

RM220070 – Non-complying subdivision for A 311 lot subdivision, a medium density housing development and earthworks exceeding the permitted activity standards.

MINUTES

240 Kapiti Road, Paraparaumu
Hearing for Limited Notified Resource Consent
10 – 11th November 2022
Library Meeting Room – 9 Iver Trask Place, Paraparaumu
(MOVED TO EOC (earthquake response) building in Fytfield Place, Paraparaumu.

Day One – Thursday 10 th November		
Time	Speaker	Subject
9:30am start (5 mins)	Commissioner Lindsay Daysh	Introduction and Call-over Explanation of how hearing will run and Housekeeping
9:35am (15 mins)	Craig Stevens	Legal/Opening
9:50am (15 mins)	Stephen Sutorius	Project Overview
10:10am (30 mins)	Lauren White	Urban Design
10:40am (30 mins)	Jamie Whittaker	Transport and Traffic
11.10 – 11.25am	15 minute break	Interval
11.25 (15 mins)	Nicola Todd	Water Re-use
11.40pm (45 mins)	Emma McLean	Planning and Conditions
12.25pm (20 mins)	Malcolm Ward	Speaking to Submission
12.45 – 1.25pm	45 minute break	Lunch
1.22pm (20 mins)	Bernadine Bloemgarten	Speaking to Submission
1.45pm (20 mins)	Paul and Leanne Grout	Speaking to Submission
2.05pm (40 mins)	<i>Council Hearing Team Emma McRae Miriam Moore Colin Shields</i>	<i>Landscape Visual/Urban Design Traffic</i>
2.45pm (20 mins)	<i>Sarah Banks</i>	<i>Council Officer</i>
3.00 – 3.20pm	15 minute break	Interval
3.20pm (30 mins)	Craig Stevens	Applicant right of reply
3.50pm (20 mins)	Commissioner Lindsay Daysh	Closing comments for Day 1 & further direction
4.10pm	Close of Day 1/Adjournment	

Time Speaker Subject

9:30am start (5 mins) Commissioner Lindsay Daysh (COM) Introduction and Call-over

As the library doors failed to open, there has been a change of venue. The new venue is the EOC (earthquake response) building in Fytfield Place, Paraparaumu.

10.15am – Before Mr Daysh opened the hearing, an individual sitting in the public observer area, identified as Conrad Petersen, stood up and announced he was opposed to Mr Daysh’s appointment as a commissioner as he is the Director of Incite and contractor for the council, so this is a conflict of interest. He mentioned he had written authorisations from 30 people who wished to challenge Daysh’s appointment due to a perceived conflict of interest and that he should step aside” He also wanted the hearing minutes to show that KCDC were made aware (in writing) on Monday 7 November 2022 that the appointment of Daysh would be challenged during the hearing. Conrad Petersen said “We think he step aside and find another substitute”. Mr Daysh asked council to reply.

Tim Power (General Counsel) from KCDC replied that he is confident that Mr Daysh is a suitable commissioner for this hearing and this is not the place to raise a conflict of interest with council and the process.

Sarah Banks (SB – Principal Planner – KCDC) - we did check if Mr Daysh had any conflict of interest, he doesn’t. There is also a code of conduct for planners which Mr Daysh is aware of”.

COM – I’m satisfied I have no conflict of interest. Council did enquire if I did and I don’t. I take offence to the allegations made that I cannot undertake the proceedings in an unbiased manner. We should proceed.

Conrad Peterson has requested he following paragraph be added to the minutes.

Mr Daysh invites the first submitter to speak

Submitter - Malcolm Ward (MW)

I take interest as none of us know you from a bar of soap (Commissioner). I received a letter from you that you indicated you were coming here and going to visit 240 Kapiti Road. Did you go?

COM – I have been to the surroundings and will go after the hearing and submitters sites. But no, I didn’t go yesterday afternoon. Thankyou Mr Ward.

MW - I thought I saw you there.

COM - No, it wasn’t me, I didn’t go yesterday afternoon. Let’s begin with the introductions.

Introductions – Applicant, council officers, then those in the public seating area.

Mr Craig Stephens (CS) – Delivered a short intro in Te Reo, then repeated in English, introducing himself and his team as “council for the applicant”. Nicola Todd, Emma Mclean, Elliott Thornton,

MW – mentioned he has difficulty hearing, wants us to speak up and talk in English, not Maori.

James Whittaker (JW) – Principal Transport planner.

Lauren White (LW) – Senior Urban designer

Stephen Sutorius (SS) – Developer from Thames Pacific (and his development partner)

All intro themselves. Some stand.

Submitter - Paul Grout– 14 Regent Drive

Submitters – Dennis & Pam Jackson – 4C Cedar Drive, not speaking, submission in writing.

Submitter - Graeme Thomson – 2C Cedar Drive – not speaking, submission in writing.

Submitter - Louise Arcus – 2D Cedar drive – not speaking

Robert (Droughead) – not a submitter – wants to know why its limited notified.

COM - explained to Robert that council decided who got notified and who didn’t.

Sarah Banks (SB) – Principal Planner for Council – we undertook peer reviews to determine how this would affect the neighbours. I made the decision who was affected. This was not publicly made notification.

MW – the decision to limit the Not – as I understood – came about due to the way the applicant uses the words minor - or minimal and this gives the council the opportunity to limit as they see fit.

COM – there is nothing I can do about it. This is a decision by council. There are some submitters that are able to be involved in the process. You could go to the environment court if a public wanted to.

MW - I think people would want to mention the traffic that will be added as a result of this application.

Barbara (member of public)– the planning dept should review the 10% increase in population.

COM– this is a common factor that is mentioned.

Applicant – Craig Stevens – (CS) – in my submission in terms of the act, plans, national policy statement, is appropriate. I rely on the section 42A report and Ms Maclean’s evidence. I do note that this is a med dens development, from a submitter perspective, you have had a paddock next door for a while, but the development is medium. There are 22 buildings, the height is limited to 2 floors, could have had 3 floors but didn’t. This less intrusive than what could be permitted. Suitable materials and colours, screening, onsite parking. I do note the site coverage is only 29% and the DP would permit 40%. With medium density rules that have come in Nationally, you could have 50%. There could have been 26 allotments. It would be unusual to limit development in this area. You may think this is intense, I say frankly it is not.

COM – I have made no decision whether consent will be granted but the conditions will be important.

CS gives paperwork - 42a report, applicants proposal and commentary, to COM.

CS – goes through the documents. Goes through the items 1-12-16-42. Discusses transport and road marking. There is a disagreement on water recycling and re-use which will need to be finalised. Bin storage is mentioned to avoid risk with contamination with potable water, may need a sign stating non drinkable water. 42B – issues of approval of consent. Water demand management – the purpose of this doc is that you have a section 42a applicant’s response and consider the rationale as evidence. The council is not calling engineering experts (Geotech) and they are satisfied.

COM – it would be helpful in the project overview – but you don’t have any architects here, it would be helpful to have a walkthrough of the layout plan, site-plan.

Stephen Sutorius (SS) – Thames Pacific – us as a developer we mainly develop in Wellington City and kapiti coast. I’m a local. I now reside in Wellington city. Our developments are to a high quality standard. We are not building \$2-3 million, we build for younger, 1st home buyers, 750-800k, clean healthy home standards and somewhere to run around as well.

SS moves in front of display.

We purchased land off Graeme about 12 months ago. Fantastic site for medium density development. There are limited sites that support this dev, there are other dev in the area, and we have less dense coverage compared to them.

In pre-app meetings we discussed traffic. We have read some submissions, and this was important to get it right. We have created a single entrance & ring road style development. Create central park area for owners and residents (1500 sqm), this creates a great break out area and there are also private courtyards for each unit. Most med dev sites don’t give thought to this as they are trying to maximise unit size. We stuck to 2 storeys only to maximise the light and sun in the development. 3 storeys would block light – this is a main driver. Some retaining around boundaries, so some sites are lower on 2 sides. There will be a walkway vested back to KCDC. Walking distance to beach and bus stops. Ample car parking, 1 per 2 bed, 2 per 3 bed – the rules suggest we don’t have to have any parks, but we are providing them. Setbacks are 5m from boundaries, most local house setback are 3m, to give more of a private area to the residents. There is also E charging parks available.

COM – I’m interested in the management structure in the common areas. How will that work/have you used it elsewhere?

SS – freehold, fee simple, there will be a resident’s society (manager) and a caretaker, building manager, similar to body corp rules, regular meetings, changes have to be voted on, annual fee, private rubbish collections, not KCDC. Works the same as a body corp. There are rules that need to be adhered to.

COM – is there a legal mechanism in place?

SS – Yes. All new owners must be a member of the resident’s society.

10.53am Laureen White (LW) – Senior Urban Designer – started introducing herself. The public shouted “speak up we cannot hear you”. The COM mentioned that we are doing the best we can and we all need to project our voices as much as we can in this new venue.

MW- talks about others not having the right to speak when they should have. The COM reminds them that they have a right to be here but not to speak.

LW - have 25 years exp as an urban designer. I do projects all over the country in residential dev – detailed design and large scale changes. I have nothing to add to the evidence other than what has been submitted.

COM – you prepared a very important doc – what is the rationale for the changes being made and how they produce a better outcome.?

LW – in response to recommendations from council and submitters with respect to visual outcomes. The other 3 boundaries, need modifying as the boundaries change. 4 units were removed from the dev to create a break in the block size. These breaks were placed where most benefit would be perceived. Scale – the max length per block is now 25m, by reducing the overall mass of the building, we increased the number of breaks. We also made changes to vary the rooflines and louvers to windows and treatments, to reduce the potential for overlooking and privacy. The Applicant has adopted these changes and these were recommended by council. Retaining wall on southern boundary – reduces the height and shading of properties. Living spaces are on the shady side.

COM – Boffa Miskell peer review – suggested there might be a diff screening measure. Why did you not follow their recommendation?

LW – the outcomes along those 3 boundaries I would consider acceptable in a res suburban area. These terraces are well designed, Landscaping is well designed. It will change what the neighbours look at (paddock) we have to think about it as “is this dev acceptable for this site?” - I think it is.

COM – there are 2 breaches in the northern site with 2 units. (height in relation to boundary). You mentioned that only certain areas would be affected visually from the front of this development. Are we sure? What about other areas?

LW replied that at the end of a street leading to the development could be seen but it wasn't significant.

Others from the public murmured suggesting there were other areas affected visually.

Jamie Whitaker (JW) – Traffic engineer for the applicant. From Stantec NZ – 18 years' experience.

This site has 166 onsite carparks. Access to site is Holesy Grove – access through the dev will be achieved through the private ROW capable of accommodating the largest vehicles visiting the site. Pedestrian access to bus stops and bike accesses is available. The parking survey demonstrates parking in adjacent streets is low and there is space for overflow parking – this was a consent condition, and it is satisfied. This dev would cater for 90-100 vehicles for the peak hour traffic – 1-2 additional vehicles per minute. There is no indication that the current roading systems will become unsafe. The dev of the site can be established appropriately and effectively.

COM – you've had a look and the submissions- you have 1st hand knowledge. You've been to site to check the condition. How do you respond to submitters saying its going to make traffic conditions worse?

JW – I acknowledge the development of the site is going to create traffic and parking increases. I'm satisfied that my numbers are correct. Originally council were unsupportive of having access from Kapiti Road.

COM - is there a limited access provision from Kapiti Road – according to KCDC?

JW – no there is none.

COM and JW continued – more discussions on various topics including level of service and expected traffic in certain zones according to the table included in the application, site lines & the yellow lines on the 90 degree bend.

COM – cycle parking, storage. There's talk about a communal onsite bike, park area. Where is it?

Nicola Todd (NT) – water re-use - *talks about a bike shed, lockup, walks towards front display board to show where they would be.* This would only be one bike shed.

COM – there needs to be more detail on this especially in 2022 where its more relevant.

BREAK TIME – 15min

NT – Water re-use – the dev is providing water re-use – we are not opting out – we are only opting out of flushing toilets with it. There will be an 80,000L shared local tank. The resident's society will be responsible for monitoring water use. This does not comply with the permitted rules but the other option of individual tanks is not practical. The proposal would mean we only need 45 litres top up per day for the whole site.

COM – this water re-use requirement is becoming a common practice. You are saying it's impractical to do, what about other similar sites? Is it just the scale of this site?

NT – smaller roofs take a long time to fill 10,000L tanks. Other sites with larger roofs have no issue. The DP rules are fit for purpose for large green field subdivisions – but not these high density sites. These rules were a result of studies on single storey residential units, not med density. Council want us to collect all of the roof water, but they insist we direct it to the water closet – this is what we disagree on.

Emma Maclean (EM) – Senior Planner – Planning and Conditions. Applicant is seeking consent for 135 residential dwellings, associated earthworks and subdivision. The application is a non-complying activity in general. There are many environmental effects. Intensity affects, presence of people and vehicles. These were thought to be minimised via residential block breaks and screening. Traffic affects in the south west have been addressed in detail by other colleagues. In regard to rules and policies, the application generally aligns with these. The subject site does contain a “qualifying matter” the application and was still consistent with the outcome sought. Assessment effects are no more than minor. Mitigation measures have been met in regard to environmental effects and consent can be granted. Height in Relation to boundary issues - these are only eaves encroaching on Kapiti Road. I will find out the exact amounts and get back to you.

COM – the site is over 3000sqm so it triggers Wellington Reginal Council consent. What's the status?

EM – it has been drafted, but we are waiting for this hearing to finish.

COM – You can take some references from bulk and location control to get some sort of benchmark for assessment of affects. The planning regime is a result of MUSPD...are you saying this is consistent with this? There was one issue about the “weighting”. How did you come to this?

EM – my interpretation with ponding onsite etc.

COM – In the report you wrote “the retaining walls are tying the fence in to mitigate adverse effects”. What does this mean?

EM – What I meant to say - it would be a combined fence wall structure so this would be adequate screening as well.

COM – in regards to privacy, 1.8m high fence, how does it not affect privacy?

EM – some sites are not on the boundary, so are they are not affected.

COM – going back to proposed change 1 to regional policy statement. Your view – its broadly relevant but really doesn't matter – correct?

No response from EM

COM – I'll be interested in the conditions and seeing they will be met.

SUBMITTER - Malcolm Ward (MW) walks towards front display board and points to the development plans.

First thing. This does not fit in to our area! (*cheers of agreement from observers*)

I reside at 2 Halsey grove Paraparaumu Beach. I'm not against medium density residential sites. This proposed dev does not meet the conditions of these. I have a right to live out my life freely with consequences of other's actions. In retirement I am a casual bus driver and contribute to the community. I believe I have a pretty good understanding of the people in my community. Experts of the applicant – have concluded the impact will be minor or minimal. This is rubbish. This dev is big. There is nothing like this on the Kapiti coast. Why a limited notification? Should have been more. The paperwork was difficult to digest. I could not afford to hire experts to assist me. There will have a very negative impact on the community. This proposal creates isolation from local amenities. This will create a disaster in our area – there is no means to remedy the damage once it's done. The proposal makes no attempt to conform to the area. Mr Whitaker's comments only remedies traffic in the area, but not on the access routes. Regent drive is 1km in length. Cedar is 1.2km long. There will be a 100% increase in traffic. I don't believe the traffic has been truly assessed. This dev – will introduce 150 vehicles entering and exiting Halsey Grove. These will all end up on the major community connector. Halsey Grove will transform to a major road with increased traffic. Why is access not off 240 Kapiti road? This would enable the existing subdivisions to enjoy what they have already enjoyed. This proposal is twice the size of any other dev by the developer. The Boffa Miskell report is a good report and it mentions where good areas should be for medium residential dev. This area should not be. How can this dev take place? The only benefit is the big profit the developer will get. Many ratepayers have been declined the opportunities to attend this hearing as submitters. Why have independent reports not been sought for in this application? - just peer reviews. Council seem not interested in the impact a dev has on a community – not the environment. The last week or 2 it has become apparent that new councillors have very little knowledge of this development. There have been developments in Auckland that have been declined RC. This site should also be declined. The

developer has already shown a disregard for council processes and has filled in a pond without consent. This will create further flooding issues. This dev will turn 1.9 hectares of grazing and trees into concrete, bitumen, metal and grass. No benefit whatsoever.

COM – how long have you been at #18?

MW – house built in 2004, we were there since 2005.

COM – Halsey grove is the same as it's always been since then?

MW - yes

1 HOUR LUNCHEBREAK

Submitter - MS Bernadine Bloemgarten (BB)

2 Regent drive is my Mums house. I am representing her.

I oppose this development. Not only does it have is environmental impact it will affect us personally and our neighbourhood. It will establish 90-100 cars extra per day - this is a big increase. Mr Whittaker mentioned 108 spaces available for parking for overflow. Why our area.? Where are these parks? When we live on these roads, we all become experts – like Mr Whittaker. Climate change is here - this is a flood hazard area with a high water table. Traffic – there is only 1 exit. So, if we had to “head for the hills” during a Tsunami we are stuck. Will the stormwater storage be sufficient? Our houses are not elevated from stormwater? Can the geo tech engineer give 100% guarantee this won't affect us? There are plenty of examples of good dev in Kapiti where we cater for all possible environmental effects. This is not one. Rules need to change to counter water shortages - for adequate water shortage. 80,000L is a drop in the bucket. Not enough.

The magnitude of earthworks to level and stabilise the site will affect all of us. Vegetation, trees, and nature bulldozed. I would like the psychological impact of dev be noted and mental impact for some. House cleaning may be required during dev due to the dust and debris. Loss of sunlight and privacy are all effects of this dev. The proximity of the dwellings and height will reduce our privacy. The reduction of sunlight has a direct effect on someone's mental health. I hope the commissioner can see how this dev is inappropriate. This dev could be a green subdivision. These town houses are a far cry from the style of the surrounding homes. If I encounter difficulty selling, the dev should buy our home at market price. I don't understand submissions were limited to houses on boundary only. It does not feel that council are serving us anymore.

COM asked Bernadine to show here mum's property on the display. Bernadine mentioned she will lose a lot of light due to this dev.

COM – I will visit the 3 submitters houses next week. I need to go inside and look at the dev and how it affects you. I would want to do them all in one batch.

Submitter - Paul & Leanne Grout – Only Paul Speaking

I'm in 14 Regent drive. This application was A limited notification. I feel this was done to reduce the spread of info for the locals in the area. It should have been public notification. We have rights on our properties. Our properties will devalue if this dev is to take place. It states that no groundworks are to take place until consent issued. I have evidence that the ponded area 16x4 meters in surface area was dug out and back filled over approximately 5days with 2 Trucks supplying back fill continuously over 5 days. Are there any legal ramifications for these actions for the owners? The august rains resulted in 400mm Flooding Over and the pond area. I have photos and evidence. When this fill was taken place, Sarah Banks (KCDC) was emailed, Stating my concerns that its being undertaking to go unnoticed (fly under the radar). The only reply Received was Thanks for your enquiry I emailed Sarah Banks to let her know this was happening. Retaining walls on neighbouring properties – a cut of 2m deep will occur. All natural plantings close to the cut will be damaged. What are our rights if these are to take place? Do we lose our fences? 165 parks required for the dwellings. The parking report was done on a modelling. Paul mentioned 2018 census report of the number of cars owned by houses, 12.8% own 3 cars, 39,4% own 2 cars this calculating to a short fall of 40 parks. Then Paul mentioned the resulting increase in traffic and carparks. This will affect safety in the 2 laned road if cars are parked on both sides. Artistic Impression, invited and requested this impression also show the effects of before and after from the 17 notified boundaries, this will prove adverse effects, Hours of work to taken on this contract 7am-7pm for 2 years. Would you be happy with that noise for 2 years? I'm not against med density housing. There are other places for this type of dev. This site is in res zone only. It's outside the med dens precinct, how can it get to this stage with consent? The units are completely out of character. This is the result of a landgrab by corporate greed to make money. There is a site near the aquatic centre that is for sale. This is an appropriate site for this type of development.

Non Submitter (stand in) - Trevor Anders 67 Regent Drive. – I have been excluded of the notification. This should not have happened. Traffic – the applicant suggested a left turn into Kapiti Road but this was battered away by council. There are 100s of

residents close by that access Kapiti Road. This dev is adding a big load and creating a hazard. When a new dev is imposed into an existing development, perhaps others surrounding should be considered. This dev is incongruous. Reading the documentation, I have seen the many concerns of residents have been battered away by the statement that the dev has decreased the number of units to compensate.

Submitter - Paul Grout (again)

Is it true that this dev is limited by flight path zones? So, you could never have a 3 storey dev anyway. So by saying you could have built 3 storey, but you didn't, is a stretch.

Emma McRae (EM) - I'm a Landscape Visual Specialist – I peer reviewed the Landscape and Visual assessment. This concluded the effects would be low and the visual effects would be minimal. I disagreed and suggested this was a lot higher. Due to the scale of the dev I suggested the effects would be high. Suggestions to remedy this – to provide breaks in the blocks, stagger them and reduce the number of units. The applicant has applied most of these suggestions. The intensification standards have been introduced so these effects have also been re-assessed according to these. The landscape and visual effects are similar to what would be permitted in a similar location.

COM – you have a scale of effects. Moderate to adverse. What does this mean?

EM – visual effects will be affected Moderate to adverse.

Miriam Moore – Urban designer (MM). I completed a peer review with Emma. Better use of the landscape and topography could have been obtained. The living areas would be limited and boxed. I recommended a staggered height for the units and making them longer and skinnier but this has not been resolved.

MM – they have addressed privacy concerns with every second unit having louvres. If a few more units had been dropped this would have been better.

COM - This is in regards to the internal amenities not external?

MM – correct

Colin Shields – Traffic – Tonkin & Taylor (CS for Council) - We were asked to review the traffic assessment. June 2022. In terms of safety and traffic impact we were in agreement with recommendations and conditions. We were also reviewed the limited notification responses. There were common themes of congestion, parking, cycle parking, EV charging. I felt comfortable that adequate responses had been given and that the impact would be less than minor. Kapiti access – there are no DP rules on safety for lower cat roads. The council will always limit access to classified as a major community connector. This carries 20,000 vehicles per day. Private access to this road would create a safety hazard for cyclists, pedestrians, buses. This is why the neighbourhood access route would be better.

Sarah Banks – Principal Planner (SB - Council)

The next part is where you ask me recent Greater Wellington regional policy statement change. I have circulated a page showing the map. The starburst in green around the airport is considered a dev opportunity. I felt that this is appropriate for this site.

COM – This is a the KCDC future growth map?

SB - Yes. You were interested in the role of the MPSUD? 6.1 to 6.4 of my report. Page 31.

COM – we are in a very changing environment. There is a plan change coming in and new legislation coming in. Sometimes it's difficult to keep up with all these changes. In terms on you heard today – you would agree to approve this application with subject to conditions that are still being written and considered.

SB - yes – even after the submissions today and commentary I would still support this application.

COM – perhaps you and Ms Mclean can fine tune the differences (conditions) you have and perhaps they can be narrowed - In terms of the SW issues.

Dean Balkin – (Dev Control Team Leader - KCDC) – for your context. I do not have a reason to deviate from the current practice.

COM - In terms on the parameters of the conditions you have to eventually have to sign off you are satisfied with the conditions?

Dean Balkin – yes that is correct.

Craig Stevens – Applicant Right of Reply

There are a lot of concerns about notifications. Mr Ward mentioned The Auckland dev that got thrown out as there was no notification. It was thrown out as it should have been partially notified. This has no bearing on this hearing. We now know the opaque windows are now a standard mechanism to modify privacy. The site coverage is 29% and this is modest in terms of the new plan and policy changes. There are no parking restrictions along Kapiti Road so the chosen access going to Kapiti Road is the best solution as this will provide parks in the residential areas. Ms Bloemgarten mentioned the changes will occur. The MPSUP(??) guidelines say - it is expected that the environment will change. Some will like it, some won't. Traffic – the recommendation to avoid Kapiti Road is common practice. It's a main arterial route and the accessway should not lead into this. The resident's association is compulsory for all owners. There will be a covenant on the titles to fund the association and comply with their rules. In response to Submitter Paul Grout's comments in regard to the flight path zones and the potential height limit of 2 storeys at this site, we have taken this into consideration, and this has been checked, and we still could have built up to 3 storeys on this site, but we only propose to build at 2 storeys.

COM – I'd like to go see the submitters properties on Monday. I want to close the hearing by next week.

3.16pm - We will wait for the right of reply and the conditions - 4pm on Monday – that would suit the 3 submitters today and suit me and Heather will be in touch.