



Emily Thompson  
Kapiti Coast District Council  
Private Bag 60601  
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CC: Chris Hansen, Chris Hansen Consultants;

7 November 2013

AE04973

Dear Emily,

**Subject: Response to KCDC review of Ngarara Zone Provisions**

This letter is in response to the updated KCDC review of Maypole Environmental's concerns in relation to the Ngarara Zone provisions contained in the Proposed District Plan (PDP) which was received on 14 October 2013. We have reviewed the KCDC document and would like to provide comment on the Rural Environment Chapter review which has been undertaken in addition to the review on the Living Environment Zone. As a result this letter should be read in conjunction with our letter provided to you on 8 July 2013.

Again, it is encouraging that overall KCDC appear to agree that changes are required to the PDP in the Rural Environment Chapter to address most of Maypole Environmental's concerns around the plan structure that have been raised through submission points. However, we remain unclear and concerned about how KCDC will address the overlays in the PDP.

Our comments on the review are below:

**1. Proposed Amendments to the Rural Environment Chapter**

KCDC has recommended the following changes to the rule structure of the PDP, as outlined in the red text below:

**“Rule 7.0 Applicability of Rule 7.1-7.6**

**Rules 7.1 – 7.6 shall apply only to land within the Rural Zones. For the avoidance of doubt, where a site comprises more than one zone, the provisions of each zone shall be considered for those parts of the site within each zone. Unless otherwise specified, all rules, standards and matters of control/discretion shall apply to all Rural Zones. 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, with the exception of areas within an approved Neighbourhood Development Plan (NDP), whereby the conditions of the NDP only apply.**



We are comfortable with the recommended changes by KCDC as outlined above. We agree that to avoid conflict between conditions in an approved NDP and provisions in other chapters, and to provide greater clarity to users of the plan, Rule 7.0 should be modified to exempt all activities compliant with an approved NDP from rules in all other chapters. The NDP can then address all other rules which may apply to an activity, which are already outlined as matters that are needed to be addressed in the NDP application.

The impact of overlays on the Ngarara Zone is also discussed in the KCDC document. It is not clear how changes to the overlays in response to submitter concerns will be addressed. However, we have provided some further comments on the overlays in section 1.1 (below).

### **1.1 Summary assessment of overlapping features**

Since providing our initial response to the Living Environment changes proposed by KCDC, Maypole Environmental still does not have a clear understanding on how it will respond to concerns from submitters on the validity of the proposed overlays. Maypole Environmental remains concerned about the potential duplication of assessment and re-litigation of issues through the provisions contained in the PDP.

Maypole Environmental is still of the view that:

- the PDP provisions should be managing effects on the environment that have been identified through a robust evidence based assessment, such as what has been demonstrated through the Plan Change 80 process. Some of the overlays have a significantly higher impact on Maypole Environmental's land, and the need for more stringent provisions which were not identified as being necessary through the previous site specific environmental assessments undertaken for Plan Change 80, has yet to be justified or debated.
- We do not consider that the argument of achieving consistency across the district to how rules are applied is valid in achieving good resource management outcomes that achieve the purpose and principles of the RMA. For example, refer to our earlier comments on Dominant Ridgelines. Rules should only need to be drafted to manage actual and potential adverse effects on the environment.
- As outlined in the above points, in some cases we disagree with the initial table which audits the Living Environment stringency of rules between the operative and proposed plans.



## 2. Conclusions

Overall, other than the issues outlined above, Maypole Environment is supportive of the revised approach outlined in the document provided to us as a way of resolving the integration of Operative Ngarara Plan Provisions into the PDP. However, we would like to be able to engage with KCDC to confirm how the changes to amendments to the overlays will be implemented. At this stage we still see some conflicts in anticipated outcomes occurring.

Understanding KCDC's proposed response to these other sections of the PDP would allow us to be provide feedback on the approach so we can hopefully resolve any areas of conflict prior to any hearings.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Michael Hall', is written over a horizontal dotted line.

**Michael Hall**

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