

Before Kaipara District Council

In the Matter

of the Resource Management Act 1991 (**RMA**)

And

In the Matter

of an application for Private Plan Change 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.

Supplementary Evidence of Melissa Ivy McGrath and Alisa Neal on behalf of The Rise Limited

(Planning)

Dated 26 March 2024

Michael Savage

Barrister

Park Chambers

Introduction

1. This evidence has been co-authored by Melissa Ivy McGrath and Evelyn Alisa Neal, both Senior Associate (Planners) with Barker and Associates. Our qualifications and experience as set out in my Evidence in Chief (“EiC”) dated 23 February 2024.
2. As per our EiC, we confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and we agree to comply with it. In that I regard we confirm that this evidence is within our sphere of expertise and we have not omitted to consider material facts known to us that might alter or detract from the opinions we express.
3. The purpose of this supplementary statement, is to address the following matters:
 - a. Subdivision of consented land use activities in response to matters raised by Mr Clease relating to the disjunct between land use and subdivision density provisions. The revised provisions are in **Attachment 1**.
 - b. Changes to the PPC83 Precinct Plan in response to matters raised by Councils reporting officer, Jonathan Clease. Mr Clease has recommended a greater level of detail to be appropriate to guide future road connectivity and pedestrian linkages within PPC83. We have considered the points raised by Mr Clease and we agree to the recommended greater level of detail to be shown on the Precinct Plan as detailed in **Attachment 2**.
 - c. Include a copy of the flood map (figure 1 referenced in Rule 13.10.12) which was not appended to Attachment 3 of our EiC in error. The flood map is included in **Attachment 3**.

Subdivision of consented land use activities

4. Mr Clease provides feedback on the consenting pathway that has been recommended for multi-unit housing typologies, noting that he remains unclear as to why this is being pursued given that 'medium density outcomes' have been assessed as being unsuitable. Mr Clease also highlights a disjunct between the recommended land use consenting pathway and the subdivision rule as proposed.
5. Upon review of the rebuttal evidence of Mr Clease, we continue to maintain that consideration of multi-unit development on a case-by-case basis via a restricted discretionary consent pathway remains an efficient and effective method to give effect to the objectives and policies of PPC83.
6. We recognise the disjunct that the 'Note' in Rule 13.13X creates and recommend that an exemption to the minimum density term of subdivision (Rule 13.13X(2)(a) and Rule 13.13X(2)(b)) is applied, where the subdivision is of dwellings that have an approved land use consent under rule 13.10.3a and 13.10.14. We recommend that this exemption is only provided where the boundaries of the proposed allotments shall result in compliance with rules 13.10.7(3), 13.10.11(2), 13.10.12(2) and 13.10.13 (2) unless otherwise approved by the land use consent. These recommended changes to provisions are set out in **Attachment 1**.

PPC83 Precinct Plan Rooding and Pedestrian Connectivity Detail

7. Mr Clease has recommended a greater level of detail to be appropriate to guide future road connectivity and pedestrian linkages within PPC83. We have considered the points raised by Mr Clease and we agree to the recommended greater level of detail to be shown. Although Mr Clease suggests that these additional features be detailed on the concept plan, we recommend that it would be more appropriate to add these details on to the Precinct Plan as detailed in **Attachment 2**.

PPC83 Flood Map

8. Mr Clease highlighted in his evidence that a copy of the flood map (figure 1 referenced in Rule 13.10.12) was not appended to Attachment 3 of our EIC which we confirm was missed in error. The flood map is included in **Attachment 3.**

Melissa Ivy McGrath and Evelyn Alisa Neal

Dated 26 March 2024

Attachment 1 – 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**.
- Amendments recommended in supplementary evidence shown as **grey**

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.

<u>Objectives</u>	
<u>PRECX-O1</u>	<u>Cove Road North Precinct Residential Living</u>
<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>	

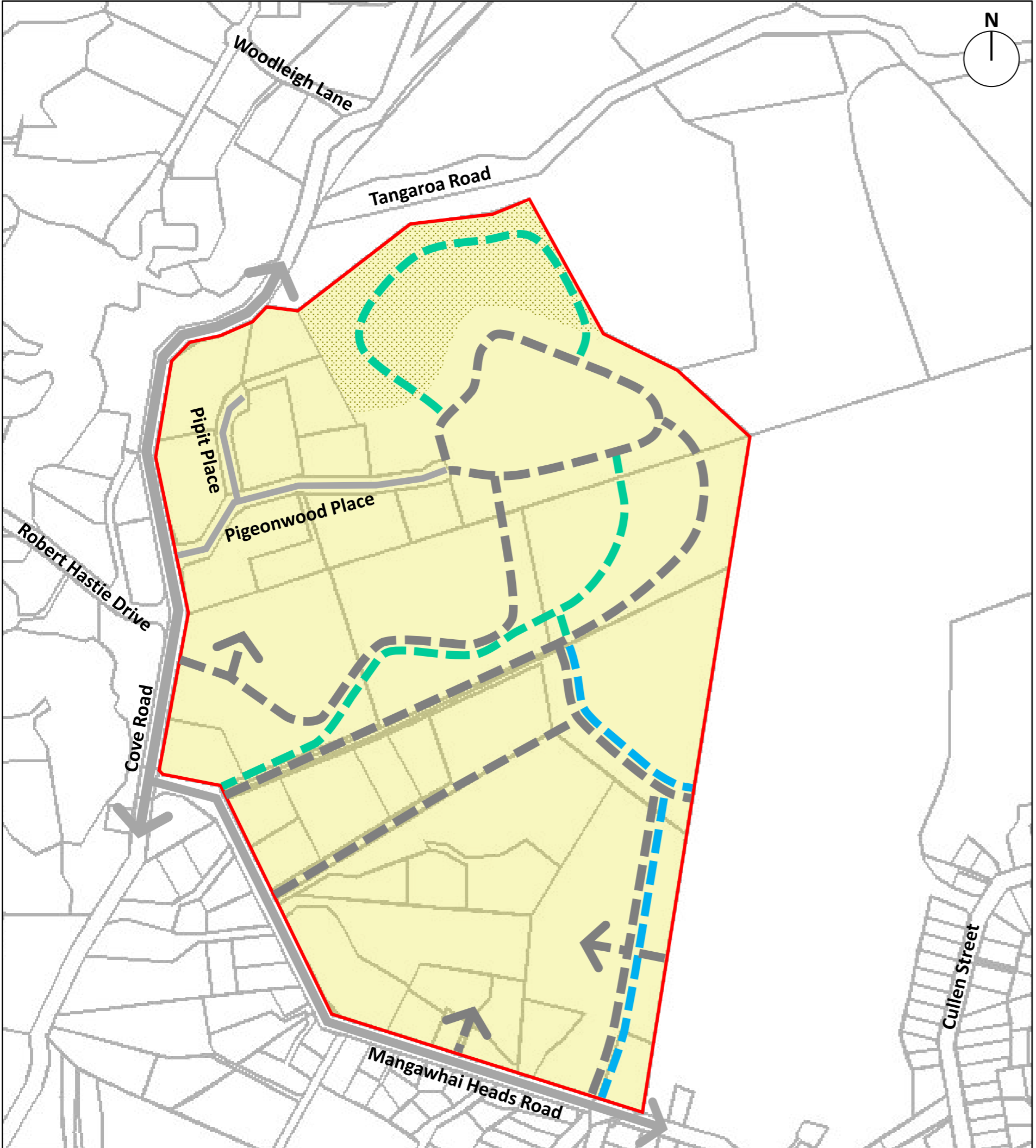
<u>Policies</u>	
<u>PRECX-P1</u>	<u>Cove Road North Precinct Subdivision</u>
<u>To provide for a range of site sizes and densities, and subdivision layout where:</u>	
<ol style="list-style-type: none"> <u>1. A mixture of allotment sizes is provided that have the ability to accommodate different housing typologies, including affordable housing.</u> <u>2. There is sufficient infrastructure/servicing to accommodate the development.</u> 	

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>General Rules:</p> <ol style="list-style-type: none"> 1. Subdivision within the Cove Road North Precinct: <ol style="list-style-type: none"> a. <u>Is a restricted discretionary activity.</u> b. <u>Is not subject to Residential Zone rules 13.11.1 – 3, 13.12.1, 13.13.1 and 2.</u> c. <u>Is subject to rules 13.13X.</u> d. <u>Complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter.</u> <p>Subdivision Design Rules:</p> <ol style="list-style-type: none"> 2. Any subdivision within the Cove Road North Precinct shall ensure: <ol style="list-style-type: none"> a. <u>Every allotment has a minimum net site area of 4-600m² except where the proposed allotment is located within the Northern Area as shown on Precinct Plan 1; or</u> b. <u>Every proposed allotment within the Northern Area as shown on Precinct Plan 1 has a minimum net site area of 1000m²; and</u> c. <u>Rules 2a. and 2b shall not apply to the subdivision of dwellings that have an approved land use consent under rule 13.10.3a and 13.10.14 provided that the boundaries of the proposed allotments shall result in compliance with rules 13.10.7(3), 13.10.11(2), 13.10.12(2) and 13.10.13 (2) unless otherwise approved by the land use consent.</u> d. <u>Proposed allotments have an average size of at least 600m².</u> <p>Ecological Enhancement Rules:</p> <ol style="list-style-type: none"> 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> 4. <u>Any subdivision in accordance with rule 13.13X.4 shall provide:</u> <ol style="list-style-type: none"> 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> 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> 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> <p>Note 1: <u>Applications that do not meet the above Cove Road North Precinct subdivision terms shall be a non-complying activity.</u></p> <p>Note 2: <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>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>Rule 13.13X.1 – 4:</p> <ol style="list-style-type: none"> i. <u>The extent to which the proposal is consistent with the Cove Road North Precinct policies.</u> ii. <u>The extent to which the proposal is generally in accordance with the Cove Road North Precinct Plan 1.</u> <p>Rule 13.13X.2 – Subdivision Design</p> <ol style="list-style-type: none"> iii. <u>The design, size, shape, gradient and location of any allotment, access or public road.</u> 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> 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> 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> 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> 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> ix. <u>Location of existing buildings, access and manoeuvring, and private open space.</u> 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> 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> xii. <u>The protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.</u> 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> xiv. <u>Sufficient firefighting water supply is available, taking into account a risk-based assessment (refer to Note 1).</u> <p>Note 1: <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></p> <ol style="list-style-type: none"> 1. <u>Within 90 metres of an identified building platform on each lot; and</u> 2. <u>Existing or likely to be available at a time of development of the lot; and</u> 3. <u>Accessible and available all year round; and</u> 4. <u>May be comprised of water tanks, permanent natural waterbodies, dams, swimming pools, whether located on or off the lot.</u> xv. <u>The extent to which the design and layout of the proposed allotments result in new or increased non-compliance with the underlying zone or district-wide rules.</u> xvi. <u>The extent to which there is appropriate creation of common areas over parts of the parent allotment that require access by more than one site within the subdivision.</u> <p>Rule 13.13X.3 - Ecological Enhancement</p> <ol style="list-style-type: none"> xvii. <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>

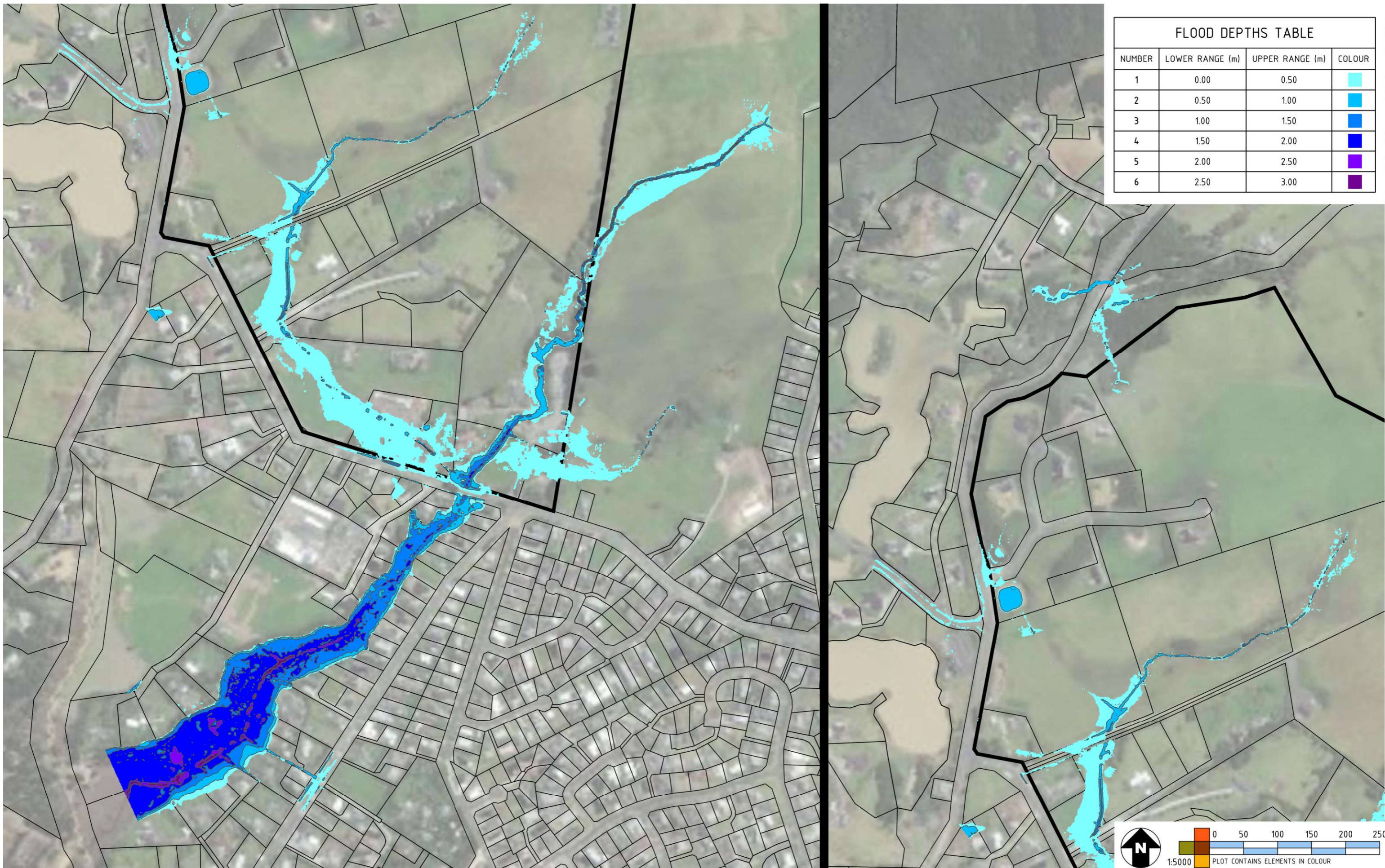
Mangawhai North Precinct Plan

Updated 20-03-2024



Legend

- Cove Road North Precinct
- Existing road in or along the Precinct
- Residential Zone
- Northern Sub-Precinct
- Street
- Off-street shared path
- On-street cycle lane



FLOOD DEPTHS TABLE			
NUMBER	LOWER RANGE (m)	UPPER RANGE (m)	COLOUR
1	0.00	0.50	Light Cyan
2	0.50	1.00	Cyan
3	1.00	1.50	Blue
4	1.50	2.00	Dark Blue
5	2.00	2.50	Purple
6	2.50	3.00	Dark Purple



Rev	Date	Amendments	By

Drafter: D TEH Job Title: FLOOD RISK ASSESSMENT
 Designer: D TEH Client: THE RISE LIMITED
 Checker: S RANKIN Address: PPC83 - COVE ROAD & MANGAWHAI HEADS ROAD (WEST), MANGAWHAI
 Date: 19/01/2024 Drawing Title: FLOOD DEPTHS - 10% AEP - CURRENT SCENARIO

Drawing: 900 Rev: 0
 Scale: 1:5000 @ A3
 Project: 15484
 Issue: CONSENT

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E:\OneDrive\Chester Consultants\Central Library - 15484 - The Rise\PC83\3.0 Design\3.2 Civil\3.2.1 ACAD\DWG Layouts\FRA\15484-C-DWG-900.dwg 1/27/2024 4:56 pm LAST SAVED BY: Daban