

**BEFORE THE HEARINGS PANEL**

**IN THE MATTER** of the Proposed Kapiti  
Coast District Council Plan  
Review 2012

**AND** Submissions by **Coastlands  
Shoppingtown Limited**

**Submitter No. 218 and  
Further Submitter No. 55**

---

**BRIEF OF EVIDENCE OF CHRISTOPHER ADRIAN HANSEN  
PLANNING  
ON BEHALF OF COASTLANDS SHOPPINGTOWN LIMITED**

**30 March 2016**

---

---

**Solicitors:**

D'Ath Partners  
Level 3 Harbour City Towers  
29 Brandon Street  
PO Box 1078  
Wellington  
Phone: (04) 4990431  
Facsimile: (04) 4990662  
Email: [dathlaw@paradise.net.nz](mailto:dathlaw@paradise.net.nz)

**Counsel Acting:**

Matthew McClelland/ Pherne Tancock  
Harbour Chambers  
Level 10, Equinox House  
111 the Terrace  
PO Box 10 242  
Wellington  
Phone: (04) 499 2684  
Facsimile: (04) 4992705  
Email: [Pherne.Tancock@legalchambers.co.nz](mailto:Pherne.Tancock@legalchambers.co.nz)

**BRIEF OF EVIDENCE OF CHRISTOPHER ADRIAN HANSEN  
(BRP (HONS))  
ON BEHALF OF COASTLANDS SHOPPINGTOWN LIMITED**

**Introduction**

1. My name is Christopher Adrian Hansen and I am a Director and Principal Planning Consultant with Chris Hansen Consultants Ltd. My qualifications and outline of my experience have been provided in my Brief of Evidence dated 17 March 2016 prepared for the General/Plan Wide hearings.
2. I provide the following statement of evidence in support of the submissions lodged by Coastlands Shoppingtown Limited (Coastlands) to the Proposed Kapiti Coast District Plan (PDP) in relation to **Chapter 2 - Objectives**. I assisted Coastlands to prepare its submissions.
3. I have read the Code of Conduct contained in the Environment Court's Practice Notes for Expert Witnesses and even though this is a Council hearing, I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

## **Background**

4. A background to Coastlands Shoppingtown Limited (Coastlands) has been provided in my Brief of Evidence dated 17 March 2016. The Coastlands submission [Submitter No. 218] and further submission [Further Submitter No. 55] addressed a number of matters relating to the objectives.
5. The overall intent of Coastlands submissions is to support the overall high-level direction the PDP takes, and in particular on relation to the retail and commercial activities in the Paraparaumu Sub-regional Centre.
6. This evidence addresses matters raised by Coastlands in relation to Chapter 2 - Objectives. Coastlands looks to the Objectives of the PDP to identify the environmental outcomes sought for the use and development of land within the Kapiti District, and in particular to provide direction regarding how resource management issues relating to the Working Environment will be dealt with.

## **Outline of Evidence**

7. The focus of my evidence today is on the objectives of the PDP and in particular to determine whether they meet the requirements of the RMA, and whether any amendments are required if the purpose of the RMA is not being met or to strengthen the objectives to meet Coastlands concerns. I have provided a broad overview of the planning context for the consideration of the objectives in my Brief of Evidence dated 17 March 2016.

8. The approach I will take to addressing the planning matters relating to the objectives includes:
- A planning context;
  - A review of the matters raised by Coastlands in its submission, and the relief sought;
  - SEV and Consultation with Council;
  - A brief review of the s.42A Report recommendation regarding the PDP provisions; and
  - Planning comment.
9. I will draw on the expert evidence of Mr Copeland (economics); Mr Miller (Retail Economics) and Mr Lunday (Urban Design) as part of addressing the planning matters associated with the objective raised in Coastlands' submissions.

### **Planning Context**

10. This evidence is primarily focussed on the objectives contained in the PDP. These objectives are to enable Council to carry out its functions under s.31 (1) (a) of the Resource Management Act 1991 (RMA) which states: "*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.*" (my emphasis added).
11. Objectives provide the direction and justification for the policies, rules and other methods. Objectives should be read together to gain an understanding of what the Plan is seeking to accomplish, the natural resource management issues for the District and the manner in which they are to be addressed. Objectives should

be designed to work together, recognising both the complex interactions of natural systems and the needs of resource users, decision makers and community to clearly understand the context in which resource use activities take place.

12. The importance of objectives can be found in s.32 (1) (a) as they are to be evaluated to determine what extent they are the most appropriate way to achieve the purpose of the RMA. S.32 (1) (b) requires an examination of the provisions of the PDP to determine if they are the most appropriate way to achieve the objectives.
13. In other words, the RMA treats an objective as the 'highest order' of plan provisions which is required to be the most appropriate way to achieve the purpose of the RMA, and the provisions of the plan (policies, rules and methods) are required be the most appropriate way of achieving the objectives. I provide further comments on the role and purpose of objectives, and best practice for writing objectives, later in my evidence.

### **Review of Notified PDP**

14. The notified PDP includes 20 objectives that relate to a wide range of resource management matters. However, the PDP does not list District-wide issues, but identifies zone-wide issues when introducing an "*Environment*". For the purpose of this evidence, I will only focus on those objectives specifically relevant to Coastlands which are:

- Objective 2.3 – Development management;
  - Objective 2.5 – Natural hazards;
  - Objective 2.11 – Character and amenity;
  - Objective 2.13 – Infrastructure and services;
  - Objective 2.14 – Access and transport;
  - Objective 2.15 – Incentives;
  - Objective 2.16 – Economic vitality;
  - Objective 2.17 – Centres; and
  - Objective 2.19 – Urban design.
15. I have included the full wording of these objectives from the PDP in **Attachment 1** to my evidence.
16. I note the PDP has included an Explanation for the objectives which allows the plan reader to understand the intent of the objective, and to clarify the directions being given by Council. I support the inclusion of Explanations in the PDP and consider this is a useful planning tool, particularly for objectives which have a level of importance as I have outlined above.

### **Review of Submission Points and Relief Sought**

17. Coastlands made submission points on 9 objectives, which I will briefly summarise below:

*Objective 2.3 – Development management*

18. In its submission, Coastlands supported the consolidated urban form which reinforces the function and vitality of existing centres and sees such an approach vital for future retail and commercial

growth. Coastlands sought Council to retain the intent of Objective 2.3 as it is currently written.

*Objective 2.5 – Natural hazards*

19. In its submission, Coastlands supported the intent of the objective to ensure the safety and resilience of people and communities, and this is important to Coastlands operations and future developments. Coastlands sought Council to retain the intent of Objective 2.5 as it is currently written.

*Objective 2.11 – Character and amenity*

20. In its submission, Coastlands raised the following matters:
  - The intent of this Objective is not consistent with the requirements of the RMA that requires particular regard to be had to the maintenance and enhancement of the quality of the environment (s.7 (f)) and amenity (s.7(c)) and does not require protection of the quality of the environment per se, but maintenance and enhancement; and
  - That b) is intended to promote the Town Centre Structure Plan adopted by Council, and the high amenity interface referred to in e) is to be provided, essentially, by the resource user when they develop new opportunities. While in theory Coastlands supports such outcomes, it raises concerns regarding how these outcomes are achieved elsewhere in its submission.
21. Coastlands sought for the intent of Objective 2.11 to be consistent with the RMA by replacing the word 'protect' with the term 'maintain and enhance' to make it consistent with the RMA, and address the other concerns relating to the Structure

Plan and how community outcomes are achieved as they are raised elsewhere in its submission.

*Objective 2.13 – Infrastructure and services*

22. While Coastlands supported the objective and accompanying statement in the Explanation about the substantial benefits of efficient use and management of infrastructure to the District, it expressed concern that:
- There is no indication within the commentary on the role or contribution of Council will play in providing this infrastructure; and
  - That Council is putting the provision of this infrastructure and community services onto the land owner/resource user.
23. Coastlands sought for Council to retain the overall intent of Objective 2.13 and the recognised benefits of infrastructure and services, and to provide a clear statement of commitment that Council will play a lead role in providing and managing such infrastructure and services.

*Objective 2.14 – Access and transport*

24. Similar to Objective 2.13 above, while Coastlands supported the objective and the accompanying explanatory statement, there is no indication within the commentary of the role or contribution of Council in providing this transport system. Coastlands expressed concern that Council is putting the provision of this transport system onto the Land owner/resource user.
25. Coastlands sought Council to retain the overall intent of Objective 2.14, and to provide a clear statement of commitment that Council will play a lead role in providing and managing the

transport infrastructure needed for future development. Coastlands sought for Council to outline its involvement including preparing an improvement strategy and funding approach through other mechanisms (such as the LTCCP and Annual Plan).

*Objective 2.15 – Incentives*

26. Coastlands notes that Objective 2.15 includes in its commentary and intention to provide development incentives (including development bonuses) where there is environmental mitigation for biodiversity or water quality outcomes. This includes restoration of degraded habitats or the physical or legal protection of riparian margins. Overall Coastlands supported such incentives and the outcomes sought.
27. Coastlands suggested Council consider a similar approach be extended to cover public facilities and amenity.
28. Coastlands sought for Council to retain the overall intent of Objective 2.15 and the possible use of development bonuses for environmental outcomes, and consider extending this incentive to cover public facilities and amenity outcomes.

*Objective 2.16 – Economic vitality*

29. While Coastlands supported the overall intent of Objective 2.16, it made the following comments/concerns:
  - In terms of Clause a), it is not clear what this means in practical terms and Coastlands provided a number of examples of how the clause could be interpreted;

- In terms of b), Coastlands supported the general direction of agglomeration economies and economies of scale from a compact Paraparaumu Sub-regional centre (and other town centres);
  - In terms of c), while Coastlands generally supported this “*aspirational*” outcome, it would be concerned if achieving these outcomes imposes costs on existing local businesses;
  - In terms of f) c), similar to above, Coastlands generally supported the intent of the objective, subject to the proviso of not imposing costs on businesses in the District;
  - The term ‘Business Activity’ is included in the Objective but not defined in the Definitions section of the Proposed Plan;
  - There is an intention to ‘manage’ business activities on the basis of the activity, and potential local and strategic effects of their operation – it is not clear what this management might be, and it is highly questionable whether this is a role for the Council or a matter that should be addressed in a District Plan; and
  - The responsibility to improving the appearance and liveability of the District (and the benefits outlined above) do not comfortably lie within the bounds of the RMA and are not solely the responsibility of land owner/resource user.
30. Coastlands sought Council to retain the overall intent of Objective 2.16 (and in particular b) and c)), while:
- Clarifying the intent of a) to address the concerns raised above;

- Ensuring b), c) and f) c) can occur without imposing costs on existing local businesses;
- Including a definition of Business Activity in the Proposed Plan; and
- Ensure the outcomes sought are clearly intended by the RMA and are in line with the functions of territorial authorities (s.31 of the RMA) and the purpose of a District Plan (s.72 of the RMA).

#### *Objective 2.17 – Centres*

31. While Coastlands supported the overall intent of Objective 2.17 and its aspirational outcomes that are generally consistent with other objectives and directions in the Proposed Plan, it noted that the intent is to have an ‘*economically viable*’ centres. Coastlands considered ‘*economic viability*’ is a commercial and business matter for individual enterprises, and it is questionable whether it is the function of a district council.
32. Other matters raised by Coastlands relate to:
  - There is a strong emphasis on the ‘*significant social component*’ as a focus for community activities and the importance of visual appearance, convenience and safety of buildings and physical setting - while important components of the Proposed Plan, Coastlands is concerned that the responsibility to provide these outcomes and the costs are being placed on land owner/resource user;
  - There is an intent to “...*in particular retail activities are restricted outside identified centres*” with the adverse effects of out of centre business development being identified – Coastlands supports this intent; and

- There is an intent to require the Paraparaumu Sub-region Zone (which includes Coastlands) to develop in a manner that provides for a broad range of mutually compatible activities and employment opportunities that are integrated with public transport - Coastlands does not consider providing employment opportunities is a matter the District Plan should be directly addressing, and requiring land owners and resource users to contribute to these outcomes is not considered appropriate.
33. Coastlands sought Council to retain the overall intent of Objective 2.17 and its intention to restrict retail activities outside the current centres, while addressing the concerns regarding:
- The appropriateness of the expectations that relate to economic viability and social outcomes (including visual appearance, convenience and safety) and employment opportunities are expected from the land owner/resource user.

*Objective 2.19 – Urban design*

Coastlands supported the overall intent of Objective 2.19. While Coastlands sought Council to retain the overall intent of Objective 2.19, it expressed is concerned about how this objective is to be implemented through provisions in the Working Environment, to be discussed elsewhere in its submission.

34. From the above submission points the following key matters arise:
- The need for some objectives to be consistent with the intent of the RMA;
  - The onus being placed on the resource user or developer to provide a range of social and economic outcomes sought

through the objectives including: a high amenity interface between activities within the Town Centre; employment opportunities; visual appearance, convenience and safety of buildings and physical setting etc.;

- The onus being placed on the resource user/developer to provide infrastructure and services, including the transport infrastructure, before development can happen;
- The need for the role of Council to be clearly defined in the strategic planning for infrastructure and services, and in the provisions of these services;
- The need for the plan to develop incentives for resource users/developers who do provide the social and economic outcomes, and infrastructure and services, sought in the objectives;
- The likely costs to be placed on resource users/developers to meet the outcomes sought in the objectives;
- Ensure the outcomes sought are within the scope of the RMA and functions of Council under the RMA; and
- Ensure economic viability remains a commercial/business decision.

35. I discuss these matters in the context of the s.42A Report later in my evidence.

36. In addition to its primary submission, Coastlands made the following further submissions specific to objectives:

*Kapiti Coast Chamber of Commerce [Submitter No. 132]*

37. Coastlands supported the request by the submitter to insert a new Clause a) in Objective 2.16 – Economic viability encouraging businesses in Kapiti through ensuring the District is an attractive place to do business. However, it opposed in part a request by the submitter to change the proposed zoning of Ihakara Street from ‘Industrial’ to ‘Outer Business Centre’ in Objective 2.17 - Centres.

*St Heliers Capital Ltd [Submitter No. 459]*

38. Coastlands opposed a request from the submitter to incorporate into the PDP additional objectives for Paraparaumu to:
- (i) Remain the pre-eminent commercial centre on the Kapiti Coast;
  - (ii) Perform the sub-regional function proposed for it, notwithstanding the effects of the Expressway;
  - (iii) Contribute to the accommodation of new retail facilities in a manner that reinforces the Core while connecting the Core to the Interchange; and
  - (iv) Contribute to the development of a resilient and robust region in terms of responding to natural disasters and in the context of the Wellington's physical characteristics and risk profile.
39. Coastlands also opposed a request by the submitter to Objective 2.14 and Objective 2.17 to amend the Paraparaumu District Centre Structure Plan (Appendix 6.7) to achieve a number of outcomes sought in its submission, including:

- (i) Provide for a direct road connection between the existing transport corridor (i.e.: the railway and the current State Highway 1) and the Interchange;
- (ii) Enable the development as of right of offices, large format retail, service activities and residential development on the St Heliers Land up to a maximum height of 20 metres;
- (iii) Enable and encourage the provision of a high amenity pedestrian connection between the existing town centre and the St Heliers Land; and
- (iv) Enable development to occur throughout the St Heliers Land subject to the grant of a controlled activity resource consent for earthworks including the removal of any sand dunes and the importation of clean fill.

*Kapiti Coast Airport Holdings Ltd [Submitter No. 276]*

- 40. Coastlands opposed the request by the submitter for all provisions in the PDP that unnecessarily restrain the growth of the Airport purportedly to protect the primacy of the Paraparaumu Town Centre need to be deleted or amended to more realistically provide for protection of the Town Centre but also the opportunity for the Airport to succeed. The submitter particularly sought an amendment to be made in Chapter 2, Objective 2.17 to ensure that the Airport is not excluded from Objectives that promote centres.
- 41. The submitter also considered Explanation (j) to Objective 2.14 is unwarranted given other objectives and policies and explanations concerning the Airport Zone. Coastlands opposed this request.

## **SEV and Consultation with Council**

42. I undertook a detail assessment of the SEV and provided advice to Coastlands as to whether its key concerns raised in its PDP submissions had been addressed. This advice formed the basis of a pre-hearing meeting with Council staff regarding Coastlands' concerns. I am conscious that the SEV has no statutory weight and the pre-hearing meeting was (rightly) conducted on a '*without prejudice basis*' and final content will not be known until s42A Reports for various chapters are released. For the purpose of this hearing which is concerned with General/Plan Wide matters, I will provide a brief summary of how I have assessed the SEV to respond to the objectives raised by Coastlands in its submission:

43. Those matters that the SEV did not address:

- Objective 2.11 – Character and amenity – concerns about the Structure Plan and how community outcomes are achieved not addressed;
- Objective 2.13 – Infrastructure and services – a clear statement of commitment that Council will play a lead role in providing and managing such infrastructure and services not provided;
- Objective 2.14 – Access and transport - a clear statement of commitment that Council will play a lead role in providing and managing transport infrastructure not provided; Council's involvement in preparing an improvement strategy and funding approach through other mechanisms not provided;

- Objective 2.15 – Incentives – the request to extend incentives to cover public facilities and amenity outcomes not provided;
  - Objective 2.16 – Economic vitality – clarification of Clause a) not provided; costs to businesses not identified; requirement to provide employment opportunities not addressed;
  - Objective 2.17 – Centres – expectations relating to economic viability and social outcomes and employment opportunities not addressed; and
  - Objective 2.19 – Urban design - concerns about implementation not addressed.
44. Those matters that the SEV did address that are consistent with Coastlands' submission included:

- Objective 2.3 – Development management – the intent of the objective was proposed to be retained;
- Objective 2.5 Natural hazards – the intent of the objective was proposed to be retained;
- Objective 2.11 – Character and amenity - it was proposed to replace 'protect' with 'maintain and enhance' as sought by Coastlands;
- Objective 2.13 – Infrastructure and services - the intent of the objective was proposed to be retained;
- Objective 2.14 – Access and transport - the intent of the objective was proposed to be retained;
- Objective 2.15 – Incentives - the intent of the objective was proposed to be retained;

- Objective 2.16 – Economic vitality - the intent of the objective was proposed to be retained, and in particular b) and c) as sought by Coastlands;
  - Objective 2.17 – Centres - the intent of the objective was proposed to be retained; and
  - Objective 2.19 – Urban design - the intent of the objective was proposed to be retained.
45. A review of the submission points that Coastlands further submitted on, it would appear the SEV proposed no amendments to accommodate the requests made by the original submitters.
46. In terms of consultation in response to the SEV, the discussions I have been involved in with Council Officers has not addressed the objectives of the PDP, or Coastlands' submission points on the objectives.
47. Overall, the proposed amendments to the relevant objectives in the SEV did incorporate some of the matters raised in Coastlands' submissions, and in particular the retention of the intent of the objectives and some minor amendments. However, a range of key concerns raised by Coastlands in its submission were not addressed.

### **Review of Section 42A Report Comment and recommendation**

48. I have reviewed the s.42A report relating to Coastlands' submission points on the relevant objectives identified above.

### *Objective 2.3 – Development Management*

49. The s.42A Report recognises Coastlands submission in paragraph 174 (page 42) and in paragraph 209 (page 50) assesses the submission. The Council Officer agrees with Coastlands' submission to the extent that it is seeking retention of the provisions.
50. The s.42A Report recommends Coastlands' submission be **accepted**. I note Mr Miller in his evidence considers the consolidation approach to be soundly based on urban/spatial economics and supports in principle Objective 2.3. While there are a number of amendments recommended to Objective 2.3, in my opinion the overall intent of the objective to consolidate urban form within existing urban areas and a limited number of identified growth areas is maintained. I recommend the s.42A Report recommendation be adopted.

### *Objective 2.5 - Natural Hazards*

51. The s.42A Report recognises Coastlands submission in paragraph 310 (page 78) and in paragraph 330 (page 82) assesses the submission. The Council Officer agrees with Coastlands' submission that Objective 2.5 sets an appropriate strategic direction for consideration of natural hazards in the PDP.
52. The s.42A Report recommends Coastlands' submission be **accepted** and no amendments are recommended to the objective. I recommend the s.42A Report recommendation be adopted.

### *Objective Issue 2.11 – Character and Amenity*

53. The s.42A Report recognises Coastlands submission in paragraph 490 (page 115) and in paragraph 498 (page 117) assesses the

submission. The Council Officer agrees in part with Coastlands' submission that Objective 2.11 should be softened to recognise that change can be positive and that new environments, character and amenity can be created over time that can enhance what currently exists.

54. The s.42A Report recommends Coastlands' submission be **accepted in part** and recommend an amendment to the objective to replace 'protect' with the term 'maintain and enhance' as requested by Coastlands.
55. I note in relation to the submission point raising concerns about the District Centre Structure Plan, this matter is likely to be addressed as part of the Working Environment Chapter, and I am unable to make any comment on this matter based on the s.42A Report for the objectives. I address how community outcomes are achieved in my Planning Comment below.

#### *Objective 2.13 - Infrastructure and Services*

56. The s.42A Report recognises Coastlands submission in paragraph 535 (page 124) and in paragraph 556 (page 127) assesses the submission. The Council Officer does not agree that there is a need to include a clear statement of commitment in the commentary to the objective that Council will play a lead role in providing and managing such infrastructure and services in the objective. The s.42A Report goes on to state: "*Whilst I accept that Council does have a role to play in infrastructure development and operation, many of the essential services are run by private companies, which means that there will be many aspects that are largely outside of the scope of the Council to be able to control.*"

57. The s.42A Report recommends Coastlands' submission be **rejected** on the grounds that the Council cannot play a lead role in infrastructure operation and delivery as there are many other private infrastructure providers and developers who deliver and operate infrastructure.
58. I address this matter further in my Planning Comment below.

*Objective 2.14 – Access and Transport*

59. The s.42A Report recognises Coastlands submission in paragraph 577 (page 130) and in paragraph 591 (page 132) assesses the submission. The Council Officer considers the relief sought by Coastlands is outside the scope of the PDP, and therefore does not agree that changes are necessary to the objective to address the concerns raised.
60. The s.42A Report recommends Coastlands' submission be **rejected** on the grounds that the relief sought is outside of the scope of the PDP.
61. I address this matter further in my Planning Comment below.

*Objective 2.15 – Incentives*

62. The s.42A Report recognises Coastlands submission in paragraph 608 (page 135) and in paragraph 616 (page 137) assesses the submission. The Council Officer considers the amendment sought is going beyond the 'net-environmental benefit' intent of the objective, which intends to create environmental benefits in the areas of water quality, biodiversity, renewable energy and energy efficiency. This is to give effect to s.6 and s.7 of the RMA.

63. The s.42A Report recommends Coastlands' submission be **rejected** on the grounds that the relief sought is going beyond the 'net-environmental benefit' intent of the objective.
64. I address this matter further in my Planning Comment below.

*Objective 2.16 – Economic Vitality*

65. The s.42A Report recognises Coastlands submission in paragraph 625 (page 139) and in paragraph 647 (page 142) assesses the submission. The Council Officer states: *"I agree with the Submission insofar as they express support for the objective, however, I do consider that Objective 2.16 a) is clear in that it relates to land use. I also consider that the objective is consistent with the RMA and clearly indicates the matters that need to be addressed in plan provisions. I note the comments on costs that may be incurred [sic] as a result of the implementation of matters identified in the objective; however, I do not believe that this should impact upon the desirability to achieve aims set out within it. I am of the opinion that development must take place in a sustainable manner and the objectives aim to ensure that this is achieved."*
66. The s.42A Report recommends Coastlands' submission be **rejected** on the grounds that the objective gives effect to the RMA and the objective clearly sets out the matters it is addressing.
67. I address this matter further in my Planning Comment below.

*Objective 2.17 – Centre*

68. The s.42A Report recognises Coastlands submission in paragraph 668 (page 150) and in paragraphs 691 - 693 (page 151) assesses the submission. The Council Officer does not consider that

economic viability is wholly a business matter. The s.42A Report states: *“The PDP, in developing a hierarchy of centres that perform specific roles and functions, aims to ensure that economic viability is maintained and enhanced. The hierarchy of centres and their role within the hierarchy can ensure that businesses are distributed in such a way that they integrate with strategic and community infrastructure, existing residential, town centre and industrial environments and, therefore, is more likely to secure desired outcomes and sustainably manage effects.”*

69. The s.42A Report goes on to state: *“If left unimpeded, increased demand on the transport network, loss of accessibility to services and facilities, environmental effects, loss of amenity, reduced certainty of re-investment in public infrastructure, and public investment and loss of economic agglomeration benefits resulting from the co-location of complementary activities will occur.”*
70. The s.42A Report recommends Coastlands' submission be **accepted** to the extent that they support the intent of the objective; however, I do consider that economic viability is wholly a business matter.
71. I address this matter further in my Planning Comment below.

*Objective 2.19 – Urban Design*

72. The s.42A Report recognises Coastlands submission in paragraph 734 (page 158) and in paragraph 749 (page 160) assesses the submission. The Council Officer agrees that the objective provides appropriate direction for promoting high quality urban design. However, the Council Officer does not recommend any changes to the objective as a result of Coastlands submission since the objective sets the overarching direction whilst the

policies, rules and standards identify how this is implemented. The Council Officer suggests that the Submission be considered as part of the Section 42A report on the Working Zones chapter.

73. The s.42A Report recommends Coastlands' submission be **accepted in part** insofar as it expresses support for the objective, with other matters raised be considered as part of the Working Zone Chapter.
74. I address this matter further in my Planning Comment below.

#### *Further Submissions*

75. As discussed above, Coastlands made further submissions on 3 original submissions to Chapter 2 – Objectives. Below I briefly summarise the s.42A Report recommendations regarding the original submission, and Coastlands' further submission.
76. In relation to the submission Kapiti Coast Chamber of Commerce [Submitter No. 132] that request anew Clause a) be added to Objective 2.16, the Officer Report rejects this request and the further submission in support by Coastlands. The Council Officer believes the objectives of the PDP cover the relevant RMA aspects, and no further changes are required to the objective.
77. The submitter also requested a change the proposed zoning of Ihakara Street from 'Industrial' to 'Outer Business Centre' in Objective 2.17 – Centres that was opposed by Coastlands. While the Council Officer agrees that a certain amount of flexibility is required within zones to provide for activities ancillary to industrial activities. The s.42A Report recommendation accepts in part the submission in recognition that the plan does provide flexibility. No specific amendments are recommended.

78. In relation to the submission by St Heliers Capital Ltd [Submitter No. 459], the s.42A Report agrees with the submitter that the role of the town centres and the pressures that may result from the expressway need to be adequately recognised and managed (this is also discussed in the General Objective Issues section in paragraph 84; page 21). The s.42A Report states: *"The hierarchy of centres and their role within the hierarchy are to ensure that businesses are distributed in such a way that they integrate with strategic and community infrastructure, existing residential, town centre and industrial environments and, therefore, is more likely to secure desired outcomes and sustainably manage effects."*
79. The Council Officer considers there is a need to strengthen the role of the District's Centres in response to the pressures that will arise. The s.42A Report recommends the submission be accepted in part.
80. In relation to Kapiti Coast Airport Holdings Ltd [Submitter No. 276], the s.42A Report confirms the hierarchy of centres approach and makes the same statement I have quoted in paragraph 78 above. The s.42A Report goes on to state: *"Plan Change 73 considered in great detail the most appropriate range and type of activities on the site, taking into account the role and function and the need to maintain viability of the town centre, and this position has not changed. The Kapiti Coast Retail Study Analysis, October 2015, considers that the Town Centre is the heart of the retail market, and is the key centre to develop / extend on an on-going basis to meet the growing retail and commercial needs of the District."* The s.42A report recommends the submissions be rejected.

## Planning Comment

81. As I outlined in the Planning Context (paragraph 11 above), the purpose of an objective in a planning context is to express the outcomes sought or what is aimed to be achieved when addressing an environmental issue, and to provide the direction and justification for the policies, rules and other methods. Policies, on the other hand, identify the path or course of action to be taken to achieve an objective, and rules and methods provide a regulatory (rules have the force and effect of a regulation) or non-regulatory approach to implementing policies.
82. An objective should also be clear in intent, specific in terms of what is to be achieved and where and when (as relevant), and relate to the issue being addressed. Objectives should also be positively worded.
83. As I also mentioned in paragraph 11 above, objectives should be read together, and in my opinion this also includes the need to consider policies and rules/methods contained in the plan to fully determine how the resource management issue is being addressed. However, this is not possible with Council deciding to hear submissions on a chapter by chapter basis meaning the policies to implement the objectives and the rules/methods to implement the policies may change. My planning comment is therefore only on the objectives in isolation of looking at the complete planning package to address an environmental issue.
84. I am also concerned that the s.42A Report often provides the Council Officer's opinion with no referencing of any background technical reports or experts by which that planning opinion may have been formed. In particular, where the Council Officer states they do not agree with a submitter, I would have

expected further clarification on why the submission is rejected and a reference to technical reports prepared as part of the PDP supporting documents or advice solicited from an expert would be provided to support a contrary view.

85. I will now provide planning comment on the s.42A Report comment and recommendations on those objectives that have matters raised by Coastlands that have not been addressed. I have grouped these objectives under the following matters:

- Structure Plan and how community outcomes are achieved – Objective 2.11; Objective 2.14/2.17;
- Providing and managing infrastructure and services – Objective 2.13;
- Providing and managing transport infrastructure – Objective 2.14;
- Incentives to cover public facilities and amenity outcomes – Objective 2.15;
- Costs to businesses of achieving community outcomes – Objective 2.16;
- Economic viability and social outcomes and employment opportunities – Objective 2.17; and
- Urban design – Objective 2.19.

*Structure Plan and how community outcomes are achieved*

86. While Coastlands supported the overall intent of Objective 2.11, it noted that it considered Clause b) promoted the Town Centre Structure Plan; and a high amenity interface referred to in e) is to be provided.

87. In relation to Clause b), I have provided some initial comments on the Paraparaumu Town Centre Structure Plan in my Brief of Evidence (dated 17 March 2016) where I indicated I support the revised Structure Plan prepared through the Paraparaumu Town Centre and Connectors Transformation Project being undertaken by Council (paragraphs 79 -80). I note the s.42A Report identifies matters regarding the Structure Plan will be addressed at the Working Environment hearings.
88. In relation to Clause e), I note the s.42A Report recommends amendments that broadens the objective and adds an effects element. I agree with the amendments recommended.
89. While I support Objective 2.11 and the aspirational outcomes it includes, I have a fundamental issue regarding how the community outcomes that are to be achieved through Objective 2.11 (and other objectives including Objective 2.14 and Objective 2.17) will be provided. This is a constant theme in Coastlands submission, and I do not consider it has been adequately addressed through the s.42A Report or the recommendations it makes to the objectives.
90. As discussed in my Brief of Evidence (paragraphs 69 – 71), the PDP takes a prescriptive approach to development in the Town Centre, with the aim of achieving character and amenity outcomes as part of any development. While such an approach is good in theory, in practice it means additional costs are placed on the resource user/developer if they wish for their plans to be approved by Council, particularly with the design requirements being imposed. While I accept a resource user/developer can contribute to these community outcomes through development contributions, in my opinion achieving the character and amenity values expressed in Objective 2.11 will

not occur without Council's involvement and financial contributions. This leaves the question whether an aspirational objective, such as Objective 2.11, that has community outcomes that are reliant on the resource user/developer to achieve, is the most appropriate way to achieve the purpose of the RMA (s.32 (1) (a)).

91. I do not recommend any specific wording change to Objective 2.11, although I do consider some wording should be included in the Explanation that clarifies how Council sees the outcomes expressed in Objective 2.11 being achieved. For the Paraparaumu Town Centre, the Explanation should reference the Paraparaumu Town Centre Structure Plan in Appendix 6.7, the continued work of the Paraparaumu Town Centre and Connectors Project being undertaken by Council, and the need to develop partnerships between Council and key community stakeholders to deliver the outcomes sought by Objective 2.11.

*Providing and managing infrastructure and services*

92. Coastlands supported the intent of Objective 2.13 and the Explanation about substantial benefits of efficient use and management of infrastructure. Coastlands sought for a clear statement of commitment in the Explanation to the objective that Council will play a lead role in providing and managing infrastructure and services.
93. I note the s.42A Report rejects this request on the basis that Council cannot play a key role in infrastructure operation and delivery as there are many private infrastructure providers and developers who deliver and operate infrastructure.
94. As discussed in my Brief of Evidence (dated 17 March 2016) (paragraphs 81 – 82), the premise in the PDP seems to be that if

the resource user/developer wishes to subdivide, use and/or develop their land, and if additional infrastructure is required, the resource user/developer pays. The key infrastructure that adds the costs to a development we are talking about here is roads and footpaths; capacity in existing sewer lines; street lighting etc. While I accept that some of the essential services (such as electricity; water; gas) are provided by private companies, the issue raised by Coastlands does not relate to these services, but key infrastructure owned and operated by Council. I note Mr Copeland in his evidence (paragraphs 6.1 – 6.3) provides his opinion that it is “... *not appropriate for all new infrastructure to be internalised within the cost structure of land developers.*” He gives as his reasons that such an approach could result in inefficient cross-subsidisation and the loss or delay of economic and social benefits from new developments. He is of the view that the Explanation to Objective 2.13 could be amended in a manner that makes Council’s lead role clear in the provision and management of infrastructure and services it is responsible for. I agree with Mr Copeland’s views.

95. I therefore do not accept the Council Officer’s reason that Council cannot play a lead role in providing key infrastructure that it is responsible for.
96. I provide an amendment to the Explanation to Objective 2.13 in Attachment 2 to address this point.

*Providing and managing transport infrastructure*

97. Coastlands supported the intent of Objective 2.14 and, similar to Objective 2.13, sought a clear statement of commitment in the Explanation to the objective that Council will play a lead role in providing and managing the transport infrastructure needed for

future development. It also sought Council to outline its involvement including preparing an improvement strategy and funding approach through other mechanisms (such as the LTCCP and Annual Plan).

98. I note the s.42A Report rejects the Coastlands submission on the basis that the relief sought is outside the scope to the PDP.
99. Transport infrastructure is a critical element in achieving the outcomes sought for the Paraparaumu Town Centre through the PDP, the Paraparaumu Town Centre and Connectors Project and the revised Structure Plan (supported by Coastlands) that has resulted from that project. I have provided comment on this issue in my Evidence on the General/Plan Wide issues (paragraph 76), and I note Mr Georgeson of Traffic Design Group covered this matter in detail in his evidence to the General/Plan Wide hearings. In particular, Mr Georgeson identified that Coastlands was unable to fully develop the Wharemauku Precinct until additional transport network issues were addressed.
100. My opinion has not changed after reading the Officer Report assessment. In the planning context I have outlined earlier in my evidence, and the important role that objectives are given through the RMA, I consider it is more than appropriate for the Explanation to Objective 2,14 to provide the clear statement sought by Coastlands to guide the implementation of the objective through the policies and rules.
101. In my opinion such a statement would add to the appropriateness of the objective in meeting the purpose of the RMA, and with the integrated management of the effects of the use and development of land. I also consider it is more than appropriate for the PDP to identify non-regulatory methods that

Council will use to achieve the outcomes included in the objectives. Such non-regulatory methods could include a *Transport Improvement Strategy* and the use of non-RMA process such as the LTCCP and Annual Plan to address transport infrastructure issues. In my opinion, this is standard plan writing practice, and fail to see how the Council Planner can determine that identifying such non-regulatory methods is outside of the scope of the PDP.

102. I note Mr Copeland in his evidence (paragraphs 7.1 – 7.2) has the view that “... *it is inefficient if private land developers are required to meet wider network upgrade costs, which are more appropriately funded from general rates.*” Mr Copeland goes on in to reiterate that the economic and social benefits of development may be lost if road improvements are completed on a piece-meal basis via individual resource consents. He supports as statement as request by Coastlands.

103. I provide an amendment to the Explanation to Objective 2.14 in Attachment 2 to address this point.

*Incentives to cover public facilities and amenity outcomes*

104. Coastlands supported the intent of Objective 2.15 and saw an opportunity for the incentive approach applied to environmental outcomes be applied urban development to get public facilities and amenity outcomes. Coastlands considered that there is an opportunity to be innovative and to get community outcomes sought by the PDP objectives.

105. S.42A report rejects Coastlands submission on the grounds that the relief sought is going beyond the ‘net-environmental benefit’ intent of the objective.

106. While I accept the Council Officer's view that Objective 2.15 is focused on 'net-environmental benefits' related to specific environmental outcomes, Coastlands is suggesting that the same approach could be developed for achieving community outcomes, and much of the Explanation that outlines the approach to environmental outcomes is equally applicable to community outcomes. I note Mr Copeland in his evidence (paragraph 8.2) also sees no reason (from an economic perspective) why a similar approach cannot be taken to funding public facilities and amenity outcomes, where appropriate. In my opinion, Objective 2,15 can be amended to ensure the 'net-environmental benefit' intent is not lost, but that community outcomes are also subject to an incentives approach.
107. I provide an amendment to Objective 2.15 and Explanation in Attachment 2 to address this point.

*Costs to businesses of achieving community outcomes*

108. Coastlands supported the overall intent of Objective 2.16 but raised a number of concerns including: how Clause a) can be interpreted; how the community outcomes identified in Clause c) might be achieved; whether costs will be imposed on businesses from matters identified in Clause f) c); defining 'Business Activity'; and whether the responsibility to improving appearance and liveability is an RMA matter that is being placed on the resource user/developer.
109. I note the s.42A Report only addresses some of these matters, and in particular that Clause a) is clear in that it relates to land use; the objective is consistent with the RMA; that costs occurred through the implementation of the objective should not impact on the desirability to achieve the aims set out in it; and that

development must take place in a sustainable matter and the objective aims to achieve this. The s.42A report recommends Coastlands submission be rejected on the grounds that the objective gives effect to the RMA and the objective clearly sets out the matters it is addressing. I disagree with this recommendation.

110. In relation to Clause a), this provision reads:

*“a) encouraging business activities in appropriate locations within the District, principally through differentiating and managing various types of business activities both on the basis of the activity, and the potential local and strategic effects of their operation;”*.

111. As highlighted by Coastlands in its submission, there are a range of interpretations that may come from Clause a), and the s.42A Report does little to provide guidance on what the clause may mean, except to say it is clear that it relates to land use. The Council Officer goes on to say that the objective clearly indicates the matters that need to be addressed in plan provisions. Again, I disagree with this statement. While I accept the objective intends to encourage business activities into appropriate locations which is supported (and I note Mr Miller also supports this intent in his evidence), there is little guidance regarding how the district plan will *“differentiating and managing various types of business activities both on the basis of the activity, and the potential local and strategic effects of their operation”*. Mr Miller also identified that, in his opinion, there is a risk of sporadic retail development occurring in response to pressures for dispersal of retail across the District's industrial and mixed use zones in his evidence.

112. In my opinion, Clause a) does not meet the tests for writing good objectives (that I have discussed at the beginning of my Planning Comment above), and in my view is not clear in intent, specific in terms of what is to be achieved and where and when (as relevant), and does not provide guidance regarding the issue being addressed.
113. In relation to how the community outcomes stated in Clause c) might be achieved, my comments above in paragraphs 89 and 90 apply. Similarly, the possibility that costs are imposed on the resource user/developer as a result of implementing Clause f) c) has also been discussed above, and I have the same concerns regarding these provisions with the onus being on the resource user/developer to bear the costs to achieve the stated outcomes. I do not accept the Council Officer's view that there are costs associated with the implementation of the objective, but that should not impact on the desirability to achieve those aims. In my opinion, the intention of the s.32 evaluation is to test whether the objective (in this case) is appropriate to meet the purpose of the RMA, and this would include identifying whether the outcomes sought are achievable, and what costs might there be to the resource user. While I accept objectives can be aspirational, I see no point in having a stated objective if the costs have not been determined and the responsibility to achieve the outcomes has been placed on a part of the community that has to bear those costs. In my mind, this would not represent an appropriate objective.
114. I do consider that defining '*Business Activity*' in the context of the plan is necessary so that resource user/developer can clearly see who the plan anticipates will benefit from and assist to implement the provisions. That would allow businesses who fit

within the definition to realise they are part of meeting the outcomes of the objectives. I note Mr Copeland provides comment in his evidence (paragraph 7.1) regarding the inefficiencies of private land developers being required to meet costs associated with infrastructure, and the same principle, in my opinion, applies to community outcomes. A simple definition might be: *“Business Activity - the activity of making, buying, or selling goods or providing services in exchange for money.”*

115. Identifying the business activities that Objective 2.16 applies to also allows debate on whether the community outcomes being sought sit comfortably within the RMA. In my opinion, the improving of the appearance and liveability of a community is a collective responsibility that sits more comfortably projects funded through the Annual Plan process where Council can debate with the community what projects are necessary to achieve these outcomes, and how will the community pay for it. I do not consider the responsibility sits comfortably with an RMA process where a business activity might need a consent for a land use.
116. Overall, in my opinion there are elements of Objective 2.16 that I consider do not make it the most appropriate way to meet the purpose of the RMA being to promote the sustainable management of natural and physical resources.
117. I provide a number of amendments to Objective 2.16 in Attachment 2 to address these points.

*Economic viability and social outcomes and employment opportunities*

118. Coastlands supported the aspirational intent Objective 2.17 but noted that ‘*economic viability*’ is a commercial and business

matter and not a function of the Council. Coastlands also raised concerns about the strong emphasis on the significant social component as a focus for community activities (visual appearance, convenience and safety of buildings and physical setting) and the responsibility to provide these outcomes places costs on resource users/developers. Coastlands also questions the intent of the Paraparaumu Sub-region Zone to provide a broad range of mutually compatible activities and employment opportunities that are integrated with public transport. Coastlands questioned whether providing employment opportunities is a matter the district plan should be addressing.

119. The s.42A Report stated that Council does not consider economic viability a wholly business matter, and highlighted the hierarchy of centres developed through the PDP that perform specific roles that aims to ensure that economic viability is maintained and enhanced.
120. I note that I have already provided planning comment on this matter in paragraphs 71- 72 in my Brief of Evidence for the General/Plan Wide hearings, and I conclude pursuing economic outcomes is not a function of Council under the RMA. Notwithstanding this, I do accept the Officer Report has made a very good point about the centres hierarchy that is developed through the PDP (and reflects the operative District Plan). I support the hierarchy approach as I consider it is within the function of the Council to control land uses and the integrated management of the effects associated with those land uses, and the centres hierarchy allows Council to achieve this function. I also accept there are economic benefits that flows for the centres hierarchy approach, and Mr Copeland highlights these (that include agglomeration benefits; amenity benefits; lower

cost provision of public infrastructure and lower transport costs) in his evidence (paragraph 5.2). However, I consider the centres hierarchy adds to the economic vitality of the Town Centre, and not the economic viability which is a commercial/business matter, and should be kept separate to the effects based the RMA focus. I have come to the conclusion that the plan should focus on an economically sustainable Town Centre which would better reflect the purpose of the RMA, and would address my concerns about Council trying to ensure the Town Centre is viable.

121. I provide a number of amendments to Objective 2.17 in Attachment 2 to address these points.

*Urban design*

122. In its submission Coastlands supported the overall intent of Objective 2.19, but raised a number of matters relating to the implementation of the objective through the provisions contained in the Working Environment, and the appropriateness and responsibilities for these provisions.
123. The s.42A Report accepts in part Coastlands support for the intent of the objective, but does not address any of the matters raised as it is considered these will be part of a s.42A Report for the Working Environment Chapter.
124. A key concern of Coastlands in its submission is the prescriptive nature of the PDP provisions, and in particular the fact that the prescriptive provisions were based on the Structures Plan included in Appendix 6.7 of the PDP that was opposed in detail in Coastlands submission. I note I have provided planning comment on this matter in paragraphs 73 – 75 of my Brief of Evidence for the General/Plan Wide hearings. I also note Mr

Miller has provided a 'word of warning' in the summary of his evidence that supports this concern. I have not changed my opinion after reading the s.42A Report on this matter, and will await the s.42A Report for the Working Environment Chapter. Comments regarding responsibilities and costs associated with the implementation of Objective 2.19 have been discussed above in relation to other objectives, and these comments apply.

125. Mr Lunday provides his view on the urban design merits of Objective 2.19, and the wider centres hierarchy approach. Mr Lunday supports the centres approach from an urban design perspective, and the need to limit retail and commercial developing moving toward the Expressway. Mr Lunday also considers a stronger recognition should be given to the role of Rail as a Transit Centre in the objective. I agree with the views expressed by Mr Lunday.
126. I note the submissions by St Heliers Capital Ltd (St Heliers) and the Kapiti Coast Airport Holdings Ltd (KCAHL) as I have discussed above. St Heliers request a redefining of the town centre to be in an east/west direction to encapsulate its property west of the town centre towards the Expressway. St Heliers was unsuccessful in convincing the Environment Court that this approach for the Paraparaumu Town Centre would sustainably manage the commercial and retail resources of the district, as outlined in Mr Lunday's evidence (paragraph 3.4).
127. Similarly, KCAHL wish for the PDP provisions that current limit the retail opportunities at the Paraparaumu Airport to be relaxed to allow for retail development on its land. This was the subject of Plan Change 73 which established the current operative plan provisions that have been carried over into the PDP. These

provisions are specifically intending to ensure consolidation of the retail and commercial activities in the district centres.

128. I note the s.42A Report recommends both the St Heliers and KCAHL submissions be rejected, and reconfirms the intent of centres hierarchy provisions to sustainably manage the retail resource of the district through the consolidation of retail and commercial activity within the district centres. I support the Council Officer's recommendations on these submissions.
129. I provide a minor of amendment to Objective 2.19 in Attachment 2 to address Mr Lunday's point regarding Rail.

### **Overall Conclusions**

130. My overall conclusions are:
- Objectives are an important plan provision and are to be evaluated to determine what extent they are the most appropriate way to achieve the purpose of the RMA, and the other provisions of the plan are to be examined to determine if they are the most appropriate way to achieve the objectives (s.32 (1) (a) and (b));
  - Due to the Chapter by Chapter approach to the hearings adopted by Council, my planning comment is on the objectives in isolation of looking at the complete planning package to address an environmental issue;
  - I support the inclusion of Explanations in the PDP and consider this is a useful planning tool, particularly for objectives which have a level of importance (as outlined above);

- I conclude the Explanation to Objective 2.11 can be amended to include reference to how Council will achieve the outcomes sought in the objective through the Paraparaumu Town Centre Structure Plan and other methods;
- I conclude the Explanations to Objectives 2.13 and 2.14 can be amended to make the Council's lead role clear in the provision of infrastructure, including transport infrastructure;
- I conclude Objective 2.15 can be amended to introduce an incentives approach similar to the 'net-environmental benefit' approach included in the objective to encourage provision of community benefits, and the Explanation can be amended to provide guidance to the intent of the objective;
- I conclude Objective 2.16 can be amended to provide clarity regarding how the outcomes in Clause a) will be achieved, and the Explanation can be amended to provide guidance to the intent of the objective;
- I conclude Objective 2.17 can be amended in order to achieve economically sustainable centres, and the Explanation can be amended to provide guidance to the intent of the objective; and
- I conclude a minor amendment can be made to Objective 2.19 to highlight the recognition of rail as a Transit Centre.

131. It is my opinion that if the objectives and explanations are amended as recommended above, the objectives would be the most appropriate way of achieving the purpose of the RMA. Furthermore, they will allow the assessment of the policies, rules

and methods to be assessed in future hearings to determine whether they are the most appropriate way of achieving the objectives.



**Chris Hansen**

**31 March 2016**

Attachment 1 – Objectives from notified PDP

Attachment 2 – Objectives with recommended amendments