

Kapiti Coast District Council

PC-2

S122.112 FS06

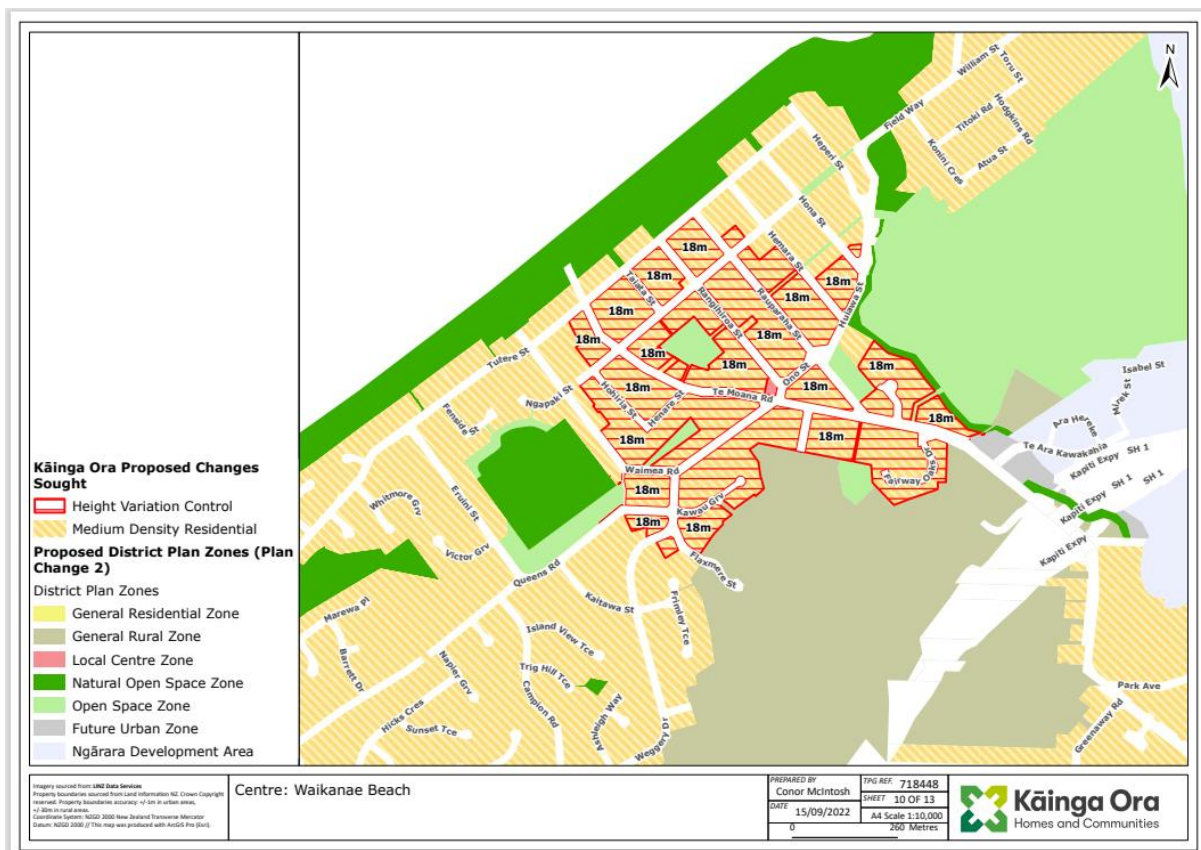
1. Further submission of:

John Hamilton **Tocker**

B. Arch, ANZIA

- 1.1. I am a Registered Architect and Urban Designer of more than 35 years' experience, in both public & private practice. I have recently retired from Jerram Tocker Barron Architects Ltd where I was a Director/Shareholder, and continue as a consultant to the company.
- 1.2. I have been an employee of Housing New Zealand Corporation (HNZ), now renamed as Kainga Ora, as National Development Planning Manager (2001-2004) and subsequently as a consultant to both HNZ and Kainga Ora over multiple projects.
- 1.3. I have completed an Urban Design Masterclass, have experience as a member of the Nelson Tasman Urban Design Panel and have completed significant Urban Design work as part of my Architectural Practice. I was the lead for HNZ during the Acquisition and Structure Planning for Hobsonville in Auckland. Other examples of relevant work include Waikanae North Masterplan, Nelson/Tasman Intensification Studies (with Boffa Miskell), Silverbrooke (Whitby), and Marsden Park (Nelson).
- 1.4. For brevity I have used RMA-EHS to mean the Resource Management Act- Enabling Housing Supply Amendment Act 2021, and MDRS to mean the Medium Density Residential Standards: A guide for territorial authorities.

1.5. This is a further submission in opposition to the submissions contained in S122.112 and particularly to the 18m height limit sought for the Waikanae “Olde Beach” area. This is shown in S122 Appendix 4 Sheet 10 where have Kainga Ora proposed spatial and height limits altered to amend and expand the Local Centre heights enable buildings of up to 18 metres (5 storeys) in Waikanae Beach in the area marked 'Height Variation Control' on the Waikanae Beach as shown below:



1.6. I further oppose other submissions from Kainga Ora that seek a general relaxation of the limitations included in the current version of PC-2 and are linked to the above – including:

- S122.09 which seeks properties within 400m of a local centre to be allowed 5 storeys/18m height
- S122.41 which seeks a widening of where urban intensification may occur beyond identified growth areas
- S122.48 which seeks general increases in development capacity beyond that required by the RMA-EHS/MDRS

- 122.58 which seeks deletion of the General Residential zone and replacement with higher densities than those included in PC-2
- 122.59 which repeats submissions included in 122.58
- 122.62 which repeats submissions included in 122.58 and further seeks higher densities away from the “immediate proximity” of centres
- 122.65 repeats submissions included in 122.58
- 122.106 which seeks the deletion of the entire General Residential Zone
- S122.112 which seeks the removal of a requirement to adhere to Centre Design Principles (Appendix 20) plus a building height maximum increase in Local Centre Zones to 5 storeys (currently allowed as 4 storeys)
- S122.114 which seeks a change to LCZ-R6 from 12m to 18m in height, plus a change to have this height increase apply to all areas of the Coastal Hazard Overlay instead of the Coastal Qualifying Matter Precinct. It further seeks a significant reduction in the height in relation to boundary rules, and includes these for the Kainga Ora proposed High Density Residential Zone
- S112.115 which seeks to remove the requirement for outside space for residential units located above ground floor where they have less than 2 bedrooms
- 18m height to have Kainga Ora proposed spatial and height limits altered² to amend the Local Centre building height to enable building heights of up to 18 metres (5 storeys) in Waikanae Beach in the area marked 'Height Variation Control' on the Waikanae Beach map contained in Appendix 4 of the submission (the area). (the proposal):

[s122-kāinga-ora-homes-and-communities-pc2-submission-15-09-2022.pdf \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/s122-kāinga-ora-homes-and-communities-pc2-submission-15-09-2022.pdf)

1.7. In regard to S122 generally, I support the recommendations of the Kapiti Coast District Council Plan Change 2 - Officers’ Planning Evidence (Authors Andrew Banks & Katie Maxwell) dated 24 February 2023, where changes proposed by Kainga Ora that would allow

intensification beyond that allowed in the current version of Proposed Plan Change 2 are not accepted. The reasons for my opposition are contained in the sections below:

2. The Proposal Exceeds Envisaged Intensification:

2.1. Recommendation S122.112 is in excess of the requirements of the Resource Management Act- Enabling Housing Supply Amendment Act 2021 (RMA-EHS) and the (MDRS), which include for residential development up to 11m in height. The proposal is by definition seeking increased density beyond that contemplated by the RMA-EHS. It therefore needs to demonstrate a higher level of justification than beyond that envisaged by the legislation.

2.2. There are 3 areas covered by S122.112:

- the Local Centre Zone at Ono St
- the area within PRECx2 – Residential Intensification Precinct B which is roughly triangular in area and is centred around the Ono St Local Centre, and
- the PREC3 – Beach Residential Precinct which underlies the remainder of the area.

It is appropriate to take these different areas as separate items:

2.2.1. Local Centre Zone: Kāinga Ora *“opposes any policy approach which would require development proposals to comply with such design guidelines in the District Plan,”* and envisages the amendments set out below:

Amend LCZ-P6 as follows:
Urban form and design of centres
Subdivision, use and development in centres must be undertaken in a manner that achieves efficient integration with necessary infrastructure, reinforces the District's consolidated urban form and sense of place, and provides for a high quality interface between built form and public space.
~~To achieve this, the principles in the Centres Design Principles in Appendix 20 Centres Design Guide in Appendix x2 will be applied.~~
A higher density of urban built form will be enabled in the Local Centre Zone including:
~~1. buildings up to 45-storeys within the Local Centre Zone; or~~
~~2. buildings up to 6 storeys within the Local Centre Zone at Paekākāriki.~~

In my opinion, these clauses should remain unchanged.

2.2.2.1 I support the application of Appendix 20 - Centres Design Principles ([app20-centresdesignprinciples_258_30-aug-2022.pdf](https://www.kapiti.govt.nz/assets/Uploads/centresdesignprinciples_258_30-aug-2022.pdf) ([kapiticoast.govt.nz](https://www.kapiticoast.govt.nz)) as an appropriate means of controlling development in those areas so zoned, which already provide for up to 4 storeys within the local centre zone, and further that the principles set a benchmark of logical, reasonable measures that encourage high quality urban design while allowing for intensification as envisaged by the RMA-EHS.

2.2.3. The current Local Centre in Ono Street area comprises only 3 businesses- a dairy, a bakery, and a takeaway. To remove the controls provided by Appendix 20 – Centres Design Principles could allow a poor-quality high density tall development in what is currently a high-quality suburban environment. It could allow building that was out of scale with its surroundings, create overlook, lack of privacy, shading and a general decrease in the right to “quiet enjoyment” of the surrounding homes.

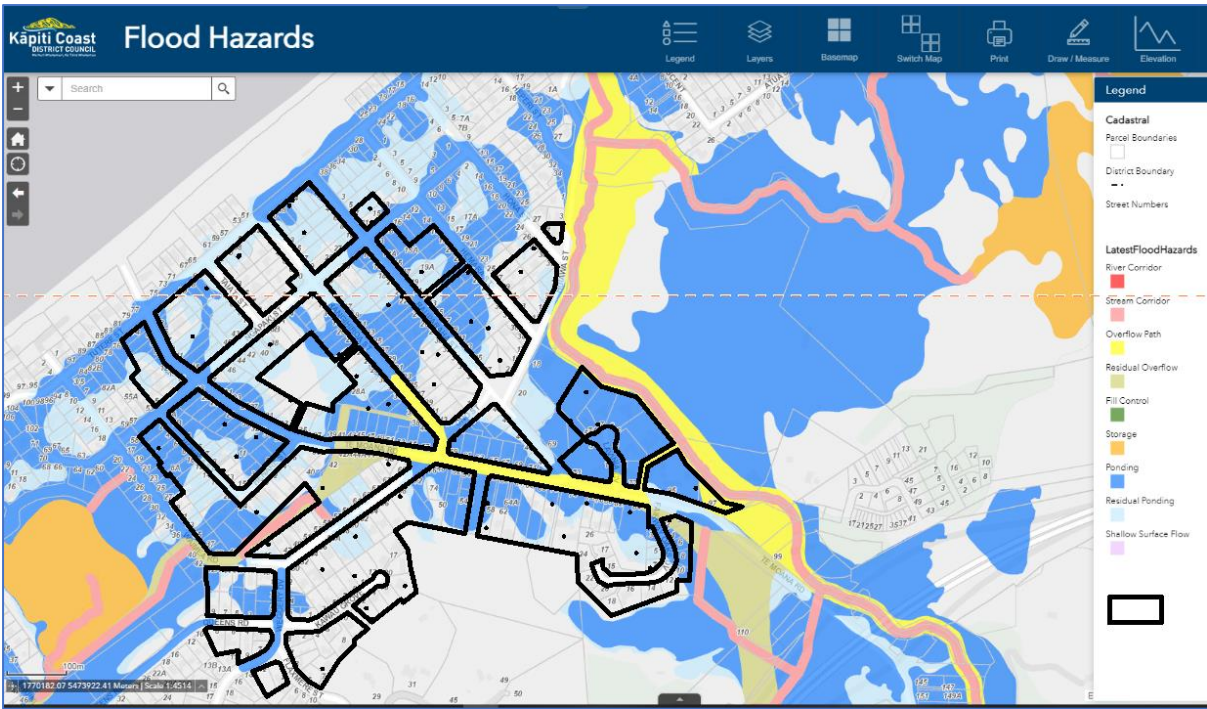
2.2.4. PRECx2 – Residential Intensification: there is already provision in PC-2 for intensification in this area – up to 4 storeys in the Local Centre zone, and 3 storeys in the Residential zones.

2.2.5. To allow 5 storeys in this area would mitigate against the application of the National Residential Design Guide [national-medium-density-design-guide-31May2022.pdf \(environment.govt.nz\)](#)). The guide sets out well founded Design Principles that support appropriate Built Form & Appearance, Amenity, Sustainability, Privacy and Safety. It is my view that these principles will be severely tested with a 4 storey height limit and could not be maintained at 5 storeys where other regulatory controls would require lift access, shared fire egress to multiple unit developments, the aggregation of plots and the disintegration of the suburban fabric of Waikanae Beach.

2.2.6.PREC3 – Beach Residential: Already covered by the requirements of the RMA-EHS & MDRS, this part of the area covered by SS122.112 would be affected even more greatly than PRECx2 above, and the consequences would be that the very nature of a beach-side community would be lost were there to be 5 storey development allowed.

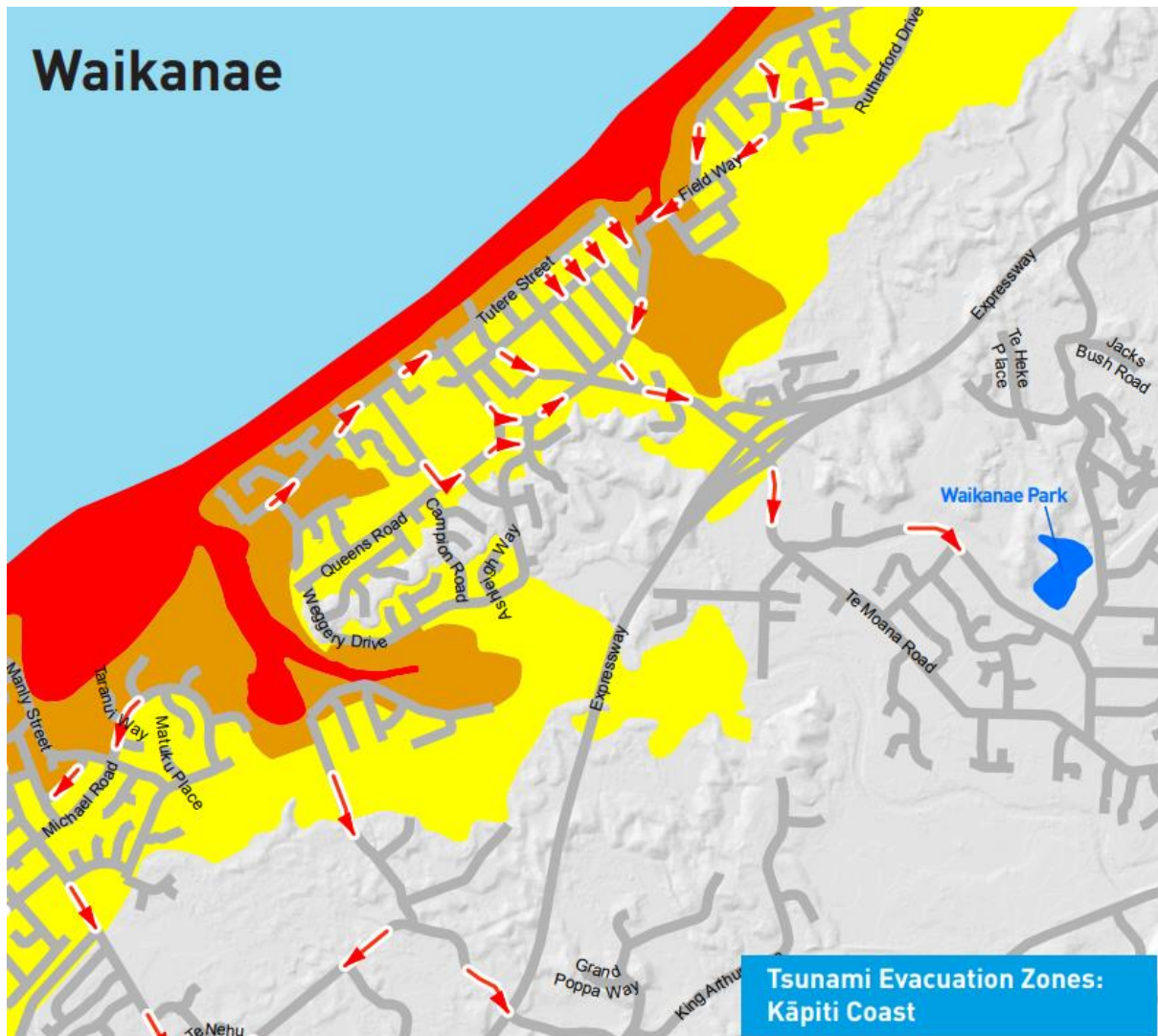
3. Existing Identified Hazards indicate the location is unsuitable for intensification:

- 3.1. The KCDC Operative District Scheme is not affected with respect to Hazards by S122.112. It therefore follows that the hazards contained on the planning maps (ref appendix 1) impact on this proposal.
- 3.2. In my understanding of the legislation, a Territorial Authority may modify the intensification requirements if a *“Qualifying Matter”* applies. In this case, there is provision within the Act under cl.771(b) to take into account *“a matter required in order to give effect to a national policy statement (other than the NPS-UD) or the New Zealand Coastal Policy Statement 2010”*.
- 3.3. Under Policy 25(b) of the New Zealand Coastal Policy Statement 2010 (NZCPS) which reads *' In areas potentially affected by coastal hazards over the next 100 years: (b) avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards'*
- 3.4. There are extensive areas (approx..70%?) of the area within the proposal that are shown within the flood hazard area either and Flood hazard or residual ponding.



Proposal area for increased height limit overlaid on flood hazard map

3.5. In addition, the Tsunami inundation zone covers almost the entire area of the proposal. KCDC & Greater Wellington Regional Council (GWRC) already require minimum finished floor levels within the proposal area, and with the likelihood of Managed Retreat across the area in the future there is no reasonable case for intensification in this area.



[waikanae.pdf \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/waikanae.pdf)

3.6. Any intensification or redevelopment in this area that increases density would be against the requirements of the New Zealand Coastal Policy Statement ([Objectives: New Zealand Coastal Policy Statement 2010 publication \(doc.govt.nz\)](#)), which includes under Objective 5: “To ensure that coastal hazard risks taking account of climate change, are managed by locating new development away from areas prone to such risks”, and should therefore not be allowed.

4. Lack of Amenities indicate the area as a poor choice for intensification:

4.1. Intensification should be located close to amenities:

There is a well-accepted principle with regard to good urban design that intensification should occur close to amenities. Just as it is unlikely anyone would propose a hospital in a remote area, away from large areas of population, I think there is no justification for intensification remote from the amenities required to sustain the increased population that comes with urban intensification.

4.2. Typically, Urban Designers use a 400m and 800m diameter circle to approximate to 5 and 10 minute walking distances. I have provided those on the diagram below, centred on the existing dairy/bakery takeaway at Ono St.

4.3. I note that within the larger 800m diameter circle of reasonable walking distance there are few amenities: 3 cafes, a bakery, 1 dairy, 1 superette, 1 medical centre, 1 chemist, 1 preschool, an intermittent bus service, and a community centre that does not meet current structural codes.



4.3.1. There are few of the important amenities that are that I consider should be closely associated with areas on intensification.

4.3.2. These amenities are all located in Paraparaumu, and Otaki, and a large number of them are at Waikanae Town Centre – all areas better suited to intensification than Waikanae Beach.

4.3.3.A diagram of the relative merits is set out below:

Amenity within 800m	Waikanae Beach	Waikanae Town Centre	Otaki Centre	Town	Paraparaumu Town Centre
Pre School	✓	✓	✓		✓
Primary School	x	✓	✓		✓
Secondary School	x	x	✓		✓
Shopping Centre	x	✓	✓		✓
Supermarket	x	✓	✓		✓
Rail Transport	x	✓	✓		✓
Social Services	x	x	✓		✓
Library	x	✓	✓		✓
Swimming Pool	x	x	✓		✓
Cafes/Restaurants	✓	✓	✓		✓
Cultural Facilities	x	✓	✓		✓
Marae	x	✓	✓		✓
Petrol Station	x	✓	✓		✓
Health Facilities	✓	✓	✓		✓
Chemist	✓	✓	✓		✓
Cinema	x	✓	✓		✓
Gym	x	✓	✓		✓
Place of Worship	✓	✓	✓		✓
Post Office	x	✓	✓		✓
Local Shop	✓	✓	✓		✓

5. The Proposal is contra-indicated by current KCDC Policy and Urban Design Documents:

5.1. I have found a number of instances where KCDC states on its own website that the additional intensification contained in this proposal should not be allowed. Examples include:

5.2. KCDC District Plan

UFD-P1	Growth Management
<p>New urban <i>development for residential activities</i> will only be located within <i>existing urban areas</i> and <i>identified growth areas</i>, and will be undertaken in a manner which:</p> <ol style="list-style-type: none">1. supports the District's consolidated urban form;2. maintains the integrity of the urban edge north of Waikanae and Ōtaki;3. manages residential densities by:<ol style="list-style-type: none">a. enabling <i>medium density housing</i> and focused <i>infill</i> housing in identified precinct areas that are close to <i>centres</i>, <i>public open spaces</i>, and <i>public transport nodes</i>;b. retaining a predominantly low residential density in the <i>Residential Zones</i>;c. avoiding any significant adverse <i>effects of subdivision and development</i> in special character areas identified in GRZ-P3;4. avoids urban expansion that would compromise the distinctiveness of existing settlements and unique character values in the rural <i>environment</i> between and around settlements;5. can be sustained within and makes efficient use of existing capacity of public services and strategic <i>infrastructure</i>; and6. promotes the efficient use of energy and water.	

An 18m 5 storey height limit as contained in the proposal would be contradictory to KCDC stated policy in that it would:

- Deny the consolidated urban form (UFD-P1: 1), which should logically provide for higher densities closer to amenities surrounding the Waikanae railway station and main shopping area
- Deny the principle of having medium density housing close to centres (UFD-P1:3a) (as opposed to local centres)
- Deny the principle of having medium density close to transport nodes (UFD-P1:3a)
- Deny the principle of adverse effects in special character areas, of which Waikanae Beach, and particularly the Olde Beach area have previously been identified and

characterised by KCDC endorsed Community vision and action plan for Waikanae Beach 2017(UFD-P1:4)

- KCDC Subdivision Design Guideline [301106 Draft 3 \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/301106-Draft-3) includes a “Core Design Principle” to “intensify residential density in close proximity to town centres and public transport corridors” –

This area is very obviously some 4km from Waikanae Town Centre and the Public Transport hub at the Railway Station, so has no proximity to a town centre or public transport corridor.

5.3. Waikanae Beach Character: The beach area has a distinct and different character that is exemplified by low rise, low density residential development. Recent KCDC sponsored studies and reports that support the retention of this character include:

5.4. Waikanae Beach Character Study (Oct 2017) by Urban Perspectives [kcdc-waikanae-beach-character-study-october-2017.pdf \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/kcdc-waikanae-beach-character-study-october-2017.pdf), a summary of which is reproduced below:

SUMMARY RECOMMENDATIONS

District Plan - that the Proposed District Plan Residential Zone provisions for the Waikanae Beach Area be amended as follows:

1. Amend the following permitted activity rule provisions:
 - a. reduce the site coverage in the Old Beach Area from 40% to 30%. The use of a plot ratio to reduce the bulky appearance of buildings (as proposed for the Beach Residential Zone areas under the PDP) could also be considered;
 - b. amend the existing 8m permitted building height in the Old Beach Area to also limit the number of storeys to two; and

c. consider reducing the height of the front fence in the entire study area to 800mm or require that a minimum of 50% of the front fence is permeable.

2. Increase the minimum lot size for subdivisions (lots less than 3000m²) to 550m² and make subdivision creating lots of less than 550m² a Non-Complying Activity in the entire study area.

Design Provisions - consider introducing design provisions for the Old Beach Area (e.g. design guidelines similar to those for the Beach Residential Zone or alternatively assessment design criteria for development subject to a resource consent) to reinforce the District Plan rules and promote enhancement of local character.

The main focus of any design provisions should be on integration of new development to the existing setting and enhancing its character. Key matters to be addressed include:

- building location (siting of dwellings and garages) - with a particular emphasis on frontage setbacks relative to neighbouring buildings, building relationship to existing landform and vegetation, and reducing the impact of garages on the streetscape
- building bulk, form and scale - manage building bulk of larger dwellings to ensure new building forms fit in with the scale of existing buildings and do not dominate the surrounding environment
- building design & materials - encourage the use of sustainable building materials that create a positive relationship between old and new and reflect the coastal location of the area
- landscaping - provide advice on landscaping and promote retention of existing vegetation and compliance with the 'permeable surfaces' standard
- building relationship to the street - encourage the use of planting and/or low or permeable 'front yard' fencing to enhance the open/green character of the area

Local Street Character/Street Upgrades - to retain the existing informal character of the Old Beach Area review the policy on upgrading and retrofitting of streets which have no kerb and channel or only one footpath and which are an integral part of the area's character.

This document recommends a decrease in density, with a reduced height limit to a maximum of 2 storeys, and an increase in minimum plot area – all of which as accompanied by the listed Design Provisions relate to a decrease in density to retain the existing character of the Old Beach area.

5.5. Lack of Infrastructure: KCDC sponsored Waikanae Beach Futures Documentation includes information that indicates there is a lack of infrastructure to support intensification in the area as demonstrated by the extract below:

Facts about Waikanae Beach

- 3051 population
- Approx. 2200 households in Waikanae Beach
- Not located in close proximity to *frequent* public transport
- Does not have infrastructure to cope with high levels of development
- Good provision for/access to parks, open spaces & leisure opportunities
- 4-5km from Waikanae town centre services & amenities



The Council does not want a large amount of intensification in the area because of these factors.

[waikanae-beach-futures-urban-form.pdf \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/waikanae-beach-futures-urban-form.pdf)

5.6. As is apparent from the urban form information above the current infrastructure is insufficient for current needs.

6. Scale Factors indicate the Proposal is not suited to this area:

6.1. The proposal calls for an 18m height limit, and suggests 5 storeys. In my experience a developer seeking to maximise their built area could construct 6 storeys within an 18m height limit with a floor/floor height of 3m.

6.2. As building densities increase it is a false presumption that the suburban character can be maintained. Within MDRS requirements there is a 3 storey limit and associated requirements for front, rear and side yards plus minimum areas of open space.

6.3. Within a 3 storey limit it is possible to maintain a residential, low scale suburban character while still introducing medium density housing:



6.4. However, for 4 or 5 storeys, residential form changes, due to the structural requirements for taller buildings and the regulations governing taller residential buildings. These include:

- Larger and/or deeper foundations
- Increased structural resilience
- The requirement for lifts, stairs, and various protections in case of fire

This additional cost will impact of the building form, and the number of apartments necessary to make a development cost effective. Apartment blocks will be the natural outcome.

6.5. All this leads to a larger mass of building – a recent 5 storey Kainga Ora Development (Banff Ave, Epsom, AKL) is shown below:



This is the scale of building that is the most probable outcome of an 18m height limit.

It creates:

- Significant increase in vehicle movements
- Overlook of neighbours and consequent lack of privacy
- Shading of neighbouring properties
- Increased wind effects
- A reduction in neighbours right to the “quiet enjoyment” of their homes

7. Intensification is not supported by Growth Predictions

- 7.1. The Kapiti Coast Regional Housing and Business Development Capacity Assessment ([Housing and Business Capacity Assessment Chapter 5 with Appendices \(wrlc.org.nz\)](#)) of May 2022 states that as of 2018 Waikanae Beach contained 2094 dwellings and a population of 3360.
- 7.2. The document also shows a predicted population growth by year 2051 to 4621, and notes a household average size of 2.3 persons /household. Simple arithmetic ($4621 / 2.3$) shows a predicted housing need in Waikanae Beach of 2009 homes by year 2051.
- 7.3. This future housing requirement is less than the currently available number of homes.
- 7.4. It therefore follows that there is no actual pressure to intensify in the area, and no justification for any increase beyond the mandatory requirements of the RMA-EHS and the MDRS.

8. Summary

- 8.1. In my view this outcome of the Kainga Ora Proposals contained in 122.112 and their Appendix 4 would lead to unsatisfactory outcomes for Waikanae Beach including:
- High density residential building out of scale with the low density nature of the area
 - High Density residential building in a flood prone area
 - Increased impacts on any future requirement for Managed Retreat resulting from climate change and sea level rise
 - High density residential occupancy in an area with few of the amenities needed to sustain a viable community
 - Development that is contra- indicated by KCDC policies and Urban futures documentation
 - Intensification in an area where it is not justified by growth predictions
 - Destruction of the recognised character of the Old Beach area
 - Significant decrease in the quality of life for residential of this coastal suburb

8.2. Therefore, the Kainga Ora 122.112 and the accompanying Appendix 4 proposal should be declined.

I seek that the whole of the submission proposal 122.112 be disallowed:

A handwritten signature in black ink, appearing to read 'John Tocker', written in a cursive style.

John Tocker

22/11/2022

Electronic address for service of person making further submission: john@tictoc.nz

Telephone: 027 2859123

Postal address: 26 Rangihiroa St, Waikanae Beach 5036

Contact person: John Tocker