

**Before a Hearings Commissioner appointed by  
the Kāpiti Coast District Council**

**Under**

the Resource Management Act 1991

**And**

**In the Matter**

of an application under section 88 of the Act by M R Mansell, R P Mansell and A J Mansell to undertake earthworks that do not meet the permitted activity standards for a 49-lot rural residential subdivision that do not comply with the standards relating to the construction of a new road, reserves to vest with Council and land use consent for a reduction in yard setbacks and modification of indigenous vegetation and the surrender of easements at 48 and 58 Tieko Street and 131, 139 and 147 Otaihanga Road, Otaihanga, Paraparaumu RM210147

Memorandum on behalf of  
**Kapiti Coast District Council**  
Regarding Minute 2

Dated: 22 September 2022

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The following information is supplied in response to the Commissioners Minute 2 dated 12 August 2022.

**1. Paragraph 5d of Minute 2 sought analysis of specific objectives and policies of the District Plan and any associated explanations.**

**2. Paragraph 6 required the reporting officer to provide this analysis drawing on advice from Council's District Planning team.**

2.1 The reply to the Commissioners to date was prepared by Council's Consultant Planner and circulated on 1 September 2022. This response did not include advice from the Council's District Planning Team or an assessment by the Consultant Planner of the identified objectives and policies as this was to be provided in conjunction with advice from the Council's District Planning Team.

2.2 Since the initial reply was supplied, the Council's District Planning Team have advised that they are reluctant to provide advice into the planning analysis of the provisions of the relevant documents, where they relate to individual resource consent applications. This role is considered to be that of the Planner, acting on behalf of the Council's Regulatory Team, to provide an assessment of the relevant planning instruments to inform the final decision to be made by the Commissioners.

2.3 An analysis of the identified objectives and policies from Council's Consultant Planner is included below.

**3. Objective DO-O3 – Development Management**

3.1 The full wording of objective DO-O3 is included at Attachment A.

3.2 With respect to this policy, the Commissioners sought an analysis particularly in relation to the terms "existing urban areas" and "identified growth areas".

3.3 In relation to the use of the terms "existing urban areas" and "identified growth areas" in the Objective above, it is considered that the provisions of the NPS-UD take precedence over that of the District Plan. When considering the site is within an existing urban area (as defined in the NPS-UD), the proposal largely meets the intent of items 1-8 identified above. The use of the site for residential activities is not considered to be incompatible with the immediately surrounding land uses which are also residential in nature.

3.4 The explanation associated with the Objective identifies that greenfield areas need to be provided for as well as acknowledging that there is demand for housing and growth. Given the site is located within a potential future growth area (identified in the Te tupu pai supporting document) and will maintain environmental quality, it is not considered to be abhorrently contrary to Objective DO-O3.

**4. Policy UFD-P1 – Growth Management**

4.1 The full wording of policy UFD-P1 is included at Attachment A.

4.2 With respect to this policy, the Commissioners sought an analysis particularly in relation to part (d).

- 4.3 Otaihanga is an existing suburb of Paraparaumu, and it is considered that there is limited distinctiveness between the areas when travelling east or west from Ratanui Road or the Old State Highway along Otaihanga Road.
- 4.4 When travelling from the Old State Highway to the west the environment contains Southward Car Museum, Hood Transport, properties with dwellings, a landscaping company, refuse and recycling centre and a depot also used for a pre-cast facility. A number of these properties are screened from the road by dunes and planting which establishes the natural character for the environment in which the site is located.
- 4.5 Significant vegetation, no earthworks and no build areas are proposed along the boundaries of the proposed allotments within the southern area of the development and Otaihanga Road that are no different to the screening or dunes found on surrounding sites which contain a range of activities, not all rural residential in nature.
- 4.6 Any unique character values of the rural environment between and around settlements will be enhanced as a result of the planting associated with the southern area of the proposed development noting that the explanation of character within the Rural Lifestyle Zone chapter of the district plan identifies "significant areas of indigenous vegetation" as being a feature of rural character.
- 4.7 The location of the recreation and stormwater reserves directly adjoining Otaihanga Road will also in maintaining a sense of openness within the Rural Lifestyle Zone.

## **5. Policy UFD-P4 – Residential Density**

- 5.1 The full wording of policy UFD-P4 is included at Attachment A.
- 5.2 With respect to this policy, the Commissioners sought an analysis particularly in relation to part (7).
- 5.3 It is noted that the above policy is proposed to be changed as part of proposed Plan Change 2, resulting in the removal of (7).
- 5.4 While the site is not within the Paraparaumu Low Density Precinct, the explanation provided for this Policy (other than identifying the relevant precincts) is that *In many cases, the low density nature of the above areas is not only a product of their transitional nature between urban and rural areas, but also due to the high natural character or ecological values of the areas, or physical constraints that otherwise preclude higher densities being able to be sustained there.*  
*Paekākāriki and Te Horo are examples where the amount of development that can be sustained there is limited due to existing constraints on necessary infrastructure. In these areas, development intensity which exceeds these constraints will be avoided.*
- 5.5 The application, s42A report, further information request responses and hearing evidence detail the ecological and physical restraints on the site and the proposed development has been designed around these. The significant indigenous vegetation proposed along the Otaihanga Road boundary when combined with the planting required within the stormwater reserve will be reflective of rural character as detailed in section 6 of this memorandum.
- 5.6 It has been demonstrated in the engineering reports that there are no infrastructure limitations with the site and no information has been provided by Council's engineers to state otherwise.

## **6. Policy RLZ-P2 – Rural Character**

- 6.1 The full wording of policy RLZ-P2 is included at Attachment A.
- 6.2 With respect to this policy, the Commissioners sought an analysis particularly in relation to parts (a) and (c).
- 6.3 Part (a) of the policy relates to maintaining or enhancing a general sense of openness. With respect to the southern area of the proposed development, the location of the stormwater and recreation reserves directly adjoining Otaihanga Road provide for this, the larger allotments in the northern area ensure there is a general sense of openness for this area of the development also. The ratio of open space to allotments is considered appropriate for the development proposed.
- 6.4 Part (c) of the policy relates to maintaining or enhancing an overall low density of development. While the proposal results in a density not anticipated by the District Plan standards, the area where there is the potential for this to have the most effect is the southern area of the application site which will be significantly screened by the proposed indigenous vegetation which is a feature of rural character.
- 6.5 The proposed allotment sizes will provide for houses and buildings of a variety of scales, forms, including building as anticipated by the explanation. Noting that for the smaller allotments in the southern area of the development, yard setbacks will restrict the amount of development that could occur.

## **7. Policy RLZ-P9 – Rural Lifestyle Zone**

- 7.1 The full wording of policy RLZ-P9 is included at Attachment A.
- 7.2 With respect to this policy, the Commissioners sought an analysis particularly in relation to part (d).
- 7.3 Policy RLZ-P9 provides for rural lifestyle living in identified locations where it meets four items relating to accessibility, productive potential, reverse sensitivity and scale and location.
- 7.4 The proposal is considered to meet parts (a)-(c) for those reasons set out in the s42A report and as detailed in Mr Hansen's post notification further information request response dated 8 April 2022.
- 7.5 In relation to part (d) and in line with the NPS-UD it is considered that the application site is within an area that is already inherently urban and with infrastructure available within Tieko Street and Otaihanga Road, it is not considered to be expanding or creating urban settlements.

## **8. Policy INF-GEN-P7 – Infrastructure and Growth Management**

- 8.1 The full wording of policy INF-GEN-P7 is included at Attachment A.
- 8.2 With respect to this policy, the Commissioners sought an analysis particularly in relation to part (f) and the focus of intensification being in "existing urban areas" as defined by the district plan.
- 8.3 The wording of the policy uses the word *focused* meaning that a great deal of attention will be given to subdivision, use and development within "existing urban areas" but not excluding other areas from being considered for growth.

- 8.4 The policy then details six areas where subdivision, use and development should be avoided.
- 8.5 In this instance, for the reasons outlined below, particularly in relation to (f) as identified by the Commissioners, I do not consider that the avoid requirements are met and therefore the proposed subdivision is consistent with policy INF-GEN-P7.
- 8.6 With respect to power and telecommunications, the Engineering Report prepared by Cuttriss Consultants Limited and submitted with the application includes correspondence with Chorus and Scanpower advising that they are able to provide servicing to the lots and the cost of these works would be paid by the consent holder.
- 8.7 It is demonstrated within the Engineering Report that there is capacity within Council's systems to service the proposed allotments and within the resource consent process, no information has been provided by Council's infrastructure engineers that would conflict with this.
- 8.8 If consent is granted, there is a level of work that will be required to be undertaken by the consent holder to ensure all allotments are adequately serviced. Ultimately water and wastewater infrastructure would be vested with Council, and it is considered the Development Contributions payable, and the work being undertaken on the Development Agreement would adequately cover any concerns that the Council's infrastructure engineers may have. The creation of 39 additional allotments is not considered to be significant in terms of growth pressure and the services are readily available within Tieko Street and Otaihanga Road.

Dated this 22<sup>nd</sup> day of September 2022



Marnie Rydon  
Consultant Planner for Kapiti Coast District Council

## Attachment A

### **DO-O3 Development Management**

*To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:*

- 1. urban areas which maximise the efficient end use of energy and integration with infrastructure;*
- 2. a variety of living and working areas in a manner which reinforces the function and vitality of centres;*
- 3. resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;*
- 4. higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;*
- 5. management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;*
- 6. sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;*
- 7. an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and*
- 8. management of the location and effects of potentially incompatible land uses including any interface between such uses.*

The District Plan provides a significant explanation of development management.

#### ***The Development Pattern for the Kāpiti Coast***

*The natural and physical characteristics of the District have been subject to significant change over a relatively short period of time, with a large proportion of this change attributed to human settlement and development. In turn, the form of settlement in Kāpiti has largely been shaped by three elements, being:*

- natural features, particularly the Ōtaki and Waikanae Rivers and their estuaries;*
- the main locations of pre-European Māori settlement; and*
- the establishment of the railway and then the State Highway.*

*Māori settlement patterns within the District prior to European settlement consisted of seasonal settlements associated with harvest, particularly fishing, and permanent settlements of varying sizes along the coast. Significant sites and buildings associated with the social, economic, spiritual and political heart of whānau and hapū were located within some of the larger and more permanent settlements. The marae was the site where formal whānau, hapū and iwi meetings, as well as tangihanga and other ceremonies, took place under protocol or kawa that managed the placement and lifting of tapu. Some marae had status as matua marae while others might be more whānau-based. Key buildings were located around the marae.*

*These areas became the initial focus of post 1830 settlement and consequently set out the main settlement pattern for the District. In particular, this period of change was shaped by:*

1. wars throughout the North Island using the new muskets which profoundly changed the balance of power and influence between iwi and hapū;
2. consequent migration of Ngāti Toa, Ngāti Raukawa and Te Āti Awa into and through the District;
3. the use of Kāpiti Island as a defensive stronghold;
4. early establishment of whaling stations, particularly on Kāpiti Island;
5. loss of land from Māori control from the 1830s and particularly from the 1860s; and
6. introduction of rail in the 1880s which refocused Māori and Pākehā settlements along the rail corridor.

With the completion of the railway in 1886, stations were established at 10 mile intervals at Paekākāriki, Wainui, Paraparaumu, Otaihanga, Waikanae, Hadfield, Te Horo, Hautere and Ōtaki. Paekākāriki became a rail village with the establishment of rail worker housing and workshops. Waikanae and Paraparaumu began to emerge as more significant settlements and Ōtaki refocused to some extent on the rail area. Wi Parata organised the relocation of Whakarongotai meeting house to its present location at the Waikanae Town Centre, in order to better position Te Āti Awa in relation to the new developments.

By the 1920s and 1930s, subdivisions were beginning to develop along the coast at Raumati and parts of Paraparaumu, largely without major modifications to landforms. This pattern continued from the late 1940s, as travel on the State Highway improved and more people could afford to buy cars. Since that time, further infill of settlement areas between the coastal hills, the State Highway and the coast has been the dominant trend, with the major influences on settlement form being:

- an east/west consolidation with limited connections between communities, which has increased reliance on the State Highway;
- purchase by the Crown of land for Queen Elizabeth Park in the 1940s, partly to control the residential expansion along the coast;
- a deliberate local authority focus since the 1960s on identifying land immediately north of Waikanae as a potential future urban growth area;
- purchase of land by the Crown for an international airport which has both provided a strategic asset and fundamentally shaped the form of Paraparaumu;
- the identification of a potential Sandhills Motorway route which has also shaped form through this area;
- significant population growth occurring since the late 1960s within existing broad urban areas, with major modification to landforms in some areas; and
- disestablishment of on-site water and wastewater systems in some areas and relatively uncontrolled demand for services in those areas.

Since the 1980s, there has been continued development, largely still within this broad urban area. It has been accompanied by a slow shift in attitude to subdivision standards and by a need to modify infrastructure investment to take account of environmental constraints.

### **Global Resource Management Issues**

In an increasingly globalised world, the reliance of the Kāpiti communities on foreign-produced food, energy resources and other essential and non-essential items leaves the communities vulnerable to supply and demand shocks associated with the production, transport and supply



of these commodities. With these emerging risks, there is a need to position the District into a position of increased resilience.

While making the District more resilient is not solely a resource management issue, the role of the District Plan in this process is significant. In particular, the manner in which the Plan facilitates a more resilient urban form is a major consideration. Rising fuel prices alone have, and will continue to have, a major impact on the way in which people move around and through Kāpiti. Allowing for development which relies solely on private vehicles for transport will likely decrease the District's ability to respond to the local effects of global shocks. To this end, providing for development of greenfields sites (for example) may help meet demand for a particular housing preference; however this must be balanced by increased accessibility to, and efficient use of, existing centres, open spaces and other essential services for the majority of Kāpiti residents if resilience is to be enhanced. This means promoting an urban form which reduces the use of fossil fuels, and which enables local production and employment.

Yet another challenge is anticipated in the form of global climate change and associated sea level rise. Existing communities will need to adapt to a changing environment, and new development must be undertaken in a manner and in locations that avoid or can absorb the risks associated with climate change.

### **Regional Considerations**

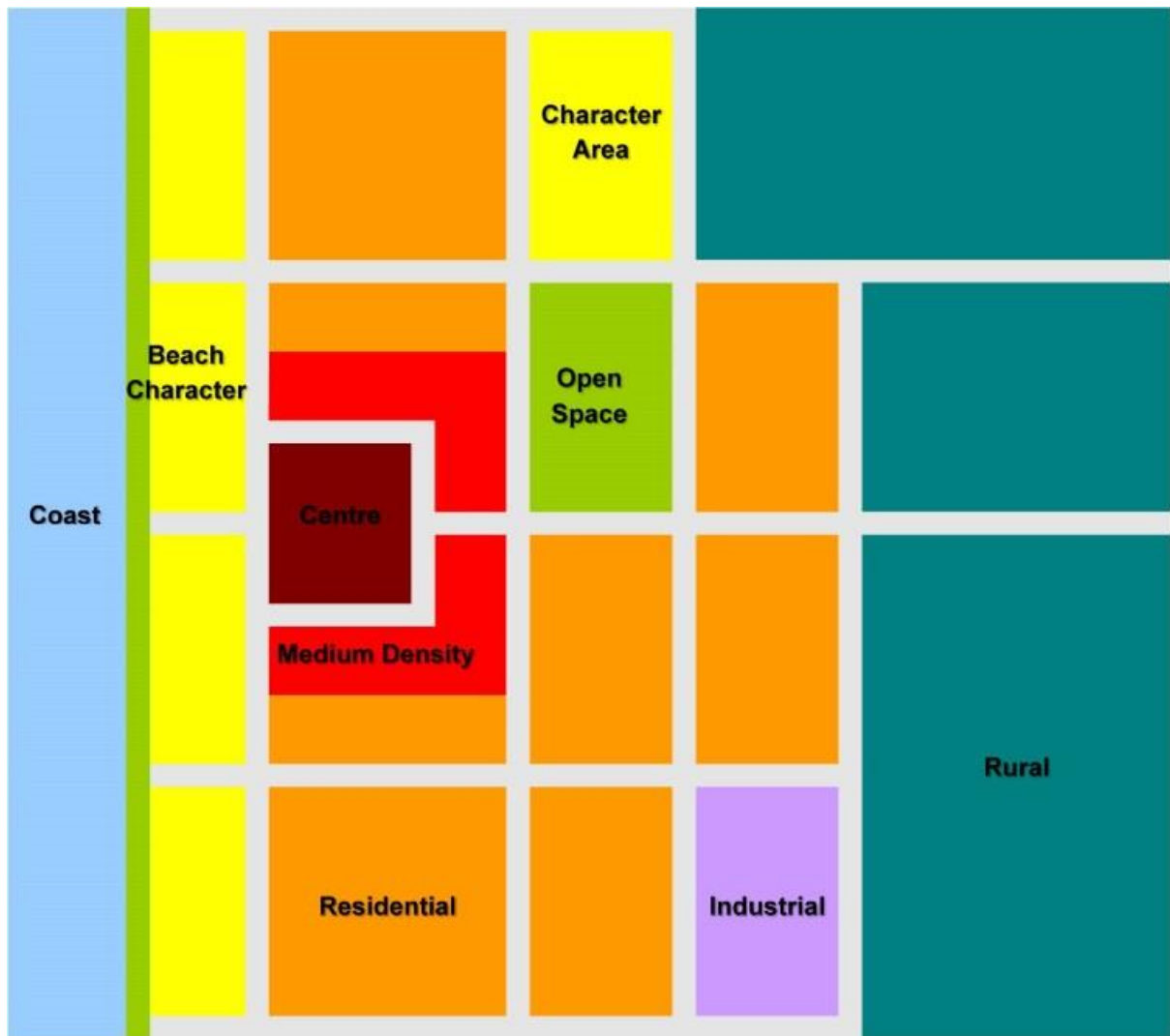
The primary regional RMA plans of relevance to the Kāpiti Coast District Plan are the Operative Wellington Regional Policy Statement, 2013 (RPS), and the Operative Wellington Regional Plans for air quality, soil, discharges, freshwater, and the coastal area. The provisions of these plans and policy statements are applicable to growth management in Kāpiti and the District Plan is required to give effect to the RPS.

### **Local Issues**

In addition to these global and regional issues, Kāpiti faces local resource management challenges with respect to managing and accommodating growth and development. This begins with a need to recognise the significant resources that have been invested into existing settlements and the infrastructure supporting those settlements. New growth and development must make efficient use of this significant investment, rather than undermining it. This includes the potential undermining of the social capital that has been invested in existing Kāpiti communities, along with the physical and economic investment.

Achieving an urban form that balances the need to meet the many housing needs of the District's residents with the preservation of valued character and the achievement of infrastructure integration efficiencies is an additional, complex challenge. For example, providing for smaller allotment sizes and more dense living environments can affect an area's underlying character; however, when these more intense environments are appropriately located within the wider urban context, they can increase efficiency outcomes of public and private investment in public transport networks, commercial areas, open spaces and other community facilities. The approach to managing these challenges is to:

- maintain the predominant low density character that defines the District's many communities, while targeting specific areas for either increased character protection, and (conversely) increased residential intensity (indicatively represented in DO-Figure 1);
- provide for selected greenfields development areas in a way that also reinforces overall compact urban form.



*Kāpiti is also subject to a range of threats from natural hazards and development must be mindful of this risk to ensure community resilience. The nature of these hazards is further outlined in the explanation to [DO-05 Natural Hazards](#).*

*A final local issue regarding growth management is the need to accommodate the projected increases in residential population and employment opportunities in a manner which can be sustained within the District's environmental carrying capacity. This requires the recognition of both the rate of growth anticipated and the nature of development desired, in addition to the underlying need to maintain environmental quality. Ensuring enough land is provided to meet anticipated growth in different living environments and in a manner which retains the benefits of the District's consolidated form is an on-going challenge.*

### **UFD-P1 Growth Management**

*New urban development for residential activities will only be located within existing urban areas and identified growth areas, and will be undertaken in a manner which:*

- 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:*
  - a. enabling medium density housing and focused infill housing in identified precinct areas that are close to centres, public open spaces, and public transport nodes;*
  - b. retaining a predominantly low residential density in the Residential Zones;*
  - c. avoiding any significant adverse effects of subdivision and development 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 environment between and around settlements;*
- 5. can be sustained within and makes efficient use of existing capacity of public services and strategic infrastructure; and*
- 6. promotes the efficient use of energy and water.*

### **UFD-P4 Residential Density**

*The density of subdivision and development will be managed through an area-specific approach to achieve an appropriate range of housing types across the District, as set out below:*

- 1. the highest densities, including apartments as part of mixed use developments, will be located within and in immediate proximity to centres;*
- 2. medium density housing will be limited to specific precinct areas within walking distance of centres;*
- 3. focused infill will be encouraged in specific areas where there is good access to shops and services;*
- 4. within the Neighbourhood Development Areas identified in the Ngārara Development Area Structure Plan in Appendix 7, the provision of affordable housing will be encouraged at appropriate locations with good access to shops and services;*
- 5. traditional low density residential subdivision will be allowed within the general residential area;*
- 6. overall existing low densities will be maintained in special character areas identified in GRZ-P3;*
- 7. especially low densities will be applied in Low Density Housing Precinct areas (identified on the District Plan Maps) as transitions between rural and urban environments); and*
- 8. in areas where infrastructure constraints exist (such as water, wastewater or roading), densities will reflect those constraints.*

### **RLZ-P2 Rural Character**

*Subdivision, use and development in the Rural Zones will be undertaken in a manner that maintains or enhances the District's rural character, including:*

- a. the general sense of openness;*
- b. natural landforms;*
- c. overall low density of development; and*
- d. the predominance of primary production activities.*

Rural character is explained in the District Plan:

*The amenity and character of the Rural Zones has value for the whole District. The Rural Zones provide a visual space between urban settlements and supports the part of the District's identity related to the separation of distinct settlements by a more open landscape. The general openness of rural land and the presence of various types of primary production activities form part of the valued rural character.*

*Travel on rural roads is an important part of the rural experience for residents and visitors, for all travel modes including walking, cycling and horse riding. Existing patterns of vegetation (such as shelterbelts) and areas of indigenous vegetation in particular areas are also important for visual integration and coherence in the rural area.*

*There is a range of features associated with activities in the Rural Zones that contributes to the rural character and which can vary across the District.*

*These features include, but are not limited to:*

- significant areas of land in pasture, crops, forestry and/or indigenous vegetation;*
- the general absence of structures other than those related to primary production activities and network utilities;*
- a high ratio of open space relative to the built environment;*
- noises, smells, dust and effects associated with the use of rural land for a wide range of agricultural, horticultural, forestry and extractive industries;*
- low population densities relative to urban areas; and*
- houses and buildings of a variety of scales, forms and building*

### **RLZ-P9 Rural Lifestyle Zone**

*Rural lifestyle living will be provided for in identified locations zoned Rural Lifestyle which:*

- a. can be efficiently accessed and are close to urban settlements;*
- b. are characterised by land with relatively low productive potential;*
- c. avoid potential reverse sensitivity effects on adjacent primary production activities and other lawfully established rural uses; and*
- d. are at a scale and in locations that avoid creating or expanding urban settlements.*

### **INF-GEN-P7 Infrastructure and Growth Management**

*Subdivision, use and development of land for urban growth and intensification will be focused on certain areas (i.e. in existing urban areas).*

*Subdivision, use and development will be avoided in areas where it:*

- 1. is unable to be efficiently integrated with existing infrastructure, or be serviced by new infrastructure in an efficient and cost-effective manner;*
- 2. does not promote the efficient end use of energy, including energy use associated with private vehicular transport, and efficient use of water;*
- 3. does not align with Council's infrastructure asset management planning;*
- 4. would lead to inefficient or unduly high operation and maintenance costs for public infrastructure;*
- 5. is unable to make the most efficient use of the transport network; and*
- 6. would lead to further growth pressures and demand for infrastructure investment ahead of the community's or infrastructure provider's ability to fund, or its desired funding programme.*