

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of an application to Kapiti Coast District Council for non-complying resource consent for a proposed 53 lot subdivision (including earthworks and infrastructure) at Otaihanga, Kapiti Coast.

**ADDENDUM TO THE STATEMENT OF EVIDENCE OF DEREK RICHARD FOY  
ON BEHALF OF THE APPLICANT**

**DATED: 3<sup>rd</sup> AUGUST 2022**

**Introduction**

1. This is an addendum to my evidence in chief, in response to the written evidence filed by Ms Alice Blackwell on behalf of the Custodial Trustees at 44 Tieko Street. Ms Blackwell has raised two matters within my area of expertise with which I disagree.
2. Those two matters are:
  - (a) Whether it is appropriate for the application site ("the Site") to be developed for residential purposes.
  - (b) Whether the Site is part of an urban environment.
3. I respond to each matter below.

**Appropriate for the Site to be developed for residential purposes**

4. This matter is covered in section 6 of Ms Blackwell's statement. There, she agrees with my assessment that the Site is partially located within a Medium Priority Greenfield in the District Growth Strategy ("DGS"), but does not accept that means it is appropriate for the Site to be developed for residential purposes "at this time".
5. As I stated at paragraph 3.7 of my evidence in chief, I understand the types of investigation that would be required to advance that greenfield growth area

to a live-zoned residential area, which included environmental matters and ensuring Council infrastructure is available to service the greenfield development, have been undertaken as part of this application. That being the case, as I understand it there are no barriers to residential development of the Site, and therefore it is appropriate for the Site to be developed for residential purposes.

### **Urban environment**

6. This matter is covered in Ms Blackwell's section 7 on the National Policy Statement on Urban Development ("NPSUD"). Ms Blackwell's position is that the Site is not, and is not intended to be, predominantly urban in character, and so does not meet the RMA definition of an urban environment. I note that the RMA "urban environment" definition Ms Blackwell provides is identical to the definition in the NPSUD.<sup>1</sup>
7. I disagree with Ms Blackwell's conclusion that the Site is not intended to be part of an urban environment, for two reasons.
8. The first reason is that because the Site is (partly) located within a greenfield growth area in the DGS, a point with which Ms Blackwell agrees, that indicates very strongly to me that some growth is anticipated in that area, and that the area is very much intended to be a part of the future urban area. That means that the Site would meet both of the criteria in the RMA/NPSUD definition of an urban environment.
9. The second reason I disagree with Ms Blackwell's conclusion on the urban environment status of the Site is because I have a different interpretation to the extent of an "urban environment" to that held by Ms Blackwell.
10. I first note that it is important to differentiate the terms "urban environment" and "urban area", with an urban environment able to include multiple urban areas.
11. All Tier 1 councils have applied, for their NPSUD assessments, an urban environment definition that includes the main urban area and associated minor urban areas within a wider hinterland:

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<sup>1</sup> National Policy Statement on Urban Development 2020 – Part 1 Preliminary Provisions 1.4 Interpretation

- (a) Auckland: the urban environment includes small rural settlements that are approximately 50-60km from the urban edge of Auckland City. This includes small towns, settlements and seaside holiday areas (Leigh, Omaha, Te Hana, Wellsford, Orere Point, etc.) with populations much less than the 10,000 people threshold, with some as low as 100-200 people.
- (b) Hamilton: the urban environment includes small rural settlements that are 30+km from the urban edge of Hamilton City, including Raglan, Meremere, Te Kauwhata, and Pokeno, all of which have populations of much less than the 10,000 people threshold.
- (c) Tauranga: there are no publicly available documents on Tauranga City Council's NPSUD assessment as yet. The predecessor NPSUDC assessment included parts of Western Bay of Plenty District (Katikati, Paengaroa, Waihi Beach, Maketu, Pukehina) in the Tauranga urban environment. These smaller urban areas are 20+km from the urban edge of Tauranga and have populations much less than the 10,000 people threshold.
- (d) Wellington: I am not aware of any completed NPSUD assessment for Wellington, however, under the NPSUDC the extent of the Wellington urban environment included an area of up to 20km around the urban edge.
- (e) Christchurch: has adopted a definition that includes some towns and settlements up to 30km from the urban edge (Rangiora, Kaiapoi, Rolleston, Lincoln, Prebbleton), but excludes more distant, smaller settlements (Darfield, Leeston, Southbridge, Dunsandel, Oxford).

12. These examples, and the use of the concepts of the housing and labour market in the second part of the definition suggests that the definition of the urban environment does not need to be defined in terms of a single contiguous land area. It also suggests to me that it is not appropriate to define an urban environment at such a granular level as Ms Blackwell appears to favour. Instead, my interpretation is that the urban environment is intended to be a much less spatially granular concept, and will take in rural areas adjacent to, and even up to 20+km from the edge of the urban area.

13. Overall having considered the views expressed by Ms Blackwell in detail, I confirm that those do not alter my initial view expressed in my earlier evidence.

A handwritten signature in black ink, consisting of a long, sweeping horizontal stroke that loops back and ends with a small flourish.

Derek Foy

3 August 2022