

**IN THE MATTER** of the *Resource Management Act 1991*

**AND** of Proposed Plan Change 64(C) to  
the Kapiti Coast District Council  
District Plan – Miscellaneous  
Changes.

**BEFORE THE HEARING COMMISSIONERS**

**Cr D Ammundsen (Chair), Cr H Wooding and Mr A Webster**

**HEARING** at the Paraparaumu Council Chamber of the Kapiti  
Coast District Council on 12<sup>th</sup> April 2010.

**COMMISSIONERS' REPORT AND  
RECOMMENDATIONS**

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## **APPEARANCES**

### *For Kapiti Coast District Council*

Hannah Bateman

Policy Planner

### *Submitters*

Marian Smith and Phil Stroud (Submitter No. 1)

Resident and land owner

Allan and Lynne Smith (Submitter No. 2)

Resident and land owner

## **DELEGATION AND HEARING**

1. The Kāpiti Coast District Council, under Section 34A of the *Resource Management Act 1991* (RMA), delegated authority to Cr D Ammundsen (Chair), Cr H Wooding and Paekakariki Community Board Chairperson, Mr A Webster to hear submissions on, and make recommendations in relation to, Plan Change 64(C) – Miscellaneous Changes.
2. Pursuant to that resolution the Commissioners conducted a hearing in the Council Chambers at Paraparaumu on 12 April 2010.

## **RECOMMENDATION**

3. The Commissioners recommend that the Council adopts, subject to being satisfied as to the matters in section 32 of the *Resource Management Act 1991*, Plan Change 64(C) – Miscellaneous Changes, as set out in Schedule 1 to this report. The Commissioners recommend that all submissions and further submissions made in respect of Plan Change 64(C) – Miscellaneous Changes are accepted, accepted in part or rejected for the reasons given in the report and as outlined in Appendix B.

## **BACKGROUND TO THE PLAN CHANGE**

### **Plan Change 64(C) – Background and Details**

4. The Kāpiti Coast District Plan became operative in 1999 and is currently under review. However, there are a number of issues that need to be addressed in the interim. Plan Change 64(C) – Miscellaneous Changes proposes amendments to the District Plan to address these issues.
5. Over the last few years, Council staff have identified interpretation issues with provisions and definitions in the Kāpiti Coast District Plan. In addition, changes to legislation and industry standards have resulted in references in the District Plan being incorrect. These issues are addressed via this Plan Change.
6. Some provisions in the District Plan relating to production forestry, parking design and radiation are out of date or unclear due to updates to legislation, industry standards and other third party documents. The recommended changes to the rules, standards and definitions of the District Plan intend to ensure that these provisions are up-to-date and achieve the aims of the objectives and policies in the District Plan.
7. Limited guidance is provided in the current District Plan provisions on the implementation of the Medium Density Housing Design Guide. Plan Change 64(C) proposes to provide greater clarity about the role of the Medium Density Housing Design Guide when assessing resource consent applications.

8. The definitions for 'dwellings', and associated residential terms are unclear in the current District Plan. Plan Change 64(C) proposes changes to these definitions to clarify the interpretation of these terms. New definitions were also proposed in the notified Plan Change to clarify what is meant by the terms 'sunlight', 'bathroom', 'kitchen' and 'self contained' as used in the existing standards, rules and definitions.
9. However, a review of the new definitions has identified that the 'self-contained' definition is unnecessary and contributes to the complicated and inter-related nature of the definitions. The notified definition of 'self-contained', in effect, does not provide an alternative meaning to that of the Collins Dictionary, as explained further in this report.
10. The current (operative) District Plan contains a Shelter Belt Permitted Activity Standard in the Rural Zone, but it does not provide a definition for 'shelter belts'. Plan Change 64(C) proposes to introduce a definition of 'shelter belt' and to make amendments to the Shelter Belt Permitted Activity Standard to clarify the interpretation of what defines a shelter belt for resource consent purposes.
11. The operative Native Vegetation Permitted Activity Standard requires resource consent for the modification of certain trees to keep vehicle access ways clear. At present the Permitted Activity Standard is restricted to farm tracks and does not refer to driveways associated with residential sites. Plan Change 64(C) proposes to amend the standard to better enable landowners to keep vehicle access ways clear from encroaching vegetation.
12. The operative wording in the Native Vegetation Standard contains confusing provisions regarding the criteria to fell trees. Plan Change 64(C) proposes to amend the standard to ensure protection of larger trees as intended by the operative District Plan.

## **THE PLAN CHANGE**

13. Plan Change 64(C) (as notified in March 2009) proposes a number of changes to amend the relevant policies, rules, standards and definitions to gain greater clarity for provisions relating to dwellings, accessory buildings, vehicle access, shelter belts, medium density housing and native vegetation and to update references to outdated industry standards for production forestry, parking design and radiation.
14. A full copy of the amended provisions as recommended by the Commissioners is at the end of this report in Schedule 1. Also, the notified provisions are attached as Appendix C.
15. When considering this Plan Change, an assessment of the proposed provisions was undertaken in terms of section 32 of the RMA, attached as Appendix A. The

provisions have been grouped by topic in the section 32 analysis where possible. The options assessed included:

- retaining the existing provisions until the District Plan Review is complete;
- changing only the incorrect references to external documents and internal inconsistencies only; or
- changing the District Plan as recommended in Schedule 1.

16. Consultation has been undertaken with Iwi and other statutory parties in accordance with the *Resource Management Act 1991* (RMA).

## **PRE NOTIFICATION CONSULTATION**

17. Consultation was undertaken with statutory parties on a potential draft plan change to amend the definitions and associated rules and standards to gain greater clarity for dwellings, accessory buildings, vehicle access, shelter belts, medium density housing and native vegetation, and to update references to outdated industry standards for production forestry, parking design and radiation. No concerns were raised during this consultation.
18. The proposed production forestry, parking design and radiation reference documents were publicly consulted on in January 2009, in accordance with Part 3, Schedule 1 of the RMA. One submission was received from the New Zealand Anglican Church Pension Board which supported the incorporation of the New Zealand Environmental Code of Practice for Plantation Forestry in the District Plan.

## **NOTIFICATION**

19. On 18 December 2008, the Kāpiti Coast District Council approved Plan Change 64(C) for public notification. The proposed plan change was then publicly notified in March 2009, in accordance with Schedule 1 of the RMA. Six submissions and one further submission were received on Plan Change 64(C). Of the submissions and further submissions:
- One supported the Plan Change
  - One supported aspects and was neutral to other aspects of the Plan Change
  - One opposed the Plan Change
  - One did not state a position on the Plan Change
  - Two supported aspects and opposed other aspects of the Plan Change
  - Three of the above submitters sought amendments to the Plan Change
20. The submitters raised a variety of issues across a number of proposed changes. A summary of the submissions/further submission is provided in Appendix B. The main issues raised by submitters fall into the following categories:

- Procedural matters
- Definitions of 'dwelling' and dwelling-related terms
- Accessory Buildings
- Shelter Belts
- Native Vegetation
- Production Forestry
- Parking
- Medium Density Housing

21. No submissions or further submissions were received on the following:

- Changes to the provisions
- Radiation Standards
- Signage provision titles
- Sunlight access in Medium Density Housing

#### **COUNCIL'S EVIDENCE**

22. Hannah Bateman, Policy Planner for the Kāpiti Coast District Council, presented the Planner's evidence.

23. Ms Bateman described the background to Plan Change 64(C) and the proposed changes to the District Plan. She outlined the relevant statutory and non-statutory considerations, including the 'Section 32 Report', and also summarised the submissions received on Plan Change 64(C). Ms Bateman provided an assessment of the issues raised and recommended amendments to the notified provisions as a result of submissions.

24. Ms Bateman recommended that the following definitions are amended or added to clarify interpretation of the District Plan.

- Amended definitions include:
  - 'dwelling'
  - 'residential activity'
  - 'household unit'
  - 'habitable building'
  - 'habitable room'
  - 'accessory building'



- Added definitions include:
  - 'kitchen'
  - 'bathroom'
  - 'sleep out'
  - 'shelter belt'
  - 'sunlight'

### **Dwelling**

25. The Permitted Activity Standards for the Rural and Residential zones specify a number of 'dwellings' permitted per site but in the operative District Plan the definition of a 'dwelling' is unclear as to when a building contains more than one 'household unit' or 'dwelling'. For several years Council staff members have interpreted the provisions to mean that an additional 'dwelling' exists when the building or site contains two or more 'kitchens' and two or more 'bathrooms'. This is based on the reasoning that the presence of a 'kitchen' and 'bathroom' along with 'habitable rooms' (sleeping and living rooms) are the basic requirements for a house or dwelling unit.
26. Under the current definition of 'dwelling', it is unclear when the provision of additional kitchen and/or bathroom facilities creates a second 'dwelling' on the property. The recommended changes are specific and clarify the interpretation adopted by staff.
27. The recommended provisions propose to amend the definitions of 'dwelling', 'residential activity', 'household unit', 'habitable building' and 'habitable room' and to add new definitions for 'kitchen' and 'bathroom' to the District Plan to clarify when more than a single 'dwelling' is created.

### **Residential Activity**

28. The recommended cross reference to the 'dwelling' and 'residential activity' definitions is intended to simplify the inter-related nature of the definitions as it brings to the reader's attention the fact that there are definitions for those terms which otherwise may not have been identified.
29. However, only changing the 'household unit' definitions will not provide sufficient clarity about what constitutes a 'dwelling' and the amendments must also be made in conjunction with changes to the definitions of 'dwelling', 'residential activity', 'bathroom' and 'kitchen'.

### **Household Unit**

30. The intention of the 'household unit' definition change is to provide greater clarity about when a building contains only one 'household unit' and therefore is only one 'dwelling', or more than one 'household unit' and therefore is more than one 'dwelling'. The recommended changes ensure a genuine farm building with a sink and cooking facility will not be interpreted as a 'dwelling', while also retaining a shearer's quarters building within the definition of a 'dwelling'. The recommended 'household unit' definition amendments also include some minor

editing for clarity and grammatical purposes which do not change the intention of the definition.

### **Habitable Building**

31. The proposed amendment to the 'habitable building' definition is to provide consistency across the definitions and does not change the intention of the definition. This change could be made without using the plan change process in Schedule 1 of the RMA as it is "of minor effect", pursuant to Schedule 1(16)(2). However it is included here as the Schedule 1 plan change process is already in effect.

### **Habitable Room**

32. The amendment to the definition of 'habitable room' is minor but clearly links it to the defined activity of 'residential activities' which clarifies the former confusion when referring to the undefined term of 'domestic living'.

### **Accessory Building**

33. The existing definition for 'accessory building' limits the term to residential use but this is inconsistent with the use of the term 'accessory building' throughout the District Plan.
34. The recommended definition reflects that 'accessory buildings' include all buildings associated with, and ancillary to, but not including, the main activity on a site for all land uses.

### **Kitchen**

35. The notified 'kitchen' definition does not necessarily provide sufficient guidance and clarity on what constitutes a 'kitchen'. In particular, the notified 'kitchen' definition defines 'kitchen facilities' but does not require a 'kitchen' to contain 'kitchen facilities'.
36. A clear definition of 'kitchen' is particularly important as it is a key factor in determining whether a building forms a 'household unit' and therefore if it constitutes one or more 'dwellings'. The recommended 'kitchen' definition clearly sets out the purpose of, and equipment contained in, a room which meets the definition of 'kitchen'. This is important for when identifying if a building meets the definition of a 'dwelling'.

### **Bathroom**

37. The proposed changes to the 'bathroom' definition are intended to clarify when more than one bathroom exists and where facilities may meet both the 'bathroom' and 'kitchen' definitions. This amendment further reinforces that a farm building with a sink and fixed cooking facility is not inappropriately captured within the definition of a 'dwelling'.

### **Sleep Out**

38. The new definition of a 'sleep out' clarifies the difference between a 'sleep out' and a 'family flat'. A sleep out meets the definition of an 'accessory building' whereas a 'family flat' does not.

### **Shelter Belt**

39. Whilst the District Plan contains a Shelter Belt Permitted Activity Standard in the Rural Zone, it does not provide a definition for 'shelter belts'. This has caused numerous problems for Council's Compliance and Monitoring Team with neighbours disputing whether or not a row of plantings comprises a 'shelter belt' is permitted landscaping plantings or requires written approvals (and potentially resource consent).
40. The recommended definition for 'shelter belts' will clarify this issue.

### **Sunlight**

41. A new definition is also recommended to clarify what is meant by the term 'sunlight'. The District Plan allows medium density housing to provide for housing choice and to encourage a compact and sustainable urban form.
42. The Medium Density Housing Standards refer to sunlight access, however, there has been confusion about whether this provision relates to sunlight, sunshine or general daylight. The provision was intended to refer to direct light from the sun or a lack of shadows caused by buildings or vegetation.
43. The recommended definition for 'sunlight' will clarify this issue.

### **Changes to Provisions**

44. Some provisions in the District Plan are confusing, out of date or unclear due to updates to legislation, industry standards and other third party documents. Changes to the rules, standards and definitions of the District Plan intend to ensure that these provisions are kept up-to-date and achieve the aims of the objectives and policies.
45. As a result of the change to the definitions above and to remove confusion from the District Plan, provisions relating to shelter belts, native vegetation, production forestry, radiation, signage and parking design have been amended.
46. Ms Bateman acknowledged points made in submissions (both written and oral) which led to further clarification of the recommended provisions. Regarding the Shelter Belt provision (the new definition and amended Permitted Activity Standard), Ms Bateman explained that the primary issue being addressed by this change is the issue of rural visual amenity.

47. Ms Bateman also explained how the recommended change was consistent with the operative District Plan objectives and policies as listed below, and this change is consistent with the purpose of the RMA.
48. Ms Bateman acknowledged the complexity regarding the Native Vegetation Permitted Activity Standard (the height/measurement change and the 'and' versus 'or' change) and noted that as a result of submissions, the controversial tree removal provision (Native Vegetation Permitted Activity Standard (i)) was changed back to the operative version in terms of using 'or' instead of 'and'.
49. Ms Bateman mentioned that the removal of the notified provision requiring the written consent of Council's Biodiversity Officer for Permitted Activities (relating to the removal of Native Vegetation) was also as a result of submissions.
50. Limited guidance is provided in the current District Plan provisions on the implementation of the Medium Density Housing Design Guide. Plan Change 64(C) provides greater clarity about the role of the Medium Density Housing Design Guide when assessing resource consent applications.

## THE SUBMITTERS' EVIDENCE

51. **Allan Smith** spoke on behalf of himself and Mrs M Lynne Smith, as joint owners of a property of approximately 445ha in the Ngātiawa Valley.
52. Mr Smith stated support for the modification to the Shelter Belt provision as proposed in the Hearing Report, regarding the neighbours' consent for a shelter belt nearer than 10 metres to the boundary.
53. With regard to the proposed changes affecting the Permitted Activity Standard - Native Vegetation, Mr Smith stated support for the measurement changes proposed (which have been retained) but opposed the suggestion that the height-or-diameter rule should be replaced by a height-and-diameter rule.
54. Mr Smith stated that this proposed change as notified would unreasonably limit the ability of farmers to control certain re-growth weed species on a normal cycle. Mr Smith supported the recommendation in the Planner's report which recommended this change be deleted.
55. Mr Smith also opposed the notified change which would have required Permitted Activities to be subject to prior written consent from the Biodiversity Officer for the disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation. Mr Smith stated support for the proposal to withdraw this change, as recommended in the Planner's report.
56. Regarding the Tree Pruning (Native Vegetation) provision, Mr Smith sought to clarify his support for the intent of the proposed extension of the Permitted Activity Standard to include urban situations.

57. Mr Smith supported the amendments to the Native Vegetation provision as proposed in the Hearing Report to allow pruning (the removal of branches) to provide for clear vehicle access.
58. Mr Smith stated his support for pruning to best practice and not to the 1m distance stipulated in the provisions in the Hearing Report.
59. Mr Smith stated that the wording for the pruning provision (Native Vegetation Permitted Activity Standard (ii)(b)) as proposed in the Hearing Report could potentially prevent trimming back to 1m if not good silvicultural practice. Mr Smith added that good pruning practice is more important than a set distance (whether it be 0.8, 1 or 2m), and that the notified wording is simple but not good. Mr Smith raised concerns about the proposed wording and wants a rule that gives a better outcome.
60. Mr Smith reiterated that his proposed wording (see below) may result in less than 1m clearance which, while not necessarily ideal, would be acceptable if better silvicultural practice was the end result.
  - *The removal of branches which do not form part of the main structure of the tree, that are interfering with or overhanging buildings, provided that such removal is carried out in accordance with good silvicultural practice.*
61. Mr Smith stated that the case where trees hang over fences is not covered in these provisions and that this issue has two parts (see below) and is a debate for the District Plan Review:
  - a) Absolute embargo on cutting back main leader on a tree
  - b) Agrees with provision to protect trees, but trimming rules need refining to get best outcomes.
62. Production Forestry was the final topic Mr Smith discussed in his oral submission. Mr Smith supported the intention to update the Code of Practice reference but pointed out that the notified wording seemed to be in conflict with the document that affected parties were being directed to comply with.
63. Mr Smith stated support for the amended wording recommended for the Production Forestry Permitted Activity Standards, which incorporates the essence of Mr Smith's submission.
64. **Marian Smith** spoke on behalf of Phil Stroud and herself, as joint owners of 149 Terrace Road, Reikorangi, Waikanae.
65. Ms Smith's key concerns were that the Plan Change involved substantial changes rather than minor changes and that there was significant uncertainty

associated with requiring the written consent of Council's Biodiversity Officer for Permitted Activities as proposed in the notified provisions.

66. Ms Smith explained why the notified Native Vegetation provision change from 'or' to 'and' for tree pruning should not be adopted, and that the use of 'and' is more restrictive than 'or'.
67. When "or" is used in the rule, trees may be removed:
- if they are less than four metres in height;
- OR**
- if the trunk circumference is less than 95cm.
68. When "and" is used in the rule, trees may be removed:
- if they are less than four metres in height **AND** have a trunk circumference less than 95cm.
69. Ms Smith explained that the notified provision was more restrictive than the operative District Plan as it limited the potential for land owners to control fast growing trees (tall/skinny trees with a height exceeding four metres but a trunk circumference below 95cm below 1.4 metres above the ground) which were considered weeds on production farm land.
70. The notified provision as amended from the operative District Plan provision is as follows:
- "The removal of trees less than four metres in height ~~high~~, **or** which have a trunk ~~diameter~~ circumference less than 95cm ~~30cm~~ measured at a ~~height of point no higher than~~ 1.4 metres or higher above the ground. Trees listed in the Heritage Register are excluded from this provision.
- ....."
71. This was then further amended and as proposed in the Hearing Report reads:
- The removal of trees less than four metres in height ~~high~~, **or-and** which have a trunk ~~diameter~~ circumference less than 95cm ~~30cm~~ measured at a ~~height of point no higher than~~ 1.4 metres or higher above the ground. Trees listed in the Heritage Register are excluded from this provision.
- .....
72. Ms Smith supported the Council Officer's recommendations in relation to native vegetation and considered that the notified proposed change of replacing "or" with "and" in the Native Vegetation Permitted Activity Standard provision exceeded a miscellaneous change.

## THE COUNCIL'S REPLY

73. Ms Bateman acknowledged the submissions made, briefly reiterated the justification for the changes made to the definition of “dwelling” and the dwelling-related terms, and clarified the family flat definition.
74. To clarify that “dwelling” is not restricted to one building, Ms Bateman explained that the definition of “dwelling” refers to one household unit (which can be several buildings or just one building). A family flat (separate building) is a Permitted Activity, therefore a “dwelling” is not restricted to one building, but is restricted to one “household unit”.
75. To clarify the issue of whether two kitchens were permitted in one dwelling, Ms Bateman explained that a dwelling with one kitchen is a Permitted Activity.
76. Ms Bateman said that as a result of submissions to the proposed definitions for a dwelling-related terms, the ‘household unit’ definition is now recommended to state that:

***“one household unit has one kitchen and at least one bathroom. If two kitchens and more than one bathroom are present (except in a family flat), there will be two household units....”***

77. Therefore, it is not a Permitted Activity if a residential building contains two kitchens (unless one is in a family flat) as the Permitted Activity Rule (D.1.1.1(i)) states that: *“One dwelling and one family flat and accessory buildings [are a permitted activity] on any lot provided they comply with all the permitted activity standards.”*
78. The relevant Permitted Activity Standard D.1.2.1 states that: *“Up to four dwellings [are a permitted activity] provided they comply with one dwelling per minimum lot site area and all other subdivision standards as specified in the controlled activity standards for subdivision (D.1.2.2)”*. The controlled activity standards for subdivision set a minimum site area for controlled activity subdivisions. Therefore two kitchens are not “Permitted” in one “lot site area”.
77. For further clarification of this issue, examples of scenarios involving two kitchens were given by Ms Bateman as follows. A residential building with two kitchens is a:
- Permitted Activity if one kitchen is in the dwelling and one kitchen is in a family flat
  - Permitted Activity if other Permitted Activity Standards are met (specifically relating to site area). For example, there are two dwellings on the lot which could be subdivided to two lots as a Controlled Activity

- Discretionary Activity if two kitchens are in a residential building within a 'lot site area' (as two kitchens = two dwellings)
79. To clarify any potential ambiguity around the tree trimming provision in the Native Vegetation Permitted Activity Standard, Ms Bateman gave the Commissioners two written options to consider.
80. Option 1 for consideration by the Commissioners was:  
*"(ii)(b). The removal of branches which do not form ~~are not~~ part of the main structure of the tree, that are interfering with or overhanging buildings but ~~are~~ only up to ~~a maximum of~~ the closest branch junction beyond one metre from the external walls or roof of that building".*  
However, this could potentially be considered to be more than just a grammatical change.
81. Option 2 for consideration by the Commissioners was to maintain the proposed change (as notified) and review this provision further in the District Plan Review:  
*"(ii)(b). The removal of branches which do not form ~~are not~~ part of the main structure of the tree, that are interfering with or overhanging buildings but ~~are~~ only up to a maximum of one metre from the external walls or roof of that building".*
82. Ms Bateman recommended option 2.



## COMMISSIONERS' ASSESSMENT

### Definition of 'dwelling' and dwelling-related terms

83. The Commissioners were satisfied that the changes to the definitions of 'dwelling' and 'household unit' in Part Q of the District Plan are sufficient to clarify when a building contains more than one 'household unit' or 'dwelling'.
84. The Commissioners recognised that the amended 'household unit' definition gives further clarification as to when two household units are created (when two kitchens and more than one bathroom are present).
85. The Commissioners were satisfied that the amended definitions of 'kitchen' and 'bathroom' are sufficient to clarify when additional kitchen and/or bathroom facilities create a second 'dwelling' on the property.
86. The Commissioners were also satisfied that the notified definitions of 'residential activity', 'habitable building' and 'habitable room' were clarified through the amended provisions and that the definition of 'self-contained' was deleted because it was seen as unnecessary and contributes to the 'complicated' and 'inter-related' nature of the definitions. The proposed definition of 'self-contained', in effect, did not provide an alternative meaning to that of a dictionary definition.
87. The Commissioners acknowledged that the District Plan Review will provide an opportunity for further refinement of these definitions if required. However, due to the relatively long time frames involved in the District Plan Review, the Commissioners endorse these changes as an important process to clarify the current inconsistencies in the Operative District Plan.

### Recommendation

88. The Commissioners recommend that the proposed wording of the 'dwelling', 'residential activity', 'household unit', 'habitable building', 'kitchen' and 'bathroom' definitions are adopted as defined in the Hearing Report, that the definition of 'habitable room' is adopted as notified, and that the notified 'self-contained' definition is not adopted.

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### Accessory Buildings

89. The proposed change relating to the definition of 'accessory buildings' was considered unnecessary by one submitter. However, the Commissioners were satisfied that the change was required, in order to clear up confusion (under the existing Plan) arising from the existing definition for 'accessory buildings' which

does not specifically distinguish between an 'accessory building', 'sleep out' and 'family flat'.

90. The Commissioners were also satisfied that the wording of the 'sleep out' definition, as proposed in the Hearing Report, should be adopted.

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### **Recommendation**

91. The Commissioners recommend that the proposed wording of the 'sleep out' and 'accessory building' definitions are adopted as defined in the Hearing Report.

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### **Shelter Belts**

92. One submitter supported the inclusion of a 'shelter belt' definition and the change to the Shelter Belt Permitted Activity Standard to reduce confusion, and one submitter commented that the proposed provisions did not achieve the purpose of the RMA.
93. The Commissioners considered that a 'shelter belt' located along or near an allotment boundary may impact on local visual amenity and could also cause the shading of neighbouring land. However, the Commissioners were satisfied that the amended provision was clearer than the definition from the Operative District Plan and is consistent with the purpose of the RMA as set out in section 5 of the RMA.

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### **Recommendation**

94. The Commissioners recommend that the wording for the Shelter Belt Permitted Activity Standard, be amended as shown in Schedule 1 and the 'shelter belt' definition be adopted as notified.

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### **Native Vegetation**

95. Two submissions were received in opposition to the notified substitution of 'and' for 'or' in the Native Vegetation Permitted Activity Standard on the basis that removal of only those trees which are less than both the height and girth requirements would meet the Permitted Activity Standards.
96. The Commissioners agreed that the change should not be adopted due to RMA Amendments (s.76(4A) RMA), and the fact that this change is considered to be more than minor. The notified change has been amended to remove the 'and'. This provision will be looked at again in the District Plan Review, to ascertain the

appropriateness of the provision and whether any further clarification is required.

97. Notified text in Permitted Activity Standard D.1.2.1:

“The removal of trees less than four metres in height ~~high~~, ~~or~~ **and** which have a trunk ~~diameter~~ circumference less than 95cm ~~30cm~~ measured at a ~~height of~~ point no higher than 1.4 metres ~~or higher~~ above the ground. Trees listed in the Heritage Register are excluded from this provision.”

98. The amended provision now reads as follows:

“The removal of trees less than four metres in height ~~high~~, **or** which have a trunk ~~diameter~~ circumference less than 95cm ~~30cm~~ measured at a ~~height of~~ point no higher than 1.4 metres ~~or higher~~ above the ground. Trees listed in the Heritage Register are excluded from this provision.

99. The Commissioners commented that the native vegetation provisions are still confusing (including the RMA amendments), and do not include strong enough protection in the instance where someone cuts down several native trees.

100. The Commissioners were satisfied that the District Plan Review will investigate further options to address this issue.

101. The amended provision regarding the removal of branches from native vegetation evoked some discussion, resulting in the Commissioners recommending text as follows:

(b) The removal of branches which do not form ~~are not~~ part of the main structure of the tree, that are interfering with or overhanging buildings but ~~are~~ only up to a maximum of one metre **or the closest branch junction point beyond that distance** from the external walls or roof of that building;

102. The Commissioners were satisfied that it is appropriate that ‘native vegetation’ is not defined in the District Plan but is generally defined as being ‘locally indigenous vegetation that is naturally occurring in the Foxton Ecological Zone’.

103. The Commissioners noted that a native tree in a residential garden may or may not be ‘native vegetation’ and therefore there could be confusion as to whether the District Plan Permitted Activity Standards apply. The Commissioners noted that the Standards referred to naturally occurring vegetation and if anyone is unsure if a tree has been planted or is naturally occurring, the Council’s Biodiversity Officer can give advice on this.

104. The Commissioners acknowledged the complexity of this issue and reiterated that the District Plan Review will address this complexity.

## Recommendation

105. The Commissioners recommend that the proposed wording for the Native Vegetation Permitted Activity Standard is adopted as amended above.

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## Production Forestry

106. A submission was received on this change in support of the intention to update the reference to the Environmental Code of Practice but not in support of the proposed wording as notified.
107. The submitters suggested alternative wording for the Production Forestry Permitted Activity Standard which recognises that the Environmental Code of Practice was not written with the intention for regulatory bodies to enforce blanket compliance.
108. The Commissioners noted that the Production Forestry provisions were amended as a result of this submission, to read as follows:

(iii) ~~Note:~~ Production Forestry activities shall be undertaken in accordance with the principles and practices current best practice methodology.

**Note:** Council will accept, as compliance with this standard, activities which are demonstrated to be consistent with in the New Zealand Forest Environmental Code of Practice for Plantation Forestry.

109. The Commissioners are satisfied that amended provisions address the submitter's comment that the standard should allow for situation specific factors and alternative solutions. The standard requires best practice methodology to be implemented and a guidance note is provided to communicate to applicants that Council considers the Environmental Code of Practice to demonstrate best practice methodology. However, the standard and note do not exclude applicants from using other methods of achieving best practice which may be demonstrated to be more appropriate in a particular site or situation.

## Recommendation

110. The Commissioners recommend that the proposed wording for the Production Forestry Permitted Activity Standard, as amended (as requested by a submission) in the Hearing Report and the other production forestry provisions as notified, are adopted.

## **Radiation**

111. No submissions or further submissions were received in relation to the proposed radiation provisions which correct the previous reference to a now out-dated New Zealand Standard.

### **Recommendation**

112. The Commissioners recommend that the proposed wording for the Radiation Permitted Activity Standard is adopted as notified.

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## **Signage**

113. No submissions or further submissions were received in relation to the proposed signage provisions which correct the previous confusing provisions by clarifying the title which the standard relates to.

### **Recommendation**

114. The Commissioners recommend that the proposed wording for the signage provision is adopted as notified.

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## **Parking Design**

115. Submissions were received both in support and opposition of the proposed parking design provisions which update the car park design standard reference and clarify the procedure for measuring the distance from intersections to car parks.
116. The Commissioners noted a comparison of the current and proposed car parking standards in submissions which identified that the proposed parking standard would require marginally more land for some car parking configurations and require less land for other car parking configurations. The Commissioners considered that the costs and benefits in relation to the consumption of land offset each other and are of a minor nature.
117. The Commissioners are satisfied that the recommended standard is more effective and efficient than the standard in the existing District Plan. The Commissioners also noted that using a National Environmental Standard ensures that the standard is robust and appropriate to New Zealand conditions and vehicles.

118. Furthermore, from both a designer's and driver's perspective, the Commissioners considered that the recommended standard is consistent with industry practice and thereby consistent for developers working throughout New Zealand across territorial authority boundaries and drivers travelling throughout New Zealand.

### **Recommendation**

119. The Commissioners recommend that the proposed wording for the parking and design provisions are adopted as notified.

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### **Medium Density Housing**

120. One submission was received in support of the proposed Discretionary Activity Rules and Standards for medium density housing as it was felt that increased emphasis on the Best Practice Medium Density Housing Design Guide would assist in ensuring future development is of a high standard.
121. The Commissioners support this change to clarify the assessment of the quality of living environments within development, urban design, visual amenity, energy efficiency and water conservation, as well as compatibility with adjacent development. The Commissioners particularly support changing the 3 metre radius for outdoor living courts to a 2 metre radius to be consistent with the 4 metre diameter, to avoid confusion and to clarify the intent of the provisions.

### **Recommendation**

122. The Commissioners recommend that the proposed wording for the medium density housing rules and standards be adopted as notified.

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## STATUTORY CONSIDERATIONS

### Resource Management Act (RMA) Considerations

123. Section 74 of the RMA specifies matters that Council shall have regard to in preparing or changing its District Plan. These matters include:
- Council's duties under section 32 of the RMA;
  - Council's functions under section 31 of the RMA;
  - The provisions of Part II of the RMA;
  - Other plans including applicable provisions of the Regional Policy Statement and Regional Plans;
  - Management plans and strategies prepared under other Acts;
  - Consistency with plans or proposed plans of neighbouring territorial authorities;
  - Relevant planning documents recognised by an iwi authority; and
  - A territorial authority must not have regard to trade competition.
124. Each of these areas is addressed below.

### Council's Duties under Section 32 of the RMA

125. Section 32 of the RMA sets out duties to consider alternatives and assess benefits and costs which need to be considered before a plan change is adopted in order to help determine whether it achieves the purpose of the RMA. Section 32 is as follows:
- 32. Consideration of alternatives, benefits, and costs*
- (1) In achieving the purpose of this Act, before a proposed plan change, or variation is publicly notified, an evaluation must be carried out by—*
- (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or*
- (2) A further evaluation must also be made by—*
- (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and*
- (3) An evaluation must examine—*
- (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- (4) For the purposes of the examinations referred to in subsections (3) and (3A), an evaluation must take into account—*
- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

*(5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.*

*(6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.*

126. A summary Section 32 analysis report is attached to this report (refer to Appendix A), and includes analysis of a number of potential plan change options which were considered by Council.

### **Council's Functions under Section 31 of the RMA**

127. Council's functions under section 31 of the RMA include:

*31. Functions of territorial authorities under this Act*

*(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*

*(a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

128. Plan Change 64(C) proposes new, and amendments to the existing, operative policies, rules, standards and definitions to improve the clarity of the District Plan and to correctly reference industry standards.

### **The Provisions of Part II of the RMA**

#### Section 5 - Purpose

129. Plan changes must meet the purpose of the RMA including whether they promote the sustainable management of natural and physical resources. The meaning of sustainable management under the RMA is encapsulated in the purpose of the RMA, as follows:

*5. Purpose*

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*

*(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*



*(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment*

130. The definition of 'environment' in section 2 of the RMA is as follows:

*Interpretation*

*(1) In this Act, unless the context otherwise requires,-*

*"Environment" includes—*

- (a) Ecosystems and their constituent parts, including people and communities; and*
- (b) All natural and physical resources; and*
- (c) Amenity values; and*
- (d) The social, economic, aesthetic, and cultural conditions which affect the matters stated in paragraphs (a) to (c) of this definition or which are affected by those matters:*

131. Plan Change 64(C) is consistent with the purpose of the RMA as the proposed amendments provide clarification and greater certainty in the interpretation of the District Plan to allow the District Plan to govern and promote sustainable management effectively.

132. Furthermore, the proposed change to the rules and standards relating to medium density housing aims to enhance the amenity, resource efficiency and quality of medium density housing in the District.

#### Section 6 - Matters of National Importance

133. Section 6 of the RMA lists "Matters of National Importance" that Council must recognise and provide for. There are no Matters of National Importance relevant to Plan Change 64(C).

#### Section 7 - Other matters

134. Section 7 of the RMA sets the other matters the Council must have particular regard to. The following matters are of relevance to this plan change:

- (a) Kaitiakitanga:*
  - (aa) The ethic of stewardship:*
  - (b) The efficient use and development of natural and physical resources:*
    - (ba) the efficiency of the end use of energy:*
    - (c) The maintenance and enhancement of amenity values:*
    - (d) Intrinsic values of ecosystems:*
    - (e) Repealed.*
    - (f) Maintenance and enhancement of the quality of the environment:*
    - (g) Any finite characteristics of natural and physical resources:*
    - (h) The protection of the habitat of trout and salmon:*
    - (i) the effects of climate change:*
    - (j) the benefits to be derived from the use and development of renewable energy.*

135. Plan Change 64(C) has regard to the above matters and enables these matters to be addressed effectively as the proposed amendments provide clarification and greater certainty in the interpretation of the District Plan. This will improve the capacity of resource consent planners to have regard to the matters set out in section 7 of the RMA through the implementation of the District Plan rules and standards.
136. Furthermore, the recommended changes to the rules and standards relating to medium density housing aim to ensure the “efficiency of the end use of energy” and “maintenance and enhancement of amenity values” for medium density housing.

### Section 8 - Treaty of Waitangi

137. The Council must take into account the Treaty of Waitangi and undertake consultation with tangata whenua as part of the plan change process under section 8 of the RMA. Council provided Te Runanga o Ati Awa ki Whakarongatai Inc., Te Runanga o Ngati Raukawa and Ngati Toa with a copy of the notified Plan Change 64(C) proposed provisions. Council staff also discussed the plan change with Daniel Mullen from Te Ati Awa and no concerns were raised.

### **Other Policy Statements and Plans under the RMA**

138. The Plan Change must not be inconsistent with the operative and proposed Regional Policy Statements and any relevant Regional Plans.
139. Section 75 of the RMA states that a District Plan must give effect to any Regional Policy Statement. It is considered that the plan change would give effect to the relevant objectives and policies of both the existing and proposed Greater Wellington Regional Policy Statements.

### Regional Policy Statement (RPS)

140. Plan Change 64(C) is not contrary to any objectives or policies of the operative Wellington Regional Policy Statement or any Wellington Regional Plans. There are a number of objectives and policies within the Wellington Regional Policy Statement that are relevant to this Plan Change, these are set out below.

#### *Chapter 12: Energy*

*Objective 1: Energy demand is moderated and energy that is needed is produced, distributed and used efficiently so as to reduce impacts on the environment and to make effective use of limited energy resources.*

*Policy 3: To promote the consideration and the application of energy efficiency and a moderation in energy demand:*

- ...

- *In plans, policies and proposals that influence urban form and the distribution of land uses and activities.*

#### *Chapter 14: The Built Environment and Transportation*

*Objective 1: Urban Areas, the built environment and transportation systems are developed so that they, and their associated activities, use resources efficiently and demand for the use of finite resources is moderated.*

*Objective 3: The environmental quality of urban areas is maintained and enhanced.*

*Policy 3: To promote the development of transportation systems in the Region that:*

- ...
- *Discourage dispersed development*

*Policy 8: To promote a high level of environmental quality in urban areas by:*

- *Encouraging good urban design;*
- *Enhancing and protecting amenity values; ...*

141. The above objectives and policies are particularly relevant to the amendments to the medium density housing provisions which will ensure the above issues will be considered in the assessment of resource consent applications for medium density housing. The proposed changes are consistent with the operative Wellington Regional Policy Statement objectives and policies.

#### Proposed Regional Policy Statement

142. Plan Change 64(C) is not contrary to any objectives or policies of the proposed Wellington Regional Policy Statement or any Wellington Regional Plans. There are a number of objectives and policies within the proposed Wellington Regional Policy Statement that are relevant to this Plan Change, these are set out below.

##### *3.3 Energy, infrastructure and waste*

*Objective 9: The region's energy needs are met in ways that:  
(a) improve energy efficiency and conservation; ...*

*Policy 10: Promoting energy efficient design and small scale renewable energy generation – district plans*

##### *3.4 Fresh water (including public access)*

*Objective 14: Water is used efficiently and is not wasted.*

*Policy 44: Using water efficiently – consideration*

*Policy 65: Promoting efficient use and conservation of resources – non-regulatory*

### *3.8 Regional form, design and function*

*Objective 21: A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:*

*...*

*(d) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form; ...*

*Policy 30: Identifying and promoting higher density and mixed use development – district plans*

*Policy 53: Achieving the region's urban design principles – consideration*

*Policy 54: Maintaining a compact, well designed and sustainable regional form – consideration*

143. The proposed Regional Policy Statement was notified on 21 March 2009 and submissions are currently being considered. The above objectives and policies are particularly relevant to the amendments to the medium density housing provisions which will ensure the above issues will be considered in the assessment of resource consent applications for medium density housing. The proposed changes are consistent with the proposed Wellington Regional Policy Statement objectives and policies.

## **Management Plans and Strategies Prepared under other Acts**

### The Wellington Regional Strategy

144. The Wellington Regional Strategy has three 'focus areas', one of which is 'Investment in Good Regional Form'. There are several initiatives and opportunities to contribute to 'Investment in Good Regional Form', the most relevant to Plan Change 64(C) is 'Quality Urban Design' which highlights that all councils within the Greater Wellington Region have committed to be signatories to the New Zealand Urban Design Protocol.
145. Plan Change 64(C), in particular the medium density housing provisions, are considered to support the Wellington Regional Strategy.

### The Urban Design Protocol

146. The Kāpiti Coast District Council is a signatory to the Urban Design Protocol, which although not a management plan or strategy is '*a voluntary commitment by central and local government, property developers and investors, design professionals, educational institutes and other groups to undertake specific urban*

*design initiatives. The actions that individual signatories take will, together, make a significant difference to the quality of our towns and cities’.* This is particularly relevant to the proposed changes to the medium density housing provisions which will promote high quality urban design both within and surrounding new development.

### **Plans and Proposed Plans of Neighbouring Territorial Authorities**

147. Plan Change 64(C) does not raise any cross boundary issues.

### **Relevant Planning Documents Recognised by an Iwi Authority**

148. There are no iwi management plans relevant to this plan change.

### **Regard to Trade Competition**

149. No regard has been given to trade competition.

### **Conclusion of section 74 assessment**

150. Based on the above assessment it is considered Plan Change 64(C) has been considered in relation to all of the relevant matters as set out in section 74 of the RMA.

### **Section 85 of RMA**

151. Council must have regard to section 85 of the RMA, which states that District Plan provisions should not make ‘land incapable of reasonable use’. This section emphasises the importance of factoring in costs to landowners when considering imposing rules on the use of private land.

152. In relation to this Plan Change, concerns were raised in submissions that the proposed native vegetation provisions (relating to the substitution of “and” for “or” and the requirement to obtain consent of Council’s Biodiversity Officer) may place an undue burden on landowners. However, these proposed amendments have been removed from the recommended Plan Change for the Native Vegetation section of the Commissioners’ Assessment.

### **The District Plan**

153. Plan Change 64(C) is consistent with the existing provisions in the District Plan and does not propose any changes to objectives or policies. The recommended changes are intended to improve the clarity of the District Plan rather than change the intent of objectives and policies. However, the recommended changes relating to the medium density housing provisions intend to strengthen the implementation of the District Plan’s Medium Density Housing Design Guide

and the following objectives and policies:

### *C.1 RESIDENTIAL ZONE*

#### *OBJECTIVE 1.0 - GENERAL*

*Ensure that the low density, quiet character of the district's residential environments is maintained and that adverse effects on the amenity values that constitute this character and make the residential environments safe, pleasant and healthy places for residents are avoided, remedied or mitigated.*

#### *POLICY 1 - AMENITY VALUES*

*Activities locating and/or operating in the district's residential environments shall display a residential appearance and be at a density which enables the existing character to be maintained and, in particular, which does not cause a decline in the amenity values of these environments through the:*

- clearance of vegetation;*
- changes to the landform;*
- loss of private gardens and open space;*
- creation of hard surfaces and lack of permeable area;*
- loss of landscaped frontages;*
- overshadowing and overlooking of neighbouring residential properties;*
- generation of excessive levels of noise, vibration, glare, dust or odour associated with the activities themselves;*
- generation of additional traffic movements resulting in excessive noise, vibration, glare, dust or odour and a decline in traffic safety;*
- imposition of buildings, structures, signs or other features that are visually obtrusive and out of character with the character of these environments;*
- degradation of the natural environment and/or modification of natural processes likely to lead to degradation;*
- inadequate provision for access to sites of activities and also manoeuvrability for associated traffic movements;*
- hazards to human health and residential convenience of inadequate or inappropriate supply of water, disposal of effluent and stormwater;*
- creation of neighbourhoods with inadequate availability of network utility services;*
- generation of nuisance or health risks to adjoining residents of farming activities and/or the keeping of animals/birds.*
- lack of off-street parking*
- siting of buildings*
- storage of goods*
- generation of traffic*

#### *POLICY 2 - NATURAL ENVIRONMENT*

*Ensure the adverse effects of residential use and development on the natural*

*environment are avoided, remedied or mitigated.*

### **POLICY 3 - HEIGHT OF BUILDINGS**

*Avoid the adverse effects of high buildings on the amenity and character of residential environments and ensure that when proposals to exceed the permitted height (refer D.1.2.1) are considered the following matters are taken into account:*

- *The location of the building and its effect on neighbours including loss of sunlight, outlook and amenity.*
- *The written consent of adversely affected neighbours.*
- *The extent of screening.*
- *The separation distance between existing dwellings.*
- *The visual impact created by the location of the building on the prominent dunes in the Ferndale Area (as shown on the Ferndale Area Structure Plan Appendix 2 )*

### **OBJECTIVE 3.0-MEDIUM DENSITY HOUSING**

*Allow for medium density housing at appropriate locations throughout the district in a way that is consistent with the maintenance of the character and amenity values of the Kāpiti Coast.*

*Policy 1: Ensure the suitable and compatible location, height, density, scale, and bulk of Medium Density Housing relative to their context, adjacent land uses as well as streets and reserves by providing for Medium Density Housing in areas identified on the District Plan Paraparaumu Urban Maps.*

*Policy 2: Ensure high quality, high-amenity living conditions in comprehensive and coordinated Medium Density Housing developments through the use of minimum standards for outdoor living space and landscaping to meet the daily recreational needs of residents.*

*Policy 3: Encourage best practice in design and aesthetics through the use of design guides and involvement of the Council's Design and Review Team prior to lodgement of plans. Design guides will be used as assessment criteria where non-compliance with restricted discretionary standards occurs.*

*Policy 4: Ensure that Medium Density Housing developments maintain the amenity values and character of existing environments by assessing applications against the extent to which they are compatible with their adjacent development and do not dominate or otherwise sit incongruously in their built environment, including materials and finishing.*

*Policy 5: Ensure that Medium Density Housing developments adopt design principles which will minimise the effects of increased stormwater runoff and contamination on freshwater and coastal ecosystems.*

### C.3 COMMERCIAL/RETAIL ZONE

#### **OBJECTIVE 3.0-MEDIUM DENSITY HOUSING**

*To allow for medium density housing within selected commercial/retail locations in a way that is consistent with the maintenance of the character and amenity values of the Kāpiti Coast.*

*Policy 1: Provide for Medium Density Housing within commercial areas and town centres as part of a mixed use development where retail or commercial activities occur on the ground floor.*

*Policy 2: Ensure the suitable and compatible location, height, density, scale, and bulk of Medium Density Housing relative to their context, adjacent land uses as well as streets and reserves by providing for Medium Density Housing in areas identified on the District Plan Paraparaumu Urban Maps.*

*Policy 3: Ensure high quality, high-amenity living conditions in comprehensive and coordinated Medium Density Housing developments through the use of minimum standards for outdoor living space and landscaping to meet the daily recreational needs of residents.*

*Policy 4: Encourage best practice in design and aesthetics through the use of design guides and involvement of the Design and Review Team prior to lodgement of plans. Design guides will be used as assessment criteria where non-compliance with restricted discretionary standards occurs.*

*Policy 5: Ensure that Medium Density Housing developments maintain the amenity values and character of existing environments by assessing applications against the extent to which they are compatible with their adjacent development and do not dominate or otherwise sit incongruously in their built environment, including materials and finishing.*

*Policy 6: Ensure that Medium Density Housing developments adopt design principles which will minimise the effects of increased stormwater runoff and contamination on freshwater and coastal ecosystems.*

### C.4 PARAPARAUMU TOWN CENTRE ZONE

#### **OBJECTIVE 3.0-MEDIUM DENSITY HOUSING**

*To allow for medium density housing within selected commercial/retail locations in a way that is consistent with the maintenance of the character and amenity values of the Kāpiti Coast.*

*Policy 1: Provide for Medium Density Housing within commercial areas and town centres as part of a mixed use development where retail or commercial activities occur on the ground floor.*



*Policy 2: Ensure the suitable and compatible location, height, density, scale, and bulk of Medium Density Housing relative to their context, adjacent land uses as well as streets and reserves by providing for Medium Density Housing in areas identified on the District Plan Paraparaumu Urban Maps.*

*Policy 3: Ensure high quality, high-amenity living conditions in comprehensive and coordinated Medium Density Housing developments through the use of minimum standards for outdoor living space and landscaping to meet the daily recreational needs of residents.*

*Policy 4: Encourage best practice in design and aesthetics through the use of design guides and involvement of the Design and Review Team prior to lodgement of plans. Design guides will be used as assessment criteria where non-compliance with restricted discretionary standards occurs.*

*Policy 5: Ensure that Medium Density Housing developments maintain the amenity values and character of existing environments by assessing applications against the extent to which they are compatible with their adjacent development and do not dominate or otherwise sit incongruously in their built environment, including materials and finishing.*

*Policy 6: Ensure that Medium Density Housing developments adopt design principles which will minimise the effects of increased stormwater runoff and contamination on freshwater and coastal ecosystems.*

### **Relevant District Plan changes**

154. There are no proposed plan changes which are relevant to Plan Change 64(C).

### **Long Term Council Community Plan**

155. The Council has undertaken extensive consultation with the community to identify matters of value (known as ‘Community Outcomes’) for the District as a whole and for specific areas (‘Local Outcomes’) as part of its responsibilities under the *Local Government Act 2002*. This is referred to as the *Kāpiti Coast: Choosing Futures* process. The *Kāpiti Coast Choosing Futures: Community Plan* was published in 2009.

156. The Community Plan provides Council with a long-term strategic focus or leadership vision of how Council wishes to work with the community and sets priorities for the next 20 years.

157. The Community Plan provides Council with a long-term strategic focus or leadership vision of how Council wishes to work with the community and sets priorities for the next 20 years.
158. Due to the relatively minor nature of the Plan Change it is considered that it is not relevant to any Community Outcomes.

### **The Development Management Strategy**

159. The Council adopted the *Development Management Strategy* (November 2006) to set out a framework for managing the location and intensity of growth pressure, to improve the quality of the District's built environment and the development management processes that Council will use over time.

160. The Development Management Strategy, sets out a policy related to urban design:

*Policy 4.1 (a)*

*Kāpiti Coast District Council is committed to following best practice in the areas of urban design and development, including:*

- *energy efficiency;*
- *water conservation;*
- *a high quality of architectural form and integration with surrounding areas and landscapes;*
- *provision of and promotion of public art associated with buildings and infrastructure;*
- *promoting reference to local heritage and culture in building design;*
- *safety and access;*
- *adaptability to climate change;*
- *encouraging understanding of local biodiversity in planting, landscaping and gardening.*

*It will:*

- *continue to be a signatory to the Urban Design Protocols;*
- *promote best practice with developers and property owners;*
- *ensure regulatory processes encourage and do not constrain innovation and good design;*
- *use best practice in construction of its own buildings and infrastructure.*

161. The recommended Plan Change will improve the implementation of the Best Practice Medium Density Housing Design Guide which promotes the values outlined in the above policy.

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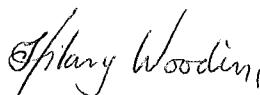
## CONCLUSIONS

162. Plan Change 64(C) proposes a number of miscellaneous changes to the amended policies, rules, standards and definitions to gain greater clarity for provisions relating to dwellings, accessory buildings, vehicle access, shelter belts, medium density housing and native vegetation. The Plan Change also amends references to outdated industry standards for production forestry, parking design and radiation.
163. The notified change to the native vegetation Permitted Activity Standard generated the most debate at the Hearing. As a result of this debate, the Commissioners agreed with the change to the provision regarding native tree removal (reverting to the original District Plan text regarding 'or' instead of the notified text using 'and').
164. The Commissioners also considered the oral submissions relating to the removal of tree branches provision and deliberated over wording to strengthen the definition. The definition which the Commissioners recommend is as follows:
- (b) The removal of branches which do not form ~~are not~~ part of the main structure of the tree, that are interfering with or overhanging buildings but are only up to a maximum of one metre or the closest branch junction point beyond that distance from the external walls or roof of that building;
165. The other issue in the native vegetation section which was subject to debate was the actual definition of 'native vegetation'. The Commissioners accepted that 'native vegetation' is not defined in the District Plan but is stated as "*naturally occurring indigenous vegetation*" in the Native Vegetation sections common to all permitted activity standards throughout the District Plan.
166. Plan Change 64(C) has been undertaken in accordance with the plan change process stipulated in the RMA. The amended Plan Change 64(C) provisions are included in Schedule 1 of this Report.

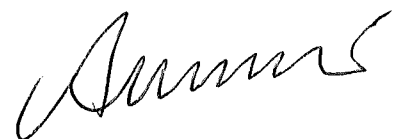
Dated this 21<sup>st</sup> day of October 2010.



Cr D. Ammundsen - Chair



Cr H. Wooding



Mr A. Webster

## SCHEDULE 1: PLAN CHANGE 64(C) – MISCELLANEOUS CHANGES

The following section sets out the specific amendments recommended to the District Plan as part of this Plan Change (strike through indicates deletion from operative District Plan; underlining indicates additions recommended in this report).

### 1. DEFINITIONS OF 'DWELLING' AND DWELLING-RELATED TERMS

#### Amend Part Q Definitions relating to dwellings residential activities

**Dwelling** ~~means~~ includes a building; ~~or buildings or any part thereof~~ part of a building; or residence whether temporary or permanent, ~~and including~~ including mobile homes or ~~homes~~ (e.g. caravans, motor homes, house trucks and campers), that is capable of, or is being used as one household unit for the purposes of residential activities, and which includes kitchen and bathroom facilities, which is used for domestic purposes by an individual, a family or a non-family group, but does not include a family flat (as referred to in Part D of this Plan). Note: For further clarification refer to the definitions of household unit and residential activity.

**Household Unit** ~~means~~ the a unit of residential activity which is self contained house or residence of a single household. For the purposes of this definition:

- a building used for emergency or refuge accommodation shall be deemed to be one household unit;
- one household unit has one kitchen and at least one bathroom. If two kitchens and more than one bathroom are present (except if in a family flat), there will be two household units;  
and
- a household unit may include one, but no more than one, family flat.

Note: For further clarification refer to the definitions of dwelling and residential activity.

**Residential Activity** ~~means~~ the residential occupation or inhabitation by people of any residential dwelling unit or accessory building; together with the usual occupations, pastimes, and activities that those residents or inhabitants undertake use of premises for any domestic or related residential purpose by persons living in the premises alone or in family or non-family groups, including emergency and refuge accommodation (whether any person is subject to care, supervision or not), but does not include work from home, hotels, motels, camping grounds, motor camps or other premises where residential accommodation for six or more travellers is offered at a daily tariff or similarly specified time.

**Habitable Building** ~~– a habitable building is~~ means a built structure used for activities normally associated with residential activities ~~domestic living.~~

**Habitable Room** ~~means~~ a space within a building that is commonly associated with ~~domestic living~~ residential activities, teaching or hospital recovery, but excludes any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods of time.

#### Add new definitions for bathroom and kitchen

**Bathroom** means rooms, a room or part of a room which together provide personal ablution and sanitary facilities including a bath or shower, wash basin and toilet.

**Kitchen** means a room or part of a room that contains fixed cooking and food preparation facilities, including a sink unit, which is used for food preparation and cooking.

## 2. ACCESSORY BUILDINGS

### Amend Part Q definition of an accessory building

**Accessory Building** means any building on a site, the use of which is incidental to the ~~is included within the meaning of a residential permitted activities and consented activities occurring on that site. and This includes a building or part of a building used for~~ but is not limited to garages, carports, tool sheds, playrooms, recreation rooms, glasshouses, sleep outs and buildings used for permitted and consented housing motor vehicles, home occupations and sleeping facilities. It does not include kitchen facilities. For the avoidance of doubt family flats shall not be regarded as accessory buildings.

### Add a definition of sleep out

**Sleep Out** means an accessory building typically used for sleeping accommodation purposes which may include a bathroom but does not contain a kitchen.

## 3. SHELTER BELTS

### Add a definition of shelter belt to Part Q Definitions:

**Shelter Belt** means a plantation of vegetation made up of one or more rows and planted in such a manner as to provide shelter and protection from the wind on adjoining land. They are typically planted around the edges of fields.

### Amend D.2.2.1 Permitted Activity Standard for shelter belts

#### SHELTER BELTS

~~Vegetation planted to~~ Trees forming a shelter belt for ~~form~~ a shelter belt more than 20 metres in length and which ~~may attain~~ is capable of attaining a height ~~over~~ of more than 6 metres above ground level shall not be planted within 10 metres of any legal boundary of any site held under separate Certificate of Title ownership without the prior written consent of the adjoining landowner of that site sites' owner or controlling authority.

## 4. NATIVE VEGETATION

### Amend D.1.2.1, D.2.2.1, D.3.2.1, D.4.2.1, D.5.2.1, D.6.2.1, D.7.2.1 and D.8.2.1 Permitted Activity Standard for native vegetation

#### NATIVE VEGETATION

(i) The disturbance, removal, damage or destruction ("modification") of naturally occurring indigenous vegetation ~~shall be~~ is a permitted activity where such modification is limited to:

The removal of trees less than four metres in height high, or which have a trunk diameter circumference less than 95cm 30cm measured at a height of point no higher than 1.4 metres or higher above the ground. Trees listed in the Heritage Register are excluded from this provision.

.....

(ii) The disturbance, removal, damage or destruction (“modification”) of naturally occurring indigenous vegetation and/or trees listed in the Heritage Register, is a permitted activity where such modification is limited to:

(a) The removal of broken branches, deadwood or diseased vegetation;

(b) The removal of branches which do not form ~~are not~~ part of the main structure of the tree, that are interfering with or overhanging buildings but ~~are~~ only up to a maximum of one metre or the closest branch junction point beyond that distance from the external walls or roof of that building;

(c) The removal of ~~the~~ branches which do not form ~~are not~~ part of the main structure of the tree to maintain access along ~~across~~ existing farm tracks vehicle access ways.

## 5. PRODUCTION FORESTRY

**Amend Production Forestry references in C.2.1 D.2.2.1, D.2.2.2, D.6.2.2 and D.8.2.2 to refer to the correct code of practice as shown below;**

### C.2.1 POLICY 3 - PRODUCTION FORESTRY

**Control production forestry to avoid, remedy or mitigate any adverse effects on the environment.**

*Forestry, particularly felling, can have adverse effects on the environment. This includes siltation of watercourses and damage to roads and damage to archaeological sites resulting from large scale earthworks. One way to reduce or avoid these adverse effects is for foresters to have regard to the New Zealand Forest-Environmental Code of Practice for Plantation Forestry in undertaking development. This code outlines the environmental planning procedures to reduce adverse effects. It recommends "methods of reducing adverse impacts". If foresters adopt these methods to reduce the adverse impacts (effects) of forestry on the environment, Council could permit the forestry development and operations.*

#### D.2.2.1 Permitted Activity Standards

### PRODUCTION FORESTRY

~~(iii) Note: Production Forestry activities shall be undertaken in accordance with the principles and practices current best practice methodology.~~

**Note: Council will accept, as compliance with this standard, activities which are demonstrated to be consistent with in the New Zealand Forest-Environmental Code of Practice for Plantation Forestry.**

#### **D.2.2.2 Controlled Activity Standards**

##### **HARVESTING OF FORESTRY BLOCKS LARGER THAN 10 HECTARES IN ANY ONE YEAR**

- (i) A Forest Harvesting Notice must be prepared and submitted to Council. The Notice shall have regard to the New Zealand ~~Forest~~Environmental Code of Practice for Plantation Forestry and shall describe and identify:

#### **D.6.2.2 Controlled Activity Standards**

##### **HARVESTING OF FORESTRY BLOCKS LARGER THAN 10 HECTARES IN ANY ONE YEAR**

- (i) A Forest Harvesting Notice must be prepared in accordance with the principles and practices in the New Zealand ~~Forest~~Environmental Code of Practice for Plantation Forestry and submitted to Council. The Notice shall describe and identify:

#### **D.8.2.2 Controlled Activity Standards**

##### **HARVESTING OF FORESTRY BLOCKS LARGER THAN 10 HECTARES IN ANY ONE YEAR**

- (i) A Forest Harvesting Notice must be prepared in accordance with the principles and practices in the New Zealand ~~Forest~~Environmental Code of Practice for Plantation Forestry and submitted to Council. The Notice shall describe and identify:

<b>6. RADIATION</b>
---------------------

#### **Amend D.1.2.1, D.2.2.1, D.3.2.1, & D.5.2.1 Permitted Activity Standard for Radiation**

##### **RADIATION**

No discharge of radiation measured at the boundary of the site ~~is to~~ shall have a significant adverse effect on the environment.

Council will accept as compliance with this standard activities which comply with ~~New Zealand Standard 6609 (Radio Frequency Radiation)~~ New Zealand Standard 2772.1: 1999 (Radio Frequency Field-Maximum Exposure Levels).

<b>7. SIGNAGE</b>
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#### **Amend the title for L.3 Signage as shown below**

##### **L.3 SIGN STANDARDS FOR COMMERCIAL/RETAIL, INDUSTRIAL, PARAPARAUMU TOWN CENTRE AND AIRPORT ZONES**

#### **Amend the title for Diagram L.1 signage as shown below**

##### **ADVERTISING SIGNAGE STANDARDS FOR COMMERCIAL/RETAIL INDUSTRIAL, PARAPARAUMU TOWN CENTRE AND AIRPORT ZONES**

## 8. PARKING

### Amend J.1.2.1 vehicle dimensions

#### J.1.2.1 Vehicle Dimensions

Parking spaces provided under this rule shall be of sufficient size and suitably laid out to accommodate a 90<sup>th</sup> percentile design motor car as defined by ~~the Ministry of Transport~~ AS/NZS 2890.1:2004. The dimensions and turning circle of this vehicle are shown in ~~Diagram A~~ Figure B3 of AS/NZS 2890.1:2004 (reproduced with permission at the back of this section).

Design for any critical access conditions, such as a ramp included as part of a parking building, shall be adequate for a 99 percentile design motor car as defined by ~~the Ministry of Transport~~ AS/NZS 2890.1:2004. The dimensions and turning circle of this vehicle are shown in AS/NZS 2890.1:2004 Figure B5 (reproduced at the rear of this section) and breakover angle specifications are shown in ~~Diagram A~~ and AS/NZS 2890.1:2004.

#### J.1.2.3 Typical Layouts

There are usually several alternative methods of achieving a satisfactory parking layout having adequate access and manoeuvring space. The layouts shown in ~~Diagram B~~ Figure 2.2 of AS/NZS 2890.1:2004 (reproduced with permission at the end of this section) are suitable for most situations. AS/NZS 2890.1:2004 also provides additional suitable parking designs.

#### J.4.1 General Standards

##### (ii) VEHICULAR ACCESS LOCATIONS

- (a) At intersections carrying traffic volumes of 1,000 vehicles or more in any peak hour, or at which traffic signals are operating, no part of a crossing point shall be located within 30 metres of an intersection or within 60 metres on the departure side of an urban state highway intersection.

The distance is measured from the intersecting point of the kerb lines or road edge lines.

- ~~(b) Where a "Stop" or "Give Way" control exists, no part of the crossing point shall be located within 12.0 metres of an intersection.~~

~~For intersection corners where the edge of the roadway or the kerb line has a radius of 4.5 metres or more the distance between the intersection and the crossing point is measured from the tangent point of the kerb.~~

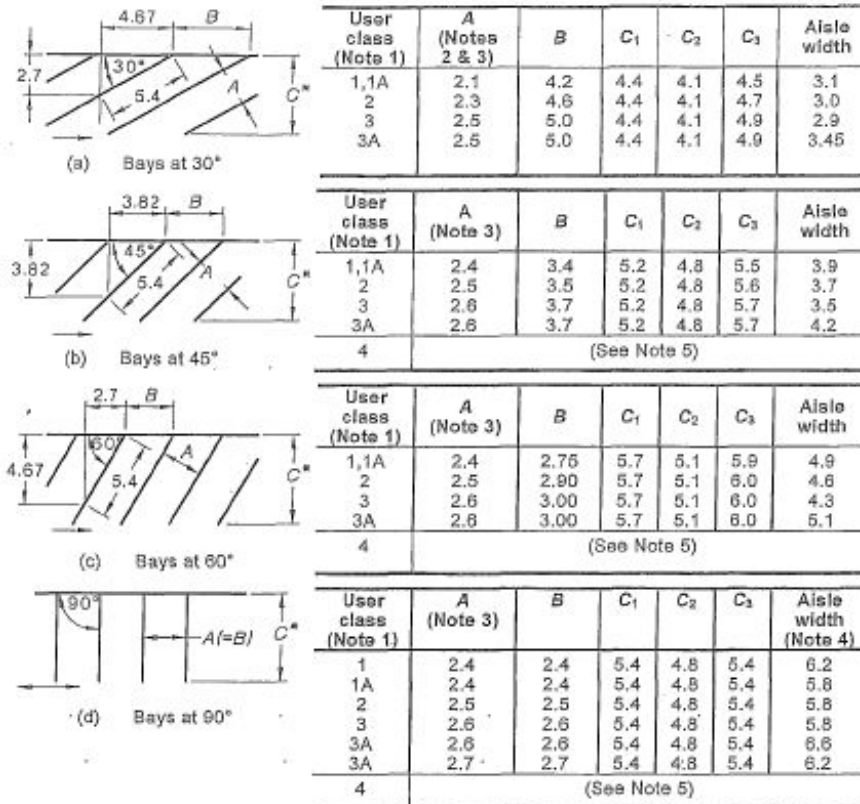
~~Where the radius is less than 4.5 metres, the distance between the intersection and the crossing point is measured from the intersecting point of the kerb lines or road edge lines when produced.~~



(b) For intersections having volumes less than 1,000 vehicles per in any peak hour day; the minimum distance between the crossing point and the roadway edge or kerb line shall be:

- ~~4.5 metres where the corner radius is 4.5 metres or greater.~~
- 9.0 metres measured from the intersecting point of the kerb lines or road edge lines where the corner radius is less than or 4.5 metres from the tangent point of the kerb lines or road edge whichever is greater.
- 12.0 metres where a "Stop" or "Give Way" control exists on the roadway measured from the intersecting point of the kerb lines or road edge lines.

Delete Diagram B and replace with Figure 2.2 from AS/NZS 2890.1: 2004 (as shown below)



\*Dimension C is selected as follows (see Note 5):  
 C1—where parking is to a wall or high kerb not allowing any overhang.  
 C2—where parking is to a low kerb which allows 600 mm overhang in accordance with Clause 2.4.1(a)(l).  
 C3—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

DIMENSIONS IN METRES

NOTES TO FIGURE 2.2:

- User class is defined in Table I.1. The two Class 3A options given for 90 degree parking are alternatives of equal standing.
- 30 degree parking spaces can be made narrower than spaces at other angles because of the reduced chance of open doors hitting adjacent vehicles.
- The design envelope around each parking space, to be kept clear of obstructions, is shown in Figure 5.2.
- Dimensions for 90 degree parking aisles are for two-way aisles. These dimensions are required to be observed even though one-way movement along aisles is imposed for other purposes, see Clause 2.3.2(a).
- Space dimensions for User Class 4 spaces (for people with disabilities) are specified in AS/NZS 2890.6\*. Aisle widths shall be the same as applicable to adjacent other-user spaces or in the absence of such spaces, 5.8 m minimum.

6 The values for dimension C have been calculated as follows:

$$C_1 = 5.4 \sin \theta + 1.9 \cos \theta$$

$$C_2 = C_1 - 0.6 \sin \theta$$

$$C_3 = C_1 + (A - 1.9) \cos \theta$$

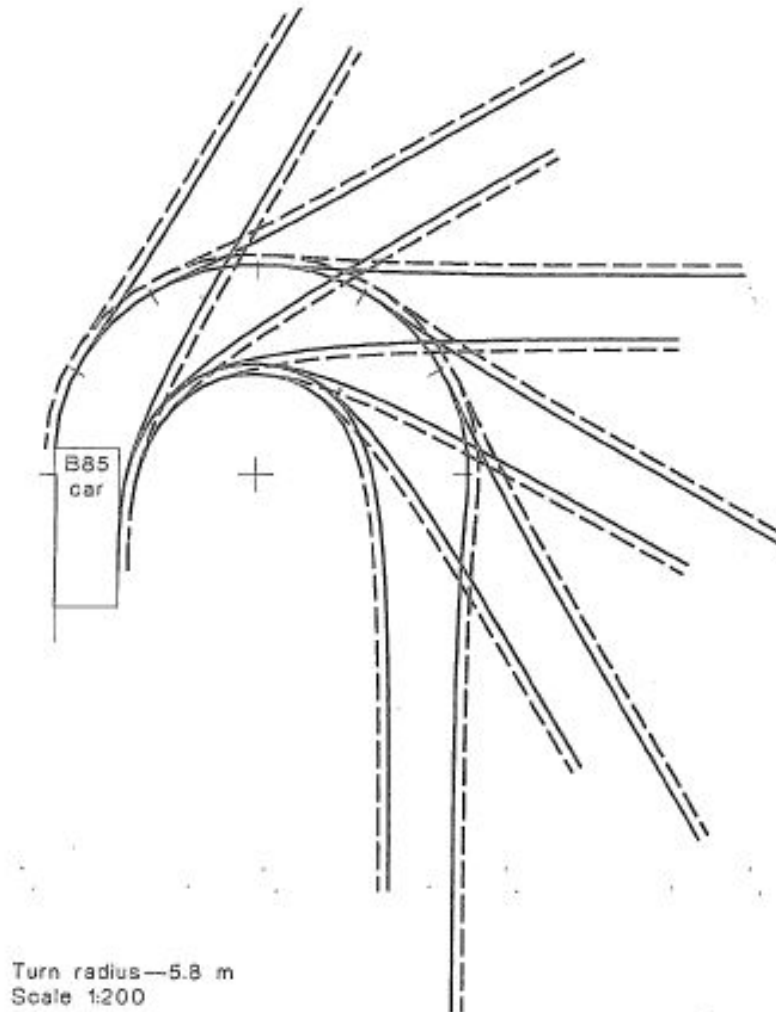
where

$\theta$  = parking angle

A = space width, in metres

\*Reproduced from AS/NZS 2890.1:2004 with the permission of Standards New Zealand, under Licence 00675. Copies of the Standard may be purchased from [www.standards.co.nz](http://www.standards.co.nz)

Modify diagram A to change the 90 percentile vehicle to 85 percentile to be consistent with AS/NZS 2890.1: 2004 and include the tracking curves from the standard (as shown below)



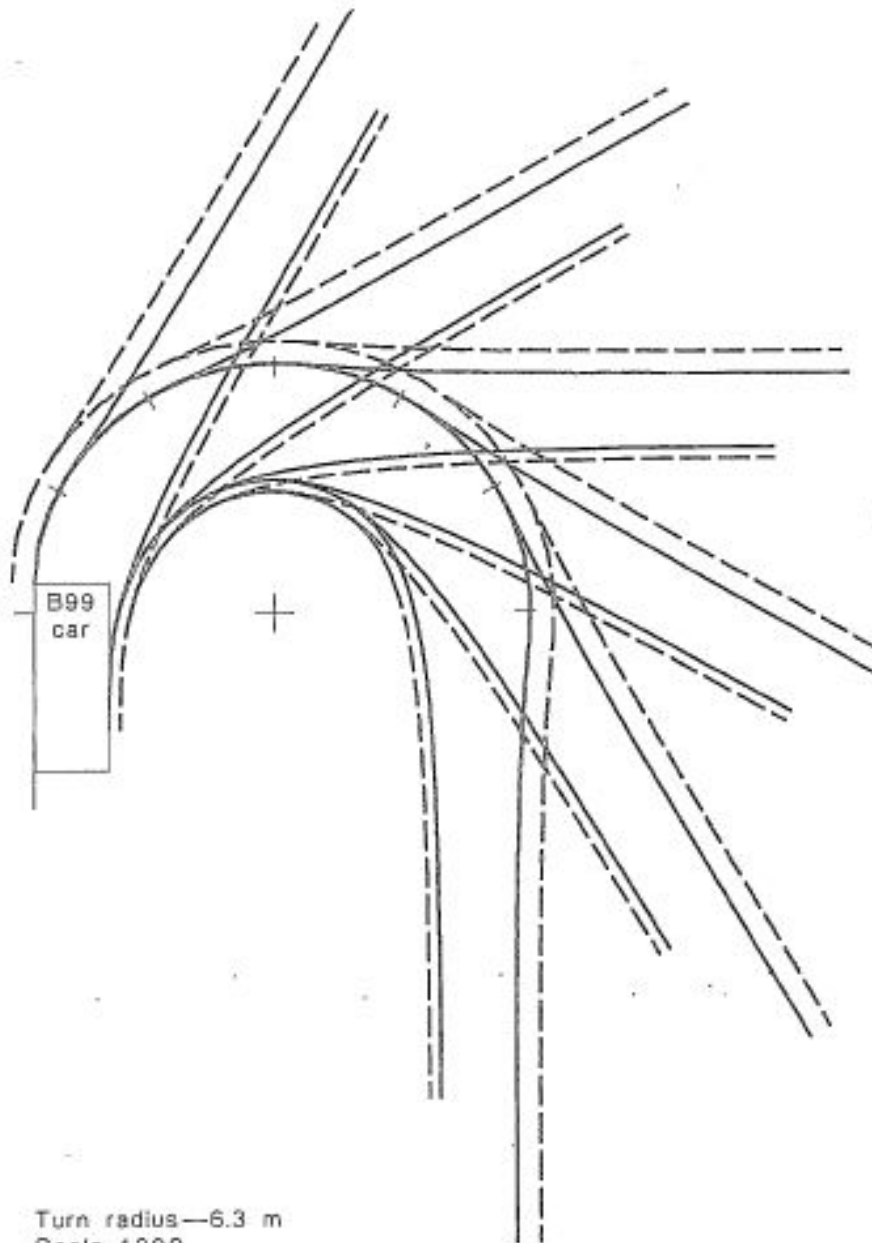
LEGEND:

- = Denotes the B85 base dimension swept path
- - - = Denotes the B85 design template which includes 2 x 300 mm manoeuvring clearances only

NOTE: This is the minimum radius turn for a B85 vehicle.

EXAMPLE OF THE B85 DESIGN TEMPLATE—5.8 m RADIUS TURN

\*Reproduced from AS/NZS 2890.1:2004 with the permission of Standards New Zealand, under Licence 00675. Copies of the Standard may be purchased from [www.standards.co.nz](http://www.standards.co.nz)



**LEGEND:**

- = Denotes the B99 base dimension swept path
- - - - - = Denotes the B99 design template which includes manoeuvring and circulation clearances, 300 mm on the inside and 600 mm on the outside

NOTE: This is the minimum radius turn for a B99 vehicle.

**EXAMPLE OF THE B99 DESIGN TEMPLATE—6.3 m RADIUS TURN**

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## 9. MEDIUM DENSITY HOUSING

### Amend D.1.1.3 Discretionary Activity Rule for Medium Density Housing

#### (ii) MEDIUM DENSITY HOUSING

Medium Density Housing shall;

a) be located...

....

g) comply with the Kāpiti Coast District Council Subdivision and Development Principles and Requirements 2005.

Applications shall demonstrate, through reference to the Kāpiti Coast Best Practice Medium Density Design Guide, how the proposal will achieve a high quality living environment and attractive and appropriate urban design both within and surrounding the development.

### Amend D.1.2.3 Discretionary Activity Standards for Medium Density Housing

h) Each unit shall provide a private outdoor living space of at least 30m<sup>2</sup>, with a minimum dimension of 2.5m and the ability to accommodate a circle with a 4m diameter. This space shall be directly accessible from a living room (lounge / dining / family etc.), however, it shall not be located between a dwelling's front and a street. The space shall also provide sunlight access to an area of the space with a minimum radius of 23m that is capable of receiving ~~es~~ no less than 1 hour of continuous sunlight between the hours of 11:00am—2:00pm on June 21 (mid-winter solstice). Depending on orientation & topography, an additional balcony may be required to provide minimum sunlight access to residents.

#### ASSESSMENT CRITERIA

Applications will be assessed against the extent to which they are compatible with adjacent development and do not dominate or otherwise sit incongruously in their built environment, including materials and finishing, the extent to which long-term, affordable, and robust management and maintenance processes are to be put in place.

The Kāpiti Coast Best Practice Medium Density Design Guide will be used to assess applications ~~for~~ to ensure:

- a) Compatibility with adjacent development
- b) High quality living environments within the development
- c) High quality urban design both within and surrounding the development
- d) Maintenance and enhancement of visual amenity
- e) Surveillance of public areas and rights of way
- f) Energy efficiency and water conservation
- g) Adequate screening of rubbish storage areas

10. **DEFINITION OF SUNLIGHT**

Sunlight means direct light from the rays of the sun and does not include light reflected from objects or diffuse general daylight. Sunlight is the absence of shadow from buildings and vegetation when viewed in full sun (not cloudy conditions). The ability of an area to be capable of receiving sunlight can be shown through the use of shadow diagrams calibrated to the local azimuth (latitude & time of year specific path of the sun) angle.

Report prepared by:



Hannah Bateman

**POLICY PLANNER**

22 March 2010

**DATE**

## APPENDIX A: SUMMARY SECTION 32 ANALYSIS REPORT

**PLAN CHANGE 64(C)**  
**MISCELLANEOUS CHANGES**

**Summary Section 32 Report**  
**September 2010**



## **OUTLINE**

Plan Change 64(C) comprises the following amendments:

1. **AMEND Part Q Definitions - dwellings, residential activities, habitable buildings, household units, habitable rooms and accessory building**
2. **ADD Part Q Definitions - new definitions for kitchen, bathroom, sleep out, shelter belt and sunlight**
3. **AMEND D.2.2.1 Permitted Activity Standard - Shelter Belts**
4. **AMEND D.1.2.1, D.2.2.1, D.3.2.1, D.4.2.1, D.5.2.1, D.6.2.1, D.7.2.1 and D.8.2.1 Permitted Activity Standard - Native Vegetation**
5. **AMEND C.2.1, D.2.2.1, D.2.2.2, D.6.2.2 and D.8.2.2 Permitted Activity Standard - Production Forestry**
6. **AMEND D.1.2.1, D.2.2.1, D.3.2.1, and D.5.2.1 Permitted Activity Standard – Radiation**
7. **AMEND L.3 Sign Standards for Commercial, Industrial and Airport Zones**
8. **AMEND J.1.2.1 Vehicle Dimensions**
9. **AMEND J.1.2.3 Typical Layouts**
10. **AMEND J.4.1 (ii) Vehicular Access Locations near Intersections**
11. **REPLACE Part J Diagram B**
12. **AMEND Part J Diagram A and insert additional AS/NZS2890.1:2004 diagrams**
13. **AMEND D.1.1.3 Discretionary Activity Rule - Medium Density Housing**
14. **AMEND D.1.2.3 Discretionary Activity Standard - Medium Density Housing**

# INTRODUCTION

## Purpose of the Report

Section 32 of the Resource Management Act 1991 (RMA) places a duty on the Kapiti Coast District Council to consider the appropriateness of any plan change for achieving the purpose of the RMA and to assess its costs and benefits. This report has been prepared to address these requirements.

This Plan Change seeks to make the changes to the District Plan identified above. This report assesses the Plan Change in terms of identifying the most efficient and effective option in meeting the purpose of the RMA and the Objectives and Policies of the Kapiti Coast District Plan.

## Background

This is the third Plan Change that addresses miscellaneous changes to the District Plan. The first and second miscellaneous Plan Changes (PC64 & PC64B) are now part of the operative District Plan.

Many of the recommended changes have been on the future plan change list for some time. The changes address issues raised in the past by council officers regarding interpretation and enforcement or from comments from the public or developers and their representatives.

The necessity of the recommended changes has largely arisen from inconsistencies with legislation and standards, internal inconsistencies within the rules and standards and lack of clarity around definitions in the District Plan.

The recommended changes are given their own separate assessment under section 32 with the exception of some of the more minor amendments which have been grouped into the same section 32 analysis. This allows for a more detailed analysis of the issues concerned and a more thorough assessment of the alternative options and their associated costs and benefits.

## **Issues**

### Dwellings, accessory buildings and sleep outs

The Permitted Activity Standards for Rural and Residential zones specify a number of dwellings per site to prevent an erosion of amenity values. The definition of a dwelling has been identified as being unclear as to when a building contained more than one dwelling within a building or group of buildings. For several years Council staff have interpreted the provisions to mean that an additional dwelling exists when the building or site contains two or more kitchens and two or more bathrooms. This approach was taken as the presence of a kitchen and bathroom along with habitable rooms (sleeping and living rooms) are the basic requirements for a house or dwelling unit.

Under the current definition of dwelling it is unclear when the provision of additional kitchen/bathroom facilities or habitable rooms creates what is in effect a second dwelling on the property, as the definition focuses on whether the facilities are shared and not whether they are capable of being used separately.

### **Accessory Buildings**

Accessory buildings include all buildings associated with but not including the main activity on a site including garages, garden or tool sheds, glasshouses and sleep outs in residential areas. In rural areas this can include barns, implement sheds, stables and glasshouses. Accessory buildings are limited to a 60m<sup>2</sup> maximum floor area (this could include four 15m<sup>2</sup> buildings for example) in Residential zones but are unlimited in the Rural Zone.

The District Plan treats detached garages and other accessory buildings differently from attached garages. There has been some confusion about the difference between an accessory building and a family flat and when a garage is an accessory building and when it is part of the dwelling. The recommended 'accessory building' definition clarifies that 'family flats' are provided for separately and not included in the 'accessory building' definition.

The definition of an accessory building is unclear in relation to sleep outs, garages and other buildings attached to family flats and dwellings. Family flats are limited in floor area and to be fair, the floor area should not include garage space, but this needs to be taken into account as part of the overall area of accessory buildings on the site. Garages that are attached to the dwelling (as per the existing provisions in the Plan) are not considered to be accessory buildings.

Further to the above, it is intended to clarify that the purpose of accessory buildings is for ancillary use and to explicitly provide for a variety of such uses. It is also to clarify that family flats are provided for separately and not included within the area regarded as being accessory buildings. This reflects existing interpretation of the current rules and standards and will avoid confusion in the future.

### **RECOMMENDED CHANGES**

**AMEND Part Q Definitions - dwellings, residential activities, habitable buildings, household units, habitable rooms and accessory building**

**ADD Part Q Definitions - new definitions for kitchen, bathroom and sleep out**

### **2.3.2 MEDIUM DENSITY HOUSING**

The District Plan allows Medium Density Housing in certain areas to provide for housing choice and to encourage a compact and sustainable urban form. However, it is recognised that such development must be of a high standard to mitigate the potential adverse effects of badly designed higher density development. These include effects on general amenity as well as poorer living conditions for the residents of the development and existing residents in close proximity.

The current approach relies on the implementation of a Best Practice Medium Density Housing Design Guide which forms an appendix to the District Plan and is a matter for consideration in restricted discretionary activities. There has recently been some concern that this does not provide enough grounds for the prevention of poor quality development. The extensive design guide included in the District Plan is not being used to its full potential and is limited to being used for assessment of compatibility with adjacent development only.

There is currently a confusing provision relating to outdoor living court areas and outdoor areas with sunlight access. The provisions refer to a 3m radius and 4m diameter and this is leading to confusion. These two dimensions are likely to be applied to the same outdoor area and should be consistent.

In addition, the medium density housing standards refer to sunlight access and providing for sunlight at midwinter in outdoor living areas. There has been confusion about whether this provision is related to sunlight, sunshine or general daylight. The provision was intended to refer to direct light from the sun or areas not shadowed by buildings or vegetation.

## **RECOMMENDED CHANGES**

### **AMEND D.1.1.3 Discretionary Activity Rule - Medium Density Housing**

### **AMEND D.1.2.3 Discretionary Activity Standards - Medium Density Housing**

### **ADD Part Q Definitions - new definition for sunlight**

## **2.3.3 NATIVE VEGETATION**

The current rules do not provide for the minor trimming of certain trees to keep vehicle access ways clear unless resource consent is granted. At present, the permitted activity standard restricts this to farm tracks and makes no reference to driveways associated with residentially occupied sites.

It is considered that this is an excessive requirement in the context of the minor works frequently recommended. Amending the standards to allow for some works will better enable landowners to keep vehicle and/or pedestrian access ways clear from encroaching vegetation.

Further to the above it is recommended to undertake additional minor amendments to the standard to ensure that it is correctly interpreted and to ensure that trees are afforded a reasonable level of protection.

In addition, the wording of subsection (i) of the Native Vegetation Standard contains a potentially significant loophole which could permit the felling of trees which are intended to be protected. At present, trees with a trunk diameter of less than 0.3 metres are not protected. This is acceptable but the standard directs the applicant to measure the diameter of the trunk at a "height of 1.4 metres or higher above the ground".

Clearly this would permit an applicant to measure the trunk's diameter at any height they considered would be to their benefit so long as it was above the minimum 1.4 metre mark. Amending this to make 1.4 metres the maximum height instead would ensure that larger trees are accorded the protection intended by the Plan.

Finally, the wording of subsection (i) also refers to trunk diameter. It is relatively difficult to measure the diameter of the trunk. Using the girth (circumference) of the trunk instead is considered to be an easier technique.

## **RECOMMENDED CHANGES**

### **AMEND D.1.2.1, D.2.2.1, D.3.2.1, D.4.2.1, D.5.2.1, D.6.2.1, D.7.2.1 and D.8.2.1 Permitted Activity Standard - Native Vegetation**

#### **2.3.4 SHELTER BELTS**

Whilst the District Plan contains a permitted activity standard for shelter belts in the Rural zone it does not provide a definition. This has caused numerous problems for Council's Compliance & Monitoring Team with neighbours disputing whether or not a row of plantings comprises a shelter belt - requiring written approvals (and potentially a resource consent) - or permitted landscaping plantings.

## **RECOMMENDED CHANGES**

### **ADD Part Q Definitions - new definition shelter belt**

### **AMEND D.2.2.1 Permitted Activity Standard - Shelter Belts**

#### **2.3.5 LEGISLATIVE UPDATES**

The permitted activity standard for production forestry in the Rural Zone *advises* applicants to operate in accordance with the principles and practices in the New Zealand Forest Code of Practice. This has now been superseded by the New Zealand Environmental Code of Practice for Plantation Forestry. Amending the standard to reflect the updated code and require compliance with it will provide greater surety that commercial forestry operations are being undertaken in accordance with current best practice methods. It is recommended to update the District Plan to refer to the correct code of practice.

The present permitted activity standard for Radiation in the District Plan states that Council will accept as compliance with the standard, activities which comply with New Zealand Standard 6609. However, this standard has now been superseded by NZS 2772.1 1999 (Radiofrequency Field-Maximum Exposure Levels). An amendment to reflect this will ensure that applications are assessed against the correct New Zealand standard.

The District Plan parking standards refer to an outdated set of car park design standards that are hard to read and not consistent with the current New Zealand Standard for parking (AS/NZS 2980.1:2004). For this reason it is recommended to refer to AS/NZS2890.1:2004 in relation to car park design and replace the existing diagrams (A & B) in Part J with diagrams from AS/NZS2890.1:2004.

### **Recommended changes**

### **AMEND C.2.1, D.2.2.1, D.2.2.2, D.6.2.2 and D.8.2.2 Permitted Activity Standard – Production Forestry**

### **AMEND D.1.2.1, D.2.2.1, D.3.2.1, & D.5.2.1 Permitted Activity Standard – Radiation**

### **AMEND J.1.2.1 Vehicle Dimensions**

### **AMEND J.1.2.3 Typical Layouts**

#### **REPLACE Part J Diagram B**

#### **AMEND Part J Diagram A and insert additional AS/NZS2890.1:2004 diagrams**

### **2.3.6 CONSISTENCY OF TERMS**

The title for L.3 in the signs section of the District Plan states that the standards are for the Commercial, Industrial and Airport zones. The paragraph immediately beneath this lists these three zones but adds a fourth; the Paraparaumu Town Centre zone. This paragraph states that signage in these zones shall comply with Diagram L1 in the District Plan which is misleadingly entitled "Advertising Standards- Commercial/Industrial".

Such inconsistency in the Plan is confusing for applicants and staff alike as there is no certainty as to which zone the standards relate. Amending the titles of the Section and Diagram to include the zones listed in the introductory paragraph will ensure consistency of approach.

#### **AMEND L.3 Sign Standards for Commercial, Industrial and Airport Zones**

### **2.3.7 VEHICULAR ACCESS LOCATIONS**

There have been some difficulties in interpreting the accessways standards in relation to distances from intersections. The provisions are complicated and it is unclear where to measure from when intersections do not result in 90 degree corners. It is proposed to simplify the requirements and be simpler and more specific about where to measure from.

#### **RECOMMENDED CHANGES**

#### **AMEND J.4.1 (ii) Vehicular Access Locations near Intersections**

## SECTION 32 ANALYSIS FOR THE FOLLOWING PARTS OF PLAN CHANGE 64(C):

Provisions which update internal inconsistencies with external documents or internal inconsistencies;

AMEND L.3 Sign Standards for Commercial, Industrial and Airport Zones

AMEND C.2.1, D.2.2.1, D.2.2.2, D.6.2.2 and D.8.2.2 Permitted Activity Standard – Production Forestry

AMEND D.1.2.1, D.2.2.1, D.3.2.1, & D.5.2.1 Permitted Activity Standard – Radiation

AMEND J.1.2.1 Vehicle Dimensions

AMEND J.1.2.3 Typical Layouts

REPLACE Part J Diagram B

AMEND Part J Diagram A and insert additional AS/NZS2890.1:2004 diagrams

	Option 1	Option 2
	<b>Do Nothing</b>	<b>Make the recommended changes to the District Plan</b>
<b>Effectiveness in achieving the purpose of the Resource Management Act and the District Plan's objectives and policies</b>	Not as effective as Options 2 as incorrect references and inconsistencies will remain and this may lead to provisions being unable to be used to achieve the purpose of objectives and policies in the District Plan and the purpose of the RMA.	The inconsistent provisions and incorrect references will be corrected. None of these issues would be addressed under Option 1. This is the most effective option in achieving the purpose of the RMA and the Objectives and Policies of the District Plan.
<b>Most appropriate for achieving the Objectives of the District Plan having regard to their efficiency and</b>	Not as efficient as Option 2 in achieving the objectives and policies of the District Plan as inconsistencies would remain making it difficult to achieve the objectives and policies.	The recommended amendments will enable the District Plan's objectives and policies to be met more efficiently due to greater clarity and correct references. The most efficient option in achieving the purpose of the Resource

	<b>Option 1</b>	<b>Option 2</b>
	<b>Do Nothing</b>	<b>Make the recommended changes to the District Plan</b>
<b>effectiveness</b>		Management Act.
<b>Risk of acting or not acting if there is uncertain or insufficient information</b>	High risk as the incorrect references to external documents makes some provisions unusable if challenged. Interpretation issues would remain, some potentially resulting in compliance issues.	Low risk as the recommended changes have been raised by District Plan users and considered in terms of their necessity. The changes would make the plan easier to use and administer, and would reduce some potential compliance issues.
<b>Environmental costs</b>	Few environmental costs. The changes are minor and are intended to make the District Plan more concise and easier to use..	There are no known environmental costs.
<b>Environmental benefits</b>	There are no known environmental benefits.	The rules and standards will be applied as intended ensuring that the anticipated environmental outcomes can be achieved.
<b>Social costs</b>	There are no known social costs.	There are no known social costs.
<b>Social benefits</b>	There are no known social benefits.	Certainty about the validity of plan provisions in relation to other standards for all District plan users. Improved accessibility and safety for vehicles where the existing parking standard provides insufficient access.
<b>Economic costs</b>	Costs to council if invalid provisions are challenged. In some instances, the existing parking standards require developments to consume more land for car parking than the recommended New Zealand Standards.	Council will incur plan change processing costs. In some instances, the New Zealand Standards for parking require developments to consume more land for car parking than the existing standards.
<b>Economic benefits</b>	Status quo would result in no costs associated with processing the plan change. In some instances, the existing parking standards require developments to consume less land for car parking than the recommended New Zealand Standards.	Avoidance of legal costs to Council resulting from challenge of invalid provisions. In some instances the New Zealand Standards for parking require developments to consume less land for car parking than the existing standards. However, the New Zealand Standard is considered to be generally more appropriate in a variety of situations.



### 3.1 SUMMARY

The recommended changes are the most efficient and effective option with the least social, economic and environmental costs when compared with the option of retaining the status quo.

### SECTION 32 ANALYSIS FOR THE FOLLOWING PART OF PLAN CHANGE 64(C):

Provisions relating to interpretation associated with dwellings;

AMEND Part Q Definitions - dwellings, residential activities, habitable buildings, household units, habitable rooms and accessory building

ADD Part Q Definitions - kitchen, bathroom and sleep out

	Option 1	Option 2	Option 3
<b>Effectiveness in achieving the purpose of the Resource Management Act and the District Plan's objectives and policies</b>	<p>Least effective option as the issue of interpretation of the number of dwellings on a site will remain unclear.</p> <p>The lack of clarity could lead to many additional households being established and compromising the amenity of rural and residential areas intended by the objectives and policies.</p>	<p>This option would clarify the differences between a dwelling, sleep out and accessory building as well as making it clear when a second dwelling is established on a site. This would ensure that residential amenity is not eroded due to confusion about how many dwellings exist on a site.</p> <p>This is the most effective option in achieving the District Plan's objectives and policies and the purpose of the RMA.</p>	<p><b>Amend existing definitions only</b></p> <p>This option would reduce the confusion relating to interpretation of dwellings and associated activities but would leave the option for further interpretation issues to occur in future as the changes to the definitions refer to terms which are not defined in the plan.</p> <p>More effective than Option 1 but less effective than Option 2.</p>

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
	<b>Do Nothing</b>	<b>Amend existing definitions and add new definitions as recommended in plan change 64C</b>	<b>Amend existing definitions only</b>
<b>Most appropriate for achieving the Objectives of the District Plan having regard to their efficiency and effectiveness</b>	Not as efficient as Options 2 and 3 as the issue of multiple dwellings and density creep would not be addressed at all.	This option efficiently achieves the purpose of the RMA and the objectives and policies of the District Plan for the Residential & Rural zones.  This is considered the most efficient option for achieving the purpose of RMA and the Objectives and Policies of the District Plan as it addresses the threat of an uncontrolled number of dwellings establishing on residential & rural sites while ensuring that accessory buildings and sleep outs can continue to establish.	This option would address the issue in a less efficient way as it would potentially lead to future interpretation issues occurring as undefined terms are used.  This option does not efficiently achieve the objectives and policies the District Plan seeks for the Residential and Rural zones.  Not as efficient as Option 2 but more efficient than Option 1.
<b>Risk of acting or not acting if there is uncertain or insufficient information</b>	Relatively high risk due to existing uncertainty around when a second dwelling is established on a site.	Relatively low risk as the recommended change will lead to greater clarity about dwellings and associated buildings.	Some risk of similar interpretation issues arising in future.
<b>Environmental costs</b>	Potentially large environmental costs for example: loss of residential and rural character as density increases through the conversion of accessory buildings to second dwelling resulting in double or greater density.	There are no known environmental costs.	Limited environmental costs.
<b>Environmental benefits</b>	There are no known environmental benefits.	Retain Industrial/Service Zone character and functionality, less stress on transportation network from retail sprawl, more unified activities within appropriate zones resulting in a better quality environment.	Likely to have similar benefits to option 2 until the interpretation of kitchen is challenged.
<b>Social costs</b>	Lack of certainty about rural and residential densities and amenities.	There are no known social costs.	Ad-hoc development could still impact on amenities.

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
	<b>Do Nothing</b>	<b>Amend existing definitions and add new definitions as recommended in plan change 64C</b>	<b>Amend existing definitions only</b>
<b>Social benefits</b>	There are no known social benefits.	Greater confidence in the likely level of development occurring on residential and rural sites. High level of rural and residential amenity maintained.	This option could cut down on the likelihood of uncontrolled additional dwellings occurring on residential and rural sites but lacks the certainty of option 2.
<b>Economic costs</b>	Potential cost to residents when residential densities increase around their homes lowering the desirability of those residences.	Resource consent costs to residents wanting a second dwelling on their site.	This option is also likely to generate resource consent applications for second dwellings but also potential costs for neighbours if interpretation is unclear.
<b>Economic benefits</b>	Economic benefits to residents wanting to rent out an additional dwelling on their sites.	Greater certainty about residential values.	Similar to option 2 but less certain.

#### 4.1 SUMMARY

Option 2 achieves a lot in terms of addressing the issue of the District's rural and residential densities and the amenity of these areas by clarifying the number of dwellings on a site related to the potential number of 'households' which could operate from the site.

Option 2 is necessary to address the interpretation issues relating to dwellings and associated buildings and is the most efficient and effective option in achieving the purpose of the RMA, the objectives and policies of the District Plan and has the most benefits compared to costs.

**SECTION 32 ANALYSIS FOR THE FOLLOWING PART OF PLAN CHANGE 64(C):**

Provisions to gain greater clarity about medium density housing provisions;

AMEND D.1.1.3 Discretionary Activity Rule - Medium Density Housing

AMEND D.1.2.3 Discretionary Activity Standards - Medium Density Housing

ADD Part Q Definitions - new definition for sunlight

	Option 1	Option 2	Option 3
	<b>Do Nothing</b>	<b>Amend medium density provisions as recommended</b>	<b>Add a definition of sunlight only</b>
<b>Effectiveness in achieving the purpose of the Resource Management Act and the District Plan's objectives and policies</b>	Least effective option as inconsistent and unclear provisions remain and the extensive design guide is of very limited use.	This option would clarify the meaning of sunlight as well as gaining consistency about outdoor living areas and using the design guide to assess applications.  This is the most effective option in achieving the District Plan's objectives and policies for medium density housing and the purpose of the Resource Management Act 1991.	More effective than Options 1 but less effective than Option 2.  This option would only clarify the issues relating to sunlight. This would ensure that adequate sunlight is provided to achieve outdoor amenity but the wider design issues in the design guide would still be of little use.
<b>Most appropriate for achieving the Objectives of the District Plan having regard to their efficiency and effectiveness</b>	Not as efficient as Options 2 and 3 as the risk of poor quality medium density housing resulting in a decline in residential amenity for residents in the development, as well as the surrounding area, remains.  Medium density housing developments could lack the residential amenities desired by the objective and policies. This would not achieve the District Plan's objectives and policies for the residential zone.	This is considered the most efficient option for achieving the purpose of the RMA and the Objectives and Policies of the District Plan as it addresses the inconsistencies and lack of clarity within the medium density housing provisions to ensure that high quality developments with good amenity for residents occur.  This option efficiently achieves the purpose of the RMA and the objectives and policies of the District Plan for the Residential zone.	Not as efficient as Option 2 but more efficient than Option 1.  This option does not efficiently achieve the objectives and policies the District Plan seeks for the Residential Zone.

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
	<b>Do Nothing</b>	<b>Amend medium density provisions as recommended</b>	<b>Add a definition of sunlight only</b>
<b>Risk of acting if or not acting if there is uncertain or insufficient information</b>	Relatively low risk.	Relatively low risk.	Relatively low risk.
<b>Environmental costs</b>	Potentially large environmental costs resulting from poor quality medium density housing creating undesirable on site amenity and affecting surrounding properties.	There are no known environmental costs.	Potentially large environmental costs resulting from poor quality medium density housing creating undesirable on site amenity and affecting surrounding properties.
<b>Environmental benefits</b>	There are no known environmental benefits.	Character and amenity of residential areas is maintained where medium density housing developments occur. Improved amenity for residents of medium density housing developments.	Improved amenity for residents of medium density housing developments.
<b>Social costs</b>	Potential lack of certainty for surrounding residents about the quality of medium density housing developments.	There are no known social costs.	Potential lack of certainty for surrounding residents about the quality of medium density housing developments.
<b>Social benefits</b>	There are no known social benefits.	Greater confidence in the quality of medium density housing developments. High level residential amenity maintained.	This option could cut down on the likelihood of dark outdoor living areas in medium density housing developments but lacks the certainty of option 2.
<b>Economic costs</b>	Potential cost to residents when poor quality medium density housing	Potential increases in financial capital costs to	No known economic costs.

	<b>Option 1</b>	<b>Option 2</b>	<b>Option 3</b>
	<b>Do Nothing</b>	<b>Amend medium density provisions as recommended</b>	<b>Add a definition of sunlight only</b>
	developments occur around their homes lowering the desirability of those residences.	develop medium density housing.	
<b>Economic benefits</b>	Economic benefits financial capital savings to developers of medium density housing.	Potential increases in the value of medium density housing units.	Similar to option 2 but less certain.

## 5.1 SUMMARY

Option 2 addresses the issue of the quality of medium density housing developments in the District most efficiently and effectively achieving the District Plan residential amenity policies and objectives and the purpose of the RMA. Option 2 is necessary to address the pressures residential amenity faces from poor quality intensification and has the most benefits compared to costs.

## SECTION 32 ANALYSIS FOR THE FOLLOWING PART OF PLAN CHANGE 64(C):

AMEND D.1.2.1, D.2.2.1, D.3.2.1, D.4.2.1, D.5.2.1, D.6.2.1, D.7.2.1 and D.8.2.1 Permitted Activity Standard - Native Vegetation

AMEND D.2.2.1 Permitted Activity Standard - Shelter Belts

ADD Part Q Definitions - shelter belt

	Option 1	Option 2	Option 3
	<b>Do Nothing</b>	<b>Make the recommended changes to the provisions for shelter belts and native vegetation in the District Plan</b>	<b>Add a definition for shelter belt only</b>
<b>Effectiveness in achieving the purpose of the Resource Management Act and the District Plan's objectives and policies</b>	Not very effective as there is confusion about the shelterbelt provisions and where to measure trunk diameter on native trees.	This option is very effective as it would not penalise people wishing to carry out sensible minor trimming of native trees and would clarify the provisions relating to shelter belts making it easier to determine when vegetation is a shelterbelt.	More effective than option 1 but not as effective as option 2.
<b>Most appropriate for achieving the Objectives of the District Plan having regard to their efficiency and effectiveness</b>	This option is not efficient as the risk remains that the existing permitted standards are misinterpreted, making this option less efficient than Option 2 or 3 in achieving the District Plan's objectives and policies.	This option is more efficient in achieving the District Plan's objectives and policies as it would prevent native vegetation being destroyed due to measuring the trunk diameter at the top of the tree and clarifies the provisions for shelterbelts.	This option is more efficient than option 1 but not as efficient as option 2 as the risk of removal of significant native vegetation due to exploiting the measuring loophole still exists.
<b>Risk of acting or not acting if there is uncertain or insufficient information</b>	Not a significant risk.	Low risk as there are no significant changes recommended to the existing standards.	Low risk as there are no significant changes recommended to the existing standards.
<b>Environmental costs</b>	Potentially significant visual effects on landscape and character of the environment.	There are no known environmental costs.	Potentially significant visual effects on landscape and character of the environment. Potential for significant loss of biodiversity and

	Option 1	Option 2	Option 3
	<b>Do Nothing</b>	<b>Make the recommended changes to the provisions for shelter belts and native vegetation in the District Plan</b>	<b>Add a definition for shelter belt only</b>
<b>Environmental benefits</b>	Potential for significant loss of biodiversity and habitat for native species if native tree loophole exploited. There are no known environmental benefits.		habitat for native species if native tree loophole exploited. There are no known environmental benefits.
<b>Social costs</b>	Loss of amenity and heritage values associated with large native trees. Lack of certainty about the protection of native vegetation. There are no known social benefits.	No known social costs.	No known social costs.
<b>Economic costs</b>	There are no known economic costs	Costs to council associated with the plan change. Resource consent costs if removal of a native tree is desired.	Costs associated with the plan change.
<b>Economic benefits</b>	No resource consent costs to remove native trees due to measuring loophole.	There are no known economic benefits.	No resource consent costs to remove native trees due to measuring loophole.

## 6.1 SUMMARY

Option 2 is the most efficient and effective option with the least social, economic and environmental costs compared with the option of retaining the status quo or only adding the shelter belt definition.



## SECTION 32 ANALYSIS FOR THE FOLLOWING PART OF PLAN CHANGE 64(C):

Provisions to clarify technical issues and ensure consistency;  
 AMEND J.4.1 (ii) Vehicular Access Locations near Intersections

<b>Option 1</b>		<b>Option 2</b>
<b>Do Nothing</b>		<b>Require a current certificate of title and simplify vehicular access provisions</b>
<b>Effectiveness in achieving the purpose of the Resource Management Act and the District Plan's objectives and policies</b>	This is the least effective option as vehicle access provisions are very confusing and hard to use.	The most effective option in achieving the purpose of the RMA and the Objectives and Policies of the District Plan.  The simple access provisions will be clear to all plan users.
<b>Most appropriate for achieving the Objectives of the District Plan having regard to their efficiency and effectiveness</b>	This is the least efficient option as applications would be made without the best information available.	The most efficient option for achieving the purpose of the RMA and the Objectives and Policies of the District Plan as it will clarify the provisions.
<b>Risk of acting or not acting if there is uncertain or insufficient information</b>	Low risk.	Low risks as the recommended changes have been raised by District Plan users and administrators.
<b>Environmental costs</b>	There are no known environmental costs.	There are no known environmental costs.
<b>Environmental benefits</b>	There are no known environmental benefits.	There is the potential for more consistency in accessway design.
<b>Social costs</b>	Potential for poor accessway design (due to confusing provisions) resulting in traffic accidents.	There are no known social costs.
<b>Social benefits</b>	There are no known social benefits.	Potential to avoid poor accessway design (due to confusing provisions) resulting in a traffic accident.

	Option 1	Option 2
	Do Nothing	Require a current certificate of title and simplify vehicular access provisions
<b>Economic costs</b>	No known economic costs.	Council processing costs associated with processing a plan change.
<b>Economic benefits</b>	No costs associated with processing the plan change.	There are no known economic benefits.

**7.1 SUMMARY**

Option 2 is the most effective and efficient option in achieving the objectives and policies of the District Plan and the purpose of the RMA with the most benefits compared to costs. Having simpler vehicle access provisions will result in correct application of these and less chance of poor design creating traffic hazards resulting in accidents.

**8 CONCLUSION**

The recommended changes are the most efficient and effective option to achieve the objectives and policies of the District Plan and the purpose of the RMA when compared with other methods. The recommended changes add to the clarity of the plan and correct inconsistencies in the provisions.

## **APPENDIX B: SUMMARY OF SUBMISSIONS AND FURTHER SUBMISSIONS**

Summary of Submissions on Plan Change 64(C) to the Kapiti Coast District Plan – Miscellaneous Changes

Sub. No.	Submitter Name & Address	Support /Oppose/wish to amend and reasons	Decision Requested	Recommendation to accept, accept in part or reject submissions
1	<p>Marian Smith and Phil Stroud 149 Terrace Road Reikorangi RD1 WAIKANAE</p>	<p><b>OPPOSE</b> In relation to Native Vegetation (D.1.2.1, D.2.2.1, D.3.2.1, D.4.2.1, D.5.2.1, D.6.2.1, D.7.2.1 and D.8.2.1).</p> <p>PC64C includes two substantive changes that we oppose, and other wording changes that, in our view, do not alter the intent of the provisions and which we are neutral towards.</p> <p>We oppose two substantive changes to the existing Permitted Activity Standards:</p> <p>"The removal of trees less than four metres in <u>height</u> <del>high</del>, <u>or and</u> which have a <u>trunk diameter circumference less than 95cm</u> <del>30cm</del> measured at a <u>height of point no higher than 1.4 metres or higher</u> above the ground. [substantive change bolded]</p> <p>A statement at the end of the Permitted Activity Standard that says "<u>Provided that the written consent of Council's Biodiversity Officer or nominee has been obtained prior to undertaking, any of the above works.</u>"</p> <p><b>Change from 'or' to 'and'</b> Changing 'or' to 'and' in the Permitted Activity Standards substantially changes the meaning and effect of the Standards. PC64C significantly increases the number of native trees that would require resource consent if they were to be removed. For a native tree to be removed in compliance with PC64C, two conditions would now have to be met: only trees that are less than 4m in height <b>and</b> less than the specified girth could be removed.</p> <p>In contrast, the existing Standards permit a native tree to be removed if it is over 4m in height but does not have a girth of the specified size (30cm diameter).</p>	<p><b>Permitted Activity Standard relating to Native Vegetation.</b> We propose that the word 'or' be retained in the existing provision so that it reads: <i>The removal of trees less than four metres in height, or which have a trunk circumference less than 95cm.</i></p> <p><b>Requirement for written consent of Council's Biodiversity Officer.</b> We propose that the statement "Provided that the written consent of Council's Biodiversity Officer or nominee has been obtained prior to undertaking any of the above works." be deleted.</p>	<p><b>Accept</b> For an explanation on the justification of this recommendation on: <b>Native Vegetation and Requirement for written consent of Council's Biodiversity Officer</b>  See paragraphs 95 - 105</p>

	<p>Alternatively, if the native tree is less than 4m in height but has a girth over the specified size it can also be removed. Under PC64C, no native tree could be removed in either case (and could only be removed if it was less than 4m in height <b>and</b> the specified girth size).</p> <p>Many native plants that could be removed under existing Standards could not be removed under PC64C. This includes native plants that grow quickly to 4m in height, particularly more pioneering plants such as wineberry, kanuka and tree fuchsia (that are often the first plants to establish in our area).</p> <p>The girth of such plants often never reach that specified in the Standards (existing or proposed). Under PC64C, such plants would no longer comply with the Permitted Activity Standards and resource consent would be required to remove them.</p> <p>The removal of native plants may be desirable for many reasons including to maintain the productive capacity of established farming units, particularly in times of economic recession.</p> <p>PC64C creates a disincentive to allow native regeneration because the plants may attain a height or girth that consent would be required for their removal. A landowner wishing to retain future land use opportunities but avoid incurring costs of consenting would need to prevent native regeneration. This may limit the ability of landowners to change land uses over time, for example, regenerated bush, tourism activity, woodlots and pastoral farming.</p> <p>We therefore propose that the word 'or' be retained in the existing provision so that it reads: <i>The removal of trees less than four metres in height, or which have a trunk circumference less than 95cm.</i></p> <p><b>Requirement for written consent of Council's Biodiversity Officer</b></p> <p>Section 77B of the Resource Management Act 1991 (<b>Act</b>) specifies the activity classifications for which resource consent is required (controlled, discretionary, restricted discretionary and non complying). However, PC64C proposes a new class of activity that requires written consent from the Council's Biodiversity Officer or</p>		
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	<p>nominee (Officer) prior to undertaking permitted works. The clause is counter to the status of permitted activity.</p> <p>The permitted works include "<i>the disturbance, removal damage or destruction of naturally occurring indigenous vegetation</i>". Written consent of the Officer is therefore required to modify <b>any</b> native plant if it is naturally occurring. This applies to native plants of any size, whether a seedling, sapling or plants that comply with the Permitted Activity Standards.</p> <p>The requirement for written consent is excessive regulation and introduces a new form of activity status that is not provided for in the Act. The requirement does not specify the necessary qualifications the Officer or nominee must have, nor the timeframe in which written consent will be provided by the Officer, the reasons for which consent could be withheld, or the process for an applicant to legitimately challenge the Officer's decision to withhold consent (if indeed they can withhold written consent for a permitted activity).</p> <p>This requirement is unworkable for farming (and other) environments where native plants naturally occur across the landscape and are constantly being removed for a range of reasons including animal health (such as the removal of tutu or <b>Coriaria arborea</b> that is poisonous to livestock). In maintaining their backyard (or gutters), landowners would need written consent from the Officer to trim or remove native plants. Harvesting of exotic forest inevitably involves removal of native undergrowth that would require additional written consent of the Officer. Likewise, Council would need to secure written consent from the Officer when modifying any native plant on any of the properties that it maintains for the public good. For example, in the provision of safe public access.</p>		
	<p><b>SUPPORT IN PART AND OPPOSE IN PART</b></p> <p>The sections under which we wish to make submissions are those dealing with Shelter Belts, Native Vegetation and Production Forestry.</p> <p>We support the proposed change to the Permitted Activity Standard for Shelter Belts.</p>	<p><b>Shelter Belts</b> Support the proposed change.</p> <p><b>Native Vegetation (i)</b> The change from 'or' to 'and'.</p> <p>Supports retention of the current wording.</p>	<p><b>Accept in Part</b></p> <p>For an explanation on the justification of this recommendation on:</p>
2	Allan and Lynne Smith 150 Terrace Road Reikorangi RD1 WAIKANAE 5391		

	<p>We oppose two substantive changes to the Permitted Activity Standards for Native Vegetation, while proposing an amendment to another and supporting other technical changes.</p> <p>We propose amended wording for an Amendment to the Permitted Activity Standards for Production Forestry.</p> <p><b>Shelter Belts</b> (D.2.2.1 Permitted Activity Standards)</p> <p>We support the proposed amendment because it provides a landholder with recourse to a higher authority in the event that an adjoining site owner withholds consent unreasonably.</p> <p>The present rule provides no redress if an adjoining site owner refuses to provide written consent even though there is no reason for withholding it. The extension included in the amendment would provide such redress.</p> <p><b>Native Vegetation</b> (D.1.2.1, D.2.2.1, D.3.2.1, D.4.2.1, D.5.2.1, D.6.2.1, D.7.2.1 and D.8.2.1 Permitted Activity Standards)</p> <p>Oppose part of a proposed amendment to the second paragraph in (i).</p> <p>The proposed changes for the most part are inconsequential and constitute a sensible clarification. However, the proposal to change "or" to "and" has a consequence which may have been unforeseen. For farmers used to periodic control of weed species, some of which are indigenous, regrowth trees such as leptospermum scoparium (manuka) or aristotelia serrata (wineberry) may easily attain a height in excess of 4 metres within a normal control cycle. Under the existing wording such regrowth can be controlled as a permitted activity because they do not achieve the diameter size which would trigger the need for a consent. The amended wording would rule this out. It would substantially reduce the class of trees covered under the permitted activity standard. Other trees, such as Urtica Ferox (tree nettle) or corearia arborea (tutu), which commonly require</p>	<p><b>Native Vegetation (ii)(b)</b> We suggest an amended wording as follows: "The removal of branches which do not form part of the main structure of the tree, that are interfering with or overhanging buildings provided that such removal is carried out in accordance with good silvicultural practice"</p> <p><b>Production Forestry</b> We suggest that a more appropriate wording would be "<i>Council will accept as compliance with this standard, activities which can be shown to incorporate suitable Best Environmental Practices (BEPs) as set out in the New Zealand Environmental Code of Practice for Production Forestry</i>".</p>	<p><b>Shelter Belts</b> See paragraphs 92 - 94</p> <p><b>Native Vegetation</b> See paragraphs 95 - 105</p> <p><b>Production Forestry</b> See paragraphs 106 - 110</p>
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<p>control for animal health reasons may also be caught by the proposed change, which represents an unnecessary restriction of normal weed control activities. We support retaining the current wording in this respect.</p>		
<p><b>Seek an amendment in (ii)(b)</b></p>		
<p>The present wording is simple to understand but represents poor pruning practice in most cases. The proposed changes do nothing to correct this. To limit the extent to which a branch threatening a building may be pruned back to a maximum of 1 metre from the affected building is not sensible. If pruning is required best practice should be encouraged. This is likely to require that the branch be pruned back to a suitable node or to the trunk. Pruning back just to leave a one metre space between branch and building is likely to result either in die-back of the affected branch or, conversely, bushy exaggeration of the growth with increased risk to the building.</p>		
<p>We suggest an amended wording as follows:          "The removal of branches which do not form part of the main structure of the tree, that are interfering with or overhanging buildings provided that such removal is carried out in accordance with good silvicultural practice"</p>		
<p><b>Oppose insertion of the sentence "Provided that the written consent of Council's Biodiversity Officer or nominee has been obtained prior to undertaking any of the above works."</b></p>		
<p>The above works referred to are not made precisely clear. But the works listed in both subsections (i) and (ii) are identified as permitted activities. Surely a permitted activity is one which can be undertaken without having to get consent from the Council. The above sentence is a direct contradiction of the intent spelled out in the preceding paragraphs.</p>		
<p>Assuming that it is intended that the sentence apply to both subsections the consequences would border on the bizarre. It would mean that when a self-sown native tree or plant comes up in our garden we would need to get prior consent from the Biodiversity Officer before we could pull it out. On our farm we would need to get</p>		



		<p>consent before pulling out any weed if it happened to be native vegetation. Such a situation would be untenable for landholders who, as a consequence, would ignore the rule; and it would be untenable for the Council which could never hope to monitor effectively its observance. It is the sort of rule, in short, which brings all rules into disrepute. This proposed amendment also lacks any indication on the reasons for which consent might be withheld, the time frame within which the request for consent must be responded to or what processes might be available for a landholder to challenge the decision when consent is withheld. We oppose insertion of this amendment. We think it is totally inappropriate for Council to propose controlling permitted activities in this way.</p> <p><b>D.2.2.1 Production Forestry</b></p> <p><b>Seek an Amendment to the proposed wording.</b>  We support the intention to update the Code of Practice reference but the proposed wording in the second sentence is unfortunate.</p> <p>The proposed wording in this sentence is "Council will accept as compliance with this standard, activities which are demonstrated to comply with the New Zealand Environmental Code of Practice for Plantation Forestry".</p> <p>This sits uncomfortably alongside the following statement from the preface to that document "<i>The provision and exercise of such discretion for the planner and operator means that it is not suitable or appropriate for any regulatory body to require blanket compliance with this Code.</i>"</p> <p>We suggest that a more appropriate wording would be "<i>Council will accept as compliance with this standard, activities which can be shown to incorporate suitable Best Environmental Practices (BEPs) as set out in the New Zealand Environmental Code of Practice for Production Forestry.</i>"</p> <p>The Code of Environmental Practice for Production Forestry is at pains to provide options for foresters from among a range of BEPs, recognising that different situations and sites will call for different practices. The emphasis is on encouraging planners and operators</p>	
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3	<p>Pritchard Group Ltd  Attn: Bryce Holmes  20 Addington Rd  RD1  OTAKI</p>	<p>to utilise the best practices appropriate to a particular site. It is because of this flexibility that the Code warns against requiring blanket compliance with the Code. The proposed wording chosen by Council could be understood to allow this flexibility but unfortunately conveys the impression of just such a blanket requirement that the Code warns is inappropriate.</p> <p>Pritchard Group Ltd (PGL) notes that while the proposed changes could be regarded as miscellaneous changes in terms of no policy change, they do have an effect on people and need to be adequately addressed in terms of S.32 of the RMA (1991). PGL is not convinced that S.32 analysis is adequate in this instance.</p> <p><b>Parking</b>  PGL notes that no evidence of the economic cost or benefit of the proposed changes has been provided. No information has been provided that indicates there is an issue with the status quo and therefore PGL suggests that further assessment should be given to this issue through an amended Section 32 analysis.</p> <p>For example, if the requirement for land required under the standard proved to be greater than the existing standard this could have indirect amenity and economic effects that have not been assessed with the purpose of the Act in mind. If the space required for parking increased under the standard it could decrease land available within commercial areas for buildings etc. More parking space could also be argued to detract from amenity values,</p> <p>It is not for the submitter to work these matters out, but rather for the Council in the promoting the change to inform the public and be satisfied as to the potential costs and benefits of the proposed method.</p> <p><b>Dwellings and Definitions</b>  PGL submits that in regard to the proposed changes relating to dwellings and associated definitions of <i>Kitchen, Household Units</i>, and <i>Residential Activities</i>, the definition of <i>Dwelling</i> would capture a farm shed with a sink and a fixed cooking facility.</p> <p>Our experience is that these facilities are common in the rural sector</p>	<p>The Submitter respectfully requests that further information is provided with regard to Section 32 to appropriately and adequately assess the proposed new provisions.</p> <p>The Submitter respectfully request that all references to protecting vegetation in Urban Areas is deleted to be consistent with the RMA Amendment Bill.</p> <p>The Submitter respectfully requests that the new definitions are amended and/or deleted to better achieve the purpose of the Act.</p>	<p><b>Accept in Part –</b>  For an explanation on the justification of this recommendation on:  <b>Parking Provisions</b>  See paragraphs 115- 119</p> <p><b>Definition of dwelling and associated definitions</b>  See paragraphs 83 - 88</p>
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4	Regional Public Health Attn: Helen Topham Private Bag 31907 LOWER HUTT	<p>because farmers often provide these types of facilities for casual workers. The new definitions need more thought and are opposed as they currently stand.</p> <p><b>Accessory Buildings</b> PGL deems the proposed changes relating to accessory buildings to be unnecessary.</p> <p><b>Native Vegetation</b> PGL submits that the changes to this provision in the District Plan may be inconsistent with proposed clause 52 of the RMA Amendment Bill which recommends that all vegetation removal in urban areas should not be protected by rules unless 'registered'.</p> <p>The current provisions should be amended to be consistent with the thrust of the RMA Amendment Bill.</p> <p><b>Shelter Belts</b> PGL notes that the proposed changes in the "Shelter Belt" provisions in the District Plan do not achieve the purpose of the RMA (1991). PGL suggests that proposed changes require more thought, because as they are currently drafted they raise more questions than answers. The Operative District Plan does not contain a description of what issue the performance standard is trying to prevent. Is it the effect of shading on property owners either side of a boundary, or general rural amenity effects caused by delineating boundaries? The way the performance standard is written there is no linkage to the new definition.</p>		<p><b>Native Vegetation</b> See paragraphs 95 - 105</p> <p><b>Shelter Belt provisions</b> See paragraphs 92 - 94</p>	<p><b>Accept</b> For an explanation on the justification of this recommendation on:</p> <p><b>Medium Density Housing</b></p>
<p><b>SUPPORT</b> <b>General Comment</b> Our comments are restricted to the provisions related to the Discretionary Activity Rules and Standards for medium density housing. Medium density housing development can have significant benefits for health and wellbeing. These benefits include: improvements to social cohesion, improved access to services and amenities as well as increased physical activity levels and contribute to broader</p>	<p>Approve the amendment to, D.1.1.3 Discretionary Activity rule relating to Medium Density Housing and D.1.2.3 Discretionary Activity Standards.</p>	<p><b>Accept</b> For an explanation on the justification of this recommendation on:</p> <p><b>Medium Density Housing</b></p>			

		<p>environmental goals. These benefits however, are contingent upon the quality and appropriate placement of development within our communities.</p> <p><b>Specific Comment</b>  RPH supports this plan change. We believe giving more weight to the Best Practice Medium Density Housing Design Guide will assist KCDC in ensuring that future development is of a high standard.</p> <p>Regarding the amendment to D.1.1.3 Discretionary Activity rule relating to Medium Density Housing our comment is that: RPH supports the proposed amendment. The implementation of a Best Practice Medium Density Housing Design guide needs to sufficiently protect the Kapiti Coast population from the potential adverse effects of poorly designed higher density development. RPH supports higher density development that is located around key transport and social infrastructure hubs within communities. To maximise the potential benefits medium density housing and its surrounds must be of a high quality.</p> <p>Regarding the amendment to D.1.2.3 Discretionary Activity Standard our comment is that: RPH supports the proposed amendment. The current approach limits the consideration of restricted discretionary activity in relation to medium density housing to the development's compatibility with adjacent development. We agree that this is insufficient to prevent poor quality development and support the additional items under the assessment criteria that will help to ensure: high quality urban design and living environments both within and surrounding the development, maintenance and enhancement of visual amenity, surveillance of public areas and rights of way, energy efficiency and water conservation and adequate screening of rubbish storage areas.</p>	<p>See paragraphs 120 - 122</p>
5	<p>Cardno TCB  Ltd  Attn: David  Gibson  P O Box 13142  Johnsonville  WELLINGTON</p>	<p><b>SUPPORT IN PART</b>  <b>Review of definitions of dwelling and Associated Provisions</b>  Neutral - note that the proposed definitions are rather complicated, onerous and inter-related.</p> <p><b>Accessory Buildings</b>  Neutral - noting that the new definitions of accessory buildings are convoluted and interrelated.</p>	<p><b>Accept in Part</b>  For an explanation on the justification of this recommendation on:</p>

		<p><b>Parking</b> Support parking changes to make references to AS/NZS 2890.1:2004 and clarifications of distances from intersections to vehicle crossings.</p>	<p><b>Definition of dwelling and associated definitions</b> See paragraphs 83 - 88</p> <p><b>Accessory Buildings</b> See paragraphs 89 - 91</p> <p><b>Parking</b> See paragraphs 115 - 119</p>
6	<p>Department of Conservation Attn: Ben Reddiex P O Box 5086 WELLINGTON 6145</p>	<p>The proposed plan change would amend the District Plan to ensure that the Native Vegetation Standard is correctly interpreted and ensure that trees are afforded a reasonable level of protection. Clarification that the point of measurement is no higher than 1.4 metres and the use of circumference will facilitate this. In particular I support the proposal to require the written consent of the Council's Biodiversity Officer or nominee being obtained prior to the undertaking of the listed works.</p> <p>I support Council's updating of the District Plan to ensure its correct interpretation and ensure that trees are afforded a reasonable level of protection.</p>	<p><b>Accept in Part</b> For an explanation on the justification of this recommendation on: <b>Native Vegetation</b> See paragraphs 95 - 105</p> <p>I seek that Kapiti Coast District Council adopts in full this part (changes to the Native Vegetation provisions) of the proposed plan change. I am neutral on the remainder of the plan change.</p>

Summary of Further Submissions on Plan Change 64(C) to the Kapiti Coast District Plan – Miscellaneous Changes

Fur Sub. No.	Submitter Name & Address	Support /Oppose/wish to amend and reasons	Decision Requested	Recommendation to accept, accept in part or reject submissions
F1	Pritchard Group Ltd Attn: Bryce Holmes 20 Addington Rd RD1 OTAKI	<p><b>Submission 1 &amp; 2 - SUPPORT</b></p> <ul style="list-style-type: none"> <li>- Seek to retain current wording for Native Vegetation (i)</li> <li>- Seek to delete requirement for written consent of Council's biodiversity officer.</li> <li>- Agree with amended wording proposed for Native Vegetation (ii) (b)</li> </ul>	Allow submissions 1 and 2.	<p><b>Accept in Part</b></p> <p>For an explanation on the justification of this recommendation on:  <b>Native Vegetation</b>                      See paragraphs 95 - 105</p>

## APPENDIX C: NOTIFIED PLAN CHANGE PROVISIONS

### Proposed wording for Plan Change 64C to the Kapiti Coast District Plan - Miscellaneous changes and updates of legislation

#### 1. DEFINITIONS OF 'DWELLING' AND DWELLING-RELATED TERMS

##### Amend Part Q Definitions relating to dwellings residential activities

**Dwelling** means ~~includes a building; or buildings or any part thereof~~ part of a building; or residence whether temporary or permanent, ~~and including mobile homes or homes (e.g. caravans, motor homes, house trucks and campers),~~ that is capable of, or is being used as a household unit for the purposes of residential activities, and which includes kitchen and bathroom facilities. ~~which is used for domestic purposes by an individual, a family or a non-family group, but does not include a family flat (as referred to in Part D of this Plan).~~

**Residential Activity** means ~~the residential occupation or inhabitation by people of any residential dwelling unit or accessory building; together with the usual occupations, pastimes, and activities that those residents or inhabitants undertake~~ use of premises for any domestic or related residential purpose by persons living in the premises alone or in family or non-family groups (whether any person is subject to care, supervision or not), but does not include work from home, hotels, motels, camping grounds, motor camps or other premises where residential accommodation for six or more travellers is offered at a daily tariff or similarly specified time.

**Household Unit** means ~~the a self-contained building (or group of buildings including accessory buildings) house or residence used for a residential activity by one or more persons who form of a single self contained household unit.~~ For the purposes of this definition:

- a building used for emergency or refuge accommodation shall be deemed to be used by a single household;
- where there is more than one kitchen on a site (other than a kitchen in a family flat) there shall be deemed to be more than one household unit; and
- a household unit may include no more than one family flat as part of that household unit

**Habitable Building** - a habitable building is a built structure used for activities normally associated with residential activities ~~domestic living.~~

**Habitable Room** means a space within a building that is commonly associated with ~~domestic living~~ residential activities, teaching or hospital recovery, but excludes any bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes-drying room, or other space of a specialised nature occupied neither frequently nor for extended periods of time.

##### Add new definitions for kitchen and bathroom and self contained

**Kitchen** means a room or part of a room where food is prepared and cooked. Kitchen facilities means equipment including sink units and fixed cooking equipment, provided for use within a kitchen.

**Bathroom** means a room containing equipment for personal ablution/sanitary purposes such as a bath, wash basin, shower, toilet.

**Self-Contained** means complete, or having all that is needed in itself and not depending on others. In the context of a dwelling; self contained means having its own separate kitchen and bathroom facilities.

## 2. ACCESSORY BUILDINGS

### Amend Part Q definition of an accessory building

**Accessory Building** means any building on a site, the use of which is incidental to the ~~is included within the meaning of a residential-permitted activityies occurring on that site.~~ ~~and This includes a building or part of a building used for~~ but is not limited to garages, carports, tool sheds, playrooms, recreation rooms, glasshouses, sleep outs and buildings used for ~~consented housing motor vehicles, home occupations and sleeping facilities.~~ It ~~does not include kitchen facilities.~~ For the avoidance of doubt family flats shall not be regarded as accessory buildings.

### Add a definition of sleep out

**Sleep Out** means an accessory building typically used for sleeping accommodation purposes which may include a bathroom but which does not contain a kitchen or kitchen facilities.

## 3. SHELTER BELTS

### Add a definition of shelter belt to Part Q Definitions:

**Shelter Belt** means a plantation of vegetation made up of one or more rows and planted in such a manner as to provide shelter and protection from the wind on adjoining land. They are typically planted around the edges of fields.

### Amend D.2.2.1 Permitted Activity Standard for shelter belts

#### SHELTER BELTS

~~Vegetation planted to form a continuous row (or rows) Trees forming a shelter belt for more than 20 metres in length and which may attain are capable of attaining a height over of more than 6 metres above ground level shall not be planted within 10 metres of any legal boundary of any site held under separate Certificate of Title ownership without the prior written consent of the adjoining landowner of that site sites owner or controlling authority.~~

## 4. NATIVE VEGETATION

### Amend D.1.2.1, D.2.2.1, D.3.2.1, D.4.2.1, D.5.2.1, D.6.2.1, D.7.2.1 and D.8.2.1 Permitted Activity Standard for native vegetation

#### NATIVE VEGETATION

(i) The disturbance, removal, damage or destruction (“modification”) of naturally occurring indigenous vegetation ~~shall be~~ is a permitted activity where such modification is limited to:



The removal of trees less than four metres ~~in height~~ ~~high~~, or ~~and~~ which have a trunk diameter circumference less than ~~95cm~~ ~~30cm~~ measured at a ~~height of~~ ~~point no higher than~~ 1.4 metres or ~~higher~~ above the ground. Trees listed in the Heritage Register are excluded from this provision.

.....

(ii) The disturbance, removal, damage or destruction (“modification”) of naturally occurring indigenous vegetation and/or trees listed in the Heritage Register, is a permitted activity where such modification is limited to:

(a) The removal of broken branches, deadwood or diseased vegetation;

(b) The removal of branches which do not form ~~are not~~ part of the main structure of the tree, that are interfering with or overhanging buildings but ~~are~~ only up to a maximum of one metre from the external walls or roof of that building.;

(c) The removal of ~~the~~ branches which do not form ~~are not~~ part of the main structure of the tree to maintain access along ~~across~~ existing farm tracks vehicle access ways.

Provided that the written consent of Council's Biodiversity Officer or nominee has been obtained prior to undertaking any of the above works.

## 5. PRODUCTION FORESTRY

**Amend Production Forestry references in C.2.1 D.2.2.1, D.2.2.2, D.6.2.2 and D.8.2.2 to refer to the correct code of practice as shown below;**

### C.2.1 POLICY 3 - PRODUCTION FORESTRY

**Control production forestry to avoid, remedy or mitigate any adverse effects on the environment.**

*Forestry, particularly felling, can have adverse effects on the environment. This includes siltation of watercourses and damage to roads and damage to archaeological sites resulting from large scale earthworks. One way to reduce or avoid these adverse effects is for foresters to have regard to the New Zealand Forest-Environmental Code of Practice for Plantation Forestry in undertaking development. This code outlines the environmental planning procedures to reduce adverse effects. It recommends "methods of reducing adverse impacts". If foresters adopt these methods to reduce the adverse impacts (effects) of forestry on the environment, Council could permit the forestry development and operations.*

#### D.2.2.1 Permitted Activity Standards

### PRODUCTION FORESTRY

(iii) ~~Note~~—Production Forestry activities shall be undertaken in accordance with the principles and practices current best practice methodology. Council will accept as compliance with this standard, activities which are demonstrated to comply with in the New Zealand Forest-Environmental Code of Practice for Plantation Forestry.

#### D.2.2.2 Controlled Activity Standards

## **HARVESTING OF FORESTRY BLOCKS LARGER THAN 10 HECTARES IN ANY ONE YEAR**

- (i) A Forest Harvesting Notice must be prepared and submitted to Council. The Notice shall have regard to the New Zealand ~~Forest Environmental~~ Code of Practice for Plantation Forestry and shall describe and identify:

### **D.6.2.2 Controlled Activity Standards**

## **HARVESTING OF FORESTRY BLOCKS LARGER THAN 10 HECTARES IN ANY ONE YEAR**

- (i) A Forest Harvesting Notice must be prepared in accordance with the principles and practices in the New Zealand ~~Forest Environmental~~ Code of Practice for Plantation Forestry and submitted to Council. The Notice shall describe and identify:

### **D.8.2.2 Controlled Activity Standards**

## **HARVESTING OF FORESTRY BLOCKS LARGER THAN 10 HECTARES IN ANY ONE YEAR**

- (i) A Forest Harvesting Notice must be prepared in accordance with the principles and practices in the New Zealand ~~Forest Environmental~~ Code of Practice for Plantation Forestry and submitted to Council. The Notice shall describe and identify:

<b>6. RADIATION</b>
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### **Amend D.1.2.1, D.2.2.1, D.3.2.1, & D.5.2.1 Permitted Activity Standard for Radiation**

#### **RADIATION**

No discharge of radiation measured at the boundary of the site ~~is to~~ shall have a significant adverse effect on the environment.

Council will accept as compliance with this standard activities which comply with ~~New Zealand Standard 6609 (Radio Frequency Radiation)~~ New Zealand Standard 2772.1: 1999 (Radio Frequency Field-Maximum Exposure Levels).

<b>7. SIGNAGE</b>
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**Amend the title for L.3 Signage as shown below**

#### **L.3 SIGN STANDARDS FOR COMMERCIAL/RETAIL, INDUSTRIAL, PARAPARAUMU TOWN CENTRE AND AIRPORT ZONES**

**Amend the title for Diagram L.1 signage as shown below**

#### **ADVERTISING SIGNAGE STANDARDS FOR COMMERCIAL/RETAIL INDUSTRIAL, PARAPARAUMU TOWN CENTRE AND AIRPORT ZONES**

<b>8. PARKING</b>
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## Amend J.1.2.1 vehicle dimensions

### J.1.2.1 Vehicle Dimensions

Parking spaces provided under this rule shall be of sufficient size and suitably laid out to accommodate a 90<sup>th</sup> percentile design motor car as defined by the ~~Ministry of Transport~~ AS/NZS 2890.1:2004. The dimensions and turning circle of this vehicle are shown in ~~Diagram A~~ Figure B3 of AS/NZS 2890.1:2004 (reproduced with permission at the back of this section).

Design for any critical access conditions, such as a ramp included as part of a parking building, shall be adequate for a 99 percentile design motor car as defined by the ~~Ministry of Transport~~ AS/NZS 2890.1:2004. The dimensions and turning circle of this vehicle are shown in AS/NZS 2890.1:2004 Figure B5 (reproduced at the rear of this section) and breakover angle specifications are shown in Diagram A and AS/NZS 2890.1:2004.

### J.1.2.3 Typical Layouts

There are usually several alternative methods of achieving a satisfactory parking layout having adequate access and manoeuvring space. The layouts shown in ~~Diagram B~~ Figure 2.2 of AS/NZS 2890.1:2004 (reproduced with permission at the end of this section) are suitable for most situations. AS/NZS 2890.1:2004 also provides additional suitable parking designs.

## J.4.1 General Standards

### (ii) VEHICULAR ACCESS LOCATIONS

- (b) At intersections carrying traffic volumes of 1,000 vehicles or more in any peak hour, or at which traffic signals are operating, no part of a crossing point shall be located within 30 metres of an intersection or within 60 metres on the departure side of an urban state highway intersection.

The distance is measured from the intersecting point of the kerb lines or road edge lines.

- ~~(c) Where a "Stop" or "Give Way" control exists, no part of the crossing point shall be located within 12.0 metres of an intersection.~~

~~For intersection corners where the edge of the roadway or the kerb line has a radius of 4.5 metres or more the distance between the intersection and the crossing point is measured from the tangent point of the kerb.~~

~~Where the radius is less than 4.5 metres, the distance between the intersection and the crossing point is measured from the intersecting point of the kerb lines or road edge lines when produced.~~

- (b) For intersections having volumes less than 1,000 vehicles per in any peak hour day; the minimum distance between the crossing point and the roadway edge or kerb line shall be:

- 4.5 metres where the corner radius is 4.5 metres or greater.
- 9.0 metres measured from the intersecting point of the kerb lines or road edge lines where the corner radius is less than or 4.5 metres

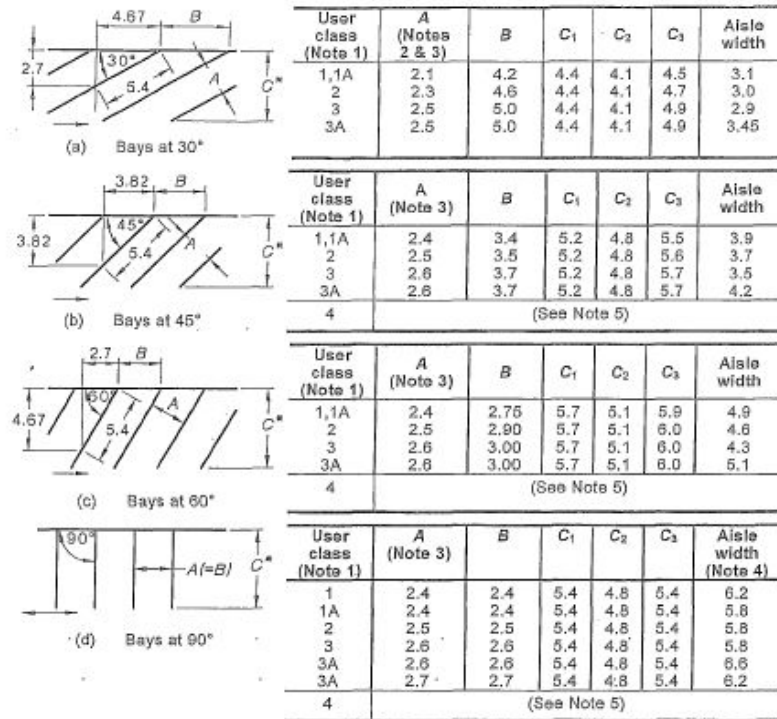
from the tangent point of the kerb lines or road edge whichever is greater.

- 12.0 metres where a "Stop" or "Give Way" control exists on the roadway measured from the intersecting point of the kerb lines or road edge lines.

**Delete Diagram B and replace with Figure 2.2 from AS/NZS 2890.1: 2004 (as shown below)**

**Modify diagram A to change the 90 percentile vehicle to 85 percentile to be consistent with AS/NZS 2890.1: 2004 and include the tracking curves from the standard (as shown below)**

Figure 2.2



\*Dimension C is selected as follows (see Note 5):

C<sub>1</sub>—where parking is to a wall or high kerb not allowing any overhang.

C<sub>2</sub>—where parking is to a low kerb which allows 600 mm overhang. In accordance with Clause 2.4.1(a)(i).

C<sub>3</sub>—where parking is controlled by wheelstops installed at right angles to the direction of parking, or where the ends of parking spaces form a sawtooth pattern, e.g. as shown in the upper half of Figure 2.4(b).

DIMENSIONS IN METRES

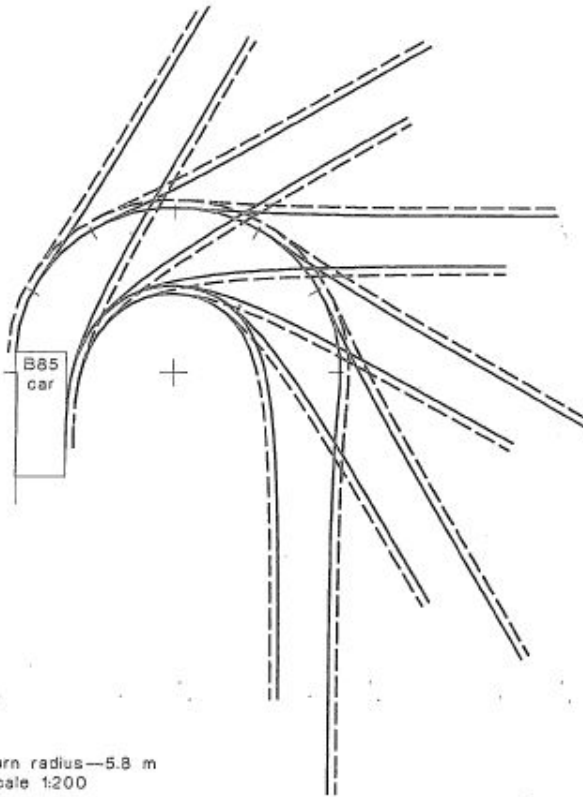
NOTES TO FIGURE 2.2:

- User class is defined in Table I.1. The two Class 3A options given for 90 degree parking are alternatives of equal standing.
- 30 degree parking spaces can be made narrower than spaces at other angles because of the reduced chance of open doors hitting adjacent vehicles.
- The design envelope around each parking space, to be kept clear of obstructions, is shown in Figure 5.2.
- Dimensions for 90 degree parking aisles are for two-way aisles. These dimensions are required to be observed even though one-way movement along aisles is imposed for other purposes, see Clause 2.3.2(a).
- Space dimensions for User Class 4 spaces (for people with disabilities) are specified in AS/NZS 2890.6\*. Aisle widths shall be the same as applicable to adjacent other-user spaces or in the absence of such spaces, 5.8 m minimum.
- The values for dimension C have been calculated as follows:
 
$$C_1 = 5.4 \sin \theta + 1.9 \cos \theta$$

$$C_2 = C_1 - 0.6 \sin \theta$$

$$C_3 = C_1 + (A - 1.9) \cos \theta$$
 where  
 $\theta$  = parking angle  
 A = space width, in metres

\*Reproduced from AS/NZS 2890.1:2004 with the permission of Standards New Zealand, under Licence 00675. Copies of the Standard may be purchased from [www.standards.co.nz](http://www.standards.co.nz)



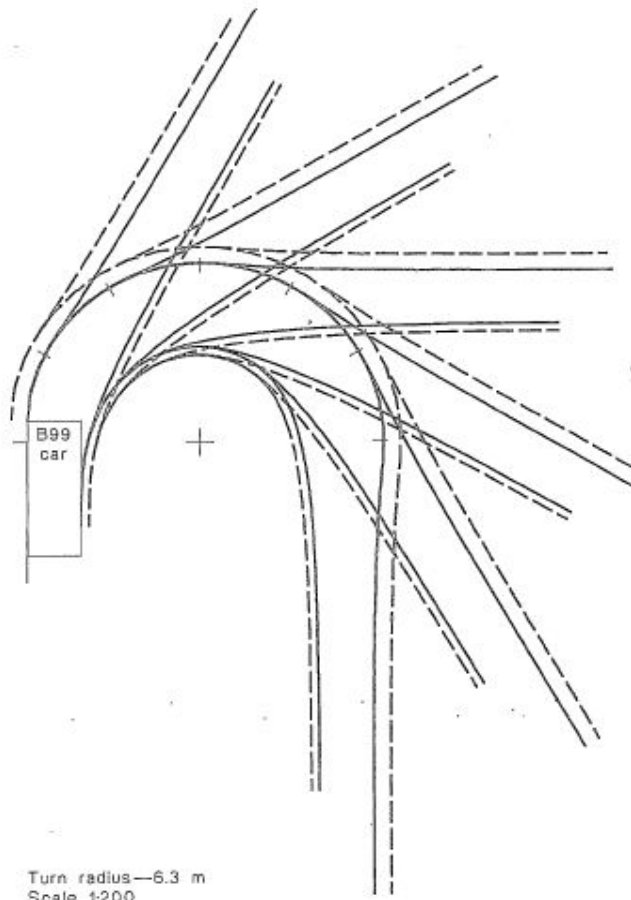
LEGEND:

- = Denotes the B85 base dimension swept path
- - - = Denotes the B85 design template which includes 2 x 300 mm manoeuvring clearances only

NOTE: This is the minimum radius turn for a B85 vehicle.

EXAMPLE OF THE B85 DESIGN TEMPLATE—5.8 m RADIUS TURN

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**LEGEND:**

- = Denotes the B99 base dimension swept path
- - - = Denotes the B99 design template which includes manoeuvring and circulation clearances, 300 mm on the inside and 600 mm on the outside

NOTE: This is the minimum radius turn for a B99 vehicle.

**EXAMPLE OF THE B99 DESIGN TEMPLATE—6.3 m RADIUS TURN**

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## 9. MEDIUM DENSITY HOUSING

### Amend D.1.1.3 Discretionary Activity rule

#### (ii) MEDIUM DENSITY HOUSING

Medium Density Housing shall;

- a) be located...
- ....
- g) comply with the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.

Applications shall demonstrate, through reference to the Kapiti Coast Best Practice Medium Density Design Guide, how the proposal will achieve a high quality living environment and attractive and appropriate urban design both within and surrounding the development.

### Amend D.1.2.3 Discretionary Activity Standards

- h) Each unit shall provide a private outdoor living space of at least 30m<sup>2</sup>, with a minimum dimension of 2.5m and the ability to accommodate a circle with a 4m diameter. This space shall be directly accessible from a living room (lounge / dining / family etc.) however it shall not be located between a dwelling's front and a street. The space shall also provide sunlight access to an area of the space with a minimum radius of 2.3m that is capable of receiving no less than 1 hour of continuous sunlight between the hours of 11:00am—2:00pm on June 21 (mid-winter solstice). Depending on orientation & topography, an additional balcony may be required to provide minimum sunlight access to residents.

#### ASSESSMENT CRITERIA

Applications will be assessed against the extent to which they are compatible with adjacent development and do not dominate or otherwise sit incongruously in their built environment, including materials and finishing, the extent to which long-term, affordable, and robust management and maintenance processes are to be put in place.

The Kapiti Coast Best Practice Medium Density Design Guide will be used to assess applications ~~for~~ to ensure:

- a) Compatibility with adjacent development.
- b) High quality living environments within the development
- c) High quality urban design both within and surrounding the development
- d) Maintenance and enhancement of visual amenity
- e) Surveillance of public areas and rights of way
- f) Energy efficiency and water conservation
- g) Adequate screening of rubbish storage areas



10. **DEFINITION OF SUNLIGHT**

**Sunlight** means direct light from the rays of the sun and does not include light reflected from objects or diffuse general daylight. Sunlight is the absence of shadow from buildings and vegetation when viewed in full sun (not cloudy conditions). The ability of an area to be capable of receiving sunlight can be shown through the use of shadow diagrams calibrated to the local azimuth (latitude & time of year specific path of the sun) angle.