

BEFORE THE INDEPENDENT COMMISSIONERS APPOINTED BY KĀPITI COAST DISTRICT COUNCIL

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

AND

IN THE MATTER an application for resource consent by M R Mansell, R P Mansell and A J Mansell for a subdivision and to undertake earthworks with a lapse period of 10 years at 48 and 58 Tieko Street, and 131, 139 and 147 Otaihanga Road, Otaihanga, Paraparaumu (RM210147).

**SUPPLEMENTARY STATEMENT OF EVIDENCE OF ALICE JANE BLACKWELL
ON BEHALF OF NZ CUSTODIAL TRUSTEES (103) LTD AND PENDENNIS CUSTODIAL TRUSTEE LTD -
THE OWNERS OF 44 TIEKO STREET, ORAIHANGA, PARAPARAUMU**

4 AUGUST 2022

1. Summary statement

- 1.1 My full name is Alice Jane Blackwell. My qualifications and experience are outlined in my Evidence in Chief (“EIC”) dated 27 July 2022. This summary briefly sets out an overview of my EIC and highlights relevant matters from my evidence.
- 1.2 I have been engaged by the owners of the property at 44 Tieko Street, Otaihanga (NZ Custodial Trustees (2013) Ltd and Pendennis Custodial Trustee Ltd) to provide planning advice and prepare planning evidence in relation to the subject application for a rural subdivision with associated earthworks and infrastructure. My evidence was focused on proposed Lots 12 to 19, with particular focus on proposed Lots 13, 18 and 19 as these proposed lots have the greatest impact on 44 Tieko Street.

2. Rural character and amenity effects

- 2.1 The proposed subdivision facilitates a density of development that is not anticipated or provided for in the District Plan and will erode the rural residential character for 44 Tieko Street.
- 2.2 Should the Commissioners be of a mind to grant consent, I consider the following amendments / mitigation measures would mitigate the effects of the proposal to an acceptable level:
- (i) The number of proposed lots are reduced so that proposed Lots 12 to 19 are reduced to a maximum of three lots (designed to mitigate intensity effects on 44 Tieko Street);
 - (ii) Future dwellings are restricted to specific building platforms that minimise the effects on 44 Tieko Street;
 - (iii) Dwellings on proposed Lots 12 – 19 should be restricted to one dwelling per lot (i.e. no minor dwelling); and
 - (iv) Dwellings on proposed Lots 12, 13, 14, 18 and 19 be restricted to single storey i.e. maximum height of 4.5 metres.
- 2.3 In terms of the condition “XX” (offered by the applicant offering the short term (until the completion of the subdivision) of the existing pine trees surrounding 44 Tieko Street. This condition will result in the existing screening provided by the existing

trees in the short term. However, given the mature age of the trees and the limited duration for which the condition will be in force, the condition will not sufficiently mitigate the amenity effects on 44 Tieko Street. I consider that, an enduring condition requiring planting and ongoing maintenance of plants along the boundary with 44 Tieko Street would assist in mitigating the potential amenity effects.

3. **Urban environment**

3.1 I consider that the subject site is not within one of Kapiti Coast District's *urban environments* as defined by section 77F of the RMA. I accept that Wellington is a Tier 1 Urban Environment and this includes Kapiti Coast District Council. I note that Draft Plan Change 2 is the Council's draft Intensification Planning Instrument which outlines that¹:

"for the purposes of this plan change, the districts urban environments are:

1. *The areas of land that are contained within the following zones in the Operative District Plan:*
 - a. *Residential Zones*
 - b. *Metropolitan Centre Zone;*
 - c. *Town Centre Zone;*
 - d. *Local Centre Zone*
 - e. *Mixed Use Zone*
 - f. *General Industrial Zone*
 - g. *Airport Zone*
 - h. *Hospital Zone; and*
2. *the areas of land proposed to be included in any of these zones as part of this plan change."*

3.2 I consider that as the subject site is in the Rural Lifestyle Zone (and not listed above), it is not identified as a site to be rezoned as general residential as part of draft Plan Change 2. I understand the notification of the Intensification Planning Instrument is expected on 18 August 2022.

4. **104D Gateway Test**

4.1 As outlined in my EIC, as currently designed, I do not consider that the proposed passes through the gateway test under section 104D of the RMA. My evidence

¹ Kapiti Coast District Plan Draft Proposed Plan Change 2 – Intensification page 7-8

outlined specific objectives and policies that, in my opinion, are being challenged by the proposed subdivision and I note that the scope of my evidence is in relation to the effects on 44 Tieko Street. In highlighting these objectives and policies I considered all relevant objectives and policies, but my evidence highlights the objectives and policies where I considered there was a particular issue.

5. CONCLUSION

- 5.1 I consider the proposal has significant adverse amenity effects on 44 Tieko Street, particularly in relation to character and amenity. This is due to the overly intensive subdivision design and earthworks that exacerbate effects on 44 Tieko Street. The proposal is outside the level of development that is anticipated by the District Plan.
- 5.2 The granting of this application would undermine the integrity of the District Plan and as such in its current form the application for resource consent should be declined.



Alice Blackwell

4 August 2022