

**BEFORE THE HEARING PANEL APPOINTED BY KAIPARA DISTRICT COUNCIL**

**Under the** Resource Management Act 1991

**In the matter** of the hearing of submissions on Proposed Private Plan  
Change 83 by The Rise Limited

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**REBUTTAL EVIDENCE OF JONATHAN GUY CLEASE ON BEHALF OF KAIPARA DISTRICT  
COUNCIL**

**(Planning and urban design)**

**15 March 2024**

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**1. INTRODUCTION**

**1.1** My full name is Jonathan Guy Clease.

**1.2** I prepared the section 42A Report. My qualifications, experience, and background to my involvement in this matter are as set out in that Report.

**2. CODE OF CONDUCT**

**2.1** I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and have complied with it in preparing this evidence. I confirm that the issues addressed in this evidence are within my area of expertise and I have not omitted material facts known to me that might alter or detract from my evidence.

**3. SCOPE OF EVIDENCE**

**3.1** This statement of rebuttal evidence on behalf of Kaipara District Council responds to various matters arising from the statements of evidence of:

- (a) Mr Bredemeijer – Urban Design;
- (b) Ms Melissa McGrath and Ms Evelyn Neal – Planning;
- (c) Mr Keogh – Planning;
- (d) Ms Phillips – Planning; and
- (e) Ms Morris – Planning.

**3.2** I note at the outset that there is, overall, a high degree of alignment reached between myself and the applicant's experts. This rebuttal statement focusses on the remaining key area of difference between the section 42A team and the applicant, namely the degree to which multi-unit housing typologies should be facilitated. I also clarify my position on

a number of other issues raised by the experts for both the applicant and various submitters.

**3.3** I include an updated set of ODP provisions as **Attachment 1**.

**4. EVIDENCE OF MR BREDEMEIJER (URBAN DESIGN) and MS MCGRATH and MS NEAL (PLANNING)**

**4.1** Mr Bredemeijer has prepared a primary statement of evidence on behalf of the applicant dated 22 February 2024. My rebuttal is limited to responding to the parts of his evidence relating to medium density housing enablement. In responding to the merits of facilitating multi-unit outcomes I also provide feedback on the primary statement of evidence on planning matters prepared by Ms McGrath and Ms Neal (**Ms McGrath**) on behalf of the applicant, dated 23 February 2024.

**4.2** The rule package now sought by the applicant<sup>1</sup> seeks a minimum lot size of 600m<sup>2</sup> as a subdivision rule. A comment box in Attachment 3 to Ms McGath's evidence confirms her agreement with the non-complying activity status for subdivision applications with minimum lot sizes below this size.

**4.3** Ms McGrath identifies<sup>2</sup> that the overall yield of 380 units is based on individual sites being on average 1,000m<sup>2</sup>. She acknowledges that this estimate is made on an appropriately conservative basis that recognises the site's fragmented ownership, range of existing lot sizes, and the larger proposed minimum lot size for the Northern Sub-precinct.

**4.4** Ms McGrath<sup>3</sup> and Mr Rankin<sup>4</sup> identify that the provision of on-site water supply/ storage is challenging for sites that are smaller than 600m<sup>2</sup>.

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<sup>1</sup> Ms McGath, Attachment 3

<sup>2</sup> Ms McGrath, para. 5.4

<sup>3</sup> Ibid, para.9.12

<sup>4</sup> Mr Rankin, para 4.3(a) and 7.4

- 4.5** Ms McGath's evidence<sup>5</sup> helpfully includes a map of Mangawhai showing the average section sizes. Some 95% of sections in Mangawhai are larger than 600m<sup>2</sup>, and therefore I stand by my conclusions that medium density housing typologies and densities will be out of keeping with the current character of the township.
- 4.6** Mr Bredemeijer states that the site is largely unsuitable for medium density outcomes due to a combination of site contours, ecological values, fragmented ownership, and the presence of existing dwellings<sup>6</sup>. I agree.
- 4.7** I am therefore unclear why the applicant is pursuing a rule framework that includes a clear land use consenting pathway for multi-unit housing typologies.
- 4.8** The proposed rule package includes a land use rule<sup>7</sup> that facilitates the provision of additional units on a site as a restricted discretionary activity. There is therefore a clear disjunct between the land use and subdivision rules/ outcomes where subdivision of lots less than 600m<sup>2</sup> is to have a non-complying activity standard. In practice, once the units are established via the land use rule, I would expect considerable pressure to be placed on Council to grant subsequent subdivision consents to either fee simple or unit title the residential units on the basis that the built outcome and associated effects have already been established and form part of the existing environment for the purposes of assessing effects under section 104 of the RMA.
- 4.9** I agree with Mr Bredemeijer<sup>8</sup> that a single residential unit on a 600m<sup>2</sup> site does not constitute a medium density outcome. I also agree with Ms McGrath that the proposed rule package does not mirror Medium

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<sup>5</sup> Ibid, Attachment 5

<sup>6</sup> Mr Bredemeijer, para. 6.8

<sup>7</sup> Rule 13.10.3a(2)

<sup>8</sup> Mr Bredemeijer, para. 6.9

Density Residential Standards (MDRS)<sup>9</sup>. Nor would I expect it to given that MDRS is only mandatory for the large Tier 1 metropolitan local authorities (with the Government now proposing to make it optional). The rule framework sought by the applicant nonetheless provides a straight forward consenting pathway for what are commonly thought of as medium density housing typologies i.e. duplexes, terraces, and low-rise apartments.

**4.10** Ms McGrath notes<sup>10</sup> that NPS-UD Policy 6(b) includes recognition that the amenity values of an area may change and that such changes are not in themselves an adverse effect<sup>11</sup>. Policy 6(a) relates to the planned urban built form anticipated by the RMA planning documents that have given effect to the NPS-UD i.e. the plan changes necessary to implement the urban form outcomes directed in Policy 3. In Kaipara, there are no RMA documents that have been designed to give effect to the NPS-UD and therefore the changes in amenity directed in Policy 3 and referred to in Policy 6(b) are not relevant to the assessment of PPC83. That said, I recognise that a shift from the ODP requirement of a minimum site size of 1,000m<sup>2</sup> down to 600m<sup>2</sup> constitutes a significant change in amenity and character. As set out in my S42 report, I am comfortable with this significant change, but am not satisfied that further enablement of multi-unit housing typologies is appropriate.

**4.11** I remain of the view, as set out in my section 42A report, that the site is not appropriate for medium density housing typologies facilitated by a restricted discretionary land use consenting pathway. As outlined in my section 42A Report I recommended that the provisions providing for this as part of PPC83 be deleted, and have done so in my proposed PPC83 provisions. If such typologies are not provided for, then there is little need to amend the built form rules controlling building and impervious surface coverage and private outdoor living space. As shown by Figure 2

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<sup>9</sup> Ms McGrath, pg. 15(i)

<sup>10</sup> Ibid, pg. 16(iii)

<sup>11</sup> Putting aside the question of whether or not the NPS-UD is in play or whether Mangawhai meets the definition of an urban environment

in Mr Bredemeijer's evidence, the Operative Plan rules are more than adequate for enabling a stand-alone residential unit on a 600m<sup>2</sup> site.

**4.12** Mr Bredemeijer and I are in agreement regarding the rule package that applies to street setbacks (including 5m from Mangawhai Heads Road) and garage setbacks. I agree with Mr Bredemeijer's recommendation to increase the setback from 4.5m to 5m for garage doors facing the street (6.26-6.27).

**4.13** I note that the setback rule in Ms McGrath's Attachment 3 is proposed to require a 5m setback for accessory buildings adjacent to internal boundaries. There is no commentary on this change in Mr Bredemeijer's evidence. In my view it is common for garages in particular to be located adjacent to internal boundaries, either with no setback, or simply being subject to the generic control, which in this case is 1.5m. This enables sites to be efficiently used, with garages and garden sheds located adjacent to side boundaries and typically being low-rise structures with fire-rated side walls that prevents windows and consequent loss of privacy for neighbours. I recommend that Rule 13.10.7(3)(a) simply read: *Front yard – 3m, with garage doors that face the street set back 5m.*

**4.14** Mr Bredemeijer assumes my s42A report recommendations that refer to the Concept Plan are in error and should be referencing the Precinct Plan. I confirm that this is not an error<sup>12</sup>. The Precinct Plan simply shows a series of indicative arrows where cross-boundary road and pedestrian links are to be formed. Given the fragmented ownership and the need for a coherent internal road network to deliver functional modal choice for future residents, I consider the greater level of detail shown on the Concept Plan to be more appropriate for guiding what is likely to be somewhat ad hoc subdivision over the coming years

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<sup>12</sup> Mr Bredemeijer, para. 6.2

## Northern Sub-precinct

- 4.15** I am likewise in general agreement with Mr Bredemeijer and Mr Cocker<sup>13</sup> regarding the rule package that applies to the northern sub-precinct i.e. a 1,000m<sup>2</sup> minimum site size, and retention of the existing ODP rules controlling building and imperious coverage and outdoor living.
- 4.16** Mr Bredemeijer<sup>14</sup> relies on the evidence of Mr Cocker<sup>15</sup> regarding appropriate height controls in the Northern Sub-precinct. Mr Cocker recommends a height rule that *“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”*.
- 4.17** As a planner, this rule appears to be challenging to interpret and implement, and as such I am cautious as to whether it adds much in the way of additional regulatory control relative to the ODP default rule of an 8m height limit. Due to the complexity of the proposed rule and the modest difference in outcome, I recommend that a simple 8m height limit be used.
- 4.18** Mr Cocker provides clarification that the building setback from native vegetation rule was intended to only apply to the existing covenanted bush block on the site’s boundary with the Bream Tail development. Ms McGrath proposes the setback rule 13.10.15(1) be worded as follows:
- Any building to accessway is a permitted activity if it is setback at least 10m from indigenous vegetation existing as at (inset date PC83 is deemed operative), located within the northern Sub-precinct.*
- 4.19** I recommend that rule be amended to provide specific reference to this covenanted bush area, otherwise as worded in Ms McGrath’s

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<sup>13</sup> Mr Cocker provided landscape evidence on behalf of the applicant, dated 23 February 2024

<sup>14</sup> Mr Bredemeijer, para. 6.21-6.23

<sup>15</sup> Mr Cocker, para. 5.14

Attachment 3 it will be challenging to enforce as in the future it is hard to know the year in which vegetation was planted/ first existed.

**4.20** Mr Cocker seeks the retention of rule 13.10.15(3)(ii) controlling the colour of driveways, with amendments to reduce ambiguity and improve enforceability. I am ambivalent as to the rule's necessity, especially once lots become established with landscaping and dwellings, but agree that the clarity of the rule has been improved.

**4.21** I accept Mr Cocker's recommendation<sup>16</sup> that the landscaping requirement adjacent to the northern boundary with the Bream Tail area is only required adjacent to Lot 42. I confirm that the purpose of the landscape strip was to manage visual effects rather than reverse sensitivity issues. I note that Mr Cocker's recommendation has been carried through to the Attachment 3 rule package as a subdivision matter of discretion (Rule 13.13X(xiii)) rather than as a rule in itself. I consider that this approach is appropriate given that the establishment of boundary planting can then occur at an early stage in the land development process and its establishment and ongoing retention can be enforced through either a subdivision consent condition or a consent notice on the new title.

#### **Wastewater**

**4.22** Mr Cantrell has confirmed that there is agreement with the applicant's experts regarding the provision of wastewater.

#### **Water supply**

**4.23** Ms Parlane for Council has confirmed her agreement that the refined rule 13.14.4 is an appropriate tool for aligning water storage requirements with likely demand, especially in the context of one unit per 600m<sup>2</sup> site.

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<sup>16</sup> Mr Cocker, para. 5.27-5.44



- 4.24** Whilst suitable for single dwellings, as a planner I consider that the proposed rule table is functionally challenging for multi-unit typologies. A 600m<sup>2</sup> site could readily yield 4 x 2 storey, 2-bed terraced townhouses. In my experience 2 bed townhouses typically occupy a 40-50m footprint i.e. are 80-100m<sup>2</sup> across two levels. This results in a 4 unit development with a roof area of 200m<sup>2</sup> and 8 bedrooms. Which equates to a storage demand of some 120m<sup>3</sup>, or each townhouse having a 30,000lt tank.
- 4.25** I am not aware of any other District Plans that provide a restricted discretionary consenting pathway for multi-unit typologies in locations that are reliant on rainwater.
- 4.26** The adequacy of water supply for multi-unit typologies was examined as part of the Mangawhai Central PPC78<sup>17</sup>. The ODP includes provision for lots down to 500m<sup>2</sup> and multi-unit typologies in Mangawhai Central proximate to the commercial centre, provided such units are able to connect to a reticulated water supply<sup>18</sup>. Delivery of reticulation to the site is understood to be challenging and as a consequence no medium density housing is yet to be built. As outlined in my section 42A Report and earlier in this evidence, I do not support multi-unit development as part of PPC83 on urban form grounds. The concerns outlined by Ms Parlane in relation to the ability to supply multi-unit development from rainwater tanks are a further reason why I do not consider rules providing for multi-unit development to be appropriate. In relation to water supply, the applicant has not provided any evidence that reticulated supply is feasible.
- 4.27** I confirm that there is agreement with the applicant's experts regarding the need for a matter of discretion that addresses fire-fighting water supply.

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<sup>17</sup> ODP Chapter 16 Estuary Estates, Sub-zone 3A

<sup>18</sup> As provision of 50m<sup>3</sup> water storage per unit with sufficient roof catchment area to keep the tanks full as required under rule 16.5.2 is functionally challenging for multi-unit typologies.

### **Stormwater/ flood risk**

- 4.28** Mr Senior for Council has reviewed the evidence of Mr Rankin regarding stormwater management. He has confirmed that the proposed approach is supportable and that the bespoke stormwater rule is adequate for managing stormwater.
- 4.29** As a planner I note that Mr Rankin has developed a stormwater management plan which has informed amendments to the stormwater provisions i.e. the provisions 'stand-alone' and there is no need for ongoing reference back to the stormwater management plan.
- 4.30** In summary, Mr Rankin has identified the challenges with implementing a single comprehensive stormwater management system given the site's fragmented ownership. He has therefore recommended an approach whereby each subdivision consent application will need to demonstrate that stormwater is able to be treated and detained in a self-sufficient manner.
- 4.31** Mr Rankin has recommended an amendment to the permeable surfacing rule that controls the placement of new buildings and impermeable surfaces within the 10% annual exceedance flood area that is identified on a related flood map. Given that the more accurate flood map is for part of the ODP, I agree that showing flood-prone areas on the Concept Plan is not necessary. I do note that the flood map (figure 1 as referenced in rule 13.10.12) does not appear to be shown in Attachment 3 to Ms McGrath's evidence.
- 4.32** Concerns regarding the challenge with managing stormwater in a context of fragmented ownership was one of the key residual matters identified in my s42A report as benefiting from further evidence. I understand that following the review of Mr Rankin's evidence, Mr Senior agrees that the refined rule framework is sufficiently robust to manage stormwater (and downstream flood risk). My concerns regarding stormwater management have therefore been addressed.

## **Ecology**

**4.33** Mr Brown has reviewed the ecological evidence of Ms Vilde. He has confirmed the need to be able to assess controls on cats and dogs as part of the subdivision consent process. Relying on Mr Brown's opinion, I consider the inclusion of a matter of discretion on this matter is appropriate, as shown in my s42A report.

## **Transport**

**4.34** Mr van der Westhuizen for Council has reviewed the transport evidence of Mr Kelly for the applicant. Mr Westhuizen is in general agreement with the conclusions reached by Mr Kelly. He does however seek that in the event that the Cove Road speed limit remains at 80 kph, that new vehicle accesses onto Cove Road be restricted due to safety concerns.

**4.35** I consider that the existing ODP transport rule and associated matters of discretion are generally adequate for enabling assessment of the safety and efficiency of new vehicle access points. That said, if the Panel wish to ensure that explicit consideration of this matter occurs, then an additional matter of discretion could be added to Rule 13.14.2 as follows:

*(xx) If Cove Road has a posted speed limit of 80 kph or greater, the safety and efficiency of any new vehicle access to Cove Road.*

**4.36** The Cove Road Precinct access formation rule has a restricted discretionary activity status, thereby enabling applications to be declined if a safe vehicle access cannot be demonstrated.

## **Thomas Keogh on behalf of R & R Davies (Submitter #56)**

**4.37** Mr Keogh has prepared a primary statement of evidence on behalf of R and R Davies (submitter #56), dated 8<sup>th</sup> March 2024. Mr Keogh assesses the most appropriate zoning for the Davies' site, with a view to enabling the ongoing operation and development of the submitter's sites for commercial activities.

- 4.38** In terms of the ODP zone framework, whilst the ODP has a single Business Chapter and zone, the Business Zone is comprised of two sub-zones that differentiate between commercial and industrial outcomes<sup>19</sup>. The policy framework and a number of rules are the same for the two sub-zones, however there are also a number of differentiated provisions. I agree with Mr Keogh that if rezoning of the Davies' sites is found to be within scope (and merit), then the Commercial sub-zone is more appropriate than the Industrial sub-zone.
- 4.39** In the event that the Davies' site is rezoned to a Residential Zone as proposed in PPC83, Mr Keogh puts forward alternative relief to add a second sub-precinct over the submitter's land, with the Rural Zone provisions carried over into the Residential sub-precinct for earthworks, fencing, traffic generation, and signage.
- 4.40** This alternative relief is subject to the same scope tests as the primary relief of a change in zone. That said, the extent of change sought in the alternative relief is much reduced compared with a change in zone, and as such may be better able to fall within the scope of PPC83. Legal counsel for Council will address this aspect of scope in their legal submissions.
- 4.41** For ease of comparison, I append as **Attachment 2** a brief summary of the relevant rules in the Rural, Residential, and Business/Commercial zones. In summary, the rural zone is more enabling of earthworks, the commercial zone is more enabling for traffic generation and signage, and neither rural or commercial zones control road boundary fencing.
- 4.42** Ultimately the most appropriate rule package turns on being clear on the desired outcomes. Whilst Mr Keogh's alternative relief has some attraction as a 'compromise position', ultimately I consider that it would be inappropriate for a residentially zoned site, surrounded by other

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<sup>19</sup> ODP Chapter 14 Business, clause 14.1 introduction

residentially zoned properties, to be subject to rules designed to deliver rural context outcomes. Whilst for some rules the Commercial sub-zone is more enabling, in the event that the submitter's site had a Commercial Zoning, the end outcome anticipated would be clear i.e. the rules would deliver the expected zone outcome. I therefore remain of the view that if scope is available the Davies' site could be rezoned to a Commercial sub-zone, but if scope is not available then it should be rezoned to Residential as sought in PPC83. A change in zone could then be subsequently sought through the upcoming District Plan review.

**Claire Phillips on behalf of Dayahn Cornelius and Odette Rowan (Submitter #14)**

**4.43** Ms Phillips has prepared a primary statement of planning evidence on behalf of Dayahn Cornelius and Odette Rowan (Submitter #14), dated 7<sup>th</sup> March 2024. Whilst the submitters seek that PPC83 be declined, in the event that it is approved they seek a package of rules to manage reverse sensitivity effects relating to the farming activities being undertaken on their property at 8 Tangaroa Road, which is located to the northeast of the PPC83 site as part of the Bream Tail development.

**4.44** I stand by my assessment in my s42A report regarding reverse sensitivity issues generated between pastoral farming activities and urban areas. As such I do not recommend any further amendments to address this interface.

**Alice Morris on behalf of Heritage New Zealand Pouhere Taonga (Submission #26)**

**4.45** Ms Morris has prepared a primary statement of planning evidence on behalf of Heritage New Zealand Pouhere Taonga (**HNZPT**) dated 12<sup>th</sup> March 2024<sup>20</sup>.

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<sup>20</sup> I note that the NZHPT evidence was received after the date directed by the Hearing Panel's minute. Whilst this will be a procedural matter for the Panel to consider, I confirm that the late receipt has not adversely affected my ability to review their evidence and formulate a response.

- 4.46** In a nutshell, Ms Morris' concerns centre on the lack of an archaeological assessment having been undertaken and that reliance just on an Accidental Discovery Protocol (**ADP**) is not appropriate. I note that she does not identify any specific text changes or amendments to the ODP that would address the submitter's concerns.
- 4.47** In my view the level of assessment required on any given issue needs to be appropriate to the stage of the process. Dr Robinson for HNZPT confirms that within the PPC83 area, no archaeological sites have been identified as being present<sup>21</sup>.
- 4.48** I acknowledge that the lack of identified sites is not however the end of the matter. I accept the evidence of Dr Robinson that there is the potential for archaeological material to be present and that the lack of identified values is potentially due to a lack of assessment rather than a lack of archaeological material. It is therefore important that the ODP provisions enable consideration of archaeological values and the associated need for an assessment to be undertaken by a qualified archaeologist, prior to earthworks being undertaken.
- 4.49** Earthworks are limited in the Residential Zone to 100m<sup>3</sup> per annum for sites located within an Overlay<sup>22</sup>. Given the extent of earthworks required for urban development, it is inevitable that this rule will be triggered. The matters of discretion state that in granting any consent, Council will require an Excavation and Fill Management Plan to be lodged with Council by the consent holder. The Plan must contain specified information. Clause (iii) requires:

*“An assessment of the site's ecological, landscape amenity and heritage values, including details on any recorded archaeological sites and registered historic areas and waahi tapu, and the need for an archaeological-historic places site survey of the area to be developed”.*

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<sup>21</sup> Dr Robinson, para. 15

<sup>22</sup> Rule 13.10.1a. The site is located within the Mangawhai Harbour Overlay

- 4.50** This requirement goes further than simple reliance on an ADP. It requires an assessment of archaeological values, to an appropriate level of detail, to be undertaken.
- 4.51** Quite separate from the ODP provisions, as identified by Ms Morris<sup>23</sup>, the HNZPT Act 2014 contains a complementary set of legislative controls regarding the disturbance of archaeological material. Dr Robinson identifies that the PPC83 site is associated with human occupation prior to 1900. The disturbance of archaeological material therefore requires an archaeological authority from NZHPT. Through NZHPT's submissions and associated evidence, the applicant will be well aware of their obligations under the NZHPT Act. NZHPT is able to take action in accordance with the Act if earthworks are subsequently undertaken without either the necessary authority or alternatively without an assessment which demonstrates to NZHPT's satisfaction that such an authority is not needed and an ADP can instead be relied upon.
- 4.52** Due to the lack of identified archaeological sites, I do not consider further assessment of archaeological values to be necessary at this point in the planning process. I do however accept that further assessment prior to development will be required. I consider that the existing ODP provisions that control earthworks provide sufficient scope to ensure that such values will be assessed prior to bulk earthworks occurring on the site. I also recognise that in parallel to any consenting requirements in the ODP, the HNZPT Act provides a separate set of controls on the disturbance of archaeological material that the applicant will need to comply with.

**Jonathan Guy Clease**

15 March 2024

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<sup>23</sup> Ms Morris, para. 17

## Attachment 1. Updated ODP provisions



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

Proposed Provisions January 2024– Updates by the PPC83 applicant in response to Engineering Reporting Prior to Hearing are identified as **blue**. Amendments recommended in the s42A report shown as **green**. Amendments in Ms McGrath’s planning evidence for the applicant that I agree with shown in **yellow**. Amendments recommended in my rebuttal statement shown in **grey**.

Comments boxes from the s42A report are retained. Additional comments boxes are provided for changes sought in this rebuttal statement, with new comments identified as ‘rebuttal’.

In the main, the key difference between this set of provisions and those shown in Ms McGrath’s Attachment 3 is the degree to which multi-unit housing typologies are to be facilitated, with consequent changes to the generic Residential Zone built form rules.

For clarity, I recommend that subdivision be in general accordance with the Cove Road North Precinct Concept Plan. I consider that the Concept Plan provides a more appropriate level of detail necessary to ensure acceptable outcomes than the Precinct Plan.

I note that Figure 1 showing flood prone areas and referred to in Rule 13.10.12(2)(b) needs to be included in the proposed amendment to the ODP.

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

#### **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><u>Objectives</u></b>	
<b><u>PRECX-O1</u></b>	<b><u>Cove Road North Precinct Residential Living</u></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><u>Policies</u></b>	
<b><u>PRECX-P1</u></b>	<b><u>Cove Road North Precinct Subdivision</u></b>
<u>To provide for a range of site sizes and densities, and subdivision layout where:</u>	
<u>1. A mixture of allotment sizes is provided that have the ability to accommodate different housing typologies, <b>including affordable housing</b>.</u>	
<u>2. There is sufficient infrastructure/<b>servicing</b> to accommodate the development.</u>	
<u>3. A well-connected pedestrian, cycling and transport network is achieved.</u>	

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

<p>4. <u>The subdivision design and allotment sizes respond to the topography and physical characteristics of the land.</u></p> <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><u>PRECX-P2</u></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><u>PRECX-P3</u></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><u>PRECX-P4</u></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><u>PRECX-P5</u></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><u>PRECX-P6</u></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> </ol>	

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2. Identifying building platforms that respond to site topography and environmental characteristics.
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.

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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><del>(1) Residential Zone</del></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;</li> <li>- <del>600m<sup>2</sup> for a serviced site in the Cove Road North Precinct;</del></li> <li>- <del>1,000m<sup>2</sup> for a serviced site in the Cove Road North – Northern Sub-precinct area;</del> or</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><del>(2) The Cove Road North Precinct</del></p> <p><del>Construction of a dwelling is a permitted activity if:</del></p> <p><del>After completion, it will be the only dwelling on the site.</del></p> <p><del>Note 1: The demolition and/or removal of a dwelling is a Permitted Activity except where the provisions of Chapter 17: Historic Heritage apply.</del></p> <p><del>Note 2: 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.</del></p>	<p>(1) <u>Discretionary Activity</u></p> <p><del>(2) Restricted Discretionary</del></p>	<p>(1) <b>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; 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, provides screening 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><del>(2) The Cove Road North Precinct</del></p> <p><del>Where an activity is not permitted by this rule, Council will have regard to the following matters when considering an application for Resource Consent:</del></p> <ul style="list-style-type: none"> <li><del>i) The privacy, outlook and amenity of adjacent and adjoining sites;</del></li> <li><del>ii) Sufficient sunlight access to the outdoor living space;</del></li> <li><del>iii) Building mass, orientation and passive surveillance toward the road/street;</del></li> <li><del>iv) Bulk, scale and shading effects;</del></li> <li><del>v) Effects on any natural features with respect to natural wetlands, water courses, and indigenous vegetation;</del></li> <li><del>vi) The extent to which the activity is consistent with the purpose, character and amenity values of the Cove Road North Precinct; and</del></li> <li><del>vii) The ability to accommodate incidental activities anticipated within the Cove Road North Precinct such as parking (if it is to be provided), maintenance, waste collection and recycling;</del></li> </ul> <p><del>Where three or more residential units (multi-unit development) are proposed within a site the following additional matters shall be considered:</del></p>

Commented [JC1]: Rebuttal - Added to clarify that whilst the Cove Rd precinct is within an overlay area, 600m2 applies

Commented [JC2]: s42A - removal of the harbour overlay from the site means that the standard '600m2 serviced outside an overlay' rule can apply.

1,000m2 minimum retained for the northern sub-precinct.

ODP fully discretionary status for smaller lots retained, with ability to do multi-unit development as RDA removed.

Nb. If the Hearings Panel consider that a RDA multi-unit pathway is preferred, then the matters of discretion proposed in PPC83 are appropriate. Recommend that a fully discretionary status for smaller lots in the northern sub-precinct should however be retained under this alternative scenario.

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				<p><del>vi) The relationship of the development with adjoining streets or public open spaces including the provision of landscaping;</del></p> <p><del>vi) Privacy, shading and overlooking within the development and on adjoining sites including the orientation of habitable rooms, balconies and outdoor living spaces;</del></p> <p><del>vi) Infrastructure services including private onsite systems;</del></p> <p><del>vi) The provision of adequate waste and recycling bin storage including the management of amenity effects of these on streets or public open spaces;</del></p> <p><del>vi) Where on-site car parking, garaging and vehicle manoeuvring areas are provided, the design and location of car parking (including garages) as viewed from streets or public open spaces;</del></p>
13.10.5	Maximum Height	<p>Any building 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>	Restricted Discretionary Activity	<p><b>i) 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; <ol style="list-style-type: none"> <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> </ol> </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 (<a href="#">Chapter 4</a>) 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 <a href="#">Appendix 18B</a>;</li> <li>Effects on ecological values and in particular any <b>sites of ecological significance</b> as defined by the criteria listed in <a href="#">Appendix 25G</a>;</li> </ol>

Commented [JC3]: Rebuttal - for the northern sub-precinct, rely on the generic 8m limit rather than the complex height rule recommended by Mr Cocker.

As a consequence do not support the separate amendment to rule 13.10.15(3)(iii) in Ms McGrath's evidence

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		<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> <p>a) River – 6m from the banks of any river with an average bed width of between 1 to 3m.</p> <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>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><u>Provided that an accessory building may be erected in any side or rear yard where:</u></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 Rounding Powers Act 1989.</p>	<p>viii) Effects on public access;</p> <p>ix) 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>;</p> <p>x) Protection of the conservation, ecological, recreation, access and hazard mitigation values of <b>esplanade reserves</b> or <b>strips</b>;</p> <p>xi) Where buildings are located in close proximity to State Highways or Rail (level crossings) whether and 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>(3) The Cove Road North Precinct</b></p> <p><u>Where an activity is not permitted by this rule, Council will have regard to the following matters when considering an application for Resource Consent:</u></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><b>13.10.7a</b></p>	<p><b>Fence and Landscaping</b></p>	<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></p> <p><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><u>c) 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</u></p>	<p><u>Restricted Discretionary Activity</u></p> <p><u>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:</u></p> <p>i. <u>The extent to which the fencing and landscaping visually connects the private front yards to public roads and open spaces <u>apart from the Cove Road frontage</u>.</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>

**Commented [JC4]:** Rebuttal - agree with Mr Bredemeijer that a 5m setback is more appropriate.

Disagree with Ms McGrath's Attachment 3 that accessory buildings should be set back 5m from internal boundaries

**Commented [JC5]:** s42A - to enable a car to be parked in front of the garage without projecting out into the footpath/ road

**Commented [JC6]:** s42A - to enable a consistent edge treatment around the perimeter

**Commented [JC9]:** s42A - to reflect the different 'screening' outcome sought along Cove Rd

**Commented [JC7]:** s42A - to create a landscaped buffer/ interface to the large lot Bream Tail area.

**Commented [JC8R7]:** Rebuttal - agree with Ms McGrath that this amendment is not necessary, noting additional matter of discretion added to Rule 13.13X (xiii)

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		<p><u>boundary which is:</u></p> <p><u>i. 2m wide; and</u></p> <p><u>ii. Capable of achieving a minimum establishment height of 1.8m; and</u></p> <p><u>iii. At a density that will achieve canopy closure within 3-5 years; and</u></p> <p><u>iv. Comprised of native species.</u></p>		
13.10.11	Private Open Space	<p><b>(1) Residential Zone</b></p> <p>A <b>dwelling</b> is a <b>Permitted Activity</b> if the private open space meets the following:</p> <p>a) Is equivalent to 50% of the <b>gross floor area</b> of the dwelling;</p> <p>b) Is of a usable shape of no less than 3m dimension, capable of accommodating one circle of no less than 5m in diameter;</p> <p>c) Is located on the east, north or west side of the dwelling;</p> <p>d) Has direct access from the main living area of the dwelling;</p> <p>e) Is unobstructed by vehicle access or <b>parking areas</b>; and</p> <p>f) Is adequately screened from adjoining dwellings and adjacent <b>sites</b>, except in the case of reserves.</p> <p><b>(2) The Cove Road North Precinct</b></p> <p>A <b>dwelling</b> is a <b>Permitted Activity</b> if the main private open space meets the following:</p> <p>a) Is at least 20m<sup>2</sup> or equivalent to 25% of the <b>gross floor area</b> of the dwelling;</p> <p>b) Has a minimum dimension of 4m;</p> <p>c) Is located on the east, north or west side of the dwelling;</p> <p>d) Has direct access from the main living area of the dwelling;</p> <p>e) Is unobstructed by vehicle access or <b>parking areas</b>; and</p> <p>f) Shall not be located between the dwelling and a road boundary.</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 on-site privacy and amenity of the occupants;</p> <p>ii) The open space nature of the surrounding neighbourhood; and</p> <p>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.</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>
13.10.12	Permeable Surfaces	<p><b>(1) Residential Zone</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>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>.</p> <p><b>(2) The Cove Road North Precinct</b></p> <p>Any activity is a <b>Permitted Activity</b> if:</p> <p>a) The area of any site covered by buildings and other impermeable surfaces is less than 60% 40% of the net site area; and</p> <p>b) 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;</p> <p>c) 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.</p> <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> <p>i) Control of stormwater run-off;</p> <p>ii) The <b>effects</b> of increased stormwater flows downstream;</p> <p>iii) Methods of attenuating stormwater flows to pre-development rates, <b>except within the Cove Road North Precinct</b>;</p> <p>iv) Whether and the extent to which the activity meets the relevant Performance Standards or the Kaipara District Council Engineering Standards 2011;</p> <p>v) Effects on water quality; and</p> <p>vi) The extent to which low impact design principles are utilised.</p> <p>vii) <b>Within the Cove Road North Precinct, whether the proposal utilises low impact and/or water sensitive stormwater management devices and designs, outfalls that mitigate adverse flows and detail of any obligations for lot owners to construct and maintain such devices.</b></p> <p>viii) <b>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 management with the design and construction stages as well as the consent holder's maintenance obligations.</b></p>

**Commented [JC10]:** s42A - in line with the applicant lifting the minimum lot size to 600m2, plus the above recommendation to remove the RDA multi-unit pathway, then the standard ODP open space rule should apply.

If the Hearings Panel wish to retain the multi-unit pathway then I confirm that the PPC83 rule is appropriate for townhouse typologies. It would still be extremely small for standard suburban/ 600m2 section outcomes, however the separate site coverage rules are likely to mean that outdoor spaces larger than 20m2 would in practice be provided for 600m+ sections.

**Commented [JC11]:** s42A - as above, if the standard 600m lot minimum is retained, along with the multi-unit RDA pathway removed, then the standard ODP building and impervious surfacing rules should also be retained.

Due to the fragmented site ownership which will make comprehensive stormwater solutions challenging, I recommend that the more detailed matters of discretion proposed in PPC83 be retained.

If the Panel determine that RDA multi-unit pathway should be retained, then I confirm the 45/60% rules are appropriate thresholds for multi-unit/ townhouse outcomes.

**Commented [JC12]:** Rebuttal - I agree with the additional rule and matters of discretion.

I note that 'Figure 1' does not appear to have been incorporated into Ms McGrath's Attachment 3

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				<p>ix) 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.</p> <p>x) 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.</p>
13.10.13	Building Coverage	<p><b>4) – Residential Zone</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>6) – The Cove Road North Precinct</b></p> <p><b>Any activity is a Permitted Activity.</b></p> <p><b>7) – 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; 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><b>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</b></p> <p>i) <b>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.</b></p> <p>ii) <b>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</b></p> <p>iii) <b>Outdoor living areas or balconies are contiguous with the internal living areas.</b></p> <p>iv) <b>The location of buildings, window and door placement, parking areas and outside amenity areas avoid reverse sensitivity effects on any adjoining industrial activities.</b></p>
13.10.15	Buildings and Accessways within the Cove Road North Precinct – Northern Sub-precinct	<p>(1) Any building or accessway <b>located within the Northern Sub-precinct</b> is a <b>permitted activity</b> if it is setback at least 10m from existing indigenous vegetation <b>that is subject to a conservation covenant</b> located on lot 14 DP533510, located within the Northern Sub-precinct.</p> <p>(2) Any accessory building is a <b>permitted activity</b> if it is <b>located within 15m of setback no further than 15m from</b> 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) <b>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.</b></p> <p>(ii) <b>The construction material of any accessway or driveway is of dark colour with a reflectance value of not more than 30 percent.</b></p> <p><b>Note:</b> Any proposed building or accessway shall comply with all relevant rules within Chapter 13 in addition to rule 13.10.15.</p>	Restricted Discretionary Activity	<p><b>Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</b></p> <p>i) <b>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</b></p> <p>ii) <b>The mitigation of the potential adverse effect landscape effect of the built form.</b></p>

Commented [JC13]: s42A - amendment to reduce ambiguity - no change in outcome sought

Commented [JC14R13]: Rebuttal - reference to the specific bush covenant area to remove ambiguity

Commented [JC15]: s42A - minor amendment to improve readability - no change in outcome sought

Commented [JC16]: s42A - rule is ambiguous and unenforceable, and also unnecessary

Commented [JC17R16]: Rebuttal - accept Ms McGrath amendment as removing ambiguity



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

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

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>Subdivision within the Cove Road North Precinct:                             <ol style="list-style-type: none"> <li>Is a <b>restricted discretionary activity</b>.</li> <li>Is not subject to Residential Zone rules 13.11.1 – 3, 13.12.1, 13.13.1 and 2.</li> <li>Is subject to rules 13.13X.</li> <li>Complies with the relevant Performance Standards in Section 13.10 and 13.14 of this Chapter.</li> </ol> </li> </ol> <p><b>Subdivision Design Rules:</b></p> <ol style="list-style-type: none"> <li>Any subdivision within the Cove Road North Precinct shall ensure:                             <ol style="list-style-type: none"> <li>Every allotment has a minimum net site area of <b>4,000m<sup>2</sup></b> except where the proposed allotment is located within the Northern Area as shown on Precinct Map 1; or</li> <li>Every proposed allotment within the Northern Area as shown on Precinct Map 1 has a minimum net site area of 1000m<sup>2</sup>; and</li> <li><b>Proposed allotments have an average size of at least 600m<sup>2</sup>.</b></li> </ol> </li> </ol> <p><b>Ecological Enhancement Rules:</b></p> <ol style="list-style-type: none"> <li> <ol style="list-style-type: none"> <li>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.</li> <li>Any subdivision within the Cove Road North Precinct where the site adjoins land that contains an ecological feature</li> </ol> </li> <li>Any subdivision in accordance with rule 13.13X.4 shall provide:                             <ol style="list-style-type: none"> <li>A detailed Ecological Assessment prepared by a suitable qualified ecologist identifying and delineating all natural features contained within the site boundaries and adjacent land (where landowner approval to access adjacent land is provided) and assesses the effects of the proposed site development on these features and provide recommendations how these may be avoided, remedied or mitigated; and</li> <li>An Ecological Enhancement and Management Plan designed to ensure that all ecological features are appropriately enhanced as part of site development works.</li> <li>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.</li> </ol> </li> </ol> <p><b>Note 1:</b> Applications that do not meet the above Cove Road North Precinct subdivision terms shall be a non-complying activity</p> <p><b>Note 2:</b> 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</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>The extent to which the proposal is consistent with the Cove Road North Precinct policies.</li> <li>The extent to which the proposal is generally in accordance with the Cove Road North Precinct <b>Consent</b> Map 1.</li> </ol> <p><b>Rule 13.13X.2 – Subdivision Design</b></p> <ol style="list-style-type: none"> <li>The design, size, shape, gradient and location of any allotment, access or public road.</li> <li>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.</li> <li>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 <b>quality monitoring management</b> associated with the design and construction stages as well as the consent holder's maintenance obligations.</li> <li>Where staged subdivision is proposed, whether all necessary infrastructure, roading, utilities, public spaces and connections to service the proposed development will be established.</li> <li>Where common lots are proposed, the extent to which appropriate mechanisms are provided to ensure that all infrastructure management and maintenance requirements are sustainable.</li> <li>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.</li> <li>Location of existing buildings, access and manoeuvring, and private open space.</li> <li>The location of proposed allotment boundaries and building areas so as to avoid potential conflicts between incompatible land use activities, including reverse sensitivity effects.</li> <li>The provision, location, design, capacity, connection, upgrading, staging and integration of infrastructure, and how any adverse effects on existing infrastructure are managed.</li> <li>The protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.</li> <li>The extent to which the provision of landscaping provides a visual buffer to screen immediate and proximate views to development enabled by the closest allotment and any residential activity within Lot 42 DP 348513.</li> <li>Sufficient firefighting water supply is available, taking into account a risk-based assessment (refer to Note 1)</li> </ol> <p><b>Note 1:</b> 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:</p> <ul style="list-style-type: none"> <li>Within 90 metres 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> <p><b>Rule 13.13X.3 - Ecological Enhancement</b></p> <ol style="list-style-type: none"> <li>Measures to ensure the protection, restoration or enhancement of any natural features, including (but not limited to) creation, extension or upgrading of services and systems, planting or replanting, the protection of natural wetlands, streams or any other works or services necessary to ensure the avoidance, remediation or mitigation of adverse environmental effects.</li> <li>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.</li> </ol>

Commented [JC21]: s42A - require general alignment with the more detailed concept map that shows internal road and walkway connections and features

Commented [JC18]: s42A - to enable more detailed consideration of ecological effects on adjacent land and appropriate mitigation measures. A separate clause (b) is proposed to differentiate the requirement in clause (a) that these features be legally protected, as developers have no ability to legally protect adjacent land that is outside their ownership

Commented [JC22]: S42A - in respond to submission from FENZ and to align with PC4 outcomes

Commented [JC19]: s42A - To align with activity status in the ODP for undersized lots and to provide direction as to activity status if the rule terms are not met.

Commented [JC20]: s42A - to carry through existing ODP note on the need to also refer to the NES-CS.

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		<p>assessed, and may require consent, under the Regulations.</p>	<p>iii. 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.</p> <p>iv. Whether there is a need to control the keeping of cats and dogs to protect native birdlife.</p> <p><b>Rule 13.13X.4 – Northern Sub-Precinct</b></p> <p>i. 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.</p>
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Commented [JC23]: s42A - to enable the consideration of subdivision conditions/ consent notices following detailed assessment of the risks posed to native birdlife.

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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;  b. Property access is formed where it is shared by two or more allotments;  c. Vehicle access and driveways comply with <a href="#">Rule 13.10.25</a>;  d. No more than seven allotments are served by a private shared access;  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;  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;  g. The property access is of a suitable width to contain required services.; and  h. For new vehicle crossings on to State Highways, all NZ Transport Agency engineering requirements have been satisfied.</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 to the satisfaction of Council's Asset Manager (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 is to the satisfaction of Council's Asset Manager (in accordance with the Standards in Kaipara District Council Engineering Standards 2011).</p>		<p>2. Council will have regard to the following matters when considering an application for Resource Consent under this Rule</p> <p>i. Whether and the extent to which the road or private way follows the alignment of indicative roads;  ii. 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;  iii. 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;  iv. Whether and the extent to which there is a the need for footpaths;  v. Whether and the extent to which there is a need for stormwater management associated with the provision of the new road or private way;  vi. Whether an adequate alternative access is able to be provided for the anticipated use;  vii. Whether the access can contain required services;  viii. The expected vehicle operating speeds and methods for controlling vehicle speeds;  ix. Adequacy of sight distances available at the vehicle crossing and along the access;  x. Possible measures or restrictions on vehicle movements in and out of the access;  xi. Possible adverse effects on Council infrastructure on adjoining properties;  xii. Any foreseeable future changes in traffic patterns in the area (including future congestion);  xiii. 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;  xiv. 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  xv. 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;</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>3. <a href="#">Council will have regard to the following additional matters when considering an application for resource consent under this rule within the Cove Road North Concept Plan:</a></p> <p>i. <a href="#">The extent to which any road, cycling and pedestrian connections are established in accordance with the Cove Road North Precinct Map 1 and Cove Road North Precinct Concept Plan.</a></p> <p>ii. <a href="#">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.</a></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>	Discretionary Activity	<p>(1) Council will have regard to the following matters when considering an application for Resource Consent under this Rule:</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;  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;  iii. Whether bonds or covenants, or both, are required to ensure performance or compliance with any conditions imposed;  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;  v. Whether and the extent to which public access for walking, cycling and brideways can be provided as part of the development;  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  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>

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				<p><b>The Cove Road North Precinct Road, Cycleway and Pedestrian Connection</b></p> <p>(1) Council will have regard to the following additional matters when considering an application for resource consent under this rule within the Cove Road North Precinct:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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 Map 1 and Cove Road North Precinct Concept Plan.</li> </ol>																																																																													
<p>13.14.4</p>	<p><b>Water Supply</b></p>	<p><b>(1) Where a Council water supply is available:</b></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><b>(2) Where a public supply is not available or utilised, water supplies to all developments shall:</b></p> <p>a) Meet the requirements of Table 1.</p> <table border="1" data-bbox="528 909 1329 1318"> <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>	<p><b>Restricted Discretionary Activity</b></p>	<p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>i. Whether, and the extent to which, an adequate supply of water can be provided to every allotment being created on the subdivision.</li> <li>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.</li> <li>iii. Sufficient firefighting water supply is available.</li> </ol> <p><i>Note: 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:</i></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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300				35m <sup>3</sup>	60m <sup>3</sup>																																																																												

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<p>13.14.5A</p>	<p>Stormwater Disposal within Cove Road North Precinct</p>	<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, <u>excluding sites within the Cove Road North Precinct, or</u></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, <u>excluding sites within the Cove Road North Precinct.</u></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, <i>Stormwater Management Devices in the Auckland Region (GD01)</i>.</p>	<p>Restricted Discretionary Activity</p>	<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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Part B Land Use: Chapter 13 Residential: Precinct X – The Cove Road North Precinct

<p>13.14.6</p>	<p><b>A Residential Zone</b></p> <p>1. <b>Where a Council reticulated wastewater system is available:</b></p> <p>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</p> <p>b. All allotments are provided, within their net site area, with a connection to the Council reticulated wastewater system; and</p> <p>c. The reticulated wastewater system is designed and constructed in accordance with the specific requirements of the Council wastewater system; and</p> <p>d. All water pipelines vested with Council shall be protected by an Easement in favour of Council.</p> <p>2. <b>Where a community wastewater system is proposed, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"</b></p> <p>3. <b>Where no Council system is available, all allotments are provided, within their net site area, with:</b></p> <p>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</p> <p>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</p> <p>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).</p> <p><b>Note 1:</b> 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.</p> <p><b>Note 2:</b> 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.</p> <p><b>B Cove Road North Precinct</b></p> <p><del>1. Where a Council reticulated wastewater system is available:</del></p> <p><del>a. Allotments may be provided, within their net site area, with a connection to the Council reticulated wastewater system; and</del></p> <p><del>b. Any reticulated wastewater system proposed is designed and constructed in accordance with the specific requirements of the Council wastewater system; and</del></p> <p><del>c. Pipelines vested with Council shall be protected by an Easement in favour of Council.</del></p> <p><del>2. Where a community wastewater system is proposed, the system shall be designed in accordance with AS/NZS1547:2008 "Onsite Wastewater Management Standards"</del></p> <p><del><b>Note 1:</b> 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.</del></p>	<p><b>A Residential Zone</b></p> <p>Discretionary Activity</p> <p><b>B Cove Road North Precinct</b></p> <p>Restricted Discretionary Activity</p>	<p><b>A Residential Zone</b></p> <p>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 the capacity, availability and accessibility of the reticulated system is adequate to serve the proposed subdivision;</p> <p>ii. Whether there is sufficient land available for wastewater disposal on site, minimum 2,000m<sup>2</sup> unserviced sites;</p> <p>iii. Whether and the extent to which the application includes the installation of all new reticulation complies with the provisions of the Kaipara District Council Engineering Standards 2011 or has been confirmed as appropriate by Council's Engineer;</p> <p>iv. Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>ix. The need for and extent of any financial contributions in accordance with <a href="#">Chapter 22: Financial Contributions</a> to achieve the above matters;</p> <p>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;</p> <p>xi. The provision of practical vehicular access from a public road to and along any area vested with Council for waste water purposes; and</p> <p>xii. Whether the subdivision represents the best practicable option in respect of the provision that is made for the disposal of wastewater.</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>B Cove Road North Precinct</b></p> <p><b>Council will restrict its discretion over the following matters when considering and determining an application for Resource Consent:</b></p> <p><del>i. Whether the capacity, availability and accessibility of the reticulated system is adequate to serve the proposed subdivision;</del></p> <p><del>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;</del></p> <p><del>iii. Whether the existing wastewater treatment and disposal system, to which the outfall will be connected, has sufficient capacity to service the subdivision;</del></p> <p><del>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;</del></p>
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Commented [B&A24]: Recommendation is consistent with post submission assessment of servicing capacity, flood risk and stormwater management by Chester, their recommendation is to establish a 600m2 minimum lot size.

Commented [JC25]: s42A - I understand that no change is now proposed to the ODP rule regarding wastewater i.e the existing ODP provisions are sufficient for assessing wastewater servicing to the PPC83 site now that the minimum lot size has been increased to 600m2 (and with my separate recommendations regarding dwellings on undersized lots).

As no change is proposed to the rule for PPC83 outcomes, the operative rule headings do not require amendment.

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				<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 2. Rule comparison for Davies Submission #56

Earthworks	
Rural 12.10.1a	4) Mangawhai Harbour Overlay a) The works are within 300m of the Coastal Marine Area and/or within 20m of a lake, river or edge of any wetland and the volume is less than 300m <sup>3</sup> and the area is less than 300m <sup>2</sup> in any 12 month period; or  b) The works are not within 20m of the bank of any lake, river or edge of any wetland and the volume is less than 1,000m <sup>3</sup> and the area is less than 1,000m <sup>2</sup> in any 12 month period; and c) The height or depth is less than 2m over a continuous distance of less than 50m within a site.
Residential 13.10.1a	(b) where overlays apply, the volume is less than 100m <sup>3</sup> within a site in any 12 month period.
Business 14.10.1	(a) is part of an approved Building Consent; or  (c) the volume is less than 300m <sup>3</sup> within a site in any 12 month period and is not within 6m of a bank of any water body.
Traffic	
Rural 12.10.18	Any activity is permitted if the cumulative traffic generated on any road does not exceed 60 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F.
Residential 13.10.18	Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 20 daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F.
Business 14.10.18	Any activity is permitted if the cumulative traffic generated on any road from all activities on site does not exceed 200 Daily one way movements based on the Traffic Intensity Factor Guidelines in Appendix 25F.
Signage	
Rural 12.10.24	Any business sign not exceeding 3m <sup>2</sup> that is not within an Outstanding Natural Landscape (identified on Map Series 2), advertising or providing information on the owner or occupier of the site, or facilities, goods or services available from it, provided that no more than two such signs shall be erected on any site.
Residential 13.10.24	Any business sign not exceeding 1m <sup>2</sup> that is not within an Outstanding Natural Landscape (identified on Map Series 2), in area advertising or

	providing information on the owner or occupier of the site, or any facilities, goods or services available from it, provided that no more than one such sign shall be erected on the site.
Business 14.10.24	a) Any business sign advertising or providing information on the owner or occupier of any site, or any facilities, goods or services available from it.
<b>Fencing &amp; Landscaping</b>	
Rural	No controls
Residential As proposed by PPC83	(1) The Cove Road North Precinct a) Any fence is a permitted activity where: i. The fence is adjacent to any road boundary and has a maximum height of 1.1m. Or ii. 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.
Business	No controls (although there is a requirement to screen storage areas with 1.8m fencing – 14.10.8).