



# LANDLINK GENERAL SUBMISSION PLAN CHANGE 2

SEPT 2022

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## 1.0 Submitter Details

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<b>I would like my address for service to be my email</b>	Yes
<b>I have selected email as my address for service, and I would also like my postal address withheld from being publicly available [select box if applicable]</b>	Yes

## 2.0 Introduction

As part of the Kāpiti Coast Districts Council's (KCDCs) response to projected growth throughout the region they have recently developed 'Te tupu pai – Growing Well', a proposed approach for sustainable growth. Alongside the development of a growth plan local governments across the country have been working to implement requirements under the National Policy Statement on Urban Development 2020 (NPS-UD) resulting in a number of changes to District Plans through an ISPP. Sections 77G and 77N of the Resource Management Act 1991 (RMA) require that District Plans of Tier 1 Authorities give effect to Policy 3 and 4, of the NPS-UD.

This is a submission on Kāpiti Coast Districts Council Plan Change – Plan Change 2. This submission is provided based on the scope provided through the Intensification Streamlined Planning Process (ISPP) and the Intensification Planning Instrument (IPI) and processes. Although we note that this marries up with some of the work on the Growth Strategy (and underpinning data) we are submitting with a focus on the ISPP remit and not beyond.

As a local and experienced land development advisor that has been operating along the Kāpiti coast for over a decade, Landlink has built a wealth of knowledge which informs our day-to-day decisions, operations and longer-term strategies. As part of this process we want to use what we know about local aspirations, development, infrastructure, and demand to positively contribute to policy development and decisions which influence and will ultimately shape our community.

We appreciate the time pressures councils have been under to integrate these requirements and the amount of work involved. We believe that we can add value which should not be underestimated as part of this process and thank you for the opportunity to participate.

### 2.1 Submission Scope

The specific provisions of the proposed plan change that this submission relates to are:

- Rezoning to residential areas – we support the proposed rezoning of 13 sites identified and request that additional areas should be rezoned

- Intensification areas
  - The modification of boundaries to proposed intensification areas
  - Oppose Waikanae Beach intensification Precinct and propose an alternative area for consideration
- Request changes to specific proposed objectives, policies, rules or standards
- Consideration of qualitative points made in the current and future development of policies, rules and standards.

Hearing Submissions	
I wish to be heard in support of my submission	Yes
I do not wish to be heard in support of my submission.	N/A
If others make a similar submission, I will consider presenting a joint case with them at a hearing.	Yes
If others make a similar submission, I will not consider presenting a joint case with them at a hearing.	N/A

### 3.0 Submission

#### 3.1 High level feedback

- We do not believe that the proposed rezoning of 13 small residential areas is sufficient to provide adequate development opportunity to meet shorter- and medium-term housing demand.
- How flood risk is managed in relation to MDRH as a permitted activity could have significant implications for development.
- Of the 13 proposed areas to be rezoned many sites of a similar size and nature have been excluded from the proposed plan change, including an area which is opposite a 'local' centre – a specific area where development is directed through the NPS-UD policy 3 part D.
- There is not enough detail around 'future proposed plan changes' to inform feedback on this submission i.e. council has general inferred that other areas for rezoning will be considered later but what that entails or captures lacks detail.
- Development in relation to other areas needs to be considered to achieve Policy 1 of the NPS-UD (which we understand is outside of the scope of this IPI).
- Timeframes for submissions are not reflective of:
  - the high volume of information and detail to be consumed –
  - constraints on industry which can limit ability to provide comprehensive feedback within a tight timeframe e.g. sickness & resource, Business As Usual. (We do acknowledge an extension was provided by KCDC but the timeframes are still extremely limiting).

The timeframes involved may be seen as undermining a genuine engagement process.

- Very limited support has been given to industry and the public to understand these plan changes i.e. the clarification of how proposed rules will work in practice and detail around rules – more support should be available to enable a genuine consultation process.

- Reliance on infrastructure planning in the Long-Term Plan is not a practical solution in relation to infrastructure provision – infrastructure planning processes need to be responsive to permitted activity, not the other way around.
- To ensure development is ‘realised’ and to manage impacts on infrastructure where possible council should consider rezoning to residential in areas that are supported by owner occupiers.
- A number of subdivision rules seek to manage the effects of permitted land use as a proxy which seems inappropriate as those effects could/will largely be established and existing when subdivision may be perused.
- Transport and infrastructure requirements in relation to subdivision as a controlled activity need to be reviewed to make sure that they are pragmatic and efficient i.e. they shouldn’t be geared or facilitated to retrospectively manage established effects
- A pragmatic approach should be taken when considering qualifying matters in relation to MDRH – i.e. flood risk should not bolster MDRS to a more restrictive activity status if development can be managed appropriately i.e. using a similar mechanism to NH-FLOOD-R3
- Choice needs to be facilitated through mechanisms other than MDRs – MDRs provides choice only within a certain remit of housing provision (i.e. medium density) so the councils reference to choice through only MDRS is limited.
- Reference to the Minimum Engineering Requirements 2022 instead of SDPR requires submitters to comprehensively also understand the changes proposed in this document which is unfeasible given the timeframes.
- We do not believe that the update of reference to Minimum Engineering Requirements 2022 should be included as part of the plan change through the IPI as it does not directly relate to policies 3 and 4 of the NPS-UD
- Some District wide subdivision matters that would drop an otherwise ‘controlled’ activities status (where land use has already been established) are no longer relevant considerations.
- Council should undertake district wide studies in relation to risks and constraints to find more progressive and pragmatic approaches to management which would be less inhibiting growth and reasonably manage risk.

### 3.1 Reliance on Future Plan Change

The draft PPC2 document references in numerous areas that council anticipate undertaking a future plan change to enable future development “in parts of the district where this may be appropriate” (PPC2 Draft *KCDC* pg 5 2022). Although this same information is not included in the proposed plan change it is unclear if it is still intended as part of this process. Information on any formally mentioned future changes has been extremely limited. We believe it is important and consequential to submissions on PPC2 to understand:

- If future plan changes to give effect to NPS-UD 2022 will be entirely ‘council driven’
- What areas or sites will likely fall within a future *KCDC* driven plan change/what will the criteria and focus be?
- Timeframes associated with a future plan change process (e.g. to meet what period of growth and when would they likely commence?)
- Who will be involved in supporting the plan change outside of the submissions process?

It is also considered that any significant reliance on privately motivated plan changes may have negative effects that should be considered:

- May be limited in potential to enable further capacity as the process is cumbersome, timely and costly and would unlikely be able to meet short term demand
- If council do not enable enough practical and realisable capacity then private plan changes could have the potential to overwhelm an already pressured system – where appropriate council should facilitate proposals for inclusion in future plan changes to make for an efficient process. If private change directly proposes to give effect to relevant areas of the NPS-UD a facilitating process outside of general provisions could be explored making it more encouraging for applicants.

Future detail should also be available in regards to the proposed through a ‘future coastal environment plan change’ (Pg 30 PPC2), which would enable people to make more informed submissions on the coastal qualifying matter changes proposed – GRZ-Px7.

### **3.2 Rezoning to residential areas and proposed intensification precincts**

We understand that Policies 2 and 3 relate to the provision of further capacity for development through providing ‘sufficient development capacity’ to meet expected demand for housing and business in the short, medium and long term.

We do not believe the rezoning of 13 small residential areas as part of Plan Change 2 is substantial enough to give effect to policies 2 and 3 as required. A few key points include:

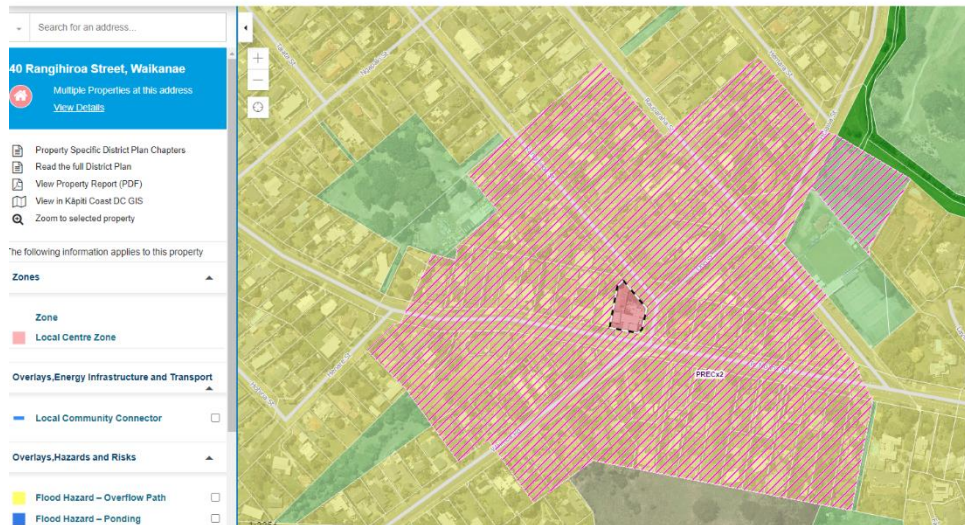
- There has been an omission to focus on enabling further development capacity where there are sites which could be feasibly considered in alignment with the clear direction of the NPS-UD (many within urban areas on the edge of residential zones).
- The NPS places emphasis on development trends and future landowner and developer intentions specifically around what is ‘reasonably expected to be realised’ we believe that rezoning decisions do not identify such opportunities to their full potential.
- KCDC (Appendix B - Section 32 Report KCDC) cites constraints as a rationale for not including a number of sites (for residential rezoning) in PPC2 however these constraints are prevalent throughout the district e.g. flood risk, liquefaction, infrastructure – we note, importantly, that there are other policies and provisions that manage these risks (which are comparable to a large proportion of the existing residential zone) which would continue to apply.
- We do not believe that KCDC has been ambitious enough in the rezoning process to give adequate effect to Policy 2. This is also reflected in individual site submissions:
  - 283 Ngārara Road
  - 298 Ngārara Road
  - 14 Greenaway Road
  - 110 Te Moana Road
  - Cluster of sites surrounding Te Moana Road Expressway (including NZTA designations)
- We note that there are many areas on the fringes of residential zones which are currently zoned rural/rural productive. However arguably these areas are no longer an efficient use of land as a resource. In many areas it can be demonstrated that productive value is extremely

limited and production activity is unfeasible due to fragmentation over time, natural features (including wetlands), historical urbanisation and other development or the location of existing infrastructure (e.g. expressway). There is also a consideration of reverse sensitivity due surrounding residential uses. Where these issues are present, there is a very low productive yield value/and often the intention for rural productivity is unutilised there are many areas in Waikanae which fall into this category and should be considered as part of PPC2. Realising sites with low productive value for development could provide capacity which will remove the need to explore releasing capacity other areas with higher productive potential from future development.

- We strongly agree that the beach area is a significant community and should have an identified centre which supports intensification but do not believe proposed residential Intensification Precinct B (Centring from Local Street on Ono Street/Te Moana Road/Rangiroa Street) is the most appropriate location for intensification. We oppose this intensification precinct and propose intensification around the Ngārara Local Centre as it is a significantly better placed focal point for intensification for the area. Further rationale below:
  - Considering councils regard for the character of the beach area intensification around the bakery site (proposed beach site) does not seem like it will produce cohesive urban form.
  - There is a very modest existing offering (Ono Street) and very limited opportunity for the existing local centre site to expand and provide further facilities to support intensified residential growth intensification in the area (although the open space facilities are noted) . The Ngārara Site is nearly five times larger than the Bakery site which is only approximately 1000m<sup>2</sup>.
  - We propose Ngārara is the focused local centre for intensification in the beach community (which has more potential for a mix of uses) and greater expansion potential – supported by infrastructure provision and aligned with existing plan provisions.
  - The access into the Ngārara Precinct is significantly safer and provides more parking than the bakery site which is currently constrained and often congested.
  - Ngārara provides ample opportunity for development and innovation which will be complementary to the existing character of the beach area
  - As above the bakery site (Ono Street) and surrounds are limited in how they could expand to support other uses to support intensification
  - The Ngārara site is centred on a transport node, being the Te Moana Expressway intersection where there is lots of opportunity to link up with public transport and there is access to the well-formed cycle ways.
  - Other local community open space facilities such as the Golf Club, Bowls and tennis Clubs at the fringes of the intensification area, at 400m from the Ngārara Local Centre area (the same walkable distance used to define Precinct A and B extents)

*Figure 1 Intensification Precinct B – Bakery Area*





- The table on Pg 10 (PPC2 Draft) omits Ngārara Development Area as a local centre from the table it is also not included/assessed as part of the Boffa Miskell *Spatial Application of NPS-UD Intensification Policies* assessment (pg 3), however the area is clearly defined a local centre in the DISTRICT PLAN Policy LCZ-P1. A local centre focus and intensification precinct around Ngārara is not present in the final version of PPC2 contrary to Policy 3 (d). We request an amendment to establish residential and intensification zones around the Ngārara local centre.
- Although generally supportive of proposed intensification areas (excluding the bakery site) we request:
  - Intensification Precinct B in Otaki is amended to include the full site at 237 Rangiuuru Road, Otaki Gardens
  - Intensification Precinct B in Otaki is amended to include the full site at 255 Rangiuuru Road
  - Proposed Intensification Precinct B at Waikanae Beach is removed and a intensification precinct is established around the Ngārara Local Centre.
- As an observation we note that there are no minimum height/density requirements in any part of intensification areas/precincts – this could potentially mean that development in intensification precincts will not achieve what is intended – it would be pragmatic to identify some areas within very close proximity to rapid transport having minimum build heights to ensure development in these areas is effective.
- It is generally also noted that the boundaries of some intensification areas, although we understand spatially defined, do not make practical sense e.g. the boundaries around Waikanae train station which leave very ‘patchy’ areas of streets open to intensification but not the surrounds – given character and amenity considerations of the area would it not make sense to ensure that the edges of intensification areas are practical i.e. don’t just include 2/3 houses on to a street.

### 3.3 Reliance on infill in developed areas

Development of larger scale medium density projects may often be undertaken by experienced developers. It appears the policy settings in PPC2 and the rezoning of 13 small residential zones limits additional larger scale MDRS potential. It places more reliance on infill housing on sites which

already have existing dwellings. Considering this a broader approach to infill needs to be supported. Practically this may mean considering how subdivision to create vacant lots which could then be utilised for MDRS acknowledging that it is a significant undertaking for a lay person.

Providing more flexibility for subdivision in areas where infill is desired but there are not specific housing plans will potentially create vacant lots which may in turn create more potential for MDRH as vacant lots can be utilised by those with the resources to undertake comprehensive development. We do not believe that in these circumstances minimum lot sizes are still an appropriate.

Infrastructure requirements where vacant lots are being developed (with the intention that they will be utilised for infill later) should also be flexible. This is to ensure development is as sustainable as possible – i.e. not being required to put infrastructure which will need to be later rectified or significantly upgraded to facilitate MDRS).

### **3.4 Housing type and choice**

We note that D0-11 explanatory text states that there is support for housing of different type and choice. This aligns with Policy 1 of the NPS-UD. Although it is acknowledged the remit of PPC2 is to give effect to Policy 2 and 3 and that 77G can only be used to rezone where the outcome is residential, the focus of PPC2 on intensification enabling capacity it does not provide for a broad range of housing choice. As such we note the importance of a future district plan change needing to balance infill with enabling potential development to ensure a range of type and choice and play to the strengths of the coast's desirability.

### **3.5 Financial Contributions**

Financial contributions are a significant consideration to those seeking to undertake ad-hoc infill, development contributions increasing up the cost as market value slows nationally.

- FC-R5 – amend - it is not feasible in relation to all developments, particularly larger scale developments, to request the payment of all contributions prior to s224 Certificates – this is because often developers may seek to complete the sale of lots to facilitate payment of the development contributions
- FC-R7 2. Should be amended to not 'unless impeded by the council'

### **3.6 Social infrastructure**

We seek more focus around how social infrastructure, including public transport, will support and facilitate higher density housing. Housing which is targeted to be affordable should be well supported by the appropriate infrastructure to facilitate social cohesion and ensure that adverse effects like social exclusion are avoided.

### **3.7 Design guides**

To achieve high quality MDRH that aligns with character where there are few controls in terms of permitted activities, we support that council could offer project specific design guidance and support in addition to direction provided through rules and design guides. We believe support like design

guidance meetings on proposals would be more successful in seeking the objectives of the NPS-UD and subsequent plan changes.

Some high level feedback:

- We note the lack of New Zealand examples in the design guide
- There is some very specific guidance e.g. Para 16, Diagram 8 – there are good examples of these design concepts but the guide has captured them as negative – appears blunt. When applying these concepts to design a case by case basis would be appropriate (because there are examples of where people use these design concepts well).
- We seek clarification around how council will assess the assessments against design guides and in what circumstances they will request peer reviews of assessments – i.e. as a direct requirement will council have in house capability to assess or will further financial cost be passed to the applicant.

## 3.8 Qualifying matters

### 3.8.1 Flood risk

- In relation to development capacity Landlink have also undertaken a geo-spatial analysis to identify the parcels impacted by the latest KCDC flood extent.
  - Landlink identified 19,951 relevant parcels within the General Residential Zone (ODP 2021). It was found that 51% (10,138 Parcels) of the total 19,951 parcels had the KCDC flood extent within the parcel area. Parcels with flood extent within them were highlighted green in the figure below.<sup>1</sup>
  - This demonstrates how limiting the blanket approach to flood risk and development will potentially be on future development.

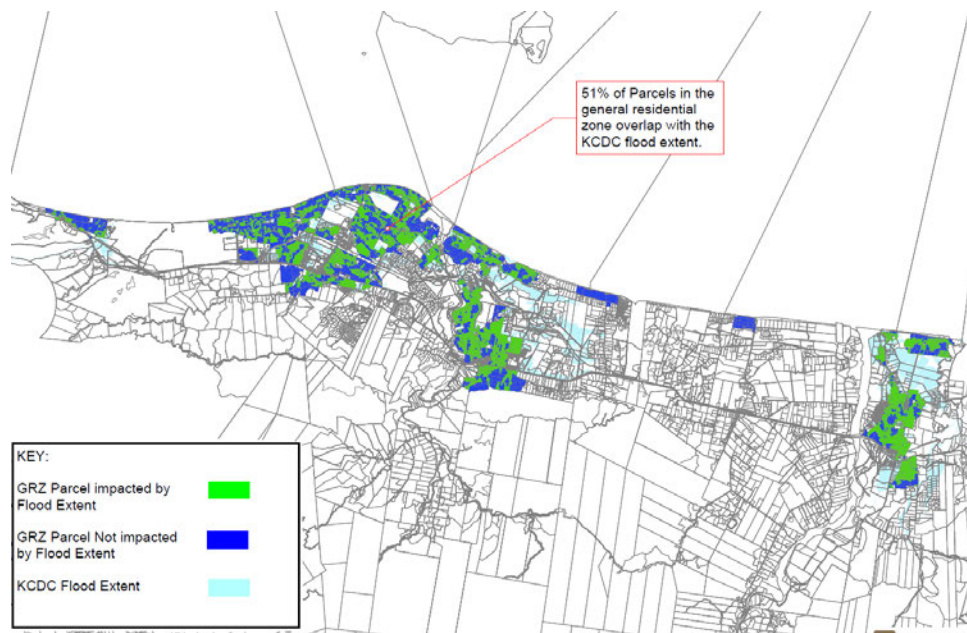
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1

Process:

1. Landonline parcels with a 'DCDB' of 'FSIM' parcel intent and more than 90% of their area within the general residential zone were filtered. (Landonline data from <https://data.linz.govt.nz/search/?q=parcel>, Operative district plan data extracted from the KCDC open data portal <https://data-kcdc.opendata.arcgis.com/datasets/KCDC::operative-district-plan-2021-zones/explore?location=-40.905102%2C175.132312%2C10.89>)
2. The GRZ parcels were then spatially joined onto the KCDC flood extent. (KCDC flood extent from the open data portal, <https://maps.kapiticoast.govt.nz/LocalMaps/Viewer/?map=b9fcce17601a40a5b850acabfb2ac6a1>)

Figure 2 Flood Risk Land Parcel Impact Analysis Landlink 2022



- The extent of areas affected by flood risk is extensive across the district. With flood risk being a qualifying matter, a considerable number of sites are therefore not able to develop as a permitted activity in accordance with the MDRS, and therefore the realisable capacity is severely constrained. This could potentially make councils expectations in respect of growth from infill within general residential areas is correspondingly severely constrained (unclear if this has been reflected in capacity calculations).
- Existing flood risk needs to be managed pragmatically and clearly, flood risk is a manageable hazard which exists across the urban extent of the coast and should not prohibit development feasibility to an unbalanced extent. It is unclear from the current guidance council has provided since MDRS has taken legal effect if MDRS do not apply where there is a qualifying matter e.g. ponding hazard but the permitted standard in relation to that qualifying matter would otherwise apply. e.g. MDRS on a site to which NH-FLOOD-R3 would also apply – are both activities now permitted. If not we request that there is a change to GRZ-Rx1 to stipulate that where a new or relocated building (MDRH) in a ponding, residual ponding or shallow surface flow area can be constructed above the 1% AEP flood event the MDRS do apply.
- We suggest an alternative approach to flood risk as a qualifying matter is explored as suggested in this section of the report – e.g. permitted standard in relation to flood risks, demonstration that flood risk is in fact negligible on site, if flood risk accounts for less than XX% of the site (in conjunction with some permitted standards).
- Provide provision in relation to standards around flood risk that allow for applicants to demonstrate where flood risk is negligible it will not be considered as a qualifying matter – i.e. KCDC flood data takes a blanket approach, site specific assessment sometimes demonstrates that there is no flood risk - where this is the case MDRS should not be prohibited.

Figure 3 Operative District Plan Flood Risk Standards/Rules 2021

<b>NH-FLOOD-R3</b>	New or relocated <i>buildings</i> (excluding <i>minor buildings</i> ) in <i>ponding</i> , <i>residual ponding</i> and <i>shallow surface flow areas</i> .
<i>Permitted Activity</i>	<b>Standards</b>
	1. The <i>building floor level</i> of any new or relocated <i>building</i> (excluding <i>minor buildings</i> ) in the <i>ponding</i> , <i>shallow surface flow</i> or <i>residual ponding area</i> shall be constructed above the <i>1% AEP</i> flood event level.

- Amendment of SUB-DW-R17 - to reflect that these considerations may not be appropriate where land is already developed e.g. should not be trying to retrospectively manage risk through subdivision in situations where landuse effects are already established.<sup>3</sup>

### 3.8.2 Earthquake Hazard

- Remove the SUB-DW-R9 – geotech requirement for subdivision where there is established land use – rule may unnecessarily impact the activity status of subdivisions around developed MDRH where liquefaction has already been managed through building consent process.

## 3.9 Climate change and sustainability

To give effect to NPS-UD Policy 1 (e), (f) – much greater incentives and support needs to be readily available from central and local government. Currently, Do-03 (10) is not clearly translated to action elsewhere in PPC2.

Amend PPC2 to focus on incentives and support which would encourage a greater focus on climate change and sustainable development in the region. These focuses could include supports which do not form parts of the district plan.

### 3.10 Infrastructure

In the case of infill, permitted development cannot be declined due to inadequate availability of infrastructure (but we note when effects are potentially already established subdivision could be). However, there are limited provisions in the Long-Term Plan (LTP) for managing the effects of, or facilitating, infill at the level reliance is being placed on this type of development to meet housing demand (Section 32 report places focus on LTP). Reliance on the provisions of the LTP is clear, however this will have limitations particularly in relation to delivery which need to be considered in a practical context. For higher density development to be facilitated the LTP needs to be responsive to on-going intensification and intensification should not have to ‘fit in’ with pre-determined infrastructure decisions – which it appears is the approach being taken.

- LTP largely developed prior to focus on infill and MDRH which means it can not account for the considerations of MDRH in full.
- The LTP needs to become responsive to proposed, permitted and anticipated developments in areas it happens not where pre-determined funding decisions dictate future provision – development does not always organically/nor should it necessarily follow the provision of council infrastructure .



- ‘Big infrastructure projects’ in the LTP do not appear to adequately support what is facilitated by PPC2. The ‘big projects’ would need to be in place to adequately support MDRH development in existing residential zones e.g. Te Horo.
- Te Horo, Peka Peka and Paekakariki in particular will be enabled through PPC2 to develop MDRH in line with GRZ-Rx1. However, the lack of readily available public infrastructure would mean a potential reliance on private provision that could have lots of negative environmental effects contrary to the policy intent of NPS-UD Policy 1 (f) e.g. increased intensity of private wastewater disposal.

When subdivision is approved or anticipated as a controlled activity around permitted future land use, council should facilitate infrastructure being installed to support that or look at mechanism that will feasibly enable this. This will make development more feasible and desirable (Proposed changes DW – SUB rules to include broader infrastructure provision as a matter of control or discretion where appropriate).

We encourage Council to collaborate with developers and consultants when developing standard Development Agreements (under the Local Govt Act 2002 and the LTP p557) so that a consistency of outcome is achieved. Out of sequence developments (Policy 8 and 3.8 NPS-UD) are likely to add to infrastructure capacity but must be treated in a fair and equitable manner.

We are aware that Land Development Minimum requirements are included as part of PPC2 and wonder whether this is appropriate because:

- The developing nature of Land Development Minimum Requirement means that final standards cannot be reviewed or reflected on as part of this plan change.
- The inclusion of the developing Land Development Minimum Requirements maybe considered outside of the scope of PPC2/IPI.
- The timeframes for submissions on PPC2 are particularly not sufficient enough to facilitate meaningful engagement on this aspect of the PPC2 change.

### 3.11 Subdivision and MDRS

- The landuse and subdivision rules proposed are not complementary i.e. the subdivision rules appear more prohibitive than land use, when the effects of the built development will already be established. There should not be a disconnect in terms of effects of what is permitted and then later considerations around subdivision.
  - For example, 3 residential units per General Residential site is a Permitted Activity, but to then subdivide them still requires compliance with other rules including SUB-DW-R9 (which captures a large part of the District) but this issue may have already been managed through landuse (the result though being that the activity status will drop).
  - SUB-DW-Rx1 – again these rules put requirements around stormwater management and infrastructure which could be more restrictive than what has lawfully been established and where potentially the effects have been established prior to subdivision. In cases where the land use is established the effects would have been established under a permitted activity/lawfully established buildings and we would consider it unreasonable and impractical to then attempt to manage effects through subdivision controls at a later point in time.

- Important to ensure that subdivision rules will not require future changes to infrastructure – if activities have been lawfully established.
- We often see this issue where land use is established for a second dwelling or cross-lease. The result of management in this way is that it deters people from subdivision or leads to extremely inefficient process with broader negative impacts (e.g. unsustainable development), rework and increased costs for those providing much needed housing.
- Risks could be mitigated by providing people with more support as they go through the building consent process around future subdivision and future proofing for subdivision.
- We have noted that the detail of standard 1&2 of SUB-DW-Rx1 do not align with some of the guidance in the SDPR2012 e.g. primary systems cater for 10% storm event (this is feedback provided in acknowledging that changes to Minimum Land Development Requirements maybe outside of the scope of this plan change).
- Standard 4 should also allow for appropriate easements – again if already established impracticable to relocate and negligible in terms of effects.
- Enable through relevant subdivision standards or matters of discretion engineering design to cater for future anticipated subdivision following landuse (MDRH) – acknowledging applicants may subdivide in stages and there is value in not having to remediate infrastructure retrospectively e.g. water connection.
- SUB-RES-R26 amend standard 2 to say (suggested insertion is underlined): “Each allotment must have a flood free building area above the estimated 1% Annual Exceedance Probability flood event, or have a lawfully/established residential unit on that allotment”. This allows for the circumstance where a residential unit/s has already been lawfully established and a subdivision is sought at a later date e.g. cross-lease upgrade.

#### SUB-RES-Rx1 –

- Standard 1 b & 2 b state subdivision must comply with an approved land-use consent. However, approval is not required (or able to be granted) for a permitted activity. If council do approve a land use consent, how will they enforce that it – this is not clear ? Please review/ amend.
  - Standard 4 - Refers to flood free building area this shouldn't apply if landuse already established please amend (e.g. if new analysis has come in to play since landuse established and prior to subdivision)
  - Add consideration of existing landuse to matters of control
  - Standard 6 - remove/amend infrastructure requirements that could retrospectively be trying to manage the effects of established landuse – if activity is established as permitted these effects need to be managed through other controls not retrospectively through subdivision.
  - Standard 7 – given in an extreme scenario you could in principle have 3 x 6 = 18 units with established use prior to subdivision this rule seems arbitrary and should be amended.
  - Standard 8 – amend /remove- Where permitted landuse is possible (particularly MDRH), having strict regard to the rules in the Transport chapter e.g. on site manoeuvring requirements, when use is already established is contrary to the intent of the MDRH rules.

- SUB-RES-TABLE x1 - Amend minimum lot size requirements for general subdivision where there is no-associated landuse given the new 'permitted baseline'.
- SUB-RES-TABLE x1 -Remove diameter circle requirements lots of different shapes and sizes will be utilised for infill as they are in other urbanised areas not practical to apply an 18m circle requirement
- Retention of minimum lot sizes across most areas for subdivision alongside other standards appears overly restrictive given the potential 'permitted baseline' of land use.
- Where the 'permitted baseline' will potentially be 3 residential units on 1 site, it is likely that a restrictive view to subdivision in areas such as the Waikanae Garden/Beach Precinct will not be reasonable. It will be that council has a considered and equitable approach to the consideration of effects and potential permitted baseline – where MDRH is enabled restriction of subdivision based on character values may not be appropriate and inconsistent with the broader policy settings for intensification. Suggest approach to subdivision in 'character' areas is reviewed e.g. Policy GRZOP5/P56.

### 3.12 Other

- PPC2 notes having regard to character areas however given the potential 'permitted baseline' for many sites exercising stringent requirements in relation to this may not be seen as appropriate in terms of comparable effects from permitted development.
- Housing types and choice that respond to demand are mentioned throughout the District Plan but only have more leniency towards one type of development e.g. all medium density housing. This could ultimately have a conflicting effect in relation to objective DO-Ox2.
- Methodology to determine walkable distance a fair approach in determining intensification areas, but also areas serviced by regular and consistent public transport (buses or the community taxi initiative) could be suitable for intensification purposes – maybe considered in future changes.
- Policy UFD-P1 is in conflict with what is enabled through MDRH – amend (i.e. development aligning with planned infrastructure).
- As standards specify lwi as applicants for Papkainga will this preclude agencies such from making applications, or is the expectation partnership with lwi – no objection (clarification).

## 4.0 Summary of decisions sought<sup>2</sup>:

1. The inclusion of additional areas for rezoning to residential (see section 3.2).
2. The amendment of residential intensification precincts (see section 3.2).
3. The opposition of the bakery residential intensification precinct (see section 3.2).
4. The establishment of an 'new' intensification precinct (see section 3.2).
5. 'Amendment of Policy SUB-DW-R7 – to make subdivision practical following development of MDRH or where it is permitted.
6. Amendment of SUB-DW-R17 - to reflect that these considerations may not be appropriate where land is already developed.

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<sup>2</sup> Please note this is a high-level summary and further decisions are required through the body of this document.



7. Remove the SUB-DW-R9 – geotech requirement for subdivision where there is established land use – rule may unnecessarily impact the activity status of subdivisions around developed MDRH where liquefaction has already been managed through building consent process.
8. Amend subdivision and MDRS requirements in relation to flood risk – we request an alternative approach is developed – i.e. permitted activity if it can be demonstrated there is no flood risk or that floor level is above the 1% AEP.
9. Reflect and possibly amend requirement for 450m<sup>2</sup> lot size requirements for subdivision in the General Residential Area (i.e. so activity does not fall to a non-complying activity status if not achieved). This change is requested with a view to address a disconnect in terms of the effects of subdivision activity status and permitted activities.
10. Revise/provide a greater focus on policies and rules which would give meaningful effect to NPS-UD Policy 1 (e), (f) – e.g. greater incentives and support needs to be readily available from central and local government to support reductions in greenhouse gases and development that is resilient to the effects of climate change – current Do-03 (10) is not clearly translated to action elsewhere in PPC2.
11. Amend all proposed subdivision rules and standards so that MDRH when lawfully established will meet all subdivision requirements and rules (or that discretion can be provided around non-compliances) where effects are established.
  - a. Change DW – SUB rules to include broader infrastructure provision as a matter of discretion - When subdivision is approved/in the process of being approved where future subdivision is anticipated as a controlled activity around permitted future land use, council should facilitate infrastructure being installed to support that as part of the initial subdivision. This will make development more feasible and desirable.
12. Amend the standards in SUB-DW-x1 with regard to effects which could already be established through land use and therefore largely negligible and impractical to manage retrospectively through subdivision.
13. Enable through relevant subdivision standards or matters of discretion engineering design to cater for future anticipated subdivision following land use (MDRH) – acknowledging applicants may subdivide in stages and there is value in not having to remediate infrastructure retrospectively e.g. water connection.
  - a. SUB-RES-x1–
    - i. Standard 1 b & 2 b state subdivision must comply with an approved land-use consent approval, but consent is not sought for a permitted activity, please amend.
    - ii. Refers to flood free building area this shouldn't apply if land use already established please amend (e.g. if new analysis has come in to play since land use established and prior to subdivision)
    - iii. Add 'the consideration of existing infrastructure associated with existing land use' to matters of control
    - iv. Standard 6 - remove/amend infrastructure requirements that could retrospectively be trying to manage the effects of established land use – if activity is established as permitted these effects need to be managed through other controls not retrospectively through subdivision.
    - v. Standard 7 – given you may have 3 x 6 = 18 units with established use prior to subdivision this rule seems arbitrary and should be amended.

- vi. Standard 8 – amend /remove- Where permitted landuse is possible having strict regard to the rules in the transport chapter e.g. on site manoeuvring requirements when use is already established.
- 14. FC-R5 – amend so that financial contributions can be paid after s224 particularly for larger developments
- 15. FC-R7 2. Should be amended to not ‘unless impeded by the council’
- 16. Amend PPC2 to focus on incentives and support which would encourage a greater focus on climate change and sustainable development in the region. Provide basis for tangible outcomes – currently high level policy statements.
- 17. Please clarify design guide assessment requirements

## 5.0 Giving effect to NPS-UD 2020

We believe that the changes proposed in this submission have the potential to assist the council in giving effect to the below policies of the NPS-UD 2020:

- Policy 1 – Will contribute to a well-functioning urban environment
- Policy 2 – Will contribute to sufficient development capacity to meet demand for housing in the short term
- Policy 3 – Would enable building heights and densities of urban form commensurate with the surrounding level of commercial activity and community services.

## 6.0 Annexures

### 6.1 Trade competition

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**Trade Competition** *[select the appropriate wording]*

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

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

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

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

- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.
- 

### 6.2 References, Sources and Attachments

Proposed Plan Change 2 – Intensification Planning Instrument (IPI) *Kāpiti Coast District Council 2022*

Source: [www.Kapiticoast.govt.nz/media/33be5xmp/pc2\\_ipi.pdf](http://www.Kapiticoast.govt.nz/media/33be5xmp/pc2_ipi.pdf)

Draft Proposed Plan Change 2 – Intensification Planning Instrument (IPI) *Kāpiti Coast District Council 2022*

Source: [www.Kapiticoast.govt.nz/media/33be5xmp/pc2\\_ipi.pdf](http://www.Kapiticoast.govt.nz/media/33be5xmp/pc2_ipi.pdf)

Kāpiti Coast Urban Development Greenfield Assessment *Boffa Miskell* 2022

Source: [www.Kapiticoast.govt.nz/media/UDIADraft.pdf](http://www.Kapiticoast.govt.nz/media/UDIADraft.pdf) [Accessed 13/09/2022]

Spatial Application of NPS-UD intensification policies Kāpiti coast district *Boffa Miskell*: 2022

Source:

[https://www.Kapiticoast.govt.nz/media/wnic5k0t/pc2\\_s32\\_appendix\\_spatialapplicationpolicy3.pdf](https://www.Kapiticoast.govt.nz/media/wnic5k0t/pc2_s32_appendix_spatialapplicationpolicy3.pdf)

KCDC Three Waters GIS

<https://maps.Kapiticoast.govt.nz/LocalMaps/Viewer/?map=627d29f22676457ca22bc92c>

19a095cc [Accessed 10/03/2022]

New growth strategy emphasises compact urban form and good design Kāpiti Coast District Council Feb 2022

Source: <https://www.Kapiticoast.govt.nz/whats-on/news/2022/new-growth-strategy-emphasises-compact-urban-form-and-good-design/> [Accessed 14/09/2022]

Appendix B Summary of submissions on Draft PC 2 2022 Kāpiti Coast District Council 2022

Source:

[https://www.Kapiticoast.govt.nz/media/04bbdt13/pc2\\_s32\\_appendixb\\_draftpc2feedback.pdf](https://www.Kapiticoast.govt.nz/media/04bbdt13/pc2_s32_appendixb_draftpc2feedback.pdf)  
[Accessed on 14/09/2022]

National Policy Statement on Urban Development 2020 Updated May 2022 Ministry for the Environment 2022

Source: <https://environment.govt.nz/publications/national-policy-statement-on-urban-development-2020-updated-may-2022/> [Accessed 14/09/2022] Attachments

### **6.3 Attachments**

Flood Risk Analysis Map – MAP FOR SUBMISSION 27/09/2022 - PDF

**From:** [Marie Payne](#)  
**To:** [Mailbox - District Planning](#)  
**Cc:** [Paul Turner](#); [Jenny Clafferty](#)  
**Subject:** Landlink General submission on Plan Change 2  
**Date:** Tuesday, 27 September 2022 4:41:29 pm  
**Attachments:** [image002.png](#)  
[image004.png](#)  
[Plan Change 2 Landlink Submission\\_27092022 \(1\).pdf](#)

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Hi,

Please find attached Landlink's general submission on proposed plan change 2.

We are happy to assist and further contribution to this process, if you have any questions, please let us know. I will send the attachment (Map) in a follow up email as the files may be too large.

Kind regards,

Maire



**Marie Payne**  
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