

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of a proposed review of the Kapiti Coast District
Plan: Chapter 5 Living Environment

BETWEEN **MAYPOLE ENVIRONMENTAL LIMITED**

Submitter [No. 263] Further submitter [No. 125]

AND **KAPITI COAST DISTRICT COUNCIL**

Local Authority

**BRIEF OF EVIDENCE OF CHRISTOPHER ADRIAN HANSEN
ON CHAPTER 5 LIVING ENVIRONMENT OF PROPOSED DISTRICT
PLAN
FOR MAYPOLE ENVIRONMENTAL LIMITED**

30 April 2016

SUMMARY OF EVIDENCE

1. My name is Christopher Adrian Hansen and I am a planning expert. I summarise the key points in this brief of evidence under the following sub-headings.

Outline of Evidence

2. I refer to my Primary Evidence on General/Plan Wide Issues (dated 22 March 2016) (**Primary General Evidence** or **General Evidence**) which provides background to who Maypole Environmental Limited (**Maypole**) is, and how it has sought the retention of Plan Change 80 (**PC80**), recently made operative under the District Plan, as a stand-alone master-planned community. Retention of the existing provisions (and the ordering of those provisions) is sought to avoid changes to the integrity of PC80, and unnecessary uncertainty and expense that at present would accompany future development of Maypole's Ngarara Farm property under the Proposed Plan. My Primary General Evidence also provides an overview of the planning context that is relevant to this hearing.
3. The focus of this brief of evidence is on the Ngarara Zone provisions of the Living Environment of the Proposed Kapiti Coast District Plan (**PDP**), and in particular:
 - (a) Section 1.4 Definitions;
 - (b) Section 5.2 Living Zone Specific Provisions;
 - (c) Rules 5C.0 Applicability of Rules;
 - (d) Rules 5C.1 to 5C.5;
 - (e) Appendix 5.7 – Ngarara Zone Structure Plan; and
 - (f) Appendix 5.8 – Ngarara Zone Management Principles.

4. I have reviewed the s.42A Report recommendations and seek that some of the reporting Officer's recommendations are adopted where appropriate. My strong preference is for the Ngarara Zone, as incorporated into the operative District Plan, to be included in the PDP as a complete package (my reasons for this preference are discussed in this evidence). However, if the Commissioners are of the mind to adopt the PDP structure and approach, I provide alternative wording and recommendations to meet Maypole's key concerns where those concerns are not addressed or accepted in the s.42A Report.
5. The approach I have taken to addressing the planning context includes:
 - (a) An outline of the Planning Context to be considered;
 - (b) An overview of the Ngarara Zone provisions included in the operative District Plan;
 - (c) A review of the notified PDP provisions;
 - (d) A review of the matters relating to Chapter 5 – Living Environment raised by Maypole in its submission, and the relief sought;
 - (e) A review of Stakeholder Engagement Version (**SEV**) and Consultation with Kapiti Coast District Council (**Council**);
 - (f) A review of the s.42A Report recommendation regarding the PDP provisions; and
 - (g) My planning comment.
6. As discussed in my General Evidence, I also rely on the statement to be provided by Mr Jon Smith, the landowner, regarding Maypole's project development to date, and future development plans and aspirations.

Conclusions

7. The intent of Plan Change 80 was to develop a stand-alone set of plan provisions that would allow the development of the Ngarara Farm in a planned way to meet the outcomes sought, including certainty for future consenting. The Ngarara Zone incorporated into the operative District Plan achieves this intent.
8. The PDP has included some elements of the Ngarara Zone from the operative District Plan, but due to the structure and District-wide nature of the PDP, the intent of the Ngarara Zone has been lost.
9. The provisions included in the PDP are more complex, have different outcomes, use different terms and have been significantly amended. A significant amount of work is required to incorporate the operative District Plan provisions into the PDP structure. My preference is to incorporate the Ngarara Zone into the PDP as a complete stand-alone zone without amendment.
10. If the Ngarara Zone is not incorporated as a complete package, in my view assessing whether the policies and rules in the Plan are the most appropriate way to achieve the objectives (s.32(1)(b)) is made more difficult. Furthermore, it is also more difficult to undertake a s.104D assessment for a non-complying activity, and a Part II assessment when consents are being considered.

INTRODUCTION

Qualifications and experience

11. My name is Christopher Adrian Hansen and I am a Director and Principal Planning Consultant with Chris Hansen Consultants Ltd. My qualifications and experience are outlined in my Primary Evidence (dated 22 March 2016) provided to the Hearings Panel for the General/Plan Wide hearings.

Code of conduct

12. I have read the Code of Conduct contained in the Environment Court's Practice Notes for Expert Witnesses and even though this is a Council hearing, I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Background to evidence preparation

13. I provide the following statement of evidence in support of the submission lodged by Maypole on the Ngarara Zone provisions that are included in Chapter 5 – Living Environment of the PDP. I have assisted Maypole over a number of years with planning advice related to its proposed development.
14. I have visited the site and environs of the land which is the subject of Maypole's submissions, and as discussed in my Primary Evidence dated 22 March 2016, I am generally familiar with land planning matters in Kapiti District through other consulting briefs.
15. In preparing this evidence I have read the following reports and evidence:
 - (a) Proposed Kapiti Coast District Plan 2012; Section 42A Report: Part A – Background and Process;
 - (b) Proposed Kapiti Coast District Plan 2012; Section 42A Report: Part B – Chapter 5 - Living Environment.

OVERVIEW OF MAYPOLE'S SUBMISSION

16. I have provided a background to the Ngarara Farm development in my Primary General Evidence, including the Mission for the development and an overview of Maypole's main submission points [No. 263].
17. The overall intent of Maypole's submission is to ensure the PDP provisions for the Ngarara Zone and Ngarara Precinct are consistent with the provisions introduced through Plan Change 80, now incorporated into the operative District Plan.
18. Through its submission Maypole seeks relief that in the event the provisions in the PDP conflict with those in Plan Change 80 (now incorporated into the operative District Plan), the latter shall prevail.
19. This evidence addresses matters raised by Maypole in relation to the Ngarara Zone provisions of Chapter 5 – Living Environment.

PLANNING CONTEXT

20. In my Primary Evidence I provided a broader planning context relating to how the provisions developed through Plan Change 80 relating to the Ngarara Zone, Ngarara Precinct, (Neighbourhood Development Areas and Neighbourhood Development Plans had been made operative under the District Plan. I then discussed the extent to which Plan Change 80 had been given effect under the PDP.
21. I note s.31(1)(a) of the RMA outlines the functions of a territorial authority, for the purpose of giving effect to the Act, which include:

“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.”

(Emphasis added)

22. Policies are the course of action to be pursued to achieve or implement the objectives included in the Plan (i.e. the path to be followed to achieve a certain, specified, environmental outcome). Policies are implemented through methods (often plan rules) so they need to be worded to provide clear direction to those making decisions on rules and those implementing methods. Policies have particular importance when considering non-complying activities under the s104D(1) tests.
23. Rules are the means by which policies will be implemented (often along with non-regulatory methods) and have the force and effect of a regulation (but are still subject to the principal Act). Rules must conform to common law principles and conventions regarding validity.
24. I consider that s.32(1)(b) of the Act requires proposed policies and methods (rules) to be evaluated to determine the extent to which they (as 'lower order' provisions) are the most appropriate way to achieve the purpose of the objectives (as the 'higher order' provisions as discussed in my Brief of Evidence dated 1 April 2016), which are in turn are required to meet the sustainable management purpose of the RMA.
25. I provide further comment on the role and purpose of policies and methods (including rules) later in my evidence.

REVIEW OF THE OPERATIVE DISTRICT PLAN

26. In my Primary Evidence I provided an overview of Plan Change 80. In summary, Plan Change 80 rezoned 280 hectares of land located within the Waikanae North Area, to Ngarara Zone and Ngarara Precinct in the Rural Zone, with a structure plan, objectives, rules and detailed provisions to enable development of the land into a number of neighbourhood areas.
27. The Ngarara Zone introduced by Plan Change 80 allows for a variety of residential development clusters, integrated into the Kapiti rural, coastal, conservation and forest setting. The Ngarara Zone includes comprehensive design principles that intend to retain the distinctive character of the site by carefully integrating the built form within the rural coastal setting.

28. The intention is for Ngarara Zone to stand alone and not be subject to provisions in other parts of the operative District Plan. The commentary to the zone specifically identifies that rural plan provisions do not apply, and have no effect or application to the area identified within the Ngarara Zone.
29. The Ngarara Zone includes:
- (a) An **Introduction** that provides an important summary of the intent of the Ngarara Zone, fundamental design approach underpinning the settlement patterns and planning approach;
 - (b) **Objective 1** that intends to promote the sustainable management and development of the Ngarara Settlement to provide for an environmentally sustainable community. Objective 1 is implemented by **19 Policies** that provide for Neighbourhood Development Areas and provide guidance to the development of these areas through the provision of infrastructure and the intended ecological, cultural and social and community outcomes (including the provision for affordable housing);
 - (c) **Objective 2** that intends to allow for a variety of residential densities at appropriate locations within the zone while maintaining character and amenity values and protecting and enhancing ecological values. Objective 2 is implemented by **3 Policies** that focus on managing adverse environmental effects, managing development within the Neighbourhood development Areas, and managing traffic effects on local and regional infrastructure.
 - (d) **Objective 3** that intends to allow for non-residential commercial and retail activities at appropriate locations throughout the zone in accordance with the Neighbourhood Development Areas. Objective 3 is implemented by **3 Policies** that focus on a mix of different land uses, ensure the Neighbourhood Development Plan provides for these uses, and limits the scale of retail and commercial activities to small-scale activities intended to serve the local community (not district-wide).

30. The Ngarara Zone also includes **12 Anticipated Environmental Outcomes** that reflect the intent of the zone provisions for the Ngarara Farm area. **Methods** to achieve these outcomes included: Ngarara Structure Plan; Approved Neighbourhood Development Plans; Rules and Performance Standards; and education.
31. The Ngarara Zone Rules and Standards also have an **Introduction** that summarises the consent requirements for the approval of a Neighbourhood Development Plan and subdivision as a discretionary activity which addresses road layout; ecological constraints; traffic management; stormwater; water and wastewater management built form; open space and conservation elements; vehicle and other linkages and sustainability initiatives. Once a Neighbourhood Development Plan is approved, subdivision and land use consent for non-residential, commercial and retail activities are a controlled activity, and dwelling and accessory buildings in accordance with the approved Neighbourhood Development Plan and permitted activity standards are permitted. Subdivision and land use activities not in accordance with the above requirements are non-complying. The Introduction also has a specific reference to the fact that low impact urban area within Part C of Section 7 (Rural Zone) “... *do not apply or have no effect or application to that area of land within the Ngarara Zone of the District Plan*”.
32. The Ngarara Zone lists in D.11.1.1 **permitted activities** provided they comply with permitted activity standards. These permitted activities standards are included within D.11.2.1. There is no reference to any other standards contained in any other part of the operative District Plan applying to the Ngarara Zone.
33. The Ngarara Zone lists in D.11.1.2 **controlled activities** provided they comply with controlled activity standards (D.11.2.2) which include:
- (a) Subdivision with matters of control listed;
 - (b) Non-residential activities, retail and commercial activities in accordance with an approved Neighbourhood Development Plan with matters of control listed;
 - (c) Home occupations with matters of control listed;

- (d) Temporary events and associated structures that are longer than 6 hours but less than three days with matters of control listed;
 - (e) Earthworks within Residual Overflow Path that do not comply with permitted activity standards, and any new or relocatable building within a Residual Overflow Path subject to controls listed and
 - (f) The District Plan notes that a resource consent application shall be considered without the need to obtain the written approval of affected persons and need not be publicly notified.
34. The Ngarara Zone lists in D.11.1.3 Discretionary Activities. Listed as a **Restricted Discretionary Activity** is earthworks that do not comply with the permitted activities standards. Listed as **Discretionary Activities** are:
- (a) Development of a Neighbourhood Development Plan;
 - (b) Subdivision when sought in conjunction with a Neighbourhood Development Plan;
 - (c) Any network utility not a permitted activity;
 - (d) The addition or construction of buildings (excluding accessory buildings) within 20m of the centre line of high voltage transmission lines (at or over 110kV);
 - (e) Non-residential buildings in river corridors, ponding areas and overflow paths;
 - (f) All other activities not non-complying and all other activities that do not comply with one or more of the permitted or controlled activity standards; and
 - (g) The District Plan notes in general applications will be notified, but may not be notified if the effects are minor and the written approval of affected persons is gained (unless it is unreasonable to do so).

35. The Ngarara Zone lists in D.11.1.4 non-complying activities which include:
- (a) Land use activities not provided for in or not in accordance with an approved Neighbourhood Development Plan;
 - (b) Subdivision that is not subject to, or is not in conformity with, an approved Neighbourhood Development Plan;
 - (c) Offensive trades; boarding or housing of animals for commercial gain; car wrecking within enclosed buildings; the keeping of pigeons, doves, goats, pigs and deer; and places of assembly;
 - (d) Signs (excluding approved traffic signs) listed;
 - (e) All activities which are not listed permitted, controlled or discretionary; and
 - (f) The District Plan notes that in general applications will be notified.
36. Section D.11.2 of the Ngarara Zone includes a comprehensive list of zone standards that relate to permitted, controlled and discretionary activities. While these standards are similar to other operative District Plan zones, they are modified to be specific to the Ngarara Zone.
37. As previously discussed in my Primary Evidence, the operative District Plan includes the Ngarara Zone Structure Plan Map (Part D.11) which is accompanied by a comprehensive description of the Neighbourhood Development Areas proposed and the environmental outcomes; anticipated form; and services for each area identified (Appendix 1); and management principles for the development of the Neighbourhood Development Areas (Appendix 2) which builds on 4 cornerstones: natural systems; connectivity; social equity; and character. On these cornerstones there are 7 management principles and 11 development principles which guide the development within the zone.
38. The purpose of providing you with this review of the operative District Plan provisions for the Ngarara Zone is to highlight the level of detail the zone provisions encapsulate, and to demonstrate that the zone is stand-alone and not subject to other provisions included within the operative District Plan. The

critical point made by Maypole in its submission is that the outcomes of Private Plan Change 80 have been appropriately incorporated into the operative District Plan after a lengthy (and expensive) plan change process. However, as I discuss below, the PDP has not incorporated the provisions of the Ngarara Zone as requested.

REVIEW OF NOTIFIED PDP

39. The notified PDP adopts a new structure that includes:
- (a) A separate section with district-wide objectives;
 - (b) A number of 'environments' that include issues; policies and methods, and some include district-wide provisions;
 - (c) A number of new provisions including overlays that apply across a number of 'environments';
 - (d) A separate section with general district-wide provisions; and
 - (e) District wide and zone specific rules listed in table form.
40. Due to this different structure, it is difficult to do a comparative assessment of the provisions of the PDP against the operative District Plan provisions. Notwithstanding this difficulty, below I have endeavoured to undertake such a comparative assessment to assist the Commissioners understand the difference between the provisions of the Ngarara Zone in the operative District Plan and the PDP.

Objectives

41. The PDP includes 20 new objectives. There are no objectives that directly relate to the Ngarara Zone, and therefore the 3 Objectives identified above that were developed through the Plan Change 80 process relating directly to the outcomes of the Ngarara Zone have been discarded. While I accept that the objectives included within the PDP cover a number of matters that were incorporated into the 3 Objectives in the Ngarara Zone included in the operative District Plan, the PDP objectives cover a wider range of matters, use different terms and have different outcomes, and there are multiple

objectives that now apply to the Ngarara Zone. In a brief assessment of the PDP Objectives, the following are likely to be relevant to the Ngarara Farm:

- (a) Objective 2.1 – Tangata whenua – in relation to a waahi tapu site shown on the planning maps;
- (b) Objective 2.2 – Ecology and biodiversity – broader than protect and enhance ecological values;
- (c) Objectives 2.3 (d); (e) and (f) – Development management – higher densities in appropriate areas; sustainable settlements; business/employment opportunities;
- (d) Objective 2.4 – Coastal environment – relating to dunes;
- (e) Objective 2.7 – Historic heritage;
- (f) Objective 2.8 – Strong communities – health outcomes; attractive areas;
- (g) Objective 2.9 – Landscapes – outstanding natural feature overlay on Ngarara farm;
- (h) Objective 2.11 – Character and amenity – protect rather than maintain;
- (i) Objective 2.16 – Economic vitality – encourage businesses; enhance amenity values;
- (j) Objective 2.17 – Centres – establishes complex centres hierarchy – not clear how Ngarara Zone provisions fit into this hierarchy;
- (k) Objective 2.18 – Open spaces/active communities – requirement to protect District’s cultural, ecological and amenity values and enhancement of open spaces; and
- (l) Objective 2.19 – Urban design – liveable and safe public and private spaces.

42. From the above it can be seen that the PDP has a much more complex set of objectives that might be appropriate at a District-wide scale, but is onerous when considered in the context of the intent of the Ngarara Zone. These objectives become relevant when considering consents for non-complying and discretionary activity consents. In my opinion, the PDP has not incorporated the intended outcomes of the Objectives as incorporated into the operative District Plan for the Ngarara Zone. The provisions of the PDP have different outcomes, cover a wider range of matters, and are more complex.
43. Notwithstanding, in my Brief of Evidence provided to the hearings on Chapter 2 Objectives, I provided some recommended word changes to 4 objectives (Objectives 2.2 Ecology and biodiversity; Objective 2.4 Coastal environment; Objective 2.7 – Historic heritage; and Objective 2.9 – Landscapes) to address specific concerns raised in Maypole’s submission. These concerns primarily focused in on ensuring appropriate subdivision, use and development is enabled as intended in the RMA.

Policies

44. Chapter 5 – Living Environment is split into two parts: District-wide provisions (policies only) that relate to residential activities across the District; and provisions relating specifically to four living zones. The PDP also recognises that provisions relating to residential activities are also in other zones (i.e. the rural zone).
45. The PDP includes 10 policies that are applicable across all zones and areas in the District (Introduction to Section 5.1 District-wide provisions [page 5-3]. The District-wide policies relevant to the Ngarara Farm included in Section 5.1.1 Policies include:
 - (a) Policy 5.1 – Growth management – new urban development for residential use will only be located within existing urban areas and identified growth areas – the 2007 Development Management Strategy identified North Waikanae as a future growth area;
 - (b) Policy 5.2 – Future urban structure plan areas – areas include North Waikanae;

- (c) Policy 5.3 – Housing choice – mix of housing forms and types required;
 - (d) Policy 5.5 – Residential density - density of subdivision and development will be managed through an area specific approach to achieve an appropriate range of housing types across the District – highest densities within or in immediate proximity to identified Centres; and
 - (e) Policy 5.7 – Residential buildings – choice of building form with bulk and location requirements.
46. My purpose for identifying these district-wide policies is to demonstrate that there is an overlap between these policies, and the policies that follow which apply specifically to the four Living Zones, of which the Ngarara Zone is one.
47. Section 5.2 Zone-specific Provisions includes policies and rules applicable to the Ngarara Zone. A Zone Description provides an outline of the Ngarara Zone, and is the same wording as the Zone Description included in Section C.22 of the operative District Plan.
48. Section 5.2.1 Policies includes 22 Policies that relate to the four specific zones. Some policies are ‘generic’, while others relate specifically to a living zone. The policies relevant to the Ngarara Zone include:
- (a) Policy 5.11 – Residential activities – principles for developing residential activities;
 - (b) Policy 5.12 – Zoning network – recognises the Ngarara Zone;
 - (c) Policy 5.13 – Amenity – achieve a high-level of onsite amenity in accordance with location and design principles;
 - (d) Policy 5.15 – Residential Streetscape - enhance the amenity, functionality and safety of the streetscape in the living environment;
 - (e) Policy 5.16 – Development and landforms - Subdivision and development (including associated driveways) should be sited, designed and undertaken to integrate with the natural topography and landform of the land;

- (f) Policy 5.18 – Focused Infill Precincts - will be provided for in identified precincts which are close to centres, other local services, and public open spaces and which have sufficient infrastructure capacity;
 - (g) Policy 5.29 – Ngarara Zone structure plan – carries over from the operative District Plan Policies 4; 7; 12; and 19 that implemented Objective 1; and Policy 3 that implemented Objective 3. The explanation is a repeat of the explanation included earlier in the PDP (referred above in paragraph [29] of this evidence); and
 - (h) Policy 5.31 – Non-residential activities – provided for in the Living Zones so long as they meet certain functions listed and are appropriate;
49. Overall in my opinion the policies are more complex and cover a wide range of matters, as can be expected as they apply across four living zones. However, they also have different outcomes and use different terms as compared to the policies specific to the Ngarara Zone in the operative District Plan. An example of this can be seen in Policy 5.13 relating to amenity – the PDP policy requires a *'high-level'* of amenity to be achieved in accordance with location and design principles. However, the Ngarara Zone policy in the operative District Plan required amenity to be 'maintained' through the design principles agreed to through Plan Change 80. Different interpretations are now possible on the level of amenity required and the design principles to be used.

Rules

50. The rules and standards included in Section 5.2.2 of the PDP apply to the Living Environment across the District. Specific Ngarara Zone rules and standards are included in Rule 5C.1 – 5C.5. In Rule 5C.0 – Applicability of Rules 5C.1 – 5C.5, the following matters should be noted:
- (a) Rules 5C.1 – 5C.5 only apply to the Ngarara Zone;
 - (b) Rules in Chapters 3, 9, 11 and 12 that apply to all activities across the District also may apply; and

- (c) Rules in Chapters 3, 4, 9, 10 and 11 that apply to special features identified on the Planning Maps also may apply.
51. The Notes concerning the applicability of the rules states that the rules identified above in (b) and (c) may identify the activity as (or result in the activity being) a different activity category than that expressed in the Ngarara Zone rules.
52. The following is a brief summary of the activity status of the rules:
- (a) Permitted Activities:
 - i. All activities not Controlled, Discretionary, non-Complying or Prohibited and which comply with all standards in the Ngarara Zone and rules (listed) in Chapter 3 – Natural Environment; Chapter 9 – Hazards; Chapter 10 – Historic Heritage; Chapter 11 – Infrastructure; and Chapter 12 – General and District-wide; and
 - ii. Any activity within an identified Neighbourhood Development that is in accordance with a Council-approved Neighbourhood Development Plan subject to standards – comply with Rule 5A.1 except where otherwise stated by a Neighbourhood Development Plan or a condition of consent.
 - (b) Controlled Activities:
 - i. Subdivision within a Neighbourhood Development Area that is in accordance with a Neighbourhood Development Plan subject to standards – any conditions on any consent required - matters Council reserved its control over listed;
 - ii. Non-residential activities, retail or commercial not permitted under Rule 5C.1.2 in general accordance with a Council-approved neighbourhood Development Plan – matters Council reserved its control over listed; and
 - iii. Home occupations – subject to standards – matters Council reserves its control over.

- (c) Restricted Discretionary Activities:
 - i. Development within Totara Dunes neighbourhood Development Areas and parts of Ti Kouka, Waimeha and Homestead Neighbourhood Development Areas that adjoin the Kawakahia Wetland (KO66) that is in accordance with an approved Neighbourhood Development Plan – subject to standards – matters Council reserves its control over.

- (d) Discretionary Activities:
 - (a) Any activity in the Ngarara Zone which is not Permitted, Controlled, Restricted Discretionary, Non-Complying or Prohibited; and
 - (b) Development of a Neighbourhood Development Area, as identified in the Structure Plan in Appendix 5.7 – subject to standards – subject to assessment criteria being consistency with relevant Plan policies, including Ngarara Zone policies.

- (e) Non-Complying Activities:
 - i. Any land use not specified as a Permitted Activity under Rule 5C.1 as an anticipated activity in the Neighbourhood Development Area, or not in accordance with an approved neighbourhood Development Plan;
 - ii. Subdivision not subject to or in conformity with an approved Neighbourhood Development Plan;
 - iii. Development of a Neighbourhood Development Area that does not comply with one or more Discretionary activity standards; and
 - iv. Offensive trades; boarding or housing of animals for commercial gain; car wrecking within enclosed buildings; and the keeping of pigeons, doves, goats, pigs and deer.

- (f) Prohibited Activities:
 - i. Commercial panel beating and spray painting.
- 53. Appendix 5.7 – Ngarara Structure Plan and 5.8 – Ngarara Zone Management Principles in the PDP are copied from the operative District Plan.
- 54. As I will discuss below in my comparative assessment of the provisions:
 - (a) There are more permitted activity standards included in the PDP, with many standards that are outside of the Ngarara Zone provisions;
 - (b) There are new matters of controls on controlled activities; and
 - (c) There is a new restricted discretionary activity and new matters of discretion.
- 55. Overall there are a large number of inconsistencies between the operative District Plan and the PDP provisions, which I will discuss in detail below.

REVIEW OF MAYPOLE'S SUBMISSION POINTS

- 56. Maypole made five submission points on Chapter 5 Living Environment:
 - (a) **5.2 Zone-Specific Provisions** – Maypole **supported** the description of the Ngarara Zone which includes the nature and goals of the proposed development which provides useful context to readers of the District Plan.

Maypole sought for the description of the Ngarara Zone to be retained to the extent it is consistent with the description in Plan Change 80.
 - (b) **Rule 5C.0 Applicability of Rules** – Maypole **opposed** the Applicability of the Rules statement. Maypole noted the intention of Neighbourhood Development Plan is that it is comprehensive and additional consents should not be required for activities addressed in other chapters of the plan if the activities and associated effects have been considered as part of the Neighbourhood Development Plan process.

Maypole sought for Rule 5C.0 to be amended so it is clear that any activity within an identified Neighbourhood Development that is in accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5C.4.2 is a permitted activity (as identified in Rule 5.C.1.2) and that the rules in other chapters of the District Plan are not applicable.

- (c) **Rules 5C.1 to 5C.5** – Maypole **opposed in part** these rules as it considered the Ngarara Zone had been through a comprehensive plan change process and it is appropriate that the rule framework in the PDP reflect this work.

Maypole sought for Rules 5C.1 to 5C.5 to be amended so they are consistent with those in Plan Change 80 subsequently made operative and incorporated into the current District Plan.

- (d) **Appendix 5.7** – Maypole **supported** the appendix that has been carried over from the operative District Plan. These provisions have been through a comprehensive Structure Plan process for the Ngarara Zone and it is appropriate that they be included within the PDP.

Maypole sought for Appendix 5.7 be retained to the extent it is consistent with the Ngarara Zone Structure Plan in Plan Change 80 subsequently made operative and incorporated into the current District Plan.

- (e) **Appendix 5.8** - Maypole **supported** the appendix that has been carried over from the operative District Plan. These provisions have been through a comprehensive Structure Plan process for the Ngarara Zone and it is appropriate that they be included within the PDP.

Maypole sought for Appendix 5.8 be retained to the extent it is consistent with the Ngarara Zone Management Principles in Plan Change 80 subsequently made operative and incorporated into the current District Plan.

STAKEHOLDER ENGAGEMENT VERSION AND CONSULTATION

57. The Council introduced a SEV (Stakeholder Engagement Version) of the notified District Plan in June 2015. While the SEV has no statutory weight, it did provide an opportunity for Council to indicate to submitters whether it was contemplating amendments to the PDP to take on board matters raised in submissions, and to undertake pre-hearing meetings with submitters. I note that I did not attend any pre-hearing meetings on Chapter 5 Living Environment.
58. I have reviewed the SEV to see whether any amendments were proposed by Council Officers to the Chapter 5 provisions of interest to Maypole. The following are the suggested amendments to the matters of interest to Maypole included in Chapter 5 – Living Environment of the SEV.
59. In relation to **5.2 Zone-Specific Provisions**, the SEV retained the description to the Ngarara Zone while making the following amendments:
- (a) a number of minor amendments were suggested including changing the term 'site' to 'zone' which is more accurate;
 - (b) Deleted paragraphs 4 and 5 that reads (~~strike through~~ to be deleted):

~~The comprehensively designed settlement provides a lifestyle environment with a range of lot densities and supporting mixed use activities in a landscape which reflects and enhances the existing environment. The majority of the settlement will be fully serviced with water supply and wastewater disposal systems from the reticulated public services, enhanced by on-site management and conservation techniques.~~

~~The settlement is based on a Structure Plan within which are a series of development areas, called Neighbourhood Development Areas, as identified on the Ngarara Zone Structure Plan map. The Neighbourhood Development Areas include identified areas for development as well as the adjoining open spaces areas. The development of each neighbourhood will be guided by specific management guidelines relating to Environmental Outcomes and~~

~~Anticipated Form that dictate the form and nature of development, and overarching Management Principles.~~

60. In my opinion, the proposed minor amendments are appropriate. However, I do not agree with the deletion of the two key paragraphs that introduces the Structure Plan and Neighbourhood Development Plan approach which are the key building blocks for the Ngarara Zone.
61. In relation to **Rule 5C.0 Applicability of Rules**, the SEV makes some minor amendments to this section, and adds the following phrase to the end of the third sentence to address Maypole's concerns (underlined to be added):
- ... except any activity identified in a Neighbourhood Development Area that is in accordance with a Council-approved Neighbourhood Development Plan under Rule 5C.4.2 or Rule 5C.5.3, in which case the conditions of the Neighbourhood Development Plan shall apply. As outlined in Rule 5C.1.2, Council-approved Neighbourhood Development Plans are permitted activities.
62. In my opinion, the proposed amendments included in Rule 5C.0 Applicability of Rules only goes part-way to meeting the matters of concern raised by Maypole in its submission. Furthermore, as I discuss below in my Planning Assessment, I consider the matter is addressed in the wrong place (it should be in the permitted activity Rules 5C.1) and further amendments are required to fully address the concerns raised by Maypole.
63. In relation to **Rules 5C.1 to 5C.5**, the SEV makes numerous 'minor' amendments to these provisions that either address issues raised in other submissions (in particular R Crozier and J Allin), or are a correction or minor amendments under clause 16(2) Schedule 1 of the RMA.
64. In my opinion, the proposed amendments included in the SEV do not address the inconsistency of the rules with the operative District Plan provisions concerns raised by Maypole.
65. In relation to **Appendix 5.7 and 5.8**, it appears that no amendments were suggested to these appendices.

REVIEW OF S.42A REPORT COMMENT AND RECOMMENDATION

66. I have reviewed the s.42A Report relating to Maypole's submission points on the relevant Chapter 5 provisions identified above. I address the Council Officer's views on Maypole's submission in that report as follows.

5.2 Zone-Specific Provisions

67. The s.42A Report recognises Maypole's submission in paragraph [1495] (page 305) and in paragraph [1497] (page 305) agrees the retention of the description is useful, particularly given the plan-wide recommendation to delete the policy explanations from the PDP. The Council Officer notes that the zone description is based on the policy explanation under Policy 5.29.
68. The s.42A Report recommends Maypole's submission be **accepted in part** insofar as the zone description is recommended for retention, however there are some amendments recommended to remove unnecessary text. I note the recommended amendments to the zone description are identical to the SEV suggested amendments.

Rule 5C.0 Applicability of Rules

69. The s.42A Report recognises Maypole's submission in paragraph [1518] (page 308) and in paragraphs [1521 - 1528] (pages 308 -309) assesses the submission points being made. In summary, the Council Officer's assessment determines:
- (a) That the PDP follows the principle that where there is a conflict with other rules or standards elsewhere in the Plan, the more stringent provision applies (paragraph [1523]);
 - (b) That Maypole has demonstrated that this rule arrangement is problematic in the Ngarara Zone given the unique way in which subdivision, land use and development are to be undertaken in the Zone – in particular the development of a Neighbourhood Development Plan approved through the resource consent process (paragraph [1524]);

- (c) That an activity undertaken under an approved Neighbourhood Development Plan that is a permitted activity could be 'trumped' by a 'higher order' activity status in other parts of the Plan (an Ecological Site being an example) (paragraph [1524]);
 - (d) That this outcome is not efficient, and that some amendments can be made to reduce duplicative and unnecessary authorisation processes (paragraph [1525]); and
 - (e) That Maypole Environmental has been through a comprehensive Plan Change process for the Ngarara Zone and it is appropriate that the rule framework in the PDP reflects this work (paragraph [1525]).
70. In paragraph [1529] (page 309) the s.42A Report recommends Maypole's submission be **accepted** and recommends an amendment to the wording under Rule 5C.0 to provide for an exemption. The Council Officer states:

The exemption means that any activity that is in accordance with an approved NDP shall take precedence over any more stringent rule elsewhere in the Plan that might otherwise trigger the need for a further resource consent. (paragraph [1526])

71. I note the amendments recommended to Rule 5C.0 are similar to those suggested in the SEV (refer to paragraph [61] of my evidence above), and reads (the words underlined are additional):

Rules 5C.1 to 5C.5 shall apply only to land within the Ngarara Zone. For the avoidance of doubt, where a site comprises more than one zoning, the provisions of each zone shall be considered. Where there is a conflict between any rule or standard in this chapter and any other chapter, the more stringent rule or standard shall apply, except for any activity identified in a Neighbourhood Development Area that is in accordance with an approved Neighbourhood Development Plan under Rule 5C.4.2, in which case the conditions of the Neighbourhood Development Plan shall apply.

Rules 5C.1 to 5C.5

72. The s.42A Report recognises Maypole's submission in paragraph [1519] (page 308) and notes in paragraph [1522] (page 308) that Maypole seeks the

PDP to more explicitly recite the provisions of Plan Change 80. In the subsequent assessment (I have outlined in paragraph [69] of my evidence above) the Council Officer makes no further reference to Maypole's request. I note in paragraph [1521] of the s.42A Report the Officer states:

Rules 5C.0 through 5C.6 apply specifically to the Ngarara Zone. By and large these provisions are the same as those introduced into the operative Plan by Private Plan Change 80 ("PC80").

73. The s.42A Report recommends Maypole's submission be **accepted**. However, there are no specific amendments identified in the s.42A Report that addresses Maypole's concern. Notwithstanding this, I note in the PDP as amended by the recommendations version available on the Council's website that a number of 'minor' amendments are made to Rules 5C.1 – 5C.5 in response to the submission of R Crozier and J Allin, corrections or amendments in accordance with Clause 16 (2) of Schedule 1 of the RMA, or consequential amendments. I note these amendments are more comprehensive than those proposed in the SEV.

Appendices 5.7 and 5.8

74. The s.42A Report recognises Maypole's submission in paragraph [1533] (page 310) and in paragraphs [1535 - 1538] (page 310 - 311) assesses the submission. The Council Officer supports the relief sought by Maypole and does not recommend any amendments to Appendices 5.7 and 5.8. The Council Officer recommends Maypole's submission be **accepted**.

New Definitions

75. In response to plan-wide submissions seeking that the PDP be easier to understand, the Council Officer recommends in paragraph [1532] that two new definitions be added:

Neighbourhood Development Area means the Ngarara Zone development areas identified in the Ngarara Zone Structure Plan in Appendices 5.7 and 5.8.

Neighbourhood Development Plan means a specific Council-approved plan that relates to development of a Neighbourhood Development area identified the Ngarara Zone Structure Plan in Appendices 5.7 and 5.8.

76. I have no issue with the intention of the recommendation to seek to have two definitions added that relate to the Ngarara Zone. My only concern is that while not stated, adding the definitions may be to address the recommended deletion of the Ngarara Zone description.

Deletion of Explanation to Policy 5.29

77. I note that while Maypole did not lodge a specific submission on Policy 5.29, the s.42A Report recommends the explanation to that policy be deleted. This is in response to plan-wide submissions that seek to simplify the PDP. This is an important matter to Maypole, which I will discuss further below.

Further Submissions

78. The s.42A Report recognises the submission by the New Zealand Transport Agency (NZTA) (submitter no. [457]) that sought an amendment to Policy 5.20 (d). This request was opposed by Maypole in its further submission (further submission No. [125]). I note the Council Officer recommends the NZTA submission be rejected, and Maypole's further submission accepted (paragraph [1516]). I support this recommendation.

PLANNING COMMENT

79. As I outlined in the Planning Context (paragraph [20] to [25] above), the policies and rules (methods) are required to be the most appropriate way of achieving the objectives (s.32(1)(b)) which are required to be the most appropriate way of achieving the purpose of the RMA (s.32(1)(a)). I have addressed Maypole's concerns relating to the Objectives in Chapter 2 and the need for them to provide for appropriate subdivision, use and development in my Brief of Evidence dated 1 April 2016. My main focus in my evidence is to review the policies and rules (methods) to determine whether they are the most appropriate way of achieving the objectives.

80. As outlined by Maypole in its submission, the provisions of the PDP are critical for the ongoing development of the Ngarara Zone as intended by Plan Change 80. Get these provision right, and the other concerns raised by Maypole in its submission on other Chapters of the PDP become secondary.
81. As I have discussed in paragraph [22] above, the purpose of a policy is to identify a course of action to implement an objective. In the operative District Plan there are 3 specific objectives in the Ngarara Zone (as I have outlined in paragraph [29] above), and 25 specific policies identified to implement these objectives. The rules immediately follow the policies and include the identification of activities; a comprehensive list of standards to be met, and matters Council reserves its control over (where appropriate). Collectively the objectives, policies and rules create a 'complete package' and are stand-alone in their application.
82. In my opinion, this represents good plan writing practice as the intent of the plan provisions is clear in the objectives and how those objectives will be implemented through the policies and rules are included within the one chapter reducing any uncertainty in interpretation. As previously discussed in my Primary Evidence, this provides certainty to not only Maypole as the developer, but the Council administering the District Plan and the community who has an expectation that the development will be undertaken in a certain way.
83. This would be my strong preference for the Ngarara Zone which I consider is unique in the way subdivision, land use and development are to be undertaken in the zone, and the comprehensive plan change process the operative District Plan provisions went through. I note the Council Officer generally expresses the same view in paragraphs [1524] and [1525] of the s.42A Report. However, as I discuss below, in my opinion the above situation has been 'lost in translation' as the provisions of the operative District Plan have been carried through into the PDP.

Differences between Operative District Plan and PDP

84. As I have stated in paragraph [39] above, due to the different structure between the operative District Plan and the PDP, it is difficult to do a comparative assessment of the provisions in the plans. It is also difficult to identify in detail the provisions that are similar/different within planning evidence. I have therefore included a copy of the operative District Plan provisions in **Annexure 'A'** and highlighted those provisions that have been taken into the PDP. This demonstrates which provisions have been discarded in the PDP. For completeness, I have included in **Annexure 'B'** the PDP Ngarara Zone provisions with amendments recommended. This demonstrates which new provisions have been included in the PDP.
85. I wish to make the following comments on the differences between the provisions of the operative District Plan and the PDP:
- (a) The 20 district-wide objectives included in the PDP are more complex than the three objectives in the PDP that are specific to the outcomes sought for the Ngarara Zone. While I have recommended amendments to the Objectives (in my Brief of Evidence dated 1 April 2016 relating to Chapter 2 – Objectives) to provide for appropriate subdivision, land use and development, in my opinion the broader outcomes intended for the Ngarara Zone agreed to through Plan Change 80 have been lost in the complexity of the PDP objectives.
 - (b) The 25 policies that originally provided the way forward to achieve the specific objectives have been reduced down to 5 policies in the Ngarara Zone in the PDP – these 5 policies are worded the same as the operative District Plan policies. While it could be argued that the District-wide policies included in Section 5.1 have generally incorporated some of the matters included in the other operative District plan Ngarara Zone policies, the intent of these policies that were written to apply specifically to the Ngarara Zone, and to implement the Ngarara Zone objectives, has been lost. Furthermore, in my opinion the District-wide policies are more complex, seek different outcomes, and use different language; meaning applying them to the Ngarara Zone is difficult and inappropriate.

- (c) The explanation to Policy 5.29 in the PDP is confusing to me, as it repeats the Ngarara Zone Description included on page [5-25]. I accept that the operative District Plan had the same text for the Zone Description and the explanation to the policies, which seems odd to me. I can therefore understand why the Council Officer recommends the PDP explanation be deleted (as it is a repeats of the Zone Description). However, as the Ngarara Zone is a stand-alone zone that intends to provide for a unique development opportunity, I consider a clear explanation to Policy 5.29 is critical. As I discuss further, I also consider the explanation to the Rules contained in D.11.1 of the operative District Plan is also critical to ensure clarity and intent when implementing the rule provisions. The PDP has discarded this rule context.
- (d) The placement of the Rules into a table form in the PDP has seen a reduction in the number of activities identified across all of the categories when compared with the operative District Plan. There are also standards and matters of control relating to activity status not carried into the PDP, and new standards and matters of control included addressing matters that were not originally included in Plan Change 80. It is not clear why these new standards and matters of control are considered necessary. Furthermore, there are cross-references to other rules with standards (for example Rule 5A.1) that are required to be complied with, and rules in other zones. In my opinion there is a disconnect between the operative District Plan rules and provisions and the PDP.
86. Overall I do not consider it is best planning practice to *'slice and dice'* the provisions of a stand-alone zone into the provisions of a plan that has a different structure. Furthermore, I do not agree with the Council Officer that *'by and large the provisions are the same as those introduced into the operative Plan by Plan Change 80 (PC80)'* (paragraph [1521] of the s.42A Report). They are not *'by and large'* the same, as I have demonstrated above. In my opinion there has been a significant loss of intent, clarity and certainty between the Ngarara Zone included in the operative District Plan, and the PDP provisions.

87. The result of this difference means assessing whether the policies and rules in the Plan are the most appropriate way to achieve the objectives (s.32(1)(b)) is made more difficult. In my opinion, it is also more difficult to undertake a s.104D assessment for a non-complying activity, and a Part II assessment when consents are being considered.
88. I agree with the concerns expressed by Maypole that the comprehensive set of plan provisions that they developed through the robust plan change process has been significantly amended by the PDP causing uncertainty and potentially duplication of consenting processes. My recommendation is for the Ngarara Zone provisions of the operative District Plan to be carried through into the PDP as a complete package, without amendment.
89. However, should the Commissioner not accept this recommendation and decide to proceed with the PDP provisions in their current form, I will address the specific submission points relating to Chapter 5 – Living environment raised by Maypole in its submission.

5.2 Zone-Specific Provisions

90. The intent of the Maypole submission is to retain the description of the Ngarara Zone in order to ensure the uniqueness of the zone is not lost. I agree with the need to retain this description. While the Council Officer also generally agrees with this intent and recommends Maypole's submission be accepted in part, they have recommended paragraphs 4 and 5 of zone description be deleted. As I state in paragraph [60] of my evidence above, I do not agree with the recommendation to delete these paragraphs which are key to the zone as they introduce the Structure Plan and Neighbourhood Development Plan approach. It makes no sense to me to delete this pivotal text, and I would recommend the Commissioners reject this recommendation.

Rule 5C.0 Applicability of Rules

91. The intent of Maypole's submission is as follows:
 - (a) Firstly, to ensure that any activity within an identified Neighbourhood Area that is in accordance with an approved Neighbourhood Development Plan is a permitted activity;
 - (b) Secondly, to ensure that rules in other chapters of the District Plan are not applicable; and
 - (c) Thirdly, to ensure the stand-alone nature of the Ngarara Zone in the operative District Plan means that permitted activities are subject to standards within the Ngarara Zone, and not standards included in the other residential zones.

92. In relation to first matter, I have summarised the s.42A Report assessment of this issue in paragraph [69] above. I note the Council Officer particularly notes the possibility of a permitted activity being 'trumped' by a 'higher order' activity status in other parts of the plan (paragraph [1524]). I agree with this concern. The s.42A Report recommends an amendment to Rule 5C.0 that includes an exemption that intends to clarify that an activity that is in accordance with an approved Neighbourhood development Plan takes precedence over a more stringent rule in another part of the PDP.

93. While I support the intent of the suggested wording of the recommendation, on reflection I do not consider the wording sought by Maypole and recommended by the Council Officer properly fits in the applicability clause of the rules. In my opinion, the applicability clause should address the question of how the rules of the Ngarara Zone relate to other provisions in the PDP (the second point I discuss below). I therefore consider the permitted activity 'exemption' is better addressed within Rule 5C.1 Permitted Activities.

94. In relation to the second matter, as I have stated above, in my opinion the applicability clause should clearly state that the Ngarara Zone provisions are stand-alone and are not subject to any other rules or standards in other zones in the PDP. This is clearly the intent and outcome of the existing Ngarara Zone in the operative District Plan, and in my opinion this is a critical distinction

that needs to be carried through into the PDP. I therefore consider the Rule 5C.0 Applicability of Rules 5C.1 – 5C.5 should be simplified to clarify this key point. I recommend below simplified wording to meet this outcome.

95. Furthermore, I consider the PDP lacks guidance because an overview of the intent of the rules has not been included. Section D.11.1 of the operative District Plan provides an excellent overview of the Ngarara Zone rules, and how these rules will be implemented. In my opinion, this statement is critical for the operation of the Zone and to demonstrate the stand-alone intent of the provisions. I recommend including this statement before Rule 5C.0 in the PDP.
96. In relation to the third matter, I consider the permitted activity standards of the PDP do not achieve the stand-alone intent of the Ngarara Zone as it is currently written in the operative District Plan. Currently the operative District Plan provisions have permitted activity standards included within the Ngarara Zone specific to its intent. However, the PDP permitted activity standards for the Ngarara Zone requires any activity to comply with the permitted activity standards of the Residential Zone under Rule 5A.1 (except otherwise stated by a Neighbourhood Development Plan or condition of consent approved pursuant to Rule 5C.4.2). In my opinion, this means additional permitted activity standards may apply, and the stand-alone intent of the Ngarara Zone has been negated. I recommend that a permitted activity in the Ngarara Zone of the PDP be subject to the same permitted activity standards included Ngarara Zone of the operative District Plan. If the Commissioners decide to retain the PDP structure for the Ngarara Zone, the operative District Plan permitted activity standards should be brought into the standards for Rule 5C.1.
97. I recommended Rule 5C.0 Applicability of Rules 5C.1 to 5C.5 be amended as follows (~~strike through~~ to be deleted; underlined to be added):

Rules 5C.1 to 5C.5 shall apply only to land within the Ngarara Zone. For the avoidance of doubt, where a site comprises more than one zoning, the provisions of ~~each this zone shall prevail~~ shall prevail. No other rule or standard in any other Chapter of this Plan applies to activities provided for in the Ngarara Zone. ~~Where there is a conflict between any rule or standard in~~

~~this chapter and any other chapter, the more stringent rule or standard shall apply.~~

Notes: ~~[1] Notwithstanding the activity category defined by Rules 5C.1 to 5C.5 for any activity in the Ngarara Zone, attention is also drawn to the rules:~~

~~[a] in Chapters 3, 9, 11 and 12 which apply to matters which apply across all zones in the District — for example, transport, financial contributions and hazardous substances; and~~

~~[b] in Chapters 3, 4, 9, 10 and 11 that apply to special features identified on the Planning Maps — for example listed Historic Heritage items.~~

~~The rules in these chapters may identify the activity as (or result in the activity being) a different activity category than expressed below. Additional clarity on activity category determination is provided in Chapter 1 (Section 1.1).~~

Rules 5C.1 to 5C.5

98. Maypole in its submission requested Rules 5C.1 to 5C.5 be amended so they are consistent with those in Plan Change 80 subsequently made operative in and incorporated into the current District Plan. As I have highlighted above, the Council Officer is of the view that *'by and large'* the provisions are the same as those introduced into the operative Plan by Plan Change 80 (paragraph [1521] of the s.42A Report). As I have stated above, I disagree with this view. In my opinion, considerable changes are required to the rules to make them 'consistent' with the Ngarara Zone provisions included in the operative District Plan.
99. At this stage I have not had the time (nor instructions) to try to get the Ngarara Zone provisions of the operative District Plan accurately incorporated into the PDP structure. As I have outlined in paragraphs [84] – [85] above, I have identified what operative District Plan provisions have been brought into the PDP, what has been left out, and what is new. I consider further work is required to ensure the PDP provisions reflect the intent and structure of the current Ngarara Zone provisions, and to ensure they are cohesive and workable.

100. If the Commissioners are of a mind to retain the current PDP structure, I recommend a complete review of the Ngarara Zone provisions be undertaken to incorporate all of the structure and elements of the Ngarara Zone in the operative District Plan be accurately incorporated into the Ngarara Zone in the PDP to ensure it is a stand-alone zone.

Appendices 5.7 and 5.8

101. Maypole supported the inclusion of Appendix 5.7 and 5.8 in the PDP to the extent they were consistent with the Structure Plan and Management Principles for the Ngarara Zone in the operative District Plan. My understanding is that both appendices have been carried over into the PDP without any changes.
102. The Council Officer accepts Maypole's submission and recommends no amendments be made to Appendix 5.7 or 5.8. I support this recommendation, and seek the Commissioners to adopt it.

CONCLUSION

103. In intent of Plan Change 80 was to develop a stand-alone set of plan provisions that would allow the development of the Ngarara Farm in a planned way to meet the outcomes sought, including certainty for future consenting. The Ngarara Zone incorporated into the operative District Plan achieves this intent.
104. The PDP has included some elements of the Ngarara Zone from the operative District Plan, but due to the structure and District-wide nature of the PDP, the intent of the Ngarara Zone has been lost.
105. The provisions included in the PDP are more complex, have different outcomes, use different terms and have been significantly amended. A significant amount of work is required to incorporate the operative District Plan provisions into the PDP structure. My preference is to incorporate the Ngarara Zone into the PDP as a complete stand-alone zone without amendment.

106. If the Ngarara Zone is not incorporated as a complete package, in my view assessing whether the policies and rules in the Plan are the most appropriate way to achieve the objectives (s.32(1)(b)) is made more difficult. Furthermore, it is also more difficult to undertake a s.104D assessment for a non-complying activity, and a Part II assessment when consents are being considered.

30 April 2016

Chris Hansen

Annexure ‘A’ – Operative District Plan Provisions

Text in red incorporated into PDP.

C.22

NGARARA ZONE

Addition
Change 80
22/3/10

Ngarara is a special part of the Kapiti Coast providing for a variety of residential development clusters, integrated into its rural, coastal, conservation and forest setting. The fundamental design approach underpinning Ngarara has been driven by the objective of retaining the distinctive character of the site by the careful integration of built form with its rural coastal setting.

The goal of the development is to maintain existing ecologies, limit urban sprawl, and to maintain open space between neighbourhoods, while providing for residential and limited mixed use development. The density of development clusters decreases across the site from a higher density cluster with mixed use in the south west, to low density development in the north east. An area along the central dune ridges will be retained as a series of forest areas.

A substantial portion of the site will also be put aside for conservation and enhancement purposes, including all the areas identified as having significant ecological values. Parts of Ngarara remain in the Rural Zone as a precinct within the Eco-Hamlet Area north of the urban edge.

The comprehensively designed settlement provides a lifestyle environment with a range of dwelling densities and supporting mixed use activities in a landscape which reflects and enhances the existing environment. The majority of the settlement will be fully serviced with water supply and wastewater disposal systems from the reticulated public services, enhanced by onsite management and conservation techniques.

The settlement is based on a Structure Plan within which are a series of development areas, called Neighbourhood Development Areas, as identified on the Ngarara Zone Structure Plan map. The Neighbourhood Development Areas include identified areas for development as well as the adjoining open spaces areas. The development of each neighbourhood will be guided by specific management guidelines relating to Environmental Outcomes and Anticipated Form that dictate the form and nature of development, and overarching Management Principles.

The Structure Plan is attached. This includes the Ngarara Zone Structure Plan map, and ‘Ngarara Zone Neighbourhood Development Areas’ which provide details on the Neighbourhood Development Areas, including features to be protected, overall principles and outcomes, and anticipated land uses and form (contained within Part D.11: Ngarara Zone Neighbourhood Development Areas Appendix 1); and ‘Ngarara Zone Management Principles’ which provides principles for consistency that apply across the entire zone (contained within Part D.11: Ngarara Zone Management Principles’ - Appendix 2). The Neighbourhood Development Areas, corresponding development areas and open space areas shown on the Ngarara Zone Structure Plan map are indicative only and final boundaries will be determined at the resource consent stage for Neighbourhood Development Plans.

The low impact urban area within provisions Part C, Section C.7.2 Rural Subdivision and Development Policies 7(a), 7(b) and 7(c), Principal Reasons and Methods; and Provisions C.7.2, Anticipated Environmental Outcomes; do not apply or have no effect or application to that area of land identified within the Ngarara Zone of the District Plan.

C.22.1 Objective and Policies

**OBJECTIVE 1
PROMOTE THE SUSTAINABLE MANAGEMENT AND DEVELOPMENT OF THE NGARARA SETTLEMENT TO PROVIDE FOR AN ENVIRONMENTALLY SUSTAINABLE COMMUNITY.**

To achieve this objective, Council will implement the following policies:

Policy 1. Provide for the development of Neighbourhood Development Areas, as identified in the structure plan attached as Appendix 1, that provide for future uses and development appropriate to the existing environment.

Policy 2. Ensure that infrastructure, in particular potable water supply and wastewater disposal, is available to support development prior to the release of land without impacting on existing levels of service in a manner that protects the levels of service elsewhere in the District.

Policy 3. Protect, preserve and enhance the ecological values within sensitive dune and wetland areas as identified in the Neighbourhood Development Areas, particularly Kawakahia Wetland (K066 Ecological Site) and Nga Manu swamp forest (K133).

Policy 4. Within the Neighbourhood Development Areas that adjoin the Kawakahia Wetland (K066), any development shall satisfy the following ecological requirements:

- The provision of an adequate Open Space Wetland Buffer zone to manage activities with the potential to adversely affect ecologically health and process and indigenous flora and fauna;
- The design of the neighbourhood and associated infrastructure to ensure ecological connectivity between wetland and dune habitats; and
- No discharge of untreated stormwater to wetlands;
- All wastewater shall be reticulated;
- The alignment, design and construction of roading (including parking and manoeuvring areas), walkways and other accessways shall be sensitive to existing dune topography (involving minimal earthworks) and the potential adverse effects on wetland ecology;
- Building sites are located outside buffer areas and are sensitive to existing dune topography (involving minimal earthworks) and the potential adverse effects on wetland ecology;
- The positioning, orientation, design, and materials of buildings and structures shall apply low impact principles and minimise potential adverse effects on wetland ecology;
- Effective long-term management of conservation wetland areas, wetland buffers and associated open space; and
- Locally sourced indigenous species will be used for all planting; and

- **Appropriate management of human activity to minimise the impact on indigenous flora and fauna.**

Policy 5. Promote sustainable land use practices which protect the landform and character of the site by minimising earthworks and avoiding development in visually prominent locations.

Policy 6. Ensure that pedestrian, cycle, horse riding and public transport access is provided for, where appropriate, in the subdivision and development of land.

Policy 7. Provide separation between neighbourhoods and connect ecological sites via bush corridors, rural lands and wetlands.

Policy 8. Provide well designed, appropriately located and sized private open spaces which serve to minimise urban stormwater runoff and that link seamlessly into public open space networks.

Policy 9: Ensure that the impacts of new residential development on the public potable water supply and reticulation network are reduced by approximately 30% per household (from 2007 peak use per household for the Waikanae River Catchment) by installing rainwater storage tanks or water re-use systems to supply water for toilets and all outdoor non –potable uses.

Policy 10: Ensure that public health is not compromised from cross-contamination from the use of non-potable water in residential situations by requiring separation between potable and non-potable systems, including backflow prevention and by providing an adequate public potable water supply to ensure sufficient supply for potable uses.

Policy 11. Promote sustainable stormwater design to ensure maximum discharge to ground. Include low impact stormwater designs such as green roads, rain gardens, swales and soak pits, and the use of rainwater storage tanks for attenuation and non-potable re-use be incorporated into the design of a Neighbourhood Development Area and individual sites.

Policy 12. Promote building and site design that incorporate environmentally sustainable design initiatives. New dwellings are designed to minimise fire risks, for example, by installing domestic sprinklers.

Policy 13. Ensure that the protection, mitigation and management of sites of archaeological, historic and cultural significance reflects their significance and overall heritage values.

Policy 14. Ensure that Neighbourhood Development Areas are investigated for sites of archaeological, historic and cultural significance before substantial changes or physical works take place.

Policy 15. Ensure development provides for the management of domestic animals and the control of animal pests and pest plants to prevent the degradation of environmentally sensitive areas, native flora and fauna

Policy 16. Consideration be given to minimising light pollution.

Policy 17. Encourage the provision of affordable housing at appropriate locations with good access to shops and services.

Policy 18. Provide for development that is consistent with the Neighbourhood Development Areas and Management Principles contained within the Ngarara Zone Structure Plan.

Policy 19. Provide for appropriate levels of the vehicular connectivity between the Neighbourhood Development Areas and the existing roading network, based on a future link road to connect the neighbourhoods with Te Moana Road and the Waikanae North Development Zone, as shown in the Ngarara Zone Structure Plan.

OBJECTIVE 2
ALLOW FOR VARYING RESIDENTIAL DENSITIES AT APPROPRIATE LOCATIONS THROUGHOUT THE ZONE IN A WAY THAT MAINTAINS THE CHARACTER AND AMENITY VALUES OF NGARARA ZONE AND THE KAPITI COAST; AND PROTECTS AND ENHANCES THE ECOLOGICAL VALUES.

To achieve this objective, Council will implement the following policies:

Policy 1. Ensure the adverse effects of residential use and development on the natural environment are avoided, remedied or mitigated.

Policy 2. Manage development within a neighbourhood framework to achieve the outcomes of the Neighbourhood Development Areas within Ngarara.

Policy 3. Development within the Ngarara Zone shall ensure that any traffic effects on both the local and regional roading infrastructure are avoided, remedied or mitigated.

OBJECTIVE 3
ALLOW FOR NON-RESIDENTIAL, COMMERCIAL AND RETAIL ACTIVITIES AT APPROPRIATE LOCATIONS THROUGHOUT THE ZONE IN A WAY THAT IS IN ACCORDANCE WITH THE IDENTIFIED NEIGHBOURHOOD DEVELOPMENT AREAS.

To achieve this objective, Council will implement the following policies:

Policy 1. Provide a mix in different land uses and densities suitable to Neighbourhood Development Areas within the Ngarara Zone.

Policy 2. Identify such areas within the Neighbourhood Development Plan for each activity and apply such controls as necessary.

Policy 3. Ensure that retail and commercial activities are limited to provide small scale convenience shopping for residents' day to day needs in the Ngarara Zone rather than having a district-wide catchment.

C.22.2 Anticipated Environmental Outcomes

- (i) *The provision of land zoned for residential development which can be serviced and where adverse effects on the environment are avoided, remedied or mitigated.*
- (ii) *The provision of non-residential activities within the settlement where they provide for the convenient access to goods and services and support the residential activities and philosophy of the development.*
- (iii) *Ecosystems and ecological processes that are enhanced and protected, and are not adversely affected by surrounding activities.*
- (iv) *Provision of efficient infrastructure systems that minimise ecological footprints.*
- (v) *Regionally rare populations of wetland plants and their habitats are protected and enhanced.*
- (vi) *The ecological value of on site streams are enhanced and maintained.*
- (vii) *Native fauna and their habitat are protected and enhanced.*
- (viii) *A range of healthy wetlands habitats are developed which provide long term amenity and conservation functions.*
- (ix) *Integrated and environmentally sustainable stormwater design and implementation provides for the protection of water quality in wetlands, streams and the coastal marine area.*
- (x) *The existing regionally significant infrastructure (including gas and transmission lines) is protected from the adverse effects of subdivision and development.*
- (xi) *Archaeological sites will be identified prior to development taking place.*
- (xii) *Neighbourhoods which have a high level of vehicular and non-vehicular connectivity both within Ngarara and with the wider Kapiti area, through both walkways, cycle ways, bridle paths and the provision of appropriate levels of roading that are connected to the Ngarara Link Road, with links to Te Moana Road and the Waikanae North Development Zone.*

Methods

- Ngarara Structure Plan
- Approved Neighbourhood Development Plans
- Rules and Performance Standards
- Education

Annexure 'A' Operative District Plan provisions (continued)

Text in red incorporated into PDP.

D.11 NGARARA ZONE RULES AND STANDARDS

D.11.1 Ngarara Zone Rules

Given the special characteristics of Ngarara, it is appropriate that specific rules apply so as to ensure the identified objectives are met. The Structure Plan attached as D.11: Ngarara Zone Neighbourhood Development Areas - Appendix 1 outlines the conceptual development of the site and identifies a series of development clusters, called Neighbourhood Development Areas (NDAs) which identify development areas and corresponding areas of conservation and open space, with overarching Management Principles provided in D.11: Ngarara Zone Management Principles - Appendix 2. The areas for development and the corresponding open space areas shown within each NDA in the Ngarara Zone Structure Map may require minor refinement at the Neighbourhood Development Plan stage.

*Addition
Change 80
22/3/10*

Subdivision and development of each NDA is a discretionary activity subject to the development of detailed Neighbourhood Development Plans which address the roading layout, ecological constraints, traffic management, stormwater, water and wastewater management built form, open space and conservation elements, vehicle and other linkages and sustainability initiatives. Land use consent for a full discretionary activity is required for each NDA, before development can proceed. A subdivision consent is also required at the time of approval of the NDA so that its boundaries can be defined along with the roading and open space network and any conditions to be complied with on a continuing basis can be imposed. The resource consent application would include a Neighbourhood Development Plan (NDP) for each NDA, which would effectively be the Master Plan for that part of the development site. The NDP would demonstrate how the principles and outcomes sought for that Area under the Structure Plan would be achieved.

Once the NDP for each NDA is approved (i.e. granted resource consent), subdivision and land use consent for non residential, commercial and retail activities would be required for the actual development of the respective NDAs. Provided the subdivision and land uses comply with the approved conditions and requirements in the NDP, consent would be required as a controlled activity. Consent for subdivision and land development could be sought concurrently with resource consent for the Neighbourhood Development Area. Dwellings and accessory buildings that are in accordance with a Council

approved NDP and permitted activity standards would be permitted activities.

The NDP could be implemented in stages through separate land use and subdivision consents sought at later dates, or for the entire NDA at one time.

Should the subdivision or land use not be in accordance with the Council approved NDP (such as subdivision of areas for residential development outside the corresponding area identified in the NDP) consent would be required as a non-complying activity.

Development of each NDA within the Zone will need to comply with the District Plan vehicle access, road location, and design standards and design guidelines for roads. Such development will generate traffic on the external road network, including State Highway 1, and will contribute to the need for improvements within the network. The vision for Ngarara, including the design of roads, walkways and other linkages, seeks to minimise the generation of vehicular traffic. To ensure that the development within the Zone does not outstrip the capacity of the road network, the applicant shall prepare an integrated transport assessment as part of the NDP process, once the threshold of 265 household units within the Waimeha NDA is proposed to be exceeded.

Note: The low impact urban area within provisions Part C, Section C.7.2 Rural Subdivision and Development Policies 7(a), 7(b) and 7(c), Principal Reasons and Methods; and Provisions C.7.2, Anticipated Environmental Outcomes; do not apply or have no effect or application to that area of land identified within the Ngarara Zone of the District Plan.

D.11.1.1 Permitted Activities

Notwithstanding other provisions within the Ngarara Zone, the following are permitted activities, provided they comply with the permitted activity standards.

- | | |
|--|-----------------------------------|
| (i) Ancillary buildings and structures, including fences, ancillary to an existing residential structure. | <i>C.22 Objective 1, Policy 8</i> |
| (ii) One dwelling on each lot designed and located in general accordance with an approved Neighbourhood Development Plan, or multi-unit development designed and located in general accordance with an approved Neighbourhood Development Plan | <i>C.22 Objective 2, Policy 2</i> |
| (iii) Network utilities which existed as at 2 September 1995. | <i>C.16 Objective 1, Policy 2</i> |
| (iv) The maintenance, operation, repair and upgrading of existing network utilities, regardless of the date of their establishment, provided that the character and scale of | |

- the visual effects after any upgrading will be the same or less than that existing prior to the upgrading. This rule does not apply to additional lines or supporting structures or increases in the size of existing lines.
- C.16 Objective 1, Policy 2*
- (v) New network utilities of requiring authorities and their operations and maintenance within roads, except:
- C.16 Objective 1, Policy 2*
- (a) lines for conveying electricity at a voltage above 33kV;
 - (b) lines for conveying electricity with a design capacity above 100MVA per circuit;
 - (c) structures over 13 metres in height;
 - (d) high pressure gas lines with a gauge pressure of more than 2000 kPa; and
 - (e) substations and additions to existing substations
- (vi) Telecommunications and meteorological facilities except for masts over 10 metres in height and any antenna extending higher than 3 metres above any existing building.
- C.16 Objective 1, Policy 2*
- (vii) The provision and maintenance of all underground network utilities, including fittings and appurtenances which are located above ground and are necessary to the operation of the network utilities and comply with the permitted activity standards.
- C.16 Objective 1, Policy 2*
- (viii) Temporary events and associated structures, where the event is for 6 hours or less in duration, during the hours of 7am and 10pm and occurs no more than once in any three month period. Provided the temporary event complies with the permitted activity standards for 'Temporary Events' and the controlled activity standards for 'Temporary Events', excluding the controlled activity standard for noise.
- (ix) Temporary structures subject to compliance with the Permitted Activity Standards.
- (x) Pastoral and arable farming, production forestry (except the harvesting of forestry blocks larger than 10 hectares in any 12 month period), outdoor (extensive) pig farming, horticulture, viticulture and orchards provided they comply with all the permitted activity standards.
- C.22 Objective 1, Policies 5 and 7*
- (Note:** Intensive farming is not a permitted activity.)

- | | | |
|--------|---|----------------------------|
| (xi) | Except within the Totara Dunes Neighbourhood Development Area, earthworks that comply with the permitted activity standards (D.11.2.1(iii) – Earthworks). | C.22 Objective 1, Policy 4 |
| (xii) | Dwellings within an identified Neighbourhood Development Area, that are in accordance with a Council approved Neighbourhood Development Plan granted under Rule 11.1.3(B)(i). | C.22 Objective 1, Policy 1 |
| (xiii) | All other activities, which are not listed as CONTROLLED, DISCRETIONARY, or NON-COMPLYING and which comply with all the permitted activity standards. | |

D.11.1.2 Controlled Activities

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

- | | | |
|-----|---|----------------------------|
| (i) | Subdivision within an identified Neighbourhood Development Area that is in accordance with a Council approved Neighbourhood Development Plan granted under Rule 11.1.3(B)(i). | C.22 Objective 1, Policy 1 |
|-----|---|----------------------------|

The matters over which Council reserves control are:

- The design and layout of the subdivision including earthworks and the degree of compliance with the Kapiti Coast District Council Subdivision and Development Principles and Requirements 2005.
- The installation of water saving devices and energy efficient technologies.
- The imposition of financial contributions in accordance with Part E of the District Plan.
- The imposition of conditions in accordance with Section 220 of the Resource Management Act.
- Consistency with the Structure Plan (Appendix 1) within the Ngarara Zone.
- Potential adverse effects of subdivision on significant and wetlands, and waterbodies on site.
- The provision of foot and cycle pathways and the provision of access for public transport.
- Water supply and demand management, stormwater management and wastewater management.

In determining what conditions if any to impose, the Council will have regard to the following criteria:

1. *The extent of consistency with the Council's Subdivision and Development Principles and Requirements and Subdivision Best Practice Guide.*
2. *The extent of consistency with the Structure Plan for the Zone including the Ngarara Zone Neighbourhood Development Areas contained within D.11 Appendix 1 and Ngarara Zone Management Principles contained within D.11 Appendix 2.*

- (ii) **Non residential activities, retail and commercial activities land use activities (not specified as permitted activities under Rule D.11.1.1), including structures and buildings, within an identified Neighbourhood Development Area, that is in accordance with a Council approved Neighbourhood Development Plan granted under Rule 11.1.3(B)(i).**

C.22 Objective 3, Policies 1, 2 and 3

The matters over which Council reserves control are:

- **The installation of water saving devices and energy efficient technologies.**
- **Consistency with the Structure Plan for the Zone including the Ngarara Zone Neighbourhood Development Areas contained within D.11 Appendix 1, and Ngarara Zone Management Principles contained within D.11 Appendix 2.**
- **Ecological health of significant wetlands, and waterbodies on site.**
- **The provision of foot and cycle pathways and the provision of access for public transport.**
- **Integrated traffic management.**

- (iii) **Home occupations provided they comply with the controlled activity standards.**

C.22 Objective 3, Policy 3

The matters over which Council reserves control are:

- **The amenity of the locality is not detrimentally affected by noise, vibration, smell, fumes, smoke, dust, vapour, soot, ash, wastewater, waste products, grit, oil, electrical interference, appearance or any other nuisance.**

- (iv) Temporary events and associated structures that are longer than 6 hours but no more than three days duration and that occur no more than once in any three month period, where all the controlled activity standards are complied with.

The matters over which Council reserves control are:

- Lighting and noise levels;
- Structures;
- Signage;
- Access;
- Traffic and parking management;
- Post event management;
- Risk management; and
- Provision of amenities including toilets, rubbish collection and water supply.

- (v) Earthworks within the Residual Overflow Path which do not comply with the Permitted Activity Standards and any new or relocatable building within the Residual Over Flow Path.

*C.15 Objective
1, Policy 1*

The matters over which the Council reserves control are:

- The degree to which earthworks or buildings will obstruct or provide pathways for overflow flooding;
- The design of earthworks; and
- The siting of new or relocatable buildings.

Criteria for Notification

The resource consent application shall be considered without the need to obtain the written approval of affected persons and need not be publicly notified.

D.11.1.3 Discretionary Activities

(A) The following are Restricted Discretionary Activities:

- | | |
|--|---|
| (i) Earthworks that do not comply with the permitted activity standards D.11.2.1 – Earthworks (iii). | C.22 Objective 1, Policy 3, 4 5, 7 and 13 |
|--|---|

(B) The following are Discretionary Activities

- | | |
|---|----------------------------|
| (i) Development of a Neighbourhood Development Area, as identified in the Structure Plan attached as Part D.11: Ngarara Zone - Appendix 1. | C.22 Objective 1, Policy 1 |
| (ii) Subdivision when sought in conjunction with a Neighbourhood Development Plan under Rule 11.1.3(B)(i). | C.22 Objective 1, Policy 1 |

A Neighbourhood Development Plan (Master Plan) and an application for subdivision consent are required to be submitted with any resource consent application for development of a Neighbourhood Development Area. Details of the information to be included are provided under D.11.2.3. Any conditions required to be complied with on a continuing basis will be secured against the title of the Neighbourhood Development Area. Details approved as part of the Master Plan Neighbourhood Development Stage may be incorporated by reference into the District Plan by a subsequent plan change. Any subsequent consents (subdivision or land use) will have to comply with the controls and conditions that apply as a result of the approved Neighbourhood Development Plan and subdivision consent.

In determining whether to grant consent under D.11.1.3 B(i) and (ii) and if so, what conditions if any to impose, the Council will have regard to the following criteria:

- 1. The extent of consistency with the Council's Subdivision and Development Principles and Requirements 2005 and Subdivision Best Practice Guide.*
- 2. The extent of consistency with the Structure Plan for the Zone including the Ngarara Zone Neighbourhood Development Areas contained within D.11 Appendix 1 and Ngarara Zone Management Principles contained within D.11 Appendix 2.*
- 3. The adequacy of water supply and demand management, stormwater management and wastewater management systems to serve the development.*

4. *The avoidance of adverse impacts on the ecological health of the Kawakahia Wetland (K066 Ecological Site) Nga Manu Bush (K133 Ecological Site) and streams on site.*
 5. *The adequacy of provisions for the integrated management of traffic effects including provision of foot and cycle pathways, and access for public.*
 6. *The consideration of natural hazards.*
 7. *Compliance with Esplanade Reserve/Strip standards in Part H of this plan.*
- (iii) Any network utility which is not a permitted activity. C.16 Objective 1, Policy 1
- (iv) The addition or construction of buildings (excluding accessory buildings) or structures within 20m each side of the centre-line of high voltage transmission lines designed to operate at or over 110kV.
- Advice note: Notwithstanding this rule, all buildings and the use of mobile plant must comply with the requirements of the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).* C.16 Objective 1, Policy 1
- (v) Non-residential buildings in river corridors, ponding areas and overflow paths. C.15 Objective 1, Policy 1
- (vi) All other activities which are not listed as NON-COMPLYING and all other activities which do not comply with one or more of the permitted or controlled activity standards.

Criteria for Notification

In general, applications will be notified. An application may not be notified if the effects of the activity are minor and the written consent is obtained from adversely affected persons (unless the Council considers it unreasonable in the circumstances to do so).

D.11.1.4 Non-complying Activities

The following are non-complying activities:

- (i) Land use activities (not specified as Permitted Activities under Rule D.11.1.1), including structure and buildings not identified as anticipated activities in the corresponding Neighbourhood Development Area for the respective site; or not in accordance with or subject to an C.22 Objective 1, Policy 1

approved Neighbourhood Development Plan granted under Rule 11.1.3(B)(i).

- | | | |
|-------|--|--|
| (ii) | Subdivision of land that is not subject to, or is not in conformity with, an approved Neighbourhood Development Plan granted under Rule 11.1.3(B)(i) or Rule 11.1.3(b)(ii). | <i>C.22 Objective 1, Policy 1</i> |
| (iii) | Offensive trades; boarding or housing of animals for commercial gain; car wrecking within enclosed buildings; the keeping of pigeons, doves, goats, pigs and deer; and Places of Assembly. | <i>C.1 Objective 1, Policy 1.
C.22 Objective 1 Policy 5, Objective 3
Policy 3.</i> |
| (iv) | Signs (excluding approved traffic signs) which are: <ul style="list-style-type: none"> • Within the legal road, except temporary signs that are not a traffic hazard. • Directional signs on motor vehicles, trucks, trailers, caravans or other devices placed within the road reserve or on property, including parking areas (other than that on which the activity takes place). • Flashing or moving, or red or green colour forming the background to any traffic signals, or conflict with the colour or shape of traffic control signs. • Reflectorised and are adjacent to State Highway 1. • Real estate flags or advertising device located on carriageways for more than one day (eight hours) in one week. | <i>C.22 Objective 3, Policy 3</i> |
| (v) | All activities which are not listed as PERMITTED, CONTROLLED or DISCRETIONARY. | |

Note: FINANCIAL CONTRIBUTIONS

Council may require financial contributions as a condition of resource consent in accordance with Part E of the Plan.

Criteria for Notification

In general, applications will be notified.

D.11.2 Ngarara Zone Standards

D.11.2.1 Permitted Activity Standards

(i) ACCESS TO PREMISES

No barricade or structure shall be placed on any property so as to preclude or inhibit entry by the Police or any authorised officer.

*C.1 Objective 1
, Policy 1*

(ii) DUST AND ODOUR

Land use activities shall not generate airborne contaminants which create a nuisance at or beyond the boundary of a site, or to the existing transmission infrastructure. For the purposes of this standard, nuisances are contaminants which are not subject to a discharge consent and which are temporary or intermittent in nature. Nuisances include:

*C.1 Objective 1
, Policy 1*

(a) Dust

(b) Offensive or objectionable odour

(iii) EARTHWORKS

Except within the Totara Dunes Neighbourhood Development area, the following standards apply when carrying out earthworks for any activity such as constructing new buildings and relocating buildings, building roads and access ways to building sites, subdivision lots, parks and parking areas. These standards do not apply, however, to road maintenance activities within road reserves.

*C.6. C.7.3
Policies 1, 2
and 3. C.9
Policies 5 and
8. C.10
Policies 1, 3
and 4. C22
Objective 1
Policy 4*

(a) Earthworks shall not be undertaken:

- On slopes of more than 28 degrees.
- Within 20 metres of a waterbody, including wetlands and coastal water, except cultivation of a field or domestic gardening. This standard shall not apply to activities associated with maintenance of the watercourse or stormwater control.

(b) In any ponding area or overflow path no earthworks shall:

- involve the disturbance of more than 20m³ (volume) of land; or
- alter the existing ground level by more than 1.0 metre, measured vertically.

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

- (c) No earthworks shall involve the disturbance of more than 50m³ (volume) of land and shall alter the existing ground level by more than 1.0 metre, measured vertically.
- (d) Earthworks shall not be carried out within 12 metres of the closest visible edge of a high voltage transmission line support structure.

A clause in the contract for any earthworks shall contain the following:

Should a waahi tapu or other cultural site be unearthed during earthworks the operator and/or owner shall:

- (a) cease operations;*
- (b) inform local iwi;*
- (c) inform the NZ Historic Places Trust (NZHPT) and apply for an appropriate authority if required;*
- (d) take appropriate action, after discussion with NZHPT, Council and Tangata Whenua, to remedy damage and/or restore the site.*

Note: *In accordance with the Historic Places Act 1993, where an archaeological site is present (or uncovered), authority from the NZ Historic Places Trust is required if the site is to be modified in any way.*

Advice Note: All earthworks must comply with the requirements of the NZECP 34:2001.

Criteria for Notification

Consultation is required with Vector Gas Limited before any earthworks are undertaken within the pipeline easement.

(iv) HAZARDOUS SUBSTANCES

- Compliance with the Hazardous Facility Standards in Part M of this Plan.
- No activity shall exceed a hazardous facility threshold (effects ratio) of 0.02.res.

C.17 Objective 1 Policies 2,3 and 4..

(v) LIGHTING

Any lighting shall be directed so that spill of light will be contained within the boundaries of the site. Light level from the activity on the site shall not exceed 10 lux, measured 1.5 metres inside the boundary of any adjoining rural or residential property. This standard does not apply to street lighting on roads.

C.22 Objective 2 Policy 1.

(vi) PARKING, LOADING AND ACCESS

Compliance with the parking, loading and access standards in Part J of this Plan, or in accordance with conditions of an approved Neighbourhood Development Plan.

C.18 Objective 1 Policy 6

(vii) RADIATION

No discharge of radiation measured at the boundary of the site is to have a significant adverse effect on the environment. Council will accept, as compliance with this standard, activities which comply with New Zealand Standard NZS 2772.1

C.7 Objective 1

(viii) SIGNS

Compliance with the sign standards in Part L.2 of this Plan.

(ix) TEMPORARY EVENTS

Noise

Between 10pm and 10am 50 dBA (L10) 75 dBA (Lmax)

Between 10am and 10pm 75 dBA (L10) 85 dBA (LMax)

(x) TEMPORARY STRUCTURES

All temporary structures shall comply with the following standards:

- (a) The structure must be ancillary to a construction project;

- (b) The construction project for which the structures are incidental to, shall be an activity permitted by a plan or which has an approval through a resource consent;
- (c) The structures, except those that are less than 2.4m high or less than 10m² in floor area, shall be removed within 2 months after the end of the construction project; and
- (d) All structures shall be set back 1 metre from any adjoining property boundary.

(xi) ANCILLARY BUILDINGS AND STRUCTURE

Ancillary buildings and structures, including fences ancillary to an existing residential structure, shall not exceed 1.8m in height, and 1.5m on front boundaries and adjoining reserves, and have a gross floor area (GFA) of no greater than 10m² per site.

C.22 Objective 1 Policy 1

(xii) FINANCIAL CONTRIBUTIONS

The payment of all financial contributions in respect of a controlled activity as provided for in Part E of this plan shall be made before the commencement of that activity.

(xiii) NATIVE VEGETATION

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

C.8 Objective 1 Policy 2. C.11 Objective 1 Policies 1,2,4,6,8,10,11 and 12.

- The removal of trees less than 4 metres high or which have a trunk circumference less than 95cm measured at a height of 1.4 metres above the ground. Trees listed in the Heritage Register are excluded from this provision.

Provided that in (a) above, modification of vegetation is not permitted where it is:

- (i) Forms a contiguous area of more than 100m²; or
- (ii) Within 20 metres of a waterbody (including within the waterbody itself) or is
- (iii) Nationally or regionally rare or threatened.

- (b) 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:
- (i) The removal of broken branches, deadwood or diseased vegetation.
 - (ii) The removal of branches which are not part of the main structure of the tree that are interfering or overhanging buildings, but only up to 1 metre from the external walls or roof of that building.
 - (iii) The removal of the branches which are not part of the main structure of the tree to maintain access across existing farm tracks.
 - (iv) Modification by any network utility operator to ensure the safety and integrity of any network utility or to maintain access to the network utility. This does not apply to specifically listed Heritage trees.
 - (v) Modification to vegetation where it occurs within an established production forest or where it occurs within two years of a production forest being harvested.
 - (vi) Modification of vegetation that has been specifically planted as a production forest.

Note 1: Part I of the District Plan contains a list and map of the general locality of nationally or regionally rare or threatened species occurring in the Kapiti Coast District.

Note 2: Any person wishing to modify a tree listed in the Heritage Register that has been identified as having Maori values should contact the relevant iwi before carrying out any modification to the tree.

(xv) NOISE

(a) Non Residential Activities

All non-residential activities, other than transportation activities or construction, maintenance and demolition work (except in the case of temporary military training activities for which specific rules apply) shall be located, designed and carried out to ensure that the following noise levels are not exceeded at or within any residential boundary:

*C.1 Objective 1
Policy 1. C.14
Objective 1
Policies 1,2
and 3. C.18
Objective 1
Policy 10*

7am to 10pm - 50 dBA (L10)

10pm to 7am - 45 dBA (L10)

During all night time hours (10pm to 7am) no noise event shall exceed Lmax 75 dBA.

Noise levels shall be measured in accordance with NZS 6801:1991 "Measurement of Sound" and assessed in accordance with NZS6802:1991 "Assessment of Environmental Sound".

All noise resulting from construction, maintenance or demolition work shall be measured and assessed in accordance with NZS6803P:1984.

(b) Transportation Noise

Predicted Future Excessive Noise Routes

The future Western Link Road is predicted, at this stage, to become an excessive noise route, the route and extent of which is shown by the designation in the planning maps. No dwelling shall be erected within 80 metres of the boundary of the Western Link Road designation except where the following standards can be satisfied:

- An external L10 (18 hr) level of 60 dBA required at a point 1 metre from the facade of the building.
- An internal L10 (18 hr) level of 40 dBA in all internal rooms with the windows closed.
- An acoustic design certificate to be provided to show how this level can be met using approved noise abatement measures.

Transportation noise levels shall be measured in accordance with NZS6801:1991 "Measurement of Sound".

(xvi) FLOODING

(a) Overflow and Residual Overflow Hazard Areas

Buildings shall not be sited within the Overflow and Residual Overflow areas as shown on the District Plan Hazard Planning maps.

*C.15 Objective
1 Policies 1
and 3*

- (b) In any ponding or overflow path or residual overflow path no earthworks shall:
- Involve the disturbance of more than 10m³ (volume) of land in any 10 year period; or
 - Alter the existing ground level by more than 0.5 metre, measured vertical.

D11.2.2 Controlled Activity Standards

(i) FINANCIAL CONTRIBUTIONS

The payment of all financial contributions in respect of a controlled activity as provided for in Part E of this plan shall be made before the commencement of that activity.

(ii) HOME OCCUPATIONS

Must be carried out within a complying dwelling or a building accessory to a dwelling, and shall comply with the following:

*C.22 Objective
3 Policies 1
and 3*

- (a) No source of motive power other than electric motors of not more than 0.56kw is used.
- (b) The floor area used (whether temporary or permanent) does not exceed 40m².
- (c) No sign shall be displayed other than a sign of not more than 0.2m² in area stating the name of the resident and the occupation.
- (d) No goods, whether partially or completely finished, shall be displayed or be in view of any person on a road or public place.
- (e) No more than one non-resident person shall be employed.

D11.2.3 Discretionary Activity Standards

- (i) Development within Totara Dunes Neighbourhood Development Areas and those parts of Ti Kouka, Waimeha and Homestead Neighbourhood Development Areas that adjoin the Kawakahia Wetland (K066) shall meet the following:

*C.22 Objective
1 Policies 1
and 4.*

- An Open Space Wetland Buffer no less than 20m in width shall be established around wetlands and streams, a 50m minimum buffer is required for those areas shown as “Open Space Wetland Buffer (50m buffer)” on the Ngarara Structure Plan (Part D:11 Appendix 1) subject to an ecological assessment determining whether a wider buffer is required;
- For wetland buffers less than 50m in width, a 10m building setback from the inland boundary of the buffer is required: for wetland buffers 50m or greater in width, no building setback is required;
- No structures within Open Space Wetland Buffers except for structures associated with passive recreation and conservation activities;
- The ownership and management structure of the public open space within these Neighbourhood Development Areas is defined;
- An Environmental Management Plan is prepared that complies with Appendix 1 and 2;
- All wastewater shall be reticulated and all waste control structures shall be fully contained to ensure no leakage or groundwater infiltration;
- No untreated stormwater shall be discharged to natural wetlands
- All stormwater discharges are appropriately treated prior to discharge to ground on site;
- Individual building platforms within each lot and associated services are defined; and
- Locally sourced indigenous species will be used for all planting.

(ii) SUBDIVISION

Each lot shall have;

- a) a building site above the 1 in 100yr flood event. All weather access to the dwelling shall not adversely affect the flood hazard; and
- b) a minimum frontage of 6m.

*C.15 Objective
1 Policy 1*

(iii) FINANCIAL CONTRIBUTIONS

The payment of all financial contributions in respect of a discretionary activity as provided for in Part E of this plan shall be made before the commencement of that activity.

(iv) NEIGHBOURHOOD DEVELOPMENT PLAN

An application for consent for a Neighbourhood Development Plan under Rule 11.1.3(B)(i) shall contain the following:

*C.22 Objective
1 Policies 1
and 3*

- A Master plan detailing: Roading and access arrangements, servicing provisions (wastewater, water, power and telecommunications), stormwater provisions, proposed activities and specific locations, bulk and location standards, open space network,
- A plan identifying proposed property boundaries and future staging of development (whether or not subdivision consent is concurrently being sought).
- An assessment of effects, including appropriate reports.
- A statement regarding consultation, including consultation with Vector Gas Limited for development within the gas pipeline easement.
- An outline of covenants that will apply to both public and private areas.
- An outline of the open space network and proposed protection mechanisms
- Ownership arrangement details and Management Frameworks for the open space areas.
- Landscape Concept containing form, character, activities and typical materials.
- A design statement for future buildings.
- Earthworks Plan showing cut and fill, and vegetation to be retained or removed.
- For the Totara Dunes, Nga Manu, and parts of Ti Kouka, Waimeha, Kanuka Ridge and Homestead Dunes Neighbourhood Development Areas, an ecological assessment shall be undertaken by a qualified ecologist, to determine the precise extent of Kawakahia wetland (K066) and Nga Manu Bush

(K133) Ecosites and the potential effect of development on their ecological health.

The Ngarara Structure Plan requires a minimum 20m and 50m open space wetland buffer. The ecological assessment will determine whether a wider open space wetland buffer is necessary to avoid or mitigate effects on the ecological health and protection of indigenous flora and fauna from development activities which include but are not limited to the following:

- Roading infrastructure
- Earthworks
- Residential housing
- Stormwater and wastewater
- Recreational facilities
- Human activity

The ecological assessment will also determine whether other additional measures are necessary to avoid or mitigate effects, for example, connections and wildlife corridors, roading alignment and design, house lot restrictions, restrictive covenants and stormwater infiltration.

- An Environmental Management Plan is to be prepared jointly by a landscape architect and suitably qualified ecologist in consultation with a stormwater engineer and Council.

The Environmental Management Plan shall aim to ensure the development and protection of healthy wetlands and streams, and their integration with public access, visual screening, and stormwater management. It shall include but not be limited to, the following matters:

- (a) The identification and protection of threatened wetland plant, bird and fish species.
- (b) The design and management of wetland systems to ensure ecological health is maintained.
- (c) The design and management of watercourses to ensure corridors are maintained for movement of freshwater fish.

- (d) The integration of waterways with stormwater management systems to ensure water quality is maintained and ecological values are protected.
 - (e) Integration of public access including cycleways, walkways and bridleways required to give effect to the objectives and policies.
 - (f) Integrated planting for shelter, screening and public open space.
 - (g) Timeframes to complete any works required.
 - (h) Monitoring and reporting to Council on the achievement of the EMP's intended outcomes. Monitoring shall include but not be limited to assessment of the following criteria:
 - (i) Water cleansing
 - capture of runoff/stormwater;
 - treatment of sediments or pollutant; and
 - prevention of soil erosion and stream bank protection.
 - (ii) Habitat services
 - condition and coverage of native vegetation;
 - presence of exotic and/or invasive plant species;
 - connection to adjacent wildlife habitat;
 - health of adjacent aquatic habitat; and
 - evidence of human disturbance.
 - (i) Ongoing maintenance.
 - (j) Base line water monitoring.
 - (k) Base line indigenous fauna monitoring including impacts on indigenous fauna
- Stormwater Management Plan: The stormwater management plan shall aim to minimise the impact from stormwater run off on surrounding waterbodies; and to ensure the protection and

enhancement of natural values. It shall include but not be limited to, the following matters:

- (a) Ensure that no more than minor effects are created through the development in each NDP with an overall aim of achieving benefits to current water quality and flooding risks.
- (b) Identify the forms of low impact stormwater technology to be utilised from the site development, e.g. including swales, rain gardens, roof runoff water tanks.

Note: The development of the storm water management plan is to be coordinated with development of the Environmental Management Plan to ensure integration of reticulation, treatment, and end of pipe solutions with management and hydrology of natural wetlands and waterbodies.

Integration of storm water treatment and management is to recognise Greater Wellington Regional Council publications “Mind the Stream”; “So you’re thinking about a pond”; and “Understanding the Wet in Wetlands”.

- Archaeological Survey and Assessment:
 - (a) The Archaeological Survey and Assessment is to include a comprehensive archaeological survey of the Neighbourhood Development Area for which resource consent is sought, using appropriate and current technology, to record all sites present, in so far as this is possible.
 - (b) The archaeologist should use the results of the survey to contribute towards development of the neighbourhood layout, noting areas which should be set aside as reserves, and deterring the layout and road alignment.
 - (c) The archaeologist should identify specific sites that could be investigated, to address the research themes noted above, and further research themes that are developed in the intervening time.
 - (d) The developer will need to apply to the Historic Places Trust for an authority to modify, damage or destroy sites, prior to any earthworks for each neighbourhood

(e) The archaeologist should contribute, knowledge, data and items to neighbourhood interpretations on the history of each neighbourhood.

- Integrated Traffic Assessment: Development of each NDA within the Zone shall prepare an Integrated Traffic Assessment to determine whether or not traffic effects on local (Kapiti Coast) and regional road networks are manageable and/or what measures are needed to avoid, remedy or mitigate these effects to an acceptable level. For the Waimeha NDA, the ITA shall address the traffic effects in excess of those from a threshold totalling 265 household units. The assessment shall include consideration of:

(a) Trip generation

(b) Public transport provision

(c) Walk and cycling planning

(d) Emissions

(e) Travel plan

(f) Intersection capability

(v) DEFINITION OF NEIGHBOURHOOD DEVELOPMENT AREAS

An application for consent for a Neighbourhood Development Plan under Rule 11.1.3(B)(i) shall be accompanied by an application for subdivision consent under Rule 11.1.3.(B)(ii) to define the extent of the Neighbourhood Development Area concerned, the roading and open space network proposed, the areas to be developed and any easements, controls, covenants or other provisions to be complied with on a continuing basis.

*C.22 Objective
1 Policies 1
and 3*

Annexure 'B' Proposed District Plan provisions

Text in **red** carried over from Operative District Plan provisions

Ngarara Zone

Ngarara is a special part of the Kāpiti Coast providing for a variety of residential development clusters, integrated into its rural, coastal, conservation and forest setting. The fundamental design approach underpinning Ngarara has been driven by the objective of retaining the distinctive character of the *site* by the careful integration of built form with its rural coastal setting.

The goal of the development is to maintain existing ecologies, limit urban sprawl, and to maintain open space between neighbourhoods, while providing for residential and limited mixed use development. The density of development clusters decreases across the *site* from a higher density cluster with mixed use in the south west, to low density development in the north east. An area along the central dune ridges will be retained as a series of forest areas.

A substantial portion of the *site* will also be put aside for conservation and enhancement purposes, including all the areas identified as having significant ecological values. Parts of Ngarara remain in the Rural Zone as a precinct within the Eco-Hamlet Area north of the urban edge.

The comprehensively designed settlement provides a lifestyle environment with a range of lot densities and supporting mixed use activities in a landscape which reflects and enhances the existing environment. The majority of the settlement will be fully serviced with water supply and wastewater disposal systems from the reticulated public services, enhanced by on-site management and conservation techniques.

The settlement is based on a Structure Plan within which are a series of development areas, called Neighbourhood Development Areas, as identified on the Ngarara Zone Structure Plan map. The Neighbourhood Development Areas include identified areas for development as well as the adjoining open spaces areas. The development of each neighbourhood will be guided by specific management guidelines relating to Environmental Outcomes and Anticipated Form that dictate the form and nature of development, and overarching Management Principles.

Appendix 5.7 includes the Ngarara Zone Structure Plan map, and 'Ngarara Zone Neighbourhood Development Areas' which provide details on the Neighbourhood Development Areas, including features to be protected, overall principles and outcomes, and anticipated land uses and form; and 'Ngarara Zone Management Principles' which provides principles for consistency that apply across the entire zone. Neighbourhood Development Areas, corresponding development areas and open space areas shown on the Ngarara Zone Structure Plan map are indicative only and final boundaries will be determined at the resource consent stage for Neighbourhood Development Plans.

Policy 5.29 – Ngarara Zone structure plan Reference

Subdivision and development in the Ngarara Zone will provide for a mix of land uses and densities appropriate to the existing environment and will be undertaken in accordance with the Neighbourhood Development Areas and Management Principles set out in the Ngarara Zone Structure Plan and in a manner which is consistent with the following principles:

a) within the Neighbourhood Development Areas that adjoin the Kawakahia Wetland (K066), any development will satisfy the following ecological requirements:

i) the provision of an adequate Open Space Wetland Buffer zone to manage activities with the potential to adversely affect ecological health and processes and indigenous flora and fauna;

ii) the design of the neighbourhood and associated infrastructure to ensure ecological connectivity between wetland and dune habitats;

iii) no discharge of untreated stormwater to wetlands;

iv) all wastewater shall be reticulated;

v) the alignment, design and construction of roading (including parking and manoeuvring areas), walkways and other accessways shall be sensitive to existing dune topography (involving minimal earthworks) and the potential adverse effects on wetland ecology;

vi) building sites will be located outside buffer areas and will be sensitive to existing dune topography (involving minimal earthworks) and the potential adverse effects on wetland ecology;

vii) the positioning, orientation, design, and materials of buildings and structures shall apply low impact principles and minimise potential adverse effects on wetland ecology;

viii) effective long-term management of conservation wetland areas, wetland buffers and associated open space; and

ix) locally sourced indigenous species will be used for all planting; and

x) appropriate management of human activity to minimise the impact on indigenous flora and fauna.

b) Separation between neighbourhoods and connect *ecological sites* via bush corridors, rural lands and wetlands.

c) *Building* and *site* design that incorporates environmentally sustainable design initiatives. New residential buildings will be designed to minimise fire risks, for example, by installing domestic sprinklers.

d) Appropriate levels of the vehicular connectivity between the Neighbourhood Development Areas and the existing roading network, based on a future link road to connect the neighbourhoods with Te Moana Road and the Waikanae North Development Zone, as shown in the Ngarara Zone Structure Plan.

e) retail and commercial activities will be limited to only provide small scale convenience shopping for residents' day to day needs in the Ngarara Zone rather than having a district-wide catchment.

Objectives

2.2, 2.3, 2.4, 2.9, 2.11, 2.12, 2.18, 2.19 & 2.20

Explanation

Ngarara is a special part of the Kāpiti Coast providing for a variety of residential development clusters, integrated into its rural, coastal, conservation and forest setting. The fundamental design approach underpinning Ngarara has been driven by the objective of retaining the distinctive character of the *site* by the careful integration of built form with its rural coastal setting.

The goal of the development is to maintain existing ecologies, limit urban sprawl, and to maintain open space between neighbourhoods, while providing for residential and limited mixed use development. The density of development clusters decreases across the *site* from a higher density cluster with mixed use in the south west, to low density development in the north east. An area along the central dune ridges will be retained as a series of forest areas.

A substantial portion of the *site* will also be put aside for conservation and enhancement purposes, including all the areas identified as having significant ecological values. Parts of Ngarara remain in the Rural Zone as a precinct within the Eco-Hamlet Area north of the urban edge.

The comprehensively designed settlement provides a lifestyle environment with a range of lot densities and supporting mixed use activities in a landscape which reflects and enhances the existing environment. The majority of the settlement will be fully serviced with water supply and wastewater disposal systems from the reticulated public services, enhanced by on-site management and conservation techniques.

The settlement is based on a Structure Plan within which are a series of development areas, called Neighbourhood Development Areas, as identified on the Ngarara Zone Structure Plan map. The Neighbourhood Development Areas include identified areas for development as well as the adjoining open spaces areas. The development of each neighbourhood will be guided by specific management guidelines relating to Environmental Outcomes and Anticipated Form that dictate the form and nature of development, and overarching Management Principles.

The Structure Plan is contained in Appendix 5.7 and Appendix 5.8. This includes the Ngarara Zone Structure Plan map, and 'Ngarara Zone Neighbourhood Development Areas' which provide details on the Neighbourhood Development Areas, including features to be protected, overall principles and outcomes, and anticipated land uses and form; and 'Ngarara Zone Management Principles' which provides principles for consistency that apply

across the entire zone. The Neighbourhood Development Areas, corresponding development areas and open space areas shown on the Ngarara Zone Structure Plan map are indicative only and final boundaries will be determined at the resource consent stage for Neighbourhood Development Plans.

Annexure 'B' Proposed District Plan provisions (continued)

Text in red carried over from Operative District Plan provisions.

Rules and Standards - Ngarara Zone

Rule 5C.0. Applicability of Rules 5C.1 – 5C.5

Rules 5C.1 to 5C.5 shall apply only to land within the Ngarara Zone. For the avoidance of doubt, where a *site* comprises more than one zoning, the provisions of each zone shall be considered. Where there is a conflict between any rule or standard in this chapter and any other chapter, the more stringent rule or standard shall apply.

- Notes:** [1] Notwithstanding the activity category defined by Rules 5C.1 to 5C.5 for any activity in the Ngarara Zone, attention is also drawn to the rules:
- [a] in Chapters 3, 9, 11 and 12 which apply to matters which apply across all zones in the District – for example, transport, financial contributions ~~and hazardous substances~~; and
 - [b] in Chapters 3, 4, 9, 10 and 11 that apply to special features identified on the Planning Maps – for example listed Historic Heritage items.

The rules in these chapters may identify the activity as (or result in the activity being) a different activity category than expressed below. Additional clarity on activity category determination is provided in Chapter 1 (Section 1.1).

5C.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted standards (unless otherwise specified).

Permitted Activities	Standards	Reference
1. All activities which are not listed as Controlled, Discretionary, Non-Complying or Prohibited activities, and which comply with all permitted activity standards in		All relevant policies in this chapter

5C.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted standards (unless otherwise specified).

Permitted Activities	Standards	Reference
<p>this chapter and all permitted activity standards under Rules 3A.1, 4A.1, 9B.1, 9C.1, 9D.1, 9E.1, 10A.1, 11A.1, 11B.1, 11C.1, 11P.1, 12B.1, 12C.1 and 12D.1.</p>		
<p>2. Unless otherwise specified under Rules 5C.2 – 5C.6, any activity within an identified Neighbourhood Development that is in accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5C.4.2.</p>	<p>1. Any activity shall comply with the permitted activity standards for the Residential Zone under Rule 5A.1, except:</p> <ul style="list-style-type: none"> a) where otherwise stated by a Neighbourhood Development Plan or condition of consent approved pursuant to Rule 5C.4.2; and b) no more than one <i>household unit</i> shall be erected on any lot unless otherwise provided by a Neighbourhood Development Plan or condition of consent approved pursuant to Rule 5C.4.2. 	<p>Policies 5.1-5.4 & 5.29</p>

5C.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled standards (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control	Reference
<p>1. Subdivision within an identified Neighbourhood Development Area that is in general accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5C.4.2.</p>	<p>1. In addition to being in general accordance with an approved Neighbourhood Development Plan, any subdivision shall also be in accordance with any conditions of consent required by the subdivision consent granted in conjunction with the approved Neighbourhood Development Plan.</p>	<ol style="list-style-type: none"> 1. The design and layout of the subdivision and any associated earthworks. 2. Character and amenity effects. 3. Landscaping. 4. The design, size, shape and location of reserves and esplanades. 5. Council's Subdivision and Development Principles and Requirements 2012. 6. The imposition of financial contributions in accordance with Chapter 12 of this Plan. 7. The imposition of conditions. 8. Vehicle access points onto legal road including the State Highway Network and any transport effects. 9. Any legal mechanisms required for legal access. 10. Geotechnical information. 11. The location of any associated building 	<p>Policies 5.1-5.4 & 5.29</p>

5C.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled standards (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control	Reference
		<p>site(s) relative to any natural hazards features, historic heritage features and sensitive natural features.</p> <p>12. Stormwater management.</p> <p>13. Water management and water saving initiatives.</p> <p>14. The extent of consistency with the Structure Plan for the Zone including the Ngarara Zone Neighbourhood Development Areas contained within Appendix 5.7 and Appendix 5.8.</p>	

<p>2. Any non-residential activity, retail or commercial activity not specified as a permitted activity under Rule 5C.1.2 that is in general accordance with a Council-approved Neighbourhood Development Plan granted under Rule 5C.4.2.</p>		<ol style="list-style-type: none"> 1. The installation of water saving devices and energy efficient technologies. 2. The extent of consistency with the Structure Plan for the Zone including the Ngarara Zone Neighbourhood Development Areas contained within Appendix 5.7 and Appendix 5.8 3. Ecological health of significant wetlands, and waterbodies on-site. 4. The provision of foot and cycle pathways and the provision of access for public transport. 	<p>Policies 5.1-5.4, 5.29 & 6.17</p>
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5C.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled standards (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control	Reference
		5. The imposition of conditions 6. Council's Subdivision and Development Principles and Requirements (2012) 7. The imposition of financial contributions in accordance with Chapter 12 of this Plan. 8. Integrated traffic management and transport effects.	

<p>3. Home occupations.</p>	<p>1. Any home occupations must be carried out within a complying dwelling or a building accessory to a dwelling, and shall comply with the following:</p> <ul style="list-style-type: none"> a) no source of motive power other than electric motors of not more than 0.56kw shall be used; b) the maximum floor area used (whether temporary or permanent) shall not exceed 40m²; c) no sign shall be displayed other than a sign of not more than 0.2m² in area stating the name of the resident and the occupation; d) no goods, whether partially or completely finished, shall be displayed or be in view of any person on a road or public place; 	<ul style="list-style-type: none"> 1. Character and amenity effects. 2. Nuisance effects. 3. Transport effects. 4. Landscaping. 5. Cumulative effects. 6. The extent of consistency with the Structure Plan for the Zone including the Ngarara Zone Neighbourhood Development Areas contained within Appendix 5.7 and Appendix 5.8. 	<p>Policies 5.29 & 5.32</p>
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5C.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled standards (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control	Reference
	<p style="color: red;">and e) no more than one non-resident person shall be employed.</p>		

5C.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion	Reference
<p>1. Development within Totara Dunes Neighbourhood Development Areas and those parts of Ti Kouka, Waimeha and Homestead Neighbourhood Development Areas that adjoin the Kawakahia Wetland (K066) that is in accordance with an approved Neighbourhood Development Plan.</p>	<ol style="list-style-type: none"> 1. An open space wetland buffer of no less than 20 metres in width shall be established around wetlands and streams, except that a buffer of no less than 50 metres in width shall be required for those areas shown as "Open Space Wetland Buffer (50m Buffer)" on the Ngarara Structure Plan. 2. For wetland buffers: <ol style="list-style-type: none"> a) less than 50 metres in width, a 10 metre building setback from the inland boundary of the buffer is required; and b) 50 metres in width or greater, no building setback is required. 3. No structures shall be located within open space wetland buffers except for structures associated with passive recreation and conservation activities. 4. The ownership and management structure of the public open space within the Neighbourhood Development Areas subject to this rule shall be defined and provided with an application for consent. 5. An Environmental Management Plan shall be prepared in accordance with Appendix 5.7 and Appendix 5.8 	<ol style="list-style-type: none"> 1. Council's Subdivision and Development Principles and Requirements (2012). 2. Ecology and biodiversity. 3. Natural hazard risk management. 4. Design, size, shape and location of reserves and esplanades. 5. The extent of consistency with the Structure Plan for the Zone including the Ngarara Zone Neighbourhood Development Areas contained within Appendix 5.7 and Appendix 5.8. 	<p>Policies 3.3-3.8, 5.1 & 5.29</p>

5C.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary standards (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion	Reference
	<ul style="list-style-type: none"> 6. All wastewater shall be reticulated and all waste control structures shall be fully contained to ensure no leakage or groundwater filtration. 7. No untreated stormwater shall be discharged to natural wetlands. 8. All stormwater discharges shall be treated prior to discharge to ground on-site in accordance with approved stormwater management processes. 9. Individual building platforms within each lot and associated services shall be defined. 10. Locally sourced indigenous species will be used for all planting. 11. The Esplanade Reserve and Esplanade Strip provisions of Schedule 8.1 shall be complied with. 		

5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

Restricted Discretionary Activities	Standards	Assessment Criteria	Reference
1. Any activity in the Ngarara Zone which is not identified as permitted, controlled, restricted discretionary, non-complying or prohibited.		1. Consistency with the relevant Plan policies, including (but not limited to) all policies in this Chapter.	Policies 5.1 & 5.29
2. Development of a Neighbourhood Development Area, as identified in the Structure Plan included in Appendix 5.7	<p>General Requirements – Subdivision application and Neighbourhood Development Plan</p> <ol style="list-style-type: none"> A Neighbourhood Development Plan and an application for subdivision consent shall be submitted with any resource consent application for development of any Neighbourhood Development Area. Any conditions required to be complied with on a continuing basis will be secured against the title of the Neighbourhood Development Area. <p>Note: Details approved as part of the Neighbourhood Development Plan and subdivision may be incorporated by reference into the District Plan by a subsequent Plan change. Any subsequent consent applications will have to comply with the controls and conditions that apply as a result.</p> <p>General requirements – Subdivision</p> <ol style="list-style-type: none"> The subdivision application required under 	1. Consistency with the relevant Plan policies, including (but not limited to) all policies in this Chapter.	Policies 5.1-5.4, 5.13 & 5.29

5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<p>standard (1) above shall define:</p> <ul style="list-style-type: none"> a) the extent of the Neighbourhood Development Area concerned; b) the roading and open space network proposed; c) the areas to be developed; and d) any easements, controls, covenants or other provisions to be complied with on a continuing basis. <p>Note: for the avoidance of doubt, subsequent subdivision that is undertaken in accordance with an approved Neighbourhood Development Plan is a controlled activity under Rule 5C.2.1.</p> <p>General requirements – Neighbourhood Development Plan</p> <p>4. An application for consent for a Neighbourhood Development Plan shall contain the following:</p> <ul style="list-style-type: none"> a) a Master plan detailing: Roading and access arrangements, servicing provisions (wastewater, water, power and telecommunications), stormwater provisions, proposed activities and specific locations, bulk and location standards, open space network; b) a plan identifying proposed property boundaries and future staging of development (whether or not subdivision consent is concurrently being sought); 		
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5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<ul style="list-style-type: none"> c) evidence that each future lot used for residential purposes will provide a building site above the 1 in 100 year flood event and a minimum road frontage of 6 metres, d) an assessment of effects, including appropriate reports; e) a statement regarding consultation, including consultation with Vector Gas Limited for development within the gas pipeline easement; f) an outline of covenants that will apply to both public and private areas; g) an outline of the open space network and proposed protection mechanisms; h) ownership arrangement details and Management Frameworks for the open space areas; i) landscape concept containing form, character, activities and typical materials; j) a design statement for future buildings; k) an earthworks plan showing cut and fill, and vegetation to be retained or removed. <p>Ecological Assessment</p> <p>5. For the Totara Dunes, Nga Manu, and parts of Ti Kouka, Waimeha, Kanuka Ridge and Homestead Dunes Neighbourhood Development Areas, an ecological assessment shall be provided from a qualified ecologist, to determine:</p> <ul style="list-style-type: none"> a) the precise extent of Kawakahia wetland (K066) and Nga Manu Bush (K133) 		
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5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<p><i>Ecological sites</i> and the potential effect of development on their ecological health;</p> <p>b) whether the minimum required open space wetland buffer required by the Ngarara Structure Plan (20 and 50 metres) is sufficient to avoid or mitigate effects on the ecological health and protection of indigenous flora and fauna from development activities which include, but are not limited to:</p> <ul style="list-style-type: none"> i. roading infrastructure; ii. earthworks; iii. residential housing; iv. stormwater and wastewater; v. recreational facilities; and vi. human activity; <p>c) whether other additional measures are necessary to avoid or mitigate effects, for example, connections and wildlife corridors, roading alignment and design, house lot restrictions, restrictive covenants and stormwater infiltration.</p> <p>Environmental Management Plan</p> <p>6. An Environmental Management Plan (“EMP”) is to be prepared jointly by a landscape architect and suitably qualified ecologist in consultation with a stormwater engineer and Council. The EMP shall aim to ensure the development and protection of healthy wetlands and streams, and their integration with public access, visual screening, and stormwater management. It shall include but</p>		
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5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<p>not be limited to, the following matters:</p> <ul style="list-style-type: none"> a) the identification and protection of threatened wetland plant, bird and fish species; b) the design and management of wetland systems to ensure ecological health is maintained; c) the design and management of watercourses to ensure corridors are maintained for movement of freshwater fish; d) The integration of waterways with stormwater management systems to ensure water quality is maintained and ecological values are protected; e) integration of public access including cycleways, walkways and bridleways required to give effect to the objectives and policies; f) integrated planting for shelter, screening and public open space; g) timeframes to complete any works required; h) monitoring and reporting to Council on the achievement of the EMP's intended outcomes. Monitoring shall include but not be limited to assessment of the following criteria: Water Cleansing: <ul style="list-style-type: none"> i. capture of runoff/stormwater; ii. treatment of sediments or pollutant; and iii. prevention of soil erosion and 		
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5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<p style="text-align: center;">stream bank protection.</p> <p>Habitat Services:</p> <ul style="list-style-type: none"> iv. condition and coverage of native vegetation; v. presence of exotic and/or invasive plant species; vi. connection to adjacent wildlife habitat; vii. health of adjacent aquatic habitat; and viii. evidence of human disturbance. <p>Other Matters:</p> <ul style="list-style-type: none"> i. ongoing maintenance; ii. base line water monitoring; iii. base line indigenous fauna monitoring including impacts on indigenous fauna iv. outstanding natural features and landscapes. <p>Stormwater Management Plan</p> <p>7. A Stormwater Management Plan (“SMP”) shall be provided. The SMP shall aim to minimise the impact from stormwater run off on surrounding waterbodies; and to ensure the protection and enhancement of natural values. It shall include, but not be limited to, the following matters:</p> <ul style="list-style-type: none"> a) an assessment of effects with overall aims of demonstrating that no more than minor effects are created through the development in each NDP and that overall 		
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5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<p>benefits to current water quality and flooding risks are achieved; and</p> <p>b) specific descriptions of the forms of low impact stormwater technology to be utilised for site development, e.g. including swales, rain gardens, roof runoff water tanks.</p> <p>Note: The development of the SMP is to be coordinated with development of the EMP to ensure integration of reticulation, treatment, and end of pipe solutions with management and hydrology of natural wetlands and waterbodies.</p> <p>Integration of storm water treatment and management is to recognise Greater Wellington Regional Council publications “Mind the Stream”; “So you’re thinking about a pond”; and “Understanding the Wet in Wetlands”.</p> <p>Archaeological Survey and Assessment</p> <p>8. An Archaeological Survey and Assessment (“ASA”) shall be provided, and provide information related to the following:</p> <p>a) the ASA is to include a comprehensive archaeological survey of the NDA for which resource consent is sought, using appropriate and current technology, to record all sites present, in so far as this is possible;</p> <p>b) the archaeologist preparing the ASA should use the results of the survey to contribute towards development of the</p>		
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5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<p>neighbourhood layout, noting areas which should be set aside as reserves, and deterring the layout and road alignment;</p> <p>c) the archaeologist should identify specific sites that could be investigated, to address the research themes noted above, and further research themes that are developed in the intervening time;</p> <p>d) the developer will need to apply to the Historic Places Trust for an authority to modify, damage or destroy sites, prior to any earthworks for each neighbourhood; and</p> <p>e) the archaeologist should contribute knowledge, data and items to neighbourhood interpretations on the history of each neighbourhood.</p> <p>Integrated Traffic Assessment</p> <p>9. Development of each NDA within the Zone shall prepare an Integrated Traffic Assessment ("ITA") to determine whether or not traffic effects on local (Kapiti Coast) and regional road networks are manageable and/or what measures are needed to avoid, remedy or mitigate these effects to an acceptable level. For the Waimeha NDA, the ITA shall address the traffic effects in excess of those from a threshold totalling 265 household units. The assessment shall include consideration of:</p> <p>a) trip generation;</p> <p>b) public transport provision;</p>		
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5C.4 Discretionary Activities

The following activities are **discretionary** activities, provided that they comply with all corresponding discretionary standards (unless otherwise specified).

	<ul style="list-style-type: none"> c) walk and cycling planning; d) emissions; e) travel plan; and f) intersection capability. 		
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5C.5 Non Complying Activities

The following activities are **non complying** activities.

Non Complying Activities	Reference
1. Any land use activity that is not specified as a permitted activity under Rule 5C.1., as an anticipated activity in the corresponding Neighbourhood Development Area for the respective <i>site</i> , or not in accordance with or subject to an approved Neighbourhood Development Plan granted under Rule 5C.4.2.	All policies in this chapter
2. Subdivision of land that is not subject to, or is not in conformity with, an approved Neighbourhood Development Plan granted under Rule 5C.2.1 or 5C.4.2.	Policies 5.1 & 5.29
3. Development of a Neighbourhood Development Area that does not comply with one or more Discretionary Activity standards under Rule 5C.4.2	Policy 5.29
4. Offensive trades; boarding or housing of animals for commercial gain; car wrecking within enclosed buildings; and the keeping of pigeons, doves, goats, pigs and deer.	Policies 5.13 & 5.29

5C.6 Prohibited Activities

The following activities are **prohibited** activities.

Prohibited Activities

1. Commercial panelbeating and spraypainting

Reference

Policies 5.13 &
9.28

Living Environment Appendices (in Volume 2)

The following Living Environment appendices can be found in Volume 2 of this plan.

1. **Appendix 5.1** - Medium Density Housing Design Guide
2. **Appendix 5.2** - Otaki Beach, Raumati, Paekakariki Special Character Areas Design Guidelines
3. **Appendix 5.3** - Ferndale Area Structure Plan and Notations
4. **Appendix 5.4** - Pekawy Developments Area Structure Plan and Notations
5. **Appendix 5.5** - Crime Prevention through Environmental Design Guidelines
6. **Appendix 5.6** - Waikanae North Design Guide
7. **Appendix 5.7** - Ngarara Zone Structure Plan
8. **Appendix 5.8** - Ngarara Zone Management Principles