

8.2 PARAPARAUMU BEACH MARKET LICENCE TO OCCUPY

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PURPOSE OF REPORT

- 1 This report seeks approval to enter into a new licence with Kapiti Wide Markets & Events Ltd (Paraparaumu Beach Saturday Market) for an area of Maclean Park, Paraparaumu Beach.

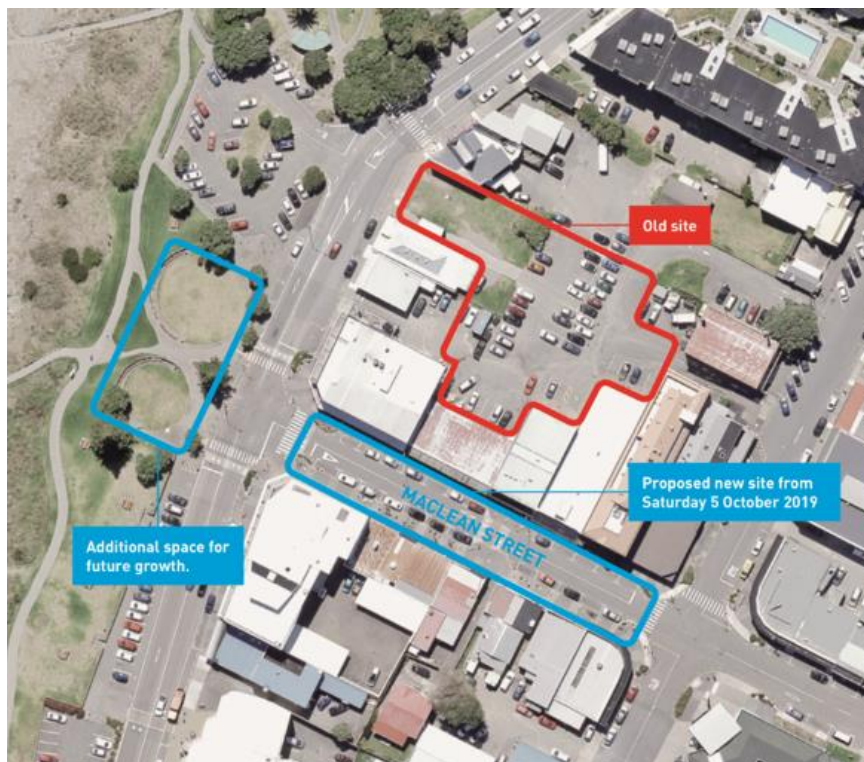
DELEGATION

- 2 Council has the authority to make this decision.

BACKGROUND

- 3 The Paraparaumu Beach Saturday Market began operating in Paraparaumu Beach on November 30, 1999. The market runs every Saturday, from 6am to 1pm, attracting locals and visitors to the district and providing opportunities for new and growing small businesses, as well as established stallholders to market their products.
- 4 With up to 70 stalls in operation over the summer months, there is a wide range of products available, with a focus on ensuring no two stalls are the same. For the market owner this is a high priority when considering new stalls, it is also important for the owners not to deter business away from the neighbouring shops.
- 5 The market has operated in a number of sites over the last 20 years, with the land the market currently operates from owned by multiple parties. This space is used for various purposes, such as parking, pedestrian access ways and deliveries to stores. It also provides future development options. The fact that the land is owned by a number of different parties has meant that the market owners are uncertain about the future use of part or the whole site. This has created a problem for the market as it plans for the future and has meant that some stallholders fear the market will discontinue and have looked for alternative options.
- 6 Given the above situation, the market owners approached Council officers to discuss their situation and possible alternative site options in the area. Options included alternative sites in Paraparaumu Beach, as well as looking at options closer to Kāpiti Airport. Through this process the market owners consulted with the Paraparaumu Beach Business Association and members of the community.
- 7 The market owners decided that it would be best for the market to stay within the Paraparaumu Beach community, as it will continue to encourage visitors and locals into the shops and businesses. They identified that their preferred site within Paraparaumu Beach is Maclean Street, with additional space provided in Maclean Park as shown in image 1.

Image 1: The location of the current market site is in red, with the proposed site on Maclean Street and Maclean Park in blue.



- 8 Given the nature and tenure of the preferred market location there are a number of steps required to relocate the market to the proposed site and the market owners have been working with Council to ensure all requirements are met. These include:
- Approval to partially close Maclean Street.
 - Resource consent for use of part of Maclean Park.
 - Licence for the use of part of Maclean Park.
 - Application to trade in public places.
- 9 During this process the market owners and members of the business association have been visiting businesses in the area to inform them of the possible move. Council staff have also been consulting with the businesses in the Paraparaumu Beach area, with businesses in Maclean Street, Marine Parade and Seaview Road consulted about the proposed relocation of the market. There was also a leaflet drop to residents in the area.
- 10 For the use of Maclean Park, the market owners are required to have a licence and resource consent approved before the market can operate in this location.
- 11 The licence would be for part of the land known as Maclean Park and more particularly the area shown in red in Appendix 1 and being part of land defined as: Part Section 2 SO 322370. The land is vested in the Kāpiti Coast District Council.

ISSUES AND OPTIONS**Maclean Street road closure**

- 12 For the market to operate in Maclean Street, the road will need to be closed to through traffic for the duration of the market, as well as during set up and pack down. It is proposed that the road would be closed between 5am and 3pm every Saturday from 5 October 2019.
- 13 The Transport (Vehicular Traffic Road Closure) Regulations 1965 (the Regulations) authorises the Council to close the road for a period of up to 12 hours. The maximum term of closure is for 12 months and as such, Council is required to re-notify the proposed closure if the Saturday Markets intend to operate from the road after the initial 12 months' term.
- 14 The Council is required to publicly notify the intention of closing the road 42 days in advance of the proposed closure. Individuals may lodge an objection up until 28 days before the proposed closure. A full traffic management plan and trained site traffic management supervisor are required for this closure.
- 15 In accordance to the Regulations, Council notified of the proposed road closure on 7 August 2019 in the newspaper. Council officers followed up on this notice by posting on Council's Facebook page and issuing a press release. Council staff also attended the Saturday market, informing the community of the possible move and road closure. The social post on the Council's Facebook created the following interaction:
 - reached over 12,291 people
 - engaged 3,070 people
 - 672 people commented, reacted and shared the post
- 16 60 business were consulted in the Paraparaumu Beach area. A high percentage of these businesses noted they were happy with the change in location of the market to the street, saying it would bring foot traffic closer to their stores.
- 17 There was a small selection of business that were concerned about the potential impact on their business. They felt that some customers may be deterred away as they could not park directly outside the shop. There was also concern that their shop would be blocked by the stalls if they were not properly managed.
- 18 Following the completion of the notice period we have received a total of twenty-five submissions in relation to the proposed road closure. There was one verbal submission against the road closure and twenty-four submissions in support of the road closure. The submitter against the road closure has been contacted and has not requested a hearing occur. The decision on the road closure falls within the delegation of Chief Executive.

Maclean Park, Reserves Act Licence

- 19 There are limitations on activities that are permitted on this site subject to the Reserves Act. The activities proposed are consistent with the Act. In addition, the 2017 Maclean Park Management plan allows for activities such as the Paraparaumu Beach Market to be located in the park.
- 20 The licence is required for the market to use Maclean Park as an overflow location. This will occur when the main market location of Maclean Street is fully occupied and the market requires more space. Over the summer months the proposed licence area in Maclean Park will be used most Saturdays but use will be sporadic over the winter months.
- 21 A licence does not provide exclusive use to an area, meaning that the public will still have access through the park including the area where the markets will be set up. The market will not affect the amount of parking available at Maclean Park.
- 22 Council officers will work with the market operators to ensure the area is well managed with regard to safety and enjoyment of market visitors and visitors to the park. The licence will require any damage caused by the market to be remedied by the market operators.

- 23 The licence is conditional on the resource consent being granted. The consideration of the licence is separate to the resource consent process.
- 24 The licence will be subject to the road closure being granted each year and a termination clause to this effect will be included in the licence.

Trading in Public Places Policy

- 25 The Council's Public Places Bylaw 2017 requires the market owners to obtain a trading in public places permit (the requirements of which are set out in the Council's Trading in Public Places Policy 2017). The market owners have submitted a permit application form to Council.

CONSIDERATIONS**Policy considerations**

- 26 There are no policy issues arising from this decision

Legal considerations**Reserves Act 1977 – Licence to Occupy**

- 27 There are limitations on activities that are permitted on this site subject to the Reserves Act 1977 (the Act). The activities proposed are consistent with the Act. In addition, the 2017 Maclean Park Management plan allows for activities such as the Paraparaumu Beach Market to be located in the park.
- 28 This proposed licence is granted under Section 54(1)(d) of the Act 'Leasing powers in respect of recreation reserves'. Section 54(2A) (a) provides for public notification not to be required where the proposed licence is in conformity with and contemplated by the approved management plan for the reserve. As this is the case in the Maclean Park Management Plan, no public notification is required.
- 29 The licence would be for part of the land known as Maclean Park and more particularly the area shown in red in Appendix 1 and being part of land defined as: Part Section 2 SO 322370. The land is vested in the Kāpiti Coast District Council.
- 30 If the licence is approved, new documentation will be drafted and will be reviewed by Council's legal counsel before being presented to Kapiti Wide Markets & Events Ltd for signing

Road Closure

- 31 The Regulations set out the process for the road closure. Public notification of the proposed closure has been made with a number of submissions received. The Regulations provide that if submissions are received the Council must consider the objections and, if after considering the objections, it decides to close the road in accordance with the terms of the public notice, then the Council must, not later than 24 hours before the proposed period of closure, give further public notice in at least one local newspaper.
- 32 While there is only one objector, Council must ensure it gives this objection appropriate consideration as the road closure period is for 12 months.
- 33 A full traffic management plan and a trained site traffic management supervisor are required for this closure.
- 34 In accordance to the Regulations, Council notified of the proposed road closure on 7 August 2019.

Financial considerations

- 35 As the market is a commercial entity, the licence will include a per use rental to paid at \$150 + GST per use. This amount will be subject to an annual CPI increase.

Tāngata whenua considerations

- 36 Te Ātiawa has been advised of this proposed licence and has confirmed there are no concerns with the licence being granted.

SIGNIFICANCE AND ENGAGEMENT**Significance policy**

- 37 This matter has a low level of significance under Council's Significance and Engagement Policy.

Consultation already undertaken

- 38 The Paraparaumu-Raumati Community Board has been advised of this proposed licence and has raised no concerns
- 39 A notification of the Maclean Street closure was placed in newspapers on 7 August 2019.
- 40 Council staff visited businesses in Maclean Street, Marine Parade and Seaview Road during the consultation period. Leaflets were dropped to residents on these streets where we had access to letterboxes.
- 41 Council staff attended two Saturday markets to speak with members of the community, to answer questions regarding the possible move and road closure.
- 42 Council engaged the community through the Council's Facebook page and also issued a media release.

Engagement planning

- 43 If a licence to occupy is permitted for the use of Maclean Park as an overflow location for the Paraparaumu Beach market, this will be communicated out through Council's existing communications channels.

RECOMMENDATIONS

- 44 That the Kāpiti Coast District Council authorises the Chief Executive to enter into a licence for five years with two rights of renewal of five years each commencing 5 October 2019 with Kapiti Wide Markets & Events Ltd, for the land at Maclean Park, Paraparaumu, as shown in Appendix 1 of this report provided a resource consent is granted.

APPENDICES

1. Appendix 1 Paraparaumu Beach Market at Maclean Park

APPENDIX 1: AREA OF PROPOSED LICENCE FOR PARAPARAUMU BEACH MARKET AT MACLEAN PARK



8.3 APPROVAL TO NOTIFY OMNIBUS VARIATIONS 4 A-G

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Authoriser: Natasha Tod, Group Manager

PURPOSE OF REPORT

- 1 This report seeks your approval to notify Variations 4 A-G to the Kapiti Coast Proposed District Plan (PDP) (Omnibus Variation).

DELEGATION

- 2 Council has the authority to make this decision.

BACKGROUND

- 3 The PDP was publicly notified in 2012. Decisions on submissions were released in November 2017. Experience in the implementation the PDP since then has highlighted a number of interpretation issues and unintended consequences arising from some definitions, policies, rules and standards.
- 4 To address these matters and ensure that the PDP is efficient and effective, Council proposes to amend some PDP provisions by a variation to the PDP pursuant to Clause 16A of Schedule 1 of the Resource Management Act 1991 (RMA).
- 5 The RMA sets out the process for changing content of district plans. For a proposed plan (such as our one) this is via a variation. There is no limitation in the Act on the scale or scope of what may be proposed as a variation. The decision sought in this report is to enable public notification and consultation on the proposed changes.
- 6 The purpose of these variations is to:
 - a. remove ambiguity and unintended consequences resulting from PDP rules;
 - b. provide clearer policy guidance where necessary to support the PDP rules;
 - c. improve the wording of rules and associated standards to eliminate unintended outcomes; and
 - d. better facilitate temporary events and regular markets.
- 7 These recommended changes are proposed to be progressed through the plan variation process as a single package for reasons of efficiency.

ISSUES AND OPTIONS

- 8 The following variations are proposed to be progressed as part of this omnibus package:
 - A. Amendments to definitions (household unit; ancillary; and kitchen)
 - B. Addition of a policy to manage the amenity effects of earthworks
 - C. Yard setback for non-residential activities in the living zones
 - D. Interface between Living Zones and Working Zones
 - E. Amendments to Traffic and Transport Rules (Access off right of way in rural areas; Shared car parking; Transport network consistency of terminology)
 - F. Amendments to rules for temporary events and new provisions to better provide for regular markets
 - G. Amendments to parking requirements for residential activities.

- 9 These issues are discussed briefly below. Full analysis of these issues can be found in the report prepared as required under Section 32 of the RMA, which is included as Appendix 1. The proposed drafting of the amendments is included as Appendix 2.

Variation 4 A: Amendments to definitions

- 10 Issues have arisen with implementing definitions within the PDP. As they stand, the definitions lead to unintended interpretations of Plan provisions which place unnecessary constraints on the community, and risk not achieving the PDP's objectives.
- 11 **Household Unit:** The current definition for *household unit* unintentionally captures situations where residents need to install a second kitchen to operate a permitted activity home occupation, such as a catering business. A second kitchen in a dwelling already containing two bathrooms creates a second 'Household Unit'. This results in the requirement to comply with subdivision standards and the payment of financial contributions and development contribution fees. This is not the intent of the plan, which generally allows for home occupations as a permitted activity.
- 12 **Ancillary:** The current wording includes the phrase 'allied in characteristics, nature and type'. However, in many situations, an ancillary activity is not allied in characteristics, nature or type to the primary activity carried out on a site. For example, the office component to an industrial activity is ancillary to the activity, but is not allied in characteristic, nature or type. The proposed amendments to this definition has taken guidance from the National Planning Standards 2019.
- 13 **Kitchen:** The definition for 'kitchen' is related to the management of household density. The presence of a second kitchen is one of the features that defines a building as being a separate household unit, triggering the requirement for compliance with subdivision standards and the payment of financial contributions and development contributions.
- 14 Enforcement of unauthorised additional dwellings is made complicated by inclusion of the wording "or any other cooking appliance" in the current definition for kitchen. In addition, the note which lists electrical appliances which are not included as cooking appliances under the definition is not an exhaustive list, resulting in uncertainty for customers and the Council's compliance team. The proposed amendments will simplify the definition and provide certainty.

Variation 4 B: Addition of a policy to manage the amenity effects of earthworks

- 15 During the PDP hearing process a number of amendments were made to earthworks policies to the degree that there are now a number of rules and standards in the plan that lack sufficient policy support to guide decision makers. This lack of policy guidance is a challenge during the resource consent process as applicants and Council resource consent planners are not provided with sufficient direction from the PDP on what the plan seeks to achieve in areas which are not an outstanding natural feature and landscape or a geological feature.
- 16 We therefore propose that a new clause to an existing policy be included in the PDP to provide the direction needed.

Variation 4 C: Yard setback for non-residential activities in the living zones

- 17 The current standard for yard setbacks for non-residential activities has an unintended consequence. A home occupation proposed in the living zones will need to comply with the 4m yard setback rule.
- 18 Currently, a home occupation business which uses a room in an existing dwelling as an office will need to apply for resource consent if the dwelling is located within 4.0 metres from a side or rear boundary. The typical yard setback requirements in residential areas for a front lot is 3.0 metres one side and 1.5 metres on the other side. Therefore, dwellings positioned closer than 4.0 meters from a boundary are very common in the district's residential areas.
- 19 As the types of activities likely to generate adverse effects on residential amenity are already excluded from the definition for home occupation, it is appropriate to exclude home occupations from Rule 5A.1.6.11 (c) (iii) - setbacks for non-residential activities.

Variation 4 D: Interface between Living Zones and Working Zones

- 20 There are a number of rules¹ that relate to standards of working zones adjoining living zones. These standards state:
- All buildings on properties adjoining Living Zones must meet the permitted activity standards for buildings in the adjoining Living Zone (including height, yard, height envelope).*
- 21 The current rules broadly apply all Living Zone permitted standards for buildings to the entire adjoining Working Zone site rather than focusing on:
- a. the boundary that adjoins the Living Zone
 - b. key standards that relate to height in relation to boundary and yard setback.
- 22 The additional controls imposed on these sites unnecessarily constrain development in Working Zone sites, for example limiting site coverage to 40%, and requiring all yard setbacks to comply with the Living Zone standards even if other boundaries adjoin Working Zoned sites.
- 23 In addition, the standard largely duplicates other standards. It is therefore proposed to delete this standard and leave the existing height envelope and yard setback standards to manage the interface between the two zones.

*Variation 4 E: Amendments to Traffic and Transport Rules*Access off right of way in rural areas

- 24 For safety, connectivity, access and maintenance reasons, the Operative District Plan 1999 contains a subdivision standard in the Rural Zone limiting the number of lots which can gain access via a right of way to four lots. If more than four lots are proposed to gain access via a right of way the Council has discretion to require the right of way be designed, formed and vested as legal road.
- 25 Having the ability to require this allows the Council to ensure subdivision integrates with, and is consistent with the transport network hierarchy, allowing the Council to make strategic vehicle and pedestrian links as part of the subdivision process. *NZS4404:2010 Land Development and Subdivision Infrastructure* limits the number of lots gaining access via a right of way to six.
- 26 Currently the PDP subdivision rules for the rural zone do not specify how many lots may have access off a right of way. If left unaddressed this omission is likely to result in substandard access arrangements in some locations and subdivision in the Rural Zone which is at odds with PDP Policies 11.30 – Integrated Transport and Urban Form, 11.34 – Effects of Land Use on Transport, and Policy 11.35 - Safety.
- 27 To rectify this situation, where a right of way proposes more than six lots it is proposed to add a standard to the Rural Zone subdivision rules limiting the maximum number of lots gaining access via a right of way to six lots. This proposal is in line with NZS4404: 2010 and NZTA guidelines.

Shared car parking

- 28 Controlled activity Rule 11P.2.1.1 overly complicates the matter of shared car-parking areas by different activities. The wording of the rule means even if different activities have enough parking in the shared area, resource consent is still required simply because the parking area is shared by more than one activity.
- 29 For example, a parking area shared by a café and a retail store will require resource consent under the rule simply because the parking area is shared by more than one activity. The intent of the rule is to require consent for activities which are unable to provide sufficient parking if the activities are being carried out at the same time.

¹ Rules 6A.1.7.13 and 14, 6B.1.6.7 and 8, 6C.1.6.9 and 10, 6D.1.6.9 and 10 and 6E.1.6.5 and 6.

- 30 It is proposed to amend it so it is clear it does not capture activities occurring on the same site which are being carried out at different times, and there is sufficient parking available for each activity at the times they are operating.

Transport network hierarchy terminology

- 31 The use of the term 'local road' has caused uncertainty in the implementation of this rule as it is not entirely consistent with the terminology used in the PDP's Transport Network Hierarchy and maps, which use the term 'neighbourhood access routes (includes all other local roads)'.
- 32 The Council's Traffic team has requested that the rule wording be improved to provide clarity and consistency by including "neighbourhood access routes" within the residential zones areas to be consistent with the PDP's Transport Network Hierarchy and maps.

Variation 4 F: Amendments to rules and new provisions for temporary events to better provide for regular markets

- 33 Changes are proposed to the temporary events provisions to better allow for regular markets and prevent duplication of regulation (through the Trading in Public Places Policy). The proposed amendments:
- add a definition for "regular market"
 - amend the definition of temporary event
 - amend the rules framework to provide greater clarity around markets, and devolve their management to the existing Trading in Public Places Policy and the Public Places Bylaw where carried out on land or within a building which is either owned, vested in, or under the care, control and management of the Council.

Variation 4 G: Amendments to parking requirements for residential activities

- 34 Currently the decisions version of the PDP applies the same car parking standards to 'Shared and Group Accommodation' and 'Boarding Houses' as it does to any other residential activity; however, these activities can have very different parking needs. The decisions versions of the PDP shifted from setting parking requirements based on 'bedroom/unit/guest room' (as in the notified version, see para 35), to setting parking requirements 'per household unit', where the household unit is determined by the number of kitchens (see para 36). This creates an anomaly in situations where a single kitchen facility can serve many rooms at some hostels/boarding house-type accommodation. A further issue is that car parking provisions for 'Supported Living Accommodation' currently appear in two conflicting rules. These issues in the Plan leave us at risk of under-provision of parking for these types of accommodation.
- 35 The notified version of the PDP included the following parking provisions for these shared type accommodation (see highlight):

11P.1.2. Residential activities including: a) Habitable buildings b) Multi-unit residential c) 1 bedroom units d) Community houses such as women's refuges and halfway houses.	1. A minimum of 1 per 1 bedroom habitable buildings unit (includes garage or carport). Minor habitable buildings units are exempt from this standard.
11P.1.3. Temporary accommodation activities including: a) Boarding Houses	1. A minimum of 1 carpark per habitable buildings unit (includes garage or carport).

b) Hostels	2. 1 carpark per bedroom/unit/guest room; plus 1 carpark per 2 staff; plus 1 carpark per 4m ² bar space
c) Hotel	
d) Motels	
e) Tourist Accommodation.	

- 36 These provisions were omitted from the decisions version of the PDP, as a consequence of changes made through the hearings and decisions processes to address other matters identified in submissions and improve clarity. This omission appears to have been unintentional. As a result, the provisions in the decision version are as follows:

<p>11P.1.2. Residential activities including:</p> <p>a) Habitable buildings;</p> <p>b) Multi-unit residential;</p> <p>c) 1 bedroom units;</p> <p>d) Shared and group accommodation;</p> <p>e) Home occupations;</p> <p>f) Boarding houses;</p> <p>g) Supported living accommodation; and</p> <p>h) Papakāinga units at Whakarongotai Marae.</p>	<p>1. A minimum of 2 carparks (including garages or carports) per household unit except for in Precincts A1 and A2 and C in the District Centre Zone and Raumati Beach Town Centre Zone. Minor flats are exempt from this standard.</p> <p>2. A minimum of 1 car park per household unit in Precincts A1 and A2 and C in the District Centre Zone and the Raumati Beach Town Centre Zone.</p> <p>3. An average of 1.5 parking spaces per Papakāinga unit. A minimum of 1 space per unit is required and in calculating the average no more than 2 spaces per unit may be counted.</p>
<p>11.P.1.3. Temporary accommodation activities including:</p> <p>a) Hostels;</p> <p>b) Hotel;</p> <p>c) Motels; and</p> <p>d) Visitor accommodation</p>	<p>1. A minimum of 2 carparks per household unit. Minor flats are exempt from this standard; and</p> <p>2. 1 carpark per bedroom/unit/guest room/campsite or motorhome site; plus 1 carpark per 2 staff; plus 1 carpark per 4m² bar space.</p>
<p>11P.1.11. Health care</p> <p>a) Supported living accommodation;</p> <p>b) Doctors;</p> <p>c) Hospitals;</p> <p>d) Medical Centres/Health Specialists; and</p> <p>e) Veterinary Surgeons.</p>	<p>1. 7 carparks per 10 resident/patient beds; and</p> <p>2. 4 carparks per full time equivalent specialist (doctor, vet etc); and</p> <p>3. 1 carpark per 2 full time equivalent non specialist staff.</p>

- 37 NZTA guidelines suggest that shared accommodation of this kind is likely to require a higher number of on-site car parks than typical residential household units, but fewer parks than 1 per bed as originally provided for by the notified version of the PDP. This is supported by evidence supplied with recent resource consent applications for boarding house-type accommodation. Changes are therefore proposed to reinstate a specific standard that addresses car parking requirements for 'Shared and Group Accommodation' and 'Boarding Houses', and to remove the conflict for 'Supported Living Accommodation'.

CONSIDERATIONS**Policy considerations**

- 38 Regular markets in public places are currently regulated through the Public Places Bylaw and the Trading in Public Places Policy, in addition to the District Plan. The proposed changes (in relation to markets) will remove this duplication and simplify the regulatory framework.

Legal considerations

- 39 The notification process that must be followed for plan variations is set out in Schedule 1 of the RMA.
- 40 If Council adopts the recommendations in this report, these changes will not have immediate legal effect. The changes will only have legal effect once decisions are made following the opportunity for public submissions, further submissions and hearings.

Financial considerations

- 41 There are no financial implications of this plan variation. All costs of the plan variation process will be met from within existing budgets.

Tāngata whenua considerations

- 42 Pre-notification consultation has been undertaken with Iwi, as required by Schedule 1 Clause 4A of the RMA. No issues were identified through this process.

Strategic considerations

- 43 Having an effective and functioning District Plan will help ensure that the environmental effects of activities are able to be appropriately managed across the district. This will help us achieve our long term goal of having “a high quality natural environment enjoyed by all”.

SIGNIFICANCE AND ENGAGEMENT**Consultation already undertaken**

- 44 As noted above, pre-notification consultation has been undertaken with Iwi Engagement planning. The Paraparaumu market organisers have also been informed of the proposed changes relating to markets.

Publicity

- 45 Section 2AB(1) of the RMA specifies that a person required by the Act to give public notice of something, must:
- a. publish on an Internet site to which the public has free access a notice that
 - i. includes all the information that is required to be publicly notified (as set out in Schedule 1 of the RMA); and
 - ii. is in the prescribed form (if any); and
 - b. publish a short summary of the notice, along with details of the Internet site where the notice can be accessed, in one or more newspapers circulating in the entire area likely to be affected by the matter to which the notice relates.
- 46 No additional publicity is proposed for this plan variation, as the changes being proposed are minor in nature.

RECOMMENDATIONS

- 47 Note that Variation 4 is proposing to make the following changes to the Proposed District Plan:
- A. Amendments to definitions (household unit; ancillary; and kitchen)
 - B. Addition of a policy to manage the amenity effects of earthworks
 - C. Yard setback for non-residential activities in the living zones
 - D. Interface between Living Zones and Working Zones
 - E. Amendments to Traffic and Transport Rules (Access off right of way in rural areas; Shared car parking; Transport network consistent terminology)
 - F. Amendments to rules for temporary events and new provisions to better provide for regular markets
 - G. Amendments to parking requirements for residential activities.
- 48 Agree to publicly notify Plan Variation 4 A-G at the appropriate time.

APPENDICES

1. Section 32 Report
2. Draft Provisions

Section 32 Report

VARIATIONS 4 (A-G) - Miscellaneous Changes and Corrections

prepared for the

Proposed Kapiti Coast District Plan 2012

September 2019



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1 THE PURPOSE OF PROPOSED VARIATIONS 4(A-G)

Proposed Variations 4(A-G) amend various rules and one policy of the Kapiti Coast Proposed District Plan (PDP) to address interpretation difficulties and gaps that have been identified since public notification of the PDP. The purpose of proposed Variations 4(A-G) is to improve the efficiency and effectiveness of the PDP rules in achieving the PDP's objectives.

In summary, proposed Variations 4(A-G) propose amendments to the provisions as shown below:

Variation 4A

- Amend three definitions: *Household Unit, Ancillary, and Kitchen*;

Variation 4B

- Amend Policy 3.14 to manage the effects of earthworks on natural landforms, amenity values and rural character;

Variation 4C

- Amend Rule 5A.1.6.11 yard setback standard for non-residential activities in the Living Zones to clarify that these do not apply to home occupations;

Variation 4D

- Amend the rules in Chapter 6 which manage the interface between the Living Zones and Working Zones to simplify and remove duplication from the standards;

Variation 4E

- Amend Rural Zone subdivision standard 7A.3.2.1 to limit the number of lots which can gain access to a road via a right of way;
- Amend Rule 11P.2.1.1 Shared Car Parking requirements; and
- Amend Rule 11E.1.3 – Standard 12 to make the terminology consistent with the transport network hierarchy;

Variation 4F

- Amend Chapter 12 standards for temporary events in Chapter 12;
- Insert a new definition for *regular market* and permitted activity provisions for these;

Variation 4G

- Amend Rule 11P.1.2 parking requirements for shared residential accommodation such as supported living and boarding houses.

2 SECTION 32 REQUIREMENTS

Section 32 of the Resource Management Act 1991 (RMA) requires, broadly, that before advancing plan provisions a Council must evaluate whether the proposed provisions are the most appropriate way to achieve the purpose of the RMA.

Section 32 (1)(b) of the RMA requires an evaluation of whether the provisions proposed are the most appropriate way to achieve the objectives of the proposal. The evaluation is required to:

- identify and consider other reasonably practicable options for achieving the objectives (s. 32 (1) (b) (i)); and
- assess the efficiency and effectiveness of the proposed provisions in achieving the objectives (s. 32 (1) (b) (ii)) and this is most usefully done by comparison with the reasonably practicable alternative options.

Proposed Variations 4(A-G) is ‘amending proposals’, as described in s. 32 (3). Section 32 (6) (a) clarifies that, for an ‘amending proposal’, the objectives to be achieved means the *purpose of the proposal*. As stated in Part 1 of this report, the purpose of proposed Variations 4(A-G) is *to improve the efficiency and effectiveness of the PDP rules in achieving the PDP’s objectives*.

The assessment of efficiency and effectiveness required by s. 32 (1) (b) (ii) is required to identify and assess the benefits and costs of the environmental, economic, social and cultural effects anticipated from implementing the proposed provisions. This must include consideration of opportunities for economic growth and employment that are anticipated to be provided or reduced. Benefits and costs are to be quantified, if practicable. The s. 32 (1) (b) (ii) assessment is also required to assess the risk of acting or not acting, *if there is insufficient information* about the subject matter of the provisions.

These s. 32 requirements suggest the following headings for the evaluation detailed in Section 9 of this report:

- Benefits (of the anticipated environmental, economic, social, cultural effects)
- Costs (of the anticipated environmental, economic, social, cultural effects)
- Economic growth impacts
- Employment impacts
- Sufficiency of information (and risks of acting or not acting if insufficient)
- Efficiency
- Effectiveness

The evaluation is required to contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects anticipated from implementing the proposal. Scale and significance are considered in Section 7 of this Report. With one exception (variation 4B), the analysis concludes that the potential effects of implementing the proposed Variations provisions have limited scale and are not significant. The level of detail of the evaluation reflects this conclusion. In particular, for the matters that have limited scale and low significance,

it is reasonable to confine the evaluation to examination of the proposal and one other option.

This report addresses the above requirements in the following sections:

Report Section	Summary
3 The Issues	<ul style="list-style-type: none"> Ten issues have been identified that warrant amendment by way of variations of the PDP, ahead of the making operative of the PDP Section 3 details the reasons why these matters are currently problematic
4 The Proposed Provisions	<ul style="list-style-type: none"> The amendments proposed to address the issues are set out
5 Relevant PDP Objectives	<ul style="list-style-type: none"> The relevant PDP objectives are listed and their relevance to the proposed provisions is explained
6 Other Statutory Instruments	<ul style="list-style-type: none"> The other statutory plans and strategies that are potentially relevant to the proposed provisions are identified and discussed
7 Scale and Significance	<ul style="list-style-type: none"> The scale and significance of the anticipated effects are evaluated Potential environmental, economic, social and cultural effects are considered
8 Alternative Options	<ul style="list-style-type: none"> The alternative options for achieving the purpose of the Variations are detailed The alternatives are considered in terms of their feasibility and practicability
9 Evaluation	<ul style="list-style-type: none"> The evaluation considers the s. 32 requirements discussed earlier: <ul style="list-style-type: none"> Benefits and costs (of the anticipated effects) Economic growth impacts Employment impacts Sufficiency of information (and risks of acting or not acting if insufficient) Efficiency Effectiveness The reasons why the proposed amendments should be adopted are summarised
10 Conclusion	<ul style="list-style-type: none"> On the basis of the evaluation, the proposed amendments are recommended for adoption and public notification The conclusion notes that the s. 32 evaluation will be revisited once submissions are received

3 THE ISSUES

Based on implementation of the PDP since its public notification, the Council has become aware of a number of provisions that are causing unintended outcomes, or unnecessarily requiring consents, or which contain unintended errors. Council has identified the following issues which need to be addressed as early as practicable, by variations, prior to the PDP becoming operative:

Issue No.		Issue Summary:
1	Definitions of Household Unit, Ancillary and Kitchen	There are practical difficulties in implementing the current definitions for <i>household unit</i> , <i>ancillary</i> , and <i>kitchen</i> .
2	Policy 3.14 Guidance for Earthworks Effects on Natural Landforms, Amenity Values and Rural Character	The PDP policies for earthworks provide guidance to manage adverse effects on identified nationally important outstanding natural features and landscapes and heritage values (i.e. section 6 RMA matters). However, Objectives 2.9 and 2.11 also require consideration of other natural features and landforms (not just s. 6 items) and amenity values. There is currently little policy guidance for managing potential effects on other natural landforms, amenity values and rural character and it has become apparent that this is a substantive gap in the policy framework that has the potential to impede achievement of Objectives 2.9 and 2.11.
3	Living Zones: Rule 5A.1.6 Yard Requirements for Home Occupations	The yard and building location standards in the Living Zones prevent home occupations from being carried out as a permitted activity if the dwelling or accessory building is closer than 4.0 metres from a side or rear boundary. This is not the intended outcome and requires unnecessary applications for consent when there are no discernible adverse effects.
4	Working Zones: Bulk and Location Standards for Sites Adjoining Residential Zone	Standards managing the bulk and location of buildings on lots in the working zones which adjoin a residential zone contain duplication and are unnecessarily restrictive.
5	Rural Zones: Rule 7A.3.2.1 Number of Lots Connecting to Rights of Way	There is no limit of the number of lots which can gain access to a road via a right of way. This is inconsistent with NZS4404:2010 and has the potential to cause safety issues and to impede delivery of an efficient transport network.

6	Rule 11P.2.1 Shared Car Park Spaces	Rule 11P.2.1, which manages shared car park spaces, is poorly drafted, resulting in the need for resource consent even where all activities sharing the car parks provide sufficient parking.
7	Chapter 11P: Car Parking Standards for Shared Living Accommodation	The parking requirements for residential activities do not have any specific parking standards for <i>supported living accommodation, boarding houses or shared and group accommodation</i> . These types of accommodation have higher parking requirements than a typical household unit. Provisions in the PDP for this type of accommodation were lost via the decisions version of the PDP due to errors in the drafting.
8	Rule 11E.1.3 Transport Network Hierarchy Terminology	The terminology used in Rule 11E.1.3 – Standard 3 does not align with the terminology used in the PDP <i>transport network hierarchy</i> and maps. This results in confusion for plan users.
9	Temporary Event Standards	<p>(a) The standards require temporary event management forms to be submitted to Council 30 working days prior to an event. Failure to comply requires a restricted discretionary activity consent. In most cases the Council does not require 30 working days to confirm a temporary event and the time period is unnecessarily long for many temporary events.</p> <p>(b) The <i>vehicle movement</i> limit of 50 <i>vehicle movements</i> per hour is not practical for temporary events where most people show up at a particular time as opposed to showing up over the course of a few hours. The standard is also difficult to monitor and enforce.</p>
10	Regular Markets	The temporary event provisions do not provide for regular community markets except via a restricted discretionary activity resource consent process. Most regular markets take place on Council-owned land. The PDP provisions currently duplicate the Council's separate temporary event and market approval and management process under the Trading in Public Places Policy 2017 for these sites. The provisions need to be rationalised to avoid unnecessary duplication.

Further detail explaining the reasons why these issues are problematic and need to be addressed are contained in Appendix 1.

4 THE PROPOSED PROVISIONS

The following amendments are proposed to address the issues identified in Section 3 of this report (please note: these are extracted from the full proposed Variations 4 (A-G) contained in Appendix 2):

Issue 1: Definitions of <i>Household Unit</i> , <i>Ancillary</i> and <i>Kitchen</i>	The Effect of the Amendment:
<p>Amend the definition of <i>household unit</i> within Chapter 1.4 as follows:</p> <p>Household Unit means all or part of a <i>residential building</i> that is capable of, or is being used as a self-contained unit for a <i>residential activity</i>. For the purposes of this definition:</p> <ol style="list-style-type: none"> 1. one <i>household unit</i> has one <i>kitchen</i> and at least one <i>bathroom</i>. If two <i>kitchens</i> and more than one <i>bathroom</i> are present, there will be two <i>household units</i>; <u>except where a second kitchen is associated with and required for a home occupation being carried out on the lot, this shall be deemed one household unit;</u> 2. a <i>household unit</i> may consist of one <i>primary residential building</i> and any <i>accessory buildings</i>; 3. a <i>minor flat</i> is <i>ancillary</i> to a <i>household unit</i>; and 4. a <i>building</i> used for emergency or refuge accommodation shall be deemed to be one <i>household unit</i> so long as the above requirements are met. <p>Note: For further clarification refer to the definitions of <i>residential activity</i>, <i>residential building</i> and <i>minor flat</i>.</p>	<p>The proposed amended definitions clearly identify which residential dwelling situations constitute separate household units.</p> <p>(Variation 4A)</p>
<p>Amend the definition of <i>ancillary</i> within Chapter 1.4 as follows:</p> <p>Ancillary means:</p> <ol style="list-style-type: none"> 1. supportive; 2. subordinate; and 3. allied in characteristics, nature or type. <p><u>"Ancillary means an activity or development that provides support to, and is subsidiary to the primary activity or development on the site."</u></p>	<p>(Variation 4A)</p>
<p>Amend the definition of <i>kitchen</i> within Chapter 1.4 as follows:</p> <p>Kitchen means a room, <u>rooms or part of a room</u> capable of use for food preparation and cooking which contains a sink and an oven or <u>hob</u>. any other cooking appliance.</p> <p><u>Note: for clarity, small electric appliances such as toasters, sandwich makers and kettles/jugs are not included as cooking appliances for the purposes of this definition.</u></p>	<p>(Variation 4A)</p>

Issue 2: Policy 3.1.4 Guidance for Earthworks Effects on Natural Landforms, Amenity Values and Rural Character	The Effect of the Amendment:
<p>Amend Policy 3.14 as follows:</p> <p>Policy 3.14 – Earthworks All earthworks activities will:</p> <ul style="list-style-type: none"> a) be managed to protect geological features identified in Schedule 3.6 from disturbance; and b) be sympathetically located and of a scale that protects the values of outstanding natural features and landscapes identified in Schedule 3.4; and c) avoid or mitigate erosion and off-site silt and sediment runoff to the Council's reticulated stormwater system and waterbodies; <u>and</u> d) <u>be managed to ensure adverse effects on natural landforms, residential amenity values and rural character values are remedied or mitigated.</u> 	<p><i>The additional clause in Policy 3.14 specifies the additional (residential amenity values, rural character and natural landform) matters that must be considered applications for consent for earthworks.</i></p> <p>(Variation 4B)</p>

Issue 3: Living Zones: Rule 5A.1.6 Yard Requirements for Home Occupations	The Effect of the Amendment:
<p>Amend Rule 5A.1.6 – Standard 11 (c)(iii) as follows:</p> <p>Yards and building location 11. Any <i>lot</i> must meet the following minimum <i>yard</i> requirements:</p> <ul style="list-style-type: none"> c. Side and rear <i>yards</i>: <ul style="list-style-type: none"> iii. any <i>building</i> used for <i>non-residential activities (excluding home occupations)</i> must be set back from side or rear <i>boundaries</i> by a minimum of 4 metres; and ... 	<p><i>The inserted text clarifies that the home occupations are excluded so that the 4-metre yard requirements will not apply to these.</i></p> <p>(Variation 4C)</p>

Issue 4: Working Zones: Bulk and Location Standards for Sites Adjoining Residential Zone	The Effect of the Amendment:
<p>Amend Rules 6A.1.7.13 and 14, 6B.1.6.7 and 8, 6C.1.6.9 and 10, 6D.1.6.9 and 10 and 6E.1.6.5 and 6 as follows:</p> <p>All buildings on properties adjoining Living Zones must meet the permitted activity standards for buildings in the adjoining Living Zone (height, yard, and height in relation to boundary).</p>	<p><i>The deletion simply removes the problematic standards.</i></p> <p>(Variation 4D)</p>

Issue 5: Rural Zones: Rule 7A.3.2.1 Number of Lots Connection to Rights of Way	The Effect of the Amendment:
<p>Amend Rule 7A.3.2 – Standard 1 (g) as follows:</p> <p>1. General Standards:</p> <p>...</p> <p><u>g). The maximum number of <i>lots</i> gaining legal and physical access via a right of way shall be 6.</u></p>	<p><i>The inserted text specifies that no more than 6 lots may connect to a right of way as a permitted activity.</i></p> <p>(Variation 4E)</p>

Issue 6: Rule 11P.2.1 Shared Car Park Spaces	The Effect of the Amendment:
<p>Amend Rule 11P.2.1 as follows:</p> <p>1. Carpark spaces / areas <u>Shared use of carpark spaces</u> by different activities <u>on the same property which are unable to comply with Table 11P.1 for all activities.</u></p> <p>Amend standards as follows:</p> <p>1. The <i>carpark</i> spaces must: <u>not be shared by different activities for parking at the same time.</u></p> <p>a) only be shared by different activities occurring on the same site; and</p> <p>b) not be used by for the different activities at the same time.</p> <p>Amend matters of control as follows:</p> <p>1. Visual, character and amenity effects.</p> <p>2. Noise effects.</p> <p>3. Effects on transport (including the transport network).</p> <p>4. 1. Traffic effects Effects on the <u>transport network, including safety effects and overspill carparking.</u></p> <p>5. 2. Layout of the <i>development</i>.</p> <p>6. Location and design of services.</p> <p>7. Nuisance effects.</p> <p>8. 3. Public safety.</p> <p>9. 4. Suitability of the site for the proposed activity.</p> <p>10. Adequacy of the methods of mitigation/remediation or on-going management (e.g. landscaping/ screening/ soil remediation/ height above flood).</p>	<p><i>The proposed amendment simplifies the application of the rule.</i></p> <p>(Variation 4E)</p>

Issue 6: Rule 11P.2.1 Shared Car Park Spaces	The Effect of the Amendment:
11. 5. Hours of use of carpark spaces by each activity. 12. Appropriateness of the proposed use. 13. Context and surroundings. 14. Layout, design and location of proposed building/sign or structures.	

Issue 7: Chapter 11P Parking Standards for Shared Living Accommodation	The Effect of the Amendment:
<p>Amend Rule 11P.1.2 as follows:</p> <p>2. Residential activities including:</p> <ul style="list-style-type: none"> a) <i>Habitable buildings;</i> b) <i>Multi-unit residential;</i> c) <i>1 bedroom units;</i> d) <i>Shared and group accommodation;</i> e) <i>Home occupations;</i> f) <i>Boarding houses;</i> g) <i>Supported living accommodation;</i> and h) <i>Papakāinga units at Whakarongotai Marae</i> <p>Amend Rule 11P.1.2 Standards by adding a new standard as follows:</p> <p><u>4. A minimum of 1 carpark per 2 beds in any boarding house, shared and group accommodation.</u></p> <p>Amend Rule 11P.1.11 as follows:</p> <p>11. Health care</p> <ul style="list-style-type: none"> a. <i>Supported living accommodation;</i> b. <u>a) Doctors;</u> c. <u>b) Hospitals;</u> d. <u>c) Medical Centres/Health Specialists; and</u> e. <u>d) Veterinary Surgeons.</u> <p>Add new Rule 11P.1.13 as follows:</p> <p><u>13. Supported living accommodation.</u></p> <p>Add new standard for proposed new Rule 11P.1.13 as follows:</p> <p><u>1. A minimum of 1 carpark per 4 beds and 1 carpark per 2 staff members on the site.</u></p>	<p><i>The amendment inserts activity-specific car parking standards for shared and group accommodation, boarding houses and supported living accommodation types.</i></p> <p>(Variation G)</p>

Issue 8: Rule 11E.1.3 Transport Network Hierarchy Terminology	The Effect of the Amendment:
<p>Amend Rule 11E.1.3 Standard 12 as follows:</p> <p>12. Manoeuvring –</p> <p>a. Private residential access - unless the <i>driveway</i> accesses directly from a <u>Neighbourhood Access Route</u> local road, sufficient manoeuvring space must be provided on-site to ensure no reversing onto the <i>road</i> is necessary. Note: for clarification see the <i>Transport Network Hierarchy (Schedule 11.2)</i> and the <i>Transport Network Hierarchy maps</i>.</p> <p>b. Commercial properties – must ensure that all <i>buildings</i> and parking areas are designed so that sufficient manoeuvring space is provided on site to ensure no reversing onto the <i>road</i> is necessary.</p>	<p><i>The amendment aligns the terminology in the rule with the PDP Transport Network Hierarchy.</i></p> <p>(Variation 4E)</p>

Issue 9: Temporary Event Standards	The Effect of the Amendment:
<p>Amend Rule 12B.1.1 – Standards 8 and 8 d) as follows:</p> <p>2. A <i>Management Plan</i> must be submitted to the <i>Council</i> not less than 30 <u>10</u> working days prior to the commencement of the <i>temporary event</i> setting out the methods by which compliance with all temporary events permitted activity standards will be achieved. The <i>Management Plan</i> must:</p> <p>...</p> <p>d) identify affected <i>residential buildings</i> or <i>noise sensitive activities</i> located in the area and describe the method(s) for informing occupants of these <i>buildings</i> at least 30 <u>10</u> working days prior to the commencement of the <i>temporary event</i> that noise will be experienced at levels in excess of the normally applicable District Plan noise limits; and</p> <p>...</p> <p>Amend Rule 12B.1.1 – Standard 10 and amend Rule 11E.1.2 – Standard 3 as follows:</p> <p>12B.1.1:</p> <p>Traffic</p> <p>10. Traffic expected to be generated by the <i>temporary event</i> must not exceed of 50 <i>vehicle movements</i> in any one hour or 800 vehicle movements per day, whichever is greater.</p> <p>11E.1.2:</p>	<p><i>The amendment simplifies the standards applicable to temporary events, making them more achievable for most temporary events.</i></p> <p>(Variation F)</p>

Issue 9: Temporary Event Standards	The Effect of the Amendment:
<p>3. Standards 1 and 2 above shall not apply to <i>temporary events</i> or <i>regular markets</i>. Temporary events must not generate more than 50 vehicle movements per hour. Note: <i>Vehicle movements generated by temporary events</i> are managed under Rule 12B.1.1.</p>	

Issue 10: Regular Markets	The Effect of the Amendment:
<p>Amend Chapter 1.4 – Definitions as follows:</p> <p>Regular market(s) are temporary markets where goods or services are offered for sale, and usually consist of several merchandise stalls grouped together. <i>Regular markets</i> occur on the same site throughout the year no more frequently than once per week.</p> <p>Note: for further clarification refer to the definition for <i>temporary event</i>.</p> <p>Temporary Event means an event for general public admission (either ticketed or non-ticketed) and includes events such as festivals, concerts, galas, exhibitions and markets (but excludes <i>regular markets</i>). A temporary event includes structures and construction associated with the event, but excludes permanently licensed premises.</p> <p>Amend permitted activity rule 12B.1.1 as follows:</p> <p>1. <i>Temporary events</i> in all zones which are not on land or within a building which is either owned, vested in, or under the care, control and management of the Kapiti Coast District Council.</p> <p>Note 1: <i>temporary events</i> which do not fall under this rule require authorisation under the Kapiti Coast District Council's Public Places Bylaw 2017, and the Trading in Public Places Policy 2017.</p> <p>Note 2: <i>Temporary events</i> must also comply with the Kapiti Coast District Council Traffic Bylaw 2010.</p> <p>Note 3: Other requirements which may be applicable to <i>temporary events</i> include:</p> <ul style="list-style-type: none"> • <u>Sale and Supply of Alcohol Act 2012.</u> • <u>Food Act 2014.</u> • <u>Building Act 2004.</u> <p>Add new permitted activity rule 12B.1.2 with associated standards as follows:</p>	<p><i>The amendments introduce a definition and permitted activity provision for regular community markets and make explicit permitted activity provision for regular markets on Council-owned land and controlled activity provision for regular markets on other land.</i></p> <p>(Variation F)</p>

Issue 10: Regular Markets	The Effect of the Amendment:
<p><u>2. Regular markets</u></p> <p>1. <u>Regular markets must occur on land or within a building which is either owned, vested in, or under the care, control and management of the Kapiti Coast District Council.</u></p> <p><u>Note 1: regular markets permitted under this rule require authorisation under the Kapiti Coast District Council's Public Places Bylaw 2017, and the Trading in Public Places Policy 2017 as an "open air market". All other regular markets are a restricted discretionary activity under rule 12B.2.1.</u></p> <p><u>Note 2: Regular markets must also comply with the Kapiti Coast District Council Traffic Bylaw 2010.</u></p> <p><u>Note 3: Other requirements which may be applicable to regular markets include:</u></p> <ul style="list-style-type: none"> • <u>Sale and Supply of Alcohol Act 2012.</u> • <u>Food Act 2014.</u> • <u>Building Act 2004.</u> <p>Amend restricted discretionary rule 12B.2.1 and the matters over which the Council restricts its discretion as follows:</p> <p>1. <u>Temporary events and regular markets</u> in all zones that do not meet one or more of the <u>permitted activity</u> standards.</p> <p>Matters over which Council has discretion</p> <p>Amenity Values</p> <p>1. The nature, duration, hours of operation and frequency of the activity and any cumulative <i>effects</i> on <i>amenity values</i>.</p> <p>2. The noise <i>effects</i> of the proposal, including the nature of the noise and the duration of any amplified sound.</p> <p>3. The visual, dust, light spill and glare, odour and vibration <i>effects</i> of the event <u>activity</u>.</p> <p>Environment</p> <p>4. The sensitivity of the receiving <i>environment</i>.</p> <p>5. <i>Effects</i> on the natural <i>environment</i> including natural landscapes, <i>indigenous vegetation</i> and habitats and fauna.</p> <p>6. The <i>effect</i> of the activity on cultural, heritage and public recreational values.</p> <p>7. Reverse sensitivity effects on existing activities.</p> <p>8. <i>Effects</i> on the operation of any existing activity.</p> <p>Waste, Health and Safety</p>	

Issue 10: Regular Markets	The Effect of the Amendment:
<p>98. Arrangements is made for waste management through a <i>Waste Management Plan</i> that must include:</p> <ul style="list-style-type: none"> a) the method for the waste and recyclable material to be collected from the site to be reused, recycled and disposed of; ba) the arrangements for <i>site</i> clean-up, including removal of litter; and eb) the provision for adequate sanitation facilities to service the activity. <p>109. Effects relating to <i>natural hazards</i>, and risk from <i>contaminated land</i>.</p> <p>110. Emergency management and public safety.</p> <p>Traffic</p> <p><u>11.</u> A <i>Traffic Management Plan</i> must be submitted to the <i>Council</i> as part of the application addressing the following:</p> <ul style="list-style-type: none"> a) 12. The traffic <i>effects</i> of the activity on the safety and efficiency of the surrounding <i>transport network</i> and the amenity of the surrounding area. b) 13. The provision for <i>vehicle access</i>, servicing and <i>car parking</i> including <u>overspill parking</u> c) 14. The provision of temporary traffic management measures to mitigate the traffic <i>effects</i> of the proposal. d) 15. The provision made for pedestrian access and safety. e) 16. Methods to encourage the use of alternative transport modes (such as public transport, cycling and walking). <p>General</p> <p>17. Level of compliance with the other relevant permitted activity standards</p>	

5 RELEVANT PDP OBJECTIVES

Variations 4(A-G) propose no amendments to the existing objectives of the PDP. The proposed amendments are to one policy, definitions, and numerous rules and standards.

Below is a summary of the existing objectives of the PDP that are considered most relevant to Variations 4(A-G) (with emphasis added as bold text, to highlight the particular aspect of relevance, and red text to identify parts of the PDP that are subject to unresolved Environment Court appeals):

<p>Objective 2.3</p> <p>Development Management</p>	<p><i>To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:</i></p> <ul style="list-style-type: none"> <i>a) urban areas which maximise the efficient end use of energy and integration with infrastructure;</i> <i>b) a variety of living and working areas in a manner which reinforces the function and vitality of centres;</i> <i>c) resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;</i> <i>d) higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;</i> <i>e) management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;</i> <i>f) sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;</i> <i>g) an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and</i> <i>h) management of the location and effects of potentially incompatible land uses including any interface between such uses.</i>
<p>Objective 2.4</p> <p>Coastal Environment</p>	<p><i>To have a coastal environment where:</i></p> <ul style="list-style-type: none"> <i>a) areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected;</i> <i>b) areas of outstanding natural character and high natural character are restored where degraded;</i> <i>c) the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated;</i> <i>d) public access to and along the coast to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and</i>

	e) <i>inappropriate development does not result in further loss of coastal dunes in the area mapped as the coastal environment.</i>
Objective 2.9 Landscapes, Features and Landforms	<i>To protect the District's identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and</i> <i>a) maintain or enhance the landscape values of special amenity landscapes and identified significant landforms; and</i> <i>b) avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms.</i>
Objective 2.11 Character and Amenity values	<i>To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:</i> <i>a) relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;</i> <i>b) vibrant, lively town centres supported by higher density residential and mixed use areas;</i> <i>c) neighbourhood centres, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;</i> <i>d) productive rural areas, characterised by openness, natural landforms, areas and corridors of indigenous vegetation, and primary production activities; and</i> <i>e) well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses, so as to minimise adverse effects).</i>
Objective 2.13 Infrastructure	<i>To recognise the importance and national, regional and local benefits of infrastructure and ensure the efficient development, maintenance and operation of an adequate level of social and physical infrastructure and services throughout the District that:</i> <i>a. meets the needs of the community and the region; and</i> <i>b. builds stronger community resilience, while avoiding, remedying or mitigating adverse effects on the environment.</i>
Objective 2.14 Access and Transport	<i>To ensure that the transport system in the District:</i> <i>a. integrates with land use and urban form and maximises accessibility;</i> <i>b. improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;</i> <i>c. contributes to a strong economy;</i> <i>d. avoids, remedies or mitigates adverse effects on land uses;</i> <i>e. does not have its function and operation unreasonably compromised by other activities;</i>

	<p><i>f. is safe, fit for purpose, cost effective and provides good connectivity for all communities; and</i></p> <p><i>g. provides for the integrated movement of people, goods and services.</i></p>
<p>Objective 2.15</p> <p>Economic Vitality</p>	<p><i>To promote sustainable and on-going economic development of the local economy, including the rural sector, with improved number and quality of jobs and investment through:</i></p> <ul style="list-style-type: none"> <i>a. encouraging business activities in appropriate locations within the District, principally through differentiating and managing various types of business activities both on the basis of the activity, and the potential local and strategic effects of their operation;</i> <i>b. reinforcing a compact, well designed and sustainable regional form supported by an integrated transport network;</i> <i>c. enabling opportunities to make the economy more resilient and diverse;</i> <i>d. providing opportunities for the growth of a low carbon economy, including clean technology;</i> <i>e. minimising reverse sensitivity effects on business activities, including primary production activities; and</i> <i>f. enhancing the amenity of Working Zones;</i> <p><i>while:</i></p> <ul style="list-style-type: none"> <i>g. ensuring that economic growth and development is able to be efficiently serviced by infrastructure;</i> <i>h. encouraging commercial consolidation and the co-location of community services and facilities primarily within the Paraparaumu Sub-Regional Centre and Town Centres; and:</i> <i>i. managing contamination, pollution, odour, noise and glare, associated with business activities, including primary production activities.</i>
<p>Objective 2.16</p> <p>Centres</p>	<p><i>To have vibrant, safe and economically sustainable centres that function as key employment and economic nodes and as a focus for social and community life, as public transport and local service hubs, and as places for living, entertainment and recreation that:</i></p> <ul style="list-style-type: none"> <i>a. provide the primary focus for commercial, retail and community activities within the District;</i> <i>b. support community cohesion and a sense of place;</i> <i>c. reinforce a compact, well designed and sustainable District and regional form, through promoting and reinforcing a close proximity and good accessibility between living, business and employment areas;</i> <i>d. encourage economic opportunities and business activities in a manner which promotes:</i>

	<ul style="list-style-type: none"> i. <i>the Paraparaumu Sub-Regional Centre as the principal commercial, retail, cultural, civic and tourist centre for the District, to be developed in a manner that:</i> <ul style="list-style-type: none"> a. <i>achieves an integrated and compact district centre zone, linking all Precincts through a well connected pedestrian and transport networks offering a choice of efficient routes and a quality built environment;</i> b. <i>provides for a broad range of mutually compatible activities that are integrated with pedestrian and public transport;</i> c. <i>is supported by opportunities for medium density residential living;</i> d. <i>consolidates community activities within Precinct B; and</i> e. <i>enables commercial activities and retail activities in Precincts A1, A2 and C, with restrictions on retail activities in Precinct C;</i> ii. <i>the District's town centres at a scale and form that provides the urban focus for the commercial, tourism, education, entertainment, community and civic activities as well as opportunities for medium density residential living, where these meet the needs of the surrounding township community; and</i> iii. <i>the District's local centres to provide for commercial activities, within a residential context, to primarily serve the local convenience, community and commercial needs of the surrounding residential community.</i>
Objective 2.17 Open Spaces / Active Communities	<p><i>To have a rich and diverse network of open space areas that:</i></p> <ul style="list-style-type: none"> a) <i>is developed, used and maintained in a manner that does not give rise to significant adverse effects on the natural and physical environment;</i> b) <i>protects the District's cultural, ecological and amenity values, while allowing for the enhancement of the quality of open space areas;</i> c) <i>supports the identity, health, cohesion and resilience of the District's communities; and</i> d) <i>ensure that the present and future recreational and open space needs of the district are met.</i>

6 OTHER STATUTORY INSTRUMENTS

The following higher-level planning documents and legislation are potentially relevant to the amendments proposed by Variations 4(A-G):

Under section 75(3) of the RMA, a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand coastal policy statement;
- (ba) a national planning standard; and
- (c) any regional policy statement.

There are currently four national policy statements:

- a) National Policy Statement on Urban Development Capacity (2016);
- b) National Policy Statement for Freshwater Management (as amended 2017);
- c) National Policy Statement for Renewable Electricity Generation (2011); and
- d) National Policy Statement on Electricity Transmission (2008).

Of these, only the NPS on Urban Development Capacity is potentially relevant because the objectives of the NPSUDC apply to all plan making decisions affecting an urban environment. A number of the amendments to provisions proposed by Variations 4(A-G) relate to urban environments. The relevant matters are considered below.

Proposed Variations 4(A-G) apply to land within the coastal environment, so the New Zealand Coastal Policy Statement (2010) is a relevant consideration.

The National Planning Standards (gazetted in April 2019) have effect but the Council has seven years to give effect to the requirements of the Standards and is not required to comply with the Standards in the interim. Although opportunities to give effect to any relevant parts of the NPS have been considered under Variations 4(A-G), giving full effect to the NPS will be addressed separately by a future Plan Change.

The Wellington Regional Policy Statement (2013) is a relevant consideration to the variation.

There are also six National Environmental Standards in force, but none of their standards is affected by the amendments proposed by Variations 4(A-G):

- a) National Environmental Standards for Air Quality (2004);
- b) National Environmental Standard for Sources of Drinking Water (2007);
- c) National Environmental Standard for Telecommunication Facilities (2016);
- d) National Environmental Standard for Electricity Transmission Activities (2009);
- e) National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011); and
- f) National Environmental Standard for Plantation Forestry (2018).

An analysis of the implications of the relevant higher order planning documents and legislation is set out below.

6.1 New Zealand Coastal Policy Statement

The purpose of the New Zealand Coastal Policy Statement 2010 (NZCPS) is to state objectives and policies in order to achieve the purpose of the RMA in relation to the protection and enhancement of the coastal environment of New Zealand. The NZCPS 2010 took effect on 3 December 2010.

The NZCPS has relevance to Variation 4 as many of the changes apply to residential communities located within the coastal environment. The extent of the coastal environment in the District is extensive, including all the District's main urban areas. The relevance of the NZCPS is limited to the proposed amendments to address Issue 2 (in Policy 3.14).

The relevant objectives and policies of the NZCPS in relation to Variations 4(A-G) are summarised below (emphasis added):

Table 6-1: Most relevant objectives and policy of the NZCPS

Objective 2	<p><i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i></p> <ul style="list-style-type: none"> <i>recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</i> <i>identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and</i> <i>encouraging restoration of the coastal environment.</i>
Objective 3	<p><i>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> <i>recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i> <i>promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i> <i>incorporating mātauranga Māori into sustainable management practices; and</i> <i>recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</i>
Objective 6	<p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</i></p> <ul style="list-style-type: none"> <i>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i> <i>some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</i> <i>functionally some uses and developments can only be located on</i>

	<p>the coast or in the coastal marine area;</p> <ul style="list-style-type: none"> the coastal environment contains renewable energy resources of significant value; the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities; the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land; the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.
<p>Policy 2</p> <p><i>The Treaty of Waitangi, tangata whenua and Māori heritage</i></p>	<p><i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</i></p> <ul style="list-style-type: none"> <i>(a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;</i> <i>(b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</i> <i>(c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;</i> <i>(d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga², may have knowledge not otherwise available;</i> <i>(e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and</i> <ul style="list-style-type: none"> <i>(i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and</i> <i>(ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;</i> <i>(f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:</i> <ul style="list-style-type: none"> <i>(i) bringing cultural understanding to monitoring of natural resources;</i>

	<ul style="list-style-type: none"> (ii) <i>providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;</i> (iii) <i>having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non commercial Māori customary fishing; and</i> (g) <i>in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:</i> <ul style="list-style-type: none"> (i) <i>recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and</i> (ii) <i>provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</i>
Policy 4 Integration	<p><i>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</i></p> <ul style="list-style-type: none"> (a) <i>co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly:</i> <ul style="list-style-type: none"> (i) <i>the local authority boundary between the coastal marine area and land;</i> (ii) <i>local authority boundaries within the coastal environment, both within the coastal marine area and on land; and</i> (iii) <i>where hapū or iwi boundaries or rohe cross local authority boundaries;</i> (b) <i>working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and</i> (c) <i>particular consideration of situations where:</i> <ul style="list-style-type: none"> (i) <i>subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or</i> (ii) <i>public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected;</i> <i>or</i> (iii) <i>development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or</i> (iv) <i>land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or</i> (v) <i>significant adverse cumulative effects are occurring, or can be anticipated.</i>

Assessment

The proposed addition to Policy 3.14 will better give effect to the above objectives and policies of the NZCPS. Objective 2 of the NZCPS is not limited to s. 6 RMA outstanding natural features and landscapes. Expanding the scope of Policy 3.14, to include other natural landforms, will better accord with NZCPS Objective 2 and NZCPS Policy 4. The area of the coastal environment in the District is extensive, and includes many remnant inland dune formations which are not identified as outstanding natural features or landscapes. Many of these remnant dunes are important characteristic landforms that contribute to the natural character of the coastal environment.

6.2 Wellington Regional Policy Statement

The Operative Wellington Regional Policy Statement 2013 (RPS) provides an overview of the resource management issues in the Wellington region, and the ways in which integrated management of the region's natural and physical resources will be achieved.

The topics within Variations 4(A-G) can be summarised as falling within the following RPS chapters:

- Regional form, design and function;
- Energy infrastructure and waste; and
- Resource management with tangata whenua.

The relevant RPS provisions are summarised below:

Table 6-2: Most relevant objectives and policy of the RPS (emphasis added as underlined text)

Objective 22 in particular clauses (b), (h), and (i)	A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and: (b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality; (h) integrated public open spaces; and (i) Integrated land use and transportation.
Policy 30 Maintaining and enhancing the viability and vibrancy of regionally significant centres – district plans	District plans shall include policies, rules and/or methods that enable and manage a range of land use activities that maintain and enhance the viability and vibrancy of the regional central business district in Wellington city and the: (a) Sub-regional centres of: (i) Upper Hutt city centre; (ii) Lower Hutt city centre; (iii) Porirua city centre; (iv) Paraparaumu town centre; (v) Masterton town centre; and the (b) Suburban centres in: (i) Petone;

	(ii) Kilbirnie; and (iii) Johnsonville.
Policy 57 Integrating land use and transportation - consideration	When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, for subdivision, use or development, particular regard shall be given to the following matters, in making progress towards achieving the key outcomes of the Wellington Regional Land Transport Strategy: (a) whether traffic generated by the proposed development can be accommodated within the existing transport network and the impacts on the efficiency, reliability or safety of the network; (b) connectivity with, or provision of access to, public services or activities, key centres of employment activity or retail activity, open spaces or recreational areas; (c) whether there is good access to the strategic public transport network; (d) provision of safe and attractive environments for walking and cycling; and (e) whether new, or upgrades to existing, transport network infrastructure have been appropriately recognised and provided for.
Policy 58 Co-ordinating land use with development and operation of infrastructure – consideration.	When considering an application for a resource consent, notice of requirement, or a plan change, variation or review of a district plan for subdivision, use or development, particular regard shall be given to whether the proposed subdivision, use or development is located and sequenced to: (a) make efficient and safe use of existing infrastructure capacity; and/or (b) coordinate with the development and operation of new infrastructure.
Objective 23	The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.
Policy 48 Principles of the Treaty of Waitangi	When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to: (a) the principles of the Treaty of Waitangi; and (b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.

Assessment

Proposed Variations 4(A-G) include a number of minor changes which are not significant in terms of the regional perspective of the RPS.

6.3 National Policy Statement on Urban Development Capacity 2016 (NPSUDC)

The NPSUDC aims to ensure that planning decisions enable the supply of housing needed to meet demand. It requires the Council, in recognising the national significance of well-functioning urban environments, to have a particular focus on ensuring that the district plan:

- enables urban environments to grow and change in response to the changing needs of the communities, and future generations; and
- provides enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.

The relevant objectives of the NPSUDC are (emphasis added):

OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing.

*OA2: **Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses.***

OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations.

*OC1: **Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long-term.***

*OD1: **Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other.***

OD2: Coordinated and aligned planning decisions within and across local authority boundaries.

The relevant policies of the NPSUDC are (emphasis added):

PA3: When making planning decisions that affect the way and the rate at which development capacity is provided, decision-makers shall provide for the social, economic, cultural and environmental wellbeing of people and communities and future generations, whilst having particular regard to:

- a) Providing for choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses;*
- b) Promoting the efficient use of urban land and development infrastructure and other infrastructure; and*
- c) Limiting as much as possible adverse impacts on the competitive operation of land and development markets.*

PA4: When considering the effects of urban development, decision-makers shall take into account:

- a) The benefits that urban development will provide with respect to the ability for people and communities and future generations to provide for their social, economic, cultural and environmental wellbeing; and*
- b) The benefits and costs of urban development at a national, inter-regional, regional and district scale, as well as local effects.*

Assessment

Proposed Variations 4(A-G) make no changes to the PDP provisions that influence the supply of land for urban development. Therefore, proposed Variations 4(A-G) do not cause the PDP to be inconsistent with the NPSUDC in this respect. The proposed Variation 4D amendments to the permitted activity standards for buildings in the Working Zones have the potential to positively affect business development capacity and are consistent with the NPSUDC objectives and policies.

6.4 Potentially Relevant Management Plans and Strategies

Section 74 of the RMA requires the Council to have regard to management plans and strategies prepared under other Acts when preparing or changing its district plan.

Council Strategies

The Kapiti Coast District Council has in place the following potentially relevant strategies prepared under other legislation:

(a) Coastal Strategy (2006)

This strategy is a guiding document which aims to ensure the community's vision to restore and enhance the wild and natural feel of the coast is achieved. The strategy focuses on the coastal margins, and aims to set out a framework for managed change over a 20-year period.

(b) Community Facilities Strategy (2017)

The purpose this strategy is to plan for the current and future needs of the community for community facilities. The strategy also outlines a decision-making process to determine how the Council can consider future requests for facilities support.

(c) Development Management Strategy (2007)

This strategy sets out Kāpiti Coast District Council's strategy for the management of development and settlement patterns on the Kāpiti Coast.

(d) Economic Development Strategy 2015-18

This strategy provides a roadmap for Council, business and the community to continue to foster a thriving economy in the District. It outlines how Council and businesses can work together to harness local knowledge, skills and resources, while setting goals to help make the best decisions.

(e) Open Space Strategy (2012)

This strategy sets up the vision for the provision and management of open space in the Kāpiti Coast District for the next 20-50 years.

(f) Sustainable Transport Strategy (2008)

This strategy takes a long term and realistic view of the future options and opportunities and casts that in the light of the impacts of peak oil, climate change and national and regional transport initiatives. The strategy is concerned with reshaping the local transport system so that it has the characteristics of a sustainable system and dealing with key problems which are a barrier to sustainable outcomes.

Assessment

The most relevant of these strategies is the Open Space Strategy, which identifies open spaces as important community assets for providing venues for local, regional and national events, which provide economic and social benefits to the community. The approach proposed by Variation 4F for temporary events and regular markets is consistent with the intentions of the Open Space Strategy. The amendments provide for events and regular community markets on Council-owned sites (including open spaces).

Other Council Plans

The following plans, prepared under other legislation, are also potentially relevant:

(a) Long Term Plan 2018-38

The long term plan 2018-38 is a blueprint for the future of our district and shows how council intends to contribute to achieving our vision of a thriving environment, vibrant economy and strong communities in Kāpiti.

(b) Reserve Management Plans

Reserve Management plans contain the overall vision for the reserve and include policies that help shape the use, management and development of our parks and reserves in Kāpiti. The Council has reserve management plans in place for nineteen reserves.

Assessment

These other plans are of limited relevance to Proposed Variations 4(A-G). Reserve management plans will be relevant to the proposed non-RMA method for managing temporary events and 'regular markets' within Council reserves, and will apply in addition to the proposed PDP rules.

Council Policies and Bylaws

The Kapiti Coast District Council has the following other policies and bylaws which are relevant to Variation 4:

- Public Places Bylaw 2017;
- Trading in Public Places Policy 2017; and
- Traffic Bylaw 2010.

Assessment

All of the above bylaws are highly relevant to the amendments proposed by Variation 4F to the provisions for temporary events and regular community markets.

The Public Places Bylaw and Trading in Public Places Policy provide an authorisation process for temporary events and 'regular markets' on Council-owned land. This authorisation process sits outside of the RMA, and therefore offers an established alternative approach to managing many events and markets in the District.

The Traffic Bylaw sets the requirements for parking and control of vehicular traffic on any road, public carpark, reserve or other public place owned by the Kapiti Coast District Council. The bylaw is therefore of importance to the proposed changes to provisions for temporary events and 'regular markets' where carried out on public places owned by the Council, or places under the control and management of the Council.

6.5 Planning Documents Recognised by Iwi Authorities

There are four documents recognised by iwi authorities in the Kapiti Coast District. These comprise:

- Proposed Ngāti Raukawa Ōtaki River and Catchment Iwi Management Plan 2000;
- Nga Korero Kaupapa mo Te Taiao: Policy Statement Manual for Kapakapanui: Te Runanga O Ati Awa ki Whakarongotai Inc;
- Te Haerenga Whakamua – A Review of the District Plan Provisions for Māori: A Vision to the Future for the Kāpiti Coast District Council District Plan Review 2009-12 – 2012; and
- *Whakarongotai o te moana o te wai* Kaitiakitanga Plan for Te Atiawa ki Whakarongotai (2019).

As Proposed Variations 4(A-G) apply to the entire district, all of these documents are considered below:

Proposed Ngāti Raukawa Ōtaki River and Catchment Iwi Management Plan 2000

The proposed Plan establishes a vision for Ngati Raukawa exercise of Kaitiakitanga, in

respect of the Otaki River and its catchments, and provides policy to guide the fulfilment of that vision. The policy is aimed at providing for the ongoing development of a comprehensive framework from which Ngāti Raukawa can engage in management of the Otaki River and its resources to ensure fulfilment of its Kaitiakitanga responsibilities. Notwithstanding the 'proposed' status of the management plan, it has been considered with regard to the content of Variations 4(A-G). No inconsistencies between proposed Variations 4(A-G) and the proposed Management Plan were identified.

Nga Korero Kaupapa mo Te Taiao

The document outlines the vision, intent and objectives for compliance with tikanga standards for protection and management of the environment as determined by Te Runanga O Ati Awa ki Whakarongotai Inc with respect to disposal and treatment of effluent, stormwater runoff, heritage protection and management, and representation. The content of Variations 4(A-G) do not address any of the above matters.

Te Haerenga Whakamua

Input from tangata whenua was an important part of developing the PDP, with 23 meetings held from December 2010 through October 2012 between Council staff and a Tangata Whenua working party nominated by Te Whakaminenga o Kāpiti.

The Tāngata Whenua Working Party was established in 2010 as a mechanism for iwi to participate in the review of the District Plan and to represent the District's three iwi (Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga and Ngāti Toa Rangatira). The mandate for the working party was to review all aspects of the District Plan on behalf of Te Whakaminenga o Kāpiti and recommend to this forum the direction for iwi policy and Māori world view within this process.

This process resulted in the document Te Haerenga Whakamua being approved by Te Whakaminenga o Kāpiti in March 2012 and endorsed by Council on 27 September 2012. None of the proposed Variations 4(A-G) provisions are identified as being inconsistent with Te Haerenga Whakamua.

Whakarongotai o te moana o te wai Kaitiakitanga Plan

This Plan identifies the key kaupapa, huanga and tikanga values, objectives and policies of Te Ātiawa ki Whakarongotai to guide kaitiakitanga. The document is internally focused, in order to support the kaitiaki practice of the iwi, but also to inform other agencies. The provisions of proposed Variations 4(A-G) do not alter any of the provisions of Chapter 2 or 2A as they relate to kaitiakitanga. The proposed amendment to Policy 3.14 (addressing the effects of earthworks on natural landforms) potentially enhances the policy framework enabling kaitiakitanga. None of the provisions of proposed Variation 4 conflicts with any of the objectives, tikanga or five-year priorities set out in Whakarongotai o te moana o te wai.

7 SCALE AND SIGNIFICANCE

Having regard to the relevant PDP objectives and the relevant provisions of the higher order documents, strategies and Iwi Management Plans discussed in Sections 5 and 6 of this report, this section evaluates the scale and significance of the effects of the proposed amendments proposed by Variation 4.

Variation 4A Definitions of <i>Household Unit</i>, <i>Ancillary</i> and <i>Kitchen</i>	Scale and Significance:
Proposed amendments to the definitions of <i>household unit</i> , <i>ancillary</i> and <i>kitchen</i> .	<p>The proposed amendment to the definition of <i>household unit</i> overcomes an unintended consequence. Although the proposed amendment is a change from the PDP status quo and applies district-wide, it is consistent with the PDP objectives and policies and the number of home occupations likely to be affected is expected to be relatively small.</p> <p>Although the expression <i>ancillary</i> is used in many PDP provisions, the amendments are limited to clarification of minor matters. The proposed amendment gives effect to PDP objectives and better aligns with the National Planning Standards.</p> <p>The proposed amendment to the definition of <i>kitchen</i> applies to all household units in the district but has low significance because it simply provides clarification (rather than a change in approach).</p> <p>None of the amendments proposed to the definitions affects any matters of national importance or carries implementation risk or uncertainty. The scale and significance of the effects of the proposed amendments are assessed as low.</p>
Variation 4B Policy 3.1.4 Guidance for Earthworks Effects on Natural Landforms, Amenity Values and Rural Character	Scale and Significance:
Addition of clause (d), requiring consideration of potential effects on natural landforms, residential amenity values and rural character.	<p>Policy 3.14 applies district-wide and earthworks are an integral aspect of most development. On this basis, the proposed amendment has large-scale relevance. The scope of the additional clause is moderately significant, given the national importance of the natural character of the coastal environment (s. 6 (a)) and in the NZCPS. Also, the importance of amenity values, the quality of the environment and finite nature of resources in sections 7 (c), (f) and (g) of the RMA. However, the additional clause is consistent with the higher order policy framework and with the PDP objectives. There is a low degree of implementation risk and the amendment improves certainty of outcomes. Overall, the effects of this proposed amendment are assessed as having moderate scale and significance.</p>
Variation 4C	Scale and Significance:

Living Zones: Rule 5A.1.6 Yard Requirements for Home Occupations	
Exception from 4-metre side and rear yard standard for home occupations.	The proposed amendment will apply to all proposed home occupations within the living and rural zones throughout the District. However, the definition of <i>home occupation</i> excludes activities that could have material adverse effects on neighbours' amenity values. The scale and significance of the potential effects of the proposed amendment are assessed as low.
Variation 4D Working Zones: Bulk and Location Standards for Sites Adjoining Residential Zone	Scale and Significance:
Amendment to bulk and location standards for sites in Working Zones that adjoin the Residential Zone.	The proposed amendments apply to all Working Zones throughout the district, and is expected to result in more efficient use of land in Working Zones adjoining the Living Zone. The remaining Working Zone standards are expected to maintain the amenity values of adjoining sites in the Living Zone. Therefore, the scale and significance of the effects of the amendments are assessed as low.
Variation 4E 1. Rural Zones: Rule 7A.3.2.1 Number of Lots Connection to Rights of Way	Scale and Significance:
Insertion of a limit on the number of lots able to connect to a right of way.	The proposed limit will apply to all rural zone subdivisions creating more than 6 lots from a right of way (which may involve a moderate number district-wide). The proposed standard is similar to, but more permissive than, the long-standing operative District Plan Rural Zone standard (which limits the number to 4 lots). There is a low degree of policy risk, implementation risk, or uncertainty. The likely effects of the proposed amendment are well understood, beneficial and their scale and significance are assessed as low.
2. Rule 11P.2.1 Shared Car Park Spaces	Scale and Significance:
Clarification of the rule providing for sharing of car parking spaces.	The rule only applies to car parks which are shared by different activities on the same site. Therefore, the scale of the proposed amendment is most likely to occur in town centres and is therefore limited in extent district-wide. The proposed amendment simply provides clarification and will not alter the effectiveness of it in managing potential adverse parking effects. There is a low degree of implementation risk or uncertainty and the scale and significance of the likely effects of the amendment are assessed as low.
3. Rule 11E.1.3 Transport Network Hierarchy Terminology	Scale and Significance:
	The proposed amendments will have no material environmental effects.

Amendment to the wording used in the rule to align with the PDP's transport network hierarchy.	
Variation 4F 1. Temporary Event Standards	Scale and Significance:
Amendments to rationalise and simplify the permitted activity standards for temporary events.	The change in timeframes from 30 working days to 10 working days will not have any material environmental effects. Similarly, the more permissive vehicle trip generation standard will have no material environmental effects. Traffic management will be achieved through the (unchanged) requirement for a management plan. The amendments will have a positive social and economic effect in reducing the number of events which breach the timeframe standards, triggering a resource consent. The number of instances district-wide is also likely to be small. There is a low degree of implementation risk or uncertainty. The scale and significance of the anticipated (administrative) effects are assessed as low.
2. Regular Markets	Scale and Significance:
Insertion of permitted activity provisions to enable regular community markets.	The environmental effects of the proposed amendments are expected to be neutral. The (unchanged) management requirements and the requirements of Council bylaws will appropriately manage actual and potential environmental effects. Also, the number and frequency of regular markets is expected to be limited district-wide. There is a low degree of implementation risk or uncertainty (the actual and potential effects will continue to be managed). The scale and significance of the proposed amendments are assessed as low.
Variation 4G 1. Chapter 11P Parking Standards for Shared Living Accommodation	Scale and Significance:
Insertion of activity specific car parking standards for shared living accommodation.	The proposed amendments apply district-wide but the total number of shared living situations is expected to be limited. The effects of the amendments are expected to be positive (in terms of traffic network management and amenity values) and limited in extent. There is a low degree of implementation risk or uncertainty and the scale and significance of the anticipated effects are assessed as low.

8 ALTERNATIVE OPTIONS

For the proposed amendments that are assessed (in Section 7 above) as having low scale and significance of effects, the evaluation approach is simplified: the option is compared with a single alternative option (the status quo PDP provisions) and the evaluation is made at a broad district-wide level. The Variation (4B) that is assessed as having effects of moderate scale and significance is considered by reference to two alternative options and has a more detailed evaluation.

Issue:	Alternatives Considered:
1. Definitions of Household Unit, Ancillary and Kitchen	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (to improve clarity)
2. Policy 3.1.4 Guidance for Earthworks Effects on Natural Landforms, Amenity Values and Rural Character	Option 1: Status quo (retain the existing PDP provisions with no additional policy support for earthworks) Option 2: The proposed amendments (inserting additional policy support in Policy 3.14 requiring consideration of effects on natural landforms, residential amenity values and rural character) Option 3: Modified amendment to Policy 3.14 (more stringently seeking to avoid any adverse effects on natural landforms, residential amenity values and rural character)
3. Living Zones: Rule 5A.1.6 Yard Requirements for Home Occupations	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (exempting home occupations from the 4-metre side yard)
4. Working Zones: Bulk and Location Standards for Sites Adjoining Residential Zone	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (deleting duplicated standards)
5. Rural Zones: Rule 7A.3.2.1 Number of Lots Connection to Rights of Way	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (limiting the number of lots able to connect to a right of way to 6)
6. Rule 11P.2.1 Shared Car Park Spaces	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (clarification of shared car parking requirements)
7. Chapter 11P Parking Standards for Shared Living Accommodation	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (activity-specific car parking standards for shared living accommodation)

8. Rule 11E.1.3 Transport Network Hierarchy Terminology	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (to align PDP terminology)
9. Temporary Event Standards	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (to rationalise and simplify the requirements for temporary events)
10. Regular Markets	Option 1: Status quo (retain the existing PDP definitions) Option 2: The proposed amendments (new permitted activity provision for regular markets)

9 EVALUATION

9.1 Consultation Undertaken for Variation 4

A draft of Variations 4(A-G) was circulated to the Minister for the Environment as required by the Act. No other Ministers of the Crown and no other local authorities are considered to be affected by Variations 4(A-G).

Currently there are no customary marine title groups confirmed in the Kapiti Coast District. There are four applications pending under the Marine and Coastal Area Act. However, the proposed amendments will not directly affect any coastal marine areas.

Due to the relative minor nature of the changes which make up Variations 4(A-G) wider consultation has not been undertaken.

9.2 Iwi Authority Advice

Council has a partnership approach with iwi for resource management matters. Te Whakaminenga o Kāpiti is one of the longest lasting partnerships between tāngata whenua and Local Government in New Zealand. The partners are the Kāpiti Coast District Council and the mana whenua (people with 'authority over the land') on the Kāpiti Coast: Te Āti Awa ki Whakarongotai, Ngāti Raukawa ki te Tonga, and Ngāti Toa Rangatira.

Clause 4A of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities before notifying a proposed plan. Clause 4A(b) requires Council to have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities. A copy of draft Variations 4(A-G) was forwarded to each of the mana whenua iwi authorities on 10 June 2019. No response has been received at the date of preparing this s. 32 report.

9.3 Evaluation of the Proposed Amendments and Alternatives

As identified in Section 2 of this report, the matters that must be examined in the s. 32 evaluation are:

- Benefits (of the anticipated environmental, economic, social, cultural effects)
- Costs (of the anticipated environmental, economic, social, cultural effects)
- Economic growth impacts
- Employment impacts
- Sufficiency of information (and risks of acting or not acting if insufficient)
- Efficiency
- Effectiveness

In all cases, there is no uncertainty of outcome and the available information provides

a sufficient basis for evaluating the likely effects of the proposed amendments. Therefore, there is no need to evaluate the risks of acting or not acting. The risks associated with continuing with the current PDP provisions are identified and discussed in the analysis under the headings of environmental and economic costs and inefficiencies. The findings of evaluating the relevant s. 32 matters are summarised in the following Tables:

Issue 1: Definitions of <i>Household Unit, Ancillary and Kitchen</i>	Option 1 (Status Quo PDP Definitions)	Option 2 (Proposed Amendments)
Benefits and Costs: Environmental Effects	The definitions provide a basis for managing housing density. However, the wording creates some uncertainties.	The definitions will provide a more certain basis for managing housing density.
Benefits and Costs: Economic Effects	There are some administrative costs associated with having to make case-by-case assessments of what constitutes a 'household unit'.	The amendments will eliminate the transaction costs associated with the existing PDP definition uncertainties.
Benefits and Costs: Social Effects	It is possible that the current definitions are unnecessarily restricting some residential situations.	Neutral
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	It is possible that the current definitions are unnecessarily constraining home occupations.	The amendments will remove unnecessary requirements that may be inhibiting home occupations.
Efficiency	The existing definitions create some inefficiencies	The proposed amendments will improve the efficiency of PDP implementation.
Effectiveness	The uncertainties in the existing definitions impair their effectiveness in achieving the PDP objectives.	The proposed amendments will enhance PDP effectiveness.
Overall Conclusion	Option 2 (the proposed amendments) is recommended.	

Issue 2: Policy 3.14 Guidance for Earthworks Effects on Natural Landforms, Amenity Values and Rural Character	Option 1 (Status Quo PDP Provisions)	Option 2 (Proposed Amendment to Policy 3.14)	Option 3 (More Stringent Amendment in Policy 3.14)
Benefits and Costs: Environmental Effects	The policy framework is not managing actual and potential effects of earthworks on natural landforms, residential amenity values or rural character in the manner necessary to achieve the relevant PDP objectives.	The proposed amendment will ensure that actual effects on natural landforms, amenity values and rural character are considered and addressed by mitigation where necessary.	The proposed amendment will ensure that all adverse effects on natural landforms, amenity values and rural character are avoided in all situations.
Benefits and Costs: Economic Effects	Neutral	The interventions or mitigation required to address the policy considerations may impose additional costs or prevent earthworks in some situations.	The requirement to avoid all adverse effects will impose additional costs where development proposals need to be altered to avoid adverse effects.
Benefits and Costs: Social Effects	Neutral	Neutral	Neutral
Benefits and Costs: Cultural Effects	The current policy framework may be overlooking some cultural values associated with natural landforms.	The proposed amendments will allow consideration of cultural values associated with natural landforms.	The amendments will ensure that adverse effects on cultural values associated with natural landforms are avoided.
Economic Growth & Employment Impacts	Neutral	Neutral	Neutral
Efficiency	The existing provisions do not create inefficiencies for the administration of earthworks proposals.	The proposed amendments will add considerations that have to be evaluated for applications for consent for earthworks, but will	The amendments will add considerations that have to be evaluated for applications for consent for earthworks, but will

Issue 2: Policy 3.14 Guidance for Earthworks Effects on Natural Landforms, Amenity Values and Rural Character	Option 1 (Status Quo PDP Provisions)	Option 2 (Proposed Amendment to Policy 3.14)	Option 3 (More Stringent Amendment in Policy 3.14)
		not cause additional applications to be required.	not cause additional applications to be required.
Effectiveness	The current policy framework is not fully effective in achieving the relevant PDP objectives.	The proposed amendments will enable the PDP objectives to be fully achieved.	The proposed amendments will enable the PDP objectives to be fully achieved.
Overall Conclusion	Option 2 (the proposed amendments) is recommended. Although the outcomes achieved by Option 3 are similar, Option 2 can achieve the PDP objectives with less intervention costs.		

Issue 3: Living Zones: Rule 5A.1.6 Yard Requirements for Home Occupations	Option 1 (Status Quo PDP Yard Standard)	Option 2 (Proposed Exclusion for Home Occupations)
Benefits and Costs: Environmental Effects	The existing yard standard maintains amenity values on adjoining sites.	Even where yard distances are less than 4m, amenity values on adjoining sites will be maintained because of the benign nature of home occupations.
Benefits and Costs: Economic Effects	The standard is unnecessarily requiring resource consent for legitimate activities in homes that have no or minor environmental effects.	The proposed amendment will eliminate the need for resource consents which may be creating an artificial obstacle for home occupations.
Benefits and Costs: Social Effects	The unnecessary requirement for resource consents may be interfering with people achieving their (social wellbeing) aspirations to work from home.	Removing the need for consents may enable the achievement of people's social and wellbeing aspirations to work from home.
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	It is possible that the current definitions are unnecessarily constraining home occupations that are small-scale or start-up economic activities.	The amendments will remove unnecessary requirements that may be inhibiting home occupations that are small-scale or start-up economic activities.
Efficiency	The standard is straightforward and readily able to be implemented, and creates no administrative PDP inefficiency.	The proposed amendment will be straightforward and readily able to be implemented, with no administrative PDP inefficiency.
Effectiveness	The standard is potentially inhibiting achievement of the PDP's social, economic and community wellbeing objectives.	The proposed amendments will enhance PDP effectiveness.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

Issue 4: Working Zones: Bulk and Location Standards for Sites Adjoining Residential Zone	Option 1 (Status Quo PDP Standards)	Option 2 (Proposed Deletion of Duplicated Standards)
Benefits and Costs: Environmental Effects	The existing standards maintains amenity values on adjoining sites.	The remaining Working Zone standards will maintain amenity values on adjoining sites.
Benefits and Costs: Economic Effects	Additional costs are imposed where the standard is unnecessarily requiring resource consent for legitimate activities on some sites in Working Zones.	The proposed amendments will remove the need for (and cost) of resource consents for activities that do not address actual environmental effects.
Benefits and Costs: Social Effects	Neutral	Neutral
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	It is possible that the current standards are constraining the scope or intensity of business activity on some sites in Working Zones.	The amendments will remove unnecessary requirements that may be inhibiting business activity or developments on Working Zone land.
Efficiency	The standards duplicate other PDP standards.	The proposed amendments will remove PDP duplication and enhance administrative efficiency.
Effectiveness	The standards are effective in maintaining amenity values (but may not be necessary to do so).	The proposed amendments will be effective in maintaining amenity values as intended by PDP objectives.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

Issue 5: Rural Zones: Rule 7A.3.2.1 Number of Lots Connecting to Rights of Way	Option 1 (Status Quo PDP No Limit)	Option 2 (Proposed Limit of 6 Lots)
Benefits and Costs: Environmental Effects	The existing provisions have the potential to enable adverse traffic safety and convenience effects.	The proposed limit will ensure that potential adverse traffic safety and convenience effects are avoided, remedied or mitigated and will enable the development of an integrated transport network.
Benefits and Costs: Economic Effects	Neutral	The proposed limit may restrict or require alteration of rural allotments created by subdivision or require investment in roads (which are more expensive than rights of way).
Benefits and Costs: Social Effects	Neutral	Neutral
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	Neutral	The proposed limit may inhibit or alter the number of rural allotments created (and the opportunities for economic use of those).
Efficiency	The standard is straightforward and readily able to be implemented, and creates no administrative PDP inefficiency.	The proposed amendment will be straightforward and readily able to be implemented, with no administrative PDP inefficiency.
Effectiveness	The standard potentially conflicts with the PDP objectives for traffic safety and an integrated transport network.	The proposed amendments will enhance the ability to achieve the PDP transport objectives.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

Issue 6: Rule 11P.2.1 Shared Car Park Spaces	Option 1 (Status Quo PDP Rule)	Option 2 (Proposed Clarification of Requirements)
Benefits and Costs: Environmental Effects	The existing rule provides a basis for managing shared car parking.	The proposed amendments will provide a clearer regime for managing shared car parking.
Benefits and Costs: Economic Effects	The existing provisions enable multiple uses and intensification of land use.	The proposed amendments will more clearly enable multiple uses and intensification of land use.
Benefits and Costs: Social Effects	Neutral	Neutral
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	As above – the existing provisions enable multiple economic uses on a site.	As above – the proposed amendments will more clearly enable multiple economic uses on a site.
Efficiency	There is confusion in the rule wording that creates inefficiency.	The proposed amendments will improve the efficiency of PDP implementation.
Effectiveness	The effectiveness of the existing rule is impaired by the confused wording.	The proposed amendments will be more effective in achieving the PDP transport and Working Zone objectives.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

Issue 7: Chapter 11P Car Parking Standards for Shared Living Accommodation	Option 1 (Status Quo PDP Residential Parking Standards)	Option 2 (Proposed Activity-Specific Car Parking Standards)
Benefits and Costs: Environmental Effects	The existing provisions have the potential to enable adverse (parking related) traffic safety and convenience effects.	The proposed standards will manage actual and potential parking effects and maintain the integrity of the transport network.
Benefits and Costs: Economic Effects	Neutral	The proposed limit may impose additional costs associated with provision of on-site parking for some residential accommodation types, or require consents for non-compliance.
Benefits and Costs: Social Effects	The existing rules and residential parking standards enable the establishment and operation of a range of shared living accommodation types.	The proposed car parking standards will enable the establishment and operation of a range of shared living accommodation types but may reduce the size of building permitted on particular sites, depending on the land available for on-site car parking.
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	As above – the existing rules enable the establishment of a range of shared living accommodation types, including supported living (with the job opportunities associated with those).	As above – the proposed car parking standards may reduce the size of accommodation buildings permitted (and the associated job opportunities), depending on the size of the site. However, the district-wide impact is expected to be small.
Efficiency	The rules are straightforward and readily able to be implemented, with no administrative PDP inefficiency.	The proposed amendment will be straightforward and readily able to be implemented, with no administrative PDP inefficiency.
Effectiveness	The existing provisions are not able to manage potential parking effects in all situations.	The proposed amendments will enhance the ability to achieve the PDP transport objectives.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

Issue 8: Rule 11E.1.3 Transport Network Hierarchy	Option 1 (Status Quo PDP 'Local Road' Expression)	Option 2 (Amendment to 'Neighbourhood Access Route')
Benefits and Costs: Environmental Effects	The inaccurate language in the existing rule inhibits its ability to properly manage potential traffic effects.	The proposed amendment will allow the rule to more clearly manage potential traffic effects.
Benefits and Costs: Economic Effects	Neutral	Neutral
Benefits and Costs: Social Effects	Neutral	Neutral
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	Neutral	Neutral
Efficiency	The inaccurate wording creates confusion and inefficiency in PDP implementation.	The proposed amendment will eliminate the confusion and improve PDP implementation efficiency.
Effectiveness	The confusion in the rule inhibits its effectiveness in achieving the PDP transport objectives.	The proposed amendments will provide clarity and more effectively achieve the PDP transport objectives.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

Issue 9: Temporary Event Standards	Option 1 (Existing PDP Provisions)	Option 2 (Proposed Amendments)
Benefits and Costs: Environmental Effects	The existing provisions provide a basis for managing the actual and potential adverse effects of temporary events.	The proposed amendments will provide a more practical basis for managing the actual and potential adverse effects of temporary events.
Benefits and Costs: Economic Effects	The existing standards are difficult for many community-based temporary events to achieve, which may inhibit enablement of them or impose costs associated with resource consents.	The proposed amendments will remove obstacles to permitted activity temporary events and remove the need for (and cost of) resource consents.
Benefits and Costs: Social Effects	As above – the existing standards may be making it difficult to operate community-based temporary events.	As above – the proposed amendments will better enable temporary events, including community-based events.
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	As above – the existing standards may be making it difficult to achieve the economic benefits of temporary events.	As above – the proposed amendments will better enable the economic and employment benefits of temporary events.
Efficiency	The existing standards are unnecessarily restrictive and create unnecessary transaction costs.	The proposed amendment will be straightforward and readily able to be implemented, with no administrative PDP inefficiency.
Effectiveness	The existing provisions are not fully effective in achieving the PDP objectives for community wellbeing.	The proposed amendments will enhance the ability to achieve the PDP community wellbeing objectives.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

Issue 10: Regular Markets	Option 1 (Status Quo PDP Provisions)	Option 2 (Proposed Specific Permitted Activity Provision)
Benefits and Costs: Environmental Effects	The existing provisions enable management of the actual and potential adverse effects of regular community markets.	The proposed amendments, together with the Council's other policies and bylaws, will enable management of the actual and potential adverse effects of regular community markets.
Benefits and Costs: Economic Effects	The existing provisions trigger the need for resource consents in most situations (and the costs and delay associated with that, which are typically unaffordable for community groups).	The proposed amendments will remove the need for resource consents in most situations and will enable the economic benefits of regular community markets.
Benefits and Costs: Social Effects	The existing provisions may be inhibiting the enablement of regular community markets.	The proposed amendments will enable community wellbeing.
Benefits and Costs: Cultural Effects	Neutral	Neutral
Economic Growth & Employment Impacts	As above – the existing provisions maybe inhibiting the economic and employment benefits of regular community markets.	The proposed amendments will facilitate the economic and employment benefits of regular community markets.
Efficiency	The existing provisions are unclear as to the consent status for community markets and require case-by-case consideration. They also unnecessarily duplicate bylaws. This is administratively inefficient.	The proposed amendment will be straightforward and readily able to be implemented, with no administrative PDP inefficiency.
Effectiveness	The existing provisions are not effective in enabling community wellbeing objectives and are not necessary to manage actual and potential effects.	The proposed amendments will enhance the ability to achieve the PDP objectives.
Overall Conclusion	Option 2 (the proposed amendment) is recommended.	

10 CONCLUSION

This report concludes that the amendments proposed by Variations 4(A-G) are the most appropriate way to achieve the PDP objectives, by comparison with the reasonably practicable alternative approaches. In achieving the PDP objectives, the proposed amendments will also contribute to achieving the sustainable management purpose of the RMA. The reasons for these conclusions are summarised in the tables in Section 9 of this report. On this basis, the proposed amendments are recommended to the Council for adoption for the purposes of public notification and invitation of submissions from the community. Once submissions have been received, the foregoing evaluation and the conclusions of this report will be reconsidered, having regard to the issues and suggestions raised in submissions.

APPENDIX 1: EXPLANATION OF THE ISSUES

Issue 1: Definitions of *Household Unit*, *Ancillary* and *Kitchen*

The PDP definition of **household unit** captures home occupations that are required to have a separate kitchen for their operation e.g. a catering business. As currently worded, such home occupations would be deemed to create an additional *household unit*. This triggers the requirement to comply with the subdivision standards (if in a Living Zone), and the requirement to pay development contributions and financial contributions. In Rural Zones a home occupation which requires an additional kitchen would be deemed a non-complying activity under rule 7A.5.6, as rural properties are limited to one household unit.

The PDP provides for home occupations as a permitted activity, however there have been examples where customers require resource consent under the scenario described above. This situation is clearly an unanticipated outcome arising from the definition for *household unit*, and carries a high level of frustration for affected customers.

The PDP definition of **ancillary** is:

Ancillary means:

- a) *Supportive;*
- b) *Subordinate; and*
- c) *Allied in characteristics, nature or type.*

The term ancillary is used extensively across multiple chapters of the PDP.

The definition is generally acceptable for buildings and development. However, the PDP also contains rules which manage ancillary activities. In many situations it may be questionable as to whether an activity is allied in characteristics, nature or type. Examples include:

- i. Residential activities which must be ancillary to an industrial building and activity on the site (Rule 6F.1.6);
- ii. Retail activities which is ancillary to an industrial activity on a property and which is limited to the lesser of the following ... (Rule 6F.1.7); and
- iii. Offices must be ancillary to the industrial activity on the property and limited to whichever is the lesser of the following ... (Rule 6F.1.8)

This situation introduces uncertainty and requires a judgement to be made as to whether these activities (which the PDP intends to be permitted activities) are indeed *ancillary* or not under the definition. As an example, it would be difficult to conclude that an ancillary residential activity on an industrial site would be allied in characteristics, nature and type with the industrial building or the industrial activity on the site.

The PDP definition of **kitchen** is central in determining whether or not an additional

household unit has been, or will be, created. It is relied on daily by the Council's compliance team and the resource consents team to determine:

- whether a proposed building will create an additional household unit;
- whether building works/development has created an additional household unit.

The presence of food preparation and cooking facilities are two of the main components in determining whether or not an additional household unit is created. The current definition includes a non-exhaustive list of smaller electric appliances which do not constitute cooking facilities. This unintentionally broadens the scope of situations captured as household units.

As the list only identifies examples of small electrical appliances which should be excluded from the definition, where a non-listed appliance is encountered (e.g. a portable grill) it requires a decision to be made on whether or not it should be considered a cooking appliance or not. A follow-on decision may then be required to decide whether or not enforcement actions should (or could) be taken. This creates uncertainty and is inefficient.

Issue 2: Policy 3.14 Guidance for Earthworks Effects on Natural Landforms, Amenity Values and Rural Character

Implementation of the PDP by the Council's Resource Consents team has highlighted that the PDP policy support for earthworks affecting amenity values, rural character and natural landforms which are not identified as an outstanding natural landscape or feature, or a geological site is very limited.

The current policy support for general earthworks (excluding earthworks within heritage sites and features, and areas identified as being subject to natural hazards) is provided by the following Chapter 3 Policies:

Policy 3.12 – Protecting Outstanding Natural Features and Landscapes

Outstanding natural features and landscapes will be protected from inappropriate *subdivision*, uses and *development* which has the potential to adversely affect and erode the values of features and landscapes identified in Natural *Environment Schedule 3.4* of this Plan.

Policy 3.13 – Special Amenity Landscapes

Subdivision, use and *development* in *special amenity landscapes* will be located, designed and of scale and character that maintains or enhances the values of the landscape areas identified in *Schedule 3.5* of this Plan and taking into account existing land uses including primary production.

Policy 3.14 – Earthworks

All *earthworks* activities will:

- a. be managed to protect *geological features* identified in *Schedule 3.6* from disturbance; and
- b. be sympathetically located and of a scale that protects the values of *outstanding natural features* and landscapes identified in *Schedule 3.4*; and
- c. avoid or mitigate erosion and off-site silt and sediment runoff to the *Council's* reticulated stormwater system and *waterbodies*.

Policy 3.15 – Extractive Industries

To ensure that adverse visual *effects* from the location and operation of new *extractive industries* are avoided, remedied or mitigated by requiring the activities to be located outside areas identified as *outstanding natural features and landscapes* and requiring site landscaping where practicable to limit visibility from *Living Zones* and *strategic arterial routes*.

It is evident from these policies that policy support for general earthworks rules and standards is limited. Objectives 2.9 and 2.11 are relevant:

Objective 2.9 – Landscapes, Features and Landforms

To protect the District's identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and

- a. maintain or enhance the landscape values of special amenity landscapes and identified significant landforms; and
- b. avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms

Objective 2.11 – Character and Amenity Values

To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:

- a. relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;
- b. vibrant, lively town centres supported by higher density residential and mixed use areas;
- c. neighbourhood centres, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;
- d. productive rural areas, characterised by openness, natural landforms, areas and corridors of indigenous vegetation, and primary production activities; and
- e. well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses, so as to minimise adverse effects.

The policies that cascade from Objectives 2.9 and 2.11 give very little guidance to resource consent applicants and decision makers as to how the PDP intends to manage the effects of earthworks on amenity values, rural character and on natural landforms that don't qualify as s.6 RMA outstanding natural features or landscapes. In particular, the absence of any specific guidance in Policy 3.14 is seen as a gap.

Issue 3: Living Zones: Rule 5A.1.6 Yard Requirements for Home Occupations

Implementation of the PDP has identified an inconsistency which results in many home occupations not being able to become established as a permitted activity. The yard standard for non-residential activities is 4.0 metres from a boundary. *Home occupations* (which have their own definition) are included within the definition of *non-residential activity*. Typically, lawfully-established dwellings in the living zones are closer than 4 metres to property boundaries (the minimum side yard standard for dwellings is 1.5 metres). This means that, despite the PDP providing for home occupations as a permitted activity, many cannot operate as a permitted activity within the living zones due to non-compliance with the 4-metre yard standard.

Issue 4: Working Zones: Bulk and Location Standards for Sites Adjoining Residential Zone

It has become apparent that there is duplication in the building requirements for new buildings in the working zones which adjoin a living zone. Also, some of the standards are not necessary or reasonable and could significantly impact on what activities and development are viable on working zone land adjoining the living zone. For example, the maximum 40% site coverage and minimum 4.5 metre front yard setback.

The other standards which apply to new buildings in working zones adjoining a living zone include the height envelope and side yard setbacks. These are sufficient to manage the potential adverse amenity and character effects on neighbouring sites in the living zone.

Issue 5: Rural Zones: Rule 7A.3.2.1 Number of Lots Connecting to Rights of Way

The Rural Zone rules and standards do not currently limit the number of lots that can access a road by way of an access right of way. Formerly, the operative District Plan adopted the NZS4404 limit of six lots per access right of way. The absence of a limit has the potential to create substandard access arrangements where there are high user numbers. PDP Objective 2.14 is:

Objective 2.14 – Access and Transport

To ensure that the transport system in the District:

- a. integrates with land use and urban form and maximises accessibility;
- b. improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;
- c. contributes to a strong economy;
- d. avoids, remedies or mitigates adverse effects on land uses;
- e. does not have its function and operation unreasonably compromised by other activities;
- f. is safe, fit for purpose, cost effective and provides good connectivity for all communities; and
- g. provides for the integrated movement of people, goods and services.

Where rights of way are created with large numbers of users, this may erode the ability to provide a fit-for-purpose, efficient and integrated road network that provides good connectivity. The absence of a limit is a significant departure from the long-established operative District Plan approach and appears to have been an omission.

Issue 6: Rule 11P.2.1 Shared Car Parking Spaces

The rule applies to car parking areas which are shared by different activities on the same site. Experience with the PDP has highlighted a potential interpretation of the rule that would render all activities non-compliant even where they individually have sufficient on-site car parking. The rule is poorly worded and uncertain and needs to be clarified to provide certainty and avoid unnecessary applications for consent.

Issue 7: Chapter 11P Car Parking Standards for Shared Living Accommodation

The PDP Chapter 11P.1 car parking standards for residential activities apply the same car parking standards to 'Shared and Group Accommodation' and 'Boarding Houses' as it does to any other residential activity; however, these activities can have very different parking needs. Car parking provisions for 'Supported Living Accommodation' currently appear in two conflicting rules. These issues in the plan leave us at risk of under-provision of parking for these types of accommodation.

These are types of accommodation that typically involve greater numbers of residents than standard residential dwellings. Applying the residential dwelling parking standard could result in insufficient on-site car parking in some situations. This could give rise to overflow kerbside parking and cause congestion or safety issues on public roads.

Issue 8: Rule 11E.1.3 Transport Network Hierarchy Terminology

Rule 11E.1.3 controls reversing from a site except where the site's driveway accesses directly from a 'local road'. 'Local road' is not an expression used in the PDP Transport Network Hierarchy. The relevant expression is 'Neighbourhood Access Route'. The wording in the rule needs to be amended to achieve consistency with the Transport Network Hierarchy.

Issue 9: Temporary Event Standards

Standard number 8 in Rule 12B.1.1 requires that a management plan must be submitted to the Council not less than 30 days prior to a temporary event. This is proving to be too long a time period for many community temporary events. The Council is satisfied that a 10-day period is sufficient. The rule triggers the need for resource consent for a very minor matter. Addressing this would better give effect to the Plan's objectives and policies that seek to enable community events.

Standard number 10 in Rule 12B.1.1 limits traffic generated by a temporary event to a maximum of 50 per hour. This is proving to be unrealistic for temporary community events, where people attend at a particular time rather than over the course of a day. Also, the limit of 50 per hour is unduly restrictive for temporary events. The limit is also practically difficult to monitor and would require many staff hours to enforce on a consistent basis throughout the district. In reality, many events are unlikely to be able to meet this restriction, triggering

the requirement for resource consent. Also, if attendance numbers are not accurately foreseen, this requirement for resource consent may be triggered during the event itself.

Rule 12B.1.1 separately requires the lodgement with Council of a management plan. This can be expected to address traffic generation and traffic management. The hourly limit is considered to be unduly restrictive for events that are temporary and contribute positively to the community's social, cultural and economic wellbeing.

Issue 10: Regular Markets

The PDP does not provide explicitly for regular community markets. Although they are typically temporary, they are not explicitly included in the definition of *temporary event*. As such, regular community markets are potentially captured by the rules controlling retail activities. Not all of the standards applicable to retail activities are relevant for temporary or recurring community markets. Most existing regular community markets take place in buildings or on land owned or controlled by the Council and are subject to the *Trading in Public Places Policy 2017* and the Council's *Traffic Bylaw 2010* and *Public Places Bylaw 2017*. These other statutory instruments are sufficient to address the potential localised effects of community markets. The PDP provisions unnecessarily duplicate these other measures. The absence of a clear permitted activity rule also means that resource consent is likely to be required for recurring community markets on many sites. The cost of this process presents an unnecessary obstacle to the establishment and operation of regular community markets, which support community wellbeing. This outcome conflicts with PDP Objective 2.8:

Objective 2.8 – Strong Communities

To support a cohesive and inclusive community where people:

- a. have easy access and connectivity to quality and attractive public places and local social and community services and facilities;
- b. have increased access to locally produced food, energy and other products and resources;
- c. have improved health outcomes through opportunities for active living or access to health services; and
- d. have a strong sense of safety and security in public and private spaces.

APPENDIX 2: PROPOSED VARIATIONS 4(A-G) AMENDMENTS

Proposed Variations 4 (A-G) to the Kāpiti Coast District Council Proposed District Plan – Miscellaneous Changes and Corrections

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PART A

Proposed Variations 4 (A-G) to the Kāpiti Coast District Council Proposed District Plan 2012 - Miscellaneous Changes & Amendments

The following introduction does not form part of Variations 4(A-G) but is provided as a summary of the reasons for the proposed amendments. The specific amendments can be found in Appendix 1 to this summary report.

Introduction

The Kapiti Coast Proposed District Plan (PDP) was publicly notified in 2012. Decisions on submissions were released in November 2017. Experience in the implementation of the PDP since then has highlighted a number of interpretation issues and unintended consequences arising for some definitions, policies, rules and standards.

To address these matters and ensure that the PDP is efficient and effective, the Council proposes to amend some PDP provisions by a variation to the PDP pursuant to Clause 16A of Schedule 1 of the Resource Management Act 1991 (RMA). The purpose of the variation is to:

- a) remove ambiguity in the PDP rules;
- b) provide clearer policy guidance where necessary to support the PDP rules;
- c) improve the wording of rules and associated standards to eliminate unintended outcomes; and
- d) better facilitate temporary events and regular markets.

Summary of Issues Addressed by the Variations

Each component of the variation is discussed below:

Variation 4A - Chapter 1: Review of a number of defined Terms

Issues have arisen with implementing three of the defined terms, and the provisions where they appear in within the PDP. Leaving the PDP as it is would further exacerbate these issues, leading to unintended interpretations of Plan provisions which place unnecessary constraints on the community, and risks not achieving the PDP's objectives. More detail relating to each of the terms are discussed below.

Amend Chapter 1 Section 1.4 Definition of Household Unit

The definition for *household unit* unintentionally captures situations where residents need to install a second kitchen to operate a permitted activity home occupation, such as a catering business. Under the existing wording of the PDP, once a second kitchen is proposed to a dwelling already containing two bathrooms, the second kitchen will be deemed to have created a second 'Household Unit'. This results in the requirement to comply with subdivision standards and the payment of financial contributions and development contribution fees. This is not the intent of the plan, which allows for home occupations as a permitted activity.

Amend Chapter 1 Section 1.4 Definition for 'Ancillary'

The current wording in the definition includes the phrase 'allied in characteristics, nature and type'. In many situations, an ancillary activity is not allied in characteristics, nature or type to the primary activity carried out on a site. For example, the office component to an industrial activity is ancillary to the activity, but is not allied in characteristic, nature or type. The proposed amendments to this definition has taken guidance from the National Planning Standards 2019. The National Planning Standards definition has been slightly amended below to align with the terminology of the PDP.

Amend Chapter 1 Section 1.4 Definition for Kitchen

The definition of 'kitchen' in the PDP decision's version is as follows:

Kitchen means a room or part of a room capable of use for food preparation and cooking which contains a sink and an oven, or any other cooking appliance.

Note: for clarity, small electric appliances such as toasters, sandwich makers and kettles/jugs are not included as cooking appliances for the purposes of this definition.

The definition for 'kitchen' is related to the management of household density. The presence of a second kitchen is one of the features that defines a building as being a separate household unit, triggering the requirement for compliance with subdivision standards and the payment of financial contributions and development contributions.

Enforcement of unauthorised additional dwellings is made complicated by inclusion of the wording "or any other cooking appliance" in the current definition for kitchen. In addition, the note which lists electrical appliances which are not included as cooking appliances under the definition is not an exhaustive list, resulting in uncertainty for customers and the Council's compliance team. The proposed amendments will simplify the definition and provide certainty.

Variation 4B - Chapter 3: Review of Earthworks Policies

Add an additional clause d) to Policy 3.14 in Chapter 3.

Policy 3.14 currently reads as follows:

Policy 3.14 – Earthworks

All *earthworks* activities will:

- a) be managed to protect *geological features* identified in Schedule 3.6 from disturbance; and
- b) be sympathetically located and of a scale that protects the values of *outstanding natural features and landscapes* identified in Schedule 3.4; and
- c) avoid or mitigate erosion and off-site silt and sediment runoff to the Council's reticulated stormwater system and *waterbodies*.

During the PDP hearing process a number of amendments were made to earthworks policies to the degree that there are now a number of rules and standards in the plan that lack sufficient policy support to guide decision makers¹. This lack of policy guidance is a challenge during the resource consent process as applicants and Council resource consent planners are not provided with sufficient direction from the PDP on what the plan seeks to achieve in areas which are not an *outstanding natural feature and landscape* or a *geological feature*.

As currently worded PDP Policy 3.14 is focussed on RMA Section 6 matters (matter of national importance - outstanding natural features and landscapes). The policy framework for general earthworks in areas that do not fall under RMA Section 6 (which the Council is required to have particular regard to) are not referred to. Such resource consent applications outnumber those for earthworks within an *outstanding natural feature and landscape* or a *geological feature*, and therefore the PDP needs to provide guidance to decision makers. There is currently little policy to guide decision makers on how to manage the effects of earthworks on landforms and all other landscapes, and other aspects of amenity to achieve the objectives of the PDP.

Variation 4C - Changes to Chapter 5, the Living Zone

Change Rule 5A.1.6.11 (c) (iii) setbacks for non-residential activities

The current standard for yard setbacks for non-residential activities has an unintended consequence. A home occupation proposed in the living zones will need to comply with the 4m yard setback rule. This was not the intention for home occupations, which the PDP provides for as a permitted activity. Importantly, to ensure amenity values of neighbours are not negatively impacted by home occupations, a comprehensive list of effects that could negatively affect amenity are excluded from the definition for home occupation(s) as set out below:

¹ Appendix 3; Closing Response from Reporting Officers for Chapter 1 Introduction an Interpretation and Integration – 13 and 14 December 2016.
5 Draft Variations 4(A-G) to the PDP

Home Occupation(s) means an occupation, business, trade, craft or profession performed entirely within a *residential building* or *accessory building* by a member of the *household unit* residing permanently on the *property* which occupation, business, trade, craft or profession is a secondary and lesser use of the *property* after the primary *residential activities*.

Home occupation shall not include any activity involving any panel beating, spray painting, motor vehicle repairs, fibre glassing, *heavy trade vehicles*, sheet metal work, wrecking of motor vehicles, bottle or scrap metal storage, rubbish collection service (except that empty, clean drums may be stored in a suitably screened area), wrought iron work or manufacture, motor body building, fish processing, breeding or boarding of dogs or cats, *visitor accommodation* or any process which involves repetitive use of power tools, drills or hammering or any *business activity*, trade, craft or profession which creates a *nuisance effect* at or beyond the *boundary* of the *property* on which the activity is occurring, and does not include *temporary residential rental accommodation*.

Currently, a home occupation business which uses a room in an existing dwelling as an office will need to apply for resource consent if the dwelling is located within 4.0 metres from a yard. The typical yard setback requirements in residential areas for a front lot is 3.0 metres one side and 1.5 metres on the other side. Therefore, dwellings positioned closer than 4.0 meters from a boundary are very common in the district's residential areas.

As the types of activities likely to generate adverse effects on residential amenity are already excluded from the definition for home occupation, it is appropriate to exclude home occupations from Rule 5A.1.6.11 (c) (iii) - setbacks for non-residential activities.

Variation 4D - Changes to Chapter 6, the Working Zone

Change rules 6A.1.7.13, 6B.1.6.7, 6C.1.6.9, 6D.1.6.9 and 6E.1.6.5 relating to standards of working zones adjoining living zones.

These standards state:

All buildings on properties adjoining Living Zones must meet the permitted activity standards for buildings in the adjoining Living Zone (including height, yard, height envelope).

These standards aim to manage the interface between the Working Zone and the Living Zone to maintain amenity within the adjoining Living Zone.

The current rule broadly applies the Living Zone rules to the entire adjoining Working Zone site instead of applying the standards only to the boundary that adjoins the Living Zone. Another unintended consequence of this situation is that the number of household units permitted in the

working zones which are also within a focussed infill precinct are limited to one under living zones rule 5A.1.6 – standard 1. For example, an industrial building in the Industrial/Service Zone adjoining Living Zone will need to comply with the following permitted activity standards for the Living Zone:

- Limitation on the number of household units (problematic for some working zones);
- 40% site coverage;
- 8 metre maximum height;
- Height in relation to boundary;
- Yard setback: on a front lot: 4.5 metre front yard, 3.0m rear yard, 3.0m one side yard, 1.5m other side yard; and
- Yard Setback on a rear lot: 3.0m all yards.

To manage the amenity within the adjoining Living Zone, the only standards which should apply to industrial buildings adjoining a Living Zone, on the boundary with the Living Zone are:

- Height in relation to boundary; and
- Yard setback

Other Industrial Service Zone permitted activity standards for buildings already require compliance with the height in relation to boundary and yard standards on the boundary with a Living Zone. Therefore, the standard largely duplicates other standards, however the additional controls unnecessarily constrain the development of Industrial Service Zone sites, for example limiting site coverage to 40%, and requiring all yard setbacks to comply with the Living Zone standards even if other boundaries adjoin Industrial Service zoned sites.

It is therefore proposed to delete this standard and leave the existing height envelope and yard standards to manage the interface between the two zones.

Variation 4E - Changes to Traffic and Transportation related rules

Access off right of way in Rural Areas Rule 7A.3.2.1

For safety, connectivity, access and maintenance reasons the Operative District Plan 1999 contains a subdivision standard in the Rural Zone limiting the number of lots which can gain access via a right of way to four lots. If more than four lots are proposed to gain access via a right of way the Council has discretion to require the right of way be designed, formed and vested as legal road.

Having the ability to require road allows the Council to ensure subdivision integrates with, and is consistent with the transport network hierarchy, allowing the Council to make strategic vehicle and pedestrian links as part of the subdivision process.

Rights of way are not required to be formed to the same widths and specifications as legal road, and are consequently typically narrower than a road. Therefore, for safety reasons they are generally suitable for low numbers of users.

Currently the PDP subdivision rules for the rural zone do not specify how many lots may have access off a right of way. If left unaddressed this omission is likely to result in subdivision in the Rural Zone which is at odds with PDP Policies 11.30 – Integrated Transport and Urban Form, 11.34 – Effects of Land Use on Transport, and Policy 11.35 - Safety. These policies seek to ensure:

- Development and subdivision is integrated to enhance community connectivity, resulting in more efficient travel patterns from the community;
- Key existing and proposed transport routes likely to be required long-term as part of the District's transport network are identified, with regard given to them when considering subdivision and development resource consent applications.
- The safety of all transport users is enhanced by requiring all developments to have safe connections to the wider transport network

To ensure consistency with NZS4404: 2010, and to enable the Council to require a road where a right of way proposed more than 6 users it is proposed to add a standard to the Rural Zone subdivision rules limiting the maximum number of lots gaining access via a right of way to 6 lots.

Shared Car Parking Rule 11P.2.1.1

Controlled activity Rule 11P.2.1.1 overly complicates the matter of shared car-parking areas by different activities. The wording of the rule means even if different activities have enough parking in the shared area, resource consent is still required simply because the parking area is shared by more than one activity.

For example, a parking area shared by a café and a retail store will require resource consent under the rule simply because the parking area is shared by more than one activity. The intent of the rule is to require consent for activities which are unable to provide sufficient parking if the activities are being carried out at the same time.

It is proposed to amend it so it is clear it does not capture activities occurring on the same site which are being carried out at different times, and there is sufficient parking available for each activity at the times they are operating.

Amendments to Rule 11E.1.3.12 for private residential accesses and manoeuvring

The use of the term 'local road' has caused uncertainty in the implementation of this rule as it is not entirely consistent with the terminology used in the PDP's Transport Network Hierarchy and maps, which use the term 'neighbourhood access route'.

The Council's Traffic team has requested that the rule wording be improved to provide clarity and consistency by including "neighbourhood access routes" within the residential zones areas to be consistent with the PDP's Transport Network Hierarchy and maps.

Variation 4F - Amendments to temporary event provisions to:

1. Better Provide for 'Regular Markets' and *temporary events* on Council-owned sites, and sites which are vested in, or under the care, control and management of the Council;
2. Add a definition for 'regular market(s)';
3. Amend permitted activity Rule 12B.1.1 – standards 8, 10 and 11;
4. Add new permitted activity Rule 12B.1.2 – regular markets;
5. Amend restricted discretionary Rule 12B.2.1 to add regular markets, and to amend standards 3, 9, 12, and 17; and
6. Consequential amendment to Rule 11E.1.2 – standard 3.

Discussions with Council's Resource Consents team and Traffic team has indicated the following challenges with the current rules and standards:

- Event organisers must submit a temporary event management plan to the Council demonstrating how all permitted activity standards will be met no less than 30 working days prior to the event, otherwise resource consent is required. This timeframe is rarely met, meaning technically, the majority of events taking place in the district require resource consent as a restricted discretionary activity.
- Generally, there is insufficient time and high costs for event organisers to seek resource consent for not meeting this timeframe prior to the event taking place. Under these circumstances the inflexibly nature of the rules and standards are not an effective or efficient method of managing the effects of temporary events.
- The Council does require a reasonable amount of time to consider temporary event management plans and work through any issues, however the 30 working days is generally not necessary.
- The temporary event provisions do not make any allowance for regular community markets, even if they are located on a suitable site.
- There are other methods available outside of the PDP to manage temporary events and regular community markets located on council-owned sites, however the PDP currently overrides the other methods;
- Current standards limiting vehicle trip generation on an hourly basis are impractical and not effective.

The variation proposes to make temporary events and 'regular markets' on Council-owned sites a permitted activity under the PDP, however approval would still be required from the Council under the Council's existing Trading in Public Places Policy (TPPP), and Trading in Public Places Bylaw. The PDP would continue to manage temporary events and 'regular markets' on private land and on other public land under the ownership of other public bodies e.g. GWRC, DOC. Amendments to the timeframe for submitting an event management form, and the vehicle movement standard will improve the current temporary event approval and management process for event organisers.

The Council is unable to manage temporary events and 'regular markets' on land not owned and managed by the Council as the TPPP only applies to Council-owned and managed sites. Therefore, the actual and potential adverse effects of temporary events (such as noise, traffic generation, amenity effects) on other sites must still be managed under the PDP.

These changes to the PDP will support the community development and economic activity in the District. To ensure that markets are encouraged in appropriate locations within the district, and to ensure their potential adverse effects are appropriately managed, it is proposed to provide for temporary events and 'regular markets' in accordance with the Council's Public Places Bylaw and Trading in Public Places Policy.

Variation 4G - Amendments to Rule 11P.1.2 parking requirements for Residential Activities

- 1 Currently the decisions version of the PDP applies the same car parking standards to 'Shared and Group Accommodation' and 'Boarding Houses' as it does to any other residential activity; however, these activities can have very different parking needs. Car parking provisions for 'Supported Living Accommodation' currently appear in two conflicting rules. These issues in the plan leave us at risk of under-provision of parking for these types of accommodation.

The notified version of the PDP included a requirement of one park per bedroom for these shared type accommodation. However, these provisions were omitted from the decisions version of the PDP, as a consequence of changes made through the hearings and decisions processes to address omissions identified in submissions and improve clarity. As a result, the standard residential carparking requirements of 2 carparks per household unit applies.

- 2 NZTA guidelines suggest that shared accommodation of this kind is likely to require a higher number of on-site car parks than typical residential household units, but fewer parks than 1 per bed as originally provided for by the notified version of the PDP. Changes are therefore proposed to reinstate a specific standard that addresses car parking requirements for 'Shared and Group Accommodation' and 'Boarding Houses', and to remove the conflict for 'Supported Living Accommodation'.

PART B

Proposed Amendments to Provisions

In the following proposed deleted text and new text are indicated as follows:

- Deleted text is ~~struck through~~
- New text is underlined

Variation 4A

Amend Chapter 1 Section 1.4 Definition of 'Household Unit'

Amend the definition of "Household Unit", as follows:

Household Unit means all or part of a *residential building* that is capable of, or is being used as a self-contained unit for a *residential activity*. For the purposes of this definition:

1. one *household unit* has one *kitchen* and at least one *bathroom*. If two *kitchens* and more than one *bathroom* are present, there will be two *household units*; except where a second *kitchen* is associated with and required for a *home occupation* being carried out on the *lot*, this shall be deemed one *household unit*;
2. a *household unit* may consist of one *primary residential building* and any *accessory buildings*;
3. a *minor flat* is *ancillary* to a *household unit*; and
4. a *building* used for emergency or refuge accommodation shall be deemed to be one *household unit* so long as the above requirements are met.

Note: For further clarification refer to the definitions of *residential activity*, *residential building* and *minor flat*.

Amend Chapter 1 Section 1.4 Definition of 'Ancillary'

Amend the definition of "Ancillary", as follows:

Ancillary means:

1. ~~supportive;~~
2. ~~subordinate; and~~
3. ~~allied in characteristics, nature or type.~~

"Ancillary means an activity or *development* that provides support to, and is subsidiary to the primary activity or *development* on the site."

Amend Chapter 1 Section 1.4 Definition of 'Kitchen'

Amend the definition of "Kitchen" as follows:

Kitchen means a room, rooms or part of a room capable of use for food preparation and cooking which contains a sink and an oven or hob, ~~any other cooking appliance.~~

~~Note: for clarity, small electric appliances such as toasters, sandwich makers and kettles/jugs are not included as cooking appliances for the purposes of this definition.~~

Variation 4B

Add a Policy to Manage the Amenity Effects of Earthworks

Amend Policy 3.14 as follows:

Policy 3.14 – Earthworks

All *earthworks* activities will:

- a) be managed to protect *geological features* identified in Schedule 3.6 from disturbance; and
- b) be sympathetically located and of a scale that protects the values of *outstanding natural features and landscapes* identified in Schedule 3.4; and
- c) avoid or mitigate erosion and off-site silt and sediment runoff to the *Council's* reticulated stormwater system and *waterbodies*; ~~and~~
- d) be managed to ensure adverse effects on natural landforms, residential *amenity values* and rural character values are remedied or mitigated.

**Variation 4C -
Yard Setback for Non-residential Activities in the Living Zones**

Amend Rule 5A.1.6.11 (c) (iii) as follows:

Table 5A.1. Permitted Activities The following activities are permitted activities, provided that they comply with all corresponding <i>permitted activity</i> standards in this table, and all relevant rules and <i>permitted activity</i> standards in other Chapters (unless otherwise specified)	
Permitted Activities	Standards
6. New <i>buildings</i> , and any minor works, <i>additions</i> or <i>alterations</i> to any <i>building</i> (excluding any listed <i>historic heritage building</i>).	Yards and building location 11. Any <i>lot</i> must meet the following minimum <i>yard</i> requirements: c. Side and rear <i>yards</i> : iii. any <i>building</i> used for <i>non-residential activities</i> (excluding <i>home occupations</i>) must be set back from side or rear <i>boundaries</i> by a minimum of 4 metres; and ...

Variation 4D**Interface Between Living Zones and Working Zones**

Amend Rules 6A.1.7.13 and 14, 6B.1.6.7 and 8, 6C.1.6.9 and 10, 6D.1.6.9 and 10 and 6E.1.6.5 and 6 as follows:

Table 6A.1. Permitted Activities

The following activities are permitted activities, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other Chapters (unless otherwise specified)

Permitted Activities	Standards
7. New <i>buildings</i> and <i>additions</i> and <i>alterations</i> to existing <i>buildings</i> .	<p>7. All <i>buildings</i> must fit within a <i>height envelope</i>, which is made up of recession planes which commence at a point 2.1 metres above the <i>original ground level</i> at the <i>property boundary</i> where it adjoins the <i>boundary of Living Zones</i> and inclines inwards at an angle of 45 degrees (refer to definition of height envelope and diagrams in Chapter 1). The exception to this is that garages located in the side or rear <i>yard</i> and not more than 2.4 metres in <i>height</i> may infringe the <i>height envelope</i>. Where there is a right-of-way or an <i>access strip/leg</i> immediately adjacent to, and on the other side of, the <i>property boundary</i>, the recession plane shall be measured from a point 2.1 metres above a point midway across the right-of-way or <i>access strip/leg</i>.</p> <p>...</p> <p>13. All <i>buildings</i> on <i>properties</i> adjoining <i>Living Zones</i> must meet the <i>permitted activity</i> standards for <i>buildings</i> in the adjoining <i>Living Zone</i> (<i>height</i>, <i>yard</i>, and <i>height in relation to boundary</i>).</p> <p>143. <i>Buildings</i> shall be sited a minimum of 4 metres from the <i>boundary</i> of the <i>Living Zones</i>.</p>

Table 6B.1. Permitted Activities

The following activities are permitted activities, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other Chapters (unless otherwise specified)

Permitted Activities	Standards
6. New <i>buildings</i> and <i>additions</i> and <i>alterations</i> to existing <i>buildings</i> , except in the Paraparaumu North Gateway Precinct	<p>4. All <i>buildings</i> must fit within a <i>height envelope</i>, which is made up of recession planes which commence at a point 2.1 metres above the <i>original ground level</i> at the <i>property boundary</i> where it adjoins the <i>boundary of Living Zones</i> and inclines inwards at an angle of 45 degrees (refer to definition of height envelope and diagrams in Chapter 1). The exception to this is that garages located in the side or rear <i>yard</i> and not more than 2.4 metres in <i>height</i> may infringe the <i>height envelope</i>. Where there is a right-</p>

	<p>of-way or an <i>access strip/leg</i> immediately adjacent to, and on the other side of, the <i>property boundary</i>, the recession plane shall be measured from a point 2.1 metres above a point midway across the right-of-way or <i>access strip/leg</i>.</p> <p>...</p> <p>7. All buildings on properties adjoining Living Zones must meet the permitted activity standards for buildings in the adjoining Living Zone (height, yard, and height in relation to boundary).</p> <p>8<u>7</u>. Buildings shall be sited a minimum of 4 metres from the <i>boundary</i> of the <i>Living Zones</i>.</p>
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Table 6C.1. Permitted Activities

The following activities are permitted activities, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other Chapters (unless otherwise specified)

Permitted Activities	Standards
6. New <i>buildings</i> and <i>additions</i> and <i>alterations</i> to existing <i>buildings</i> , except in the Raumatī Beach Town Centre Zone.	<p>3. All <i>buildings</i> must fit within a <i>height envelope</i>, which is made up of recession planes which commence at a point 2.1 metres above the <i>original ground level</i> at the <i>property boundary</i> where it adjoins the <i>boundary</i> of <i>Living Zones</i> and inclines inwards at an angle of 45 degrees (refer to definition of height envelope and diagrams in Chapter 1). The exception to this is that garages located in the side or rear <i>yard</i> and not more than 2.4 metres in <i>height</i> may infringe the <i>height envelope</i>. Where there is a right-of-way or an <i>access strip/leg</i> immediately adjacent to, and on the other side of, the <i>property boundary</i>, the recession plane shall be measured from a point 2.1 metres above a point midway across the right-of-way or <i>access strip/leg</i>.</p> <p>...</p> <p>9. All buildings on properties adjoining Living Zones must meet the permitted activity standards for buildings in the adjoining Living Zone (height, yard, and height in relation to boundary).</p> <p>10<u>9</u>. Buildings shall be sited a minimum of 4 metres from the <i>boundary</i> of the <i>Living Zones</i>.</p>

Table 6D.1. Permitted Activities

The following activities are permitted activities, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other Chapters (unless otherwise specified)

Permitted Activities	Standards
6. New <i>buildings</i> and <i>additions</i> and <i>alterations</i> to existing buildings (except in Paekākāriki).	<p>3. All <i>buildings</i> must fit within a <i>height envelope</i>, which is made up of recession planes which commence at a point 2.1 metres above the <i>original ground level</i> at the <i>property boundary</i> where it adjoins the <i>boundary of Living Zones</i> and inclines inwards at an angle of 45 degrees (refer to definition of height envelope and diagrams in Chapter 1). The exception to this is that garages located in the side or rear <i>yard</i> and not more than 2.4 metres in <i>height</i> may infringe the <i>height envelope</i>. Where there is a right-of-way or an <i>access strip/leg</i> immediately adjacent to, and on the other side of, the <i>property boundary</i>, the recession plane shall be measured from a point 2.1 metres above a point midway across the right-of-way or <i>access strip/leg</i>.</p> <p>...</p> <p>9. All <i>buildings on properties</i> adjoining <i>Living Zones</i> must meet the <i>permitted activity</i> standards for <i>buildings in the adjoining Living Zone (height, yard, and height in relation to boundary)</i>.</p> <p>109. <i>Buildings</i> shall be sited a minimum of 4 metres from the <i>boundary</i> of the <i>Living Zones</i>.</p>

Table 6E.1. Permitted Activities

The following activities are permitted activities, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other Chapters (unless otherwise specified)

Permitted Activities	Standards
6. New <i>buildings</i> and <i>additions</i> and <i>alterations</i> to existing buildings.	<p>2. All <i>buildings</i> must fit within a <i>height envelope</i>, which is made up of recession planes which commence at a point 2.1 metres above the <i>original ground level</i> at the <i>property boundary</i> where it adjoins the <i>boundary of Living Zones</i> and inclines inwards at an angle of 45 degrees (refer to definition of height envelope and diagrams in Chapter 1). The exception to this is that garages located in the side or rear <i>yard</i> and not more than 2.4 metres in <i>height</i> may infringe the <i>height envelope</i>. Where there is a right-of-way or an <i>access strip/leg</i> immediately adjacent to, and on the other side of, the <i>property boundary</i>, the recession plane shall be measured from a point 2.1 metres above a point midway across the right-of-way or <i>access strip/leg</i>.</p> <p>...</p> <p>5. All <i>buildings on properties</i> adjoining <i>Living Zones</i> must meet the <i>permitted activity</i> standards for <i>buildings in the adjoining Living Zone (height, yard, and height in relation to boundary)</i>.</p>

	65. <i>Buildings</i> shall be sited a minimum of 4 metres from the <i>boundary</i> of the <i>Living Zones</i> .
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Variation 4E**Amendments to Traffic and Transport Rules****Access off right of way in Rural Areas**

Amend the standards for Rule 7A.3.2.1 by inserting the following:

Table 7A.3 Restricted Discretionary Activities

The following activities are restricted **discretionary activities**, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other Chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards
2. Subdivision in all Rural Zones except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.2.	1. General Standards: ... g). <u>The maximum number of <i>lots</i> gaining legal and physical access via a right of way shall be 6.</u>

Change Rule 11P.2.1.1 Shared Car Parking

Amend Rule 11P.2.1.1 as follows:

Table 11P.2 Controlled Activities

The following activities are **controlled activities**, provided that they comply with all corresponding controlled activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control
1. Carpark spaces / areas sShared use of carpark spaces by different activities on the same property which are unable to comply with Table 11P.1 for all activities.	1. The carpark spaces must: <u>not be shared by different activities for parking at the same time.</u> a) only be shared by different activities occurring on the same site; and	1. Visual, character and amenity effects. 2. Noise effects. 3. Effects on transport (including the transport network).

Table 11P.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control
	<p>b) not be used by for the different activities at the same time.</p>	<p>4.1. Traffic effects Effects on the <u>transport network, including safety effects and overspill carparking.</u></p> <p>5.2. Layout of the <i>development</i>.</p> <p>6. Location and design of services.</p> <p>7. Nuisance effects.</p> <p>8.3. Public safety.</p> <p>9.4. Suitability of the site for the proposed activity.</p> <p>10. Adequacy of the methods of mitigation/remediation or on-going management (e.g. landscaping/ screening/ soil remediation/height above flood).</p> <p>11. <u>5. Hours of use of carpark spaces by each activity.</u></p> <p>12. Appropriateness of the proposed use.</p> <p>13. Context and surroundings.</p> <p>14. Layout, design and location of proposed building/sign or structures.</p>

Amendments to Rule 11E.1.3.12 for private residential accesses and manoeuvring

Amend Rule 11E.1.3.12 as follows:

Table 11E.1. Permitted Activities

The following activities are **permitted activities**, provided that they comply with all corresponding permitted activity standards in this table, and all relevant rules and permitted activity standards in other chapters (unless otherwise specified).

In assessing the number of spaces to be provided with respect to the gross floor area (GFA) of any building, vehicle access and parking spaces contained within the building shall not be included as part of the building area.

Permitted Activities	Standards
3. <i>Property</i> access and loading for vehicles.	<p>12. Manoeuvring –</p> <p><u>a.</u> Private residential access - unless the <i>driveway</i> accesses directly from a <u>Neighbourhood Access Route</u> local road, sufficient manoeuvring space must be provided on-site to ensure no reversing onto the <i>road</i> is necessary. Note: for clarification see the <i>Transport Network Hierarchy</i> (Schedule 11.2) and the <i>Transport Network Hierarchy</i> maps.</p> <p><u>b.</u> Commercial properties – must ensure that all <i>buildings</i> and parking areas are designed so that sufficient manoeuvring space is provided on site to ensure no reversing onto the <i>road</i> is necessary.</p>

Variation 4F**Amendments to the Rules for Temporary Events to:**

- Better Provide for 'Regular Markets' and *temporary events* on Council-owned sites, and sites which are vested in, or under the care, control and management of the Council;
- Add a definition for 'regular market(s)';
- Amend permitted activity Rule 12B.1.1 – standards 8, 10 and 11;
- Add new permitted activity Rule 12B.1.2 – regular markets;
- Amend restricted discretionary Rule 12B.2.1 to add regular markets, and to amend standards 3, 9, 12, and 17; and
- Consequential amendment to Rule 11E.1.2 – standard 3

Add definition for “regular market(s)” to Chapter 1.4 as follows:

Regular market(s) are temporary markets where goods or services are offered for sale, and usually consist of several merchandise stalls grouped together. *Regular markets* occur on the same *site* throughout the year no more frequently than once per week.

Note: for further clarification refer to the definition for *temporary event*.

Amend Chapter 1 Section 1.4 Definition of ‘Temporary Event’ as follows:

Temporary Event means an event for general public admission (either ticketed or non-ticketed) and includes events such as festivals, concerts, galas, exhibitions and markets (but excludes *regular markets*). A temporary event includes structures and construction associated with the event, but excludes permanently licensed premises.

Amend Rule 12B.1.1 as follows:**Table 12B.1. Permitted Activities**

The following activities are **permitted activities**, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other chapters (unless otherwise specified).

Permitted Activities	Standards
1. <i>Temporary events</i> in all zones which are <u>not on land or within a building</u> which is either	Duration 1. The occupation of a <i>site</i> for a <i>temporary event</i> (excluding setting up and pack down of any associated <i>structures</i> and <i>buildings</i> and restoration of the <i>site</i>) must not exceed a period of 3

Table 12B.1. Permitted Activities

The following activities are *permitted activities*, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other chapters (unless otherwise specified).

Permitted Activities	Standards
<p>owned, vested in, or under the care, control and management of the Kapiti Coast District Council.</p> <p>Note 1: <i>temporary events</i> which do not fall under this rule require authorisation under the Kapiti Coast District Council's Trading in Public Places Bylaw 2017, and the Trading in Public Places Policy 2017.</p> <p>Note 2: <i>Temporary events</i> must also comply with the Kapiti Coast District Council Traffic Bylaw 2010.</p> <p>Note 3: Other requirements which may be applicable to <i>temporary events</i> include:</p> <ul style="list-style-type: none"> • <u>Sale and Supply of Alcohol Act 2012.</u> • <u>Food Act 2014.</u> • <u>Food Safety Bylaw 2006.</u> • <u>Building Act 2004.</u> 	<p>consecutive days in total within any 12 month period.</p> <p>Hours of Operation</p> <p>2. <i>Temporary events</i> (including any <i>setting up</i> and packing down of <i>structures</i> associated with the event) must only occur between the hours of:</p> <ol style="list-style-type: none"> Mondays to Thursday (inclusive) – 7.00am to 10.00pm Fridays and Saturdays – 7.00am to 11.00pm Sundays – 8.30am to 10.00pm. <p>Light Spill and Glare</p> <p>3. All <i>temporary events</i> must comply with the light spill and glare rules as they apply to the zone in which the <i>temporary event</i> is located.</p> <p>Noise</p> <p>4. Sound testing for a <i>temporary event</i> must occur once only and must not exceed 1 hour in duration.</p> <p>5. <i>Noise emission levels</i> must not exceed the following limits when measured at a point 1 metre from the most exposed side of a <i>residential building</i>, or <i>building</i> for a <i>noise sensitive activity</i> on another <i>site</i>:</p> <ol style="list-style-type: none"> 75 dB LAeq(15 min) 85dB LAmax during the hours of 10am to 10pm; and 50dB LAeq(15 min) 75dB LAmax during the hours of 10pm to 10am. <p>6. Outside the hours of the <i>temporary event</i>, the applicable noise limits in the <i>permitted activity</i> rules and standards in Section 12.4.3 of this Chapter for the <i>site</i> on which the <i>temporary event</i> is located shall apply.</p> <p>7. Noise resulting from construction, maintenance or <i>demolition</i> work associated with the <i>temporary event</i> must be measured and assessed in accordance with NZS6803: 1999 Acoustics – Construction Noise.</p> <p>8. A <i>Management Plan</i> must be submitted to the <i>Council</i> not less than 30 10 working days prior to the commencement of the <i>temporary event</i> setting out the methods by which compliance with all</p>

Table 12B.1. Permitted Activities

The following activities are *permitted activities*, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other chapters (unless otherwise specified).

Permitted Activities	Standards
	<p>temporary events permitted activity standards will be achieved. The <i>Management Plan</i> must:</p> <ol style="list-style-type: none"> set out the name, address and contact details of the Event Organiser; set out the location of the event; identify all potential noise sources and the means by which noise levels will be <i>controlled</i> to reasonable levels; identify affected <i>residential buildings</i> or <i>noise sensitive activities</i> located in the area and describe the method(s) for informing occupants of these <i>buildings</i> at least 30 <u>10</u> working days prior to the commencement of the <i>temporary event</i> that noise will be experienced at levels in excess of the normally applicable District Plan noise limits; and describe the proposed procedures for responding promptly to any noise complaints received including describing the method for recording the complaint, together with a description of the action to be taken to avoid or mitigate the <i>nuisance effects</i>. <p>Dust and Wind Blown Debris</p> <ol style="list-style-type: none"> All <i>temporary events</i> shall be undertaken in a manner that avoids offensive or objectionable dust or other wind-blown debris at or beyond the <i>site boundary</i>. <p>Traffic</p> <ol style="list-style-type: none"> Traffic expected to be generated by the <i>temporary event</i> must not exceed of 50 <i>vehicle movements</i> in any one hour <u>or 800 <i>vehicle movements</i> per day, whichever is greater.</u> Parking for the event must be accommodated on the site of the temporary event or by other off-street arrangements. <p><u>Note 1: Temporary events must comply with the Kapiti Coast District Council Traffic Bylaw.</u></p> <p><u>Note 2: Temporary events may have to comply with "Traffic Control Devices Manual Part 8 - Code of practice for temporary traffic management (CoPTTM).</u></p> <p>Waste and Sanitation</p> <ol style="list-style-type: none"> All litter and <i>waste</i> materials associated with the event must be disposed of, reused or recycled by

Table 12B.1. Permitted Activities

The following activities are *permitted activities*, provided that they comply with all corresponding *permitted activity* standards in this table, and all relevant rules and *permitted activity* standards in other chapters (unless otherwise specified).

Permitted Activities	Standards
	<p>the event and must not be placed in public litter bins in the surrounding area.</p> <p>13. All <i>waste</i> and other rubbish associated with the event must be collected and removed from the <i>site</i> in an appropriate manner within 48 hours of completion of the event.</p> <p>Note: any <i>signs</i> pertaining to <i>temporary events</i> are required to comply with the <i>permitted activity</i> standards for <i>community purpose event/charity event signs</i> as set out in section 12.3 of this Chapter.</p>
2. <u>Regular markets</u>	<p>1. <u>Regular markets</u> must occur on land or within a <i>building</i> which is either owned, vested in, or under the care, control and management of the Kapiti Coast District Council.</p> <p>Note 1: <i>regular markets</i> permitted under this rule require authorisation under the Kapiti Coast District Council's Trading in Public Places Bylaw 2017, and the Trading in Public Places Policy 2017 as an "open air market". All other <i>regular markets</i> are a restricted discretionary activity under rule 12B.2.1.</p> <p>Note 2: <i>Regular markets</i> must also comply with the Kapiti Coast District Council Traffic Bylaw 2010.</p> <p>Note 3: Other requirements which may be applicable to <i>regular markets</i> include:</p> <ul style="list-style-type: none"> • <u>Sale and Supply of Alcohol Act 2012.</u> • <u>Food Act 2014.</u> • <u>Food Safety Bylaw 2006.</u> • <u>Building Act 2004.</u>

Table 12B.2. Restricted discretionary activities

The following activities are *restricted discretionary* activities, provided that they comply with all corresponding *restricted discretionary* activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matter over which Council has discretion
1. <u>Temporary events and regular</u>		Amenity Values

<p><u>markets</u> in all zones that do not meet one or more of the <i>permitted activity</i> standards.</p>	<ol style="list-style-type: none"> 1. The nature, duration, hours of operation and frequency of the activity and any cumulative <i>effects</i> on <i>amenity values</i>. 2. The noise <i>effects</i> of the proposal, including the nature of the noise and the duration of any amplified sound. 3. The visual, dust, light spill and glare, odour and vibration <i>effects</i> of the event <u>activity</u>. <p>Environment</p> <ol style="list-style-type: none"> 4. The sensitivity of the receiving <i>environment</i>. 5. <i>Effects</i> on the natural <i>environment</i> including natural landscapes, <i>indigenous vegetation</i> and habitats and fauna. 6. The <i>effect</i> of the activity on cultural, heritage and public recreational values. 7. <i>Reverse sensitivity effects</i> on existing activities. 8. <i>Effects</i> on the operation of any existing activity. <p>Waste, Health and Safety</p> <ol style="list-style-type: none"> 9. Arrangement is made for <i>waste</i> management through a <i>Waste Management Plan</i> that must include: <ol style="list-style-type: none"> a) the method for the waste and recyclable material to be collected from the site to be reused, recycled and disposed of; ba) the arrangements for <i>site</i> clean-up, including removal of litter; and eb) the provision for adequate sanitation facilities to service the activity. 10. <i>Effects</i> relating to <i>natural hazards</i>, and <i>risk</i> from <i>contaminated land</i>. 11. Emergency management and public safety. <p>Traffic</p> <ol style="list-style-type: none"> 12. A <i>Traffic Management Plan</i> must be submitted to the <i>Council</i> as
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		<p>part of the application addressing the following:</p> <ul style="list-style-type: none"> a) 12. The traffic <i>effects</i> of the activity on the safety and efficiency of the surrounding <i>transport network</i> and the amenity of the surrounding area. b) 13. The provision for <i>vehicle access</i>, servicing and <i>car parking including overspill parking</i> c) 14. The provision of temporary traffic management measures to mitigate the traffic <i>effects</i> of the proposal. d) 15. The provision made for pedestrian access and safety. e) 16. Methods to encourage the use of alternative transport modes (such as public transport, cycling and walking). <p>General</p> <p>17. Level of compliance with the other relevant <i>permitted activity</i> standards</p>
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Consequential amendment to Rule 11E.1.2 – standard 3

Amend Rule 11E.1.2 – standard 3 as a consequence to amendments to Rule 12B.1.1, and to remove duplication as follows:

Transport, Table 11E.1. Permitted Activities The following activities are permitted activities, provided that they comply with all corresponding permitted activity standards in this table, and all relevant rules and permitted activity standards in other Chapters (unless otherwise specified) and the diagrams in Schedule 11.1 of this chapter.	
Permitted Activities	Standards
2. <i>Vehicle movements.</i> Note: Where access is to a <i>Limited Access Road (LAR)</i> a 'notice of approval' may be required from the requiring authority if changing the use or subdividing a property. The requiring authority will be either the NZTA or the Kapiti Coast District Council, check the certificate of title / computer freehold register (CFR) for the property for details.	1. Up to 200 <i>vpd</i> in the <i>Working Zones</i> , except: <ul style="list-style-type: none"> a) where all public vehicle access is onto <i>strategic arterial routes</i> or <i>major community connector routes</i> any activity must not generate more than 100 <i>vpd</i>. This excludes Precincts A1, A2 and C which are managed in standards 1 b) and 1 c) below; b) any <i>activity</i> in Precincts A1 and A2 in the <i>District Centre Zone</i> must not generate more than 200 <i>vehicle movements</i> in any hour; c) any <i>activity</i> in <i>Precinct C</i> in the <i>District Centre Zone</i> must not generate more than 50 <i>vehicle movements</i> in any hour; d) any <i>retail activity</i> within the Ihakara Street West Precinct and Ihakara Street East Precinct with frontage to Ihakara Street or Trieste Way must not generate more than 100 <i>vehicle movements</i> in any hour; and e) any traffic generated by an activity permitted under Rule 6F.1.5 (on the <i>site</i> at LOT 2 DP 441854 (Milne Drive, Paraparaumu) must not generate more than 50 vehicles per peak hour.

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	<p>2. In all other <i>zones</i>, any activity must not generate more than 100 <i>vpd</i>.</p> <p>3. Standards 1 and 2 above shall not apply to <i>temporary events or regular markets</i>. Temporary events must not generate more than 50 vehicle movements per hour. Note: <u>Vehicle movements generated by temporary events are managed under Rule 12B.1.1.</u></p>
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Variation 4G**Amendments to Rule 11P.1.2 parking requirements for Residential Activities**

Amend Rules 11P.1.2 and 11P.1.11 as follows:

Table 11P.1. Permitted Activities

The following activities are permitted activities, provided that they comply with all corresponding permitted activity standards in this table, and all relevant rules and permitted activity standards in other chapters (unless otherwise specified).

In assessing the number of spaces to be provided with respect to the gross floor area (GFA) of any building, vehicle access and parking spaces contained within the building shall not be included as part of the building area.

Permitted Activities	Standards
2. Residential activities including: a) <i>Habitable buildings</i> ; b) <i>Multi-unit residential</i> ; c) 1 bedroom units; d) <i>Shared and group accommodation</i> ; e) <i>Home occupations</i> ; f) <i>Boarding houses</i> ; g) <i>Supported living accommodation</i> ; and h) <i>Papakāinga units at Whakarongotai Marae</i>	1. A minimum of 2 carparks (including garages or carports) per household unit except for in Precincts A1 and A2 and C in the <i>District Centre Zone</i> and <i>Raumati Beach Town Centre Zone</i> . <i>Minor flats</i> are exempt from this standard. 2. A minimum of 1 car park per household unit in Precincts A1 and A2 and C in the <i>District Centre Zone</i> and the <i>Raumati Beach Town Centre Zone</i> . 3. An average of 1.5 parking spaces per <i>Papakāinga unit</i> . A minimum of 1 space per unit is required and in calculating the average no more than 2 spaces per unit may be counted. 4. <u>A minimum of 1 carpark per 2 beds in any <i>boarding house</i>, <i>shared and group accommodation</i>.</u>
11. Health care a. <i>Supported living accommodation</i> ; b. <u>a) Doctors</u> ; c. <u>b) Hospitals</u> ; d. <u>c) Medical Centres/Health Specialists</u> ; and e. <u>d) Veterinary Surgeons</u> .	1. <i>7 carparks</i> per 10 resident/patient beds; and 2. <i>4 carparks</i> per full time equivalent specialist (doctor, vet etc); and 3. <i>1 carpark</i> per 2 full time equivalent non specialist staff.
13. <u><i>Supported living accommodation</i></u> .	1. <u>A minimum of 1 carpark per 4 beds and 1 carpark per 2 staff members on the site.</u>