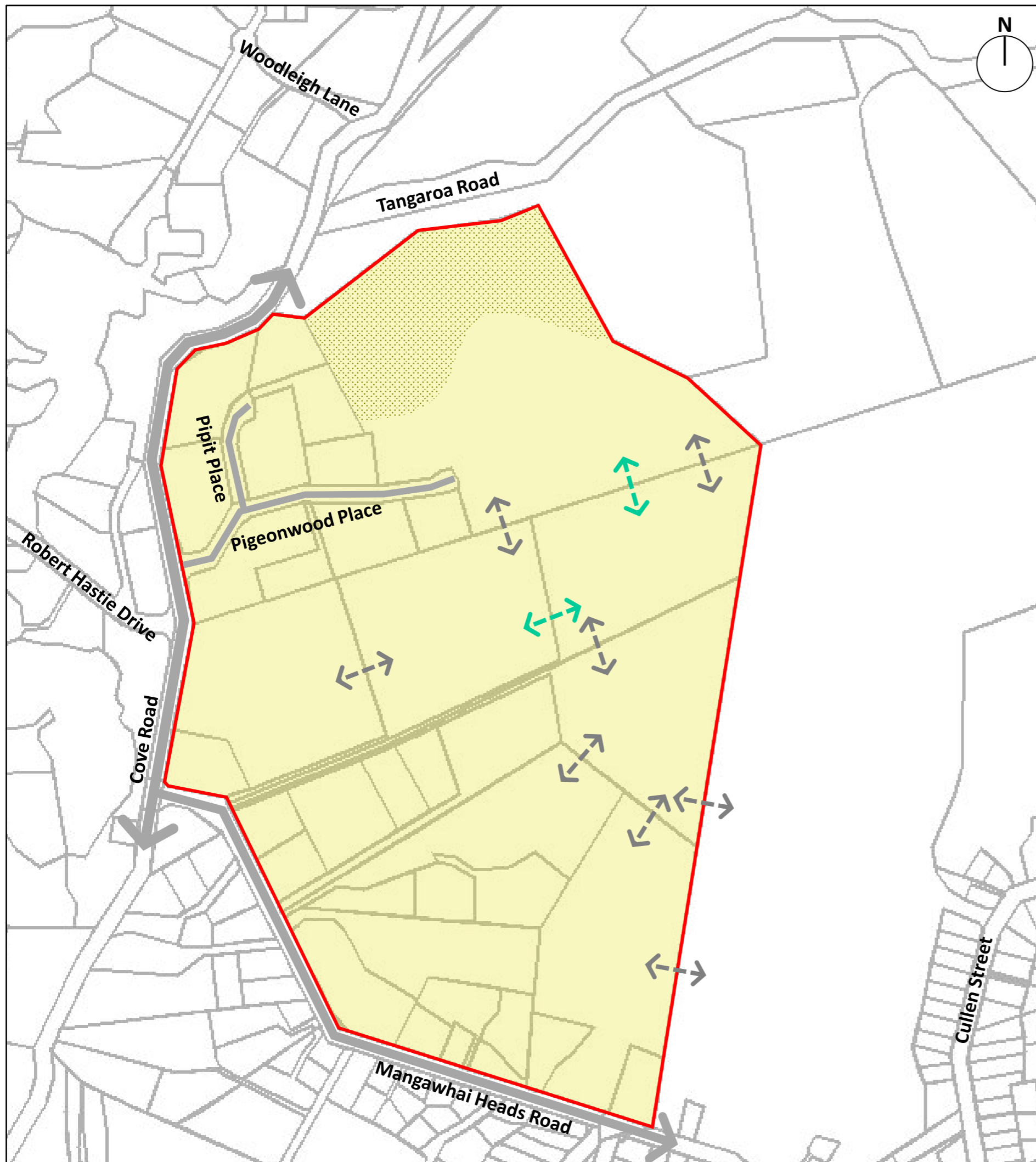
Concept Plan and Precinct Plan



Urban & Environmental

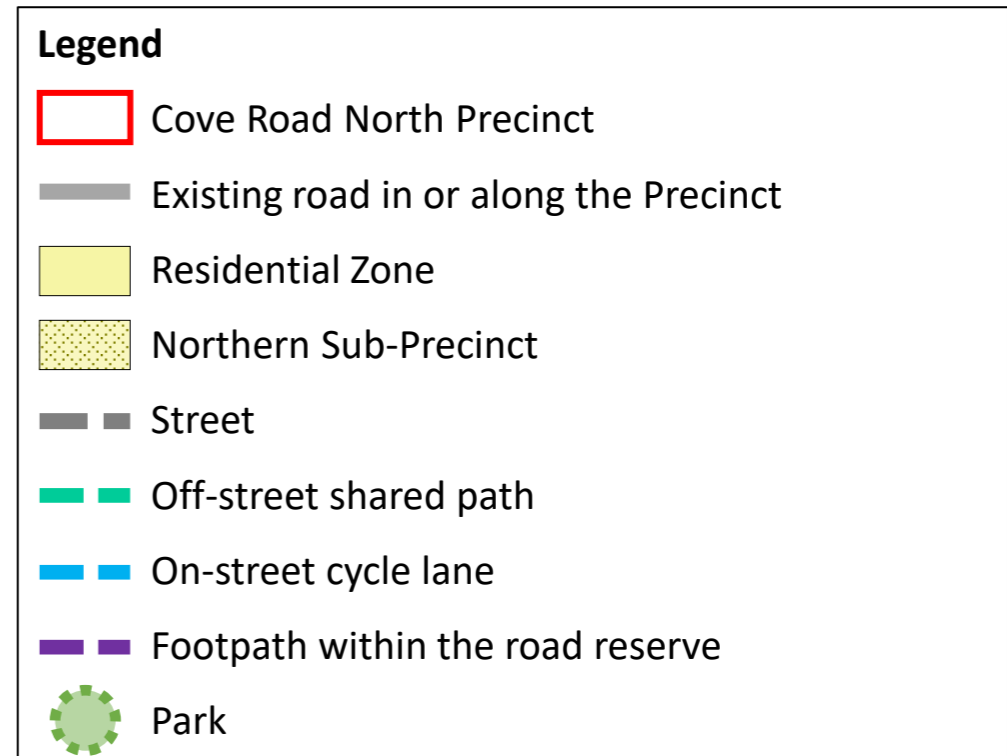
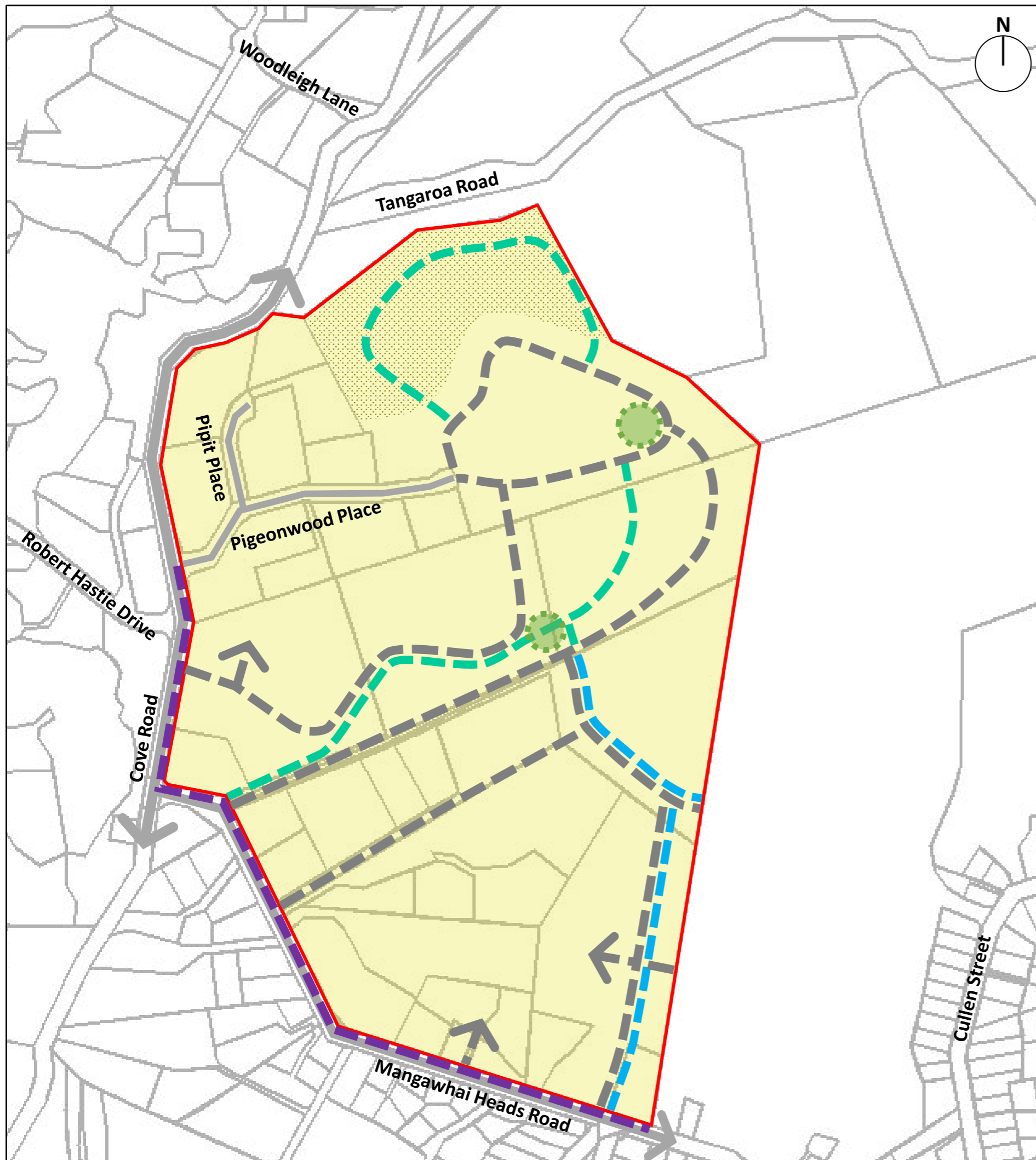
# Mangawhai North Precinct Plan

22-02-2024



# Mangawhai North Concept Plan

22-02-2024



Attachment 3

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Recommended Precinct Provisions



Urban & Environmental

## Attachment 3 – Recommended Precinct Provisions

The following provides a key to the changes detailed within this document.

- Application proposed changes to the Residential Zone Chapter 13 of the ODP to incorporate the Cove Road North Precinct – proposed changes are identified as **red**
- Applicant proposed amendments to the provisions January 2024– Updates in response to Engineering Reporting Prior to Hearing are identified as **blue**
- Amendments recommended by planning witnesses for the Applicant shown as **yellow**.

Insert new Precinct Section into Chapter 13 – between 13.9 and 13.10

### Part B Land Use: Chapter 13 Residential: Precinct X – The Cove Road North Precinct

#### **PRECX COVE ROAD NORTH PRECINCT**

##### **Description of The Cove Road North Precinct**

The Cove Road North Precinct enables residential development for a range of allotment sizes at a density where a high level of urban design, ecological enhancement, pedestrian and transport connectivity are achieved. The Cove Road Precinct integrates with the Residential Zone to provide for a variety of residential intensities that promote housing and living choices whilst recognising the landscape, natural features and characteristics of the area.

The Cove Road North Precinct forms an interface between residential and rural zones at Mangawhai and built form should establish a transition between zones, and maintain an open frontage to Cove Road.

<b>Objectives</b>	
<b>PRECX-O1</b>	<b>Cove Road North Precinct Residential Living</b>
<u>Residential living opportunities and housing choice is enabled in the Cove Road North Precinct whilst landscape, ecological, infrastructure, transport, and character and amenity effects are managed.</u>	

<b>Policies</b>	
<b>PRECX-P1</b>	<b>Cove Road North Precinct Subdivision</b>
<u>To provide for a range of site sizes and densities, and subdivision layout where:</u>	
<ol style="list-style-type: none"><li><u>1. A mixture of allotment sizes is provided that have the ability to accommodate different housing typologies, including affordable housing.</u></li><li><u>2. There is sufficient infrastructure/servicing to accommodate the development.</u></li><li><u>3. A well-connected pedestrian, cycling and transport network is achieved.</u></li><li><u>4. The subdivision design and allotment sizes respond to the topography and physical characteristics of the land.</u></li></ol>	



<p>5. <u>Good design of subdivision is achieved by the following:</u></p> <ol style="list-style-type: none"> <li>a. <u>Lots are generally shaped, sized and orientated to achieve positive sunlight access, onsite amenity, privacy and outlook.</u></li> <li>b. <u>The creation of rear lots is minimised, except where there is no practicable alternative.</u></li> <li>c. <u>Integration and connectivity with adjacent sites to enable future development opportunities.</u></li> <li>d. <b><u>Efficient use of land and infrastructure.</u></b></li> </ol>	
<b>PRECX-P2</b>	<b><u>Cove Road North Precinct Residential Amenity</u></b>
<p><u>To manage adverse effects on residential amenity and character by requiring development to:</u></p> <ol style="list-style-type: none"> <li>1. <u>Manage the scale, intensity, height, bulk and form of development.</u></li> <li>2. <u>Require sufficient outdoor area and landscaping within each site.</u></li> <li>3. <u>Enable residential development on sites of an appropriate size and shape.</u></li> <li>4. <u>Minimise the intrusion of privacy and extent of building dominance on adjacent dwellings and outdoor areas.</u></li> <li>5. <u>Minimise the degree of overshadowing to any adjoining site or dwelling.</u></li> </ol>	
<b>PRECX-P3</b>	<b><u>Cove Road North Precinct Connectivity</u></b>
<p><u>Require land use and subdivision to achieve a connected, legible and safe, open space, pedestrian and transport network in the Cove Road North Precinct by:</u></p> <ol style="list-style-type: none"> <li>1. <u>Establishing a well-connected street network.</u></li> <li>2. <u>Promoting connections along and adjacent to natural features and open spaces.</u></li> <li>3. <u>Maximising walking and cycling networks along streets, waterways and open space.</u></li> </ol>	
<b>PRECX-P4</b>	<b><u>Cove Road North Precinct Ecological Values</u></b>
<p><u>Encourage the protection and restoration of indigenous terrestrial and aquatic habitats including remnant terrestrial bush habitats, wetland areas, intermittent and permanent streams within the Cove Road North Precinct when undertaking land use and subdivision, with particular regard to:</u></p> <ol style="list-style-type: none"> <li>1. <u>Method of enhancement and permanent protection of the natural features.</u></li> <li>2. <u>Appropriate site specific setbacks of buildings, earthworks, access and infrastructure from natural features.</u></li> <li>3. <u>Integration of the development with the natural feature, including the provision of pedestrian walkways and cycle ways adjacent to natural features.</u></li> </ol>	
<b>PRECX-P5</b>	<b><u>Cove Road Character</u></b>
<p><u>Subdivision and development shall protect the open frontage of Cove Road by:</u></p> <ol style="list-style-type: none"> <li>1. <u>Limiting the height and dominance of built form along the Cove Road frontage.</u></li> <li>2. <u>Providing appropriate setbacks for buildings, structures, car parking and storage areas.</u></li> <li>3. <u>Establishing planting or other methods to soften and / or screen built form.</u></li> </ol>	
<b>PRECX-P6</b>	<b><u>Northern Sub-precinct</u></b>
<p><u>Subdivision and development within the Northern Sub-precinct shall provide a sensitive transition from the Cove Road North Precinct to the rural zone, recognising the rural landscape and Brynderwyn Range to the north by:</u></p> <ol style="list-style-type: none"> <li>1. <u>Responding to the site topography and characteristics.</u></li> <li>2. <u>Identifying building platforms that respond to site topography and environmental characteristics.</u></li> </ol>	

3. Locating access ways, services, utilities and building platforms where these can be provided without the need for significant earthworks, retaining, benching or site contouring.
4. Re-vegetating the natural drainage patterns to separate and fragment the built development.
5. Ensuring that re-vegetation integrates with the existing native vegetation on the northern boundary of the Precinct.

Amendments to Chapter 13 – 13.10 Performance Standards Residential Land Use

Amended Rules				
Rule	Parameter	Residential Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
13.10.3a	Dwellings	<p><b>(1) Residential Zone</b></p> <p>(1) Construction of a <b>dwelling</b> is a <b>Permitted Activity</b> if:</p> <p>a) After completion, it will be the only dwelling on the <b>site</b>; or</p> <p>b) It will be an additional dwelling on the site, and the minimum <b>net site area</b> associated with each additional dwelling is:</p> <ul style="list-style-type: none"> <li>- 600m<sup>2</sup> for a <b>serviced site</b> not in an Overlay Area; or</li> <li>- 1,000m<sup>2</sup> for a serviced site in an Overlay Area; or</li> <li>- <b>1,000m<sup>2</sup> for a serviced site in the Cove Road North – Northern Sub-precinct area;</b></li> <li>- 3,000m<sup>2</sup> for an un-serviced site.</li> </ul> <p>c) There is a separation distance of at least 3m from any other detached dwelling; and</p> <p>d) There is a separation distance of at least 6m where there is a private open space area located between two residential dwellings.</p> <p><b>Note 1:</b> The <b>demolition</b> and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</p> <p><b>Note 2:</b> Each dwelling is also required to be assessed against the relevant performance Standards contained in the Plan, including within Sections 13.10 and 13.13.</p> <p><b>Note 3:</b> For dwellings within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p> <p><b>Note 4:</b> There is an exemption for Rule 13.10.3 that applies to part of Lot 2 DP 73030 Cynthia Place (Baylys Beach). See Rule 13.10.29(4).</p> <p><b>(2) The Cove Road North Precinct</b></p> <p><b>a. Construction of a dwelling is a permitted activity if:</b></p> <p><b>i. After completion, it will be the only dwelling on the site.</b></p> <p><b>Note 1:</b> The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</p> <p><b>Note 2:</b> Each dwelling is also required to be assessed against the relevant performance Standards contained in the Plan, including within Sections 13.10 and 13.13.</p>	<p><b>(1) Discretionary Activity</b></p> <p><b>(2) Restricted Discretionary</b></p>	<p><b>(1) Residential Zone</b></p> <p>Where an activity is not permitted by this Rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) <b>Building</b> location, including alternatives considered;</p> <p>ii) Size and shape of the <b>site</b>;</p> <p>iii) Extent of visual intrusion of the building from beyond the site, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b>, and the <b>effects</b> on skylines and ridgelines;</p> <p>iv) The extent to which proposed landscaping is consistent with the character of the area, <b>private screening</b> from adjoining public places and <b>dwellings</b> and is in accordance with any Council adopted Design Guidelines;</p> <p>v) Effects on the locality, particularly residential character and <b>amenity values</b>;</p> <p>vi) If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</p> <p>vii) Effects on landscape and heritage;</p> <p>viii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2;</p> <p>ix) Effects on safety and efficiency of vehicles and pedestrians using the site and affected roads and <b>private ways</b>;</p> <p>x) The extent to which the activity will affect any heritage values identified in Appendix 17.1 and 17.2 of the Plan.</p> <p><b>Note 1:</b> A description of the landscapes and features is provided in Appendix 18A. The values associated with Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p> <p><b>(2) The Cove Road North Precinct</b></p> <p><b>Where an activity is not permitted by this rule, Council will have regard to the following matters when considering an application for Resource Consent:</b></p> <p>i) <b>The privacy, outlook and amenity of adjacent and adjoining sites;</b></p> <p>ii) <b>Sufficient sunlight access to the outdoor living space;</b></p> <p>iii) <b>Building mass, orientation and passive surveillance toward the road/street;</b></p> <p>iv) <b>Bulk, scale and shading effects;</b></p> <p>v) <b>Effects on any natural features with respect to natural wetlands, water courses, and indigenous vegetation;</b></p> <p>vi) <b>The extent to which the activity is consistent with the purpose, character and amenity values of the Cove Road North Precinct; and</b></p> <p>vii) <b>The ability to accommodate incidental activities anticipated within the Cove Road North Precinct such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.</b></p> <p><b>Where three or more residential units (multi-unit development) are proposed within a site the following additional matters shall be considered:</b></p> <p>viii) <b>The relationship of the development with adjoining streets or public open spaces, including the</b></p>

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				<p>provision of landscaping;</p> <p>ix) Privacy, shading and overlooking within the development and on adjoining site, including the orientation of habitable rooms, balconies, and outdoor living spaces;</p> <p>x) Infrastructure servicing, including private onsite systems.</p> <p>xi) The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces;</p> <p>xii) Where on-site car parking, garaging and vehicle manoeuvring areas are provided, the design and location of car parking (including garaging) as viewed from streets or public open spaces.</p>
13.10.5	Maximum Height	<p>Any building <b>except where it is located within the Cove Road North Precinct, Northern Sub Precinct</b> is a Permitted Activity if:</p> <p>a) The building does not exceed 10m in height, where it is not within an Overlay area; or</p> <p>b) The building does not exceed 8m in height, where it is within an Overlay area.</p> <p><del>c) The building does not exceed 6m in height, where it is within the Cove Road North Precinct, Northern Sub Precinct.</del></p> <p>Note 1: For sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>The scale and bulk of the building in relation to the site;</li> <li>The functional requirements of the building;</li> <li>The extent to which the effects of the height infringement can be mitigated by setbacks, planting, design or the topography of the site;</li> <li>Effects on the locality, particularly residential character and amenity values and those values associated with Overlay Areas (as identified in the Objectives and Policies for overlays, <a href="#">Chapter 4</a>);</li> <li>If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (<a href="#">Chapter 4</a>) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>Effects on availability of sunlight to other properties; and</li> <li>The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in <a href="#">Appendix 18B</a>.</li> </ol> <p><b>Note 1:</b> A description of the landscape features is provided in <a href="#">Appendix 18A</a>. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.7	Setbacks	<p><b>(1) Residential Zone</b></p> <p>Any <b>building</b> is a <b>Permitted Activity</b> if it is located outside the following <b>setback</b> distances (<b>yards</b>):</p> <ol style="list-style-type: none"> <li><b>Front yard</b> - 5m;</li> <li><b>Side yards</b> – one of 1.5m and one of 3m (Residential Zone), two of 3m in Overlay Areas;</li> <li><b>Rear yards</b> - 3m except on rear <b>sites</b> where one yard of 1.5m may be provided;</li> <li>Coast - 30m from the <b>Coastal Marine Area</b>; and</li> <li><b>Lake / River</b> - 30m from the banks of: any dune lake; any other lake whose <b>bed</b> has an area of 8ha or more; any river including a <b>perennial stream</b> whose bed has an average width of 3m or more;</li> <li>Any building is setback 30m from a railway line where there is an intersection of road and rail (level crossing controlled by giveaway signage) within 300m; and</li> <li>Any building is set back 300m from the intersection of the State Highway and any local road (measured from the centreline of the local road).</li> </ol> <p>Provided that an accessory building may be erected in any side or rear yard where:</p> <ol style="list-style-type: none"> <li>Vehicle access is retained to the rear of the site; and</li> <li>It is located at least 3m from any <b>habitable room</b> on an adjoining site; and</li> <li>It does not exceed 10m in length or 25% of the length of the side or rear yard, whichever is less.</li> </ol> <p>In addition to the above Performance Standards</p> <p><b>(2) Mangawhai Harbour and Kai iwi Lakes Overlays</b></p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <ol style="list-style-type: none"> <li>River – 6m from the banks of any river with an average bed width of between 1 to 3m.</li> </ol>	Restricted Discretionary Activity	<p><b>) Residential Zone</b></p> <p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ol style="list-style-type: none"> <li>The outlook and privacy of adjacent and adjoining neighbours;</li> <li>Extent of visual intrusion and dominance of any <b>buildings</b> from beyond the <b>site</b>, particularly from the <b>road</b> and public places including the <b>Coastal Marine Area</b>, and the <b>effect</b> on skylines and ridgelines;</li> <li>If in the Mangawhai <b>Structure Plan</b> Area, whether the proposed landscaping is in accordance with the design principles of the Mangawhai Structure Plan (pages 46 - 49) for Policy Area Three;</li> <li>Effects on the locality, particularly residential and natural character and <b>amenity values</b>;</li> <li>If located within an Overlay, the extent to which the values identified in the Objectives and Policies for Overlays (Chapter 4) are present on the site, and the extent to which the proposal is compatible with those values;</li> <li>The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B;</li> <li>Effects on ecological values and in particular any <b>sites of ecological significance</b> as defined by the criteria listed in Appendix 25G;</li> <li>Effects on public access;</li> <li>Effects on <b>natural hazards</b>, including the design and construction of hazard protection works on land adjacent to the Coastal Marine Area, <b>rivers</b> and <b>lakes</b>;</li> <li>Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>esplanade reserves</b> or <b>strips</b>;</li> <li>Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and</li> </ol>

		<p><b>Note:</b> For clarification, if the average bed width is less than 1m this rule does not apply and if the average is greater than 3m the Rule 13.10.7(1)(e) above applies.</p> <p><b>(3) The Cove Road North Precinct</b></p> <p>Any building is a Permitted Activity if it is located outside the following setback distances (yards):</p> <p>a) <u>Front yard - 3m; with garage doors that face the street set back 4.5m;</u></p> <p>i) <u>Provided that an accessory building (including garage) must be setback 5m from any front or side yard. Where any accessory building (including garage) is located within the side yard, it shall be all be provided with a window(s) which have an area no less than 10% of the façade.</u></p> <p>b) <u>Side yards – 1.5m;</u></p> <p>c) <u>Rear yards - 1.5m;</u></p> <p>d) <u>Cove Road and Mangawhai Heads Road legal boundary – 5m;</u></p> <p>e) <u>Rural Zone – 3m.</u></p> <p>Provided that an accessory building may be erected in any side or rear yard where:</p> <p>f) <u>It is located at least 3m from any habitable room on an adjoining site; and</u></p> <p>g) <u>It does not exceed 10m in length or 25% of the length of the side or rear yard, whichever is less.</u></p> <p><b>Note 1:</b> The Regional Water and Soil Plan for Northland also requires setbacks from waterways and the coast for <b>excavation</b> activities. Applicants should contact the Northland Regional Council to confirm whether or not Resource Consent is required.</p> <p><b>Note 2:</b> The 300m radius referred to in relation to State Highways shall be measured from the position where the centreline of the road joins the State Highway.</p> <p><b>Note 3:</b> Any changes in land use on sites that have access onto Limited Access Road's require approval from the NZ Transport Agency under the Government Roding Powers Act 1989.</p>		<p>the extent to which consultation has been undertaken with NZ Transport Agency and New Zealand Railways Corporation respectively and written approval obtained; and</p> <p>xii) The functional requirements of the building and activity.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p> <p><b>2) The Cove Road North Precinct</b></p> <p>Where an activity is not permitted by this rule, <b>Council</b> will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) <u>The privacy, outlook and amenity of adjacent and adjoining sites;</u></p> <p>ii) <u>Sufficient sunlight access to the outdoor living space;</u></p> <p>iii) <u>Building mass, orientation and passive surveillance toward the road/street;</u></p> <p>iv) <u>Bulk, scale and shading effects;</u></p> <p>v) <u>Effects on any natural features with respect to natural wetlands, water courses, and indigenous vegetation;</u></p> <p>vi) <u>The extent to which the activity is consistent with the purpose, character and amenity values of the Cove Road North Precinct; and</u></p> <p>vii) <u>The ability to accommodate incidental activities anticipated within the Cove Road North Precinct such as parking (if it is to be provided), manoeuvring, waste collection and landscaping.</u></p>	<p>Commented [B&amp;A3]: S42A recommendation not supported</p> <p>Commented [B&amp;A4]: S42A recommendation supported</p>
13.10.7a	Fence and Landscaping	<p><b>(1) The Cove Road North Precinct</b></p> <p>a) <u>Any fence is a permitted activity where:</u></p> <p>i. <u>The fence is adjacent to any road boundary and has a maximum height of 1.1m.</u> <u>Or</u></p> <p>ii. <u>The fence is separated no further than .5m from a retaining wall and the combined height of the fence and retaining wall has a maximum height of 1.5m.</u></p> <p>b) <u>Any activity within a site that has a legal boundary with Cove Road is a permitted activity where an area of planting is provided along the entire length of the Cove Road legal boundary which is:</u></p> <p>i. <u>1.5m wide; and</u></p> <p>ii. <u>Capable of achieving a minimum establishment height of 1.8m; and</u></p> <p>iii. <u>At a density that will achieve canopy closure within 3-5 years.</u></p> <p>e) <u>Any activity within a site that has a legal boundary with the northern extent of the Northern Sub-precinct is a permitted activity where an area of planting is provided along the entire length of the northern boundary which is:</u></p> <p>i. <u>2m wide; and</u></p> <p>ii. <u>Capable of achieving a minimum establishment height of 1.8m; and</u></p> <p>iii. <u>At a density that will achieve canopy closure within 3-5 years; and</u></p> <p>iv. <u>Comprised of native species.</u></p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i. <u>The extent to which the fencing and landscaping visually connects the private front yards to public roads and open spaces (apart from Cove Road Frontages).</u></p> <p>ii. <u>The extent to which privacy is provided for residential units, while enabling opportunities for passive surveillance of public places.</u></p> <p>iii. <u>The extent to which shading and visual dominance effects to immediate neighbours and the street are minimised.</u></p> <p>iv. <u>The extent to which built form is obscured from Cove Road.</u></p>	<p>Commented [B&amp;A6]: S42A recommendation supported</p> <p>Commented [B&amp;A5]: S42A recommendation not supported</p>

13.10.11	Private Open Space	<p><b>(1) Residential Zone and Cove Road North Precinct – Northern Sub-precinct</b></p> <p>A <b>dwelling</b> is a <b>Permitted Activity</b> if the private open space meets the following:</p> <ul style="list-style-type: none"> <li>a) Is equivalent to 50% of the <b>gross floor area</b> of the dwelling;</li> <li>b) Is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter;</li> <li>c) Is located on the east, north or west side of the dwelling;</li> <li>d) Has direct access from the main living area of the dwelling;</li> <li>e) Is unobstructed by vehicle access or <b>parking areas</b>; and</li> <li>f) Is adequately screened from adjoining dwellings and adjacent <b>sites</b>, except in the case of reserves.</li> </ul> <p><b>(2) The Cove Road North Precinct (excluding the Northern Sub-precinct)</b></p> <p>A <b>dwelling</b> is a <b>Permitted Activity</b> if the main private open space meets the following:</p> <ul style="list-style-type: none"> <li>a) <u>Is at least 20m<sup>2</sup> or equivalent to 25% of the gross floor area of the dwelling;</u></li> <li>b) <u>Has a minimum dimension of 4m;</u></li> <li>c) <u>Is located on the east, north or west side of the dwelling;</u></li> <li>d) <u>Has direct access from the main living area of the dwelling;</u></li> <li>e) <u>Is unobstructed by vehicle access or parking areas; and</u></li> <li>f) <u>Shall not be located between the dwelling and a road boundary.</u></li> </ul>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) The on-site privacy and amenity of the occupants;</li> <li>ii) The open space nature of the surrounding neighbourhood; and</li> <li>iii) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</li> </ul> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>	Commented [AN7]: S42A recommendation supported		
13.10.12	Permeable Surfaces	<p><b>(1) Residential Zone and Cove Road North Precinct – Northern Sub-precinct</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) The area of any <b>site</b> covered by <b>buildings</b> and other <b>impermeable surfaces</b> is less than 40% of the <b>net site area</b>.</li> </ul> <p><b>(2) The Cove Road North Precinct (excluding the Northern Sub-precinct)</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <ul style="list-style-type: none"> <li>a) <u>The area of any site covered by buildings and other impermeable surfaces is less than 60% of the net site area, and</u></li> <li>b) <u>The area of any site covered by buildings and other impermeable surfaces is located outside of the flood extent as mapped within the 10% annual exceedance probability event detailed in Flood map in Figure 1.</u></li> <li>c) <u>All stormwater management for the site complies with any stormwater management plan approved under performance standard 13.14.5(A) Stormwater Disposal within Cove Road North Precinct.</u></li> </ul> <p><b>Note 1:</b> For the purposes of this Rule, any area regularly used by vehicles whether metalled, sealed or concreted shall be considered an impermeable surface.</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <ul style="list-style-type: none"> <li>i) Control of stormwater run-off;</li> <li>ii) The <b>effects</b> of increased stormwater flows downstream;</li> <li>iii) Methods of attenuating stormwater flows to pre-development rates, <b>except within the Cove Road North Precinct.</b></li> <li>iv) <del>Whether and the extent to which the activity meets the relevant Performance Standards or the District Council Engineering Standards 2011;</del></li> <li>v) Effects on water quality; and</li> <li>vi) The extent to which low impact design principles are utilised.</li> <li>vi) <u>Within the Cove Road North Precinct, whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated adverse flow detail of any obligations for lot owners to construct and maintain such devices.</u></li> <li>vi) <u>Within the Cove Road North Precinct, the extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity including whether the proposal includes appropriate stormwater quality monitoring associated management with the design and construction stages as well as the consent holder's maintenance obligations.</u></li> <li>vi) <u>Within the Cove Road North Precinct, the extent to which the buildings and other impermeable surfaces within the flood hazard area will mitigate effects arising from loss of flood storage and the increase in peak flows.</u></li> <li>vi) <u>Within the Cove Road North Precinct, the extent to which the buildings and other impermeable surfaces ensure that floodwaters in a 1% annual exceedance probability event are not diverted or displaced onto any other site.</u></li> </ul>	Commented [AN8]: S42A recommendation supported	Commented [B&A9]: S42A recommendation not supported	Commented [B&A10]: S42A recommendation not supported.

13.10.13	Building Coverage	<p><b>(1) Residential Zone and Cove Road North Precinct – Northern Sub-precinct</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) <b>Building coverage</b> on a <b>site</b> is less than 35% of the <b>net site area</b>.</p> <p><b>(2) The Cove Road North Precinct (excluding the Northern Sub-precinct)</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) <b>Building coverage on a site is less than 45% of the net site area</b>.</p> <p><b>Note 1:</b> For clarity, for sites within an Outstanding Natural Landscape, Rule 13.10.3c shall also apply</p>	Restricted Discretionary Activity	<p>Where an activity is not permitted by this Rule, <b>Council</b> has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The scale and bulk of the <b>building</b> in relation to the <b>site</b>;</p> <p>ii) The existing built character of the surrounding neighbourhood;</p> <p>iii) <b>Effect</b> on the open space nature of the surrounding neighbourhood;</p> <p>iv) The availability of useable on-site outdoor living space; and</p> <p>v) The extent to which the proposal will affect the values of any Outstanding Natural Landscape identified in Map Series 2 and if applicable the extent to which the subdivision, use or development meets the additional assessment criteria contained in Appendix 18B.</p> <p><b>Note 1:</b> A description of the landscape features is provided in Appendix 18A. The values associated with the Outstanding Natural Landscapes are described in the Kaipara District Landscape Technical Report (2010).</p>
13.10.14	Retirement Facility	<p><b>(1) The Cove Road North Precinct</b></p> <p>Any retirement facility is a <b>Restricted Discretionary Activity</b>.</p>	Restricted Discretionary Activity	<p><u>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</u></p> <p>i) <u>The siting, scale, design and layout of buildings ensures compatibility between buildings and their integration with other sensitive development on the site, adjacent sites and surrounding public spaces.</u></p> <p>ii) <u>The design, size and location of the private and/or communal open space, parking, loading spaces and driveways on the site achieves a high standard of on-site amenity, noise and visual privacy for residents, and ensures that effects from dust, fumes and light glare are minimised</u></p> <p>iii) <u>Outdoor living areas or balconies are contiguous with the internal living areas.</u></p> <p>iv) <u>The location of buildings, window and door placement, parking areas and outside amenity areas avoid reverse sensitivity effects on any adjoining industrial activities.</u></p>
13.10.15	Buildings and Accessways within the Cove Road North Precinct – Northern Sub-precinct	<p>(1) Any building or accessway is a <b>permitted activity</b> if it is setback at least 10m from <b>existing</b> indigenous vegetation <b>existing as at [insert date PC83 is deemed Operative]</b> located within the Northern Sub-precinct.</p> <p>(2) Any accessory building is a <b>permitted activity</b> if it is setback no further than 15m from any main dwelling located within the same site.</p> <p>(3) Any building or accessway is a <b>permitted activity</b> where:</p> <p>(i) <u>The exterior finish of the building shall have a reflectance value of not more than 30 percent as defined within the BS5252 standard colour palette.</u></p> <p>(ii) <u>The construction material of any accessway or driveway is of dark colour with a reflectance value of not more than 30 percent.</u></p> <p>(iii) <u>The building does not exceed 7m in height, except that 50% of a building's roof in elevation, measured vertically from the junction between the wall and the roof, may exceed this height by 1m where the entire roof slopes 15 degrees or more.</u></p> <p><u>Note: Any proposed building or accessway shall comply with all relevant rules within Chapter 13 in addition to rule 13.10.15.</u></p>	Restricted Discretionary Activity	<p><u>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</u></p> <p>i) <u>The extent to which the buildings, accessways or driveways have been designed and located within the site to respond to the sensitivities of rural and natural landscape to the north, and</u></p> <p>ii) <u>The mitigation of the potential adverse effect landscape effect of the built form.</u></p>

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Amendments to Chapter 13 – 13.13 Performance Standards for All Residential Subdivision

Rule	Parameter	Terms for Subdivision	Matters for Discretion
13.13X	The Cove Road North Precinct Subdivision	<p><b>General Rules:</b></p> <ol style="list-style-type: none"> <li>1. Subdivision within the Cove Road North Precinct:               <ol style="list-style-type: none"> <li>a. <u>Is a restricted discretionary activity.</u></li> <li>b. <u>Is not subject to Residential Zone rules 13.11.1 – 3, 13.12.1, 13.13.1 and 2.</u></li> <li>c. <u>Is subject to rules 13.13X.</u></li> <li>d. <u>Complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter.</u></li> </ol> </li> </ol> <p><b>Subdivision Design Rules:</b></p> <ol style="list-style-type: none"> <li>2. <u>Any subdivision within the Cove Road North Precinct shall ensure:</u> <ol style="list-style-type: none"> <li>a. <u>Every allotment has a minimum net site area of 4-600m<sup>2</sup> except where the proposed allotment is located within the Northern Area as shown on Precinct Plan 1; or</u></li> <li>b. <u>Every proposed allotment within the Northern Area as shown on Precinct Plan 1 has a minimum net site area of 1000m<sup>2</sup>; and</u></li> <li>c. <u>Proposed allotments have an average size of at least 600m<sup>2</sup>.</u></li> </ol> </li> </ol> <p><b>Ecological Enhancement Rules:</b></p> <ol style="list-style-type: none"> <li>3. <u>Any subdivision within the Cove Road North Precinct where the site contains an ecological feature including indigenous terrestrial or aquatic habitats shall legally protect any indigenous habitats on site in perpetuity and manage the ecological feature on an on-going basis in accordance with an approved Ecological Enhancement and Management Plan.</u></li> <li>4. <u>Any subdivision in accordance with rule 13.13X.4 shall provide:</u> <ol style="list-style-type: none"> <li>a. <u>A detailed Ecological Assessment prepared by a suitable qualified ecologist identifying and delineating all natural features contained within the site boundaries and assesses the effects of the proposed site development on these features, and provide recommendations how these may be avoided, remedied or mitigated; and</u></li> <li>b. <u>An Ecological Enhancement and Management Plan designed to ensure that all ecological features are appropriately enhanced as part of site development works.</u></li> <li>c. <u>A Wetland Assessment prepared by a suitably qualified ecologist identifying any potential effects associated with the development proposal on wetland features and how these will be avoided, remedied or mitigated, where 'natural wetland' areas as defined under NPSFM (2020) are located within a 100m setback from the proposed site development works.</u></li> </ol> </li> </ol> <p><b>Note 1:</b> <u>Applications that do not meet the above Cove Road North Precinct subdivision terms shall be a non-complying activity.</u></p> <p><b>Note 2:</b> <u>For the avoidance of doubt, this rule does not address the actual or potential adverse effects of contaminants in soil on human health, which is covered by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. All subdivision relating to land that is contaminated or potentially contaminated, because of its past, present or likely use of the land for an activity or industry described in the Ministry for the Environment's Hazardous Activities and Industries List (HAIL), is required to be assessed, and may require consent, under the Regulations.</u></p>	<p><b>Council</b> will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p><b>Rule 13.13X.1 – 4:</b></p> <ol style="list-style-type: none"> <li>i. <u>The extent to which the proposal is consistent with the Cove Road North Precinct policies.</u></li> <li>ii. <u>The extent to which the proposal is generally in accordance with the Cove Road North Precinct Plan 1.</u></li> </ol> <p><b>Rule 13.13X.2 – Subdivision Design</b></p> <ol style="list-style-type: none"> <li>iii. <u>The design, size, shape, gradient and location of any allotment, access or public road.</u></li> <li>iv. <u>Whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate concentrated flows and detail of any obligations for lot owners to construct and maintain such devices.</u></li> <li>v. <u>The extent to which stormwater quality treatment has been provided to protect the environment from contaminants generated from the activity including whether the proposal includes appropriate stormwater quality monitoring management associated with the design and construction stages as well as the consent holder's maintenance obligations.</u></li> <li>vi. <u>Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established.</u></li> <li>vii. <u>Where common lots are proposed, the extent to which appropriate mechanisms are provided to ensure that all infrastructure management and maintenance requirements are sustainable.</u></li> <li>viii. <u>Where there are any communally owned or managed services, infrastructure or other such assets or joint responsibilities arising from any proposal; that the nature of arrangements which are proposed ensure the on-going implementation of such arrangements whether through body corporate or similar mechanisms.</u></li> <li>ix. <u>Location of existing buildings, access and manoeuvring, and private open space.</u></li> <li>x. <u>The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.</u></li> <li>xi. <u>The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure, and how any adverse effects on existing infrastructure are managed.</u></li> <li>xii. <u>The protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.</u></li> <li>xiii. <u>The extent to which the provision of landscaping provides a visual buffer to screen immediate and proximate views between development enabled by the closest allotment and any residential activity within Lot 42 DP 348513.</u></li> <li>xiv. <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (refer to Note 1).</u> <b>Note 1:</b> <u>For the avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</u> <ol style="list-style-type: none"> <li>xv. <u>Within 90 metres of an identified building platform on each lot; and</u></li> <li>xvi. <u>Existing or likely to be available at a time of development of the lot; and</u></li> <li>xvii. <u>Accessible and available all year round; and</u></li> <li>xviii. <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</u></li> </ol> </li> </ol> <p><b>Rule 13.13X.3 - Ecological Enhancement</b></p> <ol style="list-style-type: none"> <li>xix. <u>Measures to ensure the protection, restoration or enhancement of any natural features, including (but not limited to) the creation, extension or upgrading of services and systems, planting or replanting, the protection of natural wetlands and streams or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects.</u></li> <li>xx. <u>Where any subdivision involves a natural wetland or stream, whether the details of ecological protection and enhancement have been provided, including a minimum 10m riparian planting to streams and wetlands, weed and pest management controls and indigenous revegetation (where appropriate), are provided and any required mechanisms for ownership and maintenance of the area. For the avoidance of doubt these areas may form parts of private lots and be held in private ownership.</u></li> <li>xxi. <u>Whether the subdivision creates lots adjoining public open space (including recreation reserves and riparian/green corridors) that are designed to encourage passive surveillance of reserve areas having regard to finished contours, retaining, fencing and landscaping.</u></li> </ol>

Commented [B&A16]: S42A recommendation supported

Commented [B&A14]: S42A recommendation supported

Commented [B&A15]: S42A recommendation supported



			<p><b>Rule 13.13X.4 – Northern Sub-Precinct</b></p> <p>i. <u>The extent to which the subdivision design and future development within the proposed allotments have been designed to respond to the sensitivities of rural and natural landscape to the north, and mitigate the potential adverse effect landscape effect of development.</u></p>
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13.14.2	Road, Private Way Formation and Property Access	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p><b>1. Property Access</b></p> <p>a. Every allotment within the subdivision is capable of having vehicular access to a road;</p> <p>b. Property access is formed where it is shared by two or more allotments;</p> <p>c. Vehicle access and driveways comply with <a href="#">Rule 13.10.25</a>;</p> <p>d. No more than seven allotments are served by a private shared access;</p> <p>e. Driveways onto the road or private ways are located in a manner that will allow for the safe entry and exit from the site based on expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>f. Driveways onto the road or private ways are located to provide adequate sight distances for the safe functioning of the vehicle crossing and access;</p> <p>g. The property access is of a suitable width to contain required services.; and</p> <p><del>h. For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied.</del></p> <p><b>Note 1:</b> Any changes in land use, development or subdivision on sites that have access over a railway line require approval from the New Zealand Railways Corporation under the New Zealand Railways Corporation Act 1981.</p> <p><b>2. Road, Private Way, Cycle Way and Property Access Formation</b></p> <p>a. Road vesting in accordance with the following requirements:</p> <ul style="list-style-type: none"> <li>• Driveways serving eight or more allotments shall be by public road vested with Council;</li> <li>• Design and construction shall be <del>to the satisfaction of Council's Asset Manager</del> (in accordance with the Standards in Kaipara District Council Engineering Standards 2011); and</li> <li>• A cul-de-sac shall be provided at the end of any no-exit public road.</li> </ul> <p>b. Use and construction of unformed legal roads <del>is to the satisfaction of Council's Asset Manager</del> (in accordance with the Standards in Kaipara District Council Engineering Standards 2011).</p>	<p><b>A Residential Zone</b></p> <p>Discretionary Activity</p> <p><b>B Cove Road North Precinct</b></p> <p>Restricted Discretionary</p>	<p>i. Council will have regard to the following matters when considering an application for Resource Consent <b>within the Residential Zone</b> under this Rule:</p> <p><b>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent within the Cove Road North Precinct:</b></p> <p>ii. Whether and the extent to which the road or private way follows the alignment of indicative roads;</p> <p>iii. Whether and the extent to which there is a need for forming or upgrading roads in the vicinity, due to increased traffic from the subdivision;</p> <p>iv. Whether and the extent to which there is a the need for traffic control measures on the roads due to increased traffic from the subdivision;</p> <p>v. Whether and the extent to which there is a the need for footpaths;</p> <p>vi. Whether and the extent to which there is a need for stormwater management associated with the provision of the new road or private way;</p> <p>vii. Whether an adequate alternative access is able to be provided for the anticipated use;</p> <p>viii. Whether the access can contain required services;</p> <p>ix. The expected vehicle operating speeds and methods for controlling vehicle speeds;</p> <p>x. Adequacy of sight distances available at the vehicle crossing and along the access;</p> <p>xi. Possible measures or restrictions on vehicle movements in and out of the access;</p> <p>xii. Possible adverse effects on Council infrastructure on adjoining properties;</p> <p>xiii. Any foreseeable future changes in traffic patterns in the area (including future congestion);</p> <p>xiv. The provision made to mitigate the effects of stormwater runoff and any impact on roading and access on waterways, ecosystems, drainage patterns or the amenities of adjoining properties;</p> <p>xv. Whether and the extent to which the road, private way or property access complies with the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.; and</p> <p><del>xvi. Where a new access is being provided or an existing access onto a State Highway modified, or on sites that have access over a railway line, whether the consent of the NZ Transport Agency and/or New Zealand Railways Corporation is obtained;</del></p> <p><b>Note 1:</b> General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the engineering approval.</p> <p><b>The Cove Road North Precinct Road, Cycleway and Pedestrian Connection</b></p> <p>xvii. <del>Council will restrict its discretion have regard to the following additional matters when considering an application for resource consent under this rule within the Cove Road North Precinct:</del></p> <p>xviii. <del>The extent to which any road, cycling and pedestrian connections are established in accordance with the Cove Road North Precinct Plan, and Cove Road North Precinct Concept Plan 4.</del></p> <p>xix. <del>Adequacy of the extent, location and formation of pedestrian connectivity (footpath connections) along Cove Road and Mangawhai Heads Road, and roads within the Cove Road North Precinct, based on the level of demand generated by the development.</del></p>
13.14.3	Provision for the Extension of Services	<p>The design and layout of the subdivision provides for, and takes into account:</p> <p>a. The efficient and effective future extension of water and electricity supply, stormwater, wastewater, public access, walking trails, bridal ways and roads to any adjoining land</p>	<p><b>A Residential Zone</b></p> <p>Discretionary Activity</p> <p><b>B Cove Road North Precinct</b></p> <p>Restricted Discretionary</p>	<p>1. Council will have regard to the following matters when considering an application for Resource Consent <b>within the Residential Zone</b> under this Rule:</p> <p><b>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent within the Cove Road North Precinct:</b></p> <p>i. Whether and the extent to which the subdivision is located close to existing residential settlements and avoids the need for provision of new or requirement for increased capacity of Council owned infrastructure and services to meet the needs of the development;</p> <p>ii. Whether and the extent to which the subdivision and development avoids cumulative effects on the environment and on the provision of infrastructure and services to the land being subdivided, and to nearby land that might be subdivided in the future;</p> <p>iii. Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;</p> <p>iv. Whether there is the need for land to be set aside and vested in the Council as a site for any public utility required to be provided;</p> <p>v. Whether and the extent to which public access for walking, cycling and bridleways can be provided as part of the development;</p> <p>vi. The need for and amount of any financial contributions in accordance with <a href="#">Chapter 22: Financial Contributions</a> to achieve the above matters; and</p>

				<p>vii. Whether and the extent to which the extension of services meet the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011</p> <p><b>Note 1:</b> General assessment the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the consent as part of the Engineering Approval.</p> <p><b>The Cove Road North Precinct Road, Cycleway and Pedestrian Connection</b></p> <p>(1) Council will <del>restrict its discretion</del> <del>have regard</del> the following additional matters when considering an application for resource consent under this rule within the Cove Road North Precinct:</p> <p>i. Adequacy of the extent, location and formation of pedestrian connectivity (footpath connections) along Cove Road and Mangawhai Heads Road, and roads within the Cove Road North Precinct, based on the level of demand generated by the development.</p> <p>ii. The extent to which any road, cycling and pedestrian connections, create connectivity throughout the precinct and residential land beyond the precinct and are established in accordance with the Cove Road North Precinct Plan Plan, and Cove Road North Precinct Concept Plan 1.</p>																																																																													
13.14.4	Water Supply	<p>(1) Where a Council water supply is available:</p> <p>a) The written approval of Council's Asset Manager is obtained and provided with the application to confirm that the Council water supply can be extended to serve the subdivision; and</p> <p>b) All allotments are provided, within their net site area, with a connection to the Council water supply; and</p> <p>c) All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>(2) Where a public supply is not available or utilised, water supplies to all developments shall:</p> <p>a) Meet the requirements of Table 1.</p> <table border="1"> <thead> <tr> <th rowspan="2">Roof Catchment (m<sup>2</sup>)</th> <th colspan="5">Bedrooms</th> </tr> <tr> <th>1</th> <th>2</th> <th>3</th> <th>4</th> <th>5</th> </tr> </thead> <tbody> <tr> <td>100</td> <td>20m<sup>3</sup></td> <td>50m<sup>3</sup></td> <td></td> <td></td> <td></td> </tr> <tr> <td>120</td> <td>15m<sup>3</sup></td> <td>35m<sup>3</sup></td> <td></td> <td></td> <td></td> </tr> <tr> <td>140</td> <td>10m<sup>3</sup></td> <td>30m<sup>3</sup></td> <td>75m<sup>3</sup></td> <td></td> <td></td> </tr> <tr> <td>160</td> <td></td> <td>20m<sup>3</sup></td> <td>60m<sup>3</sup></td> <td></td> <td></td> </tr> <tr> <td>180</td> <td></td> <td></td> <td>50m<sup>3</sup></td> <td>75m<sup>3</sup></td> <td></td> </tr> <tr> <td>200</td> <td></td> <td></td> <td>45m<sup>3</sup></td> <td>65m<sup>3</sup></td> <td></td> </tr> <tr> <td>220</td> <td></td> <td></td> <td>35m<sup>3</sup></td> <td>55m<sup>3</sup></td> <td>90m<sup>3</sup></td> </tr> <tr> <td>240</td> <td></td> <td></td> <td>30m<sup>3</sup></td> <td>50m<sup>3</sup></td> <td>80m<sup>3</sup></td> </tr> <tr> <td>260</td> <td></td> <td></td> <td>30m<sup>3</sup></td> <td>45m<sup>3</sup></td> <td>70m<sup>3</sup></td> </tr> <tr> <td>280</td> <td></td> <td></td> <td></td> <td>40m<sup>3</sup></td> <td>65m<sup>3</sup></td> </tr> <tr> <td>300</td> <td></td> <td></td> <td></td> <td>35m<sup>3</sup></td> <td>60m<sup>3</sup></td> </tr> </tbody> </table>	Roof Catchment (m <sup>2</sup> )	Bedrooms					1	2	3	4	5	100	20m <sup>3</sup>	50m <sup>3</sup>				120	15m <sup>3</sup>	35m <sup>3</sup>				140	10m <sup>3</sup>	30m <sup>3</sup>	75m <sup>3</sup>			160		20m <sup>3</sup>	60m <sup>3</sup>			180			50m <sup>3</sup>	75m <sup>3</sup>		200			45m <sup>3</sup>	65m <sup>3</sup>		220			35m <sup>3</sup>	55m <sup>3</sup>	90m <sup>3</sup>	240			30m <sup>3</sup>	50m <sup>3</sup>	80m <sup>3</sup>	260			30m <sup>3</sup>	45m <sup>3</sup>	70m <sup>3</sup>	280				40m <sup>3</sup>	65m <sup>3</sup>	300				35m <sup>3</sup>	60m <sup>3</sup>	Restricted Discretionary Activity	<p>Matters over which discretion is restricted:</p> <p>i. Whether, and the extent to which, an adequate supply of water can be provided to every allotment being created on the subdivision.</p> <p>ii. Whether, and the extent to which, the water supply meets the requirements of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer.</p> <p>iii. Sufficient firefighting water supply is available.</p> <p><b>Note:</b> For avoidance of doubt, an example of sufficient firefighting water for a single residential dwelling will generally include (subject to site-specific risks) 10,000 litres of water from sources that are:</p> <ul style="list-style-type: none"> <li>• Within 90metres of an identified building platform on each lot; and</li> <li>• Existing or likely to be available at a time of development of the lot; and</li> <li>• Accessible and available all year round; and</li> <li>• May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</li> </ul>
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13.14.5A	Stormwater Disposal within Cove Road North Precinct	<p>(1) Where available all allotments are provided, within their net site area, with:</p> <p>a) A connection to a Council-maintained stormwater system, <del>excluding sites within the Cove Road North Precinct,</del> or</p> <p>(2) Where no Council system is available:</p> <p>a) All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surfaces, in such a way as to avoid any adverse effects of stormwater runoff on the receiving environment in accordance with the Kaipara District Council Engineering Standards 2011, <del>excluding sites within the Cove Road North Precinct.</del></p> <p><b>(3) The Cove Road North Precinct Stormwater Management</b></p> <p>a) All allotments are provided with the means for the transport and disposal of collected stormwater from the roof of all potential or existing buildings and from all impervious surface, in such a way as to mitigate any adverse effects of stormwater runoff on the receiving environment by providing:</p> <ul style="list-style-type: none"> <li>i) Retention (volume reduction) of a minimum of 5mm runoff depth for all impermeable surfaces.</li> <li>ii) Detention (temporary storage) with a drain down period of 24 hours for the difference between the pre-development (grassed state) and post-development runoff volumes from the 1/3 of the 2 Year Average Recurrence Interval (ARI), 24-hour rainfall event with climate change minus any retention volume provided for all impermeable surfaces.</li> <li>iii) Detention (temporary storage) of the 20% and 10% AEP to pre-development levels due to undercapacity downstream infrastructure.</li> <li>iv) Detention (temporary storage) of the 1% AEP to pre-development levels due to downstream flooding.</li> <li>v) Treatment of the Water Quality Volume (WQV) or Water Quality Flow (WQF) from contaminant generating impermeable surfaces.</li> <li>vi) Conveyance and discharge of primary and secondary flow in accordance with the Kaipara District Council Engineering Standards 2011.</li> </ul> <p><b>Note 1:</b> Stormwater discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.</p> <p><b>Note 2:</b> Where parallel Resource Consent for stormwater discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.</p> <p><b>Note 3:</b> The discharge of stormwater into the rail corridor is an offence under the Railways Act 2005 unless the written consent of the New Zealand Railways Corporation has been provided.</p> <p><b>Note 4:</b> Good management practice for stormwater management is equivalent to those set out in the guideline document, Stormwater Management Devices in the Auckland Region (GD01).</p>	Restricted Discretionary Activity	<p><b>Matters over which discretion is restricted:</b></p> <ul style="list-style-type: none"> <li>i) Whether there is sufficient control of water-borne contaminants, litter and sediment;</li> <li>ii) Whether there is sufficient land available for disposal of stormwater;</li> <li>iii) Whether and the extent to which the capacity of the downstream stormwater system is able to cater for increased runoff from the proposed allotments;</li> <li>iv) Whether and the extent to which measures are necessary in order to give effect to any drainage</li> <li>v) Whether and the extent to which measures proposed for avoiding or mitigating the effects of stormwater runoff, including low impact design principles are effective;</li> <li>vi) Whether and the extent to which the stormwater infrastructure within the subdivision, is able to link with existing disposal systems outside the subdivision;</li> <li>vii) Whether and the extent to which the development meets the relevant performance standards or the Kaipara District Council Engineering Standards 2011 or the Mangawhai Hills Development Area Stormwater Management Plan;</li> <li>viii) The extent to which run-off from a developed catchment is discharged back into its natural catchment</li> <li>ix) The applicability of retention to be provided within a 72-hour period.</li> <li>x) The extent to which inert building materials are to be utilised (e.g., inert roof material).</li> <li>xi) The extent to which effects arising from the loss of flood storage and increase in peak flows downstream are avoided or mitigated.</li> </ul>
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13.14.6

**A Residential Zone**

1. **Where a Council reticulated wastewater system is available:**
    - a. The written approval of Council's Asset Manager is obtained and provided with the application to confirm that the Council wastewater system can be extended to serve the subdivision; and
    - b. All allotments are provided, within their net site area, with a connection to the Council reticulated wastewater system; and
    - c. The reticulated wastewater system is designed and constructed in accordance with the specific requirements of the Council wastewater system; and
    - d. All water pipelines vested with Council shall be protected by an Easement in favour of Council.
  2. **Where a community wastewater system is proposed, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"**
  3. **Where no Council system is available, all allotments are provided, within their net site area, with:**
    - a. 1,500m<sup>2</sup> area of land per household for wastewater disposal within the boundaries of the site. The area shall be clear of building sites, driveways and manoeuvring areas; and
    - b. The applicant must demonstrate that an on-site disposal system meeting the requirements of the Regional Water and Soil Plan for Northland can be installed; and
    - c. Applicants shall demonstrate that any effluent discharges comply with the requirements of the Regional Water and Soil Plan for Northland (or consent for discharges from the Northland Regional Council has been obtained).
- Note 1:** Effluent discharges may require Resource Consent under the Regional Water and Soil Plan for Northland. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.  
**Note 2:** Where parallel Resource Consent for effluent discharge is required from the Northland Regional Council, Kaipara District Council will seek to undertake joint processing of both applications, via delegated authority from the Northland Regional Council.

**B Cove Road North Precinct**

1. ~~Where a Council reticulated wastewater system is available:~~
    - a. ~~Allotments may be provided, within their net site area, with a connection to the Council reticulated wastewater system; and~~
    - b. ~~Any reticulated wastewater system proposed is designed and constructed in accordance with the specific requirements of the Council wastewater system; and~~
    - c. ~~Pipelines vested with Council shall be protected by an Easement in favour of Council.~~
  2. ~~Where a community wastewater system is proposed, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"~~
- ~~Note 1: Onsite effluent disposal is required to comply with the Northland Regional Plan. Applicants should contact the Northland Regional Council to determine whether or not a Resource Consent is required.~~

**A Residential Zone**

Discretionary Activity

**B Cove Road North Precinct**  
Restricted Discretionary Activity

**A Residential Zone**

Council will have regard to the following matters when considering an application for Resource Consent **within the Residential Zone** under this Rule:

**Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent within the Cove Road North Precinct:**

- i. Whether the capacity, availability and accessibility of the reticulated system is adequate to serve the proposed subdivision;
- ii. Whether there is sufficient land available for wastewater disposal on site, minimum 2,000m<sup>2</sup> for unserviced sites;
- iii. Whether and the extent to which the application includes the installation of all new reticulation, and complies with the provisions of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer;
- iv. Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;
- v. Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. Note: Council consent to install private rising mains within legal roads will be required under the Local Government Act;
- vi. Where a reticulated system is not available, or a connection is impracticable, whether a suitable wastewater treatment or other disposal systems is provided in accordance with regional Rules or a discharge system in accordance with regional Rules or a discharge permit issued by the Northland Regional Council;
- vii. Where a reticulated system is not immediately available but is likely to be in the near future whether a temporary system is appropriate. Note: Consent notices may be registered against Certificates of Title pursuant requiring individual allotments to connect with the system when it does become available;
- viii. Whether provision has been made by the applicant for monitoring mechanisms to ensure contaminants are not discharged to the environment from a suitable wastewater or other disposal system, together with any consent notices to ensure compliance;
- ix. The need for and extent of any financial contributions in accordance with [Chapter 22: Financial Contributions](#) to achieve the above matters;
- x. Whether there is a need for a local purpose reserve to be set aside and vested in Council as a site for any public wastewater utility for disposal or treatment purposes required to be provided;
- xi. The provision of practical vehicular access from a public road to and along any area vested with Council for waste water purposes; and
- xii. Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater.

**Note 1:** General assessment of the Kaipara District Council Engineering Standards 2011 is undertaken as part of the assessment of the Subdivision Resource Consent application and conditions relating to compliance with any of these Standards may be applied to the Consent as part of the engineering approval.

**B Cove Road North Precinct**

**Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent:**

- i. ~~Whether the capacity, availability and accessibility of the reticulated system is adequate to serve the proposed subdivision;~~
- ii. ~~Whether and the extent to which the application includes the installation of all new reticulation, and complies with the provisions of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer;~~
- iii. ~~Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;~~
- iv. ~~Whether a reticulated system with a gravity outfall is provided, and where it is impracticable to do so, whether it is feasible to provide alternative individual pump connections (with private rising mains), or new pumping stations, complete pressure, or vacuum systems. Note: Council consent to install private rising mains within legal roads will be required under the Local Government Act;~~

Commented [B&A17]: S42A recommendation not supported

				<p>v. <del>The need for and extent of any financial contributions in accordance with Chapter 22: Financial Contributions to achieve the above matters;</del></p> <p>vi. <del>Whether there is a need for a local purpose reserve to be set aside and vested in Council as a site for any public wastewater utility for disposal or treatment purposes required to be provided;</del></p> <p>vii. <del>The provision of practical vehicular access from a public road to and along any area vested with Council for waste water purposes; and</del></p>
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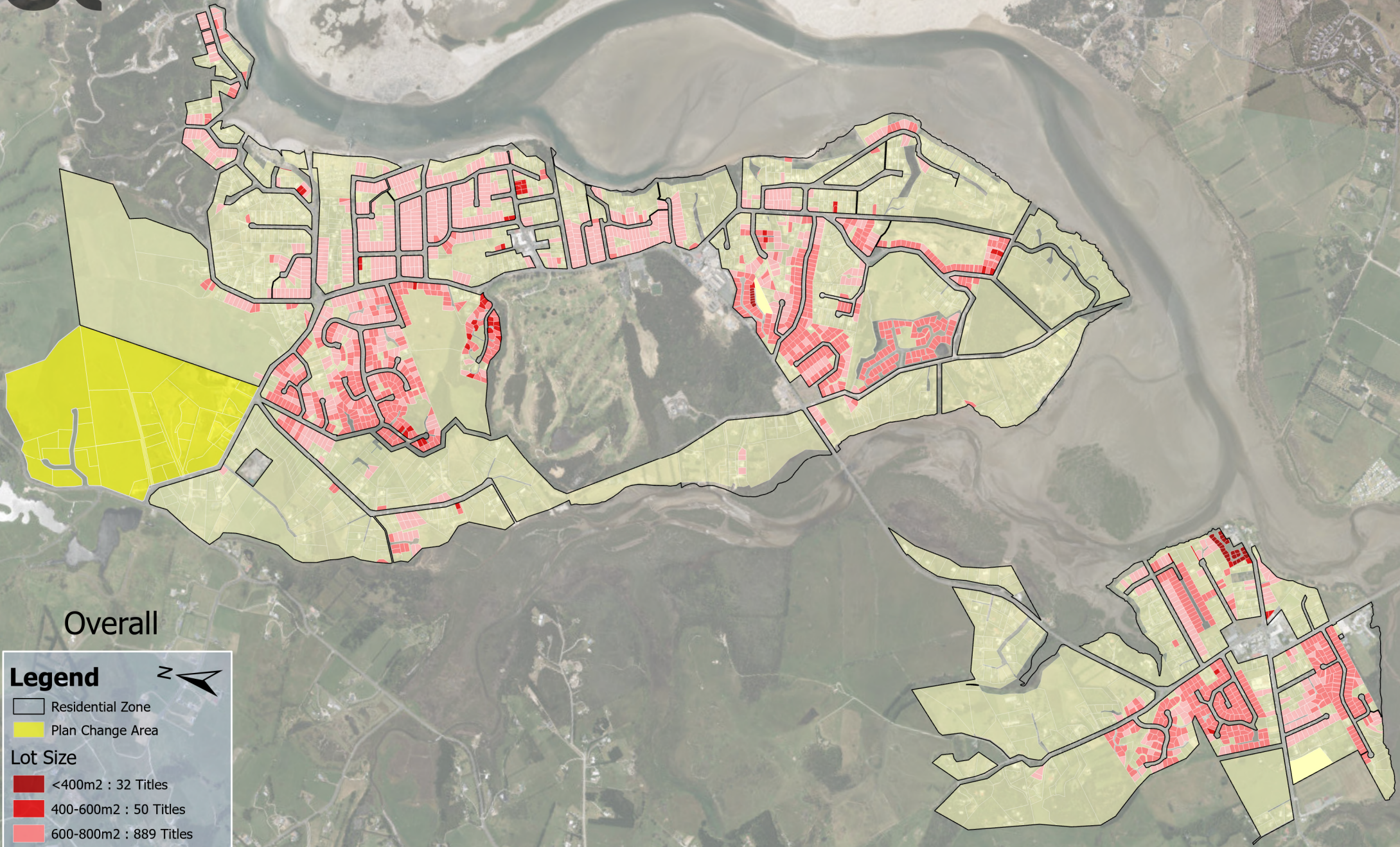
Attachment 4

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Lot Distribution Visual Image



Urban & Environmental



Overall

**Legend**

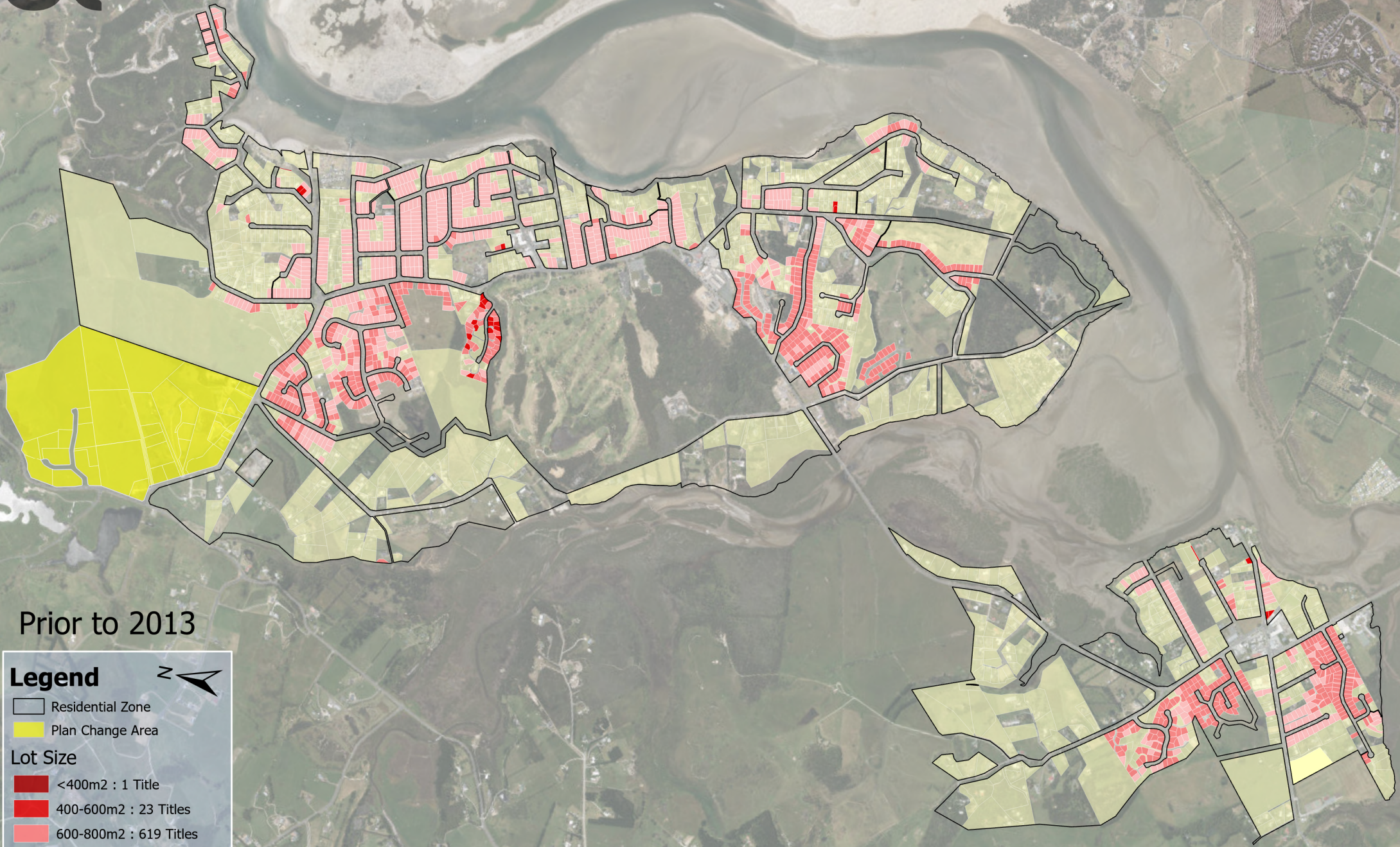
Residential Zone

Plan Change Area

**Lot Size**

- <400m<sup>2</sup> : 32 Titles
- 400-600m<sup>2</sup> : 50 Titles
- 600-800m<sup>2</sup> : 889 Titles
- 800-1000m<sup>2</sup> : 816 Titles
- >1000m<sup>2</sup> : 1355 Titles





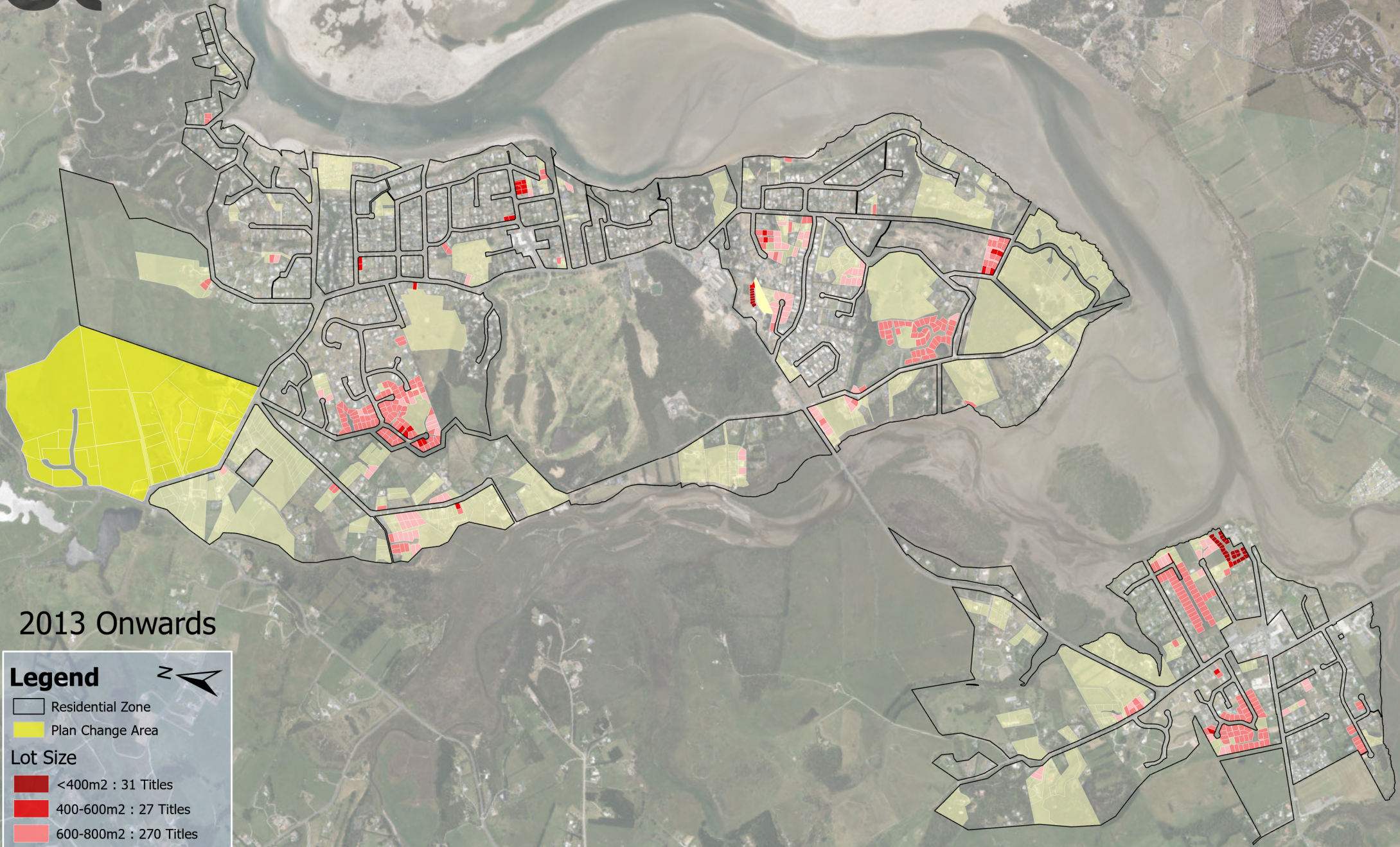
Prior to 2013

**Legend** 

-  Residential Zone
-  Plan Change Area

**Lot Size**

-  <400m<sup>2</sup> : 1 Title
-  400-600m<sup>2</sup> : 23 Titles
-  600-800m<sup>2</sup> : 619 Titles
-  800-1000m<sup>2</sup> : 716 Titles
-  >1000m<sup>2</sup> : 1016 Titles



### 2013 Onwards

**Legend** 

-  Residential Zone
-  Plan Change Area

**Lot Size**

-  <400m<sup>2</sup> : 31 Titles
-  400-600m<sup>2</sup> : 27 Titles
-  600-800m<sup>2</sup> : 270 Titles
-  800-1000m<sup>2</sup> : 100 Titles
-  >1000m<sup>2</sup> : 339 Titles