

Mayor and Councillors
COUNCIL

16 APRIL 2015

Meeting Status: **Public**

Purpose of Report: For Decision

OPERATIVE DATE FOR PLAN CHANGE 72A

PURPOSE

- 1 The purpose of this report is to propose a date to make Plan Change 72A part of the Operative District Plan.

DELEGATION

- 2 The Resource Management Act (RMA) allows the Council to delegate this decision to a Committee in section 34 of the RMA. However the Council has not delegated this function and therefore this report must be considered by the Council.

BACKGROUND

- 3 Plan Change 72A was a council initiated Plan Change which was publicly notified in 2007 to enable the expansion of the Paraparaumu commercial and retail area across Rimu Road onto land south of the Wharemauku Stream.
- 4 A total of eight submissions and three further submissions were received. Christopher Mitchell was appointed as an independent hearing commissioner for this Plan Change in August 2007. A hearing was held on 12 and 13 November 2007, with five of the submitters attending the hearing.
- 5 The Commissioner's report was presented to Council in January 2008. The Council at the time was uncomfortable with proceeding to make a decision on the Plan Change and wanted more control over the potential for large format retail and greater emphasis on the creation of green space. The Council also wanted to understand the outcomes of the airport private Plan Change process.
- 6 The Council decided to place the Plan Change on hold until these issues had been explored or resolved. Also in early 2008 an application was made by Ngahina Trust to the High Court seeking that land owned by Council be offered back to the Trust as the previous owners of the land on the grounds that it was no longer required for civic purposes.
- 7 The decision to approve the Commissioner's recommendation was made in May 2011. The decision was appealed by two parties. One appeal was resolved through mediation and the other required a decision from the Environment Court.
- 8 The Plan Change has now completed this lengthy process and is ready to become part of the Operative District Plan

ISSUES AND OPTIONS

- 9 The final stage of a plan change is the setting of the date for making the plan change part of the Operative District Plan under clause 17 and setting the operative date under clause 20 of Schedule 1 of the RMA. The final wording of the Plan Change is included in Attachment 1 to this report.
- 10 The plan change is effectively operative as it has been through the Environment Court process and there is no option for the Council to alter the plan change wording or withdraw the plan change, the only discretion is regarding the date to make the plan change formally operative. It is recommended to make the Plan Change operative on 9 April 2015.
- 11 The Plan Change is to the Operative District Plan and does not directly affect the Proposed District Plan process. The Proposed District Plan currently has very similar provisions for the majority of the land affected by Plan Change 72A. The Structure Plan and the relevant provisions in the Proposed District Plan have received submissions and may change as a result of these submissions.
- 12 The inclusion of Plan Change 72A in the Operative District Plan will enable the landowners to develop under their sites these provisions until the Proposed District Plan provisions come into effect.

CONSIDERATIONS

Policy considerations

- 13 The Plan Change will add the Wharemauku Precinct wording (attachment 1) to the Commercial/Retail zone provisions in the District Plan and amend the maps to show the precinct.

Financial Considerations

- 14 The costs of making the plan change operative are estimated as \$2000 and can be met from existing District Plan budgets. The cost is to meet the legal requirements for a public notice and printing and posting of updated pages of the District Plan.

Legal Considerations

- 15 This report seeks the Council approval of a plan change under clause 17 of Schedule 1 of the Resource Management Act 1991. This clause states

“Final consideration of policy statements and plans other than regional coastal plans

- (1) *A local authority shall approve a proposed policy statement or plan (other than a regional coastal plan) once it has made amendments under [clause 16](#) or variations under [clause 16A](#) (if any).*
- (1A) *However, a local authority may approve a proposed policy statement or plan (other than a regional coastal plan) in respect of which it has initiated a variation.*
- (1B) *A variation to a proposed policy statement or plan approved under subclause (1A) must be treated as if it were a change to the policy*

statement or plan unless the variation has merged in and become part of the proposed policy statement or plan under [clause 16B\(1\)](#).

- (2) A local authority may approve part of a policy statement or plan, if all submissions or appeals relating to that part have been disposed of.*
- (3) Every approval under this clause shall be effected by affixing the seal of the local authority to the proposed policy statement or plan.”*

- 16 Clause 20 provides the necessary steps of notifying the date the plan change will become operative.

Tāngata whenua considerations

- 17 There are no issues for consideration relating to iwi with this stage of the plan change process.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

- 18 Council has a new Significance and Engagement Policy, this policy specifically excludes decisions related to processes under the Resource Management Act 1991 as this Act has specific engagement requirements.

Consultation already undertaken

- 19 The plan change has been through two rounds of formal community consultation in accordance with the RMA requirements. Further communication and negotiation has occurred in 2014 with affected landowners as part of the Environment Court requirements.

Engagement planning

- 20 This is the final stage for this plan change and no further engagement will be required.

Publicity

- 21 A public notice is required to make the operative date of the plan change known. The Public notice will be placed in the Kapiti Observer on 26 March 2015 advising that the Plan Change will become operative on 9 April 2015.
- 22 A press release will be issued advising that the plan change will become operative in April 2015. The future development of the land may attract publicity at the time a proposed development is planned.

RECOMMENDATIONS

- 23 That Council resolves, pursuant to clauses 17 and 20 of the First Schedule of the Resource Management Act 1991, to set an operative date of 9 April 2015 for Plan Change 72A to the Kāpiti Coast District Council District Plan and affix the Common Seal of Council to the plan change as set out in Attachment 1 to report SP-15-1487.
- 24 That Council approves that a public notice will be included in the Kāpiti News on 25 March 2015 announcing that the plan change will become operative on 9 April 2015 followed by an advisory notice in the Kapiti Observer on 26 March 2015.

Report prepared by Approved for submission Approved for submission

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APPENDIX 1

Wording of Plan Change 72A to be included in the Operative District Plan.

APPENDIX 1

PLAN CHANGE 72 A

EXTENSION OF THE COMMERCIAL / RETAIL ZONE AT
PARAPARAUMU AND AMENDMENT OF THE ZONE
PROVISIONS

The following section sets out the specific amendments to the District Plan as part of this plan change (~~strike through indicates deletion~~ and underlining indicates additions).

C3.1 Objectives & Policies

Objective 1

- 1 Amend the second paragraph of the commentary to Objective 1 as follows:

The amenity values which constitute the positive features of the character of most of the district's commercial/retail areas are small scale low rise buildings and site development with a village atmosphere. The character of the main Paraparaumu commercial/retail area shares the same emphasis on low rise development on a larger scale, but is different with the key amenity value being the convenient location of shops in one central area close to transport routes and services. Attention to quality active building frontages at the street edges and adjoining the Wharemauku Stream, care with the location and treatment of carparking areas and retention of views to Kapiti Island are important to the creation and enhancement of amenity values in the Paraparaumu commercial / retail area. The careful distribution of different forms of retailing will also help enhance amenity values, particularly in the short to medium term as a vibrant main street is developed along Rimu Road and Wharemauku Stream.

Policy 1

- 2 Amend the commentary to Policy 1 as follows:

The "amenity values" of the commercial environment means those natural or physical qualities and characteristics that contribute to people's appreciation of its vibrancy, pleasantness, aesthetic coherence, cultural and recreational attributes. In most cases the amenity values of the District's commercial / shopping centres can be managed through district-wide controls. However, in some instances the local character of a particular commercial / shopping area is best maintained and reinforced through controls that are specific to that area. Without controls (rules and performance standards) on possible adverse effects resulting from subdivision, building and commercial activities, the quality of the commercial/ shopping centres could be impaired resulting in degradation of these areas, and lost opportunities to enhance amenity values.

Specific effects that must be addressed include:

- *Effects of activities fronting SH1 on traffic safety and efficiency*
- *Visual impacts of advertising on amenity and traffic safety*
- *Flood Hazard to building*

- *Consequences of activities on the efficient and environmentally safe use and development of transport and service infrastructure*
- *Environmental and Health risks of use and transport of Hazardous substances/dangerous goods*
- *Impact of Building Height on character of environment*
- *Effect of Industrial activities and operations on environmental quality and convenience of area for shopping and business*
- *Loss of Open Space*
- *Loss or enhancement of 'green space'*
- *Amenity consequences of residential accommodation within commercial/retail areas*
- *Amenity and urban design consequences associated with the location and design of large format retail activities*
- *Noise of activities*
- *Traffic effects of usage and demand for parking, loading facilities and access*
- *Storage and visibility of rubbish and raw materials*
- *Effect on traffic movement and safety of vehicle oriented land uses*
- *Effects of building and car parking location and design on urban character, including the heritage values that contribute to this character*
- *Efficient use of land resource*
- *Provision for and convenience of pedestrian movement within the environment*
- *Loss of views to Kapiti Island in Wharemauku Precinct*
- *Pedestrian safety in public areas.*

These effects are controlled by minimum performance standards for commercial activities. They must be met to ensure that adverse effects are minimised to promote the shopping/commercial environments as a good place to visit, shop, live and work. In the Wharemauku Precinct these effects will also be controlled through conditions on subdivision consents and resource consents for buildings and car parking areas. The Council will also control the development of much of the Wharemauku Precinct, to maintain community objectives and fit development with the provision of new or enhanced road infrastructure.

3 Amend the Commercial/Retail zone rules as follows

D3.1 Commercial / Retail Zone Rules

D.3.1.2 Controlled Activities

The following are controlled activities, provided they comply with the controlled activity standards:

(ii) **SUBDIVISION**

Subdivision which complies with the controlled activity standards for subdivision.

The matters over which Council reserves control for the purposes of assessment are:

- The design and layout of the subdivision including:
 - (a) earthworks and

- (b) the degree of compliance with the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005
 - (c) within the Wharemauku Precinct, the alignment of road reserves so that views (including glimpses) of Kapiti Island are maintained from at least three points along Rimu Road
- The imposition of financial contributions in accordance with Part E of this Plan.
 - The imposition of conditions in accordance with section 220 of the Resource Management Act.
- (v) **BUILDINGS & CAR PARKING IN THE WHAREMAUKU PRECINCT**

Buildings and car parking within the Wharemauku Precinct which comply with the permitted activity standards.

Alterations to buildings in the Wharemauku Precinct that affect a building façade along Rimu Road and opposite or adjacent to Wharemauku Stream. For the purposes of this rule, 'alterations' excludes all minor repairs, alterations or maintenance to the existing façade, which do not require building consent.

The matters over which Council reserves its control for the purpose of assessment are:

- Design and external appearance of buildings, including:
 - (a) the presentation of quality active building edges fronting the street and public open spaces (particularly along Rimu Road and opposite or adjacent to Wharemauku Stream)
 - (b) the use of building modulation and design detail to achieve visual interest
 - (c) the provision of verandahs
 - (d) the quality of pedestrian environments.
- Location and design of car parking and traffic circulation areas, loading and access to prevent:
 - (a) the visual dominance of large areas of off-street carparking and loading areas along Rimu Road and adjacent or opposite to Wharemauku Stream
 - (b) inappropriate breaks in the building line along Rimu Road and opposite or adjacent to Wharemauku Stream.
 - (c) adverse traffic effects on roading infrastructure

- 4 Add a new discretionary activity rule

D.1.3 Discretionary Activities

The following shall be Restricted Discretionary Activities:

Any building and earthworks within the Wharemauku Precinct which do not meet the permitted activity standards for frontage development and verandahs

When assessing application's for the above the Council's discretion is limited to the following matters:

The effects on amenity and streetscape or stream values, including those values which are intended to be created but do not yet exist; and

- The effects on landform and flood hazards

Retail units within the Wharemauku Precinct with a gross floor area exceeding 500 m², and retail units within the Wharemauku Precinct with frontage to Ihakara Street and Trieste Way with a retail floor space exceeding 1000m²

When assessing applications for the above, the Council's discretion is limited to the following matter:

- Location of buildings on the site;
- Location and design of carparking and traffic circulation areas including
 - a) the quality of pedestrian environments in all publicly accessible areas;
 - b) application of Crime Prevention Through Environmental Design principles; and
 - c) the use of retail frontages to achieve visual interest for pedestrians.

Retail activity within the Wharemauku Precinct generating over 200 vehicle movements per hour (in any hour)

When assessing applications for the above, the Council's discretion is limited to the following matter:

The traffic effects of the proposal on the road network.

Note 1: For the purposes of calculating the area of retail floor space in the Wharemauku Precinct, the floor space used for non-retail purposes (i.e. office space, storage ,areas not accessible to the public, etc) shall be excluded from the retail thresholds in addition to the exclusions already provided under the definition of "gross floor area" in the plan.

Retail units within the Wharemauku precinct with a gross floor area exceeding 1000m² on any site which has a boundary with residential zoned land

When assessing applications for the above, the Council's discretion is restricted to the following matter:

The effects of the proposal on the amenities of any adjoining residential zoned land

- 5 Amend the Commercial /Retail zone standards as shown below

D3.2 Commercial / Retail Zone Standards

D.3.2.1 Permitted Activity Standards

RETAIL ACTIVITY

Retail outlets within the Wharemauku Precinct that adjoin Rimu Road and opposite or adjacent to the Wharemauku Stream reserve shall have a maximum ground level gross floor area of 500 m².

Retail outlets within the Wharemauku Precinct with frontage to Ihakara Street or Trieste Way shall have a maximum retail floor space of 1000m² or generate fewer than 100 vehicle movements in any hour

Retail outlets on any site which has a boundary with residential zoned land shall have a maximum gross floor area of 1000m²

Note 1: For the purposes of calculating the area of retail floor space in the Wharemauku Precinct, the floor space used for non-retail purposes (i.e. office space, storage ,areas not accessible to the public, etc) shall be excluded from the retail thresholds in addition to the exclusions already provided under the definition of “gross floor area” in the plan.

FRONTAGE DEVELOPMENT

Within the Wharemauku Precinct, buildings shall:

- not be set back from the boundary with the road reserve
- contain 75% of the road level building frontage as pedestrian entrances or clear glass for the display of goods or the advertising of services
- contain a minimum of one pedestrian entry per 15 metres of street frontage if located along Rimu Road.

Outside the Wharemauku Precinct, where a building adjoins, or is within 2 metres of the front boundary of a site, 75% of the frontage of the building at road level shall be clear glass for the display of goods or the advertising of services.

Note: The location and design of all building frontages within the Wharemauku

Precinct will be assessed in accordance with rule D.3.1.2 (v).

PARKING, LOADING & ACCESS

Within the Wharemauku Precinct no vehicle entrances to car parking or loading areas shall be located on Rimu Road.

Compliance with the parking, loading and access standards in Part J of this Plan.

VERANDAHS

Verandahs shall be provided to the following standards, except in situations where the adjoining buildings on both sides do not have a verandah (excluding Paekakariki, Rimu Road and roads fronting the Wharemauku Stream reserve where all buildings shall provide a verandah) or where the building is set back from the frontage by more than 3 metres:

- (i) Minimum depth of 3 metres.
- (ii) < 3 metres where face of the kerb is < 3 metres from the face of the building.
- (iii) In all cases verandahs shall be at least 0.5 metres behind the kerb face.
- (iv) Verandahs shall extend along the entire frontage of the building and shall adjoin existing verandahs on adjacent buildings.

6 Amend part F as shown below

F.2.3 Notification

PUBLIC NOTIFICATION OF APPLICATIONS

1. Unless special circumstances apply applications for resource consent for **controlled activities** in respect of the following matters will be processed as non-notified applications and will not require the written consent of any persons including neighbouring property owners:
 - subdivision complying with permitted and controlled activity standards
 - development for permitted activities in the Paraparaumu Town Centre zone
 - fencing in the River Corridor zone
 - new roads
 - siting of buildings near fault lines
 - forestry activities
 - building relocation
 - buildings and carparking within the Wharemauku Precinct of the Commercial / Retail Zone that comply with the permitted and controlled activity standards.
- 3a Unless special circumstances apply applications for resource consent for **restricted discretionary activities** in respect of the following matters need not be notified or served on any persons:
 - Buildings which do not comply with the permitted activity standards for frontage development and verandahs

Planning Maps

7 Amend District-wide Zone map 4 to show the extended Commercial / Retail Zone as shown in Figure 1 below.

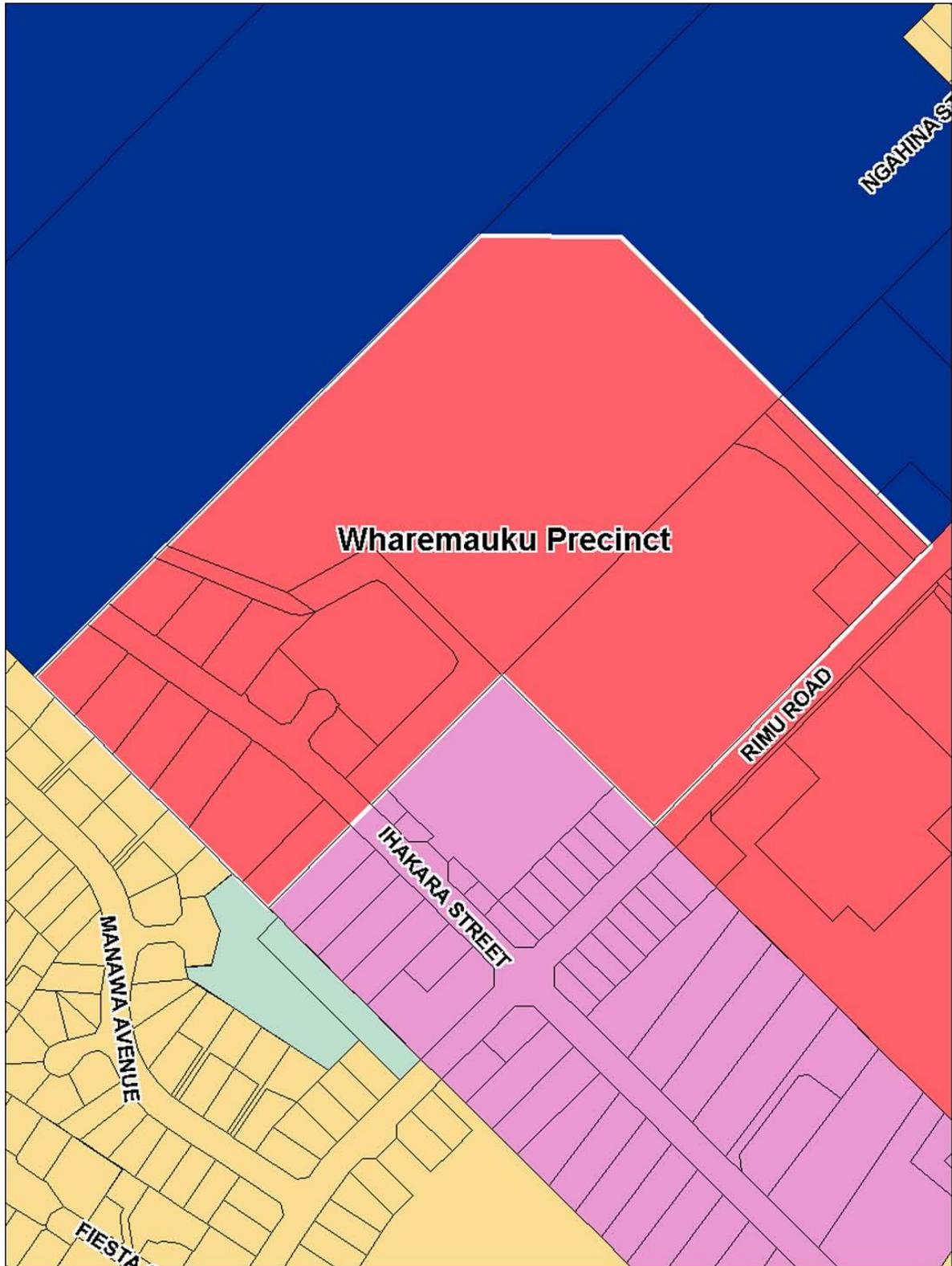


Figure 1: Wharemauku Precinct