



Submission on Proposed Private Plan Change 84 – Mangawhai Hills Limited

Clause 6 of Schedule 1, Resource Management Act 1991 (Form 5)

To: **Kaipara District Council**

1. SUBMITTER DETAILS

Name of Submitter: **Berggren Trustee Co. Limited C/- Maria Berggren**

This is a submission on Proposed Private Plan Change 84 (“**PPC84**”) to the Kaipara District Plan – (“**KDP**”)

Berggren Trustee Co. Limited could not gain an advantage in trade competition through this submission.

Berggren Trustee Co. Limited owns Allot 247 PSH OF Mangawhai and will be directly affected by the Request. A map showing the property is **Attachment A**.

The submitter **OPPOSES** the Proposed Plan Change Request for the reasons stated in the submission.

2. The Plan Change Request

The purpose of PPC84 is to rezone the location to a Residential Zone. The key features of the plan change are:

- *Rezone 218.3 hectares of land between Tara Road, Cove Road, Moir Road, and Old Waipu Road in Mangawhai*
- *The creation of a Mangawhai Development Area 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

3. SUBMISSION

3.1 General

Submission Point 4.1 Whilst rezoning the land for urban purposes is supported in principle, there are matters of detail that are not supported meaning that the Request in its current form is opposed.

The proposed provisions set out in ‘Development Area’ – DEV1 - do not secure the outcomes shown on the

Structure Plan – these are described as ‘*intended spatial outcomes*’ at paragraph 4 of the DEV1 description. If these are intended spatial outcomes, then the provisions need to be written to ensure that these outcomes are achieved at the relevant stages of the development. The Evaluation of Alternative Options – Appendix 12 states that the proposed option is the most efficient and effective because:

- *The proposed rules and standards provide a clearer expectation for the community and developers as to what types of activities are anticipated within the Development Area.*
- *The proposed rules and standards are considered more effective than the status quo in managing adverse effects and protecting residential character and amenity, whilst protecting the natural environment.*
- *The proposed rules are considered more effective than the status quo at managing commercial sprawl and its associated adverse effects.*
- *The proposed rules provide for a permitted threshold of activities, in line with the plan change objectives, so that opportunities for appropriate non-residential activities are provided.*

The provisions require amendment to be more directive and provide greater certainty as to the development outcomes and the timing and coordinated delivery of infrastructure.

3.2 Objectives and Policies

Submission Point 4.2 The objectives and policies seek to promote environmentally conscious development – DEV1-P5. There are no specific rules that secure these stated outcomes.

The objective relating to Freshwater Management should more clearly align with the NPS Freshwater Management.

Submission Point 4.3 Specific provisions are required to secure the provision of the primary and secondary roads shown on the Structure Plan. There needs to be a clear trigger for when the Primary Road needs to be connected between Cove Road and Moir Street.

3.3 Rules

Density Provisions:

Submission Point 4.4 The provisions in the proposed ‘Development Area’ enable up to two dwellings per site as a permitted activity. The minimum site size in the subdivision standards is 1000m²; land use rule *DEV1-R2 a.* states that a minimum net site area of 1,000m² shall be provided per residential unit – *DEV1-R2 b.*. The density rule should be clearer if the intention is to enable up to two dwellings per site. If this is the intention then maybe the rule needs to state two dwellings per site that are comprehensively designed; or on sites greater than 1,000m² two comprehensively designed dwellings per site is a restricted discretionary activity. Alternatively rule b. is not required because the density outcome is already specified in rule DEV1-R2 a. – *one dwelling per 1000m² net site area.*

Subdivision:

Submission Point 4.5 The rule states a minimum net site area of 1,000m². The net site area is typically exclusive of the access legs. Therefore, if the definition of net site area in the KDC Plan aligns with excluding access legs, the rules do not

require this wording in the brackets.

Community Facilities:

Submission Point 4.6 The Description of the Development Area states that the Development Area will enhance community benefits and recreational opportunities through the provision of community facilities.

The corresponding policy then seeks to restrict the scale and size of community facilities (P7) and the proposed rules limit GFA to 250m² and a total cumulative net floor area for community facilities, commercial activities, and educational facilities to 1,000m². There are no provisions that secure community facilities, other than pedestrian and cycle networks. Conceivably there could be no community or educational facilities and only commercial activities.

Development Standards:

Submission Point 4.7 The site coverage standards state the lesser of 30% of the net site area or 500m². Given the minimum site size and the net site area requirement per dwelling of 1,000m² the site coverage would be expected to be typically less than 500m² and more likely in the vicinity of 300m². The practicality of this rule on the described large lot sites needs to be considered. It is more than likely building coverage for a typical home and accessory buildings will exceed 300m². This will therefore trigger the need for restricted discretionary activity resource consent on most typical builds. This submission seeks that the Standard be revised to correspond with a typical build on a large lot site and the effects of this outcome be assessed in terms of landscape, urban design, stormwater, and other related effects.

Submission Point 4.8 There are no setbacks on internal boundaries refer *DEV1-S4 1. a* and also *b. and d.*. Likewise, setbacks from roads exclude uncovered decks, swimming pools less than 1m in height above ground level. This calls into question the intended density, spaciousness between buildings etc. There appears to be a conflict between the Standards and the outcomes stated in the objectives and policies. There are, however, residential unit separation rules.

The Standards need to be reviewed in the context of the zone description, objectives, and policies, specifically achieving a large lot residential density and pattern of development (DEV1-P1) and relating to neighbouring properties by employing setbacks, sensitive building orientation and design and landscaping to mitigate dominance and privacy impacts.

3.4 Effects on the Environment

Traffic and Rooding:

Submission Point 4.9 The Private Plan Change Transportation Assessment identifies that the PPC84 will yield 425 – 640 residential lots. The assessment has been conservatively based on 600 lots¹. The Transportation Assessment goes on to state that the roads are strictly indicative at this time. Regardless of this there needs to be a degree of certainty as to the proposed road network, its location and the timing, or triggers for delivery in association with specific stages of the development. Without more directive provisions the road network shown on the Structure Plan – the *intended spatial outcomes* - may never be realised.

The Transportation Assessment states it focusses solely on the existing road network and looks to identify

¹ Transportation Assessment, Section 3, Page 11, paragraph 1.

remedial measures to facilitate PPC84 and assesses that there will be 4,920 daily trips and 540 peak hour trips. The Transportation Assessment has calculated that 35% of vehicle trips will be east via Moir Street. Given the assumptions and trip distribution set out in the Transportation Assessment it will be imperative to ensure that the road connections shown on the Structure Plan will be delivered in a timely manner to support the proposed development.

Development Area provisions should be included to secure the required road upgrades recommended in the Transportation Assessment.

Landscape and Urban Design:

Submission Point 4.10 Recommendations in the landscape assessment relate to the need to manage the presence of built form on the northern ridgeline².

Cultural elements of landscape values could also be addressed in the Development Area provisions, for example the recommendation at paragraph 4.17 to promote organic development of built form within the landscape.

The site interfaces are addressed in section 5.5 of the Urban Design report. The assessment outcomes stated at 5.5 require specific provisions to ensure these outcomes are achieved.

Provisions should be included to secure the outcomes of the landscape and urban design assessments, including, but not limited to the examples set out above.

Ecology:

Submission Point 4.11 The submitter's site is included in the Ecological Assessment prepared by Bioreserches but was not ground truthed. Portions of terrestrial vegetation are identified on the map – Figure 4 on Page 11 as Native-exotic bush and exotic vegetation. Figure 5, on Page 19 identifies area of wetlands and streams on the Submitter's property. A network of artificial drains is also shown on the neighbouring site.

Any provisions relating to terrestrial vegetation, wetland, and other freshwater resources, on the Submitter's site need to acknowledge that the features have not been ground truthed and that the mapping on the Structure Plan is therefore indicative. Ground truthed, detailed assessment will need to be undertaken prior to development of the Submitter's site and any related objectives, policies or rules need to recognise this requirement.

Infrastructure:

Submission Point 4.12 There is currently no reticulated water supply, and the plan change seeks to rely on water tanks for water supply as well as water tanks for firefighting. The landscape, visual and urban design impacts of the required number of water storage tanks for each site needs to be considered, particularly with respect to additional storage requirements required to respond to climate change.

There is no certainty as to the approach to infrastructure servicing. If the land is to be zoned residential then there should be a planned and coordinated approach to infrastructure servicing. Onsite servicing will not allow an efficient use of the urban land resource and will not facilitate development at scale to assist in funding the

² Greenwood Associates, Landscape & Visual Assessment, Paragraphs 4.12 - 4.14

upgrades required to wastewater plant and associated network.

A package plant could be an option, but this needs to be determined and provided for in the context of the entire plan change area. A package plant could also be a temporary measure.

The provisions of the Development Area need to clearly provide for the infrastructure servicing options and guide towards the optimal outcomes for the plan change site and wider community, now and into the future.

3.5 Statutory Assessment

Submission Point 4.13 The effects of PPC84 on the environment are uncertain and not adequately managed by the plan change provisions.

The Request does not achieve the required outcomes of the National Policy Statement Urban Development, particularly with respect to the integration of infrastructure and urban development, strategic planning over the medium term and long term. Mangawhai is an urban environment, as defined, and the outcomes need to be consistent with the provisions of the NPS UD.

The Request is not in keeping with the provisions of the Northland Regional Policy Statement that it has to give effect to. Particularly with respect to infrastructure servicing, urban form and climate change.

In its current form the Request does not meet the objectives of the Plan Change, or the Kaipara District Plan.

3.6 Conclusions

Berggren Trustee Co. Limited seeks that Plan Change 84 – Mangawhai Hills Limited be **Refused**, or that changes are made to the proposal, and its provisions, to address the matters raised in the submission.

Maria Berggren **wishes to be heard** in support of this submission.

If others make a similar submission, Maria Berggren will consider presenting a joint case at the hearing.

Yours sincerely



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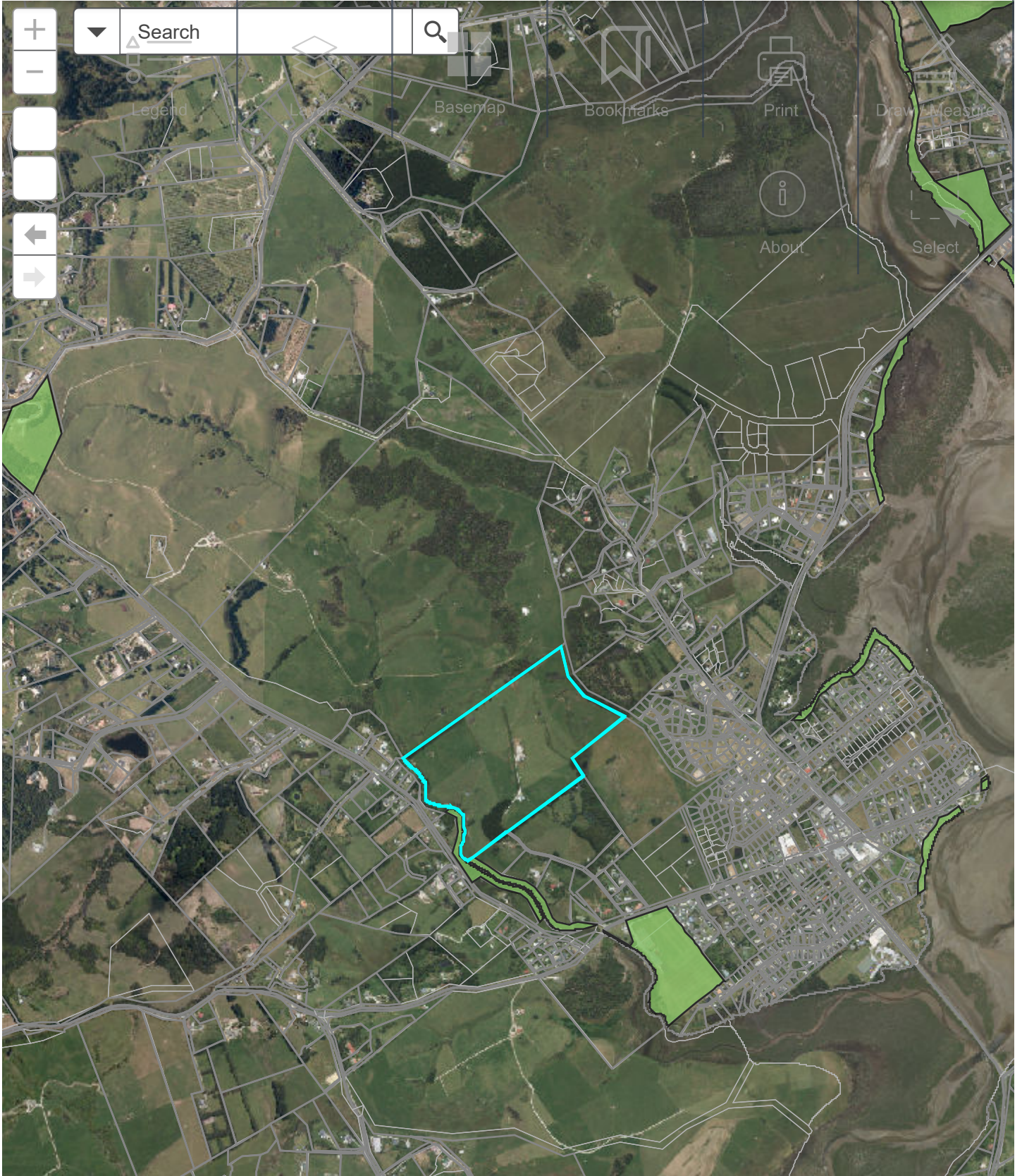
Attachment A – Submitter's Property Boundaries



Property Boundaries



Zoom To Point



0.4km

 A horizontal scale bar with a vertical tick at the end, representing a distance of 0.4 kilometers.

1741042.08 6001272.11 Meters | Scale 1:18056