

Kāpiti Coast District Council Proposed District Plan

Te Ohu Taiao Workshop Notes & Actions

Topic:	Workshop #10 Chapter 12 General District-wide Provisions
Meeting Date:	9 and 10 November 2015
Venue:	Nikau Room, Council Offices, Rimu Road, Paraparaumu

Attendees

Name	Title/Role
Sherilyn Hinton	Principal Policy Planner
Mahinarangi Hakaraia	Ngā Hapū o Ōtaki Representative
Ann-Maree Ellison	Te Āti Awa ki Whakarongotai Representative
Hohepa Potini	Ngāti Toa Rangatira Representative
Michelle Conland	Planning Support for Te Ohu Taiao

Matters discussed¹

Item
<p>1 Chapter 12 Background</p> <ul style="list-style-type: none"> • Contains financial contributions, temporary events, signs and noise. • <i>What are financial contributions?</i> Method RMA provides that Council can use to mitigate adverse effects. Targeted at a particular development proposal. Can be money or land or a combination of both. • Has relationships with other chapters – key ones include the zone based chapters – Chapters 3, 5, 6, 7, 8 and 11. • Key objectives – Objective 2.11 Character and amenity, Objective 2.19 Urban design, and Objective 2.16 Economic vitality
<p>2 Financial contributions</p> <ul style="list-style-type: none"> • Must be related to addressing the effects of the activity (compared with Development Contributions which are collected to address the effects of growth on infrastructure). • Can't charge both an FC and a DC for the same activity & purpose. • 2 policies and a series of rules outlining the circumstances where an FC will be charged, the amount and form of contribution etc. • Council is leaning more towards development contributions rather than financial contributions, while also wanting to be able to use financial contributions. Development Contributions can be updated annually whereas FC can only be changed through the plan change. • <i>Would it be fair to say that the amount of FC is dependent on the detail in the resource consent application?</i> Yes, depends on the effects etc. • Different councils have different approaches.

¹ Te Ohu Taiao (TOT) comments are italicised.

3 Temporary Events

- Recognises benefits of temporary events to the district & seeks to ensure adverse effects on environment and community are minimised.
- Temporary events include sporting, concerts, parades, festivals, exhibitions, etc.
- *Eg. the SHAG (Sustainable Home and Garden) Show, Waitangi Day?* Yes
- 2 policies + 2 rules (1 permitted activity, 1 restricted discretionary).
- Permitted activity standards relate to duration, hours of operation, noise, light spill & glare, traffic, dust & debris, waste & sanitation etc, to try and catch any of those adverse effects. Otherwise a restricted disc activity.

4 Signs

- Recognises the importance/value of signs (eg. communication, directions, advertise goods & services, promote events/activities) but also that they can have a range of adverse effects.
- Provides for suitably designed and located signs as permitted activities subject to specific standards.
- Key issues include public benefit, impacts on character, amenity & safety (includes driver safety).
- 5 policies + 12 rules (ranging from permitted through to non-complying) Different rules for the different zones. Different scales anticipated in each of those zones.

5 Noise

- Outdoor noise is controlled by local & regional authorities through the provisions of the RMA, but some specific noise sources are dealt with under other legislation eg. dogs (Dog control legislation), vehicles on a road (NZTA), aircraft take-off or landing, workplace noise.
- S.31 RMA gives territorial authorities primary responsibility for controlling the emission of noise and mitigation of effects of noise.
- S.16 RMA places a general duty on all operators & occupiers to adopt the best practicable option to ensure noise does not exceed a “reasonable level”.
- The permitted day & night noise limits help in determining “reasonable level”.
Under the RMA what does reasonable level mean? The limits in the plan give a guide. Measured in decibels. Can give a warning, confiscate equipment. How does fireworks fit into that? Doesn't really fit into these rules. Relies on neighbours ringing in and complaining.
- In the RMA the definition of noise also includes vibration, so the rules relate to this as well.
- 6 policies + 39 rules (ranging from permitted through to prohibited).

6 Financial Contributions – Changes from the ODP

- ODP has separate chapters for signs, noise, financial contributions & temp events; the PDP brings them all together into one chapter.
- ODP had separate reserve contribution fees for Residential, Commercial and Rural zones – the PDP has an Urban fee, an Ōtaki Urban fee & a Rural fee. *Why does Ōtaki have a separate fee?* Because the land values are lower.
- PDP has revised the reserve contribution fee amounts. Sets a fixed fee for residential and non-residential Household Unit Equivalents (HUE) at amounts corresponding to a capped land value figure. More \$ value than in the ODP. Some submitters have submitted against these amounts. Need to have good justification for contributions. Central Govt is looking at this closely. Would like Councils to find other ways to obtain money for subdivisions – changes to RMA likely.
- *Are there many submissions against this?* Not too many, but they are the big players in subdivisions. They would be happy with no financial or development contributions.
- *So what do you get for this fee?* The right to create a section/build a house.
- If you're not adding a new dwelling there is no charge.
- If you are subdividing or adding a new house to a section, then you would have to pay the financial contributions.
- *The development of numerous houses would cost?* – have to pay that many FC's. But could be cash or land.
- *Paying same amount whether you are subdividing one section or a developer with multiple sections. How does papakainga fit into this?* Definition of Household Unit Equivalent states "For the avoidance of doubt, a 2 bedroom or greater *minor flat* or *papakainga unit* will be 1 HUE."
- There are provisions for discounts in the plan.
- There is a question about how much of a financial contribution can Council collect for reserves from an industrial or commercial activity. There may not be any present or nearby that they can use. *Would there not be a consideration that they are supporting the broader community?* Coastlands is a good example as there are reserves, walking linkages in close proximity. There are still going to be effects from their commercial activity – traffic etc.
- Financial contributions for industrial or commercial activity - *Could be used for greening the area, urban design, and town centre planning. Shouldn't be exempt from paying contributions. Reverse sensitivity effects (esp from Industrial activities) could be mitigated through the contributions. Those green spaces that exist are well used. If taken out may lose those areas.*
The Waikanae Hotel is being demolished on the corner of Te Moana Road and SH1 for commuter carparking, backs on to the marae – need greenery to block carparking – could be provided through financial contributions. In Ōtaki could encourage a wider footpath, cycleway, bridle path, screening, in front of the industrial area along Riverbank Road.

7 Temporary Events – Changes from the ODP

- Provide more certainty regarding the management of temporary events
- Recognise/support community & economic benefits while managing any adverse effects (ODP has no specific policies).
- Mainly clarifying – there are now specific policies in relation to temporary events. Still required to submit a management plan under the permitted activity rules.
- *What effects do alcohol policies/liquor licensing have in relation to temporary events?* Sherilyn to check (**Action 1**).
- *Is there information or a brochure which provides info for temporary events? Flow charts would be good. Producing a guide would be great.*

8 Signs - Changes from the ODP

- provisions retain and improve on the ODP provisions & aim to be more detailed/directive
- recognise public and economic benefits of signs, but ensure adverse effects on landscape, character and amenity values and pedestrian/cyclists/traffic safety are appropriately managed.
- *Are there tangata whenua considerations in relation to signs? Intention for Council to have a relationship with iwi in relation to place names and the history of areas. Shalom community had a relationship with M2PP, end of Leinster Ave needed a name. Final three were three Maori words – came from a child from who lived in the area who picked them from a Maori dictionary – no conversation with iwi about the appropriateness of these words in relation to names for the street.*
- *Policy 12.9 Sign assessment criteria – include tangata whenua considerations in the policy to encourage awareness of history and meaning of the area. People think Kāpiti means cabbage, but comes from Te Waewae Kāpiti o Tara rāua ko Rangitāne, which recognises a certain boundary point between areas. To recognise Council's unique partnership with iwi. Peka Peka should be one word. Signage becomes the educational forum.*
- Main focus of rules and policies is on signs some private business owners wishes to erect. *Issue relates more to public signage or where Te Reo is to be used on the sign.*
- *Te Haerenga Whakamua includes some values about signage – Pg 78, 79, (Pukengatanga) 101 (Tikanga 1.5.2), 102 (Tikanga 1.6.8)*
- *Was there something in the work plan about Te Reo signage. Yes, in the heritage area – heritage trails etc, to be in English and Te Reo. In the implementation phase it comes in. When there is a signage review it is captured – one is coming up soon. Encouraging other partners (eg. Friends of the Ōtaki River) to use same signage – TPA accredited, knowledge of local dialects. Kāpiti went through three iwi. Monica suggested adding names to list of translators. Let TWOK know the names of suitable people.*
- *Businesses that chose not to use the macron – is that because they don't understand the importance of what it means to iwi. How can we inform people? Perhaps something that could be done at Marae as part of Waitangi Day celebrations. Application of a macron needs to be consistent within Maori also. Monica said Tuhoe, for example prefer the use of double aa, as they believe the macron lowers it status.*
- May be issues around scope. Sherilyn to look into inclusion of tangata whenua considerations. **(Action 2)**

9 Noise - Changes from the ODP

- Noise provisions respond to a range of new noise standards introduced since 1999, as well as airport & urban growth plan changes.
- Policies more directly address transport corridors & reverse sensitivity issues.
- New rule on new dwellings within 40m railway line. *What is the current rule in relation to this? (Action 3)*
- Air noise boundaries established to regulate airport noise.
- New rules to control bird scaring devices.

10 General SEV changes

- Corrections of minor errors and minor wording improvements/clarifications using Clause 16(2), Schedule 1 RMA (immaterial changes).
- Removing unnecessary duplications
- Relocating or reorganising material
 - Consequential changes (ie. as a result of changes made elsewhere/ in response to other submissions)
 - Changes to ensure consistency across the plan (eg. removal of policy explanations and summary rule tables).
- Name of chapter may be renamed 'General Provisions'. They don't directly relate to chapter 2A District-wide Policies which could be implied from the title.

11 Financial Contributions - Key SEV changes

- Responds to general submissions seeking to simplify & make the PDP easy to understand - Wording and structural changes – rules do not have activity status.
- Responds in part to submissions opposing FC provisions, challenging basis of FC calculation & the justification/s32 (the link between 'who pays, what for, how much'). Finance people and Parks looking into this further.
- *How much of the budget comes from financial contributions, and how much is from rates?* In the LTP.
- Still room to improve on wording and clarity.
- FC's charged at the time of subdivision or if not, at the time a house is built.
- *If the FC's can't be increased to the proposed amount how does that affect the reserves and open spaces. And if it does increase, what extra will be provided?* This is what will be assessed for the s42A report and what the Finance and Parks people are looking in to. Mapping where parks are now, where growth is proposed to occur. Stocktake of assets – this is underway at the moment. *Do you think there will be many gaps?* Will be interesting to see. Had a look at what PCC are doing – they are going down the DC path, but keeping FC as a backstop. Due to work that they've done looking at parks which found that they have quite a bit of capacity for growth without impacting on parks and open spaces.
- ODP around since 1999. Lots of change since then, cost of land and assets has increased hugely.
- Once these provisions have gone through, there may be future reviews and plan changes that need to occur.
- Roads, water, etc, focus is on using DC. *In gated communities or similar situations, do they pay more DC, as there is no public good?* Not sure, probably not. Based on number of houses, vehicle movements, etc.
- *Keen to see outcome of the assessment being undertaken by Finance and Parks. Keen to see financial implications on community/Papakāinga housing. (Action 4)*

12 Temporary Events - Post-SEV changes

- Consider whether the permitted activity noise standards in 12B.1 duplicate the noise rules/standards in 12D.1 (if yes, consider deletion).
- Discussions with Council's noise expert (Malcolm Hunt) to clarify the relationship between temp events PA noise standards and noise controls in 12D.1 and remove unnecessary duplications within the PDP rules

13 Signs – Post SEV changes

- Specific recognition of state highways in Policy 12.8 Safety – responds to submission by NZTA.
- 12C.1.1.2 – Progressives made a submission around more clarity of free standing signs.
- Amendment to rules for signs on Historic Heritage Features. Rule 12C.2.2A has been relocated from Chapter 10 to Chapter 12 so all rules relating to signage on heritage features are in one chapter. Policy 10.6 Use and modification of historic heritage includes the assessment criteria - *“the degree to which public interpretation of historic heritage is enhanced by the proposed activities, in accordance with relevant cultural protocols and without effects on the tangible or intangible historic heritage values”*. Policy 12.9 provides a sign assessment criteria however this does not include historic heritage or support the relocated rules. Rule 12C.3.2 (Discretionary Activity rule for signs on historic heritage) states that the assessment criteria is consistency with Policy 12.9 (notwithstanding that this assessment criteria may be deleted). *Regardless, historic heritage values should be included in this policy due to the introduction of rule 12C.2.2A.*
(Action 7)
- Amendment to permitted activity rule for signs in Living Zones to exclude signs advertising prostitution or related activities (Rule 12C.1.7). *What are related activities? Is this an issue?*

14 Noise – Key SEV changes

- Revised permitted activity rule for temporary military training activities (Rule 12D.1.7)
 - New consolidated permitted activity rule for noise sensitive activities (Rule 12D.1.12) + consequential rule deletions to streamline/simplify and ensure no double-ups + new supporting Schedule 12.1 detailing minimum construction requirements for habitable rooms (to meet acoustic standards in the new rule).
 - **Post SEV changes:**
 - Further improvements to policy and rule wording to increase clarity
 - Consider further amendments to policies and rules in response to submitter feedback including NZTA, Kiwirail, Fed Farmers:
 - Policy 12.11 – more clarity re: “noisy activities” (Fed Farmers) worried that this includes cows
 - Policy 12.12 – relate to ‘new’ transport network developments and not existing roads/rail (Kiwirail)
 - Rule 12D.1.7 - further amendments to respond to NZ Defence Force concerns re: temp military training activities (amend definition; amend status of activities not meetings PA standards from discretionary to controlled; be exempt from other rules in other chapters). Still being worked through. The way the PDP is structured you also need to look at other provisions that might apply.
 - Rule 12D.1.10 – amendments to respond to Fed Farmers concerns re: noise provisions for activities in rural areas & reverse sensitivity issues (eg clarify treatment of things like farm pumps, machinery working at night, aircraft operation). Still being worked through. They had questions around these activities. Rule is permitting normal rural activities. The note says:

Note: For the avoidance of doubt, recreational motorbike tracks, long-term or on-going sawmilling and any fixed motors or equipment are not permitted activities. Could be made clearer “are not permitted activities under rule 12D.1.10, refer instead to rule 12D.1.2.” *Suggestion “are not classified as rural equipment”.*

(Action 8)
- *What are noise sensitive activities?* – defined in Chapter 1 – buildings used for residential activities...Marae buildings, teaching areas.
- Key things to consider are that all the noise rules work together, that they are fair and equitable for all parties.

15 Reverse sensitivity - Noise and acoustic measures

- Policy 12.13 – add other tools in addition to acoustic measures, eg setbacks/no build buffers (NZTA)
- Rule 12D.1.12 – further amendments to new consolidated noise rule to ensure its workability & to address NZTA reverse sensitivity concerns (eg road corridor buffer; quantifying “altered”)

What's in the ODP? There are similar provisions but not exactly the same as new provisions regarding insulation

Understand provisions for new houses and developments. However, existing properties are already aware of and accepting of the noise – why should extending your property mean that you have to add insulation or go through a consent process? Element of upping quality of housing. General move around NZ to up the baseline for housing. Marae that is located right on the road, if there were new buildings or alterations they would have to put in the extra insulation. Adds increased costs. Where did the measurement come from? Malcolm Hunt came up with 10% increase of floor area. If not permitted becomes full discretionary. Only applies to houses next to big roads and rail corridor. “Any new or altered habitable room within 40m of the nearest edge of any carriageway of any formed State highway, or any transport corridor designated for State highway purposes that has yet to be formed.”

- NZTA want to protect their road corridors from reverse sensitivity via a no-build requirement - to be further discussed with Malcolm Hunt who is not convinced by NZTA's argument. He thinks this can be managed through other ways – acoustic insulation. *This could be done through designations/buying properties, although this would have to be done in a way that doesn't affect the amenity along state highways/roads.*
- *Keen to hear the outcome of discussions with NZTA and Malcolm Hunt due to effects on iwi land. (Action 10) Taking land for the road and now want to include extra provisions on the land that is left.*

16 Post SEV Changes - Amateur Radio

- Submitters are basically seeking permitted activity rules that would allow for antennas & aerials up to 20m high in urban zones and 30m in rural zones.
- Isthmus undertaking a landscape assessment to help inform our thinking & the drafting of provisions. Coming back to KCDC with assessment very soon.
- Reviewing relevant case law and the various approaches around the country. Want to ensure that any provisions we recommend are appropriate and workable (& integrate with other plan provisions eg restrictions within landscape and character, ecological, natural hazards, heritage areas etc).
- *Believe that these provisions sit more appropriately within Chapter 11 Infrastructure. Should have consistent rules with masts, satellite dishes and antenna that are in Chapter 11. It's not just network utilities that are included in Chapter 11. Policy 11.3 refers to radios which is relevant to amateur radio. Would need to add policies, rules, standards etc to Chapter 12 – goes against streamlining the plan. Assessment of amateur radio antennas and aerials should be undertaken in the same manner as those for masts, antenna, and satellite dishes. Interested to know the reasons for it not being included in Chapter 11.*
(Action 5)
- *Kāpiti is horizontal not vertical – even 12m is probably too high. Better if attached to a building perhaps. This is a hobby not a necessity, technology has moved on. Would be better for them to club together and have one in an appropriate place.*
- *These antenna and aerial rules should not be a permitted activity - need resource consent to mitigate adverse amenity effects and ensure that they are located appropriately. There should also be a limit on the number of installations per property. Recommend that these rules be a non-complying activity.***(Action 9)**
- *Very concerned about the effects on amenity of the area by installing these structures. There are already some aerials installed, is there are need for more?*
- *Equity issue with network utilities which are a necessity.*
- *If introduced into the chapter, who can comment? Only submitters or further submitters could speak to this at the hearing. Joan Allin and Heritage NZ (supporting not impacting on heritage items), and Go Underground Waikanae (?). Sherilyn to confirm status of submitters and further submitters, and provide information to TOT on any further engagement of submitters* **(Action 6).**

Actions

#	Action Description	Responsibility	Timeframe (if applicable)
1	What effects do alcohol policies/liquor licensing have in relation to temporary events. Sherilyn to check	Sherilyn	
2	Sherilyn to look into inclusion of tangata whenua considerations in relation to signage policies, and scope for change.	Sherilyn	Prior to s42A report being finalised.
3	What is the current rule in relation to noise and new dwellings within 40m railway line?	Sherilyn	
4	Keen to see outcome of the assessment being undertaken by Finance and Parks. Keen to see financial implications on community/Papakainga housing.	Sherilyn	Prior to s42A report being finalised.
5	Believe that the amateur radio provisions sit more appropriately within Chapter 11. Should be consistent with Chapter 11 provisions. Interested to know the reasons for it not being included in Chapter 11. If this occurs, would like to see how	Gina/Sherilyn	Prior to s42A report being finalised.

	these provisions sit within that chapter prior to the s42A report being finalised.		
6	To confirm status of amateur radio submitters and further submitters, and provide information to TOT on any further engagement of submitters.	Sherilyn	
7	Include historic heritage values as an assessment criteria in policy 12.9 due to the introduction of rule 12C.2.2A.	Sherilyn	
8	The note to Rule 12D.1.10 could be clarified. eg "are not permitted activities under rule 12D.1.10, refer instead to rule 12D.1.2." <i>Suggestion "are not classified as rural equipment"</i> .	Sherilyn	
9	<i>Amateur radio antenna and aerial rules <u>should not be a permitted activity</u> - need resource consent to mitigate adverse amenity effects and ensure that they are located appropriately. There should also be a limit on the number of installations per property. Recommend that these rules be a non-complying activity.</i>	Sherilyn/Gina	
10	Rule 12D.1.12 – <i>Keen to hear the outcome of discussions with NZTA and Malcolm Hunt due to effects on iwi land adjacent to State Highway.</i>	Sherilyn	Prior to s42A report being finalised.

Meeting Close Out

Date notes issued to parties	
Method of Issue	