

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the Kapiti Coast Proposed District Plan,
Chapter 6 – Working Zones

STATEMENT OF EVIDENCE OF NICHOLAS ROBERTS ON BEHALF OF

ST HELIERS CAPITAL LIMITED

1. INTRODUCTION

1.1 My full name is Nicholas Jon Roberts. I am a Director of Barker & Associates Limited, an independent planning consultancy based in Auckland. I have held this position since 1997.

1.2 I hold a Bachelor of Planning from the University of Auckland. I am also a member of the New Zealand Planning Institute, the Resource Management Law Association, the Auckland Urban Design Panel, and the Auckland Council Unitary Plan Advisory Panel.

1.3 My relevant experience includes:

- (a) Preparing various resource consent applications for Kiwi Property Trust in relation to the Porirua Centre:
- (b) Preparation of submissions, evidence presentation and mediation in relation to Wellington City Plan Changes 45 and 73 relating to retailing;
- (c) Wellington Regional Policy Statement - preparation of submissions, evidence presentation and mediation in relation to the hierarchy of centres and the distribution of retail activity;
- (d) Palmerston North City District Plan - preparation of hearing evidence and attendance at mediation in relation to retail activity objectives, policies and methods;

- (e) Preparation of the Proposed Unitary Plan (PAUP) City Centre zone objectives, policies and methods, including preparation of planning evidence for Topic 050 City Centre;
- (f) Lead planner for the Council on the PAUP RPS Quality Built Form provisions, including mediation, preparation of evidence and hearing attendance.
- (g) Lead planner for the Council on the Residential topics submissions as part of the PAUP process. This included leading mediation, preparation and presentation of evidence for the Council.
- (h) Preparation of a number of plan changes on behalf of the previous Auckland City Council, including Plan Change 2 to the Operative Plan – implementing urban design controls across the Central City and Plan Change 4 – which provided for the redevelopment of Wynyard Quarter.

1.4 I also prepared and presented evidence on behalf of SHCL in response to Plan Change 72A. My evidence focused on the need to holistically address activities and key structuring elements across the Town Centre zone in order to give effect to the regional policy direction and to achieve the integrated management of environmental effects (s31). This was in light of the relatively narrow focus of PC72A which addressed only 15ha of the of the much larger Paraparaumu Town Centre (approximately 60ha). A significant aspect is the opportunity now created by the physical presence of the Expressway and the need, in my view, to proactively respond to that opportunity to enable the centre to achieve its sub-regional function and status. The Kapiti Proposed District Plan process now provides that opportunity as addressed in my evidence below.

1.5 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and I agree to comply with it while giving oral evidence before the Hearing Commissioners. Except where I state that I am relying on the evidence of another person, I confirm that this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

Scope of Evidence

- 1.6 This statement of evidence will:
- (a) Describe the site subject to Precinct C of the District Centre Zone and the surrounding environment context;
 - (b) Explain the relief sought by St Heliers Capital Limited to Chapter 6 of the Proposed District Plan ("**PDP**");
 - (c) Explain the statutory planning context for the District Centre Zone of the PDP and provide an analysis of the submitter relief sought within the required statutory context.

2. EXECUTIVE SUMMARY

- 2.1 In summary, I consider that amendments to the provisions of Chapter 2 – Objectives, and Chapter 6 – Working Zones in relation to Precinct C of the District Centre Zone should:
- (a) Better respond to the RPS direction (including proactively planning for the growth of the town centre); provide greater policy direction regarding competing priorities (e.g. between protection of the sand dunes and enabling economic development); and to explicitly recognise the relationship between the Paraparaumu town centre and the Expressway by amending objectives in Chapter 2;
 - (b) Enable as of right a greater range of permitted activities, including Food and Beverage; Retail stores selling convenience goods of less than 150sqm GFA per retail outlet; Service stations; Trade supply retail; Home Improvement Retail and Yard based retail;
 - (c) Enable other Large Format Retail activities subject to a restricted discretionary activity resource consent process that requires assessment of the proposal on the vitality of centres and economic effects and which enables such activities to be declined by the Council where adverse effects are more than minor;

- (d) Remove the notation on the District Centre Structure Plan that enables exclusively residential activity on a central part of Precinct C;
- (e) Remove protection of the sand dunes within Precinct C;
- (f) Enable development in the portion of Precinct C that is subject to the “stormwater” notation subject to a restricted discretionary activity resource consent process that requires assessment of stormwater effects, integrity of structures, safety of occupiers, hydraulic neutrality and the content and efficacy of any Stormwater Management Plan submitted with the application.

2.2 In my view, these amendments to Chapter 6 are more appropriate in section 32 RMA terms (efficiency, effectiveness, and relative costs/benefits) than Council’s proposed provisions, having regard to the PDP wide objectives set out in Chapter 2; the Greater Wellington Regional Policy Statement; and the RMA. This is because:

- (a) Enabling Food and Beverage, Retail stores selling convenience goods of less than 150sqm GFA per retail outlet, Service stations; Trade supply retail, Home Improvement Retail and Yard based retail in Precinct C will not detract from the function, vibrancy and vitality of the Paraparaumu Town Centre core. This will also assist to avoid such activities occupying land within areas of the Paraparaumu core which are planned to accommodate pedestrian orientated retail activity. This is supported by the reports of Property Economics for Kapiti Coast District Council (“KCDP”) and the evidence of Mark Tansley for St Heliers Capital Limited, and is consistent with the approach taken to the proposed permitted activities in non-centre commercial locations in District Plans throughout New Zealand.
- (b) Enabling a range of large format retail activities as a restricted discretionary activity will enable greater visual exposure of Precinct C to the new Expressway to the west of Paraparaumu Town Centre, and enable development of a commercial “linkage” between the Expressway and the Town Centre that will also attract customers to the town centre core. The visibility to the Expressway and potential customers provides also

opportunities to attract key retailers to the area that may otherwise not locate in Paraparaumu, and which can also provide a supporting function to the centre core. Also, as explained by Mr Tansley, there are various different types of large format retail activities with different locational requirements with varying potential effects on centre vitality. The SCHL land provides a unique greenfield opportunity to increase the range of retailing at Paraparaumu town centre over the life of the plan while maintaining and enhancing the vitality of the centre pedestrian orientated core itself.

- (c) There is no justification provided in the s42A report for restricting residential activity to the area of Precinct C shown on Council's proposed Structure Plan. Enabling Mixed Use development, including an appropriate range of commercial and retail activities and residential activities throughout Precinct C will provide for a more vibrant community and will support the function of the adjacent town centre core. Allowing for a range of uses on a vertical basis (rather than horizontal segregation) is common approach to planning centres.
- (d) The report prepared by Boffa Miskell on the sand dunes located within Precinct C concludes that there are "interesting" and "worth of protection", however does not conclude that they are either "Outstanding Natural Features" or "Outstanding Natural Landscapes". There is therefore no policy support in Chapter 2, the RPS or the RMA for retaining these dunes at this location. There is, however, a strong statutory and policy direction in enabling economic and residential development, particularly where it supports centres and vibrant communities within the District. On balance, enabling development would better achieve the policy direction and statutory documents than protecting the sand dunes in this location.
- (e) Where stormwater effects can be managed, development should be enabled. On balance, this would more effectively and efficiently achieve the policy direction in relation to stormwater management, hazards, and enabling community and economic wellbeing.

- (f) On balance, the overall policy direction of the PDP is achieved by the relief sought by the submitter, as it provides for:
- (i) a range of commercial, retail and residential activities that are able to be managed to not detract from, and instead complement the function of Paraparaumu Town Centre core;
 - (ii) Increased housing capacity, choice and provision of affordable dwellings in a location close to the sub-regional centre and key transport routes;
 - (iii) Provide for integration of land use and transport by enabling development which capitalises on visibility to the Expressway, while ensuring traffic generation is appropriately managed;
 - (iv) Providing for an efficient development where stormwater effects can be managed, therefore enabling supply while also avoiding increase in environmental risk.
- (g) Overall, the purpose of the RMA is achieved by providing for social and economic wellbeing and health and safety through enabling the development of a quality and integrated town centre and supporting mixed use development, while avoiding, remedying or mitigating effects on the environment, including potential stormwater effects.

3. PARAPARAUMU TOWN CENTRE

Existing Urban Environment

- 3.1 In considering how the Paraparaumu town centre should grow in the future, in accordance with the higher level policy direction and statutory planning documents, regard needs to be had to the existing (and likely future) environment. Whilst much of the Town Centre zoned land located within Precincts A and B is currently vacant and, in theory, provides for considerable flexibility for future development, the reality is that existing land uses (and the proposed new Expressway) impose limitations on how the land might be successfully developed in the future.

- 3.2 In my view, the key matters that need to be taken into account when considering the future growth of Paraparaumu town centre are:
- (a) *The existing Coastlands mall:* This is the main retail area within the town centre and is likely to remain the anchor for any future retail and commercial development;
 - (b) *The existing primary school located at the northern end of Rimu Road:* This will impact the ability of the town centre to grow north of Iver Trask Place;
 - (c) *The existing industrial areas:* Which are located to the east of State Highway 1 and along the southern part of Rimu Road around Ihakara Street;
 - (d) *The existing Civic activities:* Which are centred around Iver Trask Place and Ngahina Street. These include the Council offices, the library, community centre, aquatic centre;
 - (e) *The existing residential areas that adjoin the town centre land:* Particularly the area around Manawa Ave to the west that directly abuts the Ihakara Street West Precinct; and
 - (f) *The existing State Highway 1:* and the associated traffic using that road, which delineates the eastern extent of the town centre.
- 3.3 Other components of the existing environment that require consideration in the planning for the area include:
- (a) *The sand dunes:* including those identified by Council for protection within Precinct C;
 - (b) *The stormwater management area:* Currently proposed to be located within Precinct C for stormwater ponding;
- 3.4 Integration with the broader context is also important in considering the planning approach for Paraparaumu.
- 3.5 The proposed Expressway is the western edge of the District Centre zone and will delineate the western extent of the town centre once construction is completed. The construction of the Expressway will change the existing

transport network for Paraparaumu, including redistributing a proportion of through-traffic movements from the existing SH1 alignment, to the Expressway.

3.6 Other adjacent activities that interact with the town centre are:

- (a) *Industrial land*: Located to the north-west of the Paraparaumu Town Centre, which includes activities such as Mitre 10 Mega;
- (b) *The Airport*: which is located further to the west of the Town Centre just beyond the proposed new Expressway. In addition to airport-related activities, the District Plan also provides for a restricted range of retail activities on the Airport land.

4. OVERVIEW OF RELIEF SOUGHT

4.1 St Heliers Capital Limited has revised its relief sought in its initial submission on the PDP. A full version of the amendments sought to Chapter 6 – Working Zones is provided at **Attachment A** to this evidence. In summary, the amendments now sought are as follows:

- (a) *Chapter 2 Objectives*: Amendments to Objectives within Chapter 2 to better respond to the RPS direction, including the following:
 - (i) Amendments to Objective 2.9 – Landscape to provide clearly policy direction that protection is only to identified landscapes with significant values;
 - (ii) Addition to Objective 2.14 – Access and Transport to explicitly recognise and respond appropriately to the changes in traffic flows and opportunities for growth that will be generated by development of the Expressway
 - (iii) Addition to Objective 2.16 – Economic Vitality to recognise and respond to the current lack of retail self-sufficiency in the District, including by enabling retail activity in appropriate locations and linking with transport improvements

- (iv) Amend Objective 2.17 – Centres to remove reference to “commercial” activities within the Paraparaumu being focussed in Precincts B and C
 - (v) Consequential changes to the explanations to link with the above amendments.
- (b) *Permitted activities:* Enable a greater range of permitted activities, including Food and Beverage; Retail stores selling convenience goods of less than 150sqm GFA per retail outlet; Service stations; Trade supply retail; Home Improvement Retail and Yard based retail;
 - (c) *Large format retail:* Enable other Large Format Retail activities subject to a restricted discretionary activity resource consent process that requires assessment of the proposal on the vitality of centres and economic effects;
 - (d) *Residential activity:* Enable residential activity across the full area of Precinct C (including amendments to the Town Centre Structure Plan and the activity table), and providing flexibility on whether they are located above ground level or at ground level, depending on the typology and other activities proposed for the development;
 - (e) *Sand dunes:* Remove protection of the sand dunes (including amendments to the Town Centre Structure Plan and the activity table);
 - (f) *Stormwater management:* Enable development in the portion of Precinct C that is subject to the “stormwater” notation subject to a restricted discretionary activity resource consent process that requires assessment of stormwater effects, integrity of structures, safety of occupiers, hydraulic neutrality and the content and efficacy of any Stormwater Management Plan submitted with the application.

5. STATUTORY ASSESSMENT OF SUBMITTER RELIEF TO CHAPTER 6 – WORKING ZONES

- 5.1 In undertaking a planning analysis of the relief sought by St Heliers Capital Limited, I consider that a section 32 evaluation approach is the appropriate framework. This approach compares the provisions proposed by KCDC in its s42A report, with the “amending proposal” sought by the submitter, as provided at **Attachment A**. My analysis considers which is the more appropriate approach having regard to the relevant objectives. This requires an assessment of the relative effectiveness, efficiency, costs and benefits of the two sets of provisions in achieving those objectives.
- 5.2 I consider that in this context, the objectives to which the analysis of Chapter 2 should be applied are those of the Greater Wellington Regional Policy Statement. The analysis of the provisions in Chapter 6 should be in the context of the Plan-wide objectives set out in Chapter 2 of the PDP. I have used Council’s right of reply version for this analysis, in the absence of a guiding direction from the hearing panel. Where relevant, I have also commented on the improvements sought by SHCL to the objectives in Chapter 2, but these do not form the basis for my analysis.
- 5.3 Section 32(1)(a) also requires an examination of the extent to which the objectives of the proposal or amending proposal (in this case, the objectives of Chapter 6) are the most appropriate way to achieve the purpose of the Act.
- 5.4 I have undertaken this analysis along key themes having regard to the s42A report for Chapter 6; the supporting reports by Property Economics and Boffa Miskell; the expert evidence of Mark Tansley (economics) and John Parlane (transport) for St Heliers Capital Limited; and the statutory context as outlined above. The following key themes are as follows (references are additional to RMA Part 2 which apply to all themes):
- (a) Vitality of Paraparaumu Town Centre (RPS Objective 22, Policies 29 and 30; Chapter 2 Objectives 2.3, 2.11, 2.16 and 2.17);
 - (b) Integrated land use and transportation (RPS Objective 21 and Policy 32; Chapter 2 Objective 2.14);

- (c) Housing capacity, choice and provision of affordable dwellings (RPS Objective 21 and Policy 67 Chapter 2 Objectives 2.8 and 2.12);
- (d) Quality Urban Design and Communities (RPS Objective 21, Policies 53 and 54; Chapter 2 Objective 2.19);
- (e) Outstanding Natural Features and Landscapes (RPS Objective 27, Policies 24 and 25; Chapter 2 Objective 2.9);
- (f) Stormwater management and hazards (RPS Objective 12, Policies 11 and 50; Chapter 2 Objective 2.5).

5.5 Out of necessity, the key themes are addressed separately. However, as the themes are interrelated, a broad judgement is required when considering the effects.

5.6 At the outset, I note that the RMA is concerned with the integrated management of resources in order to achieve the overarching sustainable management purpose set out in Part 2 of the Act. Section 31(1)(a) of the Act, in particular, requires that:

Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) 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....”

5.7 Section 31, then, requires that the town centre be managed in an integrated manner. In the context of the Paraparaumu Town Centre there are a number of dimensions to integrated management. The three most important dimensions, in my view, include:

- (a) The need to manage all of the land and activities in and around the Town Centre in an integrated manner. This includes an evaluation of both existing and future demand and supply of Town Centre land in the context of the total land available and its intended role as a sub-regional centre;

- (b) The need to ensure that land-use planning is integrated such that compatible and complementary activities are grouped together to create a vibrant mixed use environment whilst ensuring incompatible activities are provided for elsewhere; and
- (c) The need to integrate land-use planning with transport planning. This includes a consideration of both the existing main roads (e.g. State Highway 1, Rimu Road, and Kapiti Road) and the proposed new Expressway. The proposed new Expressway, in particular, is a significant structuring element and will provide an alternative means of accessing the Town Centre (particularly from the wider catchment) in the future. It will also affect the proportion of regional through-traffic that will directly interact with Paraparaumu. In my view, the Expressway will be a significant change to the physical environment that the Town Centre will need to respond to, in order to reduce retail leakage from the district.

5.8 The following analysis considers an integrated approach to assessing the extent to which the provisions achieve the relevant objectives.

Vibrancy and vitality of Paraparaumu Town Centre

- 5.9 Both the RPS and PDP Chapter 2 (as supported by Council) provide an emphasis on the need to maintain and enhance the vitality and viability of centres and, in the case of Paraparaumu, the need for the Centre to fulfil a sub-regional role.
- 5.10 Objective 22 of the RPS, supported by Policy 30 requires that the region's district plans include provisions to provide for "an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality". Paraparaumu is identified as one such regionally significant centre.
- 5.11 Key objectives of Chapter 2 of the PDP include:
- (a) Objective 2.3 (Development Management) which seeks to, amongst other matters:
 - (i) Provide for a variety of living and working areas in a manner which reinforces the function and vitality of centres; and

- (ii) Provide for higher residential densities in locations that are close to centres
- (b) Objective 2.11 (Character and Amenity values) which seeks to, amongst other matters, provide for vibrant, lively town centres supported by higher density residential and mixed use areas;
- (c) Objective 2.16 (Economic Vitality) which seeks to promote sustainable and on-going economic development of the local economy, with improved number and quality of jobs and investment through (amongst other matters):
 - (i) 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;
 - (ii) Enabling opportunities to make the economy more resilient and diverse
 - (iii) Encouraging commercial consolidating and the co-location of community services and facilities primarily within the Paraparaumu Sub Regional Centre.
- (d) Objective 2.17 (Centres) seeks to have vibrant, safe and economically sustainable centres that function as key employment and economic nodes and as a focus for social and community life, as public transport and local service hubs, and as placing for living, entertainment and recreation that, amongst other matters, encourages economic opportunities and business activities in a manner which promotes the Paraparaumu Sub-Regional Centre as the principles commercial, cultural, civic and tourist centre for the District, to be developed in a manner that:
 - (i) Achieves an integrated and compact town centre, linking all Precincts through a well connected pedestrian and transport networks offering a choice of efficient routes and a high quality built environment

- (ii) Provides for a broad range of mutually compatible activities that are integrated with pedestrian and public transport;
- (iii) Is supported by opportunities for moderate density residential living; and
- (iv) Consolidates commercial and community activities within Precincts 'A' and 'B'.

5.12 It is therefore clear that the key objectives seek to achieve a vibrant and sustainable Sub-Regional Centre at Paraparaumu, supported by an appropriate range of activities. This is an important resource management issue for the Kapiti District, given the significant extent of retail leakage from the district, as identified in the Property Economics reports prepared for the Council.

5.13 The key question is therefore whether the expansion of the range of retail and commercial activities sought by the submitter are more appropriate in achieving this policy direction than the provisions proposed by the Council.

5.14 I agree with the assertion in the s42A report that core "centre" activities, such as civic activities (libraries, community centres) and specialist retail (such as clothing and stationary stores which contribute to core shopping areas) should be concentrated around the "main street" and located within Precinct A, rather than potentially dispersed through a wider area. However, the range of permitted activities sought by the submitter are commonly accepted as not having distributional effects such that would affect the vitality and vibrancy of the centre core. Council's own market economic advisors agree that activities such as trade suppliers and food and beverage would be appropriate within Precinct C, and this is supported by expert evidence from Mark Tansley for the submitter.

5.15 Further, these activities are commonly enabled as permitted activities in non-centre commercial zones in District Plans throughout the country. For example, building improvement centres / trade suppliers / garden centres (such as a Mitre 10 or Bunnings store) are a permitted activity in:

- (a) *Operative Tauranga City Plan*: Building Improvement Centres are permitted activities within the Industry Zone in Tauranga;

- (b) *Operative Taupo District Plan*: Trade suppliers (complying with permitted activity standards) are a permitted activity in the Industrial Environment;
- (c) *Proposed Hamilton City Plan*: Building Improvement Centres are permitted activities within the Industrial zone (as stated in consent documents approved by the Environment Court in its determination dated 3 May 2016 [2016 NZEnvC 076]);
- (d) *Proposed Auckland Unitary Plan*: Trade Suppliers are permitted activities within the Light Industry zone.

5.16 These plans also have “centres-focussed” policy direction, however, consider that these activities would not detract from the function of centres. There is therefore a large consensus amongst economic specialists, and more broadly, planners, that these activities can locate outside of centre cores.

5.17 Beyond simply “not detracting” from the Paraparaumu town centre core, I consider that enabling the range of activities sought by the submitter within Precinct C will assist in complementing and supporting the town centre core. This is particularly due to:

- (a) The visibility of the land to the Expressway. Enabling activities that seek high visibility locations may attract them to the area, where they may not otherwise choose to establish at Paraparaumu. This would enhance the overall vibrancy and vitality of the Paraparaumu as a whole. I note that in the evidence of Mr Adam Thompson for Progressive Enterprise Ltd, he refers to the ‘functional requirements of supermarkets’ as recently recognised in the appeals version of the Proposed Hamilton District Plan. The first of those requirements is “Store profile/visibility” (refer paragraph 30);
- (b) Providing an alternative “high visibility” location for these larger format and food and beverage activities, compared with the existing SH1 and main street, would enable higher grained “specialist” stores to establish in the town centre core instead. As explained in paragraph 22 of the evidence of Mark Tansley, the “expansion of a centre is not exclusively a consequence of addition new retail units”. Relocation of a large format retail

activity to the periphery of the town centre in a supporting location may facilitate a more vibrant and sustainable town centre, rather than detract from it.

- (c) Property Economics, for the Council, considers that enabling food and beverage activities along the road connecting the Expressway with the Paraparaumu centre core would assist in meeting a significant shortfall in the local market, and also in achieving linkages between the town centre and the Expressway. I agree with this conclusion.

5.18 I agree with Property Economics and Mark Tansley that other types of large format retail have a greater potential to detract from the function of town centres if they are located in “out-of-centre” locations. Council’s approach is to enable these activities within Precinct B which is directly adjacent to the town centre. However, I consider that due to the separation of this precinct from high volume and high visibility locations, there is a risk to Paraparaumu town centre that large format retail activities will not be attracted to the area at all. I therefore consider that enabling these activities as restricted discretionary activities within Precinct C will enable an assessment to be undertaken of the activity type, location requirements and its consequential potential effects of the vibrancy and economic sustainability of the town centre core (Precinct A). This would give effect to the relevant objectives and policies by enabling a consent to be declined for an activity that would detract from the town centre, without discouraging applications for appropriate activities that would be beneficial for the vitality and economic sustainability of Paraparaumu.

5.19 If Council’s position is accepted over the submitter’s relief, I consider this would result in significant opportunity costs associated with the inability to physically and visually link the Town Centre to the new Expressway. Sufficient flexibility and opportunity must be provided to attract appropriate businesses to the area, in recognition of this key structural change to the transport network. Attracting business to this sub-regional centre is not simply a function of providing enough vacant zoned land in close proximity to the town centre. Appropriately zoned land also needs to meet business requirements. As discussed above, visibility to high traffic volumes is often an essential consideration for retailers in selecting new sites. Easy vehicle access to arterial roads is also often a key

locational consideration for high profile retailers. Most traffic travelling between Wellington and north of Paraparaumu currently utilises State Highway 1, however following construction of the Expressway, the local and regional distribution of traffic movements will change. The increased visibility and accessibility of Precinct C to motorists once the Expressway is operational, compared with other areas of vacant land within the District Centre Zone, provide an opportunity to attract “anchor” businesses that will draw people from the Expressway into Paraparaumu, and assist in reducing overall retail leakage from the district.

- 5.20 The above analysis of the submitter’s relief to Chapter 6 is based on the Council’s position on the Chapter 2 objectives. I consider that the relief sought by the submitter to Chapter 2, particularly in relation to explicitly acknowledging and addressing retail leakage from the district as a key resource management issue, would more appropriately achieve the RPS policy direction which establishes Paraparaumu as a sub-regional centre.

Integrated land use and transportation

- 5.21 The RPS and Chapter 2 of the PDP seeks to achieve an integrated approach to planning for land use and transportation. Objective 2.14 (Access and Transport) of the PDP seeks, among other matters, to ensure the transport system in the District:

- (a) Integrates with land use and urban form and maximises accessibility;
- (b) Contributes to a strong economy;
- (c) Provides for the integrated movement of people, goods and services.

- 5.22 As discussed above, I consider that the land use activities enabled in Precinct C should integrate with the planned Expressway and take advantage of the visibility to high traffic numbers that will be enabled in this location. The need to provide a physical and visual link to the proposed new Expressway can be achieved by enabling food and beverage activities in Precinct C.

- 5.23 In addition to direct visibility, the role of the Expressway in the broader hierarchy and connectivity of centres also should be recognised in the

District Plan. The Expressway will enhance accessibility of Wellington and Palmerston North to Kapiti Coast residents, providing a significant risk of increased retail leakage. Given the close proximity of Paraparaumu town centre to the Expressway, via an established road and proposed road network, this could be an opportunity rather than a threat. However, for the opportunity of the Expressway to be realised, I consider that the amendments sought by the submitter to Chapter 2 are appropriate. They will more explicitly recognise the risks and opportunities for land use integration with this key component of the transport infrastructure to the economic sustainability of Paraparaumu.

- 5.24 In my view, it is also important to ensure that land use activities can be supported by the existing and proposed transport network, without compromising the safety and efficiency of that network. The indicative road layout in the District Centre Structure Plan enables a range of activities to be developed, subject to appropriate design at the development stage. The evidence of John Parlane concludes that the proposed provisions requiring assessment of traffic generation at each stage of development, and the indicative road layout on the District Centre Zone structure plan is sufficient to ensure that the development proceeds in a manner that integrates the land use development with appropriate transport network improvements.
- 5.25 As the submitter's relief better integrates land use with the Expressway, and traffic generation can be appropriately managed through the provisions at Attachment A (as well as the District-wide transport provisions), I consider that the relief sought will more effectively and efficiently achieve an integrated approach to land use and transport planning.

Housing capacity, choice and provision of affordable dwellings

- 5.26 Objective 2.12 (Housing choice and affordability) of the PDP states:

To meet diverse community needs by increasing the amount of housing that:

- a) is of densities, locations, types, attributes, size and tenure that meets the social and economic well-being needs of households in suitable urban and rural locations;
- b) is affordable and adequate for lower income households; and
- c) can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference, while enhancing the amenity of living zones and

contributing to the sustainability of communities and compatibility with the goals of environmental sustainability, in particular resource, water and energy efficiency.

5.27 Objective 2.8 (Strong Communities) of the PDP states:

To support a community where people:

a) have easy access and connectivity to high quality and attractive public places and local social and community services and facilities;

c) have increased access to locally produced food, energy and other products and resources; and

d) have improved health outcomes through opportunities for active living and/or access to health services.;

5.28 Providing for a range of residential typologies and densities in close proximity to the Paraparaumu centre core will attract a diverse and stable community that will support the vibrancy and vitality of the centre. Enabling residential activity throughout Precinct C, with flexibility to have either a mixed use development (i.e. ground floor commercial and above-ground apartments), terraced housing or stand alone dwellings, will provide for different options for residents looking to gain advantage of a location close to both the town centre and the Expressway. Higher density, smaller dwellings are likely to be more affordable in this location than stand alone dwellings, particularly as land value increases due to the location adjacent to a rejuvenating town centre and the Expressway.

5.29 It is not clear to me the reasons for restricting activity to the central area of Precinct C to residential, as shown on the District Centre Structure Plan proposed by the Council (and supported by permitted activity standard 6A.1.9.4). This would result in a “pocket” of exclusively residential activity surrounded by commercial and industrial activities on all boundaries (subject to the resolution of the stormwater issues addressed elsewhere in this statement). Although I consider residential to be an appropriate activity in this location, it is not the only appropriate activity. A mixed use development in this area of Precinct C may better provide for a vibrant town centre, and for a range of accessible housing options, than suburban-style residential development.

5.30 The amendments proposed by SHCL to permitted activity standard 6A.1.9 enables flexibility for either a mixed use development, with ground

floor retail or commercial and above floor residential activity, or a medium-density residential development complying with appropriate amenity standards. Both approaches are appropriate within this location and flexibility should be retained in the absence of any particular constraints or adverse effects from enabling a range of housing typologies throughout Precinct C.

- 5.31 In my view, the relief sought by the submitter will more efficiently and effectively achieve housing choice and affordability and strong communities, than those proposed in the s42A report.

Quality Urban Design

- 5.32 Objective 2.19 (Urban Design) of the PDP seeks:

To promote high quality urban design so that public and private places and spaces are liveable and safe, and

- a) enhance the local economy, environment and community;
- b) are sustainable, enduring and resilient;
- c) provide a strong sense of place reflecting cultural values and distinct community identities;
- d) are enjoyable, comfortable, welcoming and provide a diversity of experiences;
- e) are easy to move around and through, by encouraging a wellconnected and integrated transport network;

at all levels of urban design, from macro (urban structure and subdivision) to micro (building details and materials) scale.

- 5.33 Increasing the diversity of activities within Precinct C will ensure that overall, there is sufficient land within the District Centre zone for a mixed use environment to become established. Such an environment could include retail, commercial, hospitality/entertainment, civic and residential activities and would allow such activities to be horizontally and vertically mixed.

- 5.34 Building height is a fundamental feature of building bulk, location and design and the relationship of buildings to the surrounding area. The building height for all precincts within the District Centre zone is 20m (Rule 6A.1.17.1). The submitter is seeking a maximum height of 20m within Precinct C.

5.35 I consider that a 20m height in Precinct C meets the objective for urban design and other objectives in the Plan on balance, for the following reasons:

- (a) The Expressway and Kapiti Road separate Precinct C from residential areas. Further, the location of the land is to the south-west of the nearest residential areas, and the height recession planes in clause 8 apply. For these reasons, direct amenity effects such as dominance and shading from additional building height will be minimal.
- (b) The commercial and residential activities enabled in Precinct C provide an opportunity for mixed use development which would support the vibrancy and economic sustainability of the town centre. However, a 12m height only facilitates three storey development. A 20m height limit would enable six storey buildings would appropriate floor to ceiling heights and roof form design, to enable flexibility of ground floor activities, and appropriate level of daylight in upper level apartments or offices.
- (c) Three storey development does not require the provision of a lift under the building code. However, for apartments and offices, walk-ups to a third level may not be desirable. I understand that providing lifts for three and four storey development is less viable as a development model, as sufficient economies of scale are not available.
- (d) Given that there are no directly sensitive activities, this is a significant greenfields development opportunity, and the potential for a range of activities and mixed-use development to support the vibrancy and economic sustainability of Paraparaumu, I consider that a 20m height limit is appropriate.

Outstanding Natural Features and Landscapes

5.36 Objective 2.9 (Landscapes) of the PDP states:

To protect the District's identified outstanding natural features and landscapes from inappropriate subdivision, use and development, and maintain the landscape values of special amenity landscapes.

- 5.37 Although the Boffa Miskell assessment on the sand dunes within Precinct C identifies them as having geological and potentially archaeological interest and value, they are not concluded as being “outstanding” natural features or landscapes. It is therefore not necessary to protect them to achieve this objective of the PDP (or section 6 of the RMA). I note that although the notified version of Objective 2.9 sought to protect “remaining dunes”, this is deleted in Council’s right of reply version of Chapter 2.
- 5.38 Conversely, the objectives discussed above provide emphasis on enabling social (housing and vibrant communities) and economic (retail and town centre) wellbeing.
- 5.39 I note that there are extensive areas of sand dune that are protected in the District, most notably at the Queen Elizabeth Park. The WRC website states that, *“Queen Elizabeth Park is the last area of natural dunes on Kapiti’s coastline. Once part of a swathe of duneland stretching from Paekakariki to Foxton, the park reminds us how the coastline appeared before large-scale human settlement. Greater Wellington Regional Council is working with the community to protect and enhance this environment while providing a great place to enjoy the outdoors.”*¹
- 5.40 The dunes within Precinct C are therefore not unique within the district. Significant dune protection should be provided in appropriate areas, where there are no significant competing objectives. Given the important and strategic location of Precinct C between the Expressway and Paraparaumu centre core, I consider that enabling appropriate development of the land would more efficiently and effectively achieve the relevant objectives, than protecting the sand dunes.

Stormwater management and hazards

- 5.41 Objective 2.5 (Natural Hazards) of the PDP states:
- To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of risk from natural hazards, while recognising the importance of natural processes and systems.
- 5.42 I agree that managing stormwater is an essential consideration of any greenfields or brownfields development, including in relation to

¹ <http://www.gw.govt.nz/QEP/>.

- 5.43 My understanding is that the area within Precinct C effectively “embargoed” through the stormwater management scheduling in the District Centre Structure Plan (and consequential “non-complying” activity status for any activity not related to stormwater management), is being set aside to manage downstream effects that are not generated by development within the precinct. The description provided within Chapter 6 states that the area required for stormwater mitigation and flood management may be amended if further Wharemauku downstream upgrade works are undertaken, however this would form a separate plan change. This implies that the land is being set aside on a private landowners site to mitigate effects that are not being generated on site, and that this restriction will remain until offsite works can be funded and undertaken.
- 5.44 In my view, applying a non-complying activity status for any development within a large proportion of Precinct C, to manage offsite stormwater effects, does not enable reasonable use of the land in accordance with section xx of the RMA, and is effectively a land take without compensation, given the extent to which this approach restricts property rights of the landowners.
- 5.45 A more appropriate approach, in my view, is to enable development within this area subject to matters of assessment relating to stormwater management and flooding hazards. This provides flexibility for a range of stormwater management options to be canvassed between the landowner and the Council. Proposed Rule 6A.3.4 provides for any works within Precinct C that is subject to the “stormwater” overlay notation to be an restricted discretionary activity subject to the following matters of discretion:
- (a) Whether the proposal generates any adverse effects on stormwater flows on and in the vicinity of the application site.
 - (b) Whether the proposal generates any adverse effects on the integrity of structures and amenity and safety of occupiers in the vicinity of the application site.
 - (c) Whether the proposal achieves hydraulic neutrality for the site (with peak flows based on a one in five year, one in 10 year and one in 100 year design rainfall event).

- (d) The content and efficacy of any Stormwater Management Plan submitted with the application.

5.46 This requires that matters relating to natural hazards and stormwater management are adequately considered and assessed through the resource consent process. Provided that these effects are adequately addressed, there is no need to restrict development within this area in order to achieve the relevant objectives. In my view, this approach is more effective and efficient than requiring a Plan Change in the future to amend the provisions, if, for example, downstream works are undertaken to reduce or remove the stormwater management area required in Precinct C.

Other matters

5.47 The marked up provisions at Attachment A to my evidence also address a few other matters, as follows:

- (a) *Activity status for infringing multiple controls:* The approach taken in Chapter 6 is to enable infringements to one of the permitted activity standards as a restricted discretionary activity ("RDA"), with more than one infringement to be considered as a discretionary activity. The nature of the effects from each of the infringements will not change, and therefore discretion can still be restricted to those same effects. I therefore propose deletion of the discretionary activity rule as it is inefficient and unnecessary to achieve the objectives. However, I do consider that it is important that each development control infringement is not assessed in isolation. The matters of discretion listed for infringing a control provide for consideration of a broad range of effects or a proposal, and its consistency with the objectives and policies. I therefore consider that the RDA status is sufficient to enable an appropriate assessment of multiple standard infringements.
- (b) *Minor wording changes:* SHCL has proposed a number of amendments to improve clarity, for the reasons set out in Attachment A. I agree with these amendments.

Part 2 of the RMA

- 5.48 In my view, the relief sought by St Heliers Capital Limited is consistent with the purpose of the RMA. In particular, the relief sought seeks to enable the social, cultural and economic wellbeing and the health and safety of the Kapiti District community through enabling economic and residential activity which will support the function of Paraparaumu Town Centre and provide for integration with the Expressway. I note that the provisions are concerned with the sustainable management of both the land within Precinct C and the Paraparaumu centre as a whole.
- 5.49 At the same time, the submitter relief seeks to address the matters (a) to (c) as follows:
- (a) it seeks to ensure that the land resource is developed in an efficient manner that achieves, and does not undermine, its potential for Paraparaumu to become a vibrant and sustainable sub-regional centre. Growth of appropriate commercial activities within Precinct C relieves pressure for growth in other less appropriate parts of the Kapiti Coast District and will assist in attracting potential businesses and customers to Paraparaumu;
 - (b) the development enabled in the Precinct would not affect the life supporting capacity of natural resources;
 - (c) adverse effects on the environment will be avoided, remedied or mitigated through the resource consents triggered, including in relation to transport and stormwater.
- 5.50 I note that the core purpose of the RMA, as set out in section 5, is to enable social, economic and cultural wellbeing and health and safety, while also managing effects of the environment to achieve sustainability. Its premise is therefore enablement, while achieving environmental objectives and inter-generational sustainability. I therefore support amendments sought by the submitter that remove references in objectives to requiring an applicant to demonstrate a “need” for their activity. The converse approach should apply to give effect to the RMA, i.e. an activity should be enabled unless there is a reason to restrict it (such as a significant adverse effect on Paraparaumu town centre).

- 5.51 In my view, the provisions supported by the Council do not sufficiently achieve the overall purpose of the RMA. They impose restrictions on the use and development of land, which reduces the extent to which social and economic wellbeing can be achieved. I consider there is insufficient justification on an evidential basis that any of the “while” clauses are invoked such that use and development of Precinct C needs to be restricted to the extent proposed. For example, there is no clear justification for restricting activity in the centre portion of Precinct C to residential, when other activities would not generate adverse effects on the economic wellbeing of Paraparaumu (and may, indeed, have positive effects for the reasons canvassed earlier in this evidence).
- 5.52 The relief sought by the submitter has recognised and provided for section 6, Matters of National Importance, as outlined below.
- (a) Precinct C is not located in close proximity to the coastal environment and consequently the amendments sought to Chapter 6 will not affect public access to the coast.
 - (b) Precinct C does not contain any identified outstanding natural features or landscapes or significant indigenous vegetation or habitats, based on the Boffa Miskell report prepared for the Council.
 - (c) I understand there are no particular sites of significance to mana whenua, or other cultural values associated with Precinct C that would prevent the relief sought by the submitter being achieved.
 - (d) Any archaeological values associated with disturbance of the sand dunes would be managed through Heritage New Zealand.
- 5.53 Having regard to the section 7 'other matters':
- (a) Council has not raised any issues relating to the kaitiakitanga role of the local iwi in respect of Precinct C of the District Centre zone;
 - (b) The relief sought by the submitter will enable the efficient use of natural and physical resources, in particular land located between an important sub-regional centre and an important transport route (the Expressway). This will be achieved by

enabling a range of activities that would capitalise on the visibility of the land while supporting, rather than detracting from, the vibrancy and vitality of the centre core;

- (c) There are no particularly identified amenity values in this area, however development of Precinct C in an integrated manner with the Expressway and the centre core will improve the amenity of the area as a whole;
- (d) The relief sought by the submitter will allow for the ecosystems in the receiving environment to be maintained and enhanced through requiring any development within the stormwater management area to be assessed in relation to potential effects on the hydraulic neutrality and management of stormwater effects. This will complement regional plan requirements relating to stormwater discharges.

5.54 I am not aware of any particular section 8 Treaty of Waitangi matters relating to the relief sought by the submitter.

Summary

5.55 Overall, the relief sought in **Attachment A**, including the amendments to the District Centre Structure Plan and the provisions of Chapter 6 – Working Zones, meets the relevant statutory requirements as:

- (a) It will more effectively and efficiently achieve the objectives of the RPS and Chapter 2 of the PDP, than the provisions proposed in the Council's s42A report;
- (b) It will meet the sustainable management purpose of the RMA by enabling social and economic wellbeing and health and safety, in particularly through better supporting the ongoing growth and increased vibrancy and vitality of Paraparaumu Town Centre by providing opportunities to attract businesses that require high visibility locations, and through enabling a range of commercial and residential activities that complement core centre activities.

6. CONCLUSIONS

6.1 In summary, I consider that the relief sought by St Heliers Capital Limited as set out in **Attachment A**, will more appropriately achieve the objectives of Chapter 2, the RPS, and Part 2 of the RMA than the provisions proposed by KCDC. I consider that the provisions proposed by the Council would:

- (a) Potentially result in a significant opportunity cost because they fail to take advantage of the high visibility of land within Precinct C to motorists, to attract high profile businesses that may not otherwise choose to locate in Paraparaumu;
- (b) Also result in opportunity costs by failing to link the existing town centre core with the Expressway, including through providing a food and beverage offering along the connecting road, as suggested by Council's advisors (Property Economics);
- (c) Restrict the flexibility within Precinct C to create a mixed use development that would complement the functions of the town centre core, and overall provide a catalyst to enhance the vibrancy and vitality of the town centre;
- (d) Result in significant constraint on the use and development of land within Precinct C even where that use and development:
 - (i) would not detract from the function of the town centre;
 - (ii) generate additional offsite stormwater effects; or
 - (iii) offend against any Part 2 RMA values.

6.2 Overall, granting the submitter relief will enable the efficient and appropriate development of land which will support the function of Paraparaumu Town Centre, providing for integration with the Expressway, enable economic and social wellbeing by providing for an appropriate range of activities, while appropriately managing stormwater and other potential environmental effects.

Nicholas Roberts
5 September 2016

