



# SUSTAINABLE SUBDIVISION AND DEVELOPMENT ON THE KAPITI COAST

DISCUSSION PAPER No. 1



NOVEMBER 2003



## **Executive Summary**

- Subdivision and development within the District is set in a context of rapid urban growth which has provided significant challenges in terms of the provision of essential community infrastructure, particularly in relation to wastewater, water and roading networks. In such a context the use of alternative designs and technologies for subdivision and development that are less dependant on infrastructural services and more efficient should be encouraged.
- The current Code of Practice for Subdivision and Development was developed in the early 1980's when innovative approaches to subdivision and development were minimal. Councils' relied on engineering standards that were arguably very strict and had a limited range of options. This has encouraged the flattening of land so that sites could be easily serviced and the development of over-width roads to ensure trouble-free parking and access. This approach has resulted in many cases of subdivisions which are bland in character and design and have little, if any, topographical character. In some cases sameness in street lighting, street design and width, architecture and neighbourhood demographics, has prevailed.
- Subdivision should no longer be treated as an engineering exercise involving the creation of street and lot patterns to overlay onto the environment. Approaches that involve subdivision and land development designed in response to the environmental features of a site are those which will most likely result in the sustainable management of resources.
- This review has identified barriers to the approval of subdivision consent applications which use alternative designs and technologies. These barriers include the prescriptive reference to the Code of Practice within the District Plan, and the wording of controlled activity subdivision standards. It is acknowledged that in some cases developers designing subdivisions and Council staff assessing applications, lack the detailed knowledge to successfully integrate the principles of sustainable development into subdivision design.
- Options for addressing these issues and reducing the barriers to innovation are discussed. A recommended option is selected for its ability to dissolve the barriers above. The proposed option replaces the existing Code of Practice with two methods: 1. minimum engineering standards; and 2. innovative design guides both derived from the latest national standards. Implementation of the new approach is investigated and the review identifies the need for a proposed plan change to subdivision related objectives, policies, rules and standards as well as the need to integrate with the Long Term Community Planning processes Council is currently undertaking.

- Implementation and monitoring issues associated with a new approach to subdivision and development are also highlighted. This includes the continuation of the working group consisting of representatives from all Council Departments within Council assessing major subdivision and development proposals to ensure a consistent approach. In addition, upskilling of staff and the development community involved in subdivision consent assessment is identified as a significant requirement for the success of the implementation of a new approach.

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# 1. INTRODUCTION

*“This century will bring new urban models and management approaches that will influence the evolution of New Zealand’s towns and cities.”*

*Parliamentary Commissioner for the Environment 2001*

Traditionally, subdivision and development within the District has been based on the standards set out in the Kapiti Coast District Council Code for Subdivision and Development (“the Code”). This has controlled not only the infrastructural requirements of new developments but also the layout, pattern and character of urban and rural development within the District.

The Code of Urban Subdivision was developed by Council in February 1991 as a requirement of the Local Government Act 1974. It was then rolled over as the Code of Practice for Subdivision and Development in April 1995 to be used as a means of compliance with the Resource Management Act 1991 and the District Plan. The Code is based on NZS 4404:1981 “Code of Practice for Urban Land Development” which is a national document, amended where necessary to meet local needs. A similar approach was adopted in many other local authorities around the country.

The foreword of the current Code states that it sets out the standards which subdivision and development generally must comply. It also states that ‘the Code represents minimum standards required by Council and may be regarded as a means of compliance with the District Plan engineering requirements’ and that ‘Council may approve schemes which do not strictly conform to those standards’.

While the Code sets and maintains important health, safety, management and maintenance factors involved with the creation of new subdivisions, it has in some cases had a negative effect in terms of environmental considerations and the design aspects of additions of suburbs to communities. Up until recently, the Code has been the only accepted means of compliance with the District Plan. This approach has not only discouraged the implementation of innovative environmental best practice designs but it has also ensured that the ‘hard engineering’ approach to subdivision and land development characteristic of the 1981 NZ Standard has persisted.

The context in which development on the Kapiti Coast takes place is that of a District which is characterised by rapid urban growth with supporting infrastructure at, or reaching, its capacity. The Kapiti Coast District is the fastest growing district in the Wellington Region and the lower North Island. Over the years, the Kapiti Coast has developed from a rural district with a few small beach settlements to a more highly urbanised district with a series of important thriving townships. This

growth is continuing and brings with it challenges for the community in terms of planning to accommodate subdivision and development along with the infrastructure and facilities required to support it.

Accordingly innovative and environmentally sensitive approaches to land development that are less dependant and more efficient with the use of local infrastructure need to be encouraged. In the absence of a proactive approach being taken by Council in terms of promoting best environmental practice in subdivision, developers are proposing innovative alternatives for subdivisions in the face of infrastructure and zoning restrictions.

The review of how we manage Subdivision and Development aims to bring the current approach to subdivision and land development into line with best environmental practice in terms of both servicing and design. As such it has much wider implications than just a straight review of the code of practice for subdivision and development. It is being undertaken in an interdisciplinary and interdepartmental manner. The review also draws on the current work being undertaken on the Community Planning process by Council to ensure the approach is consistent with the direction being scoped for the future.

This paper reviews the Council approach to subdivision and land development in general, and provides options to address issues resulting from the current approach. Recommendations are provided for the preferred approach and implementation and monitoring requirements are discussed. It is proposed that this paper be circulated for public comment over the next few months with adoption of the recommendations forming the Kapiti Coast District Council **Sustainable Subdivision and Land Development** proposed Plan Change.

The report is structured with the essential information describing the Council's current approach, issues and options for ensuring subdivision and development is more sustainable followed by recommendations. The appendices to the report provides background information including the current residential subdivision rules and standards, the statutory context and the relationship with other Council plans and policies.

This document sets out the overarching structure for the new sustainable approach to subdivision and development in the District. However it has been designed as a modular project in that many of the recommendations from this paper will create other discussion documents exploring issues and options for the implementation of the approach. The modular structure is outlined below and the stages of implementation are also indicated.

## **STAGE ONE:**

### **Discussion Paper No 1. Sustainable Subdivision and Development on the Kapiti Coast**

This discussion paper reviews how the Council manages Subdivision and Development. It recommends a new sustainable approach to subdivision and development and as such provides the overall umbrella under which subsequent discussion papers below are created. Stage 1 of the change involves the implementation of a design guide based sustainable approach. For the implementation of this approach it needs to occur followed closely by a supporting plan change to the Engineering Objectives and Policies (to outline Council's new approach), and the Residential Rules and Standards for Subdivision (controlled and discretionary activity categories).

## **STAGE TWO:**

### **Future Discussion Papers:**

- No. 2** Urban Water Policies for Subdivision and Development
- No. 3** Structure Plan Guidelines
- No. 4** High Density Residential Guidelines
- No. 5** Natural Asset Management
- No. 6** Significant Landforms and Earthworks Policies
- No. 7** Energy Efficiency

To be undertaken in conjunction with a total review of the Subdivision and Development Issues, Objectives, Policies, Rules and Standards in the District Plan.

## **2 THE PAST APPROACH TO SUBDIVISION AND DEVELOPMENT**

*“With few notable exceptions at city level, the concept of sustainable urban development is largely being ignored in New Zealand with a lack of leadership and vision. Sustainable development involves improving the efficiency of resource use, reducing waste and addressing environmental, economic and social issues in an integrated way”*

*PCE Report, Cities and their People 1998*

### **2.1 A definition of Subdivision and Development**

Section 218 of the Resource Management Act 1991 defines the meaning of “subdivision of land” *as the division of an allotment by various means including cross-leases, company leases, unit titles, and for leases which are for 20 years or longer (including renewals).*

The term “development” is not defined in the Resource Management Act 1991 however the District Plan defines it as *the construction or alteration of buildings; the erection of structures; excavation of land; and any disturbance or land filling or reclamation of land or the construction of earth retaining structures; and any construction of artificial surfaces or platforms (Page 511).*

### **2.2 The Control of Subdivision**

Section 11 of the Resource Management Act 1991 provides control over subdivision and requires the territorial authority to make specific provision for subdivision in a District Plan. To date, this has resulted in the use of predominantly prescriptive plan rules and codes of practice, both in Kapiti and on a national basis.

It has been argued that subdivision is simply a means of establishing title to land, and that it has no environmental effects in its own right. However, many of the effects associated with subdivision are effects of the land uses that are carried out as part of the ‘land conversion process’, or those that follow closely on the newly created lots. The long life time of subdivision layouts, associated infrastructure and built structures mean that subdivision design has implications for decades to come.

Land development in New Zealand is a market-driven industry. Traditional approaches have led to the infrastructure and ownership structures we rely on today, our suburbs, roading networks, wastewater treatment systems, and stormwater disposal systems. Traditional planning policy and practices have in the past not reflected changing environmental and social values that drive consumer demand for alternative land development and subdivision options. Evidence includes: diminishing biodiversity as a result of traditional urban

expansion, reductions in the quality of fresh and marine waters due to inadequate level of treatment of discharges; and settlement forms that are resulting in greater reliance on the provision of transportation networks and high energy use. In addition previous policies have resulted in extensive ageing infrastructure networks that local authorities have to replace at substantial cost to current and future generations.

The Resource Management Act 1991 is concerned with promoting the sustainable management of natural and physical resources. Emphasis is placed on the integrated management of the effects of activities on the environment.

Local Authorities were generally unprepared for the concept of sustainable management introduced by the Resource Management Act 1991 and what it would mean in practice. This is particularly relevant to the land development industry which is based on traditional engineering and planning policy practice.

Environmental management under the RMA is meant to be effects based and outcome orientated, so for subdivision the RMA marked a fundamental shift in approach from a prescriptive code to a framework for outcomes and environmental effects according to each individual local authority.

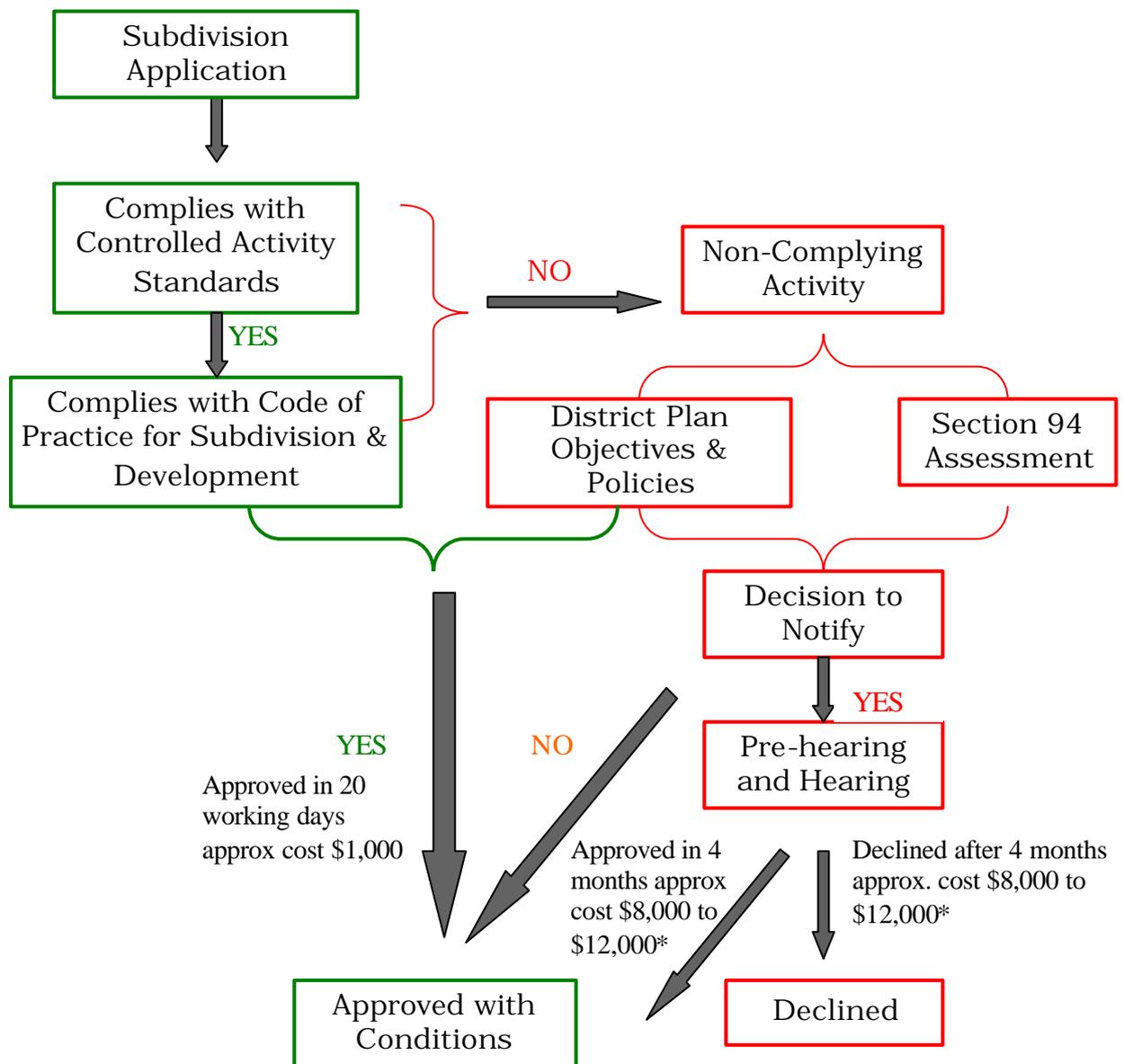
### **2.3 The Past Approach to Subdivision and Development**

The effects based system of the Resource Management Act should provide for innovation, advances in technology and design approaches that address sustainable management outcomes for a community. The current Code of Practice for Subdivision and Development was developed in the early 1980's when innovative approaches to subdivision and development were minimal. Councils' relied on engineering standards that were arguably very strict and had a limited range of options. This has encouraged the flattening of land so that sites could be easily serviced and the development of over-width roads to ensure trouble-free parking and access. This approach has resulted in many cases of subdivisions which are bland in character and design and have little, if any, topographical character. In some cases sameness in street lighting, street design and width, architecture and neighbourhood demographics, has prevailed.

Subdivision should no longer be treated just as an engineering exercise involving the creation of street and lot patterns to overlay onto the environment. Approaches that involve subdivision and land development designed in response to the environmental features of a site are those which can result in the sustainable management of resources and which should be pursued.

The current Code of Practice, the manner in which it has been implemented in the past, and the District Plan activity status for subdivision all support an approach to subdivision that relies on traditional knowledge and techniques. Although the District Plan objectives and policies support innovative approaches and the Code is described as “a means of compliance”, the administration of alternative proposals fall into the non-complying activity category. Consequently applications can result in notification because the direction given to consent processing staff is reliant on an approach that does not enable these applications to be easily assessed.

Diagram 1: The Current Approach to Subdivision Applications (excluding high density residential)



\* includes committee consideration

This process has in the past led to a significant barrier for the approval and implementation of subdivision and land development proposals based on an approach that is responsive to the receiving environment.

The controlled activity rules for the residential zone restrict the consideration of alternative developments to those which connect to reticulated services and comply with the controlled activity standards for lot size, shape and access width. **Non-compliance with these standards does not necessarily mean that an application will create environmental effects that are more than minor** (refer to appendix 1. for a copy of the controlled activity rules and standards).

**The concept of sustainable management leads us to continually question how much longer we can rely on traditional practices and policies for subdivision and land development.** This has often been raised in notified subdivision consent applications by developer's representatives, submitters and letters to the editor of local newspapers. In addition, the directions of different Council departments has in the past been in conflict with the Council approach to subdivision and land development as set out in the Code. A disjointed departmental approach, lack of guidance and knowledge within Council has been identified as internal barriers to the assessment and processing of applications utilising innovative technologies and designs.

**The review of how the Council manages Subdivision and Development aims to remove the unnecessary barriers described above.** This will bring the approach to subdivision and land development in the District in line with best environmental practice and the sustainable management purpose of the Resource Management Act 1991. In addition, the review also seeks to incorporate the future requirements in terms of planning proposed under the Local Government Act 2002 and integrate with the Council's current work on community planning. Advanced training of staff and the development community along with a process of working together in a group forum across departments is seen as essential to the success of the review and the on-going implementation of a new holistic approach.

## **KEY POINTS FROM CHAPTER 2**

- Section 11 of the Resource Management Act 1991 requires that local authorities control subdivision and make provisions for it in District Plans.
- The concept of sustainable management in terms of subdivision and development has not been integrated well within the Code of Practice and the District Plan rules and standards. This is reflective of a reliance in the past on traditional engineering and planning policy practice.
- This reliance on traditional subdivision and development designs is attributed to:

### **(i) Legislative Framework**

The presumption of Section 11 that specific provision for subdivision has to be made in District Plans means there is no incentive (or any need) for Council to examine the appropriateness of the controls.

### **(ii) District Plan policy**

Subdivision involves describing the environmental outcomes that land development should be achieving. This is relegated to a prescriptive reference through the District Plan to the Code of Practice. Although this provides certainty for traditional developments, it acts as a deterrent to alternative forms of development that may be less costly for the community over the longer term.

### **(iii) Consent Administration**

Alternative designs are treated as non-complying activities by the consents desk (partly because of the wording of the District Plan rules and standards). This can result in an unnecessarily expensive and drawn out consent process.

### **(iv) Lack of Knowledge and Guidance**

Developers, community groups and landowners within the District are already promoting greater use of alternatives and flexibility in design from the current hard engineering approach. There needs to be greater awareness of alternative approaches within Council along with increased dialogue between the various Council departments, developers, agencies and professionals involved.

### **3. ISSUES AND OPTIONS**

*Imagine you are entering the subdivision of the future, specifically designed around people and the environment. You can:*

- *Travel down local roads constructed from porous pavers,*
- *Enjoy the shade from the tree-lined roadside,*
- *Listen to the water trickling through the hi-tec drainage swales as it pours into a series of ponds.*
- *Watch children play and chase each other across commonly owned green spaces,*
- *Hear the bells of cycles in the lanes next to you,*
- *Be impressed by solar-powered homes glistening in the sun,*
- *Breathe in the fresh manuka air from the linked corridors of regenerating bush,*
- *Taste the community food gardens,*
- *Watch wildlife in the wetlands as they safely recycle the communities wastewater and greywater.*

As a vision of a sustainable future this may be idyllic, but it captures the motivation and desires of many in the home buyer, land developer, development professional, local authority, iwi and environmental sections of society.

#### **3.1 Issues**

There are a number of trends which are moving New Zealanders towards consideration of different forms of land development for urban and rural residential housing and other uses. These trends are nothing new – they have been present for a number of years and are happening throughout most industrialised and urbanised populations. The trends can be summarised under the following headings:

##### **(i) Demographics**

The Kapiti Coast faces increasing pressures from rapid urban growth (on a comparative scale with other Districts in New Zealand). Kapiti's urban areas are also currently confronting the twin pressures of population growth and decreasing household size (i.e. more households, with less people, on more land) on our physical and social resources. The way in which this growth is managed (i.e. greenfield, urban containment) has profound implications on the ways in which land will be developed.

## **(ii) Housing Choice**

It is recognised that people and households have different housing needs and different affordability patterns throughout their lives. Within New Zealand 12 distinct housing groups have been identified, each having distinct housing needs based on life circumstances, income and the affordability of household choice at different times in people's lives. Within Kapiti the distinct population groups (such as retired, post family/pre retirement ("empty nesters") and young family groups) also have distinct patterns of housing choice based on affordability and implications for future housing choices. Subdivision and land development needs to cater for these demand characteristics.

## **(iii) Sustainability**

More and more of Kapiti's landscape is being eaten up by urban growth or sprawl. Recent statistics from the Parliamentary Commissioner for the Environment indicate that while population in New Zealand has risen by an annual average of just under 1%, our consumption of land for urban expansion has been growing at 4% per year. Density of New Zealand urban areas is quite low by comparison with international standards but at 85% we have one of the more urbanised populations in the world.

Traditional methods of dealing with growth have focused on building more infrastructure and improving traffic management. Environmental resources have also suffered from indiscriminate land development. Streams and coastal estuaries are polluted, natural areas and their biodiversity disappears, and water and energy supplies are sourced from increasing distances. The hard paving of surfaces increases stormwater run-off with subsequent adverse effects on freshwater and coastal environments. Landfills bulge with the wastes of an urban consumer society.

Sustainable land development which takes into account proximity of work education, recreation and health opportunities to places of residence has much more to offer in terms of longer-term sustainability than adding another few kilometres of roading and subsequent parking spaces to the district.

## **(iv) Liveability**

Urban design is a key factor in maintaining the liveability, vitality and "sense of place" of urban neighbourhoods. Liveability consists of a number of related qualities, such as amenity values, control of noise, perceptions of safety, and sense of place which comes from inhabiting communities with shared histories, rather than just housing in proximity. These qualities are becoming much more

important to the formation of new communities and to the maintenance of existing communities.

Absence or shortage of social infrastructure for residents reduces liveability and decreases sustainability, whereas too much social infrastructure too early places a high economic burden on developers and local authorities and may remove later choice.

#### **(v) Increasing Environmental Awareness**

There is an increasing environmental awareness in society globally, nationally and locally. The Council is fortunate in that the environmental awareness of residents within the District is relatively high. This is evidenced from participation in resource consent and District Plan processes, as well through specific projects such as the ecological sites review. This awareness needs to be embraced and built upon.

#### **(vi) Governance and Partnerships**

As a local authority we are becoming more aware that our functions extend well beyond 'rates, roads and rubbish'. Our functions include a role of articulating a vision for our community, in consultation with the residents of the Kapiti Coast. It is commitment to the community and partnerships at local level which can begin to change the patterns of development that we have so long been used to. The use of partnerships to develop social and entertainment facilities for local populations is well established in the District. Partnerships to start addressing issues of developing land in a sustainable and equitable manner for all are needed.

All of these trends demand different consideration in terms of housing, development, subdivision and urban environments than those offered under a traditional approach.

Sustainable development is a process of evolutionary improvement, rather than a fixed and defined state. A city or town is not a purely sustainable entity in itself, the goal is to make these systems more sustainable. This means creating and recreating community systems that rely less on importing energy and resources. This requires a new way of thinking and valuing progress, including encouraging creative solutions that have low environmental impacts.

Council has recognised the opportunities and constraints identified from the application of the outdated approach of the Code of Practice for Subdivision and Development and associated processes within Council. The review of how we manage subdivision and development has been initiated as a first step in a process of what is potentially a sustainable

approach that has widespread implications for all aspects of Council activities. The adoption of a new approach to subdivision and development within the District will become an organisational responsibility due to its need for an interdisciplinary and interdepartmental approach.

### **3.2 Options**

This review has resulted in the proposed new sustainable approach to subdivision and land development. This has come about through recognition by Council departments that the Council approach to subdivision and development needs to address the following:

- (i) The sustainability focus of the Resource Management Act 1991 and the Local Government Act 2002.
- (ii) Consistency between the Strategic Plan and the vision it sets for the future in Kapiti.
- (iii) The practical implementation of the existing relevant objectives and policies in the District Plan in order to achieve the desired environmental outcomes.
- (iv) The significant urban growth the district faces and the issues and problems arising from the provision of public infrastructure.
- (v) The work currently being undertaken within Council as part of the scoping exercise for the development of a community plan.
- (vi) The increasing pressure for the rezoning of land to allow residential development.
- (vii) The desires of the development community, environmental groups, the public and home buyers.
- (viii) Environmental best practice and the smart application of new technologies.
- (ix) The barriers imposed by the District Plan objectives, policies, rules and standards, and the lack of knowledge within Council to assess non-traditional approaches.
- (x) Improving dialogue between different departments within Council and encouraging a consistent approach to dealing with subdivision and land development applications from an interdepartmental perspective (note this has already begun with the implementation of the design and review team made up of senior Council officers across relevant departments).

To define an approach that was able to address the issues identified above a number of options were considered.

### **Option 1: Rewrite the Code of Practice for Subdivision and Development**

This option would result in the creation of a new Code of Practice that would be based on identifying objectives and desired outcomes for the sustainable implementation of subdivision and development within the District.

#### **Advantages**

1. A new outcomes-based Code would be available for the District that would be proactive in directing subdivision and development in a manner that is consistent with the District Plan and community planning objectives.
2. The Code would be specifically designed for Kapiti and the environmental issues in the District, 'local solutions for local issues'.

#### **Disadvantages**

1. The creation of a new Code of Practice would be a process of 'reinventing the wheel' as national documents are already available for adaptation and adoption. In addition external review processes are already in place to ensure these national documents are kept up to date with latest best practice.
2. Council does not have the resources (staff, time, knowledge) for the creation of a new Code. Therefore external expertise would need to be employed. This would reduce staff buy-in which is essential for an interdisciplinary and interdepartmental approach.
3. Environmental technologies involved in subdivision and development are continually evolving, both in terms of application and cost. A new Code specific to Kapiti would become quickly outdated and require constant investment in terms of review to ensure it remains abreast of the latest best environmental practice.
4. There is a risk of losing consistency with other Districts and the national minimum standards for subdivision and development.
5. In the interests of retaining certainty for developers there is a risk that a new Kapiti specific code could come through the public consultation phase being just as prescriptive as the current code.

## **Option 2: No Standards and Assessment on Case by Case Basis**

This option would involve a totally effects-based approach whereby the use of a Code is abandoned in favour of assessing the effects of activities on a case by case basis using outcomes-based performance as a measure against the District Plan objectives, policies and anticipated environmental results.

### **Advantages**

1. Maximum flexibility would be available to applicants which would provide for all innovative and alternative design and servicing provisions to be considered by Council.

### **Disadvantages**

1. There is a risk of loss of consistency when applications are considered on a case-by-case basis. This is a concern in terms of the provision of essential services and health considerations involved with development.
2. This is unlikely to be supported by developers as the approach offers no certainty. The approach requires significant investment in subdivision and development proposals with no guarantee of an approval.
3. The approach places an information burden on the applicant and would result in unnecessarily repetitive assessment for each application although they may be using similar designs and technologies.
4. Council does not currently have the staffing levels nor the internal knowledge capacity to be able to assess applications on a case by case basis in an efficient and effective manner. The pressure to make a decision within the 20 working days could lead to low quality assessment and subsequent problems within the development.

### **Option 3: Use National Standards and Guidelines with Council Schedules**

This option would result in the utilisation of the latest best practice national standards and design guidelines, such as SNZ 4404:2003 (currently a draft) and SNZHB44: 2001. The collection of documents would come under the umbrella of a new approach to subdivision and development in Kapiti and would have schedules attached to them for those areas where Kapiti specific standards are required. The approach will be outlined by a guiding document.

#### **Advantages**

1. No need to 'reinvent the wheel', the use of national documents and their subsequent monitoring and amendment processes enables the revision of the code to occur with minimal financial input and avoids the need for external expertise.
2. Schedules can be created for those areas where specific requirements relating to Council and local environment issues need to be addressed.
3. The approach provides flexibility in terms of choices and combination approaches between traditional and alternative development approaches but also allows for a level of certainty to be afforded to developers.
4. This approach would ensure consistency in decision-making is maintained, that minimum engineering requirements are observed, and environmental health implications of alternatives can be addressed through assessment against specific criteria and schedules.
5. The process would gain staff buy-in and support as many members of staff in different departments would be involved in the review process. This internal 'ownership' has the potential to significantly facilitate its successful implementation.

#### **Disadvantages**

1. A plan change will be required to update the controlled activity standards and rules in relation to subdivision, to ensure alternatives can be assessed other than as a non-complying activity.
2. The review is dependant upon the final revision of SNZ4404: 2003 which although is currently a final draft, the water and waste sections are being rewritten. This has the potential to slow the process of adoption of the new approach.

3. Resources are required for the training of staff involved in the assessment of subdivision consent applications who currently have knowledge gaps in the area of alternative subdivision and land development.

## **4 RECOMMENDED SUSTAINABLE SUBDIVISION AMD DEVELOPMENT APPROACH**

**The preferred approach is Option 3: Use National Standards and Guidelines.**

This option has been explored by Council staff from the District Planning and Operations Divisions. The idea has been work shopped with Developers' Representatives who work within the District. It was also presented to representatives of environmental groups. The proposed concepts and review process were well received.

Following the feedback from Developers' Representatives and environmental representatives the District Planning and Operations Divisions within Council have finalised the scope, and process for the adoption of Option 3. This is summarised in Diagram 2 below. Key points to note from the diagram are described below from a bottom-up perspective. The approach has been undertaken in a manner that ensures consistency with the concept of sustainable management and will result in a staged approach to District Plan changes and will evolve alongside Community Planning activities.

### **(i) KCDC Approach to Subdivision and Development**

The introduction to the proposed approach to subdivision and development has been prepared in draft form. The approach is split into two areas: minimum engineering requirements and a design guide, both are discussed below. This replaces the existing Code and provides applicants with minimum standards and design advice with which they can 'mix and match' to suit a site.

**The minimum engineering requirements contain:**

- The national standard NZS4404:2003 Land Subdivision and Development Engineering: this standard contains up to date development engineering considerations for predominantly traditional approaches to land development. This document is generally prescriptive in nature.
- Schedules to SNZ4404:2003 these are additions and amendments that Council will create to address areas where the KCDC approach differs from that of SNZ4404:2003.
- Minimum engineering specifications are being considered for inclusion. They have historically supported the Code of Practice; however it appears that they may now be redundant as each individual Developers' Representative has their own set of

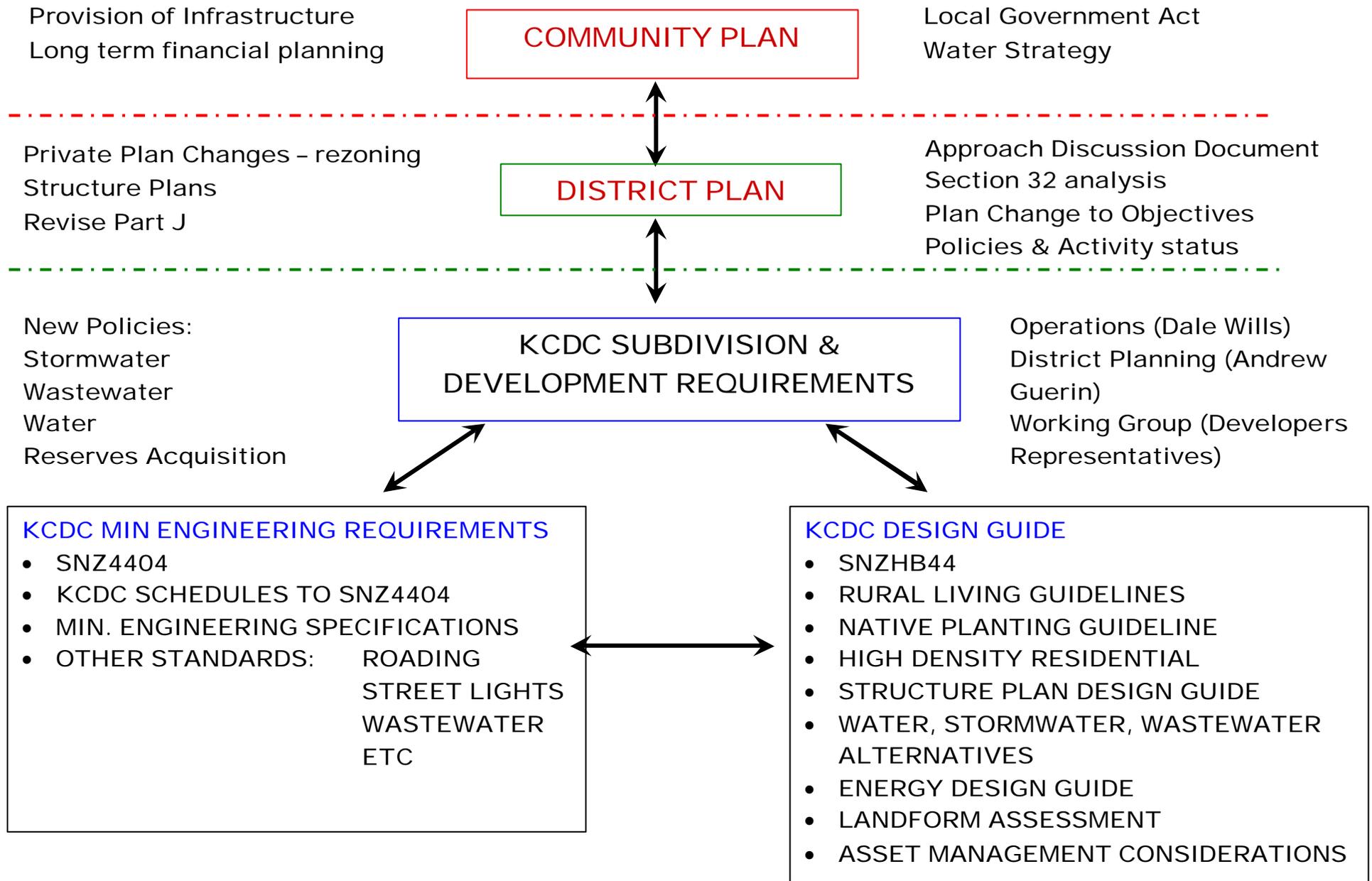
specifications. The need for new specifications is still being evaluated.

- Other national standards that are currently used such as the Standard for Street Lighting.

**The KCDC Design Guide contains:**

- SNZHB44:2001 Subdivision for People and the Environment. This is an outcomes-based design guide that was created specifically to address the knowledge gap within local authorities in terms of approving alternative technologies and designs for sustainable subdivision proposals. The document has objectives, possible methods and desired environmental outcomes. It is effects-based in that any method can be utilised so long as it meets the objectives and outcomes of sustainable design.
- The design guide also contains other relevant Council documents such as the Rural Living Guidelines, the Native Plant Guidelines, the Landform Assessment and the High Density Residential guide (the latter two are yet to be completed).
- Additional design guides have been identified as necessary to aid with the assessment of alternative proposals. These include Structure Plan Guidelines for the districts future urban growth areas, Urban Water Systems Guidelines and Assessment Criteria (as there is currently an absence of these documents). In accordance with national policy directions there is also a need to establish Energy Efficiency Guidelines in relation to subdivision and development.
- All alternative approaches and designs will require consideration in terms of asset management systems, ongoing maintenance and management of both private and Council-owned community infrastructure. The need for a guideline on life cycle costing and asset management considerations has also been identified.

The process proposed to achieve development and implementation of this new approach is also illustrated in Diagram 2. The approach is being undertaken from an interdisciplinary and interdepartmental perspective, involving staff from Operations and the District Planning Departments of Council. Work undertaken in establishing the new approach to subdivision and development will lead to the creation and implementation of a staged plan change, along with using the work currently being undertaken or recently completed in other areas, such as the Reserves Acquisition Strategy.



**Diagram 2: Review Process and Proposed Approach**

In addition working groups consisting of Developers' Representatives have been formed to work on specific projects. The level of support offered from the development community has been extremely positive.

**(ii) District Plan**

The introduction of the new approach will require a plan change to bring it into practice. This report will form part of the Section 32 process required to be undertaken before considering a plan change. The following changes to the District Plan are proposed in a staged approach:

**Stage One:**

The incorporation of the new sustainable approach to subdivision and development in terms of the use of the minimum engineering requirements and design guides has been considered in terms of implication for the District Plan. Various options exist for the adoption of the new approach which range from:

- (a) Leaving it outside the District Plan,
- (b) Incorporation in the District Plan by reference or
- (c) Express inclusion in the District Plan.

It is proposed that the objectives and policies in the Engineering Requirements section of the District Plan be remodelled to form Subdivision and Development Requirements, which then refer to the sustainable approach to subdivision as a method. All references to the Code of Practice within the District Plan will need to be changed to refer instead to the new approach.

Changes to the controlled activity standards and rules for subdivision are envisaged as the main outcome of the review. The purpose of this change will be to dissolve the current barriers for alternative and innovative subdivision proposals and to specifically provide for environmental best practice through a series of assessment criteria. The specifics of the options for the plan changes are addressed in the following section on a continuum of incentives to encourage the adoption of the new approach. A plan change is required to implement this and is proposed to occur as part of stage one.

## **Stage Two:**

To ensure that the barriers identified in the current approach, outlined in Section 2.0, are resolved an integrated review of the way subdivision is addressed in the District Plan needs to occur.

Accordingly, it is proposed that the Residential and Rural Subdivision Issues, Objectives, Policies, Rules and Standards be subject to an integrated review as stage two. It is possible that this review could occur alongside the Community Planning work to define what and how the community wishes development to be addressed within the residential areas; however Council has yet to give direction on the extent and time frame of Community Planning work for this year.

In exploring the approach to the review of the Code with Council staff other areas requiring review and potential plan changes have arisen. Areas identified to date are discussed in the implementation Section 3.4 below. It is likely that other areas requiring consideration as part of the review will arise as we progress further through the process. This is the nature of such the review as it has wide-reaching implications for many departments and activities of Council. The modular design of the approach will allow for additional reviews to be included at a later date when required.

### **(iii) Community Plan**

Subdivision and land development has significant implications on community planning, particularly in regards to the provision of infrastructure and the approach to development. Conversely the community planning considerations and workshops which Council has and will undertake have significant implications for this review.

It has been recognised that both processes need to occur in a mutually consistent manner. Part of the review process is to ensure that the new approach for subdivision and development reflects the sustainable development philosophy of the community planning workshops and that the approach and subsequent plan changes are not inconsistent with Council's likely future direction in terms of residential density and the integrity of the rural area.

While it is possible to review and recommend changes to the manner in which we approach subdivision and development within the District now, it will not be possible to address some of the wider reaching implications, such as the review of the residential and rural subdivision objectives, policies and standards until the community has been provided with the opportunity to define the direction we wish to pursue. Likewise the urban water objectives, policies and assessment criteria to be created in Discussion Paper No 2 need to be considered in conjunction with the District's Water Strategy currently being considered by Council.

Notwithstanding this it is timely to be undertaking the review at this stage where the new approach can be considered at the same time as community planning and water strategy activities. This will ensure that both activities are mutually consistent and will provide Councillors and the public with a big picture view into sustainable development for the District.

The new sustainable approach to subdivision and development within the District therefore comprises both regulatory and non-regulatory methods. Non-regulatory methods include the introduction of the new sustainable approach and the guiding documentation which sits outside the District Plan, the required upskilling of consents processing staff, and the formulation of an interdepartmental assessment group. Regulatory methods include the proposed plan changes and the Water Strategy currently being worked on by Council along with the effects this may have on urban form directions.

#### **KEY POINTS & IMPLEMENTATION CONSIDERATIONS FROM CHAPTER 4**

Implementation of the new sustainable approach to subdivision and development requires consideration from the outset. For the new approach to be effective the interdepartmental focus needs to continue long after the review process has been complete.

#### **RECOMMENDATIONS**

The application of alternative land development technologies and designs has implications across departments and across disciplines. Accordingly an organisational response is required for the successful implementation of the new sustainable subdivision approach. The following recommendations have resulted out of this review:

##### **Stage One:**

1. That the current Code of Practice for Subdivision and Development be replaced with a **new sustainable subdivision approach** that consists of the use of a design guide approach based around SNZHB44:2001 Subdivision for People and the Environment and SNZ4404:2003 Land Subdivision and Development engineering with subsequent KCDC schedules.
2. That a **guiding document** setting out the sustainable subdivision approach, application information requirements, assessment criteria and desired performance outcomes be produced.
3. That the **District Plan be subject to the following plan change** to support the introduction of the new sustainable subdivision approach:
  - (i) **Change the Engineering Requirements objectives and policies** District Plan Requirements. This will describe the

approach Council wishes to take and refer to the new approach as a method of achieving the objectives and policies. Change all references to the Code in the District Plan to refer to the new approach.

- (ii) **Change the controlled and discretionary residential subdivision rules and standards** in the District Plan to give sustainable subdivision proposals based on the use of the design guide the same priority as traditional proposals.
4. That a **training program** be implemented for Council staff undertaking resource consents assessment and from Operations and Parks and Recreation Departments. Resource consents staff alone will not be able to process applications for alternative designs due to knowledge gaps and resource commitments. Likewise, engineering staff will not be able to assess applications alone due to their knowledge gaps in planning disciplines.
5. That a **multi-disciplinary, multi-departmental team** which has recently been started be supported. A combined interdisciplinary process is required that enables the applicants, developers representative, Council engineering, resource consents, parks and recreation, stormwater, roading, wastewater and policy staff to examine proposals in an interactive and integrated manner.

The team has been set up to process applications involving the use of the Design Guide and alternative approaches to subdivision and development. This working group is responsible for assessing applications together and recognising that compromises may need to be made in some areas for the benefit of others. This is the essence of sustainable development and these considerations can not be made by the application circulating to different departments. This process provides for dialogue between staff and would also result in a highly desirable increased understanding by each department of the expertise and goals of others.

6. **Workshops** may be required with Developers' Representatives following the completion of the review to introduce the new approach. The implementation process of the new approach would also require Council to be proactive in encouraging developers and their representatives to utilise it. Incentives such as an awards system for best environmental practice could also be considered as a proactive method to encourage use of alternatives.

## **Stage Two:**

7. That the **District Plan be subject to the following plan changes** to support the introduction of the new sustainable subdivision approach:
  - (i) **Review the Residential and Rural Subdivision Issues, Objectives and Policies, Rules and Standards** to ensure they reflect the new sustainable subdivision approach and are consistent with this and future community planning objectives.
8. That objectives, policies and assessment criteria are required for **Sustainable Water systems** within subdivision and development. This recommendation has been drafted and comprises Discussion Paper No 2. Final completion of this draft will occur following Councils decisions regarding the water strategy for the District.
9. That **Structure Plan Guidelines** be developed in conjunction with community planning considerations to assist developers in Greenfield areas. A draft discussion paper on structure plan guidelines is due for completion later in 2003.
10. That **Council Asset Management Systems** require review so that they can integrate natural values. While this may not be achievable this year, considerations of any other changes to the way Council manages and administers asset management systems need to occur with the proposed changes as a result of this review.
11. That **Guidelines for Life-cycle Costing** be developed and included in the guiding document under recommendation 3. above. Council's Operational Services Division requires this information to be submitted by applicants proposing on site systems and alternative technologies so that Council can decide whether they are of sufficient standards to take over as public assets.
12. That **High Density Residential Design Guidelines** be created in conjunction with the **Community Plan** work and the review of the **Residential Subdivision Objectives, Policies, Rules and Standards**.
13. That the indicators in the **Monitoring Strategy** be reviewed to reflect the new aspirations of the sustainable approach to subdivision and development. This information is also required in order to assess whether we are on the right track, and if particular new and untried designs are working.

14. That an **Energy Design Guide** be created. MfE is currently working on a National Policy Statement of Energy Efficiency and Renewable Energy which will require Council to specifically consider energy issues in development.
15. That the **Landforms Assessment**, currently in draft form, be reviewed and completed in 2004/2005 following a District wide review of outstanding landscapes and landforms. This is subject to budget approval.
16. The use of alternative subdivision design and environmental technologies has not had a long history of use (compared to traditional approaches). This is apparent on a national basis and is not just a local problem. Knowledge regarding the long term operation, maintenance and success of some approaches is not available. This requires, at least initially, that **Council accept some risk and take a trial and error approach** to testing these alternative designs so that we can build up our experience to a level where some degree of certainty in the selection and application of alternatives can be gained.

## 7 CONCLUSION

This discussion document outlines the need to change the way in which we control subdivision and development in the District and the options available to achieve this. Key points include:

- The current Code of Practice for Subdivision and Development is based on the 1981 national standard. As such it is outdated and is unlikely to encourage best environmental and innovative practice.
- The proposed approach to subdivision and development consists of the adoption of minimum engineering standards and design guidelines based on national documents. This approach provides an environmental effects based, results driven approach utilising sustainable design and innovative technologies to achieve the positive integration of subdivision and development with the District's ecosystems.
- A range of options are reviewed and discussed on how to implement this new approach. A preferred option that provides incentives for sustainable design and discourages the continued use of traditional responses is proposed.
- The implementation of the approach is required to occur in an interdepartmental manner. A working group has been established to assess applications from the many perspectives of Council activities related to subdivision and development. This will ensure a balance approach consistent with the sustainable management philosophy.
- Advanced training of staff involved in assessing subdivision consent application is required to ensure applicants are not penalised by a lack of understanding within Council.
- Monitoring is required to ensure the applicability of alternative designs and technologies.
- This document establishes an overall umbrella approach to which future design guides/discussion papers/plan changes can be added in modular form. This will ensure the approach evolves along side Community Planning results and is up to date with current and future best environmental practice

# APPENDIX 1

## RESIDENTIAL ZONE SUBDIVISION RULES AND STANDARDS

The following residential zone subdivision rules and standards are summarised as follows:

### D.1.1 Residential Zone Rules

#### SUBDIVISION

Subdivision (including boundary adjustments) where:

- Public roads, public water supply systems, sanitary drainage systems and surface water drainage systems are available to serve the subdivision.
- All the controlled activity standards for subdivision are complied with (refer to D.1.2.2).

The matters over which Council reserves control are:

- The design and layout of the subdivision including earthworks.
- The installation of water saving devices to land rezoned from rural to residential from 1 July 2002.
- The imposition of financial contributions in accordance with Part E of this Plan.
- The imposition of conditions in accordance with Section 220 of the Resource Management Act.

### D.1.2.2 Controlled Activity Standards

#### SUBDIVISION

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

- Sewered Land

Front Lots	450m <sup>2</sup>
Rear Lots	550m <sup>2</sup> (exclusive of access)

In addition, where the land to be subdivided is greater than 3,000m<sup>2</sup> in size:

*Front Lots -*

At least 50% of total lots shall be 550m<sup>2</sup> in size

At least 25% of total lots shall be 700m<sup>2</sup> in size

*Rear Lots -*

At least 50% of total lots shall be 650m<sup>2</sup> in size (exclusive of access)

At least 25% of total lots shall be 800m<sup>2</sup> in size (exclusive of access)

- Infill  
450m<sup>2</sup> (inclusive of access) - the size of the existing lot, or the siting of the existing building on the lot, or the physical features of the site excludes the formation of the minimum area sites above.

- Waikanae Garden Area Precinct  
(as shown on District Wide Zone Map 3)  
700m<sup>2</sup> (inclusive of access)

*C.7.1  
Policy  
2.*

- Network Utilities  
There shall be no minimum area requirements for lots for network utility purposes of requiring authorities.

- Low Density Land Lot, Area and Design Standards  
(as shown on District Wide Zone Map 4)

*Amended  
Change 33  
8/02/02*

South of Ventnor Drive, Paraparaumu  
5000m<sup>2</sup>

Country Ridge Close/Panorama Drive, Paraparaumu

- The minimum area for any lot shall be 2500m<sup>2</sup>;
- The average area of land for all lots within the subdivision shall be not less than 5000m<sup>2</sup>; and
- The Scheme Plan for the subdivision of low-density land shall mark out areas showing land of high visual sensitivity as shown on Paraparaumu Urban Zone Map 24 (where applicable). Within these areas the cladding and roofing of all future buildings shall be of a colour that the Resource Consents Manager considers are likely to blend into the surrounding environment. The colour shall be agreed to by Council before construction of the building commences.

- (ii) **Shape Factor**  
Each lot (except for network utilities) shall be capable of accommodating an 18 metre diameter circle.
- (iii) **Dwellings per Lot**  
1 dwelling per minimum lot area as in (i) above and 1 family flat of no greater than 50m<sup>2</sup>.
- (iv) **Minimum Frontage - Front Lot**  
6 metres.

- (v) **Access (this does not include family flats)**  
The maximum number of sites served by rights of way or access lot (i.e. without road frontage) shall be 6.

The minimum width of the access shall be:

<u>Number of Sites</u>	<u>Minimum Access Width (metres)</u>
1	3.0 (3.5 adjacent to State Highway)
2 to 3	4.0
4 to 6	6.0

- (vi) **Access**  
Where practicable, access shall not be to a state highway where access to an alternative legal road exists.

- (vii) **Minimum Distance of Access from Corner of Road**  
15 metres from the intersection of the kerb line, except for State Highways (speed limit 50kph or less) where the minimum distance is 30 metres and State Highways (speed limit greater than 50 kph) where the minimum distance is 100 metres.

- (viii) **Building Sites** *C.15 Policies 1, 3, 4 and 7.*  
Each lot shall have a building site above the estimated 1% flood event. All-weather access should not adversely affect the flood hazard.

- (ix) **Engineering Requirements** *C.7.4 Policy 1.*  
Refer to Part E - Financial Contributions (provision for engineering requirements to be added through a Variation to the Plan).  
Note: Compliance with Kapiti Coast District Council Code of Practice for Subdivision and Development is one method to meet the engineering requirements of Council.

- (x) **Esplanade Reserves/Strips** *C.12 Objective 2.*  
Compliance with the Esplanade Reserve/Strip standards in Part H of this Plan.

- (xi) **Spacing Between Accesses Onto State Highway 1** *C.18 Policy 14.*  
Accesses to properties from State Highway 1 shall be located to ensure that:
- spacings between access or between access and intersections are maximised, and
  - adequate sight distances for all vehicle movement is provided by compliance with the following:

For access onto State Highway 1:

- (a) Where the speed limit is 50kph or less the minimum distance between accesses on the same side of the road shall be 7.5 metres for residential land uses and 15 metres for all other land uses.
- (b) Where the speed limit is between 50kph and 70kph, the minimum distance between accesses (on either side of the road) shall be 15 metres.

(c) Where the speed limit is greater than 70kph the minimum distance between accesses (on either side of the road) shall be 200 metres.

(xii) **Heritage Sites and Native Vegetation**

The sites in the Heritage Register shall be protected and areas of native vegetation, as defined in Part Q of this Plan, shall be protected from destruction, burning, cutting or removal.

*C.8 Policy 1.  
C.11 Policies  
4, 6, 8, 9, 10,  
12.*

Council will issue a Section 221 Consent Notice to ensure compliance with this standard or Conservation Covenant.

(xiii) **Parking and Access**

Compliance with Parking, Loading and Access provisions of Part J of this Plan.

*C.1 Policy 1.*

(xiv) **Piping of Watercourses**

Where any subdivision incorporates water courses or open drains, where the catchment area for such a drain or watercourse serves a catchment less than 200 hectares and within allotments of less than 1500m<sup>2</sup>, the drain or watercourse may be required to be piped as a condition of subdivision consent. Where such small watercourses or drains are significant habitat for freshwater fish and birds, then they will not be required to be piped. Council will encourage management of the watercourse in such a way as will sustain the habitat.

(xv) **Stormwater Control**

Surface water drains shall be of sufficient size for the full future development of the land within the affected catchment.

*C.7 Policy 1.  
C.11 Policy 14.*

(xvi) **Underground Services**

Where any subdivision of land involves the construction of a new street or the extension of an existing street the Developer shall, as a condition of subdivision consent, make provision for the underground reticulation of all electric, gas and telecommunication services to the land in the subdivision

*C.7.4 Policy 2.*

(xvii) **Effluent Disposal**

Where subdivision occurs on land that is not serviced by an existing community sewage system, it shall be demonstrated in terms of AS/NZS 1547:2000 "On Site Domestic Wastewater Management" that on-site domestic effluent disposal is suitable for each proposed lot or multiple lots.

*Addition  
Change 34  
8/02/02*

Note: Any discharge into land, air or waterbodies may require a resource consent from the Wellington Regional Council. Applicants should contact the Regional Council to confirm whether or not a consent is required.

# **APPENDIX 2**

## **STATUTORY CONSIDERATIONS**

This section provides the background statutory context for the review.

### **1. The Resource Management Act 1991**

The District Council has important functions and responsibilities under the Resource Management Act 1991. Relevant provisions are summarised below:

Firstly, the purpose of the Act (as set out in Section 5) is *“to promote the sustainable management of natural and physical resources.”* This means *“managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –*

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying and mitigating and adverse effects of activities on the environment.”*

To help achieve this purpose, Section 31 of the Resource Management Act 1991 gives territorial authorities the function of *“the establishment, implementation and review of objectives, policies and methods to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources of the district”*.

There are a number of regulatory and non-regulatory methods which can be used to achieve this function, the methods used in terms of subdivision on the Kapiti Coast are the District Plan (operative in July 1999) and the Code of Practice for Subdivision and Development (April 1995). These are discussed in detail in Sections 3.3 and 4.0.

Section 11 of the Resource Management Act 1991 requires territorial authorities to have control over subdivision and to make specific provision for subdivision in a District Plan. The conflict between requiring territorial authorities to control subdivision under an effects based philosophy has resulted in a general adoption of prescriptive standards and codes based on traditional approaches. This has been criticised both locally and nationally.

The presumption of Section 11 that specific provision for subdivision has to be made in District Plans means there is no incentive (or any need) for local authorities to examine the appropriateness of their subdivision controls. In addition the subdivision and land use provisions of the Resource Management Act 1991 are not well integrated and make it difficult to deal holistically with plan provisions, resource consent applications and consent conditions.

Section 35 of the Resource Management Act 1991 sets out four monitoring responsibilities of local authorities *“Every local authority shall gather such information, and undertake or commission such research, as is necessary to carry out effectively its functions under this Act”*. This means every local authority is required to monitor the state of the environment, District Plan effectiveness, the exercise of its functions, powers or duties delegated or transferred by it and the exercise of resource consents.

Historically, the Council’s role in monitoring has been restricted to State of the Environment reporting and some monitoring of compliance with consents conditions. No specific evaluation has been undertaken to assess whether the controls put in place for subdivision through the District Plan and Code have resulted in the environmental outcomes sought by the Plan.

The Kapiti Coast District Council Monitoring Strategy recently approved by Council (August 2002) and currently being implemented contains specific indicators to provide information necessary to evaluate the effects of subdivision and land development within the District. These indicators were included in the Monitoring Strategy in anticipation of this review of the Council’s approach to subdivision and land development in the District. The review of how we manage subdivision and development has been undertaken in conjunction with consideration of these indicators.

It is envisaged that one of the outcomes of the review of how we manage subdivision and development will, in due course, be a plan change to the rules and standards for subdivision in the District Plan, particularly where they refer to the Code. Before doing so, however, Section 32 of the Act requires Council to consider alternatives, assess benefits and costs before adopting any objective, policy, rule or other method. This report and the associated consultation exercises form part of the “Section 32” process which precedes any formal plan change process.

## **2. Wellington Regional Policy Statement**

Section 74 of the Resource Management Act 1991 requires District Councils to have regard to the regional policy statement and relevant Regional Plans when preparing or changing the District Plan. Section 75(2) of the Act states that a District Plan must not be inconsistent with these regional documents. Accordingly, it is necessary to consider the operative Wellington Regional Policy Statement. There are no Regional Plans of particular relevance to this review, although it is noted that the Regional Coastal Plan would be relevant in relation to any proposed subdivision and development in the coastal environment.

The Wellington Regional Policy Statement recognises the need to plan for development, and in particular on the Kapiti Coast where there is rapid urban growth. The regional policy statement has summarised the significant resource management issues of the region and created a vision for the future. Part of this vision aims to achieve an environment where “*the nature and rate of development, and of growth, meets the needs of people but takes place in a sustainable manner*”.

Issue 3 of the Regional Policy Statement (page 249) identifies the issues facing future built environments: “*Uncoordinated and sporadic development around the Region may place pressures on those parts of the environment that are less able to cope. There is presently a risk that policies in urban development within each district may be prepared with little consideration of the wider impacts of such policies in other urban areas or wider resource management issues (e.g. energy use). The implications, for example, of rapid urban growth in the Kapiti Coast area for the remainder of the Region are little understood*”.

The above issues translate into objectives and policies in the Regional Policy Statement. In particular, the following objectives have been considered in the review of how we manage subdivision and development.

*“Objective 1 Urban areas, the built environment and transportation systems are developed so that they, and their associated activities, use resources efficiently and demand for the use of finite resources is moderated.*

*Objective 2 The adverse environmental effects that result from use of urban areas, transportation systems and infrastructure are avoided, remedied or mitigated and, in particular, any effects that result from the concentration and scale of activities in urban areas are recognised and provided for.*

*Objective 3 The environmental quality of urban areas is maintained and enhanced.”*

### **3. Local Government Act 1974 and 2002**

Part VIIA of the Local Government Act 1974 addresses the financial management functions and duties of local authorities. Each local authority has a duty, inter alia, to prepare a long-term financial strategy for the next 10 years or more. The Kapiti Coast District Council has done this, as outlined in Section 4.2. This is directly relevant to the review of how we manage subdivision and development. The review needs to anticipate future capital expenditure on new infrastructure and asset management requirements when proposing any other form of private infrastructure.

The Local Government Act does not make it a statutory requirement to prepare an overall Strategic Plan for the District, but the need for a vision and a plan of action to get there is a widely accepted principle in any business situation. The Kapiti Coast District Council has prepared a Strategic Plan for the next 20 years, as outlined in Section 4.1 and the vision and principles contained therein are directly relevant to the review of how we manage subdivision and development.

The new Local Government Act 2002 promotes the adoption of a more inclusive, sustainable, empowering and collaborative approach to planning. The purpose of local government is defined in the Act as being *“to enable local decision making, by and on behalf of, individuals and their communities, to democratically promote and action their social, economic, environmental, and cultural wellbeing in the present and for the future”*.

The Act requires that local authorities identify the outcomes and priorities wanted by communities, and identify the agencies and instruments which are capable of influencing the achievement of these outcomes, i.e. the Resource Management Act 1991. It is the Long Term Council Plan that will become the primary strategic planning instrument of local authorities not the Annual Plan nor the District Plan.

The Kapiti Coast District Council is already considering the implication of the Local Government Act 2002 and to date has been proactive in preparing for the change in approach through examining the current state of community infrastructure, make up and services in the District, as well as working towards establishing a community vision. This has been particularly evident in the recent water workshops with Councillors, staff and the public.

The anticipatory work undertaken by Council in view of the new Local Government Act, and the collaborative approach and sustainable development focus (including all aspects of sustainability i.e. social and economic as well as natural and physical resources) of the Act are directly relevant to the review of the Council’s approach to Subdivision and Development. The review needs to anticipate and be consistent with the direction the community seeks for the District.

## **KEY POINTS**

- One of the functions of the Kapiti Coast District Council under the Resource Management Act 1991 is to manage subdivision and plan for future urban growth.
- The process of the review will require a change to the District Plan.
- The Council's response to the Local Government Act has been proactive and signals a change in philosophy and approach to dealing with community development. This review is consistent with this change of approach.
- This report and the associated consultation exercise forms part of the analysis process which precedes the plan change procedure.
- This review is not inconsistent with the Wellington Regional Policy Statement nor any Regional Plan.
- This review is provided as a work in progress update on both the current and future process and steps required to create a new approach for subdivision and development in Kapiti that is consistent and supports the vision the community seeks through the Community Planning processes.

# APPENDIX 3

## COUNCIL PLANS AND STRATEGIES

### 1. Strategic Plan

The Council's Strategic Plan was adopted in June 2000 following revision of the 1998 Strategic Plan and consultation with the community. The Strategic Plan identifies where we are, where we want to go and how we will get there. In relation to subdivision and land development, pages 8 to 13 of the Strategic Plan set out the Council's vision, strategic directions, challenges, and the short to long term objectives sought for the district.

Of particular relevance to the review of how we manage subdivision and development is the following vision statements:

*Of a District that balances lifestyle with protection of its natural environment and cultural heritage, that exhibits beauty and character and a sustainable quality of life for its people, which provides for hillsides of regenerating bush, attractively maintained roadsides and contained residential and commercial areas.*

*Of a District which plans development in accordance with sound ecological principles, conserves and enhances natural resources, valuable agricultural land, visual values and taonga (treasures, spiritual and physical) and protects land, air and water from pollution*

The following selected short and long terms objectives from the Strategic Plan are directly applicable to the review of how we manage subdivision and development:

*Short Term Objectives (one to five years):*

- *To maintain environmental standards and protect and enhance the natural and physical environment.*
- *To promote greater environmental awareness and responsible environmental practices.*
- *To provide design guidelines and ensure compliance with District Plan rules in order to encourage better design and landscaping of urban development throughout the District.*

*Long Term Objectives (six to 20 years):*

- *To manage the use of natural resources on a sustainable basis.*
- *To adopt and pursue environmental strategies dealing with noise control, urban design and tree planting in both rural and urban areas.*

It is noted that the Local Government Act will result in the creation of a Community Plan which will in the future replace the current strategic plan redundant. However, it is anticipated that the Community Plan will still seek to achieve similar objectives with an increased social, economic and environmental systems approach.

## **2. Long Term Financial Strategy**

In 2000, the Council released the current Long Term Financial Strategy, as required by the Local Government Act. The aim of the strategy is to ensure that adequate planning is undertaken to meet infrastructural demands arising from growth and development and to maintain existing investment adequately. The review of how we manage subdivision and development needs to be undertaken in consideration with infrastructural planning as detailed in the strategy as this will determine the availability of public services for future urban growth. The strategy anticipates some \$103 million of capital expenditure over the next 20 years on capital infrastructure projects.

## **3. Kapiti Coast District Plan**

The Council's District Plan became operative in July 1999. The District Plan recognises that residential subdivision and development are the driving force to changes in the urban environment of the Kapiti Coast District. The District Plan sets objectives and policies to address the significant resource management issues regarding land development and subdivision. There are a number of relevant objectives and policies in the plan but the following selection are considered most relevant to the review of how we manage subdivision and development.

### ***C7.1 Residential Subdivision***

*Residential subdivision and development are the driving force to changes in the urban environment of the Kapiti Coast district. The effects of this activity are central to concerns at the consequences of urban growth and changes in character and amenity values of residential areas. This activity is the subject of or impacts on many environmental issues including effects of activities on the landscape, ecological processes and provision of open spaces and reserves.*

#### ***Objective 2.0 - Ecosystems***

*The pattern of subdivision provides for the healthy functioning of ecosystems throughout the district and protects the remaining flora, fauna and habitats.*

#### ***Policy 1 - Natural Environment***

*Ensure that subdivision avoids adverse effects on the natural features (including landscapes and ecosystems) which contribute to the Kapiti coast's natural environment.*

Subdivision and development within the rural zone is also affected or controlled by the Code of Practice for Subdivision and Land Development. The following

are selected objectives and policies from the rural zone which are relevant to the review of how we manage subdivision and development:

## **C7.2 Rural Subdivision**

*Rural subdivision and consequent development has brought about significant change to the rural environment of the Kapiti Coast district. The scale of the impacts of individual subdivisions and subsequent building developments has not been large, but collectively they have had a significant incremental effect on the environment. The effects of this activity are central to concerns at the long-term consequences of changes in the landscape, natural character and related amenity values of the rural environment. This activity is the subject of or impacts on many environmental issues including effects of activities on the coastal environment and ecological processes.*

### **Objective 1.0 - General**

*Ensure that subdivision and consequent development maintains and enhances the environmental character and associated amenity values of rural areas, life supporting capacity of resources to meet the needs of future generations and avoids, remedies or mitigates adverse effects on the natural and physical environment, particularly, the coastal environment.*

### **Policy 6**

*Ensure that rural residential subdivision is only permitted on land which is unsuitable for future residential subdivision and, where the land is near an urban area, has already been closely subdivided and will not be adversely affected by further subdivision and development.*

### **Policy 8**

*Ensure any adverse effects, including cumulative adverse effects, resulting from inappropriate subdivision on outstanding landscapes and ecological features, including the coastal environment, wetlands, rivers, lakes and their margins, native vegetation and cultural and heritage features are avoided, remedied or mitigated (refer to District Wide Zone Maps 1-9 showing outstanding landscapes).*

### **Policy 9**

*Ensure that subdivision and resultant activities, land uses and development do not jeopardise the sustainability of water quantity and quality.*

### **Policy 10**

*Ensure that density and maintenance of on-site sewage systems is such that human health is not jeopardised by contamination of soil, groundwater or recreational and shellfish gathering water.*

### **Policy 11**

*Ensure that rural residences can access adequate quantities of potable water to avoid risks to human health and amenity in the absence of community reticulated water.*

**Policy 13**

*Protect the natural contour of the land, including the substantially unmodified features of the landscape, sites of ecological significance, coastal sand dunes, wetlands and interdunal hollows from the adverse effects of subdivision and consequent development*

**Policy 14**

*Encourage the protection of native vegetation by providing for rural subdivision which ensures full protection including fencing of significant native vegetation.*

**Policy 16**

*When considering applications for sites having frontage over a jointly owned access lot or right of way, take into account the practicalities of building a road, the standard of construction of the right of way including sealing and dealing with surface water.*

**Policy 17**

*Ensure that land subject to natural hazards is subdivided so that all lots are capable of being used in such a manner that natural hazards can be avoided or mitigated and that suitable building sites can be identified for each lot created.*

**Policy 18**

*Ensure that subdivisions fronting narrow, winding roads are only permitted where adequate visibility and safe access to the proposed lots is available.*

In addition to the residential and rural subdivision objectives and policies the District Plan has specific engineering objectives and policies which are directly relevant to the review of how we manage subdivision and development:

**C7.4 Engineering Requirements****Objective 1.0 General**

*Ensure that the development of the district including the provision of the service and transport infrastructure proceeds in a controlled, efficient and consistent manner in order to avoid, remedy and mitigate adverse effects on the physical and natural environment including amenity values.*

**Policy 1 - Watercourse Management****(a) Piping of Watercourses**

*Where any urban subdivision incorporates water courses or open drains, require the watercourses or drains to be piped where appropriate to avoid, remedy or mitigate any adverse effects on the amenity values of the environment and hazards to the health and safety of residents.*

- (b) Stormwater Control  
*Ensure that having regard to the capacity and environmental values of watercourses or drains and the associated catchment areas that the adverse effects of subdivision and development on the environment in terms of stormwater runoff are avoided, remedied or mitigated with particular regard to cumulative effects.*
  
- (c) Riparian Buffer/Landscape Amenity  
*Ensure stream side zones are maintained or enhanced as both riparian buffer and landscape amenity as a condition of subdivision or development in urban areas.*
  
- (d) Open Space  
*Provide open space alongside streams and waterways of sufficient size to ensure the establishment and maintenance of a buffer zone of vegetation as a condition of subdivision or development.*

The next level of control over subdivision and development in the District is found in Part D Rules and Standards of the District Plan. It is in Part D (standards) that specific reference is made to the Code of Practice under Engineering Requirements in each zone along with specific rules for subdivision as a controlled activity.

The current focus of the Code, on traditional hard engineering approaches, is not inconsistent with the objectives and policies of the District Plan. However, the Code and the manner in which it has been implemented in the past is not proactive in promoting an approach to subdivision and development that will result in the desired environmental outcomes indicated in the District Plan.

Monitoring of the District Plan in terms of whether the use of the Code is resulting in the desired environmental outcomes has not yet been undertaken. Notwithstanding this it is possible to conclude from recent subdivision consent applications that the Code has, in some situations, hindered the promotion of a community design focus over hard engineering requirements.

The revision of the Code and the review of how we manage subdivision and development will result in increased consistency with the District Plan objectives and policies and provide a proactive approach to achieving the desired environmental outcomes. However, it is clear that for an integrated approach to be adopted the objectives and policies for subdivision in the District Plan also require a comprehensive review. The newly adopted monitoring strategy includes direct indicators to enable new approaches to subdivision and land development to be evaluated in accordance with District Plan effectiveness and the overall state of the environment.

#### 4. Urban Growth Strategy

In 1999 the Council undertook an Urban Growth Strategy in response to concerns that the Kapiti Coast may be unable to accommodate future population growth. This followed on from the 1998 Strategic Plan that determined that Council would continue to provide infrastructural services to meet the needs of the current and future population. **There was no question that future population growth would not be accommodated.** The issue was where would future population growth be located and in what form. Options were developed to help determine the direction Council should take on this issue. These included:

- Do nothing - await private plan change requests to rezone land on an ad-hoc basis;
- High density – no further rezoning on the periphery but amending the District Plan to allow high density subdivision and development within existing urban areas;
- One urban growth area – select one area to accommodate all new greenfield growth;
- Dispersed urban growth area – select several areas for rezoning to residential to accommodate future population growth;
- Combination of High density and dispersed urban growth areas.

Several areas were identified in the Urban Growth Strategy which complied with the above rezoning principles. There was extensive consultation with several hundred affected landowners and their neighbours of areas identified as being suitable for future rezoning prior to public notification of the draft urban growth strategy.

Following the receipt of 88 submissions the Council chose option 5 (combination of high density in appropriate areas and rezoning new areas). Any future residential rezoning would require development plans being submitted upfront (structure plans) showing development areas, significant cultural, ecological, heritage areas to be protected, road, pedestrian and cycle access and open space/reserve areas. This requirement for structure plans was included in the review of the Strategic Plan adopted in June 2000. They would also be required to comply with the following rezoning principles. These are:

1. Residential development should not adversely affect significant environmental and heritage features;
2. Retain greenbelt areas and separate identity of existing urban areas;
3. Land should be able to be serviced efficiently;
4. Land should be provided to match the location of demand;
5. There should be a range of opportunities available for different market segments;

6. Residential land should not be located adjacent to incompatible activities.

The Council adopted the following list of potential urban growth areas for rezoning to accommodate future urban growth:

- Waikanae East (13 ha)
- Airport North and South (21 ha)
- Otaihanga West (70 ha)
- Raumati (2 ha)
- Waikanae North - Parata (24 ha)
- Waikanae North - Ngarara (247 ha)
- Peka Peka (49 ha)
- Otaki (40 ha)
- Te Horo (300 ha)

In addition the Council resolved to undertake high density urban form investigations with a view to reviewing the District Plan provisions and to include urban design guidelines. This has been put on hold until the completion of the urban sustainable workshops and development of the Community Plan (expected to be adopted June 2004).

The urban growth study and the resolutions that came out of that process are directly relevant to this review. The resolutions signal that a new approach to land development is desired, however without the review of how we manage subdivision and development this will not be possible. The revision of the Code and the review will result in the integration of the urban design guidelines (upon completion). In addition to this a need has been identified for guidelines for structure plans. The review of how we manage subdivision and development will incorporate the development of these guidelines.

A new approach to subdivision and development therefore has profound implications for the implementation of the Urban Growth Study resolutions, in a similar manner to which it supports the implementation of the Community Planning process. All three of these Council initiatives are mutually supportive of one another, and this again reinforces the need to ensure consistency between approaches.

## **KEY POINTS**

- The Council's Strategic Plan for the next 20 years envisages maintenance, protection and enhancement of the environment including increased environmental awareness and the implementation of responsible environmental practices within the community.
- The Council's Strategic Plan identifies the need for design guidelines in order to encourage better design and landscaping of urban development throughout the District and to ensure compliance with District Plan rules. Increased urban growth is anticipated to be a continued characteristic of the District and this needs to be promoted in a manner that is consistent with the community's long term vision.
- The Council's Strategic Plan identifies that achievement of the above will result in the long term objective of a community which plans development in accordance with sound ecological principles, conserves and enhances natural resources, valuable agricultural land, visual values and taonga (treasures, spiritual and physical) and protects land, air and water from pollution.
- The Council's Long Term Financial Strategy anticipates some \$103 million of capital expenditure for infrastructure over the next 20 years. This will open up opportunities for further urban growth.
- The Council's District Plan aims to protect the District's natural environment (ecosystems) and to ensure that the pattern of subdivision and development provides for the healthy functioning of ecosystems throughout the district and protects the remaining flora, fauna and habitats. The district plan objectives and policies for subdivision and development require review in conjunction with the introduction of a new approach for subdivision and development and the community planning exercise.
- The Council's District Plan refers to Engineering Requirements and to the current Code of Practice for Subdivision and Development as a means of compliance with the engineering standards in the District Plan. While not inconsistent with the District Plan, the Code does not promote environmental best practice in design that can achieve the desired environmental outcomes in the Plan.
- The urban growth study and the resolutions that came out of that process are directly relevant to this review. The resolutions signal that a new approach to land development is desired, however without the review of how we manage subdivision and development this will not be possible.