

File no: 10.7.9.3/PC77

Mayor and Councillors
KĀPITI COAST DISTRICT COUNCIL

26 JANUARY 2012

Meeting Status: Public

Purpose of Report: For Decision

OPERATIVE STAGE FOR PLAN CHANGE 77 - OTAKI RESIDENTIAL ZONE REVIEW

PURPOSE OF REPORT

- 1 The purpose of this report is to enable Public Plan Change 77 to become part of the Operative District Plan.
- 2 Plan Change 77 is a Council initiated plan change which aims to protect the character of Ōtaki by increasing the lot size for controlled activity subdivisions in the residential zone.

SIGNIFICANCE OF DECISION

- 3 The significance policy is not triggered by this report.

BACKGROUND

- 4 The Kāpiti Coast District Plan became operative in 1999 and is currently under review. However, community consultation undertaken in 2003 and subsequently found that the operative District Plan provisions were insufficient to retain Ōtaki's low density character.
- 5 Plan Change 77 was notified in 11 August 2008 and 41 submissions were received. Further submissions were received from nine submitters when the summary of submissions was advertised.
- 6 The proposed Plan Change retains a minimum lot size of 450m² as a discretionary activity in areas adjacent to the commercial areas, but in all other areas makes 450m² lots a non-complying activity. It also adds an average lot size requirement of 700m² for controlled activity subdivision in the residentially zoned areas across Ōtaki, excluding areas in close proximity to Ōtaki's commercial/retail zones (the two 'infill' areas).
- 7 A decision was made by Council on 16 December 2010 to adopt the Commissioners' recommendations on Plan Change 77 and that decision was subsequently appealed.

- 8 The appeal was resolved through mediation and therefore it is now time to make Plan Change 77 part of the operative District Plan by setting an operative date and affixing the seal of Council to the Plan Change.

CONSIDERATIONS

Issues

- 9 Plan Change 77 received one appeal to the Environment Court. The appellant initially sought that the Plan Change be repealed. However, as a result of mediation, an agreement was reached which simply reduces the average lot size provision for controlled activity subdivision from 700m² to 600m² for most of Ōtaki Beach (as shown in Figure 3 of Attachment 1).
- 10 This mediated outcome means that development potential in Ōtaki Beach (under a 600m² average provision) is 88 new (potential) lots of infill development compared to the 40 new (potential) infill lots as proposed. This is still much less than the 662 new infill lots that were possible in Ōtaki Beach prior to the Plan Change. The agreed change is considered to be acceptable in the context of the appellant's concerns regarding development potential and the overall benefits of achieving resolution on this Plan Change. In practice, the potential infill will further be limited by constraints such as flooding and Ōtaki Beach landowners' decisions on whether or not to subdivide.
- 11 To make a plan change operative, Council must give final approval by affixing the Common Seal of Council and setting a date for the plan change to become part of the Operative District Plan.
- 12 Council must publicly notify the operative date at least 5 working days before the date the plan changes are to become operative. It is proposed to include a public notice in the Kapiti Observer on 2 February 2012 notifying that Plan Change 77 will become operative on 20 February 2012. Holders of the District Plan will then be sent a copy of the operative Plan Change.

Financial Considerations

- 13 The Plan Change is a public plan change and all costs will be met from existing budgets.

Legal Considerations

- 14 Clauses 17 and 20 of the First Schedule of the Resource Management Act 1991, which sets out the legal procedures for making plan changes operative, have been followed in making Plan Change 77 operative.

Delegation

- 15 Council must make this decision and cannot delegate the final stage of plan change approvals.

Consultation

- 16 Full public notification and involvement has occurred during the processing of the Plan Change as required by the *Resource Management Act 1991*.

Policy Implications

- 17 Plan Change 77 will change the operative District Plan provisions by amending the relevant subdivision rules of the District Plan to protect the low density character of Ōtaki.

Tāngata Whenua Considerations

- 18 Iwi were sent a copy of the Plan Change for comments, and were involved in consultation leading up to the drafting of the Plan Change. No concerns were raised with Council.

Publicity Considerations

- 19 A public notice will be included in the Kapiti Observer advising the operative date of Plan Change 77.
- 20 The submitters and affected parties will be informed of the operative date of Plan Change 77.

RECOMMENDATIONS

- 21 That Council resolves, pursuant to clause 17 of the First Schedule of the Resource Management Act 1991, to approve Plan Change 77 to the Kapiti Coast District Council District Plan, as outlined in Attachment 1 to Report SP-11-414, and affixes the Common Seal of Council to the Plan Change.
- 22 That Council approves that a public notice will be included in the Kapiti Observer on 2 February 2012 advising that Plan Change 77 will become operative on 20 February 2012.

Report prepared by:

Approved for submission by:

James Kilbride

Gael Ferguson

Policy Planner

Group Manager Strategy & Partnerships

ATTACHMENTS: SIGN AND SEAL DOCUMENTS FOR PLAN CHANGE 77

ATTACHMENTS:

Attachment 1: Sign and Seal Document for Plan Change 77

KĀPITI COAST DISTRICT COUNCIL

PLAN CHANGE NO. 77

OTAKI RESIDENTIAL ZONE REVIEW

THE KĀPITI COAST DISTRICT COUNCIL HEREBY CERTIFIES that it has approved change No. 77 to the Kāpiti Coast District Council District Plan by resolution on the 26th of January 2012.

THE COMMON SEAL of the)
KĀPITI COAST DISTRICT COUNCIL)
Was affixed in the presence of:)
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_____)
Jenny Rowan)
Mayor of Kāpiti Coast District)
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Pat Dougherty)
Chief Executive)
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Councillor)
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PREPARED UNDER THE RESOURCE MANAGEMENT ACT 1991 BY THE KAPITI COAST DISTRICT COUNCIL

OPERATIVE DATE: 20 February 2012

Plan Change 77 - Changes to District Plan provisions

The following section sets out the specific amendments to the District Plan as part of this Plan Change (~~strike through indicates deletion from operative District Plan~~; *italics plus underlining indicates additions to the operative District Plan*).

1 AMEND D.1.1.3 Discretionary Activities as follows.

(B) The following are **Discretionary Activities**:

...
(viii) **DEVELOPMENT – INFILL**

Dwellings on any lot where they comply with the Discretionary Activity Standards for Infill Subdivision/Development (minimum area 300m² and 350m² per dwelling - for exceptions to this rule see D.1.2.3(v) and (vii)).

2 AMEND D.1.1.4 Non-Complying Activities as follows.

The following are **Non Complying Activities**:

(xxi) Subdivision which does not comply with the minimum lot area requirements for controlled activities (D.1.2.2) in Otaki, excluding areas in close proximity to Otaki's commercial/retail zone, shown on the Districtwide and Urban Maps (02 and 03) as "Otaki Subdivision/Development Infill Area".

3 AMEND D.1.2.2 Controlled Activity Standards as follows.

SUBDIVISION

(i) **Density - Minimum Lot Area Requirements**

• Sewered Land

(a) Front Lots 450m²
Rear Lots 550m² (exclusive of access)

(b) In addition, where the land to be subdivided is greater than 3,000m² in size:

Front Lots -

At least 50% of total lots shall be 550m² in size
At least 25% of total lots shall be 700m² in size

Rear Lots -

At least 50% of total lots shall be 650m² in size
(exclusive of access)
At least 25% of total lots shall be 800m² in size
(exclusive of access)

(c) In Otaki in addition to the above:

- (i) the overall average lot size, exclusive of access, shall be 700m² or greater, except in the “Otaki Beach Residential Area” where the average lot size shall be 600m² or greater. This standard (c)(i) does not apply to the “Otaki Subdivision/Development Infill Area”.
- (ii) The areas identified above in (i) are shown on the Districtwide and Urban Maps (01, 02 and 03).

4 AMEND D.1.2.3 Discretionary Activity Standards as follows.

SUBDIVISION / DEVELOPMENT - INFILL

(vii) In Otaki, these standards only apply to subdivision in close proximity to Otaki’s commercial/retail zone (shown as “Otaki Subdivision/Development Infill Area” on Districtwide and Urban Maps (01, 02 and 03)).

5 AMEND the District Plan Maps as described below and illustrated on the following pages:

- Otaki Districtwide and Urban Maps 02 and 03 - Insert “Otaki Subdivision/Development Infill Area” (Figure 1)
- Otaki Districtwide and Urban Map 03 – Insert “Otaki Subdivision/Development Infill Area” (Figure 2)
- Otaki Districtwide and Urban Maps 01 and 02 – Insert “Otaki Beach Residential Area” (Figure 3).

Figure 1 Otaki Main Street Infill Area

Figure 1 Otaki Main Street Infill Area

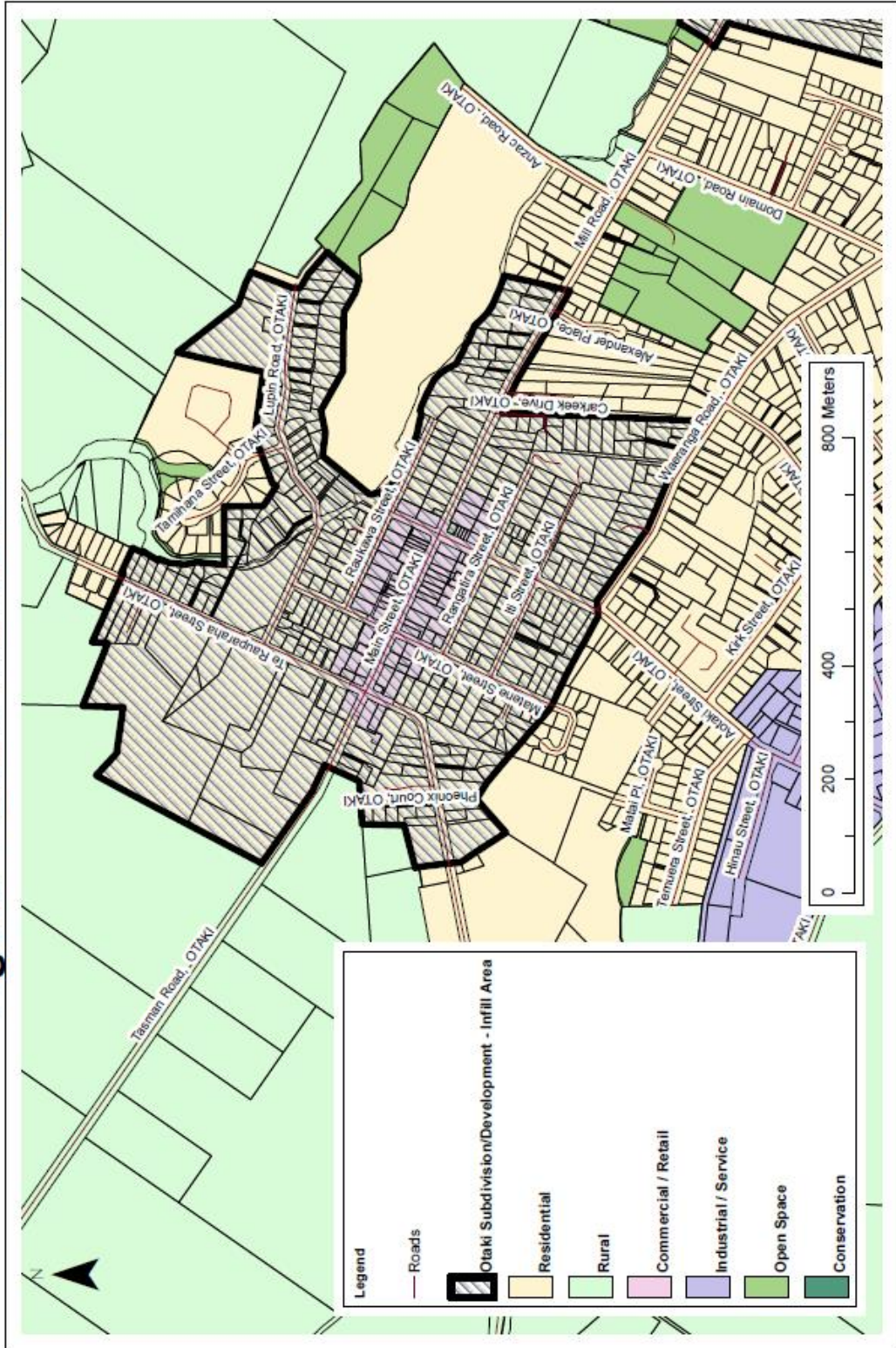


Figure 2 Otaki Railway Infill Area

Figure 2 Otaki Railway Infill Area

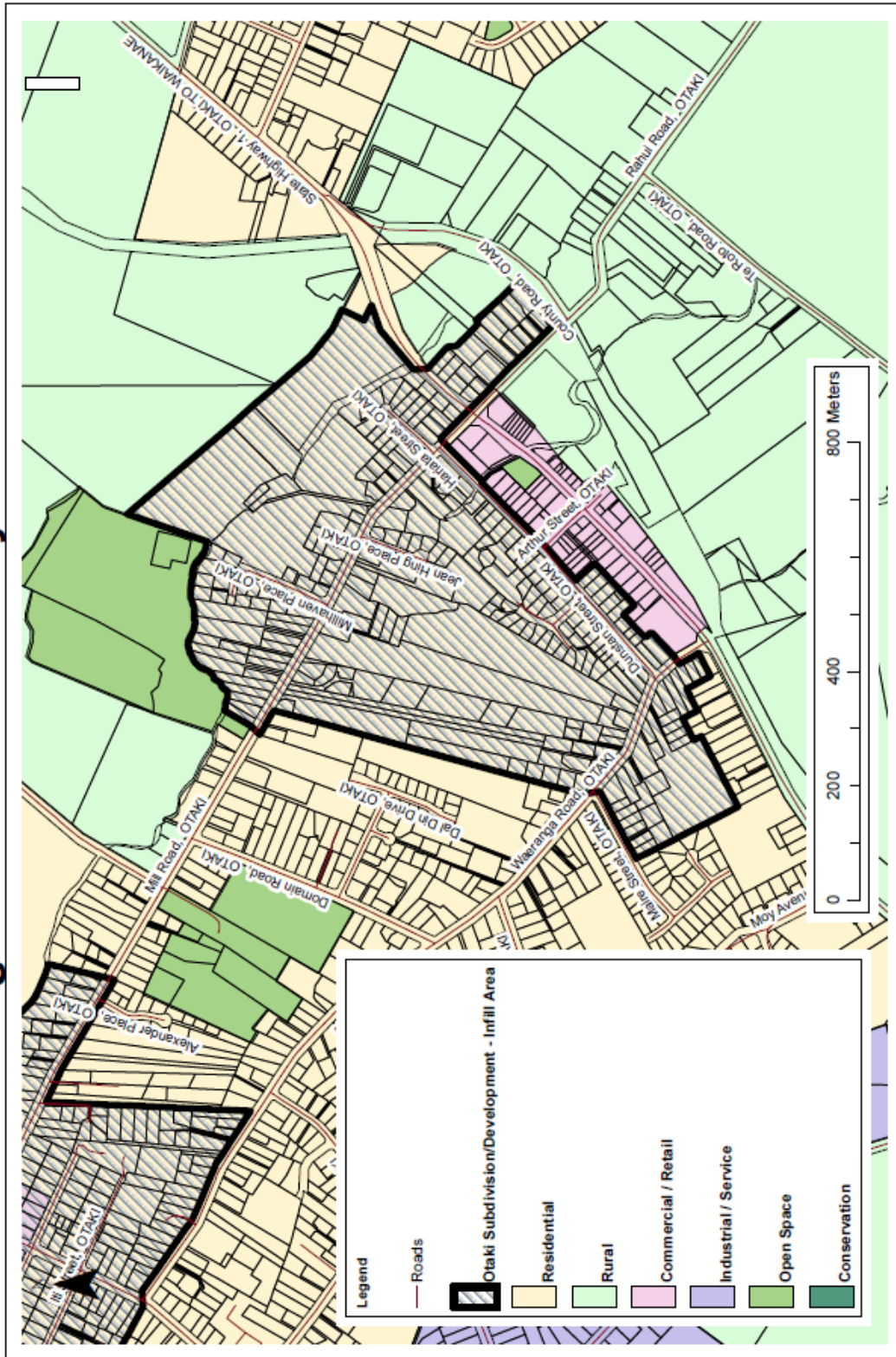


Figure 3 Otaki Beach Residential Area

Otaki Beach Residential Area

