

Form 5

Submission on notified proposal for policy statement or plan, change or variation.

Clause 6 of Schedule 1, Resource Management Act 1991

This is a submission on a private plan change.

Please complete this form if you wish to make a submission to The Rise private plan change.

Private plan change number: PPC83 | Private plan change name: The Rise Limited

Submissions must be received by 5pm on Wednesday 23 August 2023.

Overview of the Private Plan Change Proposal

The purpose of the private 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 protect ecological features and
- Apply any necessary consequential amendments to the KDP provisions.

You can read the Private Plan Change application documentation on the [Kaipara District Council website](#).

- **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.

You can make a submission on more than one provision using this form.

Each textbox can take up to 4000 characters. If your submission has more than 4000 characters, there is an option at the bottom of this page to upload your submission as a document.

- Please provide your details *

1A

Your first and last names	KELLI SULLIVAN AND SHANE POWLEY
Postal address	PO BOX 183 MANGAWHAI HEADS ROAD, MANGAWHAI
Contact phone	021611162
Email address for correspondence	kelli.sullivan@xtra.co.nz

- Please select your preferred method of contact *

1B

- Email
- Postal

- Do you have an agent who is acting on your behalf? *

1C

- Yes
- No

- If you have any attachments that relate directly to your submission on PPC83, you can upload the file/s
1E here

- [PPC_83 The Rise_Aug 2023_Submission_SULLIVAN POWLEY.pdf](#)

- 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 PPC83 that:

1. adversely affects the environment, and
2. does not relate to trade competition or the effects of trade competition.

Clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

- Trade competition and adverse effects - select one: *

2A

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

- Would you like to present your submission in person at a hearing? *

2C

- Yes
- No

- If others make a similar submission, will you consider presenting a joint case with them at the
2D hearing? *

- Yes
- No

- Please submit on ONE provision at a time. You can submit on further provisions in this form.

- **The specific provision of the proposal that your submission relates to:**

3A

(For example - Zoning)

- Do you support or oppose the provision stated above?

3B

- Support
- Oppose

- What decision are you seeking from Council?

3C

- Retain
- Amend
- Add
- Delete

- Your reasons.

3D

PLEASE SEE SUBMISSION ATTACHED AS PDF DOCUMENT.

**Example -
supports
the growth
of
Mangawhai**

3E Do you want to make a submission on another provision? Add another submission point
 I'm finished

- Thank you for your submission, it has been forwarded to the District Planning Team who will contact you if any further information is required.

A copy of your responses will be emailed to you shortly so that you can save a copy for your files.

If you have any queries at all please email the District Planning
Team: districtplanreview@kaipara.govt.nz or phone 0800 727 059

• [PublicVoice](#)

22 August 2023

Kelli Sullivan & Shane Powley
142 Mangawhai Heads Road
Mangawhai.
Submission on PPC-83

Summary

We support the proposal to rezone an area north of Mangawhai, from rural to residential, to support the future growth Mangawhai.

However, we **do not support** a number of Residential Zone rule changes and provisions proposed by the applicant of PPC-83, in respect of the following areas:

- Development density;
- Stormwater management and disposal;
- Subdivision design;
- Environmental management; and
- Infrastructure as shown on the 'Concept Plan'

Details of our opposition, including recommendations for Council consideration, are outlined below.

1. Development density

We **do not** support the proposal for including any lot sizes of 400 sq metres, nor the increase of impermeable surface areas on each site to 'less than 60%', due to the adverse effects on visual amenity and character with the loss of significant green space.

The topography of the PPC-83 area does not lend itself to the housing density proposed. It will blight the view shaft through to Piroa/Brynderwyn Hills from the crest of Molesworth Drive (by the golf club entrance), will contrast unfavourably with the amenity values of immediate neighbours – The Sanctuary and Bream Tail Farm, and result in an over developed and stark gateway treatment into Mangawhai Heads from the north.

Proposing an area (within The Rise/northern sub-precinct) of 1000m² sections as an appropriate mitigation for visual effects is entirely disingenuous given the location of these lots are out of the view of all but the residents of Bream Tail Farm. It is more likely the 1000m² lots are included solely to achieve the 'average lot size of 600m² proposed, thus enabling more 400m² lots within the subdivision.

Recommendations to Council:

AMEND –

13.10.12 We request the 'less than 60%' is removed and 'less than 40%' (impermeable surface), is reinstated.

13.10.13 We request the 'less than 45%' is removed and 'less than 35%' (building coverage), is reinstated.

13.13X We request the subdivision design rule 2(a) is amended to 'Every allotment has a minimum net site area of **600m²** except where the proposed allotment is located within the Northern Area as shown on Precinct Map 1'.

2. Stormwater management and disposal

During heavy rain events or prolonged wet weather, significant volumes of stormwater traverse from the north-eastern (currently undeveloped) area of The Rise subdivision across the neighbouring property rendering our driveway impassable.

Due to the hilly topography of the PPC-83 area, the overland flow in this location is a significant contributor to the flooding issues in the receiving environs of Jack Boyd Drive.

The photo taken in February 2023, from the top of our driveway looking down towards Mangawhai Heads Road, illustrates this. This year to date, it has cost in excess of \$7,000 to repair damage and remediate our (shared) driveway due to excessive overland flow.

The cost of flood repairs to property owners on Jack Boyd Drive undoubtedly surpasses this.



Given the topography of the proposed PPC-83 area, the number of dwellings proposed, plus the request for increased the impermeable surface area to 'less than 60%' of each site (Appendix 9, section 13.10.12), hectares of soakage will be removed from the catchment.

Appendix 9, section 13.14.15 confirms that site within the proposed Precinct will **not** be connected to a council-maintained stormwater system. The applicant has also reworded council's provision outlined in 2(a) to replace the word 'avoid' with 'mitigate' in respect of adverse effects, yet provides limited mitigation provision, beyond outlining a requirement for assessment report and management plans upon application for resource consents.

There are no provisions proposed to mitigate adverse stormwater effects, beyond an assurance (section 7 Appendix 3) that '*applying the proposed Chapter 13 Mangawhai community rules to the PPC area will be sufficient*'.

Recommendations to Council:

ADD - addition of provision that no subdivision consents are granted for further development within the PPC-83 area (including, but not limited to, any further development of The Rise) until a detailed

assessment report and stormwater management plan can adequately demonstrate to Council an appropriate level of onsite stormwater attenuation, treatment and discharge on each development, to ensure further development within the PPC area does not increase overland flow and flooding effects to other properties within the PPC area, as well as the wider catchment.

AMEND - We request the word 'mitigate is removed and 'avoid', in respect of adverse effects, is reinstated.

REINSTATE – Council to request applicant reinstates Residential Zone rules 13.11.1-3, 13.12.1, 12.12.1-2.

3. Subdivision design

There are over 30 privately owned lots/titles within the proposed PPC-83 area, a number of which share boundaries with three or four adjacent lots. The applicant proposes a Rule (13.13X.2(x) that places protection over land within allotments to allow access to adjacent lots for future infrastructure.

This Rule is for the sole benefit of the applicant's Stage 2 development of The Rise, noting linkage locations and access to adjacent land was an Environment Court recommendation to satisfy Council's concerns from their first attempt to develop (section 22, [The Rise Ltd vs Kaipara District Council 2017](#)).

Beyond enabling Stage 2 of The Rise in the short term, this Rule will create a domino effect across PPC-83 as development occurs from existing road connections inwards, to the disadvantage of property owners in the middle of the Precinct, who potentially end up with protection over their land on each of their four boundaries.

As the owners of 142 Mangawhai Heads Road, we do not consent to having any interests placed over our land by neighbouring developers that results in blight effects, restricts future development or reduces usability of our property.

Recommendation to Council:

REMOVE – Council to request applicant removes Rule 13.13X.2 (x) 'The protection of land within the proposed allotments to allow access and linkages to adjacent allotments for future infrastructure.'

4. Transport effects

The integrated transport assessment (Appendix 4) implies the current provision for walking and cycling along Mangawhai Heads Road (north of Jack Boyd Drive) is considered adequate to support PPC-83, in lieu of any formal infrastructure to promote active modes.

The NTA will be aware that there is no continuous 'walkable berm' as suggested in the report and that Mangawhai Heads Road is currently the approved detour for State Highway 1 closures.

There is no mention in the report of multiple school bus stops on Mangawhai Heads Road, north of Jack Boyd Drive, including directly opposite 140-142 Mangawhai Heads Road. Due to the lack of footpaths, many students are being driven to the bus stops and, due to the lack of shelters, children are waiting in cars parked along the road.

Permitting medium density residential development in an area lacking safe and accessible transport options (for all road users) will result in continued over reliance on private vehicles for short trips. PPC-83 proposes connectivity within the proposed precinct, but no external connections to walking and/or cycling infrastructure to the adjacent/existing residential zone is provided for.

An extension of residential land zoning north of Jack Boyd Drive requires, as a minimum, a continuation of a footpath along Mangawhai Heads Road, north along Cove Road, to terminate at Pigeonwood Place.

Recommendation to Council: – Council to consider the cumulative effects of transport on all proposed developments on Cove Road including, but not limited to, PPC-84 (Frecklington Farm)

and current resource consent application for commercial/industrial building on corner of Pigeonwood Place and Cove Road (within The Rise).

Council to include necessary transport infrastructure improvements in RLTP to support transport mode choice in residential zoned areas.

Council specialists processing PPC-83 to consider appropriate intersection treatment for Cove Road/Mangawhai Heads Road, safety risks of right turning movements, locations of vulnerable users (bus stops, informal walking routes), and the cumulative effect of PPC-84 on wider network.

AMEND policies (PRECX-P1:3) to stipulate safe and accessible connections with existing transport network (being Mangawhai Heads Road and Cove Road) for cyclists and pedestrians. And wording that stipulates any connections to existing road network (walking, cycling) designed so as not to restrict or preclude Council roading improvements north of Jack Boyd Drive.

5. Infrastructure as shown on the 'Concept Plan'

The 'Concept Plan' provided in the application shows the location of proposed/future transport infrastructure, parks and pathways. While titled 'concept' and thus assumed to be indicative locations only, the interpretation of this plan may result in blight effects to private land within the PCC-83 area, devaluing properties and making on-sale of individual properties difficult.

It is disingenuous to use the word 'concept' in the application, while also proposing a rule (13.13X.2(x) that places protection over land within allotments to allow access to adjacent lots for future infrastructure.

Recommendation to Council:

REMOVE - Council to request applicant removes 'Concept Plan' from PPC-83 application, instead providing geographical map of area proposed to be rezoned. Urban design principles, including connectivity via internal transport infrastructure, can be adequately conveyed within the suite of provisions, without the need of a Concept Plan showing indicative locations.

6. Environmental management

13.3X proposes a suite of 'Ecological Enhancement Rules' which may be relevant to land we own (in lieu of any technical assessment on our property to inform PPC-83 this is assumed by reading Appendix 6 – Ecological Assessment).

The 'natural inland wetland', while fully fenced to protect from any wandering stock, is vulnerable to adverse environmental effects from any further development on land above the wetland (the undeveloped area of The Rise).

We seek assurance, via appropriate provisions within PPC-83, that the natural inland wetland (on our property) is protected from any adverse effects related to site development on any adjacent land. An appropriate mitigation is a detailed Ecological Assessment as a requirement of (further) subdivision applications for The Rise, to provide a baseline for future ecological assessments if/when our property is developed. Consent conditions relevant to earthworks, sediment/discharge controls are also expected as standard practice.

Recommendation to Council

ADD - Any subdivision application within the Cove Road North Precinct where the site either contains an ecological feature including indigenous terrestrial or aquatic habitats, **or borders an ecological feature including indigenous terrestrial or aquatic habitats**, requires a detailed Ecological Assessment prepared by a suitable qualified ecologist identifying and delineating all natural features contained within the site boundaries and assesses the effects of the proposed site development on these features, and provide recommendations how these may be avoided, remedied or mitigated; and b. An Ecological Enhancement and Management Plan designed to ensure that all ecological features are appropriately enhanced as part of site development works.