ATTACHMENT TO THE SUBMISSION OF ROB CROZIER AND JOAN ALLIN

INTRODUCTION

We have owned various properties in Kapiti on an almost continuous basis since 1987. We have lived on the beachfront on Rodney Ave in Te Horo Beach part-time since 1998 and permanently since 2004.

We have owned properties on Manly Street in Paraparaumu and Garden Road in Raumati and enjoyed the convenience of living within a few minutes' walk of the shops and other activities, as well as the vibrancy of the local shopping area.

We now live full-time at Te Horo Beach and treasure its differences from those other areas. It is quiet, remote, and low density with narrow roads, few footpaths, limited lighting, septic tanks, water supply by bores or rainwater and surrounded by the sea and rural-zoned land. We have a unique sand and gravel beach, and gravel dunes that are unique and identified as an ecological site in the Proposed Kapiti Coast District Plan 2012 (PDP). We have wonderful friends and neighbours who also live here, both full-time and part-time.

We deal with a range of matters in this submission, but we are more concerned about the residential provisions than any other part of the PDP, including coastal hazards.

We have a wide range of concerns about the residential provisions, including the range of permitted activities, the inadequacy of many of the standards, and that insufficient account has been taken of the way of life in Te Horo Beach and other residential areas where people want a low-density, quiet residential environment, away from potentially incompatible activities. In terms of Te Horo Beach, many of the provisions in the PDP are directly contradictory to the recently-completed Te Horo local outcomes process.

In addition, we are particularly concerned at:

- the removal of the long-established coastal yard at Te Horo Beach that was in the operative District Plan (and, according to the Council, has been in place since 1979) and the potential adverse effects resulting from its removal;
- increased intensification of use at Te Horo Beach, including permitted minor flats, home occupations, commercial activities, industrial activities, and retail activities, with resulting adverse effects that have not been properly considered; and
- the changes in the residential rules from those in the operative District Plan that have the effect of making properties (including ours) rely on existing use rights, rather than being permitted activities under the PDP.

In terms of coastal hazards, we deal with Objectives 2.4 Coastal environment and 2.5 Natural hazards in this submission but will deal with other coastal hazards issues, including provisions in Chapters 4 and 9, in a later submission.

WHOLE PLAN

We acknowledge that a lot of work has been involved in preparing the PDP. However, we are of the view that the Council has let itself, the officers and submitters down by publicly notifying a PDP that was not ready for notification. Having to submit on the PDP in its current state has made it unnecessarily difficult to make submissions.

Asking Council officers what the PDP means is not, in our view, a satisfactory approach as it is the words in the PDP that matter, not what an officer says they mean. We acknowledge that we may have misinterpreted provisions and made mistakes; to the extent that we have done that, we apologise in advance.

We regret that we find ourselves opposing the whole PDP, with the exception of the specific areas and provisions for which we express support.

The PDP:

- identifies defined terms with italics (which we support) but has numerous defined terms that are not identified;
- identifies terms in italics that are not defined terms;
- does not use defined terms consistently;
- uses defined terms in situations where the defined term is not appropriate;
- includes basic errors, inconsistencies, gaps and oddities;
- is poorly drafted and confusing and uses imprecise, inconsistent terminology;
- includes provisions that are legally invalid;
- includes provisions that are ill-considered and that seem to have unintended consequences. The more we look at the provisions, the more fish-hooks we seem to discover;
- includes provisions that are contrary to, or not in accordance with, the Resource Management Act 1991 (RMA) and relevant documents referred to in the RMA, including the New Zealand Coastal Policy Statement (NZCPS), the Regional Policy Statement and the Proposed Regional Policy Statement;
- includes default permitted activity rules which may have unintended consequences;
- includes default discretionary activity rules which do have unintended consequences (eg Rule 4A.4.1);
- is unnecessarily complex and not user-friendly; and
- does not appropriately cross-reference relevant provisions.

The fact that section 32 summary reports have supported the provisions despite these deficiencies is a strong indication that proper section 32 evaluations have not been carried out and there has been a failure to consider properly the implications of a range of matters included in the PDP.

To the extent that the PDP requires property owners or occupiers in residential areas to rely on section 10 RMA existing use rights for residential activities (including houses and other buildings and structures), we oppose those provisions. It can be difficult, if not impossible, to prove that the activity was lawfully established and the restrictions in section 10 render the use limited. The 12-month limitation can effectively extinguish existing use rights. Appropriate activities, subject to appropriate standards, should be allowed as permitted activities, without forcing people to rely on existing use rights.

The relief we seek is that:

- all defined terms be identified by italics;
- appropriate terms should be defined;
- the PDP is considered carefully to ensure that the defined term is used consistently and appropriately in each case;
- where defined terms are not appropriate, other terms are used;
- where terms need to be defined that have not been defined in the PDP, then those terms should be notified in a variation to give people an opportunity to submit on them;
- there be (at least) a legal and a planning audit of the PDP by experienced resource management practitioners, taking into account the submissions lodged;
- the PDP is revised so that provisions are drafted using clear and consistent language, appropriate provisions are included, ill-considered provisions are removed, default rules are appropriate, provisions are drafted so that unintended consequences will not occur, and provisions are legally valid and in accordance with the RMA and relevant documents referred to in the RMA, including the NZCPS, the Regional Policy Statement and the Proposed Regional Policy Statement;
- the resulting rules do not force property owners or occupiers in residential areas to rely on section 10 RMA existing use rights, unless the use is clearly inappropriate for the area;
- cross-references are included to try to make the PDP more user-friendly;
- unnecessary overlapping of zoning and notations on the maps, which result in the need to look at numerous provisions in various chapters to determine if something is permitted or not, are removed; and
- further section 32 evaluations occur to evaluate the appropriateness of the provisions.

The more specific submissions that we make under the following headings are in addition to, and subject to, our general opposition to the PDP and the relief that we seek in relation to this general

opposition. Please note that where we make specific requests or suggestions with regard to wording, they are made in an attempt to be helpful and are made without limiting the generality of the relief that we seek.

Where we ask for specific relief under the following headings, we also seek such other relief as would address our concerns and such consequential relief, including changes to other objectives, policies and rules, including in different chapters of the PDP from where we raise an issue, as may be necessary or appropriate.

1.4 DEFINITIONS

In addition to the submissions we make below, we also have comments about defined terms in the context of our submissions on various substantive matters, so the comments below should not be taken as expressing the full range of our views about the defined terms.

Terms from the maps and in the text should be defined

We oppose the lack of defined terms for:
- notations used on the maps; and
- terms that seem to be defined in various places in the 1,000+ page PDP but not in the definitions in Chapter 1.

The terms on the maps and in the text that are referring to the same thing need to be consistent; they are not currently.

By way of example, the Natural Hazards maps refer to “Rural No Build”, “Urban Relocatable Build” and “Urban No Build” but the text refers to several different variations of those terms.

Providing defined terms for items shown on the maps would hopefully provide some discipline and consistency in the terminology used in the text.

Some terms that should be in definitions seem to be defined in odd places. By way of example, variations of the term “centre” are used throughout the PDP but it is difficult to understand what is being referred to. Objective 2.17 includes reference to certain centres and Policy 6.3 provides more detail. Again, providing a definition would hopefully provide some discipline and consistency in the terminology used in the text.

We note that a variety of flood hazard terms are defined on pages 9-10 and 9-11. These should be included in Chapter 1 definitions.

We ask that:
- definitions for notations used on the maps be provided; and
- definitions be provided in Chapter 1 for terms that are currently defined elsewhere in the PDP.

Alteration

We oppose and seek amendment to the definition to clarify its breadth.

The reference to “involving” should be changed to “including”. The definition should also include reference to activities including upgrading, changing layout, adding eg bathrooms, changing rooflines, changing the location of rooms, adding walls, floors, windows etc and should refer to cladding.

Boarding house, supported living accommodation, shared and group accommodation

We seek amendments to these three definitions. We refer you to our comments in Policy 5.27 and Rule 5A.1.3 in relation to these terms.

These three definitions need to be reconsidered and the relationship among them needs to be clarified.

Building, structure

We seek amendment to the definition of "Building" and, if necessary, we seek a definition of structure.

There are various references in the PDP to "building". We note that the definition of "Accessory building" refers back to the defined term "Building" so we presume that when the term "building" is used in the PDP, that "accessory building" is also included. However, there are provisions that refer both to "accessory building" and "building", which has caused us some concern. If use of the term "building" in the PDP does not also include "accessory building", then we have a range of issues about the use of the term "building" throughout the PDP that we have not addressed specifically in our submission and we raise here that we oppose use of the term "building" if that is how it is used.

The definition of "Building" says that it means "... any ... structure ...", but there are also various references in the PDP to "structure", including occasions where it is italicised, but there is no definition of "structure".

When there is a reference to "building" in the PDP, it mean reference to structures, except those that are excluded from the definition. That may not always be what is intended when the term is used in the PDP.

Because there are exclusions in the definition of "Building", rules and standards that refer to "building" do not include the exclusions. We are aware that there were also exclusions in the definition in the operative District Plan.

Exclusions in the definition in the PDP that could have an adverse effect on amenity if placed inappropriately are #4 (detached structures not exceeding 2.4 m in height and 8m2 in gross floor area - 1 metre from any adjoining property boundary) and #5 (aboveground water tank not exceeding 30,000 litres - compliance with the height and height in relation to boundary rules and is no less than 1 metre from any property boundary for the zone in which it is located). Water tanks this size are 3.1 m high and 3.7 or 3.8 m wide.

We are concerned about the placement of these structures in what should be the coastal yard (or if our request for the reinstatement of coastal yards is not successful, then in the rear yard for beachfront properties directly adjacent to the coast, assuming the rear yard provisions are revised in Rule 5A.1.8 to provide for a rear yard along the boundary with the coast). Placement in front yards could also raise amenity issues. We are of the view that the restrictions are not adequate to deal with the amenity issues and potential cumulative effects.

There is also inconsistency in the terminology in the definition. By way of example, #7 has different wording in relation to caravan from the wording in the definition of "Household unit".

There are also different references to property boundaries which are confusing and not consistent with terminology in the PDP.

We seek the following relief:

- revise the wording of the definition, including the references to boundaries, so terminology that is used is consistent within the definition and the PDP and so that unintended consequences do not occur;

- reconsider the restrictions for exclusions #4 and #5 (in relation to above-ground water tanks) and provide appropriate yard setbacks, height requirements (for #5) and other provisions to protect views and amenity;
- in relation to the coastal yard that we seek to be reintroduced or, failing that, in back yards where properties adjoin the coast, we seek that exclusions #4 and #5 (in relation to above-ground water tanks) not be permitted; and
- if necessary, include a definition of structure and revise the rules to include appropriate standards that deal with relevant structures.

Coastal protection structure

We oppose this definition because it is confusing.

We ask that it be revised so it is clear.

Development

We seek amendment to the definition.

We note that the definition includes alteration (a defined term), but does not include addition or minor work (both also defined terms) and query if they should be included. It seems that they should.

The relief we seek is that it seems that reference to “addition” and “minor work”, both of which are defined terms, should be included.

Dust nuisance

If the definition is retained, we seek amendment of it. Smoke from incinerator and rubbish fires is the issue that creates a nuisance for some people at Te Horo Beach.

We ask that the defined term be entitled “Dust or smoke” nuisance or something similar.

Existing

We oppose this definition.

The term “existing” is used in a number of locations in the PDP where this defined term would not be appropriate, including where the PDP seems to mean simply buildings in existence.

In addition, the definition is confusing and inappropriate.

We seek the following relief:
- delete the definition;
- if the definition is retained, the wording needs to be revised.

Habitable building, habitable room, (minor) habitable buildings unit

We oppose the definitions of “Habitable building” and “Habitable room” because they are confusing and they do not fit well with the permitted activities in the PDP for the Residential and Beach Residential zones, including home occupations, commercial activities, industrial activities, etc.

We oppose the lack of a definition of the wording “habitable buildings unit (includes garage or carport)” and “[m]inor habitable buildings units” used in the rules in section 11P.1 as the meanings are not clear and how those terms relate to the defined term “Habitable building” is not clear.

We seek:
- reconsideration of the use of the definitions “Habitable building” and “Habitable room”;
- revision of the definitions to clarify their meaning and to ensure that the meaning is appropriate for the context in which the terms are used; and

We seek the following changes to Schedule 3.1 on pages 3-74 and 3-75:

- the “Name” column should be changed to “Te Horo Beach Gravel Dune” or something similar to convey the gravel nature of the feature;

- the “Location” column should be changed to “Rodney Avenue and Sims Road, Te Horo”;

- the “Description/Significance/Dominant Habitat or Vegetation” column should be changed to omit the historical information and focus on the ecological information, including information in the Wildlands report. Such wording should include reference to the following (or similar):

  > “This 4.5 km gravel beach (dunes) is the only example of its kind in the Foxton Ecological District. Gravel beaches (dunes) are naturally rare ecosystems and are endangered. Invasion by weeds and loss of indigenous vegetation cover are problems.”; and

- the “Significance” column is blank and should be completed based on information in the Wildlands report.

In relation to Map 04D, we seek the removal of notation K231 from private property (including 1 Rodney Ave) and from the Mangaone Stream.

PRIORITY AREAS FOR RESTORATION - CHAPTERS 2 AND 3 AND MAP 04D

We support priority areas for restoration where:
- they are along riparian corridors and would provide protection for the quality of water; or
- where they would restore degraded wetlands.

But otherwise, we oppose the priority areas for restoration. In particular, we oppose the areas shown along Rodney Ave and nearby streets, Te Horo Beach shown on Map 04D. That includes the properties as well as the road and road reserve.

We also oppose the related text in the PDP, and all relevant objectives and policies, including the text on page 3-3, Objective 2.2, and Policy 3.14. The provisions are not in accordance with the RMA, NZCPS, Regional Policy Statement or the Proposed Regional Policy Statement.

We were told by Council planning staff at an information day about the PDP that priority areas for restoration only applied to subdivision, but that does not seem to be consistent with the wording of Policy 3.14.

There is no valid environmental (or other) reason for linking ecological sites, outstanding natural landscapes and significant amenity areas.

Identifying Rodney Ave and nearby streets as a priority area for restoration is also not warranted and is contrary to the RMA, including Part 2 matters. The identification is not in accordance with the NZCPS, Regional Policy Statement or the Proposed Regional Policy Statement.

The section 32 evaluation is not adequate and provides no valid justification for including the areas along Rodney Ave and nearby streets.

The identification is not consistent with the description on page 3-3 of the PDP or Objective 2.2 and, to the extent that it is seen to be consistent with Objective 2.2, we oppose that objective.

The notation takes no account of the fact that:
- Rodney Ave and nearby streets have no footpaths (except a short, narrow one around the S-E blind corner of the Rodney Ave/Te Horo Beach Road intersection) so unless people walk on the street, they need to walk on the grass verge;
- the streets are narrow, with no space for parking on the paved area, so vehicles park on the grass verge;
- we have rural delivery, so the postie needs to drive on the grass verge to access mail boxes; and

- the verges need to be clear of treasured vegetation for a number of reasons, including people's safety.

We seek the following relief:
- if the Council wants owners of properties on Rodney Ave and nearby streets to do something in relation to planting, this should be done through education and non-regulatory means;
- amend Objective 2.2;
- delete "land use or development" from Policy 3.14; and
- remove the "Priority areas for restoration" marking on Map 04D from the properties on Rodney Ave and nearby streets and from Rodney Ave and the verge.

LANDSCAPE CHARACTER AREAS - CHAPTERS 2 AND 3 AND THE MAPS

We oppose the landscape character areas and all of the relevant objectives, policies, rules and explanations. In particular, we oppose the text on page 3-18 of the PDP, Objective 2.9, Policy 3.20, Schedule 3.6 and the maps.

The notations on the PDP maps are inadequate to alert people to the fact that their property is in a landscape character area.

There was no notification in the letter to property owners indicating that landscape character areas were proposed to cover the entire district.

There is no justification under the RMA, the Regional Policy Statement, the Proposed Regional Policy Statement or the NZCPS for covering the entire district with landscape character areas.

The provisions in the PDP about landscape character areas are contradictory and confusing as to the purpose of such landscape character areas.

We seek the following relief:
- revise Objective 2.9 to make it more focussed and less extreme and all-encompassing;
- remove all provisions relating to landscape character areas;
- delete Policy 3.20 and Schedule 3.6; and
- remove all landscape character areas from the maps.

NORTHERN BEACHES SIGNIFICANT AMENITY LANDSCAPE (pages 3-127 to 3-130)

We support the references to an advancing shoreline in the northern beaches and want them retained.

We note the reference to "District Plan ID: 2" and wonder if there are supposed to be some notations on the maps to identify which significant amenity landscape on the maps relates to which wording in the text. If so, we seek amendment to the maps to identify the relevant District Plan ID numbers. If not, then we seek amendment to clarify how a person is to identify which District Plan ID number in the text relates to which areas on the maps.

We seek amendment to the statement on page 3-129 that "Bylaws provide for vehicle and horse riding access along the beach, excluding the Mangaone Stream Mouth". This is not correct. The Beach Bylaw does not allow two wheeled motorbikes on the beach. The Beach Bylaw also restricts driving on the beach to specific areas. By way of example, vehicles cannot drive on the beach in front of the houses on Rodney Ave. We ask that the wording of the Beach Bylaw be accurately reflected.

Please also see our comments and the relief sought under the heading RIVERS AND STREAMS WHERE CLEARANCE, MOUTH STRAIGHTENING ETC OCCUR - ALL RELEVANT CHAPTERS AND RELEVANT MAPS OF THE PDP.

We seek:
- retention of the references to an advancing shoreline;
- appropriate amendments so that it is clear which District Plan ID number in the text relates to which areas on the maps; and
- that the provisions of the Beach Bylaw be accurately reflected.

CHAPTER 3 RULES

Please see our comments and the relief sought under the heading RIVERS AND STREAMS WHERE CLEARANCE, MOUTH STRAIGHTENING ETC OCCUR - ALL RELEVANT CHAPTERS AND RELEVANT MAPS OF THE PDP.

LIVING ENVIRONMENT - CHAPTER 5 AND ALL RELATED CHAPTERS

Living Environment relief - general

We remind the Council that we included a number of reasons for opposing the PDP as a whole and sought relief in relation to that opposition. Those submissions relate to the whole PDP, including the living environment provisions, and we generally do not repeat them here.

Except to the extent that we indicate support, we oppose all of the objectives relating to the living environment and residential zones and all of the provisions, including the policies and rules in Chapter 5 (and relevant provisions in other chapters that relate to activities in the residential zones), and relevant definitions.

The reasons include those that we referred to in our opposition to the PDP as a whole and also:
- Council seems to be adopting too much of a “one size fits all” approach which is inappropriate, especially for Te Horo Beach;
- there is too great a focus on seeking to make residential areas multi-faceted areas;
- there is insufficient attention given to maintaining the low-density, quiet character of existing residential areas and on avoiding, remedying or mitigating adverse effects of activities;
- inappropriate activities are permitted;
- there is insufficient attention in the policies and the rules (including the standards) to the environmental carrying capacity of areas such as Te Horo Beach;
- standards are inappropriate and inadequate, both in Chapter 5 and in the other chapters that should be providing appropriate standards;
- cumulative effects have not been adequately considered;
- provisions have gaps, inconsistencies, errors, and unintended consequences; and
- rules do not reflect what is in the policies.

The more specific comments that we make and the relief we seek under specific headings below are in addition to, and subject to, our general opposition to the PDP as a whole and to the living environment and residential zone provisions.

In summary, we seek reconsideration of all of the provisions and, in particular, a review of the rules by experienced resource management legal and planning practitioners.

Objectives

Objectives - general reasons

We oppose and seek amendment to the Living Environment objectives:
2.3 Development management;
2.11 Character and amenity;
2.12 Housing choice and affordability; and
2.19 Urban design.

Taken together, these objectives place insufficient emphasis on what it is about residential areas that enables people to live in them happily, comfortably and safely and away from other types of activities that can adversely affect people's enjoyment of the area and amenity values, including by cumulative adverse effects. There is insufficient emphasis on separating potentially incompatible activities. The objectives, combined with Objective 2.17, seem to focus on vitality of centres and regional and global issues and transport and infrastructure efficiencies, at the expense of referring to the importance of retaining the quiet, low-density character of existing residential areas, which is important to the people living in them.

The explanation to Objective 2.11 states:

"The coastal villages of Te Horo and Peka Peka are low density, low scale settlements which have grown out of weekend bach use. The challenge for Te Horo and Peka Peka is to maintain their character as they come under increasing pressure to expand."

But the proposed objectives set the stage for a range of activities that are inappropriate in Te Horo Beach and in other residential areas. The objectives and the resulting policies and rules do not assist in maintaining the character of Te Horo Beach.

In relation to Te Horo Beach, they fail to recognise that we rely solely on septic tanks and either bore water or rainwater for drinking supplies. We have a single, narrow access road that narrows to an even more narrow pinch point at the entry to the village. Te Horo Beach Road has two one-way bridges (and Sims Road a third). Most streets have no kerbs or footpaths and no room for parking on the paved area. The Residential zone at Te Horo Beach is not set up for increased intensification and the range of activities for which these objectives set the stage.

We live in, and love, Te Horo Beach because it is a quiet, remote residential community, cut off from other areas. The Council should be well aware by now that people in Te Horo Beach like it the way it is and do not seek the kinds of changes that are envisaged by these objectives. The recently-completed local outcomes process for Te Horo confirms that. Indeed, many of the provisions in the PDP are directly contradictory to the Te Horo local outcomes.

Objective 1.0 from the operative District Plan encapsulates what we want as an objective for our residential area:

"OBJECTIVE 1.0 - GENERAL

ENSURE THAT THE LOW DENSITY, QUIET CHARACTER OF THE DISTRICT'S RESIDENTIAL ENVIRONMENTS IS MAINTAINED AND THAT ADVERSE EFFECTS ON THE AMENITY VALUES THAT CONSTITUTE THIS CHARACTER AND MAKE THE RESIDENTIAL ENVIRONMENTS SAFE, PLEASANT AND HEALTHY PLACES FOR RESIDENTS ARE AVOIDED, REMEDIED OR MITIGATED"

and we strongly oppose the move away from this objective, except that the reference to amenity values is probably not sufficiently wide in light of its definition in the PDP/RMA.

The terminology in the objectives is confusing. In Objective 2.3, there is reference to "*existing urban areas*" (a defined term), "existing townships", "centres" and "settlements". Objective 2.11 refers to "communities", "village", "town centres" (a defined term), "neighbourhood centres" and "village communities" and the explanation refers to "unique centres", "villages and townships". Objective 2.19 refers to "community" and the explanation refers to "centres", "neighbourhood", "community", "town centre" (a defined term), "village", and "neighbourhood centre". The terminology should be clarified, defined terms used where appropriate, and the provisions revised using consistent terminology. We note that Objective 2.17 and Policy 6.3 refer to certain types of centres. It is not clear to what extent the various references to centres are referring to these and that should be clarified.

Without limiting the generality of our general reasons, we set out some more specific reasons.

Objective 2.3 - more specific reasons

In terms of Objective 2.3, the meaning in d) of “areas of special character or amenity” is not clear but needs to be made wide enough to include maintaining low density in areas such as Te Horo Beach.

On page 2-8, in the explanation to Objective 2.3, there is reference to disestablishment of on-site water and wastewater systems and relatively uncontrolled demand for services. None of that applies in Te Horo Beach where we have septic tanks and people provide their own drinking water from bores or rainwater supply.

Figure 2.1 (page 2-10) seems to demonstrate the inappropriateness of this objective to a place like Te Horo Beach.

The paragraph (page 2-10) about threats from natural hazards fails to acknowledge that restrictions based on natural hazards such as climate change or earthquake can have social, economic and other implications if they are inappropriately restrictive. In addition, the two references to “avoid” in the first sentence are too extreme.

In the first paragraph on page 2-11, it is not only the District’s environmental carrying capacity that is relevant, but also the more local environmental carrying capacity.

Objective 2.11 - more specific reasons

Character and amenity is probably not a wide enough title for the objective, in light of the definition of amenity in the RMA and the PDP (assuming that amenity is intended to have the same meaning as the defined term “Amenity values)”. We note that the explanation does not correctly reflect the RMA definition.

There is little in Objective 2.11 that refers to maintaining the quiet character of residential environments or to protecting residents from potentially incompatible activities. There should be more focus on that.

We support, but seek amendment to, the statement:

“The challenge for Te Horo and Peka Peka is to maintain their character as they come under increasing pressure to expand.”

It should also refer to pressure to intensify, which is the pressure being imposed on Te Horo Beach not by anything in the Te Horo local outcomes process, but by the Council in the provisions of the PDP.

The provisions in the PDP do little to help Te Horo Beach maintain its character.

In the explanation to Objective 2.11, the description linking the “coastal villages” of Peka Peka and Te Horo should be separated as Peka Peka is now quite different from Te Horo, with Peka Peka, for example, having a connecting road to Waikanae as well as good access from SH1. The Te Horo Beach Residential zone would seem to be unique in that it is the last of the “old style” beach villages that relies on septic tanks as well as bore water and rain water for drinking, with one narrow road accessing the village, and most streets with no kerb or footpath. We have a gravel beach and a unique gravel-based coastal reserve. We have no nearby “centre” and no desire to have one.

Objective 2.12 - more specific reasons

Objective 2.12 refers to “environmental sustainability, in particular resource, water and energy efficiency”. From our perspective, a more important matter to refer to in terms of environmental sustainability is avoiding adverse effects caused by different housing (and activity) types eg increasing pressure on septic tanks that affect the drinking water of people using bores, caused by

increased intensification due to a range of permitted residential (and non-residential) activities. There are also health and safety issues.

Objective 2.19 - more specific reasons

Objective 2.19, with its references to a “diversity of experiences” and “vibrant” does not capture what we seek at Te Horo Beach and probably not what most people living in residential areas seek.

The sentence on page 2-41 “Future development should broaden the range of living, working, entertainment, learning and recreational choices” needs to be qualified.

Again, in the explanation, the reference to “avoiding” hazards is too extreme.

We support the reference in the explanation to the ecological carrying capacity of the local environment, but that concept should be conveyed in appropriate language in one of the objectives, not just the explanation.

Relief sought for the objectives

We ask that the objectives including Objectives 2.3, 2.11, 2.12 and 2.19 and the explanations be rewritten to address our concerns (and that there be consequential changes to all of the relevant policies), including by doing the following.

Include Objective 1.0 from the operative District Plan:

“ENSURE THAT THE LOW DENSITY, QUIET CHARACTER OF THE DISTRICT’S RESIDENTIAL ENVIRONMENTS IS MAINTAINED AND THAT ADVERSE EFFECTS ON THE AMENITY VALUES THAT CONSTITUTE THIS CHARACTER AND MAKE THE RESIDENTIAL ENVIRONMENTS SAFE, PLEASANT AND HEALTHY PLACES FOR RESIDENTS ARE AVOIDED, REMEDIED OR MITIGATED.”

except that the reference to amenity values should be widened (in light of its definition in the PDP/RMA) and rewrite the objectives so that this is the focus for the residential zones and so that the objectives incorporate the matters of concern that we have expressed.

Provide reference in the objectives (rather than just the explanations) to something that captures, using appropriate language, the concept of the environmental or ecological carrying capacity of the local environment (or similar concept) in relation to the concerns that we have expressed about the potential adverse effects of activities at Te Horo Beach.

Clarify the terminology used in the objectives and the explanations, use defined terms where appropriate, and revise the provisions using consistent terminology.

Widen the wording in Objective 2.3 d) so it is clear that it refers to places like Te Horo Beach.

Change the explanation to Objective 2.3 (on page 2-8) to refer to:

“disestablishment of on-site water and wastewater systems <u>in some areas</u> and relatively uncontrolled demand for services <u>in those areas.</u>”

In the paragraph about natural hazards in the explanation to Objective 2.3:
- state that restrictions based on natural hazards can have social, economic and other implications if they are inappropriately restrictive; and
- qualify the two references to “avoid” in the first sentence perhaps by including “unreasonably” twice or some other appropriate terminology to “tone down” the paragraph.

Widen the focus of Objective 2.11, including the title and the matters dealt with in the objective, to deal with the range of adverse effects that may not come within the PDP (and RMA) definition of “Amenity values”, if “amenity” is intended to have the same meaning.

In the explanation to Objective 2.11:

- correct the explanation about amenity values to be consistent with that in the RMA (and the definition in the PDP) and include whatever terms are used to widen the focus of the objective;
- provide a separate description for Te Horo Beach, as distinct from Peka Peka. Wording along the following lines is suggested: The coastal community of Te Horo Beach is a quiet, remote, low-density area with one narrow road accessing the village, many streets with no kerbs or footpaths, and potential adverse effects from septic tanks on drinking water supplied by bores, so the activities that would be appropriate in this area are different from other areas with better services and infrastructure; and
- amend the sentence "The challenge for Te Horo and Peka Peka is to maintain their character as they come under increasing pressure to expand" so that it also includes reference to "or intensify" or a similar reference.

Widen Objective 2.12 to include the concept in general terms of the importance of health and safety issues relating to drinking water by avoiding pressure on septic tanks (but using appropriate terminology).

In the explanation to Objective 2.19, on page 2-41:

- qualify the sentence "Future development should broaden the range of living, working, entertainment, learning and recreational choices", for example by adding "where appropriate"; and
- qualify the reference to "avoiding" hazards.

Where we seek relief in relation to the policies and rules, we also seek such corresponding and consequential changes to objectives (in this chapter or other chapters) as may be necessary or appropriate.

What is the meaning of "living environment" and "working environment"?

We oppose the lack of a definition of "living environment" and the inconsistent use of the term in the PDP and the lack of a definition for "working environment".

There seem to be different meanings of "living environment" in different parts of Chapter 5. In the Introduction of Chapter 5 (page 5-1) it says "The living environment of the Kapiti Coast includes the urban areas where residential activities are the primary activity (i.e. the *Living Zones*) and other areas where residential activities are undertaken in conjunction with other activities, such as in town centres and rural environments."

(The reference to "town centres" is somewhat confusing as Town Centre is a defined term meaning the Town Centre Zone. Is town centres the same as that or different?)

In any event, the description of "living environment" under the heading Zone Descriptions (page 5-11) says the "The District's living environment comprises four zones and a number of spatially defined precincts..." None of those would seem to include town centres or rural environments.

Those two meanings of living environment do not seem to be the same.

We seek the following relief:

- the meaning of "living environment" needs to be clarified, defined and used consistently throughout the PDP. Where "living environment" has been used in a manner that is not consistent with whatever its defined term is, then appropriate amendments should be made to the PDP;
- in the Zone-specific provisions in Chapter 5, reference to the defined term "Living Zones" should be used rather than reference to "living environment"; and
- the meaning of "working environment" also should be defined as it is referred to in various provisions in Chapter 5. If there are inconsistencies in use of that term, they should be remedied.

5.1 District-wide provisions

Policies - District-wide provisions - General relief

In relation to the district-wide policies, we also seek the essence of the relief that we sought in relation to the objectives and such consequential changes to the policies (in this chapter or other chapters) as may be necessary or appropriate to implement the changes that we seek in the objectives and the rules.

Policy 5.1 - Growth management

We support the general approach of Policy 5.1 of retaining a predominantly low residential density in the Residential Zone, though we query the reference to "wider Residential Zone".

We also seek amendments including:
- clarify the meaning of "wider Residential Zone", with reference to the defined term "Living Zones" being a suggested alternative;
- in d) add "or intensification" after "expansion" as intensification can adversely affect the matters referred to in d);
- there is reference to "settlements" here and we have commented earlier about inconsistent terminology. Consistent terminology should be adopted and used consistently throughout the PDP; and
- the last sentence in the explanation should include cross-references to the relevant provisions.

Policy 5.3 - Housing choice

We oppose Policy 5.3 and seek amendments.

The policy refers to "living environment" and we have already discussed our concerns about the need for this term to be defined and used consistently in the PDP.

Encouragement of the items listed needs to be qualified as they would not be appropriate in all areas and could lead to adverse effects. The policy potentially sets the stage for rules or activities that are not appropriate in some residential areas. By way of example, Te Horo Beach has a narrow access road, two one-way bridges on Te Horo Beach Road (and a third on Sims Road), septic tanks, and water supply from bores and rain water.

We ask that the wording of the policy be reconsidered in light of our general and specific concerns, including by:
- adding reference to "in certain areas" or "where appropriate" (or similar wording); and
- replacing the reference to "minor flats" with "family flats".

Policy 5.4 - Managing intensification

We oppose Policy 5.4 and seek amendments.

The policy anticipates intensification, which we oppose. The local outcomes process for Te Horo did not seek intensification. Apart from one sentence, the explanation to the policy seems to focus on the benefits of intensification.

As with our submission about the objectives, this policy should be revised to reinforce the quiet, low-density attributes of residential areas with intensification only allowed in certain areas and under appropriate circumstances.

The reference to the relationship to the street is not sufficient as the relationship to the coast and open spaces is also relevant and that should be referred to.

There should be revision of the reference to dealing with building bulk and location through "architectural detailing" because that seems to be an approach that is:
- too narrow to deal with bulk and location issues; and

- sets the stage for inappropriate intrusion of Council staff and others into decisions about such details as “architectural detailing” (whatever that actually means).

There should also be reference to the concept of carrying capacity of the environment (or similar concept), but using appropriate terminology, to address issues at a place like Te Horo Beach where, for example, people in the Residential zone rely on septic tanks and bore water (or rain water) for drinking water so there are potential health and safety implications of inappropriate intensification.

We seek rewording of the policy to address our general concerns and our more specific concerns including:
- the policy should state that there are areas where intensification will not be appropriate and where it will be restricted, and the explanation should better reflect the potential adverse effects of intensification;
- the policy should be revised to reinforce the quiet, low-density attributes of residential areas with intensification only allowed in certain areas and under appropriate circumstances;
- in addition to referring to the relationship with the street, the relationship with the coast and open spaces should be referred to;
- the reference to “architectural detailing” should be revised;
- the policy should include reference to the concept of carrying capacity of the environment (or similar concept), but using appropriate terminology, to address issues at a place like Te Horo Beach; and
- the explanation should be revised to address more fully the potential adverse effects of intensification.

Policy 5.5 - Residential density

We support the identification in the last sentence of the explanation of Te Horo Beach as a place where the amount of development that can be sustained is limited. Subject to that, we oppose and seek amendment to Policy 5.5.

The concept of the carrying capacity of an area (again, using appropriate terminology) should be included in the actual policy, rather than just the explanation, for reasons similar to those we expressed for Policy 5.4.

In addition, it is not only “development” that should be limited as the range of permitted activities, and related cumulative effects, also affect the pressure that is put on the area. This should either be addressed in this policy or perhaps in another (or a new) policy.

An area-specific approach may not provide sufficient fine-tuning to avoid adverse effects in some communities. Notwithstanding the last sentence in the explanation and g) in the actual policy, the rules do not appropriately distinguish what is appropriate in a place like Te Horo Beach. To treat Te Horo Beach in the same manner as other areas in the Residential zone has the potential to lead to significant adverse effects at Te Horo Beach.

We ask that the policy be reconsidered to address our general concerns and our more specific concerns noted above. Our suggested changes include the following:
- include appropriate reference in the policy to address issues such as occur at a place like Te Horo Beach where people in the Residential zone rely on septic tanks and bore water (or rain water) for drinking water so there are potential health and safety implications of inappropriate intensification and where there is a narrow access road to the community and most streets have no footpaths or kerb and channel;
- it is not only “development” that should be limited as the range of permitted activities, and cumulative effects, also affect the pressure that is put on the area. This should either be addressed in this policy or in another (or a new) policy; and
- in g), add “roading” in the brackets.

Policy 5.7 - Residential buildings

We oppose and seek amendments to Policy 5.7.

It is not only residential buildings (a defined term) that should be addressed in the policy as other buildings and structures can cause adverse effects and they should be included in the policy.

In a), the reference to adjacent "*lots*" is not wide enough as, for example, the amenity of adjacent areas (eg open spaces, the coast) should also be addressed. There should be recognition of such areas, either in this policy or in a new policy.

There is not adequate reference to issues relating to buildings, for example, the importance of yard requirements, including for buildings and structures other than residential buildings. Referring to separation distances between buildings does not adequately deal with the potential effects on neighbours or on the coast. These matters should be addressed in the policy.

We have submitted in the rules that screening can cause potential adverse effects.

References to terms such as "avoided" and "retained" are too extreme.

We ask that the policy be revised to deal with our general concerns and the more specific concerns and that we have expressed above, including:

- the policy should address not only residential buildings but also other buildings and structures (eg the exclusions from the definition of "Building");
- the reference to adjacent "*lots*" is not wide enough as there should also be reference to other areas (eg open spaces, the coast);
- there should be reference to other issues that can affect neighbours or areas such as the coast, including for example, the importance of yard requirements, including for buildings and structures other than residential buildings;
- the reference to screening should be qualified; and
- terms such as "avoided" and "retained" are too extreme and should be qualified.

5.2 Zone-specific provisions

Policies - Zone-specific provisions - General relief

In relation to the zone-specific policies, we also seek the essence of the relief that we sought in relation to the objectives and such consequential changes to the policies (in this chapter or other chapters) as may be necessary or appropriate to implement the changes that we seek in the objectives and the rules.

Policy 5.11 - Residential activities

We support that residential activities should be the predominant use in the Living Zones but seek amendment of Policy 5.11.

We note, in passing, that residential activities do not actually seem to be a permitted activity in their own right in the rules and wonder if this is intentional or not.

It is not only subdivision and development that are relevant, but also residential land use activities. They have various potential adverse effects which should be addressed in the policies.

The use of defined terms in this policy (eg "*development* of *residential activities*") seems odd. Is it possible to have "*development*" of "*residential activities*"? The use of the defined terms should be reconsidered.

Policy 5.11 b) is too extreme.

Policy 5.11 g) - we support limiting the number of household units but query whether the reference should be to lot or site. We are on a double section, which has been developed as one site. So, presumably the reference should be to "site" or perhaps "lot" or "site". We have also commented on the issue that a minor flat is not part of a household unit and we consider that it should be. If minor flats are not included in a household unit, this provision should be revised to limit minor flats as well in certain circumstances, eg the circumstances we have explained at Te Horo Beach.

We oppose the reference in Policy 5.11 h) to "*buildings* which are *ancillary* to residential activities [sic]". If the reference is setting the stage for minor flats, we note that its terminology is different from that used in the definition of "Minor Flat". To the extent that it sets the stage for minor flats, we oppose it.

Presumably, the explanation should refer to Living Zones rather than living environment.

We ask that Policy 5.12 be revised to deal with our general concerns and the more specific points raised above, including:

- revise the policy to include residential land use activities, rather than just subdivision and development, and to include reference to potential adverse effects from residential activities or develop a separate policy to deal with land use activities and their effects (this is similar to the relief sought under Policy 5.13);
- reconsider use of the defined terms eg "development" of "residential activities";
- qualify Policy 5.11 b);
- consider whether Policy 5.11 g) should refer to "site" or perhaps "lot" or "site";
- reconsider the treatment of minor flats;
- reconsider the reference in Policy 5.11 h) to "*buildings* which are *ancillary* to residential activities"; and
- refer to Living Zones in the explanation rather than living environment.

Policy 5.13 - Amenity

We oppose aspects of Policy 5.13.

Because of the definition of "Amenity values", which we infer is being referred to here, we suggest that the title of the policy, and the policy itself, should be widened to include adverse effects from land use activities.

It is not only development and subdivision that can have effects. Land uses are also particularly relevant. These effects extend beyond the narrow definition of "Nuisance (effects)" in the PDP and the list of factors referred to in g). We note that the last paragraph of the explanation refers to land use but the policy itself only deals with subdivision and development. This is in contrast to Policy 5.15 which deals with all three.

In addition, structures can have adverse effects and there should be policy that supports restrictions on structures that are included in the definition of "Development" but excluded from the definition of "Building". The policy is not worded in a way that includes appropriate restrictions on development, because of the limits in a) to h).

Policy 5.13 c) & d) seem to intrude inappropriately into matters that should reasonably be left to the individual. The policy seems to be too focussed on regulating things that should be left to the property owner when it should be more focussed on adverse effects on the environment (including people) off-site.

We query whether the references to "*lot*" in a) and "lots" in f) should be to "lot" or "site". It seems to us that the reference should be to "site".

Though "nuisance" is not italicised in the explanation, "Nuisance (effects)" is a defined term but not sufficiently widely defined to deal with the range of factors that can affect amenity.

We ask that the policy be revised to deal with our general and more specific concerns. In addition, we seek the following relief:

- either widen the title of the policy, and the policy itself, to deal with the range of issues related to land use effects or develop a separate policy dealing with the effects of land use activities (this is similar to the relief sought under Policy 5.12);
- include reference to restrictions on development or structures that can affect amenity;
- revise the focus of the policy to deal more with the effects that on-site development and activities can have on the environment (including people) off-site;
- delete Policy 5.13 c) & d);
- consider whether the references to "lot" in a) and f) should be references to "site"; and
- refer to Living Zones in the explanation rather than living environment.

Policy 5.15 - Residential Streetscape

We oppose Policy 5.15.

The title of the policy does not reflect the content as it deals not only with streetscapes but also with other public spaces.

The policy should be expanded to deal with the coast where properties adjoin the coast or another policy either in Chapter 5 or Chapter 4 (in the coastal environment section, not the coastal hazards section) should be developed to set the policy framework for coastal yards in the areas where there have been long-standing coastal yards, which we have asked to be reinstated.

Presumably, the policy and the explanation should refer to Living Zones rather than living environment.

Policy 5.15 g) and h) intrude inappropriately into matters that should reasonably be left to the individual.

The policy fails to consider the safety of people on the property, especially e) if the location of garages results in long driveways where children could be injured and i) makes no mention of the safety of those on the property.

The policy sets the stage for inappropriate yard requirements and is inappropriate.

The reference to the "Streetscape Strategy and Guideline (contained in Council's Subdivision and Development Principles and Requirements 2012)" is inappropriate to the range of activities in the policy.

We ask that the policy be revised to deal with our general concerns. In relation to our more specific concerns, the relief we seek includes:

- reconsider the policy and revise it in light of the concerns we express in the rules in relation to yard requirements, and changes in front yard requirements from the operative District Plan;
- remove the reference to the "Streetscape Strategy and Guideline (contained in Council's Subdivision and Development Principles and Requirements 2012)" and remove any items referred to in the policy that derive from the Guideline;
- expand the title of the policy to include open spaces and revise the policy to set the policy framework for coastal yards in the areas where there have been long-standing coastal yards which we have asked to be reinstated, and the restrictions that we have asked to be included in relation to those yards - or develop another policy either in Chapter 5 or Chapter 4 (in the coastal environment section, not the coastal hazards section) to set the policy framework for those coastal yards;
- refer to Living Zones rather than living environment;
- delete g) and h); and
- revise the wording of e) to qualify it and to deal with the issues we raise in our submissions about yard requirements; and
- revise i) to include reference to the safety of people on the property.

Policy 5.21 - Minor flats

We oppose Policy 5.21.

This is a significant change from the operative District Plan and we oppose the change and the differences in the defined terms. We are of the view that the PDP includes mixed messages about minor flats.

This policy effectively allows for intensification of use, including in areas where intensification would not be appropriate.

We are confused by the language used.

It remains unclear exactly what the purpose of minor flats is. The explanation refers to providing an increased range of housing options for smaller households, inferring that the minor flat could be let separately or dealt with separately. The reference to housing for relatives or dependants of persons residing in the primary residential building is just an example. Notwithstanding the reference to "ancillary" in the definition of "Minor Flat", we are concerned that there is significant potential for minor flats to be used, effectively, to achieve two household units on a property or to intensify residential activities on a site and let the whole property.

We note that a household unit does not include a minor flat and are left wondering what a minor flat is. Because minor flat is not included in various definitions, problems arise in the rules and standards.

In relation to a), minimising the visibility of minor flats from the street is not sufficient. What about visibility from the coast or from houses that face the coast? This provision ignores the potential impact on people all along the coast where their rear yard faces the sea and where their views are likely to be oriented.

This is exacerbated by the fact that the coastal yard eg 7.5 m at Te Horo Beach has been removed without appropriate consideration of the amenity reasons for that coastal yard.

The policy does not deal adequately with the range of potential effects and, in particular, "nuisances" and the other matters in e) are not sufficiently wide to deal with the potential adverse effects.

Adequate consideration does not seem to have been given in the policy, and the resulting rules, to the potential cumulative effects of minor flats.

We note the differences in wording between Policy 5.21 and Policy 5.22 and query whether different things are intended for all the differences in wording. If the policies remain, their wording should be reconsidered.

There should be reference to minimum lot or site sizes before a minor flat would be allowed.

There should be recognition of the environmental carrying capacity of the area. That is especially the case in areas like Te Horo Beach which have septic tanks with some people relying on bore water for drinking water, as well as a narrow access road. The reference in the explanation to Policy 5.5 about Paekakariki and Te Horo does not seem to have been considered in developing Policy 5.21 and the resulting rules. That reference needs to be referred to in this, and other relevant policies, as it applies not only to residential density in Policy 5.5 but also to other activities.

There needs to be reference to "Where appropriate" or some other qualification as minor flats will not be suitable everywhere.

We seek the deletion of Policy 5.21 and reversion to the family flat definition and provisions in the operative District Plan or revision of Policy 5.21 significantly to deal with all the issues we have raised above.

Policy 5.22 - Accessory buildings

We oppose and seek amendment to Policy 5.22.

As noted above, there are differences in wording between Policy 5.21 and Policy 5.22 and we query whether different things are intended for all the differences in wording. If the policies remain, their wording should be reconsidered.

If reference is not made elsewhere to structures (eg the exclusions from the definition of "Building") as we have sought, they should be referred to here and the title of the policy expanded.

The policy should also refer to the *use* of accessory buildings as the *use* of accessory buildings can affect the various matters referred to in the policy.

We oppose b) because it sets the stage for inappropriate front yard requirements that result in properties that are currently permitted activities needing in the future to rely on existing use rights and that is not appropriate. It should be revised.

In relation to b), it should also refer to the coastal side of properties that adjoin the coast.

The definition of "Nuisance (effects)" is not wide enough to deal with the adverse effects that can occur from use of accessory buildings, especially if accessory buildings are used for the various permitted activities in the PDP. All adverse effects should be referred to, including incompatible activities and cumulative effects.

There should also be reference to the importance of yard requirements where accessory buildings are used for purposes other than for residential activities and appropriate yard requirements should be provided in the rules.

The explanation says "associated with and ancillary to" residential activities but the policy doesn't. The terminology should be made consistent.

We note the reference to "modifications" to existing accessory building and "landform modification" in the explanation. The term modification seems to be used in different ways in the PDP. Modification of vegetation is currently the only definition. The term "modification" is used extensively in Chapter 10 without definition although Rule 10A.3.2 shows "*modification*" in italics as a defined term. As noted in our general opposition to the PDP, appropriate terms should be defined and defined terms should be used consistently.

We ask that the policy be revised to deal with our general concerns. In relation to our more specific concerns, the relief we seek includes:

- reconsider the differences in wording between Policy 5.21 and Policy 5.22 and the differences between Policy 5.22 and the explanation;
- include appropriate reference to structures (including the exclusions from the definition of "Building");
- include appropriate provisions relating to the *use* of accessory buildings;
- b) should be revised, including to take into account the comments we make in Rule 5A.1.8 about front yards and should also refer to the coastal side of properties that adjoin the coast and to structures;
- expand d) to include all potential adverse effects, including from incompatible activities, and cumulative effects;
- include reference to the importance of yard or setback requirements where accessory buildings are used for non-residential activities;
- the policy and the explanation should be made consistent; and
- use of the term "modification" here, and throughout the PDP, should be reconsidered.

Policy 5.27 - Shared and group living accommodation

We support Policy 5.27(a) but we oppose the rest of Policy 5.27 because we cannot understand what this policy is attempting to address. The policy, explanation and definition of "Shared and group accommodation" do not seem to mesh.

The definition of "Shared and group accommodation" is:

"**Shared and group accommodation** means residential activities where household units share facilities on the same site. Shared facilities excludes sharing accessways, driveway, parking areas, letter boxes and other service areas are not considered to be sufficient sharing of facilities [sic]. This definition does not include visitor accommodation."

We note that the term "household units", though not italicised, is a defined term - one household unit has one kitchen and at least one bathroom. So, shared and group accommodation is referring to a number of household units sharing certain facilities, which seems to contemplate a rather significant enterprise.

The explanation says that it includes boarding houses and various communal living arrangements, which does not seem to be correct because boarding house comes within the definition of "Supported living accommodation", a different defined term.

The definition of "Boarding house" is:

"**Boarding house** means a building in which board and live-in health care or support is provided (including women's refuges and halfway houses), or a building, which is not operated as a licensed hotel, in which board and lodging is provided or is intended to be provided for reward or payment. This definition does not include family homes where foster parents receive payment for children in their care which are included in the definition of "residential activities". A boarding house is a type of supported living accommodation." (underlining added)

The definition of "Supported living accommodation" is:

"**Supported living accommodation** means accommodation where live-in health or pastoral care/ support is provided on-site, and includes boarding houses. This definition does not include tourist accommodation or family homes where foster parents receive payment for children in their care. (Note: these are covered by the definition of "residential activities".)" (underlining added)

It is not clear to us what definition in the PDP would cover "various communal living arrangements" referred to in the explanation.

The combined effect of the definition of "Shared and group accommodation" and the wording of this policy would seem to infer that rather substantial facilities are contemplated, not boarding houses or communal living arrangements.

We note that this policy sets the stage for making shared and group accommodation a permitted activity in the Residential and Beach Residential zones. In our view, a development contemplated by this policy would not be appropriate at Te Horo Beach. It would result in a substantial change to the character of the area. In addition, permitting this activity in Te Horo Beach is directly contrary to Policy 5.27(a).

We seek the following relief:
- reconsider Policy 5.27 and clarify what it is referring to;
- clarify the definitions "Shared and group accommodation", "Boarding house" and "Supported living accommodation";
- clarify the relationship among the definitions;
- clarify how communal living arrangements fit in; and then
- revise Policy 5.27 to identify clearly what is being discussed.

Policy 5.31 - Non-residential activities

We oppose Policy 5.31.

This policy sets the stage for a range of inappropriate permitted activities that are provided for in the rules.

The policy does not give adequate attention to the the type of activity, the adverse effects, including cumulative adverse effects in residential areas, and effects on people living nearby and in the community.

The effects on residential character and amenity and the effects of nuisance are too narrow. We note that the reference here to “environmental nuisances” and the items included is different from the defined term “Nuisance (effects)”.

Again, there is no recognition of the environmental carrying capacity of an area.

The definition of “Non-Residential Activities” seems to include an error as it seems to say that community facilities, retail, commercial, service or industrial activities are not non-residential activities. We would have thought that these are classic non-residential activities. If it is not an error, then we do not understand the definition at all.
We also do not understand the reference in the definition to “other than a residential activity which is not otherwise defined in this Plan”.

The definition needs to be reconsidered and clarified. It needs to be clear what activities are non-residential activities and which are residential activities, in terms of the various activities referred to in the rules as the noise standards in Chapter 12 deal only with non-residential activities. In addition, Rule 5A.1.8 standard 13 c iii about yard requirements applies only to non-residential activities. Please also see our comments on the definition of “Non-Residential Activities” under the heading 1.4 DEFINITIONS.

In relation to Te Horo Beach, the policy is not in accord with the local outcomes process.

The relief we seek includes to delete Policy 5.31 or revise it significantly to deal with our concerns including to identify more clearly the limited areas where such activities might be suitable and the range of effects, including cumulative effects, that need to be considered. The definition of “Non-Residential Activities” also needs substantial revision to identify clearly the range of activities that are non-residential activities.

Policy 5.32 - Home occupation (and home offices)

We oppose and seek amendment to Policy 5.32 because it fails to refer to a range of matters that should be considered before providing for home occupations as that term is defined, including minimising adverse effects, including cumulative adverse effects, on the environment, those who live nearby and the community. Reference to amenity values in the policy (and character and amenity in the explanation) are not wide enough. There should also be reference to some locations not having the ability to support such activities eg the issue of septic tanks and drinking water, narrow streets without parking on the paved area, and no footpaths and kerbs at Te Horo Beach.

The policy and the explanation should refer to Living Zones rather than living environment.

In light of the issue of the definition of “Home occupation” not being appropriate to support a permitted activity, we seek the following:

- deal separately with home offices through a policy and rule regime that would make home offices a permitted activity subject to appropriate performance standards; and
- provide a policy and rule regime that would make home occupations (as well as commercial activities, industrial activities and retail activities provided they meet appropriate standards) a discretionary activity in residential areas.

If that is not accepted, then Policy 5.32 needs to be revised to deal with our general concerns and the more specific concerns expressed above.

5.2.2 Rules and Standards - Residential Zone and Beach Residential Zone

General relief sought - consequential changes to the objectives and policies

Where we seek changes to the rules, we also seek such consequential changes to the objectives and policies as may be necessary or appropriate to implement the changes that we seek in rules.

General - Rules, Standards and Notes on page 5-38

We seek amendment to the rules so that they provide relevant and helpful cross-references to relevant rules in other chapters. That might help to make the PDP a little more user-friendly and might mean that people would not need to look at so many chapters to identify what is required of them. Currently, the PDP is not user-friendly.

The "Notes" referring readers to other chapters of the PDP are not very helpful as they require consideration of so many other chapters of the PDP.

Where there are rules or performance standards that are relevant to the activities in the rules, those standards should be included in the rules or an appropriately specific cross-reference should be included (as in the operative District Plan).

In summary, we seek appropriate cross-references to relevant provisions in other chapters or inclusion of the provisions in Chapter 5.

Operative District Plan Rule D.1.1.1 (i) - Rule permitting dwelling, etc

We oppose the apparent lack of an equivalent provision to operative District Plan Rule D.1.1.1 (i), which permitted one dwelling and one family flat and accessory buildings on any lot provided they comply with all the permitted activity standards.

We seek an appropriate equivalent permitted activity rule to that in operative District Plan Rule D.1.1.1 (i), but using whatever appropriate terminology is eventually used in the PDP.

Rule 5A.1.1

We oppose Rule 5A.1.1.

We note that there is a similar (though slightly different) rule in the operative District Plan (Rule D.1.1.1(xviii)).

There has not been adequate evaluation of the sorts of activities that might be able to use this rule and the rule could lead to a range of unintended consequences. It isn't even limited to other types of residential activities, but any activities that don't happen to have been mentioned in other rules of this chapter.

Activities that have not been referred to presumably means, or includes, those that have not been anticipated. The effects therefore have not been anticipated. These activities should be dealt with as discretionary activities in Rule 5A.4.1.

Given the way that the rules and standards in the chapter have been developed, the standards are inappropriate and inadequate to deal with unanticipated activities.

We seek the restriction of the scope of this rule to residential-type activities (using appropriate terminology). If the rule is retained without modification, all of the standards need to be reconsidered and redrafted to provide appropriate standards for unanticipated activities.

Rule 5A.1.3 - Shared and group accommodation or supported living accommodation

We oppose Rule 5A.1.3.

Please see our comments in relation to Policy 5.27. The defined terms for the permitted activities are confusing.

This rule is difficult to understand, seems to contemplate quite a significant development (eg permitting an unlimited number of part-time residents, internal roading, 100 metre "*block length*", "hospital"). There are a number of ambiguous terms (eg "detached or semi-detached independent units").

The standards in this rule and other rules eg Rule 5A.1.8 and rules in other chapters are insufficient to deal with the adverse effects. These include (but are not limited to) that there does not seem to be any reference to the minimum size of land on which such a development would be permitted, no appropriate yard requirements, no on-site parking requirements (please see our comments under the heading "Rules in 11P.1 - Rules dealing with off-street parking") and no standards of the type referred to in Rule 5A.1.8 if an existing building is being used.

This rule is inappropriate as a permitted activity across the Residential and Beach Residential zones. It is inappropriate in Te Horo Beach, which relies on septic tanks and on bores and rain water for water. Increasing intensity puts pressure on septic tanks, which has implications for those getting drinking water from bores.

Permitting the activities across the Residential and Beach Residential zones, including in places like Te Horo Beach or other areas away from essential facilities, is contrary to Policy 5.26 d) and Policy 5.27 a).

We seek reconsideration of all elements of this rule, including the definitions and the standards both in this chapter and in other chapters. If the concerns that we have expressed cannot be dealt with appropriately, then Rule 5A.1.3 should be deleted and it should be made a discretionary activity. If the rule is retained, there need to be appropriate standards including (but not limited to) lot size, yards, separation distances, off-street parking, standards that apply if the permitted activity is to be in an existing building, and standards relating to all other potential adverse effects. There should also be a standard that the activity be within (say) 2 kilometres of centres (however that term is eventually defined) or some other appropriate standard to give effect to Policies 5.26 d) and 5.27 a).

Rule 5A.1.4 - Discharge of airborne contaminants

We oppose Rule 5A.1.4.

The meaning of "airborne contaminants" does not seem to be clear.

Although the standard refers to "*nuisance effect*", we assume the reference is to the definition of "Nuisance (effects)". That definition does not seem to work with this rule.

The defined term seems to be simply listing what it calls types of "pollution, or contaminants", though we note that it does not include smoke, which is actually the issue that is encountered by some people in Te Horo Beach. It does not include other items referred to elsewhere in the PDP in the context of nuisances (see eg Policy 5.31 vi)).

The combined meaning of the rule and the definition is not clear. If the rule means that none of these should be beyond the boundary of the site (eg light, noise), then it is too strict. If the rule means that none of these should create a nuisance, then it is too ambiguous to support a permitted activity. Therefore, it seems that the standard is not appropriate to support a permitted activity.

In addition, the permitted activity column refers to discharge of “Airborne Contaminants” but the definition of “Nuisance (effects)” says that it “means any types of pollution, or contaminants ...” so it is not clear which of the items listed would come within the meaning of “airborne contaminants” covered by the rule.

The relief we seek is reconsideration of this rule and the defined term in light of our comments.

In addition, if the rule is retained, the relief we seek is to:
- include smoke in the definition of “Nuisance (effects)” (and change the defined term “Dust nuisance” to “Dust or smoke nuisance” or something similar) and include all other items that should be included in the “Nuisance (effects)” definition; and
- develop objective standards that are appropriate for a permitted activity. To the extent that objective standards are not available, make the activity a discretionary activity.

Rule 5A.1.5 - Lighting

We seek amendment to Rule 5A.1.5.

Because of topography, it would presumably be possible for properties other than “adjoining” ones to be affected. We also query why the rule relates only to “floodlighting”. Presumably, by way of example, spot lights or other lighting could cause adverse effects.

We suggest:
- changing the word “floodlighting” to “lighting”; and
- changing the word “adjoining” to “other”.

Rule 5A.1.7 - Outdoor storage associated with non-residential activities

We oppose Rule 5A.1.7.

Many properties along the Kapiti Coast have a front yard facing the street and a back yard facing the coast. This rule would allow outdoor storage in the yard that faces the coast, including right up to the boundary with the coast. This is not appropriate and has the potential to impact on residents’ views as well as the amenity of the coast.

There is no limit on the height of things that can be stored outdoors.

The screening provision would not assist in relation to the coast because it refers to neighbours and any legal road.

In addition, the height of the screening has the potential to cause adverse effects. The “fence or wall” screening provision does not seem to fit very well with the provisions for fences in Rule 5A.1.2, with the potential for “screening” to conflict with what is sought to be achieved in relation to “fences”.

Allowing 25 m2 of outdoor storage seems excessive, given that it is half the size of a minor flat.

If non-residential activities cannot keep their materials inside, they should not be permitted activities. No outdoor storage should be permitted for non-residential activities.

We have already commented on the need for the definition of “Non-Residential Activities” to be changed.

We ask that:
- the standards be revised to state that no outdoor storage shall be permitted;
- if that is not done, the standards should be revised to deal with the issues that we have raised above, including height, screening, amount of storage, and that no outdoor storage shall be permitted in the coastal yard or, if the coastal yards are not reinstated, any rear yard that adjoins the coast (but using appropriate terminology).

Rule 5A.1.8 - Erection of any building, etc

General

We oppose all of Rule 5A.1.8 and seek amendments.

We oppose some activities referred to in the standards as being permitted activities. We deal with that under the heading of the relevant standard below and set out the relief sought in relation to those activities under those headings.

Because the rule only relates to new building-type activities ("Erection of any *building*, and any *minor works*, *additions* or *alterations* to any existing building ...") there are no effective standards for the various permitted activities referred to in other rules where the activity is to occur in a building that is in existence. That is not appropriate.

In addition, the rule should apply to buildings in existence because then it is clear that buildings and activities that comply are permitted activities and do not need to rely on existing use rights or Rule 5A.1.1. Moves away from the standards in the operative District Plan need to be considered carefully, as they could have the effect of making many buildings that are permitted activities and already in existence into ones that are not permitted activities and which, inappropriately, need to rely on existing use rights. That is currently a problem with the rule.

If changes from the operative District Plan result in buildings (that comply with the operative District Plan as permitted activities) that are already in existence needing to rely on existing use rights, there should be a rule in the PDP that makes those buildings a permitted activity and enables further permitted activities.

The use of the term "existing" in the permitted activities column seems problematic in light of its definition.

The wording of many of the standards is confusing and/or inappropriate and there are numerous gaps and problems in the standards.

We seek the following relief:
- all aspects of the rule should be reconsidered including use of the term "existing", the activities that are permitted, all the standards and the terminology used in the standards;
- the rule should also apply to buildings already in existence so it is clear that they, and the activities permitted in them (eg a household unit), are permitted activities if they comply, and do not need to rely on existing use rights or Rule 5A.1.1; and
- if changes from the operative District Plan result in permitted activity buildings already in existence needing to rely on existing use rights, there should be a rule in the PDP that provides that buildings that comply with the operative District Plan are a permitted activity under the PDP, and permits all the other permitted activities in the PDP.

Please also see the submissions that we made on the definitions under the headings "Building, structure", "Structure" and "Existing".

Standard 2

The terminology in standard 2 in terms of reference to "lot", "site" and "building" is confusing. The reference to Rule 5A.3.2 is also confusing.

An unintended result would seem to be that for Te Horo there must be 950 m2 of land per household unit. That would mean that for most properties in Te Horo Beach a household unit (eg a house) would no longer be a permitted activity. So, land use consent would be required to build a house on a vacant section - and there are a number of vacant sections, including a number for sale, at Te Horo Beach. Existing houses not on double sections would need to rely on existing use rights. We presume that is not intended.

We ask that the wording of this standard be clarified. In addition, one household unit needs to be permitted on a lot that is in existence, with appropriate provision for sites that incorporate more than one lot.

Minor flats - Standards 3 to 6

We oppose minor flats being permitted activities, especially in a place like Te Horo Beach where we have septic tanks and people using bores for drinking water. There are a number of other reasons why increased intensification is not appropriate, eg a narrow access road to the village, one-way bridges, no footpaths in many areas. The local outcomes process for Te Horo Beach did not seek further intensification of buildings.

No consideration has been given to the adverse effects of minor flats being placed behind a house (from the perspective of the street) but in the yard adjoining the coast (assuming that the yard provisions are revised to provide for a yard adjoining the coast) or indeed on the boundary with the coast. For beachfront properties, the rear yard is the yard that affects amenity in terms of views from nearby properties and from the beach.

The definition of “Minor Flat” is also confusing and includes differences from standard 4 on page 5-42 ie size and exclusions.

There seem to be some mixed messages in the PDP about minor flats. While the definition says it is ancillary to an existing household unit, the explanation in Policy 5.21 refers to the needs of smaller households who may seek smaller areas of land to manage or more affordable housing; minor flats not being part of one household unit in the definition of “Household unit” is also confusing.

The definition of “Minor Flat” says it means a building but standard 5 infers it can be part of a primary residential building.

Because of the complexity of the defined terms used, there are gaps where appropriate standards do not apply to minor flats. By way of example, the wording of the side and rear yard provisions in standard 13 mean that they do not apply to minor flats, which is not appropriate. Because of the complexity of the defined terms used, there may be other gaps.

We seek:
- removal of the minor flats provisions and a return to family flats from the operative District Plan;
- if that does not occur, then a complete reconsideration of the minor flats provisions and their definition and the standards that should be applying to them to address the concerns we have expressed and the potential adverse effects of minor flats;
- standard 6 should make it clear that the minor flat (or family flat) cannot be rented or used except in conjunction with the household unit. Suggested wording is “No *minor flat* [or family flat] shall be <u>rented, used, or</u> sold ...”
- there should be appropriate front, side and rear yard requirements for a minor flat (or family flat), and they should not be permitted in coastal yards as in the operative District Plan, which are 7.5 m from the seaward title boundary for Te Horo Beach and Waikanae and 70 m from the seaward edge of the existing Esplanade Reserve for Peka Peka; and
- minor flats (or family flats) should have size of lot or site requirements eg the requirements of Rule 5A.3.2 so, for Te Horo Beach, a minor flat would be permitted if the land area was over a certain size (which for Rule 5A.3.2 would be 950 m2).

Standard 7

We oppose the change in coverage from the operative District Plan, including because it disadvantages people wanting single-storey houses with attached accessory buildings and is contrary to the policies, including Policies 5.3 and 5.7.

We seek a return to the coverage provisions in the operative District Plan.

Standard 13

Coastal yard requirement: We strongly oppose the failure to include a coastal yard requirement. Standard 13 yard requirements fail to consider the adverse effects on views for residents in beachfront properties which directly adjoin the coast and the amenity benefits of coastal yards, including from the coast. There does not seem to have been any adequate evaluation of the effects of removing the coastal yard provisions that are in the operative District Plan. It is not appropriate to treat the coastal yard the same as any back yard in the district where there have been long-standing coastal yards. A pattern of development has occurred in light of those requirements and there are amenity and other implications of not including them in the PDP which have not been adequately considered.

We seek:

- coastal yard requirements as in the operative District Plan of 7.5 m from the seaward title boundary for Te Horo Beach and Waikanae and 70 m from the seaward edge of the existing Esplanade Reserve for Peka Peka. According to the Council, these three no-build setback lines have been in place since 1979 (Horowhenua County District Scheme);
- the provision should include restrictions on what can occur in a coastal yard which should include (but not be limited to) aspects such as:
  - no building (including an accessory building);
  - no structure identified as exclusion #4 in the definition of “Building” or above-ground water tank (exclusion # 5 in the definition of “Building”); and
  - no outdoor storage associated with non-residential activities (if this remains a permitted activity).

Other issues with the y*ard requirements*:

We oppose the yard requirements as they are not adequate in a number of respects including that they are complicated and confusing, there are different terms used in the different standards, not all buildings and activities that are permitted seem to have appropriate yard requirements, some setbacks are not appropriate to deal with the adverse effects and some setbacks inappropriately have the effect that (including combined with Rule 5A.1.1) buildings in existence need to rely on existing use rights (eg our house and attached garage, where the garage is on the street side of the house, but not visible from the street).

We have addressed concerns about the lack of adequate yard requirements for minor flats above.

Just by way of example, we set out some other concerns below.

The requirements for front yards are inadequate to deal with a site with four household units (as apparently allowed by standard 2) as standard 13 a i and b i refer only to any primary residential building and accessory building. There are therefore no front yard requirements relating to the up to 3 other household units/residential buildings allowed on the site.

The 4.5 m front yard in the operative District Plan for an accessory building (the operative District Plan simply required a 4.5 m front yard for all buildings, which is a superior approach to that adopted in the PDP) has become a 5.5 m front yard and 1 m behind the front facade of the primary residential building (which we strongly oppose). Such a change would have the effect (including in combination with Rule 5A.1.1) of turning many buildings that would currently be permitted activities into buildings that would need to rely on existing use rights. That is not appropriate. In addition, such a requirement fails to consider the range of properties and the appropriate provisions for such properties eg beachfront properties. It also would seem to be an unnecessary intrusion into the rights of property owners to use their properties as they wish and an inappropriate emphasis on streetscape issues at the expense of the purpose of the RMA and enabling people to provide for their social, economic and cultural wellbeing. The 4.5 m front yard from the operative District Plan should be retained, unless it is changed so that it is the same as for the front yard for the primary residential building. Having one front yard requirement for all buildings is a superior approach to that in the PDP.

The effect on properties in terms of being permitted activities, and changes from all of the operative District Plan requirements, need to be considered carefully.

We are not sure yet if the front yard requirement in relation to the primary residential building would leave any loophole for residential buildings that do not come within the definition of primary residential building to be built within the front yard.

It would seem to be much more straightforward, and appropriate, to stick to the 4.5 m front yard requirements in the operative District Plan for all buildings (or a 3 m front yard as in the PDP, but for all buildings, after having first considered the consequences on amenity, views, etc that changes from 4.5 m to 3 m may cause to people affected by the change). Having one front yard requirement for all buildings would also deal with the problem of the proposed front yard requirements for accessory buildings resulting in many properties needing to rely on existing use rights, which is inappropriate and unwarranted, and which we oppose strongly.

The definition of “Primary residential building” says it means “a building or residence”, which seems to create some confusion as to what is a “residence”.

In the side and rear yard provisions, there are references to setback “from adjoining *sites*” which would seem not to include the site boundary with the coast, given the definition of “Site” in the PDP. The effect of that seems to be that there is no rear yard or coastal yard at all for properties that adjoin the coast.

The standards referring to habitable rooms and accessory buildings are confusing.

The provisions about accessory buildings are also confusing. By way of example, the definition of “Accessory building” includes buildings used for home occupations, but home occupations should be included in the definition of “Non-Residential Activities” and therefore subject to suitable yard requirements for non-residential activities. Currently, the provisions are confusing.

We support the concept in standard 13 c iii that any building used for non-residential purposes (though it should refer to non-residential activities, the defined term) should have a 4 metre setback although the reference to “set back from adjoining *site* boundaries” seems problematical as it would not seem to include the boundary with the coast (or eg a boundary where there is a walkway to the beach between two houses), given the definition of “Site” in the PDP. In addition, it seems that this standard is of no effect because of standard 1 a in Rule 5A.1.12. Our support for the concept is conditional on the definition of “Non-Residential Activities” appropriately identifying the range of non-residential activities.

The terminology “non-residential purpose” in side and rear yards c iii is different from the defined term which is “Non-Residential Activities” so presumably the defined terminology (once it is clarified) should be used. Please see our comments on that definition. This yard requirement makes it critical that non-residential activities are defined clearly.

Standard 13 d seems confusing in light of the definition of “Primary residential building”. Given that definition, how can there be more than one primary residential building?

In Standard 13 g, it seems that the reference to Rule 9A.1.1 is an error. Is it supposed to be Rule 9B.1.2?

We are aware that there were exclusions in the operative District Plan, but there should be standards to deal with exclusion #4 in the definition of “Building” as 1 m from the boundary in that definition is not adequate. There should also be better standards to deal with above-ground water tanks (exclusion #5 in the definition of “Building”). There could be adverse effects from inappropriate placement, including cumulative adverse effects, especially in light of water meters in parts of the district. The restrictions in exclusion #5 in the definition of “Building” are not sufficient for an above-ground water tank.

The general relief that we seek, in relation to the yard provisions other than for the coastal yard in the specific areas identified (which we have addressed above), is to reconsider and redraft all the yard requirements and the definitions to clarify their meaning and to deal with the problems of the provisions, including those referred to above.

Without limiting the generality of that, we also seek the following relief;

- retain the 4.5 m front yard for accessory buildings from the operative District Plan, unless it is changed so that it is the same as for the front yard for the primary residential building - the approach in the operative District Plan of the same front yard requirement for all buildings should be reconsidered as it is a superior approach to that currently in the PDP;
- provide appropriate setbacks for all buildings, including buildings already in existence so it is clear that they, and the activities permitted in them (eg a household unit) are permitted activities if they comply, so that people do not have to rely on Rule 5.1.1 or existing use rights;
- if changes from the operative District Plan result in buildings already in existence that are permitted activities under the operative District Plan needing to rely on existing use rights into the future (which we oppose), there should be a rule in the PDP that provides that buildings or structures in existence that comply with the operative District Plan are a permitted activity under the PDP, and permits all the other appropriate permitted activities in the PDP;
- provide appropriate restrictions on structures that could have adverse effects by inappropriate placement, including the structures referred to in exclusions #4 and #5 (for above-ground water tanks) in the definition of “Building”;
- provide appropriate yard requirements for minor flats;
- redraft the provision providing for 4 m setbacks for non-residential activities so that it is effective in providing that setback both for new buildings and ones that are already in existence and either provide a 4 m setback that deals with the coastal boundary (and any other boundaries where there is no adjoining “site”) or remove the word “adjoining”, and provide a revised definition of “Non-Residential Activities” (please see our submission about the definition of “Non-Residential Activities” under the heading 1.4 DEFINITIONS); and
- for other provisions referring to “adjoining site” boundaries, either provide wording that includes the coastal boundary (and any other boundaries where there is no adjoining “site” eg boundary with a walkway) or remove the word “adjoining”. If this terminology issue arises elsewhere in the PDP, it should be changed there as well.

Rule 5A.1.10 Arable farming, etc - keeping of bees

We oppose Rule 5A.1.10 in relation to the keeping of bees. This is not an appropriate activity and the standards are inadequate - non-existent in fact.

Rob is allergic to bee stings.

The provision regarding the keeping of bees seems to be a dramatic change from the operative District Plan (non-complying activity under Rule D.1.1.4(iii)) without adequate thought of the consequences to people who could be affected by bee stings or other adverse effects, including cumulative effects.

We seek that the keeping of bees be a non-complying activity.

Rule 5A.1.12 Home occupations, and commercial, industrial and retail activities

We oppose Rule 5A.1.12.

The activities are not appropriate in a residential zone. The standards, in this rule (including no hours of work), other rules in this chapter (including inadequate yard requirements where the activities occur in a lawfully established residential building or accessory building) and the rules in other chapters (including the on-site vehicle parking supposedly dealt with in Chapter 11), are inadequate.

The reference to “lawfully established” means it is difficult (for the person carrying out the activity and any person trying to challenge it) to ascertain whether the activity is permitted or not. It would be more straightforward, for example, to refer to a residential building that meets the standards in specified rules eg a revised Rule 5A.1.8.

There has been inadequate thought given to the cumulative effect of such permitted activities, including in relation to traffic, septic tank vs bore water for drinking issues, hours of work, and the permitted activities associated with those activities (eg signs) particularly in a place like Te Horo Beach which we have described above.

The Te Horo local outcomes process did not seek these activities for Te Horo.

The definition of “Home occupation”, and in particular the reference to **“**or any other occupation, business, trade, craft or profession which could detract from the amenities of the adjoining landowner” is not sufficiently specific to support a permitted activity.

It seems odd to include a list of activities that cannot be treated as home occupations as well as the qualification about not detracting from the amenities of an adjoining landowner in the definition of “Home occupation” and then just permit commercial activities, industrial activities and retail activities in a residential zone.

There are a range of potential adverse effects, including from incompatible activities.

Given the reduced yard requirements for accessory buildings, permitting these activities in an existing lawfully established accessory building so close to the boundary is inappropriate. And if existing lawfully established residential buildings are close to the boundary, the activities should not be allowed in those buildings either. The yard requirement in Rule 5A.1.8 standard 13 c iii does not assist in relation to a building already in existence.

The cross-reference to Chapter 11 is inadequate as there are not suitable standards there.

Rule 11C.1.2 permits up to 20 vehicles per day of traffic generation to/from any activity or site. The effect of that would be marked in a low-traffic area such as Te Horo Beach with the cumulative effect even more so.

Rule 11C.1.3 deals with property access and loading for vehicles. Standard 3 refers to “commercial activities” having a minimum access of 6 metres and a maximum of 9 metres wide. It is not clear to us how this relates to standard 1 a in Rule 5A.1.12 that the activity be carried out in a lawfully established residential building or accessory building. Accesses of that size would certainly represent a change to the character of the Te Horo Beach community. Those accesses are wider than Te Horo Beach Road at the entry to the village; Te Horo Beach Road is about 5.2 m wide at the children sign and about 5.0 m wide at the 50 km sign.

Rule 11C.1.4 deals with the design and layout of vehicle parking for all activities. Rule 11C.1.3 standard 12 deals with manoeuvring, and says that all buildings and parking areas “shall be designed so that sufficient manoeuvring space is provided on-site to ensure no reversing onto the road is necessary.” However, we have been unable to find anything that requires on-site parking in rules section 11P.1 or elsewhere.

The noise provision for the Living Zones (Rule 12D.1.1) relates to non-residential activities, not residential activities. But the definition of “Non-Residential Activities” is problematic, as already discussed. Please see our comments about the definition of “Non-Residential Activities” under the heading 1.4 DEFINITIONS.

We seek the following relief:

- make home offices permitted activities, with appropriate standards;
- make the activities referred to in Rule 5A.1.12 discretionary activities;
- if these activities remain permitted activities (which we oppose), then the provision needs to be rewritten to deal with the range of issues we have addressed, including appropriate standards to deal with:

    - the activity occurring in a residential building that is already in existence, including in relation to yards, bulk and location, height in relation to boundary, coverage, etc and remove the reference to “lawfully established”;
    - hours of work;
    - potential nuisance effects (but without using the “Nuisance (effects)” definition as that is inappropriate to support a permitted activity);
    - other adverse effects;
    - incompatible activities;
    - on-site parking;
    - cumulative effects; and
    - minimum site size to deal with Te Horo Beach issues such as septic tanks and water from bores eg a site of 950 m2 for Te Horo Beach or sites that would meet the lot sizes in Rule 5A. 3.2.
- if home occupation and commercial activities remain permitted activities in residential zones, revise the definitions to exclude prostitution in residential zones or include a standard to that effect; and
- correct the definition of “Non-Residential Activities” so that it includes all non-residential activities. Please see our submission on the definition of “Non-Residential Activities”.

CHAPTER 9 RULES AND IN PARTICULAR RULES 9B.1.4 AND 9B.1.6

Please see our comments and the relief sought under the heading RIVERS AND STREAMS WHERE CLEARANCE, MOUTH STRAIGHTENING ETC OCCUR - ALL RELEVANT CHAPTERS AND RELEVANT MAPS OF THE PDP.

CHAPTER 11 - INFRASTRUCTURE, SERVICES AND ASSOCIATED RESOURCE USE

Rule 11C.3.2 - Traffic generation in the Living Zones that does not meet the permitted activity standards

We oppose Rule 11C.3.2. The matters over which the Council will restrict its discretion are not wide enough to deal with all of the matters that should be considered in allowing more vehicles per day into a place like Te Horo Beach.

This provision should be treated in the same default category as for Rules 11.C.1.3, 11C.1.4, and 11C.1.5, which is a discretionary activity.

We ask that Rule 11C.3.2 be a discretionary activity.

Rules in 11P.1 - Rules dealing with off-street parking

We oppose all the rules in 11P.1 and in particular Rules 11P.1.1 to 11P.1.5 and 11P.1.8.

We have a range of concerns about the provisions, including those set out below.

In contrast to the wording of the operative District Plan, the rules do not seem to actually state that off-street parking is required; the only reference to off-street parking seems to be in the heading.

The terminology used for permitted activities is not consistent with the terminology in the rest of the PDP and is not consistent with the range of permitted activities in the Residential zone. These need to be consistent so that it is clear what parking requirements relate to what activities.

The rules are inadequate to deal with parking requirements for the range of permitted activities in the Residential zone. There seem to be no off-street parking requirements for home occupations. There are also no off-street parking requirements for commercial activities, industrial activities or retail activities because the requirements are related to gross floor area. This is an issue in Te Horo Beach where most of the streets are narrow, with no kerbs or footpaths, and no space for parking on the paved area.

The meaning of some of the standards is unclear, especially in Rules 11P.1.2 and 11P.1.3. The meaning of “habitable buildings unit (includes garage or carport)” and “[m]inor habitable buildings units” is not clear. Please see our comments under the heading “Habitable building, habitable room, (minor) habitable buildings unit” under 1.4 DEFINITIONS.

We ask that these rules be revised:
- to provide off-street parking requirements for the range of permitted activities in Chapter 5, including in particular home occupations, commercial activities, industrial activities and retail activities, if they remain permitted activities;
- to use terminology in the permitted activities column that is consistent with terminology used in the rules in other chapters of the PDP, including Chapter 5, and that all permitted activities are addressed; and
- to clarify the meaning of the standards, especially in Rules 11P.1.2 and 11P.1.3.

CHAPTER 12 - NOISE - RULES 12D.1.1 to 12D.1.5

We seek amendment to Rules 12D.1.1 to 12D.1.5.

In terms of Rules 12D.1.1 to 12D.1.5 generally, we consider that the term “noise generator” could be confusing.

In addition, in relation to Rule 12D.1.1, we note that it refers to noise generators from non-residential activities. We repeat our comments from elsewhere that the definition of “Non-Residential Activities” needs to identify clearly which permitted activities are non-residential activities so that it is clear to which activities the noise provisions apply. Please see our comments on the definition of “Non-Residential Activities” under 1.4 DEFINITIONS.

In terms of relief that we seek:
- we suggest that the word “generator” be removed from Rules 12D.1.1 to 12D.1.5; and
- the definition of “Non-Residential Activities” needs to be revised to identify clearly which permitted activities, including activities permitted in Chapter 5, are non-residential activities.