

10.09.2020

06.01.2021

J Harrison-Tubb  
48 Francis Street  
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**Email:** Julian@saas.net.nz

Dear Julian

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**RM 200153 - LOT 42 DP 39205 - 13 Wood Street, Mangawhai – Request for Further Information**

**Note:** Although no formal notification decision or substantive decision under S104 of the Act has been made, my initial opinion is that the proposal would have adverse effects that are at least minor and potentially more than minor, would not be consistent with and likely contrary to the objectives and policies of the operative District Plan, and would set an undesirable precedent. I consider it unlikely that it could be supported by Council.

The Mangawhai Spatial Plan is currently a draft only. Public consultation ended on the 9<sup>th</sup> of August. The Policy Team are anticipating taking the Spatial Plan to a Council Briefing in November with adoption by Council at some point thereafter (possibly December). Until the Mangawhai Spatial Plan has been adopted by Council, no weight can be given to it. The current application must therefore be assessed against the currently operative District Plan without consideration of the Spatial Plan. The proposed lots are significantly in excess of the minimum lot size of 1000m<sup>2</sup> in the District Plan. The lots are also significantly smaller than anything consented in residential Mangawhai under the operative District Plan (typically no less than 600m<sup>2</sup>) and are conspicuously smaller than lots in the surrounding area.

If the Mangawhai Spatial Plan were to be adopted, it would still not have any statutory weight but consideration could be given to it under Section 104 of the Resource Management Act when a decision is being made on an application for resource consent. However, I would further note that the current proposal would create lots smaller than the minimum lot size of 400m<sup>2</sup> anticipated by the draft Spatial Plan. Therefore, even with the Spatial Plan taken into account, Council may still not be able to support the current application.

**Please give consideration to this before replying to the following information requests;**

In order to allow a full and accurate assessment of your application we seek further information from you, pursuant to Section 92(1) of the Resource Management Act as follows:

Appendices

**RM 200153**  
Section 92 date

- Appendix 8 does not appear to have been provided. Please provide this.

Provided.

#### House 2 and House 3

- The plans have a footprint for House 2 and 3 shown. The AEE also refers to “proposed relocated dwellings” that are “are single level and small”. The proposal therefore appears to anticipate specific houses for the lots. If this is the case, please provide floor plans and elevations for the dwellings that are proposed for the lots. (There were intended to be included as Appendix 8?).

Floor plans have been provided. Please provide elevations.

#### Development Controls

- The proposal relies on these small, single level dwellings to mitigate effects. However, subdivision enables use of a lot in accordance within the permitted limits of the District Plan. The proposal does not offer any restrictions on future development or use of any of the lots. A future owner could therefore add accessory buildings, construct additions or even replace a dwelling entirely, subject only to District Plan controls, which would allow 8m high dwellings, accessory buildings, commercial use\* and signage, and so on. There are also no colour or design controls proposed. There would also be nothing to prevent a future owner demolishing or removing one of the proposed relocatable dwellings and constructing an entirely different dwelling. If no development controls are proposed, the development potential on each lot enabled by the District Plan also needs to be considered.

Either propose appropriate development controls or assess the effects of the development potential on each lot enabled by the District Plan.

\*Traffic - The proposal states that the proposal would not breach Rule 13.10.18 as only 18 daily one way traffic movements are generated by the proposal. However, this fails to consider the potential traffic movements enabled by the subdivision, which is a total of 60 daily one way traffic movements (i.e., 20 per lot). This is not a breach of Rule 13.10.18 as this rule considers traffic generated per site (i.e., per lot) but the potential 60 daily traffic movements enabled by the subdivision have not been considered. This could be addressed by development controls (e.g., consent notices) preventing commercial activities / home occupations etc. If no such controls are proposed, the effects of 60 daily one way traffic movements on and off the sites onto the roading network needs to be assessed by a suitably qualified traffic engineer.

In your response you state;

*“The site is zoned residential and the most likely development on the site in future will be residential. If a more intensive or onerous development is proposed in future following subdivision it could be controlled at the Resource Consent stage.”*

I reiterate that the Residential Zone rules of the District Plan enable more residential development than what is proposed and enable more than just residential development as a permitted activity (i.e., without resource consent). Consequently, if a more intensive or onerous development is proposed in future following subdivision, it may or may not (depending on the scale) require resource consent. This is why we have asked for consideration of these effects rather than just relying on an unenforced assumption that only residential activity will occur.

The AEE assumes a particular outcome and draws a conclusion about effects based on that assumption. If you wish to achieve that outcome (and associated level of effects), controls are required to achieve it. If you wish to proceed without any controls, the effects need to be accurately considered.

In the interests of moving forward, please either undertake the assessment as requested or simply confirm what design controls are proposed, if any, and we will draw a conclusion about effects.

#### Plans and Additional Breaches

- The site plans show a 1.5m setback. Rule 13.10.7 – Setbacks specifies 3m side and rear yard setbacks for sites within an overlay (in this case the Mangawhai Harbour Overlay). Please update the plans to show the correct setbacks.

Proposed House 2 and 3 would be within the 3m setbacks and resource consent (Rule 13.10.7) would be required as a result. Please amend the AEE accordingly.

*The proposal has been amended to address this.*

- The plans include building coverage and impermeable surfaces coverage. However, they have been calculated and considered separately. Rather, building coverage should also be included within the impermeable surfaces calculations. This would result in impermeable surfaces coverage of over 40% for each proposed lot and resource consent would be required. See the table below;

AREAS	LOT 1	LOT 2	LOT 3
Lot Area	333.5	330.25	330.25
Dwelling	72.3	97.5	106
Driveway + Water Tanks	99	97.6	95.2
Total Impervious Area	171.3	195.1	201.2
% Impervious Area	<b>51.13%</b>	<b>59.07%</b>	<b>60.92%</b>

Please provide a stormwater assessment from a suitably qualified engineer and update the plans and AEE accordingly.

The proposal has been amended to address this. Please briefly confirm that decks are slotted (permeable) and that paths are permeable.

- Rule 13.10.11(a) requires private open space equivalent to 50% of the gross floor area of the dwelling (note the other related restrictions (b - f) on how this is calculated). This has not been assessed and it appears that at least House 3 and perhaps House 2 do not comply, in which case, resource consent would be required. Please calculate this and amend the plans and AEE as necessary.

The proposal has been amended to address this.

- With respect to Rule 13.10.10, the relevant information (perhaps in Appendix 8?) has not been provided. Please provide the relevant details that address the requirements of this rule.

Provided.

- Rule 13.11.1 – General Residential Subdivision requires consideration of the provision of water for fire-fighting (refer to the Matters of Control and Note 8). Please clarify how a (dedicated) supply of water for fire-fighting is being provided. Given the proximity of the tanks to the dwellings (which would presumably contain the fire-fighting water supply), please seek comment from FENZ regarding the suitability of the arrangement.

Provided

- With respect to Rule 13.10.25, the vehicle crossings for proposed Lot 2 and Lot 3 are located within 20m of the Wood Street – Margaret Street Intersection (Measured from meeting point of main kerb alignments). This is not in accordance with the KDC Engineering Standards. Therefore, resource consent would be required. Please update the AEE accordingly.

Also, in accordance with Section 5.2.18.2 (d)(i) KDC Engineering Standards 2011, please obtain and provide the written consent of Council's Roding Department (NTA). Please contact Aran Arrieta in the Roding Department at [aarrieta@kaipara.govt.nz](mailto:aarrieta@kaipara.govt.nz) in the first instance. Please also provide an assessment from a suitably qualified traffic engineer (unless the Roding Team are satisfied that this is not required).

The correspondence does not appear to have come through but it is acknowledged that the proposal now complies with the Engineering Standards.

#### Study of Demand

- The AEE states;

*A study of demand in Mangawhai shows that many prospective purchasers (and tenants) no longer wish to have large homes and sections to spend a lot of time and money maintaining and keeping clean. They wish to enjoy the free time that they have. They require comfortable, well presented homes that are efficient in their use of space, are well-located and provide an appealing place to live. Such Owners and tenants wish to be located close to amenities (within a short walk) and be situated on a smaller section to reduce upkeep and costs.*

Please provide the study of demand being referred to.

You have declined to provide this document, in which case Council can have no regard to it.

#### Wastewater

- The AEE states;

*Discussions are under way with Kaipara Council's Wastewater Provider, we have been advised that there is sufficient capacity for the two additional proposed sections.*

Please provide written confirmation from Council's Wastewater Provider.

Provided.

#### Telecommunications

- Please provide confirmation from the relevant telecommunications provider that telecommunications are available.

Provided.

#### Objectives and Policies

- The proposal provides an assessment against the objectives and policies of Chapter 13 of the District Plan but does not include an assessment against the relevant objectives and policies of Chapters 3A and 4 of the District Plan. Nor does it provide an assessment against the Managwhai Structure Plan or higher order statutory documents, such as the Northland Regional Policy Statement and the New Zealand Coastal Policy Statement. As the application is a non-complying activity, this should have been undertaken as part of the AEE. Council will undertake this assessment but you are welcome to provide further assessment with respect to these documents if you wish.

You state in your reply;

“Additional assessment against Chapters 3A and 4 of the District Plan, Mangawhai Structure Plan and higher order documents are included in the main body of the updated application attached”

However, the AEE does not appear to contain this assessment. Has the correct version been sent through?

Pursuant to Section 92A, there is a 15 working day time frame within which you are required to do one of the following:

- provide the information
- confirm in writing that you agree to provide the information
- give a written notice that you refuse to provide the information

If you do not do one of the above within the 15 day time frame or refuse to provide the information requested, the application may be notified under Section 95C and considered under Section 104 and the application may be declined on the basis of insufficient information.

If you confirm in writing that you agree to provide the information, pursuant to Section 92A(2) Council will set a reasonable timeframe in which to provide the information.

Once we have received the requested information, we will consider the adequacy of the information provided and make a decision on whether your application requires notification. If the application is to be notified, you will be advised as soon as possible. If notification is not required, we will let you know the decision on the application in due course.

If wish to discuss any matters relating to the above information please contact Council on 0800 727 059 or [rmaconsents@kaipara.govt.nz](mailto:rmaconsents@kaipara.govt.nz). Please quote RM 200153 when contacting Council.

Yours faithfully



**Dwayne Daly**  
**Kaipara District Council**