

**From:** Megan Barr  
**To:** Anna Carter  
**Cc:** Eloise Carstens  
**Subject:** RE: [Land Matters - 898] 189 Sims Road, Te Horo RM220265  
**Attachments:** image001.png  
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Kia ora Anna,

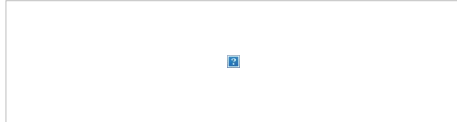
I met with Council's Resource Consents team this afternoon to discuss your queries.

We discussed:

1. The interpretation of the activity; and
2. Council's notification decision.

Council's decisions are as follows:

1. It remains Council's position that the proposed co-housing development is for 'shared or group accommodation' and does not constitute a 'second or subsequent residential unit'; and
2. Council still considers the owners and occupiers of 135 Sims Road and 195 Sims Road to be affected parties because the proposal represents a greater density and intensity of residential development and activity than could reasonably be expected in the General Rural Zone (and greater than that associated with a second residential unit). Please see excerpt from the affected parties letter below.



Should the applicant wish to proceed with the application from this point, limited notification will be required.

Ngā mihi,

**Megan Barr**

Contractor to Kapiti Coast District Council

Tel 04 2964 700  
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**From:** Anna Carter <Anna@landmatters.nz>

**Sent:** Monday, August 28, 2023 10:38 AM

**To:** Megan Barr <Megan.Barr@kapiticoast.govt.nz>

**Subject:** RE: [Land Matters - 898] 189 Sims Road, Te Horo RM220265

Hi Megan – That's fine.

It would be good to have a decision on affected parties and notification at the same time. We are obviously hoping that with Stephen Jarvis' report and the recommendations of his that we have taken on-board, that effects on character and amenity on neighbouring properties will be determined to be less than minor and not requiring affected party approvals.

Can you let me know the meeting will be held with KCDC's resource consents team?

Thanks and regards, Anna

**Anna Carter**

Tel: 0211704787

**From:** Megan Barr <Megan.Barr@kapiticoast.govt.nz>

**Sent:** Friday, August 25, 2023 4:52 PM

**To:** Anna Carter <Anna@landmatters.nz>; Eloise Carstens <Eloise.Carstens@kapiticoast.govt.nz>

**Subject:** RE: [Land Matters - 898] 189 Sims Road, Te Horo RM220265

Kia ora Anna,

Apologies for the delay in responding to your email. I hope your mediation went well this week.

I discussed your request for a meeting with Eloise earlier in the week and she was going to try and call you to follow up. It was decided that, in this instance, the requested meeting is not the most appropriate way forward. Instead, I can take your arguments regarding interpretation to a meeting of the Resource Consents team and see if it changes their interpretation.

Ngā mihi,

**Megan Barr**

Contractor to Kapiti Coast District Council

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**From:** Anna Carter <Anna@landmatters.nz>

**Sent:** Tuesday, August 22, 2023 8:19 PM

**To:** Megan Barr <Megan.Barr@kapiticoast.govt.nz>; Eloise Carstens <Eloise.Carstens@kapiticoast.govt.nz>

**Subject:** RE: [Land Matters - 898] 189 Sims Road, Te Horo RM220265

Good evening Megan and Eloise,

Megan – have you managed to discuss my meeting request with Eloise regarding 189 Sims Road, Te Horo?

Thanks and I hope to hear from you.

Kind regards, Anna

**Anna Carter**

Tel: 0211704787

**From:** Anna Carter <Anna@landmatters.nz>

**Sent:** Wednesday, August 16, 2023 3:36 PM

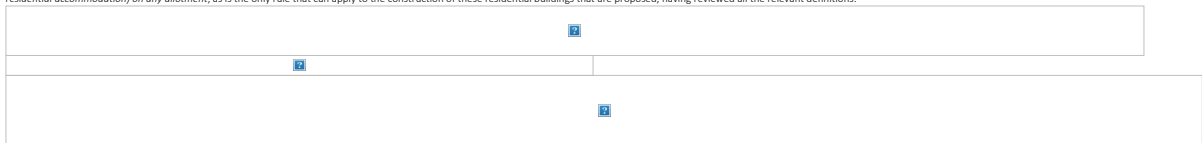
**To:** Megan Barr <Megan.Barr@kapiticoast.govt.nz>; Eloise Carstens <Eloise.Carstens@kapiticoast.govt.nz>

**Subject:** RE: [Land Matters - 898] 189 Sims Road, Te Horo RM220265

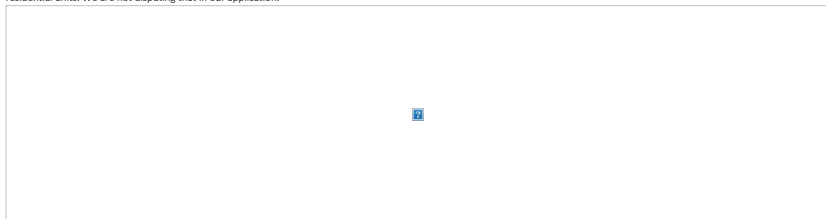
Good afternoon Megan and Eloise,

I would like to meet in person please together with Council's Principal Planner or Team Leader who was involved in making the original decision on the status of this application; and include Council's Building team member to resolve this matter as opposed to going backwards and forwards with emails. Can you please arrange a meeting for next week please for us to see if we can find some resolution on this point of activity status.

As discussed and on reflection, I think it is necessary for a land use consent decision on this application to be determined in the first instance under Rule GRUZ-R19 -Second or subsequent residential units (excluding visitor accommodation which is not temporary residential accommodation) on any allotment, as is the only rule that can apply to the construction of these residential buildings that are proposed, having reviewed all the relevant definitions:



Megan I note you state that, "Multiple tenants with separate sleeping pods (including living areas and bathrooms) would not comprise one household in one residential unit." However, the Council issues building consents all the time for sleep outs which include living areas and bathrooms and which are attached to a main separate dwelling, and Council/District Plan treats these as one household unit. There is no limit in the rural zone as to the number of sleepouts that can be constructed. The restriction is on the size of the sleepout and it is the kitchen that defines the number of household units and not the number of tenants or the number of bathrooms or the number of living areas. The definition of a residential unit is not so much about the make-up of a household but whether it is used for "people's living accommodation." The number of residential units and how that is calculated is defined in the residential unit measurement criteria and that quite clearly states that if two kitchens and more than one bathroom is present, there will be two residential units. We are not disputing that in our application.



As I understand it, your team are saying – that the definition of Shared and Group Accommodation or Boarding House covers both the structures/buildings and the activity. However, the definition of Shared and Group accommodation requires shared facilities to exist for the activity to be carried out in them. That term facilities is not defined in the District Plan but when you do a word search on facilities in the District Plan it lists a range of facilities and none of them are the actual residential building – they are all facilities within the building:

- "Bathroom means" "...sanitary facilities including a bath or a shower"
- "Residential unit": "... include sleeping, cooking, bathing and toilet facilities"
- "Retirement village": "... May also include any of the following for residents within the complex, recreation, leisure, supported residential care, welfare and medical facilities"
- Sensitive Activity: "... includes ... facilities for the care of children ... such as daycare facilities and medical facilities"

You will note that shared and group accommodation also specifically excludes flatting arrangements. Flatting arrangements are occurring throughout the District with people living in sleep-outs (where there are no kitchens) and sharing kitchen facilities in a main dwelling and the Building Department at Council assess these as sleep outs. This is no different to what we are proposing with this arrangement with the exception that the sleepouts do not meet the 30m2 minimum footprint requirement. We also address this point in our AEE.

I suggest that if Council just consents just the residential activity and not the residential unit itself, we may not be able to obtain a building consent without obtaining a further resource consent for the building as it will contain kitchen and bathrooms by the Council's own definition that is determined to be a residential unit.

It may be that Council considers that the proposed residential activities carried out in the buildings is shared and group accommodation. I expect once we resolve the matter of consenting the residential buildings/residential units, the next part of the discussion would be then to determine the number of residential units that Council considers we are seeking consent for.

Thank you and kind regards, Anna

Anna Carter  
Tel: 0211704787

**From:** Megan Barr <Megan.Barr@kapiti.coast.govt.nz>  
**Sent:** Wednesday, August 16, 2023 1:17 PM  
**To:** Anna Carter <Anna@landmatters.nz>  
**Cc:** Eloise Carstens <Eloise.Carstens@kapiti.coast.govt.nz>  
**Subject:** RE: [I]Land Matters - 898] 189 Sims Road, Te Horo RM220265  
Kia ora Anna,

This issue was thoroughly discussed by Council's Resource Consents team prior to the advice I gave you on 28 February. Council's determination was that the proposed co-housing development is 'shared and group accommodation', not a 'boarding house'. The proposed co-housing development does not fit the definitions of a 'residential unit' or a 'boarding house' because these definitions refer to a singular building (or part thereof). It does, however, meet the definition of 'shared and group accommodation' because it includes shared kitchen, dining and living facilities.

2

Multiple tenants with separate sleeping pods (including living areas and bathrooms) would not comprise one household in one residential unit.

Irrespective of the differences in interpretation, whether the application is assessed as a discretionary activity or a non-complying activity, there are no specific limitations on the matters that Council can consider. There is also no preclusion on notification.  
Ngā mihi,

Megan Barr  
Contractor to Kapiti Coast District Council

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**From:** Anna Carter <Anna@landmatters.nz>  
**Sent:** Wednesday, August 16, 2023 12:51 PM  
**To:** Megan Barr <Megan.Barr@kapiti.coast.govt.nz>  
**Cc:** Eloise Carstens <Eloise.Carstens@kapiti.coast.govt.nz>  
**Subject:** [I]Land Matters - 898] 189 Sims Road, Te Horo RM220265

Thank you for your prompt response Megan. You should have both documents now.  
Upon reflection, I wonder if we have the right activity status applied. I reviewed the range of rules and applicable definitions again and consider perhaps the activity actually is best kept as a non-complying activity as a second or subsequent dwelling.  
The discretionary activity rule in the General Rural Zone (GRUZ-R16) only applies to "any activity listed as a restricted discretionary activity in this chapter that does not comply with one or more of the associated (RDA) standards." The activity of 'boarding house' as you state, is not listed as a RDA in this chapter and therefore could not be a Discretionary Activity under this rule.  
Therefore the activity is either a residential unit or not a residential unit as you claim by being a boarding house (although there are no activity standards for boarding houses in the GRZ). I fail to see how the building(s) associated with this development is not a 'residential building'. It may very well be that the occupation of the residential building fits could encompass a 'boarding house' definition but the General Rural Zone does not specifically provide for boarding houses as you are aware. It may be better to instead assess this as a non-complying activity as a second residential unit and reference the use of the buildings for a mix of tenants when assessing it against Objective DO-012 – Housing Choice and Affordability.  
On reflection, and though it is a stricter test, in my view, the application should probably be treated as a non-complying activity under Rule GRUZ R19 as a Residential Building (as defined below).  
The cohousing development will be used for residential activities through provision of rental accommodation. The buildings held collectively, would meet the definition of being 'a residential unit'. Even with the cluster buildings, each building on its own does not constitute a 'residential building' as they individually do not contain a kitchen facility. Therefore, the cluster of buildings together create the residential unit. The tenants, although not potentially family members will be long term residents who chose to live together in a collective home sharing communal facilities. This type of co-housing is not necessarily a 'board facility' but rather a home where the occupants enjoy each other's company and share common interests. Co-housing is not specifically provided for in the District Plan but can be acknowledged through objective DO-012.  
I believe that you will need to reconsider the applicability of the appropriate rules for this development.

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I wonder if we should meet in person to determine this before you proceed with any other assessment as I do not want the unintended consequences of the Council assessing potential effects of a 'boarding house' and its implications associated with transient people or similar to impact upon the notification assessment for this project.  
Thank you for your consideration of these matters.  
Kind regards, Anna

Anna Carter  
Tel: 0211704787

**From:** Megan Barr <Megan.Barr@kapiti.coast.govt.nz>  
**Sent:** Wednesday, August 16, 2023 10:06 AM  
**To:** Anna Carter <Anna@landmatters.nz>  
**Cc:** Eloise Carstens <Eloise.Carstens@kapiti.coast.govt.nz>; Mailbox - Resource Consents Administration <ResourceConsentsAdministration@kapiti.coast.govt.nz>  
**Subject:** RE: [I]Land Matters - 898] RFI Response on RM220265 - 189 Sims Road, Te Horo  
Kia ora Anna,

Thank you for your email and the additional information provided. I will circulate this information to the relevant Council officers for assessment. Once I have received comments back, I will arrange for your request regarding a review of the notification decision to be considered by the Resource Consents team.

In the meantime, I reiterate the advice given in my email dated 28 February 2023 that Council considers the proposal to be for 'shared and group accommodation', which is a discretionary activity:

2

The activity status (restricted discretionary) and rule you have identified in your email are incorrect for this site and proposal. The subject site is zoned General Rural Zone rather than Rural Production Zone so Rule RPROZ-R9 does not apply.  
Ngā mihi,

Megan Barr  
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**From:** Anna Carter <Anna@landmatters.nz>  
**Sent:** Wednesday, August 16, 2023 9:13 AM  
**To:** Megan Barr <Megan.Barr@kapiti.coast.govt.nz>  
**Cc:** Eloise Carstens <Eloise.Carstens@kapiti.coast.govt.nz>; Mailbox - Resource Consents Administration <ResourceConsentsAdministration@kapiti.coast.govt.nz>  
**Subject:** [I]Land Matters - 898] RFI Response on RM220265 - 189 Sims Road, Te Horo  
Kia ora Megan

In response to Olivia Neame's request for further information request dated 4 November 2022 in respect of RM220265, we provide a landscape and visual assessment as requested under point 5 of that RFI request. See attached.  
In response to Jarvis Landscape's Report, we have also updated our proposed site layout to give effect to the recommendations in that report as follows (I will send this in a separate email due to size restrictions):

- To shift the driveway to the south and meander it into the site with landscaping to reduce the effects of the access when viewed from Sims Road; and
- To increase the diversify the type of landscaping proposed to the south, west and east of the building platform and driveway to reduce effects on adjacent property owners and when viewed from Sims Road.

Please review the attached plan set which includes updated access plan and landscaping plan. The latter plan gives effect to the RFI request in Olivia Neame's RFI point 10. All other matters set out in Olivia Neame's RFI have been addressed in our previous RFI response.

In response to your letter dated 28 February 2023 notifying us that you consider the two adjoining property owners affected parties, I can respond that the applicants have approached these neighbours and they are reluctant to provide written approvals. However, we would request that you review your assessment of effects on these landowners given that you had made this assessment prior to receiving all the requested information and you now have new information. Your request states that, "The proposal is considered to be for an activity that is not anticipated in the General Rural Zone, which has the potential to give rise to adverse visual and amenity effects that are at least minor. The proposed cohousing is considered to represent a greater density of residential development and intensity of associated effects than a second residential unit."

The landscape assessment recommended increased density and extent of planting. The revised planting plan now shows substantial landscaping on the western side of the proposed co-housing development that will grow to a reasonable height and include coprosma acerosa and cordyline australis and whao. To the southern side, a forest of totara are proposed. These species will screen the development and provide substantial improvements to the amenity and privacy of the adjoining property owners. Banksia integrifolia lining the new driveway will create a dense vegetated screen along the driveway and a large extent of the eastern side of the building when viewed from Sims Road.

**Limited Notification Assessment – Sections 95B and 95E RMA**

If having undertaken an assessment as to limited notification under section 95B and acknowledged that no persons are affected under steps 1 and 2; then the next requirement at step 3 is to consider where there are affected persons under section 95E.

Under Section 95E(1) a consent authority must determine whether if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). For the purpose of this assessment, the territorial authority may only consider effects where the activity is for a controlled or restricted discretionary activity for those matters that Councils has reserved its discretion. **As agreed with you, the proposed activity is deemed to meet the definition of a boarding house in the rural zone.** A boarding house in the rural zone would be assessed as a **Restricted Discretionary Activity** under Rule RPROZ- R9 for which there are no RDA standards to comply with. However, Council has limited its discretion in relation to this activity to the following matters:

**Matters of Discretion**

1. Consideration of the *effects* of the standard not met.
2. Measures to avoid, remedy or mitigate adverse *effects*.
3. Cumulative *effects*.

Mr Steve Jarvis notes in his conclusion of his assessment that provided his recommendations are given effect to, he considers the effects to be less than minor:



All other effects in relation to amenity (noise and traffic generation) are also considered to be less than minor. Traffic will not exceed the permitted activity standard volumes; and given the separation distance between dwellings; and the location to the beach and prevailing north-westerly winds, noise will also comply with the permitted activity standards. No other effects would be relevant to those adjoining property owners. As such, we would ask that the application now be processed on a non-notified basis and that no person would be considered an adversely affected party. We look forward to your response.

Ngá mihi, nui Anna

**Anna Carter**  
Principal Planner  
Tel: 021 1704787  
[Anna@landmatters.nz](mailto:Anna@landmatters.nz)

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