

**Mayor and Councillors**  
COUNCIL

**5 APRIL 2012**

Meeting Status: **Public**

Purpose of Report: For Decision

## **OPERATIVE STAGE FOR PLAN CHANGES 78 (LARGE FORMAT RETAIL) AND 81 (ŌTAKI SOUTH PRECINCT)**

### **PURPOSE OF REPORT**

- 1 This report seeks Council's approval to set a date for Plan Changes 78 and 81 to be become part of the Operative District Plan.

### **SIGNIFICANCE OF DECISION**

- 2 This report does not trigger the Council's significance policy.

### **BACKGROUND**

- 3 Plan Change 78: Large Format Retail was initiated by Council in October 2007. It was publicly notified in June 2008 and ten submissions were received.
- 4 Following the closing of the submission period the Council appointed a hearing panel consisting of one Councillor and two independent hearing commissioners. A hearing was held on 14 July 2009 and the Commissioners' decision was adopted by the Council on 1 October 2009.
- 5 The Plan Change received two appeals to the Environment Court. Both appeals have now been resolved through mediation with minor changes to the Plan Change wording as a result of one appeal; the other appeal was withdrawn.
- 6 Private Plan Change 81: Ōtaki South Precinct was privately initiated in August 2008. The Council resolved to accept the application for consideration as a private plan change and accordingly it was publicly notified in November 2008. Forty submissions and two further submissions were received.
- 7 Following the conclusion of the submissions period, the applicant put the plan change on hold to address stormwater and traffic issues raised in the submissions.
- 8 In July 2009 the Council appointed a hearing panel consisting of one Councillor and two independent hearing commissioners to make recommendations to the Council. A hearing was held in the week beginning 1 March 2010 and the Council made a decision to approve the Plan Change on 15 July 2010.
- 9 The Plan Change decision was appealed by the requestor. This appeal was resolved through mediation with minor changes to the Plan Change wording and maps.

- 10 The next step is to make Plan Changes 78 and 81 part of the Operative District Plan by setting an operative date and affixing the seal of Council to the Plan Changes.

## CONSIDERATIONS

### Issues

#### Plan Change 78

- 11 Over the past two decades, there has been a growing trend, both internationally and locally, for Large Format Retail (LFR) developments (these are also known as 'Big Box' retail). These are often located away from traditional town centres, and typically are large, box-like buildings, surrounded by car parks.
- 12 If located in out-of-centre locations LFR can:
- undermine the vitality and viability of traditional town and local centres, and the supporting public transport and infrastructure in them, with implications for sense of place;
  - result in conflicts between heavy vehicles and shoppers' cars (in industrial locations) and between resident's vehicles and shoppers' cars (in residential areas);
  - increase dependency on private vehicles with consequent energy use and emissions; and
  - result in the loss of developable industrial land to retail uses.
- 13 The main benefit of locating large format retail in town centres, on the other hand, is to support existing town centre businesses and services and address the issues above.
- 14 The design of LFR is critical in terms of the character and amenity of local and town centres (including safety). In addition, it is important to create or support an environment which supports pedestrian activities, and encourages people to use public transport, and minimise vehicle usage. This has benefits in terms of energy efficiency and reduction of greenhouse gas emissions, and also has the potential to reduce pressure on the road network. The design and appearance of LFR in Town Centres can have a major impact on this. Plan Change 78 was designed to address these issues.
- 15 The Plan Change was developed to encourage well designed LFR in town centres and make it difficult to establish in residential or industrial zones. The Plan Change includes:
- a new objective to retain and enhance the vitality and viability of the District's main commercial/retail centres, with four supporting policies;

- making retail development with a floor area greater than 500m<sup>2</sup> except where selling Bulky Goods (Industrial/Service Zone) and 300m<sup>2</sup> (Residential Zone) a non-complying activity;
  - making LFR development (where the floor area is greater than 500m<sup>2</sup>) in the Commercial/Retail Zone a controlled activity (changed from permitted). The controlled activity standards include design standards aimed at ensuring development is built close to the street (including the main internal streets of a development), and has active pedestrian frontage with regular entrances;
  - placing limits on the size of retail premises in the smaller commercial/retail areas to protect the local convenience function of these centres, e.g. retail premises greater than 500m<sup>2</sup> in Paekakariki become a non-complying activity; and
  - minor amendments to the Commercial/Retail Zone permitted activity standards relating to verandahs and active frontage.
- 16 There were changes made to the Plan Change wording as a result of mediation which are as follows;
- Add a discretionary activity standard for large format retail which has pedestrian entrances up to 18m apart. This is in addition to the permitted activity standard requiring that entrances be no more than 15m apart.
  - Add an exemption for the section of State Highway One between Ihakara Street and Coastlands Parade from the standard requiring that large format retail buildings be located no further than 1.8m from the street frontage.

### **Plan Change 81**

- 17 Plan Change 81 allows the rezoning of a 19 hectare site in Riverbank Road, Ōtaki from Rural to Industrial/Service. The purpose of the Plan Change is to create a sub-zone within the Industrial/Service Zone, to be known as the “Ōtaki South Precinct”. Specific rules and standards applying to this area will provide for the subdivision of the site, and the development of industrial activities, as well as residential activities for owner/occupiers of industrial/service activities.
- 18 An internal roading network is also to be developed as part of the development of the site, and open space areas have been identified to provide a residual overflow for flooding.
- 19 There were changes made to the wording and structure plan for Plan Change 81 as a result of mediation.
- 20 The effect of these changes is to:
- enable larger retail buildings selling specific types of goods, to be known as “space extensive retailing,” (which are those not available currently in Ōtaki’s two shopping areas), but overall limit the amount of retail to 20% of the developable area on the site; and

- make it a new non-complying activity to have retail in the Ōtaki South Precinct that does not comply with the permitted activity standards;
- Making changes to make comprehensive development of sites in the Ōtaki South Precinct which are in both the Industrial/Service and Open Space zones more efficient including:
  - (i) changing the "Earthworks" permitted activity standard in the Open Space zone to permit earthworks in the Ōtaki South Precinct that comply with the permitted activity standards;
  - (ii) creating a new permitted activity class in the Open Space zone for the Ōtaki South Precinct for activities that are ancillary to a permitted or consented activity on Industrial/Service zoned land in the Ōtaki South Precinct;
  - (iii) amending the Structure Plan for the “Ōtaki South Precinct” to include areas within 50m of the Ōtaki River corridor in the Open Space zone;
  - (iv) making subdivision within the open space zoned part of the Ōtaki South Precinct a restricted discretionary activity instead of non-complying in the general open space zone.

### **Options**

- 21 Plan Changes 78 and 81 received appeals to the Environment Court which have now been resolved through mediation which was signed off by the Environment Court. There is no reason to delay making the plan changes part of the operative District Plan.
- 22 To make a plan change operative, Council must give their final approval by giving the Common Seal of Council and set a date for the Plan Change to become part of the Operative District Plan.
- 23 Council must publicly notify the operative date at least five working days before the date the Plan Changes are to become operative. It is proposed to include a public notice in the Kapiti Observer on 19 April 2012 notifying that Plan Changes 78 and 81 will become operative on 26 April 2012. Holders of the District Plan will then be sent a copy of the Operative Plan Changes.

### **Financial Considerations**

- 24 There are no financial considerations at this time as all costs of processing the appeals on these Plan Changes have been paid from existing budgets.

### **Legal Considerations**

- 25 Clauses 17 and 20 of the First Schedule of the Resource Management Act 1991, set out the legal procedures, to be followed in making these Plan Changes operative.

- 26 Council's legal advisors have confirmed that for private plan changes, including Plan Change 81 that:

*The only step remaining for the Council to make the Plan Change operative is to publicly notify the operative date of the Plan Change in accordance with clause 20 of the First Schedule. It has no discretion as to whether it should publicly notify this date.*

*The public notification of the operative date is effectively an administrative exercise. The Council does not have the ability at this stage to "re-litigate" the matter, and has obligations to avoid unreasonable delay in exercising its powers under the RMA.*

- 27 If Council delays setting the operative date for the Plan Changes, or sets a date that unreasonably delays Plan Change 81 becoming operative, the requestor for the Plan Change could seek an enforcement action against the Council. This order is likely to be granted and the Court could award costs against the Council, most likely on an indemnity basis.

### Delegation

- 28 Only Council may make this decision it cannot delegate the final stage of plan change approvals.

### Consultation

- 29 Full public notification and involvement has occurred during the processing of both Plan Changes as required by the Resource Management Act 1991. Iwi were sent a copy of the plan changes for comments.

### Policy Implications

- 30 Plan Change 78: Large Format Retail will change the operative District Plan by adding provisions which make it more difficult to undertake retail activities outside town centres and which introduce design controls for large retail buildings in centres.
- 31 Private Plan Change 81: Ōtaki South Precinct will change the operative District Plan provisions by rezoning the site on the corner of State Highway One and Riverbank Road, as Ōtaki Industrial/Service Zone.
- 32 Plan Change 81 was privately initiated. Therefore it only has legal effect when Council makes it part of the operative District Plan.

### Tāngata Whenua Considerations

- 33 There are no Tangata Whenua considerations at this stage.

### Publicity Considerations

- 34 The submitters and affected parties will be informed of the operative date. The Plan Change does not require a public communications campaign.

## Other Considerations

35 There are no other considerations.

## RECOMMENDATIONS

- 36 That Council resolves, pursuant to clause 20 of the First Schedule of the Resource Management Act 1991, to set an operative date for Plan Change 78 to the Kapiti 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-12-458.
- 37 That Council resolves, pursuant to clause 20 of the First Schedule of the Resource Management Act 1991, to set an operative date for Plan Change 81 to the Kapiti Coast District Council District Plan and affix the Common Seal of Council to the Plan Change as set out in Attachment 2 to report SP-12-458.
- 38 That Council approves that a public notice will be included in the Kapiti Observer on 19 April 2012 advising that the Plan Changes will become operative on 26 April 2012.

### Report prepared by:

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**Senior Urban Planner**

### Approved for submission by:

Gael Ferguson

**Group Manager, Strategy and Partnerships**

### ATTACHMENTS:

**Attachment 1: Sign and Seal Document for Plan Change 78**

**Attachment 2: Sign and Seal Document for Plan Change 81**



## Plan Change 78 –Managing Large Format Retail

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

### C3.1 Objectives & Policies for the Commercial/Retail Zone

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

#### OBJECTIVE 1.0

**TO MAINTAIN AND ENHANCE THE AMENITY VALUES IN CENTRES OF COMMERCIAL AND RETAIL ACTIVITY, THAT PROMOTE SHOPPING AND COMMERCIAL ENVIRONMENTS AS CONVENIENT AND PLEASANT PLACES IN WHICH TO SHOP, WORK AND LIVE**

....

*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.*

Commercial/Retail areas in the District are the centre of social and business activities in the District. These are key elements of the sense of place and identity of the distinct communities along the coast. The design and location of buildings and car parking areas need to be managed to minimise the impacts of large format retailing on the district's centres.

- 2 Amend the commentary to Policy 1 of C.3.1 as follows:

#### POLICY 1 - AMENITY VALUES

**Maintain and wherever possible enhance the amenity values of the commercial/shopping centres of the district by avoiding, remedying or mitigating adverse effects of commercial and retail activities on the efficient functioning, safety and character of commercial town and village centre areas.**

.....

*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 SHI 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*
- *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 location and design on urban character and pedestrian amenity including the heritage values that contribute to this character*
- *Efficient use of land resource*
- *Provision for and convenience of pedestrian movement within the environment*
- *Pedestrian safety in public areas.*
- *Effects of large blank walls associated with large format retail activities*

### 3 Add a new Objective to C.3.1 Commercial/Retail Zone

#### **OBJECTIVE 2:**

**RETAIN AND ENHANCE THE VITALITY AND VIABILITY OF THE DISTRICTS MAIN CENTRES AT PARAPARAUMU, WAIKANAĒ AND OTAKI AS PART OF AN ECONOMICALLY AND SOCIALLY STRONG COMMUNITY.**

### 4 Add four new policies to C.3.1 under Objective 2

#### **POLICY 1: CONSOLIDATION**

**Ensure that Retail activities (other than small scale convenience shopping for day to day needs) is located within the District's main centres and that the development of retail activities enhances the District as a place that is accessible, healthy and safe for pedestrians and cyclists.**

**Encourage development of the District's main centres that:**

- **increases the range of activities, particularly business, entertainment and employment activities beyond the traditional mix of retail, commercial and civic services;**
- **Increase their effectiveness as catalysts for economic growth;**
- **Improves the appearance of the centres and sense of confidence of people working in, running businesses from and using those centres;**
- **Actively encourages the increased use and viability of passenger transport services and reduction of energy use and impacts**
- **Actively promotes safe, direct, continuous, and convenient pedestrian access to and movement between activities and sites within centres.**
- **Contributes to a strong and unique public space environment that connects different land uses and the movement system together;**
- **Provides necessary car parking, other than public on-street car parking, in locations and configurations that enhance but are otherwise subservient to the quality of connection between land use activities and the public space environment;**
- **Provides for loading and servicing relative to long term intensification and development of business activity on the site.**
- **Supports community cohesiveness and a sense of belonging**

*New development should build on the quality and distinctiveness of existing development within centres through increasing the range of activities and the considered design of buildings and spaces so that they contribute to the quality of the public environment and attractiveness for residents businesses and visitors.*

#### **POLICY 2: LARGE FORMAT RETAIL**

**Ensure that the design of large format retail premises enhances the amenity and economic viability of Paraparaumu, Waikanae and Otaki Railway Town Centres; especially providing for high quality pedestrian experiences; and adverse effects are avoided, remedied or mitigated**

*The current trend in retailing towards larger single premises selling multiple goods can result in a poor urban environment especially for pedestrians. These premises tend to have only one pedestrian entrance, expansive areas of car parking between the building and the street and present large blank walls with inactive street frontages facing pedestrians accessing the site.*

*The character and amenity of Town and Village centres are important aspects of the District's identity. Uncontrolled proliferation of large format retailing could degrade the character of existing centres.*

### **POLICY 3**

**Ensure that large format retail activities, especially stores with over 500m<sup>2</sup> of retail floor space selling a wide range of goods are not developed at Paekakariki, Raumati South or other locations where they could draw shoppers away from the main town centres compromising the function of these centres.**

*The smaller commercial/retail areas in the District are intended to serve the local community in that area. It is desirable for these locations to contain a mix of small scale convenience services and be places of local employment not destination retail locations for the whole District.*

*A single large format store in many of these places would effectively replace all the current boutique shops. This would result in decreased shock resilience for these local centres and the surrounding communities. Large format stores do not generally sell locally produced goods. Many of the boutique stores sell products made locally or prepared on site.*

### **POLICY 4 - PUBLIC TRANSPORT, PEDESTRIAN AND CYCLE ACCESS**

**Ensure that the design of development provides for a network of access routes for public transport, cyclists, pedestrians (including people with mobility scooters, wheelchairs and other similar means of transport) in addition to vehicle access, which avoids or minimises conflict between modes of transport and consequent effects on the safety and convenience of people.**

#### **D.1.1 Residential Zone Rules**

##### **5 Add a non-complying activity to the residential zone**

The following are non-complying activities:

- (xv) Retail trade premises with a retail floor area greater than 300m<sup>2</sup>

### D.3.1 Commercial / Retail Zone Rules

#### 6 Add a new controlled activity to D.3.1.2

#### D.3.1.2 Controlled Activities

##### LARGE FORMAT RETAIL

Retail trade premises with a retail floor space greater than 500m<sup>2</sup> that meet all the permitted and controlled activity standards

The matters over which Council reserves control include the:

- Location of buildings on the site
- Location and design of car parking and traffic circulation areas, loading and access
- Design and appearance of buildings, car parking and pedestrian areas including:
  - (a) the quality of pedestrian environments in all publicly accessible areas.
  - (b) application of Crime Prevention Through Environmental Design principles
  - (c) the use of active retail frontages to achieve visual interest for pedestrians

#### 7 Add a new Restricted /Discretionary Activity rule to D.3.1.3

##### (A) The following are Restricted Discretionary Activities:

- (iii) Large Format Retail: Single retail trade premises with a retail floor space greater than 500m<sup>2</sup> that meet all the permitted and controlled activity standards with the exception of D.3.2.2 (c) Pedestrian entrances, where the distance between entrances does not exceed 18m.

Discretion will be limited to:

- The degree of non-compliance with the controlled activity standards
- Location of pedestrian entrances
- Design and appearance of buildings
- Location and design of parking, traffic circulation areas, loading and access
- Public safety.

##### Assessment criteria

The application shall be assessed against the following criteria:

- The effectiveness of the connections between the proposed entrances and
  - (i) other buildings;
  - (ii) other entrances;
  - (iii) carparks; and

(iv) pedestrian routes on the site and surrounding sites.

- Whether the proposed pedestrian entrances will contribute to a high quality pedestrian experience into and within the site
- The application of Crime Prevention Through Environmental design principles
- Location of entrances within active facades to provide permeability into the buildings for pedestrians.

## 8 Add new non-complying activities to D.3.1.4 in the Commercial/Retail Zone

### D.3.1.4 Non-complying Activities

- (x) Retail trade premises with greater than 500m<sup>2</sup> of retail floor space located at Paraparaumu District Centre, Waikanae and Otaki Railway that do not meet the permitted and controlled activity standards
- (xi) Retail trade premises with greater than:
- 500m<sup>2</sup> of retail floor space per premise located at Raumati South or Paekakariki;
  - 1000m<sup>2</sup> of retail floor space per premise located at Raumati Beach or Otaki Main Street; or
  - 2000m<sup>2</sup> of retail floor space per premise located at Paraparaumu Beach

## D.3.2 Commercial / Retail Zone Standards

### 9 Amend the permitted activity standards in D.3.2.1 for Frontage Development

#### FRONTAGE DEVELOPMENT

Where a building adjoins, or is within 2 metres of the front boundary of a site, or a main internal pedestrian route, 75% of the frontage of the building at road level shall be active retail frontages including pedestrian entrances. ~~and clear glass for the display of goods or the advertising of services.~~

### 10 Amend the permitted activity standard in D.3.2.1 for Verandahs.

#### 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~~ and 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.

## 11 Add a new Controlled activity Standard to D.3.2.2

### D.3.2.2 Controlled activity standards

#### LARGE FORMAT RETAIL

All retail trade premises with a retail floor space greater than 500m<sup>2</sup> shall comply with the following standards:

#### (a) Building Setback

Buildings shall not be setback more than 1.8 metres from the legal road boundary or main internal route edge. Any setback shall be entirely paved for pedestrian circulation (except for ancillary landscaping). The maximum setback shall not apply where pedestrian courtyards and entrances are proposed and for that length of State Highway 1 between the southern Boundary of the zone at Paraparaumu and Coastlands Parade.

#### (b) Active Retail Frontages

Buildings shall contain 75% of the ground level road boundary façade and facades on main internal routes as active retail frontages including pedestrian entrances and clear glass for the display of goods, provided that active retail frontages shall not be required for that length of State Highway 1 between the southern boundary of the zone at Paraparaumu and Coastlands Parade.

#### (c) Pedestrian Entrances

Buildings shall contain a minimum of one pedestrian entrance/exit per 15metres of frontage to legal roads and main internal routes or have smaller shops and commercial services fronting the legal road, vehicular circulation route or right of way

#### (d) Connectivity

Buildings shall be located within 10m or as close as reasonably possible to surrounding retail activities on the site or adjacent sites and provide links via footpaths to the pedestrian entrances of adjacent premises.

#### (e) Pedestrian pathways

Pedestrian pathways shall be provided with a minimum width of 2m and be separated by appropriate marking/delineation from traffic movements from all car parking areas to the building entrances and between building entrances.

## **D.5. Industrial Service Zone Rules**

## 12 Add a new non-complying activity to the Industrial Service zone

### D.5.1.4 Non-Complying Activities

The following are non-complying activities:

- (xv) Retail trade premises or retailing where the with a retail activity floor area exceeds 500m<sup>2</sup>.

## 13 Amend the permitted activity standard for retailing in the Industrial Zone

### D.5.2.1 Permitted Activity Standards

#### RETAILING

Only permitted if ancillary to industrial activity on the site and/or if the activity is a restaurant, service station, ~~or~~ licensed premises, or if the predominant retail activity requires drive-in access to allow the loading of bulky goods or materials (as opposed to goods or materials in bulk) directly into customer's vehicles.

## Part Q Definitions

## 14 Amend the definition for 'retailing and retail outlets'

Retailing, and Retail Outlets and Retail Trade Premises means a business or group of businesses housed in a single building which are primarily engaged in the sale or hire of displayed or offered is an activity which entails the use of a building or buildings for the direct sale of goods to the general public and does not include wholesale trade suppliers and commercial service activities.

## 15 Add a definition for 'active retail frontage'

Active retail frontage means building facades where the ground floor level features display windows which allow views of the activities occurring in the premises over at least 50% of the glass frontage of the building. In order to allow views into the premises the majority of the window space between 1 metre and 2 metres above the street level shall be transparent and allow unobstructed views into the main retail space. The use of blinds, shutters, frosted glass or curtains during normal retail hours will not provide an active retail frontage. Interior security screens may be used after normal retail hours if necessary (exterior screens/shutters are not suitable for frontages to pedestrian areas).

**Attachment 2: Sign and Seal Document for Plan Change 81**

**KAPITI COAST DISTRICT COUNCIL**

**PLAN CHANGE NO. 81**

**OTAKI SOUTH PRECINCT**

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**THE KAPITI COAST DISTRICT COUNCIL HEREBY CERTIFIES**  
that it has approved change No. 81 to the Kapiti Coast District Council  
District Plan by resolution on the 5<sup>th</sup> of April 2012.

**THE COMMON SEAL of the** )  
**KAPITI COAST DISTRICT COUNCIL** )  
**Was affixed in the presence of:** )

\_\_\_\_\_ )  
**Jenny Rowan** )  
**Mayor of Kapiti Coast District** )

\_\_\_\_\_ )  
**Pat Dougherty** )  
**Chief Executive** )

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**Cr** )  
**Councillor of Kapiti Coast District** )

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**PREPARED UNDER THE RESOURCE MANAGEMENT ACT 1991 BY**  
**THE KAPITI COAST DISTRICT COUNCIL**

**OPERATIVE DATE: 26 April 2012**

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## Plan Change 81 - Changes to District Plan provisions District Plan Maps

1.1. Amend the district plan maps to:

- Include Lot 1 DP 77534, Lot 1 DP 426289, Lot 2 DP 426289, and Lot 1 DP 414843, and the immediately adjacent part of Riverbank Road within the Industrial/Service Zone and
- Add an ‘Otaki South Precinct’ overlay into the Industrial/Service Zone and applying to the land described as Lot 1 DP 77534, Lot 1 DP 426289, Lot 2 DP 426289, and Lot 1 DP 414843, as shown in Figure 2.

### C.5 Industrial/Service Zone

1.2. Add new Policy 8 to read:

**POLICY 8 –Otaki South Precinct Structure Plan**

**To provide for development in the ‘Otaki South Precinct’ where it can be integrated into the existing environment by respecting the existing landform and the surrounding river environment, and avoiding adverse effects on groundwater, surface water and the Otaki River.**

*Explanation*

*The form and distribution of development within the area are important considerations. To ensure the Structure Plan is given effect to, Council and applicants will ensure that other land holdings within the area are considered if development exceeds the thresholds in rule D.5.1.3(A) (iv)*

1.3. Add new Policy 9 to read:

**POLICY 9–Otaki South Precinct Subdivision**

**To provide for anticipated demand for lots suitable for development into a range of uses within the ‘Otaki South Precinct’ by allowing subdivision and activities provided the subdivision is consistent with the Structure Plan for the area and is designed to address the residual risk from flooding from the Ōtaki River and the direct risk from stormwater flooding and flooding from other watercourses.**

1.4. Amend the explanations and the statements about expected environmental outcomes in section C.5 [Industrial/Service] to reflect the new policy overlay:

*Explanation*

*The Council has determined that the land within the Otaki South Precinct can be developed for a range of potential uses, including industrial, certain types of retail activities, office developments, live-work units and caretaker accommodation, in a manner that avoids potential flood hazards, manages adverse effects, integrates the development into the existing environment and enhances public access for the wider benefit of the District. To facilitate that type of development a discrete sub-zone has been established. So that the effects from the development of the land can be appropriately assessed and managed, and so that the character and amenity of the area are retained and enhanced, new specific rules and standards have been introduced. As part of the design of the subdivision and development, extensive testing of the land may be required depending on the location and intensity of development in order to satisfy*

*the Council that the measures to address stormwater treatment and disposal will work in the long term and that the measures will not become a maintenance burden for Council. Priority will be given to solutions that promote the use of low impact stormwater devices which are consistent with Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2005.*

- 1.5. Add new Policy 10 as follows:

**POLICY 10–Otaki South Precinct Development**

**Development that exceeds the thresholds identified in Rule D.5.1.3 (A) (iv) (Table 1) and free standing signs visible from State Highway 1 within the Ōtaki South Precinct shall ensure that traffic effects are avoided, remedied or mitigated through appropriate design and the provision of any transportation infrastructure that is potentially identified as an output from an integrated transportation assessment.**

*Explanation*

*Development within the Otaki South Precinct will generate additional traffic on the roading network, including State Highway 1. To ensure that development within the Area does not outstrip the capacity of the road network, applicants shall prepare an integrated transportation assessment before development exceeds the threshold in rule D.5.1.3(A) (iv). Part of this assessment could include addressing the implications of potential changes to the networks including upgrades to State Highway 1 and/or proposed expressways. Any assessment will need to factor in and consider potential traffic flows from within the Ōtaki South Precinct up to the thresholds identified in Rule D.5.1.3 (A) (iv) (Table 1).*

*Free standing signs can be a distraction to drivers using the State Highway network. It is important that such signs are assessed specifically where they would be visible to drivers using the State Highway.*

- 1.6. Amend Anticipated Environmental Outcomes:

- *Expected Environmental Outcome*

*The land in the “Otaki South Precinct” will be developed in a manner anticipated by the community and as expressed in Kapiti Choosing Futures: Otaki Local Outcomes’, that will result in a vibrant new centre for economic growth and employment and a high level of amenity and access to the Ōtaki river for the community.*

- 1.7. Add the following Permitted Activities:

(xiv) New or relocatable buildings within the Otaki South Precinct , provided that all buildings and overall development meets the Permitted Activity standards and the Restricted Discretionary Activity Otaki South Precinct standards.

(xv) Retailing, Retail Outlets, and Retail Trade Premises in the Otaki South Precinct subject to compliance with the Permitted Activity Standards.

**D.5.1.3. Discretionary Activities**

## 1.8. Add the following to D.5.1.3. Discretionary Activities:

(A) The following are Restricted Discretionary Activities:

**OTAKI SOUTH PRECINCT**(i) Development exceeding the thresholds of Gross Floor Area in Table 1 below shall be a Discretionary Activity (Restricted) in relation to:

- the effects of traffic generation on the local road network and State Highway 1,
- the use and distribution of buildings within the Area, and;
- the degree with which the development is consistent with the Structure Plan in Appendix 2.

Any such development shall include an Integrated Traffic Assessment.Table 1

<u>Land Areas</u>	<u>Existing title areas (m<sup>2</sup>)</u>	<u>Gross Floor Areas (m<sup>2</sup>)</u>
<u>A</u>	<u>40,785</u>	<u>13,051</u>
<u>B</u>	<u>10,000</u>	<u>3,200</u>
<u>C</u>	<u>127,061</u>	<u>40,659</u>
<u>D</u>	<u>12,601</u>	<u>4,032</u>
<u>Total</u>	<u>190,447</u>	<u>60,943</u>

(ii) Free standing signs (illustrated on Diagram L.1. in Part L of this Plan) visible to the State Highway from within the Otaki South Precinct shall be a Discretionary Activity (Restricted) in relation to the effects of traffic using State Highway 1.(iii) Subdivision within the Otaki South Precinct (refer Appendix 2 of Section D.5), shall be a Restricted Discretionary Activity in respect of:

- Lot design, frontage and area
- Adequacy of stormwater mitigation
- Water demand management
- Landscaping and planting
- Utility and reticulated service provision
- Standard, construction and location of vehicle access
- Location of roads and the design of the road environment, including tree planting and provision of public access to the river.

In determining whether to grant consent and if so, what conditions if any to impose, the Council will have regard to the following criteria:

1. Section 106 and 108 of the RMA

2. The extent of consistency with the Structure Plan for the area (refer Appendix 2 of Section D.5).
3. The degree of compliance with the Council's Subdivision Development Principles and Requirements 2005 and the Subdivision Best Practice Guide.

#### **D.5.1.4 Non-Complying Activities**

1.9. Amend and add to the Non-Complying Activity rules in D.5.1.4 as follows:

The following are non-complying activities:

- (xi) Except as provided for in Rule D.5.1.1(xiv), Retail Trade Premises or Retailing where the retail activity floor area exceeds 500m<sup>2</sup> [<sup>PC78</sup>]
- (xii) Retailing, Retail Outlets and Retail Trade Premises in the 'Otaki South Precinct' which do not comply with the Permitted Activity Standards.

#### **D.5.2.1 Permitted Activity Standards**

1.10. ADD new standard as follows:

##### **OTAKI SOUTH PRECINCT**

The following standards apply to all buildings and structures within the Otaki South Precinct (refer Appendix 2 of Section D.5):

- i) No fencing shall obstruct any overflow or residual overflow paths
- ii) Fencing in all other areas over 0.7m in height shall be visually permeable where more than 50% of the fence area is not visually obstructed (to provide for security while maintaining visual surveillance)
- iii) Free standing signs (illustrated on Diagram L.1.in Part L of this Plan) shall not be visible from the State Highway.
- iv) Development shall be no greater than the thresholds of Gross Floor Area in table 1 below.

Table 1

<u>Land Areas</u>	<u>Existing title areas (m<sup>2</sup>)</u>	<u>Gross Floor Areas (m<sup>2</sup>)</u>
<u>A</u>	<u>40,785</u>	<u>13,051</u>
<u>B</u>	<u>10,000</u>	<u>3,200</u>
<u>C</u>	<u>127,061</u>	<u>40,659</u>
<u>D</u>	<u>12,601</u>	<u>4,032</u>

Total	190,447	60,943
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1.11. Amend the ‘Residential Accommodation’ permitted activity standard to read:

Residential accommodation in the Industrial/Service Zone is permitted subject to the following standards:

- (i) Residential accommodation for a caretaker or other person whose employment requires that they live on the premises where they are employed;
- (ii) No residential accommodation shall be greater than 70m<sup>2</sup> in total floor area, except in the Otaki South Precinct where:
  - a). The maximum floor area shall be 150m<sup>2</sup>.
  - b). It is restricted to above the ground floor level or is to the rear of the industrial or service activity and has a clearly identified front door accessed from the street or internal circulation route
  - c). All dwellings shall comply with the Water Demand Management requirements set out in the Residential Zone Rules and Standards (D.1.2.1 and D.1.2.2).
  - d). Each unit shall be acoustically designed to achieve an internal L10 (18 hr) level of 45dBA with all opening windows closed and provide an acoustic design certificate from a suitably qualified person to the satisfaction of Council.
  - e). A ground floor industrial/service use shall face the street with a main front door accessed from the street or internal circulation route.
- (iii) No residential accommodation shall be sold or otherwise disposed of except in conjunction with the ancillary industrial building. The residential accommodation may, however, be removed from the site; no more than one resident shall be permitted per site.

1.12. Amend the ‘Earthworks’ permitted activity standard to exclude certain earthworks undertaken in the Otaki South Precinct as follows:

The following standards apply when carrying out earthworks for any activity such as constructing new buildings and relocating buildings, building roads and access ways to building sites, subdivision lots, parks and parking areas. ~~These standards do not apply, however, to road maintenance activities within the legal road and activities associated with maintenance of the watercourse or stormwater control.~~

- (i) Earthworks shall not be undertaken:
  - On slopes of more than 28 degrees.
  - Within 20 metres of a waterbody, including wetlands and coastal water,
  - within overflow or residual overflow paths.
  - within fill control areas unless provision is made to drain the total sub catchment contributing to the flood control area and

that the stormwater can be drained in less than four hours.

This standard applies whether in relation to a particular earthwork or as a total of cumulative earthworks.

- (ii) In all other areas, no earthworks shall involve the disturbance of more than 50m<sup>3</sup> (volume) of land and shall alter the existing ground level by more than 1.0 metre, measured vertically, in any 5 year period. Except that this standard shall not apply in respect of earthworks associated with approved building developments, subject to a building consent, provided that the earthworks do not extend more than two metres beyond the foundation line of the building.
- (iv) Standards (i) and (ii) do not apply, however, to road maintenance activities within legal roads, to activities associated with maintenance of the watercourse or stormwater control and to earthworks required:
- to effect a subdivision of land in the Otaki South Precinct under Rule D.5.1.2(iii); or
  - to undertake an activity for which consent is required under Rule D.5.1.3A(iv).

1.13. Amend the Retailing permitted activity standard as follows:

## RETAILING

- (i) Only permitted if:
- ancillary to industrial activity on the site; ~~and~~/or
  - the activity is a restaurant, service station or licensed premises (on-license only); or
  - the retail activity requires drive-in access to allow the loading of bulky goods or materials (as opposed to goods or materials in bulk) directly into customer's vehicles.
- (ii) In addition to (i) above, Retailing, Retail Outlets, and Retail Trade Premises in the Otaki South Precinct shall:
- not occupy more than 20% of the gross floor area within each site (excluding areas zoned open space); and
  - be limited to activities permitted in (i) above and/or Space Extensive Retailing; and
  - shall not exceed a maximum area of 800m<sup>2</sup> for each premises or tenancy.

### D.5.2.3 Discretionary Activity Standards

- (A) Restricted Discretionary Activity Standards

1.14. ADD new standards:

**OTAKI SOUTH PRECINCT**

(i) For development that is not a Permitted Activity and for all subdivision within the Ōtaki South Precinct (refer Appendix 2 of Section D.5) the following standards shall apply:

- D.5.2.2 Controlled Activity Subdivision Standards
- No fencing shall obstruct any overflow or residual overflow paths
- Fencing in all other areas over 0.7m in height shall be visually permeable where more than 50% of the fence area is not visually obstructed (to provide for security while maintaining visual surveillance).

**D.5 Structure Plan**

1.15. Add new provision in Section D.5 of the District Plan (Appendix2) being the Otaki South Precinct Structure Plan as shown in Figure 2 with the following amendments to the structure plan:

1.16. Add to the permitted activity rules in D.6.1.1:

**(xv) ŌTAKI SOUTH PRECINCT**

In the Otaki South Precinct, activities that are ancillary to a permitted or consented activity on Industrial/Service zoned land which comply with the Permitted Activity Standards in D.6.2.1.

The primary purpose of this land is stormwater and flood management. Activities intended to be accommodated include:

- Walkways
- Cycleways
- Stormwater attenuation
- Landscaping
- Passive recreation

The following shall be permitted activities provided that they do not obstruct or adversely impact on any overflow or residual overflow path:

- Roading and pathways
- Parking, loading and access
- Underground services and network utilities
- Street furniture and utilities
- Landscaping
- Earthworks

**D6.2.1 Permitted Activity Standards**

1.17. Amend the Earthworks permitted activity standard to exclude certain earthworks undertaken in the Otaki South Precinct:

- The following standards apply when carrying out earthworks for any activity such as constructing new buildings and relocating buildings. Building roads and access ways to building sites, subdivision lots, parks and parking areas. These standards do not apply, however, to road maintenance activities within road reserves, and to earthworks required:
  - To effect a subdivision of land in the Otaki South Precinct under Rule D.5.1.3(A)(iii),(iv) and/ or Rule D.6.1.3(A)(iv)
  - To undertake an activity provided for in Rule D.6.1.1(xv)

### D.6.1.3 Discretionary Activities

1.18. Amend the Restricted Discretionary rules in D.6.1.3 as follows:

(A) The following are **Restricted Discretionary Activities**:

...

- (iv) Subdivision within the Otaki South Precinct where land is also in the Industrial/Service zone, shall be a Restricted Discretionary Activity in accordance with rule D.5.1.3A (iv). For the avoidance of doubt the rules in D.6.1.4 shall not apply in the Otaki South Precinct.

1.19. Add the following new definition to Part Q:

**Space Extensive Retailing** in the ‘Otaki South Precinct’ is limited to Retailing of:

- building supplies and equipment,
- garden supplies,
- vehicles including marine and agricultural,
- plumbing supplies and equipment,
- automotive supplies and parts,
- rural farm equipment and supplies (including animal health).

Space Extensive Retailing specifically does not include any of the following activities even when combined with “space extensive retailing” as identified above:

- any activity selling a range of general goods that does not form part of Space Extensive Retailing;
- any activity involving retailing of groceries, indoor furniture, fabric goods, giftware, art and/or electronics (e.g. electronics includes TVs, phones, stereos, cameras, computers and portable electronic devices);
- Department Stores; and
- any activity selling clothing (other than safety apparel).