

**Before Hearing Commissioners  
at Kapiiti**

**Under:** the Resource Management Act 1991

**In the matter of:** the Kapiti Coast Proposed District Plan  
2012 – Rural re-zoning requests

**Involving** **Cabrach Holdings Limited**  
Submitter #775

**And** **Kapiti Coast District Council**  
Local Authority

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**Statement of evidence of Monique Sarah Leith (Resource Management  
Planning) for Cabrach Holdings Ltd**

**3 June 2016**

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**Monique Leith**  
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Statement of evidence – rural re-zoning request  
Monique Leith

## **Introduction**

1. My name is Monique Sarah Leith. I am a Senior Resource Management Planner at Cuttriss Consultants Ltd.
2. I hold a Bachelor of Resource and Environmental Planning with honours from Massey University. I have over 5 years' experience in the planning field primarily based in the Kapiti Coast District. I am an intermediate member of the New Zealand Planning Institute.
3. Prior to my current role I worked for the Kapiti Coast District Council ("the Council") primarily in the Resource Consents and RMA Compliance team administering the Operative Kapiti Coast District Plan 1999 ("the Operative Plan").
4. I have been engaged by Cabrach Holdings Ltd ("the Submitter") to review their submission (submission #775) on the Proposed Plan. I can confirm I am authorised to give evidence on behalf of the Submitter.

## **Code of Conduct**

5. I have read the Conduct contained in the Environment Court's Practice Notes for Expert Witnesses and I agree to comply with it. My qualifications as an expert planner are set out above. I confirm that the issues addressed in this statement of evidence are within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
6. I understand that the Code of Conduct requires me to assist the Hearings Panel impartially on matters within my expertise, and not to advocate for the Submitter.

## **Scope of Evidence**

7. My evidence addresses submission #775 ("the Submission") from the Submitter which relates to the zoning of two allotments located at the eastern end of Te Manuao Road and south of Waitohu Valley Road in Otaki.

8. For clarification, these allotments are legally described as Lot 1 DP 427946 (“Lot 1”) and Lot 2 DP 427946 (“Lot 2”). Lot 1 is the larger allotment of the two, comprising an area of 45.77 hectares (“ha”). Lot 2 adjoins the eastern boundary of Lot 1 and contains an area of 22.53 ha. The extent of these allotments and their location is shown on Sheet 1 of the plan set **attached** to this statement at Appendix 1.

### **Matters Considered**

9. In considering the zoning of these allotments, I have specifically considered the following matters;
  - a) The Submission;
  - b) Planning Maps 3 (A/B/C/D) and Maps 22 (A/B/C/D) contained in the Proposed Plan;
  - c) Planning Maps 3 (Zones and Features) and 22 (Zones and Features) contained in the Operative Plan;
  - d) The Proposed Plan;
  - e) The Section 42A report (Part B) – Rural re-zoning requests;
  - f) The purpose and principles of the Resource Management Act 1991 (“the Act”); and
  - g) The functions of territorial authorities (Section 31 of the Act).
10. I visited the two allotments on 20 May 2016 and spent 1.5 hours studying the sites and surrounding land uses, and viewing the sites from surrounding local roads.

### **The Submission**

11. I consider the primary focus of the Submission is set out on page 1 of the Submission which states:

*This submission requests the zoning be changed to Rural Residential with a specific precinct overlay. The precinct would provide for the development of a structure plan showing areas suitable for clustered development with balance lots protecting the more productive farmland. Areas of ecological and landscape values would also be given appropriate protection. It is anticipated that an average size of 1 hectares would be an appropriate level of development for this land.*

12. I met with the Submitter on 18 May 2016 to discuss the background and context of the Submission. From this discussion, I understand that the Submitter floated the idea of providing a structure plan for the property in an attempt to provide a level of surety to the Council that the intention was to retain the portion of Lot 1 south of the Waitohu Stream as farmland and retain the buildings associated with farming this land.
13. I also understand it was an attempt to provide some surety regarding the intention of the Submitter to retain the two on-site pond areas and the mature stand of trees located within the southern paddock of Lot 2.
14. The Submitter was not previously aware of the level of information the Council would require in order to properly assess a request to implement a structure plan on these allotments.

## **Lot 2**

### *Site description*

15. Lot 2 is accessed from Te Manuao Road via a 5 metre wide sealed driveway which intersects directly with the road carriageway. This driveway runs from the road carriageway in a southeasterly direction for approximately 300 metres before narrowing to approximately 3 metres in width and running in an easterly direction for approximately 200 metres, and then in a southeasterly direction again for another 300 metres.
16. The portion of Lot 2 near Te Manuao Road is approximately 3.2 ha in area and, besides the driveway, comprises spacious grassed areas on either side of the driveway. The area to the west of the driveway has mature vegetation planted along the site boundaries and has various planted vegetation elsewhere within it. The area to the east of the driveway is a grassed paddock and includes a large, man-made pond with established wetland margin vegetation. This pond has a surface area of approximately 2,000m<sup>2</sup>.

17. The land in this area is generally level with the Te Manuao Road carriageway before gently rising to an elevation approximately 10 metres above the road carriageway, over a distance of approximately 450 metres.
18. In this more elevated area, the site comprises large grassed areas on the southern side of the driveway (approximately 16.4 ha) and a smaller grassed area on the eastern side of the driveway (approximately 2.9 ha).
19. The land on the southern side of the driveway gradually falls towards the western site boundary which adjoins the Residential Zone. This area includes a stand of mature plantation pine trees and another large, man-made pond with established wetland margin vegetation. This pond has a surface area of approximately 3,500m<sup>2</sup>.
20. The land is predominantly grassed and is presently utilised for periodic stock grazing and the small area of plantation forestry.

#### *Surrounding land uses*

21. Adjoining the northeastern boundary of Lot 2 are two rural (alluvial plains) zoned properties being Lots 1 and 2 DP 71215. These properties are approximately 1.3 and 7.1 ha in area, respectively. I note the latter property only has approximately 1.8 ha of land which is clear of natural hazards.
22. Adjoining the northwestern boundary of Lot 2, near Te Manuao Road, is a 1.8 ha residential zoned site which is currently being comprehensively developed in accordance with this zoning.
23. To the south of this area, adjoining the western boundaries of Lot 2 are established residential zoned properties accessed from Ludlam Way, Speranza Avenue, and Brandon Street.
24. Adjoining the southern boundary of Lot 2 is an area of rural (alluvial plains) zoned land comprising three properties. These properties range in size from 2 ha to 2.4 ha and are all affected by Ecological Site K018

and/or natural hazards.

25. The remainder of Lot 2 is adjoined by Lot 1 with the exception of the property known as Lot 3 DP 427946 which borders the northeastern boundaries of Lot 2. This property is approximately 5.5 ha in area and is owned and occupied by the farm manager of Lot 1. I note however that the area of land within this property clear of, or not immediately surrounded by, natural hazards; is limited to approximately 3.4 ha. This property is accessed from Te Manuao Road via the 5 metre wide sealed driveway within Lot 2 over which there is a right of way in favour of Lot 3. This site also has a secondary access from Waitohu Valley Road, across the Waitohu Stream.
26. An aerial view of Lot 2 and surrounds is shown on Sheet 1 of the plans **attached** to this statement at Appendix 1.
27. Photographs of Lot 2 and surrounds are **attached** to this statement at Appendix 2.

*Existing character and amenity*

28. Lot 2 is characterised by gently undulating topography, a sense of spaciousness and openness, presence of isolated but notable natural features including mature vegetation and landscaped waterbodies, and a sense of closeness and connectedness to the adjacent urban area to the west. This connection and sense of place is prominent on Lot 2 due to the natural outlook to the west where there are uninterrupted and elevated views over the neighbouring residential areas of Otaki and to Kapiti Island in the distance. These views naturally characterise a sense of place within Lot 2 of being within a rural area but within close proximity, and connected to, the adjacent urban area and Otaki Township.
29. Adding to this on-site character, is the adjacent streetscape and character of the immediate surrounding environment which is experienced when travelling to and from Lot 2. Te Manuao Road is generally level, has a footpath along both sides of the road carriageway

for most of its length and along the northern side of the carriageway (only) within proximity of Lot 2. It has a sealed carriageway width of approximately 10 metres within a wider legal road corridor spanning approximately 19 metres in width. Along its entire length, Te Manuao Road is typically residential in character.

30. The internal access to Lot 2 is wide, sealed, and planted on either side with mature trees. These features, together with the proximity to other residential buildings – being those along the length of Te Manuao Road, and those bordering and surrounding the western boundaries of Lot 2, and the property sharing the Lot 2 access (Lot 3 DP 427946), all add a strong sense of residential activity to the overall character of Lot 2.
31. Full reticulated services are available within Te Manuao Road including near the road boundary of Lot 2. These services include: potable water supply, wastewater, stormwater reticulation, power, and telecommunications.

#### *Operative Plan Zone and Features*

32. The site is zoned rural with an alluvial plains rural subdivision policy overlay under the Operative Plan. The site is not shown to be subject to any other District Plan features, including natural hazards.
33. The Operative Plan zones and features for the site and surrounding land are illustrated on Sheets 2 and 3 of the plans **attached** to this statement at Appendix 1.

#### *Proposed Plan Zone and Features*

34. The Proposed Plan includes the site in the rural plains zone. The site is located within the lowland alluvial terrace ecodomain and the Otaki plains landscape character area. A sliver of the northeastern corner of Lot 2 is located within the forest lakes landscape character area.
35. The site is shown to be clear of natural hazards.
36. The Proposed Plan zones, natural features and natural hazards for the

site and surrounding land are illustrated on Sheets 4, 5 and 6 of the plans **attached** to this statement at Appendix 1.

## Lot 1

### *Site description*

37. Lot 1 immediately adjoins Lot 2 and comprises an area of approximately 45.7 ha. At the common boundary with Lot 2, the formed 3m wide driveway continues for a distance of approximately 230 metres at generally the same grade.
38. On either of side this portion of the driveway are grassed paddocks. The paddock on the eastern side of the driveway is approximately 3 ha in area and is generally at a similar elevation to the level of the driveway. Mature vegetation is planted along the rear of this paddock which forms part of a ridgeline. Beyond this, the land slopes down to the Waitohu Stream corridor before sloping up to form two grassed paddocks on the northern side of the stream, each containing an area of approximately 2 ha and fronting onto Waitohu Valley Road. On the opposite side of the road to these paddocks are properties zoned rural-residential.
39. The area of land in-between the two paddocks fronting Waitohu Valley Road and the paddock on the eastern side of the Lot 1 driveway, is approximately 10 ha in area and is almost entirely subject to natural hazards.
40. The paddock on the western side of the driveway is also at a similar elevation to the level of the driveway and is approximately 4 ha in area. The western section of the paddock slopes down to the boundary and adjoining land beyond. This paddock is located at an elevation approximately 5-10 metres higher than the immediately adjoining properties to the west, including part of Lot 2.
41. The driveway and two paddocks immediately on either side of this driveway, form the most elevated part of Lot 1. From this point, the access becomes a semi-formed farm track and the land slopes down in

a south-easterly direction and has a fall to the southwest.

42. The access continues to traverse the middle of Lot 1 for a further distance of approximately 430 metres before dividing in opposite directions with one track leading towards the northeastern site boundary. The other track leads towards the southwestern site boundary and provides private access to farm buildings, sheds, and residential buildings all associated with the farm operation on Lot 1.
43. The land on either side of the farm track as it traverses Lot 1 (at its lower elevation) comprises an area of approximately 16 ha and is presently used for grazing and cropping. These paddocks are not subject to natural hazards.
44. The remaining area of Lot 1, being the southern-most corner, is where the residential buildings, implement sheds and farm buildings are located. Near these buildings, the access track becomes a formed, sealed driveway and extends beyond the buildings to Rahui Road, crossing over a ford located near the road boundary. Due to the presence of mature vegetation and width of the driveway, this driveway is not readily suitable for heavy vehicles.
45. An aerial view of Lot 1 and surrounds is shown on Sheet 1 of the plans **attached** to this statement at Appendix 1.
46. Photographs of Lot 1 and surrounds are **attached** to this statement at Appendix 2.

#### *Surrounding land uses*

47. On the northern side of Waitohu Stream, Lot 1 adjoins a 2.2 ha rural (alluvial plains) zoned property to the east being Lot 26 DP 769.
48. On the opposite side of the road are rural-residential zoned properties which are generally 1.5 ha in area. Several of these properties are subject to natural hazards.

49. To the east and southeast, Lot 1 is adjoined by rural (alluvial plains) zoned properties with access from Waitohu Valley Road or Ringawhata Road. These properties commonly range between 4 and 6 ha in area.
50. To the west, Lot 1 is adjoined by Lot 2 and a 9 ha rural (alluvial plains) zoned property. To the southwest, Lot 2 is adjoined by a 9.1 ha rural property and a 44.5 ha property, located on the opposite side of Rahui Road.
51. An aerial view of Lot 2 and surrounds is shown on Sheet 1 of the plans **attached** to this statement at Appendix 1.
52. Photographs of Lot 2 and surrounds are **attached** to this statement at Appendix 2.

*Existing character and amenity*

53. Within the elevated portion of Lot 1, the natural outlook is to southeast. This outlook is fundamentally of a rural landscape. From within various other areas of Lot 1 the outlook in every direction is also essentially a rural landscape.
54. There are no visually dominating or prominent residential buildings or residential activities on surrounding land when viewed from within this elevated area. This is primarily due to the site being bordered by shelterbelt plantings along the southeastern boundary, the presence of the mature vegetation comprising Ecological Site K018 to the west, and the mature riparian vegetation along the Waitohu Stream. This stream corridor creates an additional separation distance between the southern areas of Lot 1 and any buildings or land uses to the northeast.
55. The topography of the land restricts any outlook or view towards the residential zoned area to the northwest.
56. The topography of Lot 1 is distinctly characteristic of a rural area comprising wide alluvial plains, elevated terraces, and a valley within the Waitohu Stream corridor.

57. When viewed from Waitohu Valley Road, the paddocks fronting this road and the land beyond form part of a distinctive, wider rural landscape to the south of Waitohu Valley Road. This landscape is made up of rural plains at low elevations, the Waitohu Stream corridor valley at a lower elevation, terraced areas to the rear of this valley and rolling grass pastures beyond. The differing mature vegetation on these different areas of land add to this rural landscape. The Tararua Ranges remain as a distinctive backdrop to this landscape.

#### *Operative Plan Zone and Features*

58. Lot 1 is zoned rural with an alluvial plains rural subdivision policy overlay under the Operative Plan. It is not shown to be subject to any other District Plan features, including natural hazards.
59. The Operative Plan zones and features for Lot 1 and surrounding land are illustrated on Sheets 2 and 3 of the plans **attached** to this statement at Appendix 1.

#### *Proposed Plan Zone and Features*

60. The Proposed Plan includes Lot 1 in the rural plains zone. It is located within the lowland alluvial terrace ecodomain. The area of the site north of the Waitohu Stream is located within the forest lakes landscape character area and the land south of the stream is within the Otaki plains landscape character area.
61. Approximately 10 ha of Lot 1 is shown to be subject to natural hazards.
62. The Proposed Plan zones, natural features and natural hazards for the site and surrounding land are illustrated on Sheets 4, 5 and 6 of the plans **attached** to this statement at Appendix 1.

#### **Summary of Relief Sought**

63. The Submitter opposes the proposed rural plains zoning as set out in the Proposed Plan.

64. Having considered the matters listed in para. 9 of this statement and having visited the land to which the Submission relates and surrounds; I am of the view that:
- a) the rural plains zoning is appropriate for Lot 1 DP 427946; and
  - b) a rural residential zoning is appropriate for Lot 2 DP 427946.
65. I am seeking that Lot 2 DP 427946 be re-zoned rural residential and for Lot 1 DP 427946 to retain the proposed rural plains zoning. I consider this relief is appropriate for the following reasons

*Lot 2*

- a) The character of the land contained in Lot 2 is inherently rural residential;
- b) Lot 2 can readily be connected to reticulated services, representing an efficient use of existing infrastructure;
- c) Lot 2 has legal and practical access to legal road and the existing internal access could readily be upgraded to serve rural residential development;
- d) The natural topography of Lot 2 could readily accommodate residential buildings without any significant modification;
- e) Rural residential development on Lot 2 will not result in the destruction or modification of protected vegetation, ecological sites, or significant natural features;
- f) Lot 2 is clear of any natural hazards – there would be no risk to people or property from natural hazards and rural residential development will not be affected by or exacerbate any natural hazards;
- g) Rural-residential development within Lot 2 will not detract from the residential character of the adjacent residential zone;
- h) Rural residential land uses within Lot 2 will provide an

appropriate buffer between residential and rural land uses;

- i) Lot 2 is separated by distance and elevation from the rural areas to the northwest, west, and south. Rural residential development on Lot 2 will not detract from the rural character of this area; and
- j) The land within Lot 2 is in keeping with the rural residential zone description set out on page 7-2 of the Proposed Plan. Any subsequent development will likely be able to be designed and laid out in such a way that will achieve the rural residential objectives and policies of the Proposed Plan.

*Lot 1*

- k) The character of the land contained in Lot 1 is fundamentally rural;
- l) Lot 1 is physically separated by distance and elevation from the residential zone to the north;
- m) Lot 1 forms part of a wider rural landscape when viewed from surrounding local roads;
- n) Lot 1 is subject to significant natural features including Ecological Site K018 and various natural hazards associated with the Waitohu Stream;
- o) The land is currently utilised for rural farming purposes and I consider this to be an efficient use of the land resource;
- p) The Submitter intends for this area of land to be retained for rural farming purposes; and
- q) The land within Lot 1 is in keeping with the rural plains zone description set out on page 7-2 of the Proposed Plan.

66. The relief sought is as illustrated on Sheet 7 of the plans **attached** to this statement at Appendix 1.

**Response to the Section 42A Report**

67. In reviewing the Submission, I have considered the views of Council's reporting officer, Ms Emily Thomson, as they relate to the Submission and which are set out in Council's s42A report for rural re-zoning requests at paras 66, 67, 70-73, and 78.
68. Of note, Ms Thomson states at para 72 of Council's s42A report that:
- I consider that the lot with direct access to Te Manuao Road (Lot 2, DP427946) could be suitable for some smaller rural sections, and if a structure plan was provided for the appropriate areas within this site a rezoning to rural residential with a structure plan may be acceptable.*
69. I partially agree with the conclusion reached by Ms Thomson. I agree that Lot 2 could be suitable for some smaller rural sections. I have set out in paras. 12-14 of this statement my understanding of what was intended by the Submitter in referring to provision of a structure plan.
70. Any development on Lot 2 for rural residential purposes will require resource consent. As such, any specific proposal for development will be assessed under this regulatory process taking into account both positive and adverse actual or potential effects on the environment.
71. The Submitter is not seeking approval of a specific development proposal at this stage. The Submitter is seeking for the Proposed Plan to recognise the natural features and characteristics of Lot 2, as set out in this statement, which lend themselves to support a rural residential zoning of the land.
72. The zoning will essentially give appropriate direction, by way of the rural residential objectives and policies set out in the Proposed Plan, for any subsequent development within Lot 2.
73. It is my view that sufficient information has been provided to facilitate a full assessment of the Submission and to enable a determination on this matter without deferring this process to a potential later stage via a private plan change request.

**Decisions Requested**

74. I request that the Submitter's request to re-zone Lots 1 and 2 DP 427946 be partially accepted insofar as it relates to Lot 2 DP 427946
75. I request that Map 3A and 22A of the Proposed Plan be amended to show Lot 2 DP 427946 as being zoned rural residential.
76. I request that the Submitter's support for the rural plains zoning of Lot 1 DP 427946 be noted.

**Monique Leith**

3 June 2016