District Plan and Resource Consent Guidance

Primary Out of Scope Consent Triggers (Rules and Standards) under s104(1A) of the Resource Management Act 1991.

Kāpiti Coast DISTRICT COUNCIL
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Introduction

1. Section 104(1A) of the Resource Management Act 1991 (**RMA**) comes into force on 30 October 2026. It lists matters that Council must disregard when considering the effects of district land use activities.

2. Below is a table of consent triggers in the Kapiti Coast Operative District Plan 2021 that Council consider to be out of scope under section 104(1A) on a chapter-by-chapter basis at this time. It is provided for general information only and is not a complete list of all relevant matters/not an exhaustive list, and may change over time as planning practice develops, new decisions or guidance become available, and District Plan provisions are reviewed and updated.

3. This table does not currently include any District Plan rules and standards that manage minor residential units or papakāinga that may relate to a matter that must be disregarded under s104(1A). Council is preparing amendments to the minor residential unit provisions and papakāinga provisions within the District Plan under s44A of the RMA to remove conflict and duplication with the National Environmental Standards for Detached Minor Residential Units 2025, and the National Environmental Standards for Papakāinga 2026 respectively.

4. If you are preparing or considering a resource consent application or interpreting how the Kapiti Coast Operative District Plan 2021 applies to your proposal, you should obtain independent professional advice (including legal and/or planning advice) before acting or relying on this material.

Table 1: Consent triggers that directly relate to a matter that is out of scope under s104(1A):

Provision	Detail	Relevant s104(1A) provision	Comments
GRZ - General Residential Zone			
GRZ-R6	New buildings, and any minor works, additions or alterations to any building within the Coastal Qualifying Matter Precinct. Standard 8 – Floor area ratio – Beach Residential Precinct	(a)(v) – the size of a residential unit	The size of a residential unit is out of scope. The floor area ratio is defined as *the relationship derived from dividing the total gross floor area ("GFA") by the total site area ("PA"); expressed as a ratio (GFA: PA).* The purpose of this standard is to control the size of a residential unit relative to the size of the allotment within the Beach Residential Precinct.[1]
	Standard 9 – Outdoor living areas	(a)(iii) – outdoor living space	The outdoor living space is out of scope.
GRZ-R33	New buildings and structures, and any minor works, additions or alterations to any building or structure. Standard 6 – Outdoor living space for a residential unit or retirement unit at ground floor level; and Outdoor living space (where	(a)(ii) – the presence or absence of balconies; and (a)(iii) – outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.

[1] Policy GRZ-P5 – Waikanae Beach Residential Precinct states:
Subdivision, use and development in the Waikanae Beach Residential Precinct will give consideration to:
(1. Maintaining, where practicable, the intactness of existing dune landforms;
(2. Cohesiveness, where practicable, with the historic subdivision pattern of the Precinct; and
(3. *The relationship between built form and the landscape and streetscape setting, having regard to (1) and (2)*

Provision	Detail	Relevant s104(1A) provision	Comments
	provided via balcony).		
	Standard 7 – Outdoor living space for a residential unit or retirement unit located above ground floor level	(a)(ii) – the presence or absence of balconies; and (a)(iii) – outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.
	Standard 8 – Outlook space (per unit)	(a)(i) – the area of glazing	The area of glazing is out of scope.
	Standard 9 – Windows to street – reference to the 20% minimum.	(a)(i) – the area of glazing	The 20% area of glazing specified within standard 9 is out of scope.
	Standard 10 – Landscaped area – the 20% minimum requirement.	(a)(vi) – the size of landscaped areas (except in relation to permeability)	The 20% minimum area of a developed site for landscaping is out of scope, but the presence or absence of a landscaped area to an unspecified area (m^2) is not out of scope under s104(1A). A landscaped area of an unspecified size would need to be shown on a proposed plan to meet the remaining permitted requirements of standards 10 and 11.
HRZ - High Density Residential Zone			
HRZ-R6	New buildings and structures, and any minor works, additions or alterations to any building or structure. Standard 6 – Outdoor living space for a residential unit or retirement	(a)(ii) – the presence or absence of balconies; and (a)(iii) – outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.

Provision	Detail	Relevant s104(1A) provision	Comments
	unit at ground floor level; and Outdoor living space (where provided via balcony).		
	Standard 7 – Outdoor living space for a residential unit or retirement unit located above ground floor level	(a)(ii) – the presence or absence of balconies; and (a)(iii) – outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.
	Standard 8 – Outlook space (per unit)	(a)(i) – the area of glazing	The area of glazing is out of scope.
	Standard 9 – Windows to street – specifying the 20% minimum glazing.	(a)(i) – the area of glazing	The 20% area of glazing specified within standard 9 is out of scope.
	Standard 10 – Landscaped area – the 20% minimum	(a)(vi) – the size of landscaped areas (except in relation to permeability)	The 20% minimum area of a developed site for landscaping is out of scope, but the presence or absence of a landscaped area to an unspecified area (m^2) is not out of scope under s104(1A). A landscaped area of an unspecified size would need to be shown on a proposed plan to meet the remaining permitted requirements of standards 10 and 11.
GRUZ - General Rural Zone			
GRUZ-R7	Buildings and development in the Rural Eco-Hamlet Precinct and the Ngārara Precinct.	(a)(vi) – the size of landscaped areas (except in relation to permeability)	Specifies the 'size' of specific linear landscaping types via limiting them to no greater than 10m. The size specification is out of scope.

Provision	Detail	Relevant s104(1A) provision	Comments
	Standard 3(g)(ii) - no hedges, shelter belts and other linear planting with a length exceeding 10 metres shall be included in landscaping on allotments.		
	Potentially, to be assessed case-by-case: Standard 1 – regarding consistency with structure plans and appendices.	To be informed by a case-by-case assessment of a proposal	A review of the structure plans referred to within Standard 1 will need to be conducted on a case-by-case basis to identify any content that conflicts with s104(1A).
	Buildings and development in the Rural Eco-Hamlet Precinct and the Ngārara Precinct. Standard 4(b) – in part: a. residential dwellings are orientated to the north with a minimum of 50% of the northerly facing wall being glazed (i.e. windows or glazed doors) to maximise energy efficiency and sun access;	(a)(i) – the area of glazing	The 50% specification for glazing on the northerly facing wall is out of scope.
RPROZ - Rural Production Zone			
RPROZ-R8	Paraparaumu North Rural Precinct	Potentially, if the building	Only if the building is for a residential activity - the part of the

Provision	Detail	Relevant s104(1A) provision	Comments
	buildings and structures (excluding minor buildings) Standard 1(c) (in part) – evergreen planting for screening height requirements.	is for residential activity: (a)(vi) – the size of landscaped areas (except in relation to permeability)	standard that specifies the landscaping size requirements (height) is out of scope under clause (a)(vi). The remainder of the standard that requires the provision of the screening vegetation remains in scope.
LCZ – Local Centre Zone			
LCZ-R6	New buildings and structures and additions and alterations to existing buildings. Standard 4 – Outdoor living space for a residential unit at ground floor level; and Outdoor living space (where provided via balcony).	(a)(ii) – the presence or absence of balconies; and (a)(iii) – the outdoor living space	The presence or absence of balconies is out of scope. Outdoor living space is out of scope.
	Standard 5 – Outdoor living space for a residential unit located above ground floor level	(a)(ii) – the presence or absence of balconies; and (a)(iii) – the outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.
	Standard 6 – Outlook space (per residential unit, as measured by the Residential Unit Measurement Criteria)	(a)(i) – the area of glazing	The area of glazing is out of scope.

Provision	Detail	Relevant s104(1A) provision	Comments
LCZ-R7	Buildings and activities in the Meadows Precinct in the Local Centre Zone. Standard 1 – where it specifies compliance with rule LCZ-R6.	(a)(ii) – the presence or absence of balconies; and (a)(iii) – the outdoor living space	The presence or absence of balconies is out of scope. Outdoor living space is out of scope. This standard is only relevant if associated with proposed residential activities within the Meadows Precinct in the Local Centre Zone, that are permitted under permitted rule LCZ-R5 – Residential Activities.
MUZ - Mixed Use Zone			
MUZ-R5	Residential activities (excluding visitor accommodation that is not temporary residential rental accommodation). Standard 2(a)	(a)(ii) – the presence or absence of balconies (a) (iii) – outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.
MUZ-R6	New buildings and structures and additions and alterations to existing buildings and structures. Standard 3 – Outdoor living space for a residential unit at ground floor level; and Outdoor living space (where provided via balcony).	(a)(ii) – the presence or absence of balconies; and (a) (iii) – outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.
	Standard 4 – Outdoor living space for a residential unit located above ground floor level	(a) (ii) – the presence or absence of balconies (a) (iii) – outdoor living	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.

Provision	Detail	Relevant s104(1A) provision	Comments
		space	
	Standard 5 – Outlook space (per residential unit, as measured by the Residential Unit Measurement Criteria)	(a)(i) – the area of glazing	The area of glazing is out of scope.
	Standard 8 – trees (only relevant if the trees relate to a residential activity).	Potentially, where it relates to a residential activity: (a)(vi) – the size of landscaped areas	The number and height of the trees are out of scope if the trees relate to a residential activity under standard 8.
MUZ-R7	Tourist activities, commercial (excluding retail or industrial) and residential activities in the Paraparaumu North Gateway Precinct. Standard 1(b) – Residential activities are limited to caretaker units which are limited in size to 100m².	(a)(v) – the size of a residential unit. Potentially: (e) the type of residents to be housed in a new development.	The size of the residential unit to house a caretaker is out of scope. It is yet to be determined whether the caretaker requirement in standard 1(b) is out of scope under s104(1A)(e).
MUZ-R9	New buildings and structures and additions and alterations to existing buildings and structures in the Paraparaumu North Gateway Precinct (only where the building or	a)(ii) – the presence or absence of balconies (a) (iii) – outdoor living space	The presence or absence of balconies, outdoor living space and the size of landscaped areas are only out of scope in relation to residential activities.

Provision	Detail	Relevant s104(1A) provision	Comments
	structure is for a residential activity[2]). Standard 1 – compliance with MUZ permitted activity standards for buildings and structures.	(a)(vi) – the size of landscaped areas	
	Standard 2 (in part) – maximum gross floor area of 1000m² (if related to a residential activity).	Potentially: (a)(v) – the size of a residential unit	Only out of scope if the 1000m² is for a residential activity.
	Standard 7 – landscaped area	(a)(vi) – the size of landscaped areas	Only relevant if the landscaped area is related to residential activities. Only the size specification of the landscaped area within the standard is out of scope.
TCZ – Town Centre Zone			
TCZ-R6	New buildings and structures and additions and alterations to existing buildings and structures. Standard 4 – Outdoor living space for a residential unit at ground floor level; and Outdoor living space (where provided via balcony).	(a)(iii) – the outdoor living space (a)(ii) – the presence or absence of balconies	The presence or absence of balconies is out of scope. Outdoor living space and balconies are out of scope.

[2] This differentiation is because the potential relevant out of scope matters under s104(1A)(a) must relate to *residential activities*.

Provision	Detail	Relevant s104(1A) provision	Comments
	Standard 5 – Outdoor living space for a residential unit located above ground floor level	(a)(ii) – the presence or absence of balconies (a)(iii) – the outdoor living space	The presence or absence of balconies is out of scope. Outdoor living space and balconies are out of scope.
	Standard 6 – Outlook space (per residential unit, as measured by the Residential Unit Measurement Criteria)	(a)(i) – the area of glazing	The area of glazing is out of scope.
	Standard 8 – Any building or structure which is setback 2 or more metres from the road boundary must provide (or, in respect of existing trees, retain) at least one specimen tree capable of growing to 5 metres in height within 10 years of planting for every 10 metres of site frontage.	(a)(vi) – the size of landscaped areas	To be informed by a case-by-case assessment. Only relevant if the specimen tree is related to a building proposed for residential activities. If the building is associated with other TCZ activities, the specimen tree requirement remains in scope.
TCZ-R7	New buildings and structures and additions and alterations to existing buildings and structures and activities in the Raumati Beach Town Centre Zone. Standard 1 - The activity must comply with the permitted activity	(a)(iii) – the outdoor living space (a)(ii) – the presence or absence of balconies (a)(vi) – the size of landscaped areas	Only relevant if residential units are proposed. Case-by-case assessment required to confirm whether any TCZ-R6 standards associated with residential activities are out of scope.

Provision	Detail	Relevant s104(1A) provision	Comments
	standards for new buildings and structures and additions and alterations to existing buildings and structures under TCZ-R6.		
MCZ – Metropolitan Centre Zone			
MCZ-R3	Retail, commercial and residential activities in Precincts A1 and A2 (excluding industrial activities) Standard 3(a) – outdoor living space.	(a)(ii) – the presence or absence of balconies; and (a)(iii) – the outdoor living space	The presence or absence of balconies is out of scope. Outdoor living space is out of scope.
MCZ-R5	Commercial and residential activities in Precinct C. Standard 2(b) – ground floor habitable room must face the street in any residential building that fronts the street.	(a)(iv) – the internal layout	The internal layout requirement is out of scope for residential activities.
MCZ-R7	Except within the Dune Protection Area identified on the Structure Plan in Appendix 19, new buildings and structures and additions and alterations to existing buildings and structures. Standard 3 – Outdoor living space	(a)(ii) – the presence or absence of balconies; and (a)(iii) – the outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.

Provision	Detail	Relevant s104(1A) provision	Comments
	for a residential unit at ground floor level		
	Standard 4 – Outdoor living space for a residential unit located above ground floor level	(a)(ii) – the presence or absence of balconies; and (iii) – the outdoor living space	The presence or absence of balconies is out of scope. The outdoor living space is out of scope.
	Standard 5 – Outlook space (per residential unit, as measured by the Residential Unit Measurement Criteria)	(a)(i) – the area of glazing	The area of glazing is out of scope.
GIZ – General Industrial Zone			
GIZ-R6	Residential activities (excluding visitor accommodation that is not temporary residential rental accommodation). Standard 1(c) – Residential activities must not be greater than 70m^2 in total floor area per site, except the Ōtaki South Precinct where the maximum floor area shall be 150m$^{2.}$	(a)(v) – the size of a residential unit	The size of a residential unit is out of scope.
	Standard 1(f) - Residential activities are limited to accommodation for a	Potentially: (e) - the type of residents	It is yet to be determined whether the caretaker requirement in standard 1(f) is out of scope under s104(1A)(e).

Provision	Detail	Relevant s104(1A) provision	Comments
	caretaker or other person whose employment requires that they live on the site where they are employed	to be housed in a new development.	
OSZ – Open Space Zone			
OSZ-R14	Any residential activity (excluding visitor accommodation which is not temporary residential rental accommodation) in the Open Space Private Recreation and Leisure Precinct (PREC35). Standard 4 – Any building used to accommodate the residential activity must be no larger than 70m^2 in gross floor area.	(a)(v) – the size of a residential unit	The size of a residential unit is out of scope.
	Standard 2(a) - residential activities are limited to the purpose of providing accommodation for a caretaker or other person whose employment requires that they live on the premises where they are employed	Potentially: (e) - the type of residents to be housed in a new development.	It is yet to be determined whether the caretaker requirement in standard 2(a) is out of scope under s104(1A)(e).
AIRPZ - Airport Zone			

Provision	Detail	Relevant s104(1A) provision	Comments
AIRPZ-R10	Residential activity (excluding visitor accommodation which is not temporary residential rental accommodation) in the Airport Mixed Use Precinct located to the west of the Airport Core Precinct and outside of the Airport Noise Effects Advisory Overlay as identified on the District Plan Maps that has obtained subdivision consent for the residential activity. Standard 1 - The activity must meet the General Residential Zone permitted activity standards for residential activities.	All relevant GRZ provisions identified above as being matters that must be disregarded.	The same assessment applies under this rule for residential activities under the GRZ, as set out within the GRZ – General Residential Zone section above.
AIRPZ-R9	Residential activities for those whose employment require residence within the Airport Zone. Standard 1(c) – residential activities must not be greater than 70m² in total floor area per site.	(v) – the size of a residential unit	The size of a residential unit is out of scope.
	Standard 1(e) – residential activities must be limited to accommodation for a caretaker or other person whose employment	(e) - the type of residents to be housed in a new development	The type of residents to be housed in a new development is out of scope. However, this is academic because the qualifier within the rule itself means the consideration of standard 1(e) would only occur if a proposed residential activity was for those whose employment

Provision	Detail	Relevant s104(1A) provision	Comments
	requires that they live on the site where they are employed.		requires residence within the Airport Zone anyway.
DEV1 - Ngārara Development Area			
A technical review of the content of the relevant appendices referred to within the DEV1 provisions will be carried out on a case-by-case basis to identify any out-of-scope matters under s104(1A).			
DEV2 - Waikanae North Development Area			
DEV2-R2	In Precinct 1 - Preserve, any activity that is identified as a permitted activity under the rules in the General Residential Zone chapter shall be a permitted activity, unless otherwise specified under the rules in this chapter. Standard 1 - Any activity must comply with the permitted activity standards for the General Residential Zone, except that: (a) no more than one residential unit shall be erected on any allotment; and (b) maximum building coverage shall be 25%.	See GRZ section above for corresponding relevant s104(1A) matters	Cross-references to General Residential Zone rules results in the same out-of-scope matters identified within the GRZ section above.

Provision	Detail	Relevant s104(1A) provision	Comments
DEV2-R3	In Precinct 2 - Perimeter, any activity that is identified as a permitted activity under the General Residential Zone chapter shall be a Permitted activity, unless otherwise specified under the rules in this chapter. Standard 1 - Any activity must comply with the permitted activity standards for the General Residential Zone, except that: (a) all buildings (excluding minor buildings) shall be set back a minimum of 15 metres from the boundary of any site within the General Residential Zone, and 6 metres from any road boundary; and (b) maximum building coverage shall be 40%.	See GRZ section above for corresponding relevant s104(1A) matters	Cross-references to General Residential Zone rules results in the same out-of-scope matters identified within the GRZ section above.
DEV2-R4	In Precinct 4 - Village and Precinct 5 - Multi Unit, any activity that is identified as a Permitted activity under the rules in the General Residential Zone chapter shall be a permitted activity, unless	See GRZ section above for corresponding relevant s104(1A) matters	Cross-references to General Residential Zone rules results in the same out-of-scope matters identified within the GRZ section above. Case by case assessment will be required.

Provision	Detail	Relevant s104(1A) provision	Comments
	otherwise specified under the rules in this chapter. Standard 1 - Any activity must comply with the permitted activity standards for the General Residential Zone.		
DEV2-R5	Buildings (excluding minor buildings) Standard 1 - In addition to complying with the relevant permitted activity standards in DEV2-R2. DEV2-R4 above[3], buildings must also comply with the following: (a) (not relevant)	See GRZ section above for corresponding relevant s104(1A) matters	Cross-references to General Residential Zone rules within DEV2-R5 standard 1 results in the applicability of the same out-of-scope matters identified within the GRZ section above. Case by case assessment will be required.
DEV2-R6	Buildings and activities in Waikanae North Development Area - Precinct 6 - Mixed Use. Standard 1 - The activity must comply with the permitted activity standards for the Local Centre Zone under LCZ-R6.	Where residential units are proposed: (a)(vi) – the size of landscaped areas (except in relation to permeability)	The cross-reference to LCZ-R6 means where residential units are proposed under DEV2-R6, standards 4 and 5 of LCZ-R6 are out of scope: • Standard 4 – Outdoor living space (per residential unit) • Standard 5 – Outdoor living space (per residential unit) above ground level

[3] For the avoidance of doubt, reference to '*In addition to complying with the relevant permitted activity standards in DEV2-R2. DEV2-R4 above*' is the exact wording of the rule. Reference to '*above'* does not refer to this table.

Provision	Detail	Relevant s104(1A) provision	Comments
DEV3 - Ratanui Development Area			
DEV3-R1	Retirement Villages within the Ratanui Development Area. Standard 1 - Where standards 2 to 11 of GRZ-R33 are complied with.	The out-of-scope matters identified within GRZ-R33 above – Standards 6, 7, 8, 9, 10 (a)(i) – the area of glazing (a)(iii) – outdoor living space (a)(ii) and (iii) – the presence or absence of balconies; and outdoor living space (a)(vi) – the size of landscaped areas (except in relation to permeability)	A mechanical matter. Where retirement villages proposed under this rule do not comply with the out-of-scope matters under rule GRZ-R33, this would result in the resource consent application not meeting standard 1 of DEV3-R1. This would result in the resource consent application still being a restricted discretionary activity, only under rule DEV3-R4, where the effects of any non-compliance with out-of-scope matters must be disregarded.
TR - Transport			
TR-R5	Parking layout and design for all activities except residential activities. Visitor accommodation that is not temporary residential rental accommodation is included in this rule. Standard 4 - In the case where	In part: (f) – views from private property	The purpose of the screening or landscaping requirements under standard 4 are to screen views of parking areas from public and private sites located within residential zones – noting that many roads are also zoned residential. Where a proposed parking area adjoins a private property that is within a residential zone, the screening and landscaping requirement

Provision	Detail	Relevant s104(1A) provision	Comments
	parking areas adjoin a Residential Zone, either a 2-metre high fully enclosed screen must be erected or a strip of minimum width of 5 metres adjoining the Residential Zone must be landscaped as follows: (a) (not out of scope, see standard 4) (b) (not out of scope, see standard 4) (c) (not out of scope, see standard 4) (d) (not out of scope, see standard 4) (e) (not out of scope, see standard 4)		is out of scope. The limitation under 104(1A)(f) is not applicable to views from public property, e.g. roads that are zoned residential. Proposed parking areas under rule TR-R5 standard 4 that do not provide the screening or landscaping adjoining a privately owned residential zoned site will be a discretionary activity under rule TR-R13, where the effects on views of the parking area from the adjoining private property must be disregarded.
EW-EXT – Extractive Industries			
EW-EXT-R12	Extractive activities including the removal of more than 100m^3 of topsoil and landfills in all Rural Zones. Standard 3 - The subject site must be landscaped with the planting of vegetation with a minimum depth	In part: (f) views from private property	The purpose of Standard 3 is to screen the quarry from neighbouring properties. This standard is only out of scope under s104(1A)(f) where the neighbouring property is private property. Where standard 3 is not met with respect to views from a neighbouring property, the resource consent application moves from a restricted discretionary activity to a discretionary activity under rule EW-EXT-R14 where the effects of the non-compliance must be

Provision	Detail	Relevant s104(1A) provision	Comments
	of 10 metres on the boundary which is sufficient to screen the quarry from neighbouring properties.		disregarded.