

Submission on notified proposal for plan change



About preparing a submission on a proposed plan change

You must use the prescribed form

- [Clause 6](#), Schedule 1 of the Resource Management Act 1991 (RMA) requires submissions to be on the prescribed form.
- The prescribed form is set out in [Form 5](#), Schedule 1 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
- This template is based on Form 5. While you do not have to use this template, your submission must be in accordance with Form 5.

Your submission and contact details will be made publicly available

- In accordance with [clause 7](#) of Schedule 1 of the RMA, the Council will make a summary of your submission publicly available. The contact details you provide will also be made publicly available, because under [clause 8A](#) of Schedule 1 of the RMA any further submission supporting or opposing your submission must be forwarded to you by the submitter (as well as being sent to Council).
- [Section 352](#) of the RMA allows you to choose your email to be your address for service. If you select this option, you can also request your postal address be withheld from being publicly available. To choose this option please tick the relevant boxes below.

Reasons why a submission may be struck out

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

To Kāpiti Coast District Council

Submission on Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

Submitter details

Full name of submitter: Leith Consulting Ltd

Contact person (name and designation, if applicable): Louise White

Postal address (or alternative method of service under section 352 of the RMA):
louise.w@leithconsulting.co.nz

Telephone: 0276654592

Electronic address for service of submitter (i.e. email): louise.w@leithconsulting.co.nz

I would like my address for service to be my email *[select box if applicable]*



I have selected email as my address for service, and I would also like my postal address withheld from being publicly available *[select box if applicable]*



Scope of submission

The specific provisions of the proposed plan change that my submission relates to are:
[give details]

Please see attached tabled submission.

Continue on a separate sheet if necessary

Submission

My submission is: *[include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*

Please see attached tabled submission.

Continue on a separate sheet if necessary

I seek the following decision from the Kāpiti Coast District Council: *[give precise details]*

Please see attached tabled submission.

Continue on a separate sheet if necessary

Hearing Submissions [select appropriate box]

I wish to be heard in support of my submission.	<input checked="" type="checkbox"/>
I do not wish to be heard in support of my submission.	<input type="checkbox"/>
If others make a similar submission, I will consider presenting a joint case with them at a hearing.	<input checked="" type="checkbox"/>
If others make a similar submission, I will not consider presenting a joint case with them at a hearing.	<input type="checkbox"/>

27 September 2022

Signature of Submitter
(or person authorised to sign on behalf of submitter)

Date

A signature is not required if you make your submission by electronic means.

Trade Competition [select the appropriate wording]

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ / I could not ☒ gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please complete the following:

I am ☐ / I am not ☐ directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Email your submission to district.planning@kapiticoast.govt.nz or post/deliver to:

Attn: District Planning Team
Kāpiti Coast District Council
175 Rimu Road
Paraparaumu 5032

For office use only

Submission No:

202



Submission Table			
Specific part/provision	Support? Oppose? Amend?	Relief sought	Reasons
Planning Maps- qualifying areas	Amend and support in part	<p>For ease of plan interpretation, please clearly specify via a layer in the planning maps all the qualifying matter areas in one layer that apply to the residential areas. Having existing and new qualifying matters can be confusing for plan users. Having the qualifying matters listed in one area on the planning maps makes this much more user friendly.</p> <p>Also support any other consequential changes required to improve plan useability and to make it much clearer regarding the implications of the 'qualifying matter areas'.</p>	This will improve plan useability as it is not obvious at first using the planning maps that the 'existing qualify matter areas' such as 'ponding' apply and are considered 'qualifying matters'.
Entire Plan- qualifying matters	Amend	<p>For ease of plan interpretation, please amend the rules to clearly specify that the MDRS apply to all General Residential Zoned sites, <u>including those subject to a qualifying matter</u>.</p> <p>Also support any other consequential changes required to improve plan readability and to make the applicability of 'qualifying matters' clearer.</p>	The corresponding Section 32 reports confirm that the MDRS apply to General Residential sites, including those subject to a qualifying matter (such as ponding) but explain that development may be constrained by needing to achieve compliance with rules/standards relating to that qualifying matter (e.g. in the case of ponding - achieving minimum building floor

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			<p>levels). This intent is not however clear within the Plan itself.</p> <p>To avoid confusion, ambiguity, and interpretation issues it is important that the Plan can stand on its own, without being read in conjunction with its s32 reports.</p>
GRZ-P14 – Minor Residential Units and/or GRZ-Rx1 as well as other parts of the Residential Zone Chapter to give effect to the relief sought	Amend and support in part	<p>Please amend this policy to reflect that Minor Residential Units are only specifically provided for in the Coastal Qualifying Matter Precinct under GRZ-R6. GRZ-Rx1 doesn't appear to provide for minor residential units specifically anymore as the MDRS provisions have been adopted and do not differentiate between 'minor residential units' and 'residential units'.</p> <p>We also support any consequential changes to the plan as a result of our relief sought. For example, notes could be added to the start of the Residential Zone chapter that make it clear that minor residential units only apply to the Coastal Qualify Matter Precinct.</p>	<p>Amending this policy as requested will improve plan useability and will reduce confusion and plan interpretation issues when considering 'minor residential units' within the Residential Zone.</p> <p>For example, there was potential confusion over whether the MDRS rules (such as minimum criteria for glazing) apply to 'minor residential units' and whether the GRZ-Rx1–1 applies to 'minor residential units' per site.</p> <p>We assume that 'residential unit' in this context includes 'minor residential units' so that you cannot have '3 residential units and 3 minor residential units' per site.</p>

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		Alternatively, GRZ-Rx1 could be amended to clarify via a note or change to the wording (if there is scope to do so) that the standard also applies to 'minor residential units'.	
SUB-RES-Table x1 – Minimum allotment size and shape factor and potentially SUB-RES-R27	Oppose in part – amend	<p>Column two that reads “Allotment Type” - row 1 should be amended to read as follows:</p> <p>An allotment that contains a residential unit or has an approved land use resource consent for a residential unit <u>or it can be demonstrated that is practicable to construct residential units within the allotments that comply with Rules GRZ-Rx1, GRx2 or GRZ-Rx3.</u></p> <p>To give effect to the above relief, consequential amendments to other parts of the plan should be enabled. For example, the matters of discretion should be modified under SUB-RES-R27 to give effect to the requested relief.</p>	The Council should be encouraging subdivision of land into smaller allotments as controlled activities or restricted discretionary activities where it can be shown via building plans submitted at the time of subdivision that the site and subdivision can comply with the MDRS provisions. That way, building and subdivision can be applied for, processed and approved, to be completed concurrently. This represents an efficient use of resources for all parties.
SUB-RES-Table x1 – Minimum allotment size and shape factor for vacant allotments	Oppose and amend	Column three, row two should be amended as follows:	If an applicant does not wish to, or is unable to, submit detailed building plans that show compliance with the MDRS

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		<p>450m² (inclusive of access) <u>300m²</u></p> <p>Column five, row two should be amended as follows:</p> <p>Must be capable of accommodating an 18 <u>14</u> metre diameter circle.</p> <p>Where a rear allotment is created, the shape factor circle for the front allotment(s) may extend over the access leg for the rear allotment by up to 3 metres.</p>	<p>provisions at the time of applying for subdivision consent then they should be able to create vacant allotments of at least 300m² in area with a shape factor of 14m diameter circle, as this allotment size better reflects the increased development density the Kāpiti Coast will be needing and is more enabling of infill developments based on common underlying allotment sizes. This will also enable the Plan provisions to align with neighbouring councils.</p>
SUB-RES-R27 – Standard 1(b)	Amend and support in part	<p>The standard 2 should be amended as follows:</p> <p>2. Where the parent <i>allotment</i> does not contain an existing <i>residential unit</i>:</p> <p>a. it must be demonstrated that it is practicable <u>via a site plan layout that it is feasible</u> to construct <i>residential units</i> on the parent <i>allotment</i> that comply with Rules GRZ-Rx1, GRZ-Rx2 or GRZ-Rx3; or</p>	<p>The amended wording provides more certainty to the information requirements and meaning beyond the intent of these standards. As written, there may be debates as to what is considered 'practicable' and what level of detail is required at the time of making an application. Furthermore, the term "land use consent" could mean anything e.g an earthworks consent, and should be reworded to improve clarity of the meaning.</p> <p>The bulk and location effects of the residential buildings should be considered</p>

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		<p>b. the subdivision must comply with an approved land use resource consent.</p> <p>Undertake any consequential amendments to parts of the Plan to give effect to the relief sought.</p>	<p>under the General Residential Zone provisions and an applicant should not be penalized for applying for a joint land use consent and subdivision for a breach of the MDRS rules - which would make the subdivision a non-complying activity. Delete standard 2b in its entirety.</p>
GRZ-Rx5 and GRZ-Rx6 – Matters of Discretion in relation to Residential design guides.	Amend and support in part	<p>The matters of discretion should be amended such as below:</p> <ol style="list-style-type: none"> 1. The relevant matters contained in the Residential Design Guide in Appendix x1 <u>where higher density development, such as apartments or terraced town houses for three or more attached residential units that are at least 2 stories, are proposed.</u> 	<p>Assessment against this is required for all developments in the GRZ that do not comply with all standards, under matters of discretion for GRZ-Rx5 & GRZ-Rx6 but this guide is targeted at terraced/town houses and apartments only, stating that single dwellings, infill dwellings and semi-attached dwellings are permitted and not covered by the design guide (pg.3). The way this matter of discretion is worded is such that it would appear all non-compliant developments need to be assessed against this design guide, when the design is only applicable for those higher density developments. Would recommend rewording this matter of discretion to clarify this is only for higher density terraced/town houses and apartments.</p>

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SUB-DW-R9 Restricted Discretionary Activity	Oppose and amend	<p>Standard 2 should be amended as follows:</p> <p>2. Proposed building areas with a minimum dimension of 20 9 metres must be identified for each <u>vacant</u> allotment <u>or building areas that match detailed building plans submitted at the time of subdivision shall be identified.</u></p>	The building area dimensions under this rule should be reduced/reworded to better reflect the reduced size of allotments/buildings that will be enabled by the MDRS provisions. Otherwise, you will have many MDRS subdivisions (small allotments around existing or new residential buildings) that cannot comply with this outdated standard and will require a 'discretionary' resource consent for a subdivision that should only be a 'restricted discretionary' activity.
Definitions	Amend if required	Add definitions or change definitions, where definitions are not a NPS definition, to give effect to the relief sought in this submission.	Scope to ensure that the relief sought is not limited to certain parts of the plan as there may be flow on effects to other parts of the plan that are required to be changed to enable the relief requested.
<p>TR-R3 Site access and loading for vehicles, Standard 1, Standard 2 and Standard 3</p> <p>Also might want to add in a policy regarding pedestrian access</p>	Oppose and amend	<p>Standard 1 should be amended as follows:</p> <p>1. Access – every site must provide vehicular <u>or pedestrian</u> access over land or by mutual right of way or service lane for parking and/or loading and shall be in accordance with TR-Diagram – 2 <u>and XXX (insert</u></p>	To give effect to national direction and the MDRS standards TR-R3 should be amended to not require vehicle access over land to every site. Development should be able to provide suitable pedestrian access if the proposal/subdivision/development is not proposed to provide on-site car parking (which is no longer required).

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		<p><u>applicable pedestrian access standard here)</u></p> <p>2. Access – all <u>vehicle</u> accesses must meet the following</p> <p>.....</p> <p>A new pedestrian access policy may need to be added and as a consequence the existing objectives may need to be modified to give effect to the relief sought.</p>	
Residential subdivision that breaches the minimum vacant allotment size - Activity Status	Oppose – amend	<p>Please amend the activity status for breaching the minimum residential vacant allotment size from Non-complying Activity to a Restricted Discretionary Activity Status and list the matters of discretion.</p> <p>We support any consequential changes needed to the rest of the District Plan to give effect to the relief sought.</p>	Residential development in the Residential Zone is anticipated land use type for the residential zone and should be provided for in the Plan. Often adverse effects are known and can be defined with matters of discretion listed. Signaling that it is a 'non-complying activity' indicates that the activity is not anticipated by the Plan or appropriate which should not be the case considering National Direction, the NPS for UD and the new MDRS provisions.
GRZ-Rx2 and associated objectives and policies and planning maps – Precinct B and Precinct A	Oppose – amend	Please amend rules/planning maps and associated policies and objectives to enable up to 20 metres (6 storeys) in the Town Centre Zones at Ōtaki, Paraparaumu and Raumati Beach.	There is plenty of commercial activity within these town centres to justify building up to six stories to align with Policy 3 of the NPS UD 2020. It also makes economical and feasible sense to build a six

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		<p>This would potentially require a change to Precinct B in the planning maps to exclude the Town Centre Zones as above and include them in Precinct A.</p> <p>We support any consequential changes needed to the rest of the District Plan and planning maps to give effect to the relief sought.</p>	<p>storey building rather than a four storey building as both require lifts and similar inputs. Allowing up to six stories will help to achieve Kāpiti's housing bottomlines.</p> <p>For projects of four or more floors construction costs increase significantly and - typically estimate \$4,500/sqm as a rough guide. The increase in construction costs between lightweight structures and more intensive housing are reflected by the increased complexity of construction from both a design and engineering perspective. We note that contractors will have competitive pricing strategies and it is challenging to establish exactly what is included in the square metre rate.</p>
INF-MENU-R27	Amend - oppose	<p>Please update this rule to reference the new 'incorporate by reference' document as follows:</p> <p>Standards</p> <p>1. Development must be undertaken in accordance with the Council's Subdivision and Development Principles and Requirements, 2012.</p>	<p>If this rule is not updated to reference the proposed new external document that is incorporated by reference into the plan in other rules and chapters then there will be an internal conflict within the Plan.</p>

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		<p><u>Council's Land Development Minimum Requirements.</u></p> <p>We support any other consequential changes needed to the rest of the District Plan to fix errors that create inconsistencies and issues with plan interpretation.</p>	
<p>NH-FLOOD-R3 and SUB-DW-R7 and definition of 'building area'</p> <p>Definitions chapter</p>	Support in part and amend	<p>Please amend SUB-DW-R7 as follows:</p> <p>Standards</p> <ol style="list-style-type: none"> 1. Each <u>vacant</u> allotment shall have a building area located outside any river or stream corridor, overflow path or residual overflow path. 2. Each <u>vacant allotment's</u> building area shall be located above the estimated 1% AEP flood event level. 3. Formed vehicle access does not adversely affect the 1% AEP flood hazard risk on other properties in the same flood catchment. 	<p>NH-FLOOD-R3 standard 1 allows for the building floor level of buildings to be constructed above the 1% AEP flood event level as a permitted activity. If this is achieved for the buildings ahead of doing any subdivision, then any subdivision around the buildings should not be elevated to a potentially higher activity status because the ground level was not raised above the flood level when the house was built.</p> <p>If it is the intention of Council to require the existing ground level to be raised above any modelled flood level via earthworks then NH-FLOOD-R3 should be amended to reflect this so there is not a disconnect between land use rules and subdivision rules.</p>

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		<p>4. Compliance with all other relevant subdivision rules and standards in other chapters.</p> <p>Also define what is meant by 'building area'.</p> <p>We support any consequential changes needed to the rest of the District Plan and planning maps to give effect to the relief sought.</p>	<p>Also 'building area' is not defined in the District Plan and should be for improved plan understanding and implementation.</p>
Hydraulic Neutrality	Amend – potentially add to Infrastructure chapter or Hazards Chapter	<p>Update the plan to better reflect the need to achieve hydraulic neutrality at the time subdivision and building stage as this is an important requirement that is somewhat buried in the document incorporated by reference by the District Plan being the "Council's Land Development Minimum Requirements"</p> <p>Make it clear in the rules in the District Plan that hydraulic neutrality needs to be achieved for development with notes on how this is to be calculated or measured.</p>	<p>An important topic and requirement for development, being to achieve hydraulic neutrality, should not be buried in another document but should be a clear rule in the District Plan. There is a policy regarding this requirement so a corresponding and clear rule in the Plan regarding this topic area is recommended. As more medium density developments are created, the need for hydraulic neutrality will become more important, especially since there may be an increasing issue with stormwater management and flooding in Kapiti due to the impacts of climate change.</p>

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		<p>A rule regarding hydraulic neutrality could be added to the Infrastructure Chapter, for example, as this where the policy INF-MENU-P17 is located. The implications of not being able to achieve hydraulic neutrality should be a restricted discretionary activity as any adverse effects can be defined.</p> <p>We support any consequential changes needed to the rest of the District Plan and planning maps to give effect to the relief sought.</p>	<p>The Council also need to consider a hydraulic neutrality rule and potentially adding/amending associated objectives and policies to provide a pathway forward for developments where hydraulic neutrality cannot be achieved but where there may be an opportunity for offsetting or compensating for any adverse effect associated with not meeting hydraulic neutrality.</p>
Beach Residential Precinct rules and standards	Oppose - amend	<p>The District Plan still has references to rules regarding the Beach Residential Precincts. Please delete/clarify these rules as there is no corresponding precincts in the Eplan maps or they are not mapped in a clear way. This makes the plan confusing so please clarify these rules in the Plan and delete them where there is no applicable beach residential precinct mapped in the eplan.</p> <p>Also delete Appendix 3 as it relates to beach residential precincts not mapped in the eplan.</p>	<p>The Beach Residential Precincts are not clearly mapped in the planning maps and the existing beach residential rules are confusing in terms of how they apply with MDRS standards.</p>

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Coastal Qualifying Matter Precinct and MDRS	Support in part	<p>Please update the plan to improve useability to clarify how the coastal qualifying matter precinct is to be applied where it covers only half a site/property.</p> <p>How are the MDRS to apply in this scenario? Please update the rule and policy framework to make this scenario clearer and add interpretation notes throughout the Plan to improve clarity.</p>	<p>The District Plan should be able to be understand as a standalone document without any loopholes or gaps in understanding. Relying on external reports such as the s32 report for understanding is not good practice as the s32 report holds no legal weight once the plan is operative.</p> <p>For example, if I wished to build medium density on the portion of the site that was not subject to the Coastal Qualifying Matter Precinct - would this be a permitted activity if all the MDRS standards are complied with?</p>
Coastal Qualifying Matter Precinct and the MDRS "Immediate legal effect application" for sites where the Coastal Qualifying Matter Precinct is only over a portion of the site.	Oppose – amend	<p>Seeking clarity and an update to the plan to clarify these provisions.</p> <p>If half a site is subject to the Coastal Qualifying Matter precinct and the other half of the site is not subject to the qualifying matter – do the MDRS standards have immediate legal effect for the portion of the site that is not subject to the Coastal Qualifying Matter precinct?</p>	<p>Updating the plan with interpretation notes throughout that help guide plan users to how rules should be applied will create a more useable plan with less opportunities for incorrect or differing interpretations of the same provisions.</p>

From: [Louise White](#)
To: [Mailbox - District Planning](#)
Subject: Submission on Proposed Plan Change 2: Intensification - Leith Consulting Ltd
Date: Tuesday, 27 September 2022 4:28:35 pm
Attachments: [Form 5 Submission for Plan Change 2 KCDC - Leith Consulting Ltd - 27 September 2022.pdf](#)

Dear District Planning Team,

Please find attached our submission on Proposed Plan Change 2.

Please confirm receipt of this email.

Thank you,

Louise White | BREP(Hons)

Leith Consulting Ltd

Senior Resource & Environmental Planner

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* Disclaimer