

Submission on notified proposal for plan change



About preparing a submission on a proposed plan change

You must use the prescribed form

- [Clause 6](#), Schedule 1 of the Resource Management Act 1991 (RMA) requires submissions to be on the prescribed form.
- The prescribed form is set out in [Form 5](#), Schedule 1 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
- This template is based on Form 5. While you do not have to use this template, your submission must be in accordance with Form 5.

Your submission and contact details will be made publicly available

- In accordance with [clause 7](#) of Schedule 1 of the RMA, the Council will make a summary of your submission publicly available. The contact details you provide will also be made publicly available, because under [clause 8A](#) of Schedule 1 of the RMA any further submission supporting or opposing your submission must be forwarded to you by the submitter (as well as being sent to Council).
- [Section 352](#) of the RMA allows you to choose your email to be your address for service. If you select this option, you can also request your postal address be withheld from being publicly available. To choose this option please tick the relevant boxes below.

Reasons why a submission may be struck out

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

To Kāpiti Coast District Council

Submission on Proposed Plan Change 3 to the Operative Kapiti Coast District Plan 2021

Submitter details

Full name of submitter: Brett Osborne

Contact person (name and designation, if applicable):

Postal address (or alternative method of service under section 352 of the RMA):

bretto.osborne@gmail.com

Telephone: 021 659 930

Electronic address for service of submitter (i.e. email): bretto.osborne@gmail.com

I would like my address for service to be my email <i>[select box if applicable]</i>	<input checked="" type="checkbox"/>
I have selected email as my address for service, and I would also like my postal address withheld from being publicly available <i>[select box if applicable]</i>	<input type="checkbox"/>

Scope of submission

The specific provisions of the proposed plan change that my submission relates to are:
[give details]

The proposed Plan Change 3 provisions in their entirety.

Continue on a separate sheet if necessary

Submission

My submission is: *[include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*

Support in principle the recognition of Te Kārewarewa being recognised within the District Plan, subject to the following submission points;

1. Mapping and Schedule 9 - Support the identification and addition of Wāhanga Tahī to the district plan. However, the addition of the Wāhanga Rua overlay to the District Plan map series ("Historical, Cultural, Infrastructure and Districtwide") is opposed. The addition of Wāhanga rua to Schedule 9 is also opposed. The identified overlay area comprises existing residential development on land substantially modified through the construction of the original subdivision, including the associated earthworks, infrastructure and development of residential dwellings. The undeveloped area identified within the Wāhanga Tahī overlay has experienced far less disturbance and would assist council in achieving the objective of the proposed plan change.
2. The consequential amendment of removing the Wāhanga rua overlay would be the removal of rules SASM-R3, SASM-R11, and the references to SASM-R11 within rule SASM-R16 and SASM-R19 which are opposed in so far as they relate to the Wāhanga Rua overlay.
3. Removing permitted MDRS provisions and restricting permitted standards for development of existing residential properties within the Wāhanga rua overlay is unduly restrictive, going beyond the objective of the plan change and is therefore opposed. The requirement for the application of the accidental discovery protocol ("ADP") under HH-Table 1 addresses the potential for adverse effects associated with any otherwise permitted residential development and better balances the objective of the plan change with the desire to assess potential adverse effects via land disturbance.

In addition, the following provisions (in relation to the Wāhanga rua overlay) are also specifically addressed, notwithstanding the above request;

4. SASM-R3 - Clarity is required on the exclusion of "minor buildings" within this provision as identified at 4., 6. and 7. It reads that "minor buildings" continue to be considered under the underlying zone provisions and are not captured by the SASM provisions. That approach is supported given the identified list of activities/buildings defined within 'minor buildings'. In the case that it means 'Minor Buildings' are expressly excluded as permitted activities under the SASM provisions then that is opposed. If the intent is to exclude underground disturbance such as water tanks, then this should be specifically excluded or reliance on proposed standard 4 which requires application of the ADP. Additions and alterations at 4. should include "minor buildings". New residential buildings permitted under the MDRS provisions should be included within SASM-R3 and any potential effects through earthworks/disturbance of the ground addressed via the ADP requirements.
5. SASM-R9 - this is opposed on grounds it is not necessary given the specific directions within SASM-R3 and SASM-R11.
6. SASM-R11 - This rule is opposed in part. The matters of discretion should be limited to the effects on historic heritage with the matters of discretion 2, 3 and 4 deleted as they are not relevant. The note and activity escalation to SASM-R16 for land disturbance associated with gardening should be deleted.
7. SASM-R19 - delete the reference to Wāhanga rua as it is not relevant. Intensive grazing is not possible on the developed residential properties given the lot area, individual ownership and existing development.
8. SUB-DW-R15 - oppose the proposed activity status of Discretionary for subdivision that creates additional lots. This should be amended to Restricted Discretionary. This is because the potential effects can be specifically identified and addressed through the matters of discretion. Namely the location of the building platform, the requirement of a ADP and the effects on historic heritage. Accordingly, it is requested the activity status be amended to Restricted Discretionary.

Continue on a separate sheet if necessary

I seek the following decision from the Kāpiti Coast District Council: *[give precise details]*

Amend Plan Change 3 to make all required changes including specific changes within this submission and such further alternative or consequential relief as necessary to give effect to this submission.

Continue on a separate sheet if necessary

Hearing Submissions [select appropriate box]

I wish to be heard in support of my submission.	<input checked="" type="checkbox"/>
I do not wish to be heard in support of my submission.	<input type="checkbox"/>
If others make a similar submission, I will consider presenting a joint case with them at a hearing.	<input checked="" type="checkbox"/>
If others make a similar submission, I will not consider presenting a joint case with them at a hearing.	<input type="checkbox"/>



Signature of Submitter
(or person authorised to sign on behalf of submitter)

2 November 2024

Date

A signature is not required if you make your submission by electronic means.

Trade Competition [select the appropriate wording]

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could / I could not gain an advantage in trade competition through this submission.

If you could gain an advantage in trade competition through this submission, please complete the following:

I am / I am not directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Email your submission to district.planning@kapiticoast.govt.nz or post/deliver to:

Attn: District Planning Team
Kāpiti Coast District Council
175 Rimu Road
Paraparaumu 5032

For office use only

Submission No: