



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*

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Please select your preferred method of contact*

By email

By post

Correspondence to*

Submitter (you)

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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
<input checked="" 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?

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"> Support? Oppose? 	What decision are you seeking from Council? Select which action you would like: <ul style="list-style-type: none"> Retain Amend Add Delete 	Reasons
<i>Example:</i> Zoning	<i>Example:</i> Support	<i>Example:</i> Retain zoning for proposal	<i>Example:</i> Supports the growth of Dargaville
Refer attachments re submission content			

Your signature:  Date: 21/08/2023

(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 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.

Consultation:

In the covering letter of Barker and Associates by Melissa M^cGrath & Alisa Neal dated 18 November 2022, subject “The Rise Limited Public Private Plan Change Request”, it is stated that

“consultation has been undertaken with and other landowners within the proposed plan change area”, and essentially repeated in sub-paragraph 7.7 Consultation and Engagement page 43 of the Private Plan Change Request (PPCR).

This statement is misleading, the inference being drawn that such consultation was somewhat reasonably conducted with other landowners in the precinct.

No consultation was received prior to the receipt of the Kaipara District correspondence dated 5 July 2023 regarding the public notification of PPC83 The Rise Ltd and Associates, by myself, land owners at numbers 76, 126, 128 (two additional landowners), 130, 130A, 130B, 136, 142 Mangawhai Heads Road, who are collectively major land owners in the precinct area.

The only discussion entered into with the above mentioned land owners was initiated primarily by Mike Geary of 130 Mangawhai Heads Road, with Mark Rowbotham representing the applicant and held on 7 August 2023, after receipt of the above-mentioned Kaipara District documentation. This was most unsatisfactory and I reject and object to the inference conveyed in the previously mentioned statement regarding “consultation”.

Land development/Subdivision

- i) Baker and Associates letter on 18th of November 2022 to Kaipara District Council re “The Rise Private Plan Change Request” refer page 23 “Regional Form” states:

“changes and sense of place and character which are consistent to the Mangawhai Spatial Plan.....”

- and “Overall the proposal..... will result in a consolidated, high-quality urban centre that is well serviced by existing infrastructure”

Neither of the statements are correct.

- i) The Mangawhai Spatial plan recommends a minimum section size of 600m². The PPC83 proposal seeks an average section size of 600m² with a minimum section size of 400m².
- ii) There is no existing infrastructure in the precinct area of PPC83.

In addition to a minimum section size of 400m², PPC83 proposes side and rear yards of 1.5m (adjoining rural - 3.0m) and a 3.0m set back along Mangawhai Heads Road and internal streets.

The Barker and Associates Private Plan Change Request (BAPPCR) page 29 Heading "Table for ODP chapter 3A Mangawhai Structure Plan – Objective and Policy statement refers to:

"Objective policy 34.4.1 To encourage residential development that complements the traditional and valued beach settlement character of Mangawhai and its consistency with the outcomes of the Mangawhai Structure Plan".

The Barker and Associates "Comment" response states:

"The proposed plan change will result in the plan change area Residential Zone with a Precinct with provisions which will protect the natural and physical features within the plan change area. This is considered to complement the character of Mangawhai giving affect to the outcomes of the Mangawhai structural plan".

Barker and Associates also claim in 8.6 "Urban Character and Density" the plan change will see a change in character within the plan change area and immediate surrounds

and

"in overall terms, it is considered that the intensity of the development is reasonable and the urban character and density of future development within the proposed plan change area will have less than minor and acceptable effects to the character and amenity of the surrounding residential zones".

I submit that these comments are subjective only.

I further submit that this proposed development intensification of the precinct area is in total conflict with the neighbouring residential area and critically, with the valued beach settlement of Mangawhai.

I further submit

- i) that the changes in space and character that PPC83 in its current form effects are not consistent with the Mangawhai Spatial plan and
- ii) that the PPC83 proposal will not in its form result in a high quality urban centre that is well serviced by existing infrastructure, and
- iii) the proposed intensive residential development outlined in the PPC83 proposal does not compliment the traditional valued beach settlement character of Mangawhai and in fact, it is in total conflict with such tradition and character of Mangawhai, to which I strongly object, and

- iv) the proposed development intensification as outlined in PPC83 of the precinct area is in total conflict with existing residential properties on Mangawhai Heads Road, which have section sizes no less than 700m² in area – refer Appendix 8, Simon Cocker Landscape Architecture Report, page 10, 4.4.3 Kaipara District Operative Plan.

I further submit that the proposed development intensification of the precinct in the PPC83 will result in an infestation of migrated, urban development concepts prevalent in such areas like Millwater in Silverdale, areas of Albany, Dannemora and Flat Bush in Auckland and is in total conflict with existing living and lifestyles in coastal Mangawhai.

I oppose the proposed subdivision of the applicant's land to an average of 600m² section size, with a minimum of section size of 400m² together with side and rear yard setbacks of 1.5m and front yard setbacks on Mangawhai Road of 3.0m.

The section sizes should be an average of 750m² with a minimum section size of 650m² and all yard set back distances be consistent with Council's existing yard setbacks in residential zones.

Infrastructure:

i) Waste water

It is acknowledged that the Kaipara district Council waste water system is at, or near capacity.

It is unknown as to what any planning is being undertaken for an extension of the current system's capacity, or the establishment of another separate system, by Council.

As such, there is some inference in the PPC83 by consultants, that future individual sections in their proposed development provide their own, on-site waste water systems, or a private system be established for the proposed subdivision of the land under the ownership of The Rise Ltd.

As the PPC83 application is for the residential re-zoning of a total of 56.9ha, being inclusive of some other 28 properties totalling the major land area of the PPC83 precinct area, I would opinion, that, as a practical measure, a comprehensive wastewater structure plan be created for the total precinct area, to provide for an integrated system for the benefit of all future residents in the precinct area and the Mangawhai Heads community at large.

Should this not be an acceptable concept for the PPC83 applicant, perhaps the applicant should reapply for a separate residential zone change for its own land contained within the precinct area.

ii) Stormwater

Serious concerns are held by property owners in the eastern and southern areas of the PPC83 precinct with regard to stormwater flows down onto their and other properties from the proposed future development of the applicant's land.

Fuelling these concerns are the applicant's proposal regarding impermeable surfaces, detailed in Part B Land Use Chapter 13 Residential: Precinct Y – The Cove Road North Precinct – 13.10.12 permeable surfaces. Residential Zone. 2 The Cove Road North Precinct stating:

“Any activity is a permitted activity if: a) The area of any site by buildings and other impermeable surfaces is less than 60% of the net site area”

This is a considerable increase of some 33.33% of the existing rule of less than 45% of impermeable surfaces, further expanded by the significantly smaller, 400m² minimum section sizes proposed.

Currently, flooding of properties to the east and south of the existing “The Rise Lifestyle Subdivision” is experienced from stormwater run-off from that development during heavy rainfall.

I oppose and submit that the proposal detailed in the Cove Road North Precinct 13.10.12 Permeable Surfaces, be declined and the standard Council rule in Residential Zone of 45% impermeable surface coverage apply.

The Cove Road North Concept Plan

The Cove Road North Concept Plan 1 and the Access Connection 4 on the Mangawhai PPC83, expected catchments of indicative of internal roads 12d Model plan (copies attached), detail a proposed street to be situated at 128-130 Mangawhai Heads Road over the access driveway, extending in a north easterly direction along the boundaries and to the rear of both aforementioned properties into the property situated at 142 Mangawhai Heads Road.

The driveway over which this proposed street is detailed, is privately owned and provides access to both principle properties at 128-130 Mangawhai Heads Road, together with seven other properties by way of a beneficial easement to those properties.

No consultation by the PPC83 applicant with the owners of the fee simple, private land and or the access easement beneficiaries regarding this proposed street was conducted.

It is noted in the Kaipara District Council Memorandum from Kathryn Overwater KDC District Plan Team Leader, to Melissa McGrath (Barker and Associates) dated 20/12/22, Attachment 1 paragraph 18 13.14.2, a request from Northland Transport Alliance (Vaishali Sankar 14/12/22), to remove the wording, "in accordance with Cove Road North Precinct map 1 and Cove Road North Precinct Concept Plan 1" as the active modes connection has not been addressed completely.

As a joint owner with Mr A Geary of the fee simple, private land over which the proposed street way has been defined, we advise that we have not and will not give approval to the formation of such a street over our land and together with the other access easement beneficiaries over the driveway land, adamantly oppose and object to the creation of such a street, which would have a major adverse effect on our environment, lifestyle, quiet enjoyment and property values.

We therefore require the removal of such proposed street over our fee simple, private land from the Cove Road North Precinct Map 1, Council Road North Precinct Concept Plan 1, the current PPC83 application and any future planning, or consideration of such a street by our Kaipara District Council.

Conclusion

I oppose the PPC83 application as it stands on the following grounds:

- i) Insufficient/lack of consultation by the applicant with affected parties.
- ii) Proposed residential intensification of the applicant's land in
 - a) creating a subdivision of land with an average section size of 600m² and with a minimum section size of 400m² with primarily 1.5m side and rear yards and 3.0m frontage set back on Mangawhai Heads Road properties.
 - b) Stormwater - increasing the impermeable surface areas from less than 45% to less than 60% resulting in increased potential for flooding on other properties
 - c) Waste water – no consideration has been given to a intergrated wastewater scheme for the whole of the precinct included in the PPC83 plan change application.

- d) the creation of a street on fee simple, private land situated at 128 and 130 Mangawhai Heads Road
- e) the intensity of development outlined in the PPC83 application is not reasonable, the urban character and density within the proposed plan change area is more than minor, in fact it is major and has unacceptable effects on the character and amenity of the surrounding residential zones, does not compliment the character of Mangawhai giving effect to the outcomes of the Mangawhai structure plan, is in total conflict with the neighbouring residential area, and will considerably affect existing living and lifestyles of the coastal valued beach settlement of Mangawhai.

I oppose the PPC83 plan change application in its current form and it should not be adopted as it stands.

SECTION 3. THE PROPOSAL

3.1. THE COVE ROAD NORTH CONCEPT PLAN

The Cove Road North Concept Plan that has informed the production of the proposed plan change is shown in Figure 3-1.

Status of the Cove Road North Concept Plan

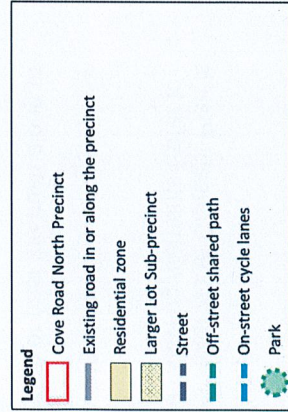
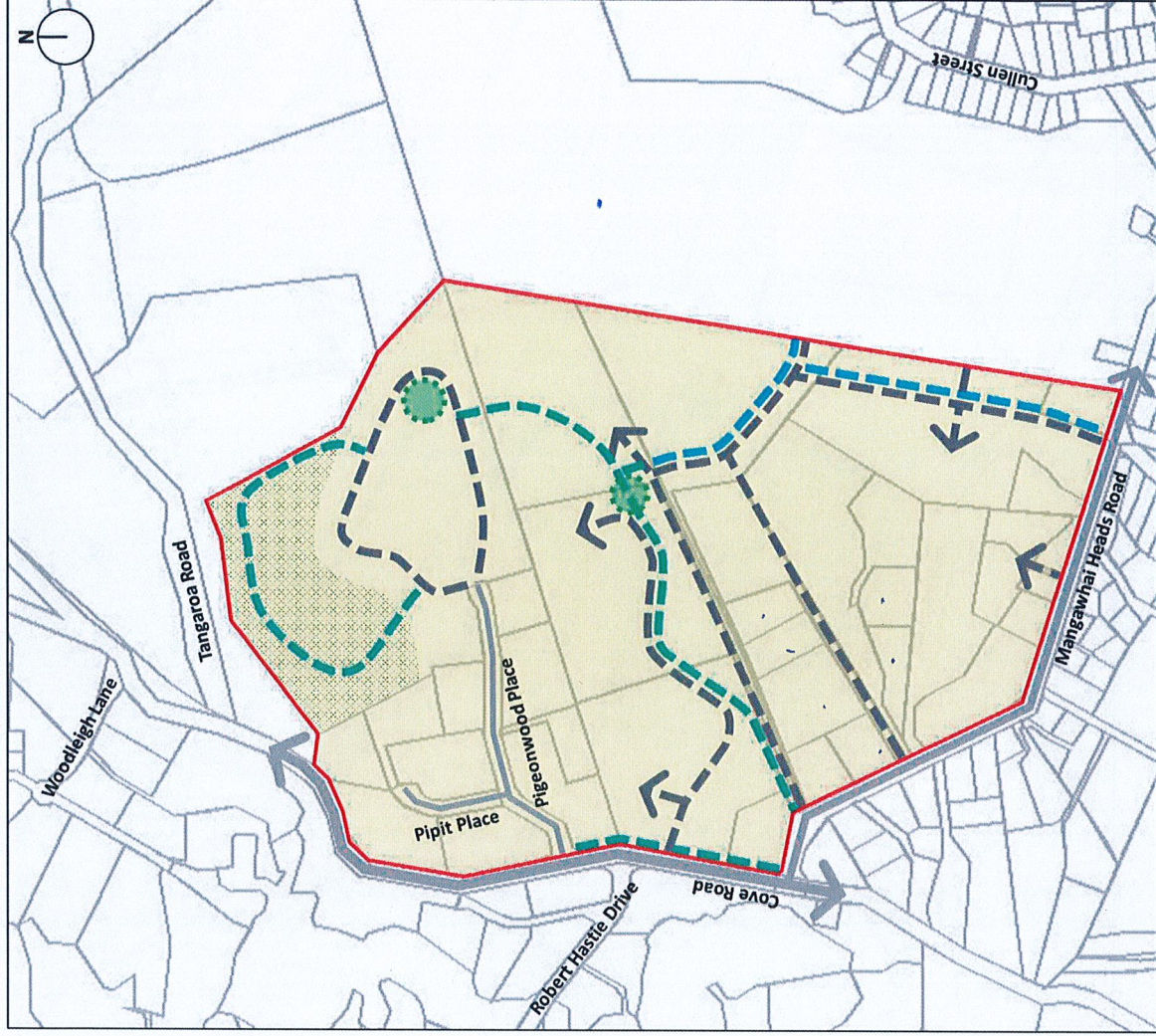
The Cove Road North Concept Plan contains the key elements of a possible development outcome in line with the proposed precinct provisions. As such, it is mainly illustrative, but it is also incorporated into the provisions via the proposed assessment criteria. In the next sections of this report it will be used to explain the design rationale behind the precinct provisions.

Key elements of the Cove Road North Concept Plan

The Concept Plan contains the following key attributes:

- A residential zone across most of the Site.
- A larger lot sub-precinct across the northern slope.
- A network of streets and shared paths providing connectivity between the various properties within and surrounding the Site.
- A shared path along Cove Road, south of Pigeonwood Place.
- One or more urban parks.

These attributes are presented and explained in more detailed in Sections 3.2 to 3.4, covering the movement network, the open space network, and the residential mix and density respectively.



RIGHT FIG. 3-1: The Cove Road North Concept Plan with legend.

3.2. MOVEMENT NETWORK

The movement network of the Cove Road North Concept Plan is shown in Figure 3-2, containing the following elements (refer to numbering):

- 1) A loop road on the northern portion of the Site, accessed via Pigeonwood Place.
- 2) A recreational shared path through or past the bush along the northern boundary of the Site.
- 3) An off-street shared path between Pigeonwood Place and the western end of Mangawhai Heads Road to provide a safe and attractive route.
- 4) An off-street shared path along the stream corridor for recreational as well as connectivity purposes. This will help make the stream corridor a public feature of the development.
- 5) An internal east-west street network, partly located along the stream, which will also help make the stream a public feature of the development.
- 6) East-west streets in the locations of current rights-of-way providing access to, and connectivity between, multiple properties.
- 7) Connections across the eastern Site boundary to provide multimodal connectivity to and through the residential zoned land to the east and the urban area beyond.
- 8) A north-south street near the eastern Site boundary to connect pedestrians, cyclists and vehicles to Mangawhai Heads Road and the urban area to the east of this connection point.



RIGHT FIG. 3-2: The Cove Road North Concept Plan with indication of the key movement elements.

