



SUBMISSION – KĀPITI COAST DISTRICT COUNCIL PROPOSED PLAN CHANGE 2

STETSON RISE
WAIKANAE

Client: James Mallia
September 2022

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DELIVERING INNOVATIVE PROPERTY, COMMUNITY AND
ENVIRONMENTAL SOLUTIONS

SUBMISSION ON BEHALF OF: James Mallia

Prepared by:



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Principal Planner and Director

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FINAL

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966

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RMA FORM 5

Submission on publicly notified

Proposed Plan Change 2 to the Kāpiti Coast District Plan

Clause 6 of the First Schedule, Resource Management Act 1991

To: Kāpiti Coast District Council

1. Submitter details:

Full Name			
Company/Organisation <i>if applicable</i>	James Mallia		
Contact Person <i>if different</i>	c/- Tom Bland, Land Matters Limited		
Email Address for Service	tom@landmatters.nz		
Address	20 Addington Road		
	City Ōtaki	Postcode 5581	
Address for Service <i>if different</i>	Postal Address		Courier Address
Phone	Mobile 021 877 894	Home	Work

2. This is a **submission** on the **Proposed Plan Change 2 to the District Plan** for Kāpiti.

3. 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 point four below:

4. I **am 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.

Note:

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.

5. I **wish to be heard** in support of my submission.

6. I **will not** consider presenting a joint case with other submitters, who make a similar submission, at a hearing.

Please complete section below (insert additional boxes per provision you are submitting on):

The specific provision of the proposal that my submission relates to:
See part 3
Do you: Support? Oppose? Amend?
See part 3
What decision are you seeking from Council?
What action would you like: Retain? Amend? Add? Delete?
Reasons:
See part 3.

1. BACKGROUND AND INTRODUCTION

Kāpiti Coast District Council (**KCDC**) has notified Plan Change 2 (**PC2**) to the Operative District Plan. As well as incorporating the Medium Density Residential Standards (**MDRS**) into the District Plan, PC2 also rezones some areas to *General Residential Zone*. Proposed PC2 was notified on 18 August 2022 and is open for submissions until 15 September 2022. This document is a submission on Proposed PC2.

James Mallia (**the Submitter**) owns 2 Stetson Rise, Waikanae. The land is currently within the Ngārara Development Area (**NDA**) which is covered by the provisions of the Ngārara Development Area Structure Plan (**NDASP**).

This document describes the land and sets out the general parts of the Proposed PC2 that the submitter supports, together with the parts they seek to have amended and reasons for the suggested amendments.

2. THE LAND

The land is located to the north of Waikanae. The property details are:

Address	2 Stetson Rise, Waikanae
Area (m ²)	5,146

3. SUBMISSION AND CHANGES SOUGHT

The submitter generally **supports** the following parts of the Proposed PC2:

1. The provision of MDRS across the General Residential Zone, including those areas to be re-zoned to General Residential.

The submitter **opposes** the following parts of the Proposed PC2:

1. Retention of the land in the Ngārara Development Area and failure to rezone it as part of the General Residential Zone (**GRZ**).

The submitter **seeks** the following general amendments to PC2 to better achieve the Purpose of the RMA:

- A. **Amendments to the planning maps** to identify the subject land as part of the General Residential Zone (**GRZ**).

Reasons

The subject land is a triangular portion of land bounded by the Kāpiti Expressway, Ngārara Road and the Stetson Rise subdivision.

All land to the south of the subject land is proposed to be rezoned to General Residential Zone as part of PC2 (as shown in yellow on **Figure 1** below).

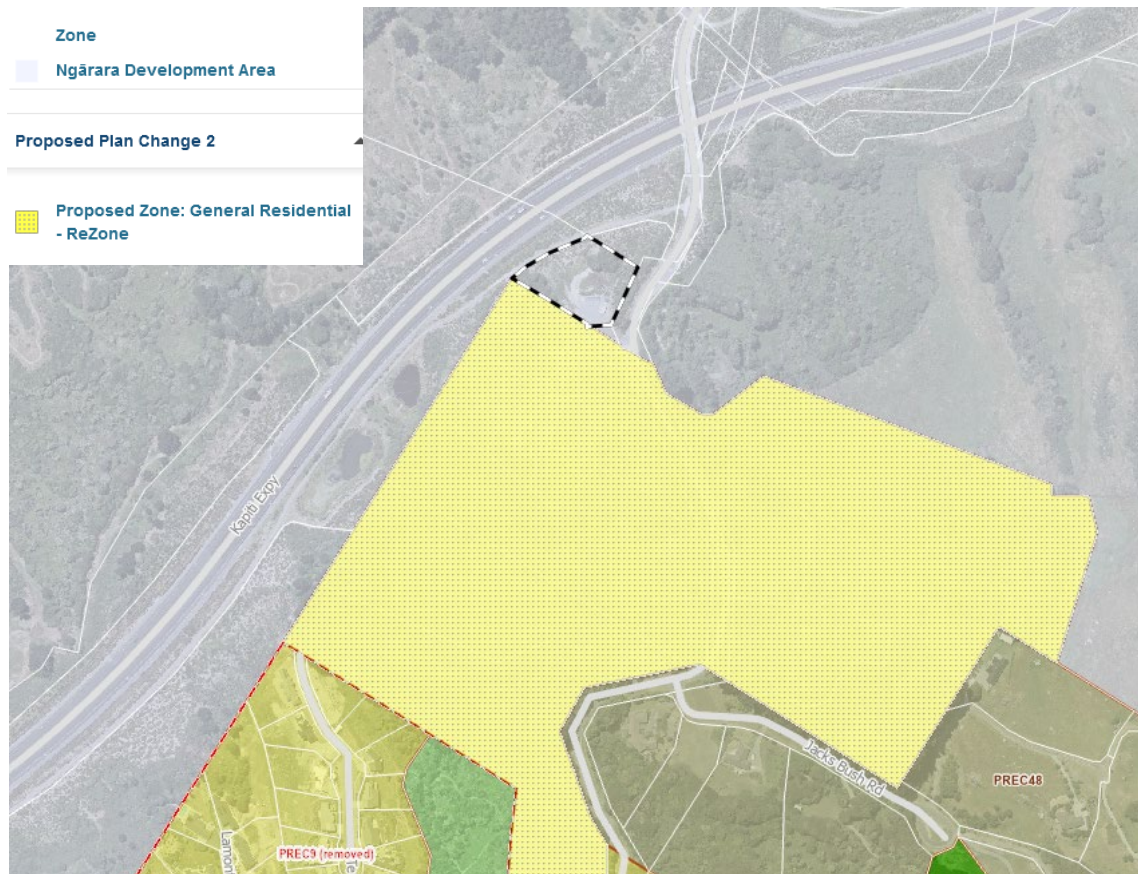


Figure 1 Excerpt from Kāpiti Coast District Plan maps (incorporating PC2)

It is assumed the subject land was not identified for rezoning to General Residential because it is within the Ngārara Development Area. The underlying zone is not abundantly clear on the District Plan planning maps.

Although the land is identified within the Ngārara Development Area, it is not within any of the neighbourhoods, identified in the Ngārara Development Area Structure Plan. In the structure plan the land appears to be covered by the Western Link Road (**WLR**) designation and the *Open Space – Forest*. The WLR was superseded by the Kāpiti Expressway and the WLR designation was revoked.

An excerpt from the Ngārara Development Area Structure Plan is shown in **Figure 2** below with the location of the subject land identified.

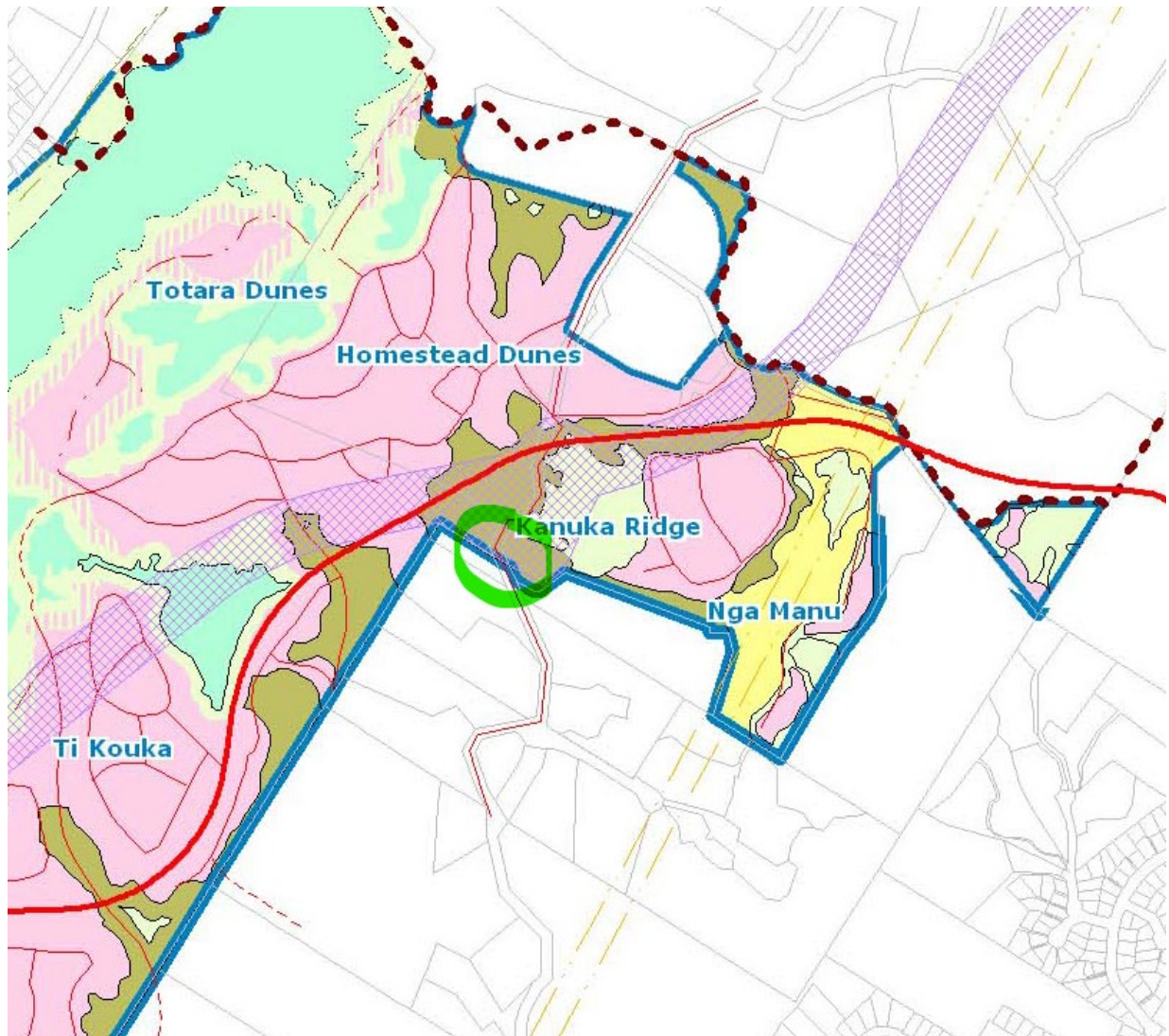


Figure 2 Excerpt from Ngārara Development Area Structure Plan with the land circled green

The land is therefore in a District Plan ‘no-mans-land’ in that the Structure Plan still identifies it within a now-revoked designation, there are no specific structure plan provisions covering it and there is no underlying zone to revert to other than an open space area. It should be noted that the District Plan states:

“Neighbourhood Development Areas, corresponding areas of development and open space areas as shown on the Structure Plan map are indicative only.”

Surrounding land ownership, land use and infrastructure constraints limit any use of the land in accordance with the Ngārara Development Area Structure Plan provision. The land is separated from the rest of the structure plan area by the Kāpiti Expressway and is too small itself to warrant any specific consideration under the provisions of the structure plan.

Paragraph 5.2.3 of the Section 32 report supporting Proposed PC2 sets out the criteria for identifying land for rezoning to GRZ, as follows:

- *they are located next to an urban area that is connected to infrastructure services;*

- *they have a relatively low degree of constraints (and any existing constraints can be managed through existing District Plan rules)*
- *they are not sufficiently large or complex enough to require a “structure planned” approach;*
- *they would provide a notable contribution to plan-enabled housing supply, or where this is not the case, re-zoning is appropriate to regularise the area into the surrounding zoning pattern.*

Consideration of the land against the above criteria is provided below:

Criteria	Consideration
Located next to an urban area that is connected to infrastructure services.	The land is on the northern edge of Waikanae town adjoining land (including some rural land) proposed to be rezoned to General Residential Zone. The land clearly meets this criterion.
Relatively low degree of constraints (and any existing constraints can be managed through existing District Plan rules).	The land does not contain any greater degree of constraints than the entire urban area of Kāpiti. Neighbouring development proposals have demonstrated how engineering solutions can be provided to address risk from natural hazards. Existing liquefaction risk rules are capable of managing the relevant risks, as with the rest of the General Residential Zone. The land meets this criterion.
Not sufficiently large or complex enough to require a “structure planned” approach.	The subject land is 5,146m ² in area and is sandwiched between land to be zoned General Residential and the Kāpiti Expressway. It is not complex and without re-zoning would be stranded as an isolated parcel of land with a confusing and impractical planning policy. The land meets this criterion.
Would provide a notable contribution to plan-enabled housing supply, or where this is not the case, re-zoning is appropriate to regularise the area into the surrounding zoning pattern.	For the reasons already listed in this submission, re-zoning the land is appropriate to regularise the area into the surrounding zoning pattern. Surrounding land is proposed to be zoned for General Residential. It is inappropriate to rezone the surrounding land to the south as residential and retain the subject land as a small, isolated parcel within a development area the provisions of which it is unable to achieve. The land meets this criterion.

In summary, there is no barrier to rezoning the land to General Residential as part of PC2. The land meets the criteria set for rezoning in the Section 32 report and the existing structure plan provisions are no longer appropriate for the land given the revocation of the Western Link Road designation which covers the land and the construction of the Kāpiti Expressway which segregates the land from the rest of the Ngārara Development Area. The land is much closer geographically and in character to the land to the south (which is being re-zoned) than it is to the Ngārara Development Area and is suitable for rezoning.

The purpose of the RMA would be better achieved by rezoning the land to General Residential.

From: [Tom Bland](#)
To: [Mailbox - District Planning](#)
Subject: [#Land Matters - 980] Submission on Plan Change 2 to the District Plan - James Mallia
Date: Tuesday, 13 September 2022 3:58:02 pm
Attachments: [980-Stetson PC2 submission.pdf](#)

Hi,

On behalf of James Mallia, please find attached a submission on Plan Change 2 to the Kāpiti Coast District Plan. Please let us know if you require any further information.

We look forward to hearing from you.

Kind regards,
Tom

Tom Bland
Tel: [021877894](tel:021877894)