



## Form 5

Submission on a notified proposal for Private Plan Change 83 – The Rise Limited

*Clause 6 of Schedule 1, Resource Management Act 1991*

### Submitter details

*(Please note that any fields with an asterisk (\*) are required fields and must be completed)*

First name\*

Surname\*

Agent (if applicable)

Postal address\*

Postcode

Contact phone

Daytime phone

Mobile phone

Email address for Submitter\*

Email address for Agent (if applicable)

Please select your preferred method of contact\*

By email

By post

Correspondence to\*

Submitter (you)

Agent

Both

## Submission on application

### This is a submission on a private plan change

Please complete this form if you wish to make a submission to a current plan change that is open for submissions.

Plan change number: **PPC83**

Plan change name: **The Rise Limited**

The purpose of the plan change is to rezone an area north of Mangawhai to a Residential Zone. The key features of the plan change are:

- Rezone 56.9ha of land at Cove Road and Mangawhai Heads Road from Rural Zone to Residential Zone, including consequential amendments to the Operative Kaipara District Plan Maps;
- The creation of a Precinct over top of the Residentially Zoned land with core provisions that to protect ecological features, promote high quality urban design, provide open space and connectivity; and
- Any necessary consequential amendments to the Operative Kaipara District Plan provisions.

Trade competition and adverse effects (select one of the following options)\*

I could  I could not gain an advantage in trade competition through this submission.

If you ticked 'I could' above, please answer this question by selecting one option below:

I am  I am not directly affected by an effect of the subject matter of the submission

that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

**Note:**

If you are a person who could gain an advantage in trade competition through making a submission on PPC83 you may only make a submission if you are directly affected by an effect of PC83 that adversely affects the environment; and does not relate to trade competition of the effect of trade completion: Clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

Would you like to present your submission in person at a hearing?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
If others make a similar submission, will you consider presenting a joint case with them in the hearing?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

**Please complete a line for every submission point, adding as many additional lines as you need.**

**Note:** This form is intended for brief submission only, if you wish to provide us with more in-depth content, please do this on a separate page and attach it to this form when returning it to us.

The specific provisions of the proposal that my submission relates to (e.g. provision number, map)	Do you: <ul style="list-style-type: none"> <li>• Support?</li> <li>• Oppose?</li> </ul>	What decision are you seeking from Council?  Select which action you would like: <ul style="list-style-type: none"> <li>• Retain</li> <li>• Amend</li> <li>• Add</li> <li>• Delete</li> </ul>	Reasons
<b>Example:</b> Zoning	<b>Example:</b> Support	<b>Example:</b> Retain zoning for proposal	<b>Example:</b> Supports the growth of Dargaville

Your signature: ..... *CK Phillips* ..... Date: .....

*(A signature is not required if you make your submission by electronic means.)*

Please return this submission form and any attachments **no later than 5pm Wednesday 23 August 2023** to Kaipara District Council by:

Posting to: Kaipara District Council, Private Bag 1001, Dargaville 0340

Email to: [planchanges@kaipara.govt.nz](mailto:planchanges@kaipara.govt.nz) or

Hand-deliver to: Kaipara District Council, 32 Hokianga Road, Dargaville or 6 Molesworth Drive, Mangawhai

**PRIVACY ACT NOTE:** Please note that all information provided in your submission is considered public under the Local Government Official Information and Meetings Act 1987 and may be published to progress the process for the private plan change and may be made publicly available.

**Form 5**

**Submission on a notified proposal for Private Plan Change 83 – The Rise Limited**  
*Clause 6 of Schedule 1, Resource Management Act 1991*

To: Kaipara District Council Auckland Council – [planchanges@kaipara.govt.nz](mailto:planchanges@kaipara.govt.nz)

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This is a submission on Private Plan Change 83 – The Rise Limited at Cove Road and Mangawhai Heads Road (**PPC83**):

Dayahn Elton Cornelius and Odette Elizabeth Rowan are not a trade competitor for the purposes of Clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

The specific parts of Private Plan Change 83 that the submission relates to are:

- **Opposition to Private Plan Change 83 to convert rural zoned lane to residential.**

## **The submission is:**

### **Background**

The submitter's own the property located at 8 Tangaroa Road, Mangawhai having an area of 7.1540 hectares. The land outside the exclusive building area is managed as part of the Bream Tail Farm, which consists of 39 properties having a total area of 459 hectares and includes 273 Ha of farmland and 186 Ha of native bush and forest. The bush and forest are recognised in the District Plan and by the Department of Conservation as having regional significance. The submitter's property along with the 38 other properties contain a range of consent notices which include limiting building development to within the nominated building platforms, design guidelines, height restrictions, limit on accessory buildings and use of site for forestry, archaeological restrictions and requirement for these restrictions to be managed by the Residents Association (Bream Tail Residents Association - BTRA).

The submitter purchased their property in 2018 and are about to lodge Building Consent for a new dwelling with construction to start later this year. The dwelling is to accommodate the couple and their three children. The properties western boundary is shared with land contained within PPC83 (117 metres). The building platform of which the submitter has exclusive use over is located 98 metres from this common boundary. The remaining land is utilised by the BTRA for farming/grazing for the sheep and beef operations.

The submitter questions the need for the density of development proposed by PPC83, given that there are still large areas of Mangawhai (Mangawhai Central and off Cullen Road) which are yet to be developed.

It is acknowledged that the BTRA have lodged a submission in opposition to Private Plan Change 83 and the submitter supports that submission.

### **Effects of Private Plan Change 83**

#### **Reverse Sensitivity**

Reverse sensitivity is a serious concern for the submitter. The exclusive use area of the submitter's property is for rural residential living and located in close proximity to the common boundary with PPC83. The property was purchased based on the existing and envisaged rural character and amenity values as well as the need for the ongoing use of the site for rural residential purposes and land outside the exclusive use area to be managed by the BTRA as an operating farm.

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

Any potential impact or restrictions either commercial or otherwise could have a serious consequence on the submitter's (and residents) ability to both maintain and manage its commitment and obligations under its resource consent conditions.

Viability of the farming operation would be greatly impacted by PPC83, given the proximity to the proposed urban environment which will result in increased pest animals (domestic animals – cats and dogs), as well as likely generating complaints about the on-going rural activities at Bream Tail Farm.

The submitter contributes private funds to BTRA to undertake a significant ongoing conservation programme (Te Paepae-O-Tu Bream Tail Farm Community Ecological Restoration Plan) on their behalf. This programme would be greatly impacted by the introduction of domestic animals along one of Bream Tail Farm's boundaries.

The submitter and associated BTRA members through the BTRA commit significant resources (over a hundred thousand dollars annually) to implement this comprehensive ecological programme to protect and enhance the bush and forest and the flora and fauna residing within it. BTRA engages a professional Independent Ecologist to design and manage the ecological programme. Deployment of toxins, the culling of pest animals on the submitter's property, along with the removal of pest weed species is undertaken by independent contractors carrying out this work on a regular and programmed basis. The submitter also contributes significant volunteer hours into the ecological programme to protect and enhance the bush and forest.

The submitters do not keep domestic cats given the danger to the delicate native fauna at Bream Tail Farm. Allowing PPC83 residential activities and the keeping of domestic animals, will put those domestic animals at risk should they venture on to submitter's property and land managed by the BTRA, as well as undermining both the farming and ecological activities occurring on Bream Tail Farm. Further the submitter is concerned that should a domestic pet enter their property, they may kill their rural farm animals such as chickens, sheep and beef.

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

PPC83 fails to address the need for the ongoing use of the submitter's land for rural residential living as well as part of a productive farming unit and the reverse sensitivity effects that the development generates.

Spatial planning that has been undertaken by the Council acknowledges that there is a need for a buffer between residential zoned properties and rural properties. The submitter is supportive of the need for a buffer area, ensuring that their property is not negatively impacted upon as a result of urban effects such as smells, noise and light pollution. This buffer is compromised by the urban development envisaged by PPC83.

The submitter does not support the plan change. However, at a minimum it expects the following measures to be promulgated within PPC83 to ensure that activities can continue regardless of what the adjacent land is zoned:

1. A 6-metre planted buffer within PPC83 land along the common boundary with the submitter's land.
2. No complaints covenants on titles of all lots contained within PPC83 advising them that farming and pest control activities are operated, with rural noises, smells and activities being undertaken near the proposed subdivision.
3. No cats or mustelids are allowed on any lots within PPC83.
4. Predator fencing shall be erected to ensure that no cats or mustelids can enter the submitter's land.
5. People proof fencing shall be erected along the common boundary with land owned by the submitter or properties managed by the BTRA, so that no people can enter.

## Environmental

As a result of the PPC83, there are environmental implications for the submitter's property and land managed by the BTRA. As noted above, the submitter is part of the BTRA, which managed large areas subject to conservation covenants, that require stringent ongoing management.

The submitter's property is zoned 'General Rural' under the current planning regime with the wider properties (common property) containing various overlays. PPC83 is not clear on how the environmental impacts on the submitter's site will be avoided or mitigated, including the ability to contain sediment, weed and animal pest species, including domestic animals.

Bream Tail Farm is recognised as containing areas of Outstanding Natural landscape and is part of the coastal environment including coastal features, flora and fauna, cultural heritage as well as productive pastoral capacity.

Land managed by the BTRA is also recognised as being part of the Piroa/Brynderwyn High Value Biodiversity Area spanning some 22,000 hectares. This is highly valued, endorsed and supported by the Northland Regional Council. The property acts as a natural corridor for birds from the offshore islands to the Brynderwyn Hills. The submitter and the BTRA have a strong interest in continuing to play its part in supporting the restoration of biodiversity in the Brynderwyn Hills and environs, alongside other community-led conservation projects. As a result of the significant pest control work of the submitter, the BTRA and surrounding local conservation groups, the property now contains populations of kiwi.

## Traffic

The submitter is concerned with the increase in traffic along the local roads, including Cove Road, and the ability for the site and transportation network to accommodate this proposed increase. It is up to Council to address how and where those roads are located, and how the properties are integrated with existing residential zoned land. However, from the submitter's perspective, the increase in development will have a negative flow on effect in terms of congestion as well as noise.

## Rural Character

To determine if PPC83 may adversely affect the rural character of an area, the elements making up "rural character" should be noted including the predominance of natural features over man-made features, a very high ratio of space not built upon (open space) to built space on individual sites, the presence of large areas of vegetation, in the form of grass, trees, crops and indigenous vegetation, the presence of large numbers of farmed animals and extensive areas of plant or fruit crops and plantation forests.

A general absence of urban scale and urban type infrastructure, such as roads with full kerb and channel, sealed footpaths and vehicle crossings, streetlights, electricity transformers, bus shelters, telephone cabinets and demarcated car parking areas on roads, further define the character of the area as rural.

There is the potential for the rural character of an area to be adversely affected when the rural environment is fragmented through subdivision. If Council approves PPC83 from its current rural zoning to an urban zoning, the submitter can expect a significant increase in housing, accessory buildings, land modification, roads and traffic than is currently envisaged.

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

Under the current provisions, development is limited to approximately 1 to 2 dwellings in the land adjacent to the submitters property as shown below:



**Figure 1: View of submitters property in relation to PPC83**

While PPC83 land is generally devoid of any outstanding features or overlays, the increase in population will impact upon existing features within the submitter's property, and in turn will have an adverse effect on the submitter's appreciation of the expected rural character of this area.

### Amenity

The RMA defines Amenity Values as:

*"Amenity values are those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes."*

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

The landscape effects assessment to support PPC83 downplays the effects of the plan change on the submitter's property, stating that ... *the proposal will result in this flank being populated with a low density of rural residential settlement<sup>1</sup>.* When the author incorrectly states 'low density of rural residential settlement', it would appear to be correctly identified as medium to high density, with the

<sup>1</sup> Page 18 of Assessment of Landscape Effects prepared by Simon Cocker Landscape Architecture



ability for 40 lots over 18 hectares, then 350 high density lots over the remaining part of the site, based on the current rules. Further, the submitter considers the location and sensitivity of its property to the changes proposed by PPC83 to be unacceptable on their amenity values.

The submitter has planted indigenous vegetation along their boundary and hope to undertake further planting within their site. The submitters are concerned that if the Council approves PPC83, then residential neighbours will complain about this planted vegetation.

### Social

The submitter's have owned the land holdings for a number of years and in conjunction with the BTRA have been working to a long-term plan for how the rural production activities will operate economically now and in the future. PCC83 as proposed will disrupt that long-term planning perspective, as well as emotional and economical perspectives on how the properties are to be managed in an on-going way.

### Light spill

Emissions/pollution from light spill associated with urban form, including emissions/pollution from the streetlights and houses within the development will severely affect the submitters view at night and the ambient light levels of the submitter's property. The increase in light spill from urban land is considered to result in adverse amenity effects that are more than minor.

### Natural Hazards (Stormwater and flooding)

The submitters are concerned about the increase in additional stormwater and flood water to the streams as a result of the increase impervious surfaces associated with the change in use from rural to residential envisaged by PPC83. The increase flood risk from stormwater water has trapped the submitters in their property.

### Infrastructure

Water Supply – The proposal does not seek to connect to Council's reticulated water supply. Given the dry nature of this coastal area, it is considered that the implications of needing to access offsite water supply through tanker delivery, will result in effects on the aquifers. While the applicant acknowledges that there will be on-site rainwater tanks on each lot, some of this water will need to be in part dedicated to fire-fighting supply. For a site to be appropriate for residential development, the development must be able to be accommodated within the three waters reticulation, particularly given the small size of the lots being proposed as part of the PPC83 standards.

Wastewater – PPC83 does not provide any clear indication that the existing or even proposed reticulated system will be able to accommodate the development of the land once rezoned to urban. The Land Development Report<sup>2</sup> has based wastewater demand to be engineered on-site for lots having an average area of 600m<sup>2</sup>, whereas the proposed planning standards in Appendix 09 proposed 400m<sup>2</sup> for the majority of the site. Mangawhai lack infrastructure for this type of development and the submitter has serious concerns with the ability of the land to accommodate approximately 390 additional dwellings with on-site wastewater as described in the land development report. The impact on the submitter's property from an environmental perspective, including leaching into the soils, has not been assessed within PPC83. On-site wastewater disposal is better suited to rural properties, not urban properties. In response to further information requests, the applicant states that no

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<sup>2</sup> Land Development Report – JAS Civil Ltd – Page 14

development is proposed as part of the plan change. While this is correct, the plan change if confirmed will give property owners the ability to apply an urban standard to the property, rather than the current rural standards.

While the Mangawhai Spatial Plan (MSP) and Exposure Draft Kaipara District Plan have shown PPC83 sites as potential urban, infrastructure is not yet in place to accommodate the increased use of Council's infrastructure, and the proposed plan (with lower proposed densities) is yet to be notified.

## **Statutory Assessment**

### **National Policy Statements**

As outlined in the Section 32<sup>3</sup> report in support of PPC83, there are three National Policy Statements relevant to the site:

- National Policy Statement on Urban Development;
- National Policy Statement for Freshwater Management; and
- National Policy Statement for Highly Productive Land.

#### *National Policy Statement on Urban Development*

The section 32 report to support PPC83 addresses the National Policy Statement on Urban Development. However, it should be noted that the site for PPC83 is not an Urban Environment as it is not zoned as such.

#### *National Policy Statement for Freshwater Management*

The section 32 report to support PPC83 addresses the National Policy Statement for Freshwater Management. PPC83 notes that the land contains a number of wetlands, intermittent and permanent streams located along the southern and eastern boundary, which are to be managed. The Ecology Report makes a number of recommendations for the on-going management of these features when the sites are subdivided.

#### *National Policy Statement for Highly Productive Land*

The section 32 report to support PPC83 addresses the National Policy Statement for Highly Productive Land. It is recognised that the land contained within the plan change area is not class 1, 2 or 3 (prime or elite) soils, so does not restrict the development of this site.

### **Regional Policy Statement and Plans**

#### *Northland Regional Policy Statement*

The section 32 report to support PPC83 addresses the Northland Regional Policy Statement (NRPS). Whilst the PPC83 property may not contain any overlays, the submitter's property does. The submitter's site is part of the Piroa/Brynderwyn High Value Biodiversity Area spanning some 22,000 hectares that is highly valued, endorsed and supported by the Northland Regional Council. The introduction of urban zoned land in such close proximity to the submitter's site compromises the overarching objectives and policies of the NRPS.

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<sup>3</sup> Section 32 Report Prepared by B & A dated November 2022

Issue 2.2 of the NRPS<sup>4</sup> outlines the key pressures on indigenous terrestrial, freshwater, and coastal marine ecosystems and species. These include sediments, pathogens, pest species, including domestic animals such as cats and dogs. This issue is supported by objective 3.4 and 3.14 of the NRPS.

Objective 3.4 seeks to ...*Safeguard Northland's ecological integrity by:*

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and*
- c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species."*

Objective 3.14 seeks ...*to protect from inappropriate subdivision, use and development;*

- (a) The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins;*
- (b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes...*

The BTRA properties are recognised as containing areas of Outstanding Natural landscape, part of the coastal environment including coastal features, flora and fauna, cultural heritage as well as productive pastoral capacity. Locating inappropriate urban development on the boundary of such a property is not in keeping with the direction of the NRPS.

Issue 2.3 of the NRPS<sup>5</sup> notes that Northland has limiting factors such as subdivision, particularly residential subdivision that can compromise the existing and future productive activities and use of land. This issue is supported by objective 3.10 of the NRPS.

Issue 2.4 of the NRPS<sup>6</sup> notes that unplanned and un-coordinated development, and poor urban design, can lead to reduced levels of amenity, higher infrastructure costs, and reduced community wellbeing. This issue is supported by objectives 3.6 and 3.11 the NRPS.

Objective 3.6 of the NRPS states that ...*The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:*

- (a) Reverse sensitivity for existing:*
  - (i) Primary production activities;"*

The submitter's property and other land managed by the BTRA are used for primary production activities, being an operating farm, with a full time farm manager. The viability of the farming operation would be greatly impacted as a result of PPC83, given the proximity to urban environment and reverse sensitivity impacts. Further the resulting increase in pest animals (domestic cats and dogs) as well as complaints about on-going rural activities are of concern to the submitter. These impacts are inconsistent with the direction of the NRPS.

Issue 2.8 of the NRPS<sup>7</sup> notes that many of Northland's natural features and landscapes, natural character, and historic heritage have been compromised and remain at risk as a result of the impacts of inappropriate subdivision, use and development. This issue is supported by objectives 3.4 and 3.14 the NRPS.

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<sup>4</sup> Northland Regional Policy Statement – Issue 2.2 Indigenous ecosystems and biodiversity

<sup>5</sup> Northland Regional Policy Statement – Issue 2.3 Economic potential and social wellbeing

<sup>6</sup> Northland Regional Policy Statement – Issue 2.4 Regional Form

<sup>7</sup> Northland Regional Policy Statement – Issue 2.8 Natural character, features / landscapes and historic heritage

Overall, it is considered that the development of high-density urban development within a rural zone is in this case contrary to the direction and objectives of the Northland Regional Policy Statement.

### *Operative Kaipara District Plan*

#### Chapter 2 District Wide Resource Management Issues

Chapter 2 outlines the district wide resource management issues objectives and policies, which seeks: *...to maintain and enhance opportunities for sustainable resource use, to enable economic development and growth...* (objective 2.4.1), it also seeks to *...recognise and enhance the amenity and character of the District, while providing for sustainable resource use...* (objective 2.4.5).

The location of the plan change is 'Rural' and does not reflect the existing or envisaged rural character or amenity values or represent an effect use of the land resource.

Further the plan seeks: *...to recognise and protect from inappropriate use and development those environments of the District which are the most sensitive to land use and development and which significantly contribute to the District's, Region's and/or Nation's identity.*" (objective 2.4.4).

The BTRA property contains covenanted land that is of regional significance as previously described and the on-going protection of these areas is considered to be compromised by PPC83, given it will result in urban land on the boundary with no buffer to these covenanted areas. It is the submitter's opinion that PPC83 is contrary to the relevant objectives and policies contained within this chapter of the plan.

#### Chapter 3A Mangawhai Growth Area

Chapter 3A, outlines the methods to implement the Mangawhai Structure Plan (adopted by Council in January 2005). Structure Plans provide a strategic framework to help guide decisions on development, infrastructure management and environmental matters for Mangawhai. The majority of the land contained within PPC83 is largely located within the Rural Residential Policy Area. The northern portion of the site adjacent to the submitter's property is located within the Conservation Policy Area. It is the submitter's opinion that PPC83 is contrary to the Mangawhai Structure Plan as it proposes urban development.

#### Chapter 4 Overlays

Chapter 4 seeks to ensure that *...land use and development in the Mangawhai Harbour Overlay significantly contributes to the social and economic wellbeing of the community. However, some activities in the Overlay have the potential to degrade the values of these sensitive environments...* (4.3.9), which is supported by objective 4.4.1 which seeks *...to promote the preservation, restoration, rehabilitation and enhancement of the natural character of the coastal environment...* This chapter also seeks to ensure that *...subdivision, land use and development in the Overlays, where it recognises and provides for:*

- *The protection of natural character; and*
- *Maintenance or enhancement of the water quality of receiving environments; and*
- *Maintenance or enhancement of amenity values; and*
- *Any other specific values identified in an Overlay."*

It is the submitter's opinion that PPC83 is contrary to the Mangawhai Harbour Overlay direction within the plan, given the site is rural and is being developed for urban, without maintaining the existing amenity values and character of the area.

## Chapter 12 Rural

PPC83 does not address in any way the objectives and policies and direction of Chapter 12. Clearly, the direction of rural zoned properties are *...to maintain the rural character and amenity, including the:*

- *Sense of openness;*
- *Low dominance of built form;*
- *Pasture and Commercial Forest Areas;*
- *Areas of indigenous vegetation and significant fauna; and*
- *Unmodified natural landforms.* (Objective 12.5.2)

*...To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna so as to avoid, remedy or mitigate the decline of indigenous vegetation and fauna."* (Objective 12.5.3).

In the submitter's opinion this includes effects on existing protected areas which exist on the submitter's site.

It is therefore submitter's opinion that PPC83 is contrary to the Rural Chapter.

## Other Documents

### *Mangawhai Spatial Plan (MSP)*

The land contained within PPC83 to the west of the submitter's property is shown in this document as appropriate for lifestyle lots with a suggested minimum lot size of 0.8 – 2.0 hectares. Based on the land area this would result in approximately 22 lots within the 18 hectares of land under the MSP. PPC83 would result in 40 lots based on approximately 4 hectares of land in the northern large lot sub-precinct (1000m<sup>2</sup> lots), with the remainder of the lots being 400m<sup>2</sup>. This would result in approximately 350 lots on the remainder of the northern part of the site. This is a very significant increase of urban activities on the boundary of the submitter's property, generating significant adverse reserve sensitivity and character effects and visual amenity effects as previously discussed.

### *Exposure Draft Kaipara District Plan*

PPC83 land under the EDKDP has been zoned Low Density Residential. This document has not been notified for submissions. However, based on this draft plan, the submitter could expect low density residential, provided infrastructure is provided, which appears to be in doubt.

## Decision Sought

Dayahn Elton Cornelius and Odette Elizabeth Rowan seek that PPC83 be **declined**.

Whilst the submitter does not support PPC83 in any form, should the Council approve PPC83, the following additional minimum standards and controls must be incorporated:

1. **A 6-metre planted buffer within PPC83 land along the common boundary with the submitter's land.**

2. No complaints covenants on titles of all lots contained within PPC83 advising them that farming, and pest control activities are operated, with rural noises, smells and activities being undertaken near the proposed subdivision.
3. No cats or mustelids are allowed on any lots within PPC83.
4. Predator fencing shall be erected to ensure that no cats or mustelids can enter the submitter's land.
5. People proof fencing shall be erected along the common boundary with land owned by the submitter or properties managed by the BTRA, so that no people can enter.
6. Suggested changes to Chapter 13 Residential Performance Standards:
  - a. Rule 13.10.3a(2) – Exclude any minor dwellings or accessory buildings not contained within a single building.
  - b. Rule 13.10.7(3) – Setback from submitter's land – 20 metres
  - c. Rule 13.10.7a(1) – Predator and people proof fencing shall be constructed along the common boundary between PPC83 and the submitter's land and any land owned and managed by the BTRA.
  - d. Rule 13.10.11(2) – Increase the amount of private open space to 50% of the gross floor area of the dwelling.
  - e. Rule 13.10.13 – Reduce building coverage to 35%.
  - f. Rule 13.13 – Subdivision – Every proposed allotment within the Northern Area as shown on Precinct Map 1, or where a boundary is shared with the submitter's property, shall have a minimum net site area of 8000m<sup>2</sup>.
  - g. Rule 13.13 – Subdivision – Every proposed allotment outside the Northern Area as shown on Precinct Map 1 shall have a minimum net site area of 1000m<sup>2</sup>.
  - h. Rule 13.10.23 - All outside lighting within Precinct Map 1 are to be downward pointing in best dark sky practice.
  - i. Flood mitigation measure including large storm water retention capability within the proposed area.

'Dayahn Elton Cornelius and Odette Elizabeth Rowan' **wish to be heard in support** of its submission.

If others make a similar submission, Dayahn Elton Cornelius and Odette Elizabeth Rowan will consider presenting a joint case with them at a hearing.



(person authorised to sign on behalf of submitter)

Date 22 August 2023

Address for Service:

Claire Phillips (Agent) Planner / Director CPPC Planning

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