

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	Simon and Christine Brotherton
Postal address	49A Park Rise, Campbells Bay, Auckland 0630
Contact phone	Simon 0272943421 / Christine 021661015
Email address for correspondence	sgbrotherton@gmail.com

- 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

- [Submission - Brotherton S and C.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)

Opposition to PPC83 to convert rural zoned land to residential

- 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 attached submission.

**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](#)

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 – planchanges@kaipara.govt.nz

Submitter: Simon and Christine Brotherton (**Submitter**)

49a Park Rise, Campbells Bay, Auckland, 0630

0272 943 421 / 021 661 015

sgbrotherton@gmail.com and cnbrotherton@gmail.com

Address for service:

Simon and Christine Brotherton

49a Park Rise, Campbells Bay, Auckland, 0630

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

Simon and Christine Brotherton are not trade competitors for the purposes of Clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.

The specific parts of PPC83 that the submission relates to are:

- Opposition to PPC83 to convert rural zoned land to residential.

The submission is:

Background

We own the property located at 6 Tangaroa Road, Mangawhai, which comprises 74890 square metres. Our property is within the Bream Tail Farm, which contains 39 properties, comprising 459 hectares, including 273 hectares of farmland and 186 hectares of native bush and forest. The submission by the Bream Tail Residents Association (**BTRA**), which we support, includes significant detail relating to the Bream Tail Farm, and in particular, the requirements / permissions under its Resource Consent to both manage conservation throughout the property and farm the areas that are not subject to exclusive use by residents, or are not conservation/ecological areas.

Our property shares its western and southern boundaries with PPC83. The area immediately north of PPC83's land contains native bush and a stream.

We purchased our property in 2018 and intend to commence building our permanent residence in 2024.

Effects of PPC83

Reverse Sensitivity

We are seriously concerned about the reverse sensitivity impacts of PPC83. This is from many perspectives that we set out below:

Ecological

It is a requirement of Bream Tail's resource consent that we have a conservation plan. As a result, the owners collectively contribute significant financial resources and volunteer time to conservation and ecological efforts on the Bream Tail property. This includes an extensive pest eradication programme, the fencing of sensitive areas, removal of pest species and similar beneficial activities. The benefits of this programme are clear from the reduction in pest species and activity within the property, and recent confirmation that kiwi are resident on the property. One important contributor is the prohibition of Bream Tail owners to keep cats on the property. In addition, our bylaws allow the farmer to shoot dogs if they are worrying farm animals. The potential introduction of domestic cats, dogs and other animals in such close proximity to the property would significantly undermine the conservation plan, and so the activities required by our resource consent.

Farming

The Bream Tail resource consent allows us (and in essence, requires us) to farm a significant portion of the property. Other than an exclusive use area for each owner and significant conservation land, a full-time farm manager farms the property, with cattle, sheep and other animals regularly grazing up to the boundary of the land subject to PPC83. Intensive urban development will significantly impact the farming operations and their viability. In addition, we are concerned that should a domestic animal enter the property, they might kill our farm animals, such as sheep, chickens and cattle.

We are also concerned about the impact of possible complaints from new urban property owners in relation to noise, rural smells, use of agricultural equipment, presence of farm animals and general farming activities undertaken at the property.

PPC83 fails to address the need for the ongoing use of our land for productive farming, and the reverse sensitivity that the development would generate.

Summary

Council planning suggests that there is a need for a buffer between residential zoned properties and rural properties. In addition, the PPC83 proposal suggests (Appendix 9A – Updated)

“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.”

We consider that the current proposal in PPC83 does not in any way reflect an appropriate buffer or transition between rural and residential zones.

We do not support PPC83. However if a plan change is to occur, it should at a minimum be subject to the following conditions:

1. A significant (6-10 metre) planted buffer of native plants along the common boundary between Bream Tail and PPC83 land.
2. A prohibition of cats or mustelids on PPC83 land.
3. People and predator proof fencing should be erected to ensure that no cats, mustelids or people can enter the farming or conservation areas of Bream Tail.
4. No complaint covenants are required on titles of all lots within PPC83, such that they cannot complain about farming or conservation work impacts on them, including smells, noises, inadvertent poisoning or other possible impacts of Bream Tail's permitted activities.

Traffic

We are concerned about the increase in traffic along local roads, including Cove Road. This will have a negative impact upon us in terms of both congestion and noise. It is important that any planned changes appropriately address and mitigate these impacts. We do not believe that this is the case in the current PPC83 proposal.

Water and infrastructure

We are concerned about the impacts of PPC83, particularly in terms of a potential increase in run-off of water and silt from higher density residential development. As identified above, the northern boundary of PPC83 borders an area of native bush and a stream. While the remainder borders productive farmland, both would be adversely impacted by an increase in water and/or silt, which do not appear to be mitigated in the current PPC83 proposal.

Rural character

As explained in the BTRA submission, the existing Bream Tail and PPC83 land demonstrate the aspects of rural character. We believe that the current PPC83 proposal would significantly detrimentally impact that character, to the extent that it would no longer be retained. We also believe it would have an adverse impact on our appreciation of the expected rural character of the areas surrounding Bream Tail.

Amenity

PPC83 would significantly impact our amenity value and appreciation of our property. We are concerned that our privacy would be impacted as well as being impacted by urban noise, infrastructure and light spill. One of the reasons why we bought the property was because of our experience of untainted night skies from many years of camping at Waipu Cove. The potential light spill from higher density residential development would significantly impact the amenity of the property to us.

National and Regional Policy Statements and Plans

We reiterate and support the BTRA's submission in relation to the National Policy Statements, Northern Regional Policy Statement, the Operative Kaipara District Plan, the Mangawhai Spatial Plan and the Exposure Draft Kaipara District Plan, and relevant factors contained in these and their interplay with PPC83. We consider it important that the expectations and intent in these statements and plans are appropriately reflected in consideration of any plan change.

Decision Sought

We seek that PPC83 be declined.

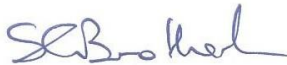
While we do not support PPC83 in any form, should the Council approve PPC83 the following additional minimum standards and controls must be incorporated:

1. A significant (6-10 metre) planted buffer of native plants along the common boundary between Bream Tail and PPC83 land.
2. A prohibition of cats or mustelids on PPC83 land.
3. People and predator proof fencing should be erected to ensure that no cats, mustelids or people can enter the farming or conservation areas of Bream Tail.
4. No complaint covenants are required on titles of all lots within PPC83, such that they cannot complain about farming or conservation work impacts on them, including smells, noises, inadvertent poisoning or other possible impacts of Bream Tail's permitted activities.
5. 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) – Set back from Submitter 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 or managed by the BTRA.
- d. Rule 13.10.11(2) – Increase the amount of private 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, or land owned or managed by the BTRA shall have a minimum site area of 8,000 square metres.
- g. Rule 13.10.23 – All outside lighting within Precinct Map 1 and of properties adjoining the Submitter's property are to be downward pointing in best dark sky practice.
- h. Flood mitigation measures including large storm water retention capability within the property area.

Simon and Christine Brotherton wish to be heard in support of this submission. If others make a similar submission, Simon and Christine Brotherton will consider presenting a joint case with them at a hearing.

Signed:



Date: 22 August 2023

Address for Service:

49a Park Rise, Campbells Bay, Auckland, 0630