

SUBMISSION ON A RESOURCE CONSENT APPLICATION THAT IS SUBJECT TO PUBLIC NOTIFICATION BY THE KAPITI COAST DISTRICT COUNCIL

Pursuant to section 96 of the Resource Management Act 1991

Application Number:	RM210147
Applicant:	M R Mansell, R P Mansell & A J Mansell
Proposal:	Undertake earthworks that do not meet the permitted activity standards for a 49-lot rural residential subdivision, construction of a new road, reserves to vest with Council and land use consent for a reduction in yard setbacks and modification of indigenous vegetation and the surrender of easements
Legal Description(s):	Lots 1 & 3 DP 303764, Lot 6 DP 53191 and Lots 2, 3 & 4 DP 84524

DUE AT COUNCIL OFFICE NO LATER THAN 5:00PM ON WEDNESDAY 10 NOVEMBER 2021

This is a submission on an application from M R Mansell, R P Mansell & A J Mansell to undertake earthworks that do not meet the permitted activity standards for a 49-lot rural residential subdivision, construction of a new road, reserves to vest with Council and land use consent for a reduction in yard setbacks and modification of indigenous vegetation and the surrender of easements. It is located in the Rural Residential zone. It is a Non-Complying Activity.

Please note: This form is only a guideline. If you don't wish to use this form please make sure your submission includes all the following details (see Resource Management (Forms, Fees, and Procedure) Regulations 2003, Form 13 for official submission content requirements):

Please send your Submission to:

To:	Or:
The Chief Executive Officer	Email: submissions@kapiticoast.govt.nz
Kāpiti Coast District Council	
Private Bag 60 601	
Paraparaumu 5254	

Note: You are required to send a copy of your submission to the applicant as soon as reasonably practicable after you have served your submission on the Kāpiti Coast District Council.

Please serve a copy of your submission to M R Mansell, R P Mansell & A J Mansell (the Applicant) as below:

M R Mansell, R P Mansell & A J Mansell
220 Ross Road
RD 7
Whakamarama 3179

Or email: chris@rmaexpert.co.nz

Attention: Chris Hansen

Submitter/s Details:

Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr Other:		
My/Our Full Name(s):	NZ Custodial Trustees (103) Ltd and Pendennis Custodial Trustee Ltd		
Address for service:	C/- Alice Blackwell, The Property Group PO Box 2874, Wellington	Post Code:	6140
Physical Address:	44 Tieko Street	Post Code:	
Home Ph:		Work Ph:	
Home Fax:		Work Fax:	
Cell:	027 462 5769	Email:	ablackwell@propertygroup.co.nz

Note: Correspondence will be via email unless otherwise requested.

Submitter/s Position:

Trade Competition

- I am a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
 I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Please use a clear tick in the appropriate box below (✓) to show whether you support the application in full or in part, or oppose the application in full or in part, or are neutral.

<input type="checkbox"/> I / We support the application in full	<input type="checkbox"/> I / We support part of the application *
<input checked="" type="checkbox"/> I / We oppose the application in full	<input type="checkbox"/> I / We oppose part of the application *
<input type="checkbox"/> I / We are neutral on all aspects of the application	<input type="checkbox"/> I / We are neutral on part of the application *

* If you indicate you support, oppose or are neutral for part of the application, please clearly set out the part(s) of the application you are submitting on (including reasons) in the 'My Submission Is' section of this form below.

Reasons for Submission:

The specific parts of the application that my submission relates to are:

Please see details attached.

Please use additional pages if required.

My Submission Is:

Include further detail on whether you support, oppose or are neutral on the application or specific parts of it, and the reasons for your views:

We oppose the application. Please see details attached.

Please use additional pages if required.

Decision Sought:

I / we seek the following decision from the Kāpiti Coast District Council (provide precise details including the general nature of any conditions or changes sought):

We seek for the consent to be declined. If the consent is granted, we request appropriate mitigation measures as outlined in the attached.

Please use additional pages if required.

Wish to Speak at Hearing:

Please indicate below whether you would like to speak at the hearing for the application (if a hearing is required). Use a clear tick in the appropriate box below (✓).

I / we do not wish to be heard and hereby make my / our submission in writing only.
(This means that you will not be advised of the date of the hearing and cannot speak at the hearing)

OR

I / we wish to be heard in respect of my / our submission (to speak at the public hearing)
(This means you can speak at the hearing. If at a later date you decide you no longer wish to speak at the hearing you can withdraw from being heard)

If others make a similar submission, I / we will consider presenting a joint case with them at the hearing.
(This is only for parties wanting to be heard)

I / we intend to call expert witness(es). Please indicate the disciplines of expected expert witnesses.
- Planning evidence and possibly traffic evidence
(If you do not tick this box, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Hearing Panel might make)

Pursuant to Section 100 of the Resource Management Act 1991, I / we request that the Council delegates its functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Kapiti Coast District Council.

If you do wish to make a request for an Independent Commissioner pursuant to Section 100, please see notes below for potential cost implications to you.

I / we are aware that I / we are required to send a copy of my / our submission to the applicant as required under section 96(6)(b) of the Resource Management Act 1991 (please tick ✓).

11/11/2021

Signature

Date:

Signature

Date:

Please note: Signature of submitter, or person authorised to sign on their behalf is required. Signature is not required for electronic (email) submissions. If this is a joint submission by two or more individuals, each individual's signature is required.

Privacy Disclaimer

Please note: All submissions (including names and contact details) will be made publicly available at Council offices and public libraries. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kāpiti Coast District Council website. Personal information will also be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by the Kāpiti Coast District Council, with submitters having the right to access and correct personal information.

Notes to Submitters:

- The Resource Management Act (RMA) 1991 prefers electronic methods of communication.
- The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.
- If you make a request for an independent commissioner(s) under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
- You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
- If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

10 November 2021
Our Job no. 717900

The Property Group Limited
Wellington Office
PO Box 2874 Wellington 6140
Level 11, Cornerstone House
36 Customhouse Quay
Wellington 6011

The Chief Executive Officer
Kāpiti Coast District Council
Private Bag 60601
Paraparaumu 5254

Via email: submissions@kapiticoast.govt.nz

Copy via email to: chris@rmaexpert.co.nz

Dear Sir/Madam,

Re: Submission on Resource Consent Application for Lots 1 & 3 DP 303764, Lot 6 DP 53191 and Lots 2, 3 & 4 DP 84524, Application Number RM210147 on behalf of NZ Custodial Trustees (103) Ltd and Pendennis Custodial Trustee Ltd

This submission is made on behalf of NZ Custodial Trustees (103) Ltd and Pendennis Custodial Trustee Ltd, the owners of 44 Tieko Street, Otaihanga, Paraparaumu. Their property at 44 Tieko Street has been identified in Council's s95 Notification Report dated 13 October 2021 as a party requiring notification of the application.

This submission opposes the proposal in its entirety. The effects of the proposal on 44 Tieko Street, and on the environment, will be much more substantial than the applicant's proposal concludes. Relief sought is that the resource consent is **declined**. We wish to speak in support of this submission at the hearing.

If the Commissioner is of the mind to grant the application, this submission suggests amendments to the proposal should be adopted to help to mitigate the potential effects of the proposal.

The reasons NZ Custodial Trustees (103) Ltd and Pendennis Custodial Trustee Ltd oppose this application are outlined below:

Rural Amenity

The proposal has significant non-compliances with the District Plan in respect of site area and earthworks performance standards. The proposed subdivision far exceeds the density anticipated in the Rural Residential / Rural Lifestyle Zone and significantly compromises the amenity of owners / occupiers at 44 Tieko Street.

A significant reduction in the number of allotments is required in order to mitigate effects on 44 Tieko Street and uphold the integrity of the District Plan.

Density and Character Effects

The density effects, particularly from proposed Lots 12 to 19, will have an acute adverse effect on amenity experienced at 44 Tieko Street, which is proposed to be surrounded by the proposed subdivision. I note that proposed Lots 12 to 19 range in size 2,095m² to 4,660m², compiling a total area of 2.25ha. That this area also includes one of the four natural wetlands and an access leg of approximately 1,400m² for proposed Lot 19. The average lot size for these allotments is 2,823m². Taking into consideration the access leg, the average lot size falls to approximately 2,600m².

The District Plan performance standards allow for subdivision with an average lot size of 1ha and a minimum individual lot area of 4,000m². The proposal far exceeds this performance standard.

In addition to far exceeding the District Plan standards, the proposed level of density is inconsistent with the character of the surrounding area. The surrounding rural residential zoned properties typically range from .84ha to 7ha.

Privacy Effects

The proposal will result in significant loss of privacy that will adversely affect the amenity of the owners/occupiers of 44 Tieko Street. This is exacerbated by the fact that the proposal comprises substantial earthworks within 50m of 44 Tieko Street, which will also see the removal of considerable established vegetation. The application does not adequately address the potential privacy effects on 44 Tieko Street, with no cross sections or visual simulations from the perspective of 44 Tieko Street.

The Scheme Plan Earthworks provided with the application (Cuttriss, drawing number 22208 SCH, Rev K) shows significant earthworks to the north of 44 Tieko Street. This will dramatically alter the existing landform. As a result, future properties on proposed Lots 12, 13, 18 and 19 will have a finished height at the same level or higher than the dwelling at 44 Tieko Street. In addition to this, without any proposed restrictions (such as though a Consent Notice), future dwellings could be two storied, further eroding privacy and creating adverse dominance effects at 44 Tieko Street.

The proposed earthworks will see the removal of established vegetation to the north and west of 44 Tieko Street, which currently acts as a shelter belt and privacy barrier. In regard to these trees, the Landscape and Visual Impact Assessment notes:

“There are several large stands of Pinus radiata and poplar which will be removed as part of the development. While the trees are part of the existing rural character, their presence and scale prevent the establishment of native species.”

The Landscape Concept Plan and Landscape Planting Plan show 34 Titoki plants in the area directly in proximity to the subject site. The number of trees and their degree of growth will not provide the same visual screening and shelter as the existing pine trees in this area.

The proposed landscaping measures are not substantial and will not adequately provide privacy to 44 Tieko Street.

Traffic and Access Related Matters

The proposal includes an upgrade to Tieko Street and the Otaihanga Road intersection. The final width of the street will be between 4m and 5.5m. The street will not be able to consistently accommodate two-way traffic and there is no provision for formed on street parking. The Submitter is concerned vehicles travelling in opposite directions that meet on the street will be unable to pass safely. The existing impact of a single lane street is evidenced by vehicle tyre marks on either side of the street as cars attempt to manoeuvre around each other. Traffic will be further intensified by the subdivision, resulting in an additional 19 dwellings on Tieko Street and this is of a concern.

In relation to access, 44 Tieko Street is subject to an easement over the application site, for the purposes of a right of way and water supply, sewage drainage and telephone rights. While it has not been confirmed on the proposed scheme plan, it is anticipated that access to Lot 19 will be via the same easement area. As no discussion has been entered into with the owners of 44 Tieko Street, the owners of 44 Tieko Street are unsure of the implications the proposal might have on their property access, and this should be clarified by the applicant.

District Plan Zones, Objectives and Policies

The subject site is in the Rural Residential Zone of the Proposed District Plan (and the Rural Lifestyle Zone of the Operative District Plan).

Importantly, the zone description sets the context for the zone and specifically states that the Rural Residential Zone provides for lifestyle subdivisions, and the land will not be zoned residential in future or otherwise used for purely residential purposes. Further, the zone description goes on to state that *"...the existing character and overall density of development is proposed to be retained"*. The proposal is not consistent with this description as it proposes a significantly higher level of density than anticipated in the zone and will transform the character of the area to be far closer to residential than rural in character.

Objective 2.11 (of the Proposed District Plan) / Objective DO-O11 (of the Operative District Plan) clearly identifies the importance of maintaining and enhancing character and amenity values, as well as the challenge for the District in protecting the rural character from the pressures for urban expansion and rural lifestyle living.

Policy 7.2 (of the Proposed District Plan) / RLZ-P2 (of the Operative District Plan) notes that subdivision should retain the general sense of openness, natural landforms, and overall low density of development. Policy 7.11 (of the Proposed District Plan) / RLZ-P9 (of the Operative District Plan) states that residential living in the Rural Residential zone should be provided at a scale and in locations that avoid creating or expanding urban settlements.

As discussed above, the proposed high density and scale of earthworks are not consistent with the purpose of the zone, or the relevant objectives and policies.

Possible Mitigation

The application documents have not sufficiently mitigated potential effects on 44 Tieko Street. This is because of the large number of lots proposed, the significant earthworks

that will significantly alter the surrounding landform and the large scale vegetation clearance proposed. In addition, there are no proposed restrictions on the location of future dwellings or building heights. As such, should the commissioner be of a mind to grant consent additional mitigation measures should include:

- A reduction in the number of allotments surrounding 44 Tieko Street, i.e. Lots 12-20 should be reduced to only 2-3 Lots (depending on the location of the proposed building platforms).
- Landscaping should be proposed to mitigate potential privacy, density and character effects on 44 Tieko Street.
- Future dwellings should be limited to designated building platforms and building heights (via a Consent Notice) that minimise potential amenity effects on 44 Tieko Street.
- The proposed earthworks should be reduced, and the subdivision should be designed around the existing landform. The natural topography should be used to mitigate potential privacy / density effects on 44 Tieko Street.

Conclusion

The proposed 49 Lot subdivision with associated large scale earthworks and vegetation clearance represents an over development of the site that is not appropriate given the zone and overarching objectives and policies, and adverse effects on 44 Tieko Street. The proposal is out of context with the surrounding environment.

Please feel free to contact myself should you have any questions with regard to this submission.

Yours sincerely



Alice Blackwell

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