

BEFORE THE KAIPARA DISTRICT COUNCIL

IN THE MATTER of the Resource Management Act 1991

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 CLAIRE KIMBERLY PHILLIPS ON BEHALF OF
DAYAHN ELTON CORNELIUS AND ODETTE ELIZABETH ROWAN – SUBMISSION 14
PLANNING
7 MARCH 2024**

INTRODUCTION

1. My full name is Claire Kimberly Phillips. I am the principal of Claire Baker Planning Consultant Limited trading as CPPC Planning (**CPPC**).
2. I have over 22 years' experience as a planner and hold a Bachelor of Source Studies majoring in Environmental Policy and Planning obtained from Lincoln University in 2002. I consult to private clients preparing resource consent applications and providing advice on planning issues. I also consult to Auckland Council processing resource consent applications which includes preparation and presentation of reports to the hearings committee and providing professional advice. I have been doing the majority of this work in the Far North District, Whangarei District, Kaipara District and Auckland Region.

3. I have been engaged and authorised to give evidence on behalf of by Dayahn Elton Cornelius and Odette Elizabeth Rowan, who are the owners of 8 Tangaroa Road, Mangawhai. I request that Independent Commissioner **Reject/decline** PPC83. If the Independent Commissioner does approve PPC83, then consideration to the submitters suggested minimum standards and controls is sought.
4. Although this is not a hearing before the Environment Court, I am familiar with, 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 my area of expertise.
5. I understand and accept that it is my overriding duty to assist the Independent Commissioner in matters which are within my expertise (Planning).

STRUCTURE OF EVIDENCE

6. The structure of my evidence is as follows:
 - Council's S42a report and applicant changes
 - Statutory Assessment
 - Conclusions.
7. We understand that our submission is taken as read, the following are the main points that are of high importance to the submitter.

COUNCIL'S S42A REPORT AND APPLICANT CHANGES

Reverse Sensitivity

8. As noted in our submission:

...Reverse sensitivity is a serious concern for the submitter. The exclusive use area of the submitter's property is for rural residential living and located in close proximity to the common boundary with PPC83.

...The introduction of residential land and associated urban usage will unfairly impact the ongoing use of the submitter's property for permitted rural and rural residential activities.

...Viability of the farming operation would be greatly impacted by PPC83, given the proximity to the proposed urban environment which will result in increased pest

animals (domestic animals – cats and dogs), as well as likely generating complaints about the on-going rural activities at Bream Tail Farm.

...Further concerns relate to complaints from new urban property owners due to on-going and permitted noise, smells and activities from the farm. This includes rural smells, noise from farm machinery, motorbikes, agricultural equipment, and the farm animals themselves and associated activities. People in a rural environment envisage and accept these rural types of noises, smells and activities. People from urban environments appreciate urban activities, but they are not necessarily agreeable to rural activities, smells and noise.¹

9. The section 42A reports states the following:

...In my view pastoral farming activities are relatively benign and are common along rural-urban edges. These can be readily differentiated from the sorts of rural activities that regularly do give rise to amenity-related complaints, such as intensive farming, quarries, dairy sheds and associated effluent ponds, mushroom factories, or rural machinery depots.

Whilst the plan change will clearly result in an increase in residential neighbours, the submitter sites already have lifestyle block neighbours and appear to be operating in a reasonably benign manner. The limited effects beyond site boundaries is consistent with similar operations elsewhere in Kaipara that co-exist next to suburban environments. As such I am not convinced that reverse sensitivity risk is at the point where either the plan change should be declined or additional interface rules are necessary beyond the landscape buffer along the northern edge of the site recommended above. Pending consideration of any submitter evidence identifying the extent and nature of off-site effects generated by the submitter activities, I am unable at this point to recommend further mitigation such as minimum lot sizes or building setback rules that could be as being both necessary and effective in managing amenity-issues at the interface.²

¹ Page 2 – Reverse Sensitivity – CPPC Planning Submission 14

² Page 43 of Councils S42A Report

10. A change from rural to urban, particularly intense residential developments on farm boundaries are not common. The submitter is concerned that in their opinion Reverse Sensitivity is a real concern for working farming operations. Whilst it is acknowledged that rural activities are to be operated within a permitted standards, conflicts and complaints still arise. Mr Dayahn Cornelius confirmed with me that they recently had two dogs from land within PPC83 chase and worry cattle to such a state that they ran into a gate with enough force to bend it well out of shape.
11. We concur that a landscape buffer is necessary to mitigate any potential reserve sensitivity effects from the PPC83. In our submission we suggest that a setback from the submitters land be 20 metres and a planted buffer of 6.0 metres. We seek to the Independent Commissioner to amend the 2.0 metre Landscape Buffer in amended rules to be 6.0 metres to provide adequate buffer to existing rural activities being operated at the submitters property and provide additional protection in terms of reverse sensitivity³.
12. It is noted that to further address reverse sensitivity, the following changes were requested, none of which has been translated into PPC83 rule changes:
 - a. *A 6-metre planted buffer within PPC83 land along the common boundary with the submitter's land.*
 - b. *No complaints covenants on titles of all lots contained within PPC83 advising them that farming and pest control activities are operated, with rural noises, smells and activities being undertaken near the proposed subdivision.*
 - c. *No cats or mustelids are allowed on any lots within PPC83.*
 - d. *People proof fencing shall be erected along the common boundary with land owned by the submitter or properties managed by the BTRA, so that no people can enter.*⁴

Character

³ PPC83 – Rule 13.10.7(3) and Rule 13.10.7a(1)(c)

⁴ Page 3 – Reverse Sensitivity – CPPC Planning Submission 14

13. As noted in our submission:

"The introduction of an urban zone through PPC83 will affect the existing and envisaged character of area and have flow on effects to the submitter's site, including reverse sensitivity. PPC83 will result in urban development that is not otherwise envisaged and at a much greater intensity than even the current or proposed district planning documents. From the submitter's perspective, this means the existing and envisaged rural character cannot be retained, and with it the supporting suite of current objectives and policies."

Amenity

14. As noted in our submission:

"PPC83 and associated subdivision that will occur is considered to result in adverse effects on the submitter's amenity values and appreciation of their property. Development of land adjacent to the submitter's property will look directly over their site, impinging their privacy both envisaged and existing. The development would include the impact from the increase in traffic, urban noise and infrastructure which is considered to have adverse effects on the appreciation of this environment that is considered more than minor. If PPC83 is approved, these effects will happen and will compromise the on-going amenity of the submitter."

15. PPC83 have made no movement on subdivision site sizes adjacent to the submitters property, these remain at 1000m² in the northern area of the precinct. With the proposed setbacks and landscape buffer, the submitter could expect a significant amount of development, just 2.0 metres from the common boundary. As previously requested, we seek a greater separation from development, with 20 metres to any built development along this common boundary, to provide adequate amenity for the rural properties adjacent to PPC83.

16. The increased site sizes adjacent to the submitters property provide the buffer needed to ensure the on-going use of their property for rural activities as well as maintain some level of rural character. There are currently four lifestyle properties on the boundary of the submitters property, with the implementation of PPC83, this

will significantly increase, resulting in significant changes in character this is considered unreasonable. We previously suggested an increase in lot sizes of 4000m² along with a 6 metre planted buffer to provide adequate separation between urban and rural on the northern properties within PPC83, which has not been proposed. It is noted that the Council encourage lots of 4000m² in the rural environment.

STATUTORY ASSESSMENT

17. Refer to the original submission for the submitters assessment of National Policy Statements, Regional Policy Statements, Operative Kaipara District Plan and the Mangawhai Spatial Plan. We have no further comment in this regard.

CONCLUSIONS

18. Dayahn Elton Cornelius and Odette Elizabeth Rowan continue to seek that PPC83 be **rejected/declined**.
19. Whilst the submitter does not support PPC83 in any form, should the Independent Commissioner approve PPC83, the following additional minimum standards and controls must be incorporated:
 1. A 6-metre planted buffer within PPC83 land along the common boundary with the submitter's land.
 2. No complaints covenants on titles of all lots contained within PPC83 advising them that farming, and pest control activities are operated, with rural noises, smells and activities being undertaken near the proposed subdivision.
 3. No cats or mustelids are allowed on any lots within PPC83.
 4. People proof fencing shall be erected along the common boundary with land owned by the submitter or properties managed by the BTRA, so that no people can enter.
 5. Suggested changes to Chapter 13 Residential Performance Standards:
 - a. Rule 13.10.3a(2) – Exclude any minor dwellings or accessory buildings not contained within a single building.

- b. Rule 13.10.7(3) – Setback from submitter’s land – 20 metres
- c. Rule 13.10.7a(1) – Predator and people proof fencing shall be constructed along the common boundary between PPC83 and the submitter’s land and any land owned and managed by the BTRA.
- d. Rule 13.10.11(2) – Increase the amount of private open space to 50% of the gross floor area of the dwelling.
- e. Rule 13.13 – Subdivision – Every proposed allotment within the Northern Area as shown on Precinct Map 1, or where a boundary is shared with the submitter’s property, shall have a minimum net site area of 4000m². If not all allotments, then those that share a boundary with the submitters property.
- f. Rule 13.10.23 - All outside lighting within Precinct Map 1 are to be downward pointing in best dark sky practice.

CK Phillips

Claire Phillips
CPPC Planning
7 March 2024