



Submission on Proposed Private Plan Change 83 to the Kaipara District Plan-The Rise Limited
Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Kaipara District Council**

1. SUBMITTER DETAILS

Name of Submitter: **Paul and Rose Boocock and PW & RJ Boocock Trustee Limited.**

This is a submission on Proposed Private Plan Change 83 (“**PPC83**”) to the Kaipara District Plan – (“**KDP**”)

Paul and Rose Boocock could not gain an advantage in trade competition through this submission.

Paul and Rose Boocock (PW & RJ Boocock Trustee Limited) own 36 Tangaroa Road in the adjoining Bream Tail subdivision and may be directly affected by the Request.

The submitters **OPPOSE** the Proposed Plan Change Request for the reasons stated in the submission.

2. The Plan Change Request

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.*

SCOPE OF SUBMISSION

The specific aspects and provisions of PPC83 that this submission relates to are:

- a) The effects of the proposal on the environment, in particular the effects on rural character and amenity and the interface between rural and urban zones.
- b) How the proposal fits with the relevant policy framework and the information submitted in support of the Proposal.
- c) The proposed Cove Road North Precinct provisions and proposed changes to operative plan provisions.

3. SUBMISSION

3.1 Effects on the Environment

The land to which the plan change relates is situated at the north-eastern edge of the existing settlement of Mangawhai Heads. The northern boundary adjoins the Bream Tail development accessed from Tangaroa Road.

If approved, the Plan Change will result in a new rural urban interface adjacent to Tangaroa Road and the Bream Tail development. Currently that interface is effectively Mangawhai Road. There is a 36-hectare block at 72-74 Mangawhai Heads Road, but the sites accessed off Taranga View have a rural zoning and the smallest adjacent site is 35D Taranga View Road which has a site area of 8,000m² - all other adjacent sites are greater than 1-hectare in size.

The proposal will result in

- a) Potential adverse effects on rural character and amenity as well as the recognized high landscape values of the wider area. As addressed below the landscape and visual effects assessment identifies views of the northern flank from Cove Road and Tangaroa Drive within the Bream Tail subdivision.
- b) The density of sites and potential dwellings provided for is not in keeping with the character of Mangawhai. The future character needs to be determined in a more comprehensive manner by way of the District Plan review so that effects can be assessed in a wider context. There has been no capacity or economic assessment submitted to justify the need for the rezoning and release of the additional residential land now.
- c) The proposed density, including the provision for retirement villages to be provided for as a restricted discretionary activity, are opposed as they are not in keeping with the established character of this part of Mangawhai and the proposal is not supported by evidence demonstrating that the density and retirement villages in this location should be so easily enabled. Potentially more rigorous assessment is required.
- d) The provisions do not properly, or adequately, ensure that effects on rural character, rural amenity and high-quality landscape values will not be adversely affected, and the rules do not properly achieve an appropriate transition between the urban and rural environment. The rules do not properly ensure a well-functioning urban environment will be achieved at Mangawhai.

3.2 How the Proposal Fits with the Policy Framework

Kaipara District Council states that it is not an urban environment as defined in the NPS Urban Development. That is likely to be a matter tested as part of the District Plan review process given the definition of urban environment as set out in the NPS UD is:

urban environment means any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that:

- (a) is, or is intended to be, predominantly urban in character; and
- (b) is, or is intended to be, part of a housing and labour market of at least 10,000 people

What is the planning and resource management justification for amending the Plan to enable three or more residential units on a site as a Restricted Discretionary activity? This provision appears to reflect the Resource Management Amendment (Enabling Housing Supply and other Matters) Act that enforces the application of Medium Density Residential Standards in the Urban Environment.

Has the additional potential population enabled by these provisions been considered in relation to the proposed District Plan review that is currently underway? I cannot see that the proposal is supported by an economic or capacity assessment, or other wider assessment addressing the overall urban functioning of Mangawhai now or into the future.

Have the effects of this outcome been assessed in relation to the urban functioning and character of Mangawhai?

The proposed density of 400m² sites for the area outside the Northern Sub-Precinct is opposed as this density is more urban and more appropriate for the existing residential areas closer to Mangawhai Village and the Heads. The plan change area is located towards the edge of the residential area. It is proposed that the rules fit within the existing policy framework of the Plan and therefore the rules need to achieve the existing objectives.

The current District Plan is out of date and does not reflect the current resource management issues of status of the existing environment. These issues need to be identified and determined on a wider area scale.

3.3 The Proposed Provisions

I understand the latest version of the proposed provisions are those submitted in response to Request for Further Information.

The submission makes the following comments with respect to the proposed provisions:

- What is the justification in planning and resource management terms for the Cove Road North Precinct to have a more lenient consenting pathway for Dwellings than for the rest of the Residential zone in the Kaipara District. The land adjoins areas identified as Outstanding Natural Landscape and the land is located within the Harbour Overlay and in close proximity to the East Coast Overlay.
- The maximum building height of 6m in the Cove Road North Precinct Northern Sub-Precinct is

supported. It is suggested that a further matter of discretion be added to require assessment of the effects on adjacent rural land, rural character, and rural amenity. Currently the provisions as drafted require assessment of effects on residential character and amenity only. The landscape assessment in support of the Proposal states:

4.3 Visual catchment

The visual catchment of the Site is influenced by the containment provided by the catchment boundary ridge to the north and north east. Further to the north, the Brynderwyn ridge contains the visual catchment within this quadrant (refer to photo 3).

View from the northern quadrant are restricted by the catchment boundary ridge, but glimpses of the northern ridge flank are possible from Cove Road (refer to photo 8). In addition, more direct and unimpeded views of this northern flank are possible from Tangaroa Drive within the Bream Tail subdivision. Other locations within this subdivision (both public and private view locations offer elevated views to the PPC area from the north east (refer to photo 4).

Views (of the northern ridge crest and northern flank) from the north east and east are also possible from Taranga View Drive and Cullen Street (Refer to photos 9 and 10). Both of these locations are – as is illustrated in Figure 1 – located on a north east – south west aligned ridge which defines the extent of the visual catchment within this quadrant.

All provisions relating to buildings and density need to be reconsidered in relation to the potential for adverse landscape and rural character effects.

- More than one dwelling on a site not meeting the density provisions, should be at least a Discretionary activity as is the situation for the existing residential zoned areas of Mangawhai. The proposed provisions do not state that more than one dwelling per site is related to the density provisions.
- An amended Precinct Plan is required to sit with the proposed provisions clearly identifying the Cove Road North Precinct Northern Sub-Precinct. It has been assumed that this is the Larger Lot sub-precinct identified on the maps, but the terminology needs to be consistent. The Precinct Plan also needs to map the existing indigenous vegetation so that proposed Rule 13.10.15 – building setbacks in the Cove Road North Precinct Northern Sub-Precinct is definitive. Permitted standards need to be specific and measurable.
- The proposed Rural Zone setback of 3-metres is opposed. The setback needs to be greater to ensure an appropriate transition between the rural and urban zones and ensure there is sufficient land area available for landscaping or other mitigation required to ensure effects on rural character and amenity are acceptable.
- The yard setback for accessory buildings from the Rural zone is opposed. All buildings should be setback from the rural boundary at least 10-metres for the reasons stated above.
- The proposed 45% building coverage and 60% impermeable area is opposed for sites within the Larger Lot sub precinct.
- The rule providing for retirement facilities as a Restricted Discretionary activity is opposed. There are many urban design and infrastructure considerations to locating a retirement village. A village needs to be in close proximity to the urban services and amenities. The activity status for a retirement village should be at least a Discretionary activity. The Plan Change area is removed from the main urban amenities and services.
- The exterior finish for buildings in the northern sub-precinct is supported.
- The minimum average lot size in the Northern Sub-Precinct needs to be at least 5,000m². The average size of allotments in the Northern Sub-Precinct should be at least 8,000m² to be more consistent with the size of sites adjoining the Bream Tail Farm development and the landscape sensitivities that area exhibits.

- The proposed density of 400m² sites for the area outside the Northern Sub-Precinct is opposed as this density is more urban and more appropriate for the existing residential areas closer to Mangawhai Village and the Heads. The plan change area is located towards the edge of the residential area.

Paul and Rose Boocock and PW & RJ Boocock Trustee Limited seek that Plan Change 83 – The Rise be **Refused**, or that changes are made to the proposal, and its provisions, to address the matters raised in the submission.

Paul and Rose Boocock **wish to be heard** in support of this submission.

If others make a similar submission, Paul and Rose Boocock will consider presenting a joint case at the hearing.

Yours sincerely



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