

Purpose

[1] This memorandum is in response to question posed by the Hearing Panel to Anna Carter, planning expert for Waikanae East's submitters (ref S087) on Monday 27 March at the hearing on Plan Change 2.

[2] The Chair posed the question to Anna Carter for her response as follows:

“ there is a credible theme, the Council on focusing on its intensification may have potentially missed an opportunity to provide more housing supply Various sites have been interrogated to varying degrees (e.g. Mansell's site) ... yours is a little bit less interrogated but clearly there are opportunities and constraints.

One idea is you establish a new qualifying matter called “New IP Greenfield Sites”. They are identified as sites suitable for rezoning but would not qualify for the standard regime provisions. Then you have a rule that despite anything else in the plan but subject to any other classification or restriction provision, subdivision or development in that qualifying area is a restricted discretionary or discretionary activity and these are the matters of discretion.

Then you have a separate policy that says, ‘site X’ and your policy is to achieve this.

Effectively identifies an area for development but provides a range of powers and discretions that ensures that a comprehensive development occurs in a way that is well structured.”

[3] This memorandum is responding to the question of what would be the “*qualifying matters that would necessitate a comprehensive development achieves a high functioning urban environment?*”

[4] Hearing Panel member, Jane Black added, “*if the structure plan is the stumbling block to achieving this development through this plan change, what mechanism and planning techniques would you recommend that enables the development could proceed in a staged manner that would enable the amenities to in place.*”

Response

The submitter's represented at the hearing on Waikanae East's submission S087 have provided Land Matters Ltd with a mandate to negotiate with Council to provide additional information that will help achieve the certainty to achieve a well-functioning urban environment through this Intensification Streamlined Planning Process (ISP). Submitters have all had the opportunity to review Frank Boffa's spatial plan and any changes were included in the final plan submitted with evidence to the Hearing Panel.

- [5] The spatial plan that was submitted to the Hearing Panel considered a full range of matters to determine the likely developable areas. A copy of this spatial plan is attached in **Appendix 1** of this document and is the plan referenced in response to the questions posed by the Hearing Panel. The submitters agree that this spatial plan should be included in the IPI and referenced through new policy and new matters of discretion on new greenfield sites in order to achieve the outcomes sought by the NPS-UD.
- [6] Matters raised by Te Ātiawa in their statement of values were also further considered and addressed at the hearing. The extent of land proposed as General Residential Zone as shown on the Waikanae East Spatial Plan excludes all of the currently identified River Corridor Precinct and can also exclude the historical river channel as provided in evidence on Monday 27. Te Ātiawa did not identify any specific sites *within* Waikanae East's land holdings that would qualify as a qualifying matter. Frank Boffa's spatial plan identifies sufficient land to treat stormwater.
- [7] The land proposed to be rezoned to General Residential is relatively unconstrained and can be serviced by three waters infrastructure. It has infrastructure (potable water and sanitary sewer) running along Elizabeth Street A new pump station(s) would be required to provide pressured sewer to the sewer main on Elizabeth Street. There are no other known or identified constraints to service the land for water and sewer. The site has access to multiple road frontages being Anne Street, Elizabeth Street and Reikorangi Road. The site adjoins the Waikanae Awa and there are significant opportunities for open space and cycleway, walkway and bridleway connections and these can be vested in Council through the existing provisions of the District Plan. The site has easily defined areas where residential development can occur outside of the river corridor precinct, the location of the Ohariu Fault - uncertain constrained; and all existing indigenous vegetation is protected under the Operative District Plan. It is in an ideal location for residential development and can achieve a substantial number of new households.

- [8] As discussed through Harriet Fraser's evidence, constraints over the railway line in ten plus years will see levels of service (i.e. waiting times at the railway line crossing) drop and a second crossing is recommended when this occurs.

The rate and timing of development occurring within the existing infill within Waikanae East will determine the point at which development within Waikanae East submission area will adversely affect the existing levels of service at the existing crossing; or whether it will be vice versa (i.e. if Waikanae East development proceeds at a faster rate than the infill development). Either way, any new development within Waikanae East submission area and within the brownfield/infill sites should be subject to DCS and/or financial contributions as they will both trigger a second crossing over the railway.

Proposed changes to the Council's financial contributions provisions in the IPI also allows for costs of specific works needed to service the use, subdivision and or development to be charged where they are not provided for, or not provided for at the necessary level, in the Development Contributions Policy of Council. Council will be in a position, either under the FC rules of the IPI and/or under Council's DC policy to impose costs on developers within the broader Waikanae East area to fund a second crossing when service levels dictate it is necessary.

In terms of the internal roading layout, development of the site will occur closest to the road network and therefore those first stages of development will need to provide future roading connections to service the remainder of the land. This can be achieved through establishing road reserves vested in Council to provide roading connections to the next stage.

- [9] New roading and higher density sites will require treatment of stormwater within the sites. Within the 800m walkable catchment, this treatment is best undertaken within the existing constructed wetland; and possibly through an extension or new constructed wetland of the same or similar size. Based on the existing stormwater treatment design, this will require approximately another 5000m² and need to occur outside any river corridor precinct. There is sufficient land within the 800m walkable catchment for this to either occur within individual allotments; or in a collective location where landowners choose to work together. Stormwater design is not dependant on one centralised location for treatment.

The requirements for treatment of stormwater arise from rules from GWRC's Proposed Natural Resources Plan controlling discharge to land from earthworks exceeding an area greater than 3,000m². There are other rules relating to the quality of discharges from a developed site within receiving environments that achieve the environmental bottom lines for water quality as set

out in the National Environmental Regulations for Freshwater and as set out in the PNRP. This requirements are triggered for this site for the Waikanae River which is the receiving environment.

Additional requirements around stormwater are triggered for comprehensive residential development and subdivision under this IPI and Council's Land Development Minimum Requirements document for roads; rights of way and for individual allotments and/or dwellings to ensure stormwater flows and velocities remain hydraulically neutral (ie. the discharge post development remains at the same flows and levels as discharge pre-development).

Many of the stormwater design solutions will be site specific but there will be benefits in some instances (i.e. utilising the existing constructed wetland for example), where landowners may seek to work together with a development agreement to deliver a stormwater solution.

[10] Development resulting in filling in a ponding areas (flood hazard areas) will require compensatory flood storage areas. We have determined that those flood storage areas are best located within the General Rural zone areas noting that alternative locations may be identified at detailed design stage for consenting. Each of the lots where ponding occurs also contain sufficient land where flood storage can occur. The spatial plan envisages that these flood storage areas will be connected and will have a dual open space purpose and will be vested in Council. There are opportunities to ensure this is achieved through vesting of land for flood management and/or stormwater purposes with either GWRC or KCDC. Land between disparate flood storage areas may be connected through enlarging the areas of land vested in Council within each stage to achieve continuity between land parcels.

[11] There will be various areas of open space that will be created through development of this land including:

1. Buffer areas between the existing industrial zone and or the railway line and residential development
2. Walkway and cycleway linkages between existing and new roads
3. Public open space within the 800m walkable catchment to achieve the design outcomes set out in the Residential Design Guide including playgrounds and future parks; and
4. Esplanade reserves along the AWA

Currently the existing District Plan esplanade provisions require an esplanade strip along the Waikanae Awa where it is east of the Main Highway road bridge where allotments of less than

4 hectares is created. Council can also negotiate to take this land as an esplanade reserve where it accords with the outcomes of their Open Space Strategy. Council are currently investigating this for the subdivision of 4 Reikorangi Road. Any subdivision of Waikanae East's land would trigger Council's esplanade considerations.

Requirement for creation of other public open space (other than esplanade areas) would be achieved through application of Council's Open Space strategy and Residential Design Guidelines through the consenting process. Non-public open space is also required through the application of the MDRS which only allows up to 50% of a site to be built upon.

Connections and future connections **between** sites (i.e. stages of development) to areas of open space should be identified through the consent process to ensure connectivity is achieved and maintained. Open space to be vested in Council can be achieved through the application of the financial contribution provisions.

[12] Protection of indigenous biodiversity within the site is covered by existing rules in the Operative District Plan. There is a significant area of remnant kohe kohe forest located within three of the titles contained within Waikanae East. The forest is located partially within land proposed to be rezoned General Residential zone and within land that is proposed to be retained as General Rural zone. A large area contained with 4 Reikorangi Road is currently being proposed to be the subject of a private restrictive covenant as a condition of a subdivision consent. The Council were offered the land within 4 Reikorangi for a reserve but declined it. However, it is possible that future residential development of the adjoining land may trigger a desire by Council to vest the remaining forest as a local purpose reserve with public access to it. There would be opportunities to do this under the FC provisions of the IPI.

[13] Changes are also proposed to the financial contribution requirements under the PC (R1). These changes recommend imposing financial contributions when considering a resource consent under policies FC-PC2 and/or FC-PC3 being:

FC-PC2 – Provision of Infrastructure being, *“a financial contribution may be required for any land use or subdivision application that results in the need to upgrade infrastructure **beyond the subject site that the resource consent applies to...**” and [our emphasis]*

FC-PC3 (new under PC(N)) – Financial contributions to offset or compensate for adverse effects where *“a financial contribution may be required for any land use or subdivision application to*

ensure positive effects on the environment are achieved to offset any adverse effects that cannot otherwise be avoided, remedied or mitigated.”

For financial contributions not being land vested in Council (for example: needed to upgrade infrastructure beyond the site), the charges set out in FC-Table x2 are payable including:

- The cost of providing supply of water to a site;
- To upgrade the existing water supply to provide water to a site;
- The cost of connecting a water supply to an existing system;
- Where an existing outfall is not available, the cost of providing a stormwater system;
- The cost of providing a wastewater network and treatment plant where they are not available; and
- The cost of specific transportation infrastructure and access works needed to service the “use, subdivision or development.

We support these changes and consider that they will future proof development beyond the current stage of any development within Waikanae East.

Application of a Structure Plan/Spatial Plan

[14] I have listened to the remainder of the hearing on Council’s You Tube Live Channel including Council officer’s response at the end of the day on Monday 27 March. I consider that the investment by submitters (both through their resource consents) and in the preparation of this evidence has sufficiently identified any constraints and development opportunities within the site.

[15] As noted above, there are sufficient tools within the proposed IPI and ODP that would allow Council to require suitable roading connections; areas of open space, flood management and storage areas and stormwater treatment areas; while also ensuring areas of indigenous vegetation and water quality are protected and enhanced. However, as I mentioned at the Hearing and as raised by the Hearing Panel, there are areas where greater emphasis in the IPI will facilitate a ‘joined-up’ approach to development within the Waikanae East area. These are:

1. Requiring esplanade reserves adjoining the Waikanae River;

2. Requiring roading connections to service future stages of development and to create through connections between existing roading networks(i.e. between Elizabeth Street and Reikorangi Road for example);
3. Requiring land to be set aside either as easements in gross to Council, or as land vested as reserves, to connect up areas of public open space; areas of flood storage; roads; and cycleways, walkways and bridleways; and
4. Implementing cycleway, walkway and bridleway (CWB) links within Waikanae East

[16] In order to give certainty around delivery of a well structured urban area within Waikanae East, the Spatial Plan 'Plan 1' (attached) could be included in an Appendix to the IPI as a '*spatial plan*' or '*structure plan*' that is referenced through an additional policy and an additional matter of discretion or new qualifying matter. This spatial plan identifies key roading connections, areas of open space which could incorporate CWBs, stormwater and flood management areas at a level that is not prescriptive but rather informs the detailed design that these matters must be provided for when developing this site.

[17] The application of the Spatial Plan could be triggered either by applying a 'matter of discretion' in Rule GRZ-Rx6; or if considered applicable, applied as a new qualifying matter as muted by the Chair. As a new qualifying matter, a new activity status of either restricted discretionary or discretionary could be applied to land use (development) and subdivision. However, I would suggest that the existing RDA activity status for land development (land use consent) and the discretionary activity standard for subdivisions where a land use consent has not been approved are also appropriate subject to applying a new matter of discretion to the RDA rule and including a new policy for development and subdivision of Spatial Plan/Structure Plan areas.

[18] A new provision in Rule FC-R5 of the Financial Contributions chapter of the IPI could give effect to the spatial plan for Waikanae East for esplanade reserve provisions (or any other new greenfield site that is the subject of a spatial plan or structure plan).

15.3 Add a new section to the end of the chapter as follows:

General Rules for Financial Contributions	
Introduction:	
<p>FC-R5 is a general rule that applies to all <i>financial contributions</i> that are imposed as a condition of consent under s108 of the RMA. FC-R6 and FC-R7 are rules that apply when the <i>Council</i> determines that it is appropriate to impose a <i>financial contribution</i> when considering a resource consent application under FC-P2 and / or FC-P3.</p>	
FC-R5	<p>General requirements for payment of a <i>financial contribution</i></p> <p>Standards</p> <ol style="list-style-type: none"> 1. <i>Financial contributions</i> may, at <i>Council's</i> discretion, take the form of money or land or a combination of money and land. 2. <i>Financial contributions</i> shall not be imposed on a use, <i>development</i> or <i>subdivision</i> for the same purpose as a development contribution that: <ol style="list-style-type: none"> a. <u>is required, or</u> b. <u>has been agreed through a development agreement, or</u> c. <u>has already been paid</u> <p style="margin-left: 40px;"><i>in relation to that use, development or subdivision.</i></p> 3. Where a <i>financial contribution</i> is, or includes the payment of money, the <i>Council</i> may specify any one or more of the following in the conditions of the resource consent: <ol style="list-style-type: none"> a. <u>The amount to be paid by the consent holder.</u> b. <u>How the payment is to be made, including whether payment is to be made by instalment and whether bonding or security can be entered into.</u>

	<p>c. <u>When the payment is to be made:</u></p> <p>i. <u>In the case of <i>subdivision</i>, before issuing the section 224 certification.</u></p> <p>ii. <u>In the case of land use, before the consent is given effect to.</u></p> <p>iii. <u>If the amount of the payment is to be adjusted to take account of inflation and if so, how the amount is to be adjusted.</u></p> <p>iv. <u>Whether any penalty is to be imposed for default in payment and if so, the amount of the penalty or formula by which the penalty is to be calculated.</u></p> <p>d. <u>Where a <i>financial contribution</i> is, or includes <i>land</i>, the Council may specify any one or more of the following in the conditions of the resource consent:</u></p> <p>i. <u>The location and area of the <i>land</i>.</u></p> <p>ii. <u>The state the <i>land</i> is to be in before it is vested or transferred vested in or transferred to the Council.</u> S203.54</p> <p>iii. <u>The purpose of the <i>land</i> if it is to be classified under the Reserves Act 1977, or the general purpose of the <i>land</i>.</u></p> <p>iv. <u>When and how the <i>land</i> is to be vested in or transferred to the Council or other infrastructure provider. In the case of <i>subdivision</i> consent the land shall be vested on the deposit of the survey plan under section 224 of the Act, or transferred as soon as legal certificate of title is available.</u> S203.54</p> <p><u>Note: where appropriate, the Council may seek the advice of the relevant <i>iwi</i> authority on these matters.</u> S100.49</p> <p>e. <u>Where any <i>land</i> is to be vested in Council or other infrastructure provider as part of a <i>financial contribution</i> a registered valuer shall determine its market value at the date on which the resource consent (imposing the <i>financial contribution</i> condition) commenced under section 116 of the Resource Management Act 1991.</u> S203.54</p> <p>For the purposes of this standard, 'market value' has the same meaning as defined in the International Valuation Standard, as adopted by Australian Property Institute 2008 and Property Institute of New Zealand 2009, which is as follows:</p> <p><u>'Market Value is the estimated amount for which a property should exchange on the date of valuation between a willing buyer and a willing seller in an arm's length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently and without compulsion.'</u></p> <p>This standard does not apply to <i>land</i> that is to be vested in Council as a <i>financial contribution</i> in circumstances where the value of the <i>land</i> does not need to be determined.</p> <p>4. <u>Security for compliance of resource consent conditions imposing <i>financial contributions</i> shall be in accordance with sections 108, 108A, 109 and 220 of the Act, further secured by deposits of money with the Council or by way of a bond or bank guarantee. Where appropriate, securities shall be registered against the relevant titles.</u></p>
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New Rule FC-R5 General Requirements for payment of a financial contribution

Standards

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5. When reviewing the general requirements for payment of a financial contribution, consideration should be given to the anticipated levels of service from all future residential development located within a new greenfield site as identified on a spatial plan in Appendix 'x'". In relation to Waikanae East Spatial Plan, esplanade reserves shall be vested in Council in accordance with the requirements for Waikanae River.

[19] The wording of a new policy included within the General Residential Zone chapter could be worded as follows:

New Policy GRZ-Px 'x' – New Greenfield Sites

Provide for housing developments within new greenfield sites where they are identified on a spatial plan (refer Appendix 'x' of the IPI); and whereby development can proceed generally in a manner identified in the spatial plan including ensuring that development and or subdivision at any stage will be able to support and enable the final developed site; and be provided with appropriate levels of service, in relation to the following:

- Three waters infrastructure including the treatment of stormwater and the attenuation of floodwaters;
- Roading connections, including future roading connections and other transportation connections such as walkways, cycleways and horseriding connections;
- Public open space;
- Protection from natural hazards; and
- Protection and enhancement of indigenous biodiversity

[20] These new provisions would sit alongside the District Plan's existing provisions (which I have set out below for clarification and described more generally above).

[21] Having reviewed section 80E of the RMA which governs the scope of what may be included in an intensification planning instrument (IPI) I consider that the inclusion of a spatial plan that is referenced through additional matters of discretion and a new policy would be an appropriate outcome to achieve policies 3, 4 and 5 of the NPS – UD:

80E Meaning of intensification planning instrument

- (1)(b) (i) provisions relating to financial contributions
 - (ii) provisions to enable papakāinga housing in the district; and
 - (iii) related provisions including objectives, policies, rules, standards and zones that support or are consequential on (a) the MDRS; or (b) policies 3, 4 and 5 of the NPS – UD as applicable
- (2) In subsection (1)(b)(iii), **related provisions** also includes provisions that relate to any of the following, without limitation:
- (a) district wide matters
 - (b) earthworks
 - (c) fencing

- (d) infrastructure
- (e) qualifying matters identified in accordance with section 77I or 77O
- (f) storm water management (including permeability and hydraulic neutrality)
- (g) subdivision of land

Current and proposed provisions that would also apply to development within Greenfield Sites

[22] Subdivision of General Residential zoned (GRZ) land creating more than three allotments (i.e. increasing the degree of non-compliance with Rules GRZ-Rx1, GRZ-Rx2 or GRZ-Rx3); or where the subdivision is proceeding without an approved land use consent for a comprehensive residential development is a **Discretionary Activity** under Proposed Change 2 and where it can achieve compliance with the standards in Controlled Activity Rule SUB-Res-Rx1:

10.6 Add a new rule to the SUB-RES Subdivision in Residential Zones Chapter (after rule SUB-RES-R26) as follows:

<p>SUB-RES-Rx1</p>	<p>Except as provided for under Rule SUB-RES-R25 or SUB-RES-R26, subdivision of land within the General Residential Zone.</p> <p>The following are excluded from this rule:</p> <ul style="list-style-type: none"> • <u>Subdivision of land in the Coastal Qualifying Matter Precinct.</u> <p>Notification Public and limited notification of an application for resource consent under this rule is precluded.</p>		<p>S028.48 S028.49 S028.50 S028.51</p>
<p>Controlled Activity</p>	<p>Standards</p> <ol style="list-style-type: none"> 1. <u>Where the parent allotment contains an existing residential unit:</u> <ol style="list-style-type: none"> a. <u>the subdivision must not increase the degree of any non-compliance with Rules GRZ-Rx1, GRZ-Rx2 or GRZ-Rx3,</u> or b. <u>the subdivision must comply with an approved land use resource consent.</u> 2. <u>Where the parent allotment does not contain an existing residential unit:</u> <ol style="list-style-type: none"> a. <u>it must be demonstrated that it is practicable to construct residential units on the parent allotment that comply with Rules GRZ-Rx1, GRZ-Rx2 or GRZ-Rx3;</u> or b. <u>the subdivision must comply with an approved land use resource consent.</u> 3. <u>Each allotment must have legal and physical access to a legal road.</u> 4. <u>Each vacant allotment must have a flood free building area above the estimated 1% Annual Exceedance Probability flood event.</u> <p>Minimum allotment size and shape factor</p> <ol style="list-style-type: none"> 5. <u>Compliance with SUB-RES-Table x1.</u> 	<p>Matters of Control</p> <ol style="list-style-type: none"> 1. <u>The design and layout of the subdivision (excluding allotment size, shape, or other size-related subdivision requirements) and any associated earthworks.</u> 2. <u>The imposition of conditions to manage character and amenity effects.</u> 3. <u>The design and location of reserves and esplanade reserves.</u> 4. <u>The imposition of conditions in accordance with Council's Land Development Minimum Requirements.</u> 5. <u>The imposition of financial contributions in accordance the Financial Contributions chapter.</u> <p>Note: Other contributions may be applicable under the provisions of the Local Government Act 2002.</p> <ol style="list-style-type: none"> 6. <u>Vehicle access points onto legal road including the State Highway network and any transport effects.</u> 7. <u>Any legal mechanisms required for legal access.</u> 8. <u>The location of any associated building area(s) relative to any identified natural hazards, natural wetland, historic heritage feature, place or area of significance to Māori, notable tree, ecological site, key indigenous tree, rare and threatened vegetation species, geological feature, outstanding natural feature and landscape or area of high natural character.</u> <p>9. <u>The imposition of conditions in accordance with sections 108</u></p>	<p>S028.44 S208.16 S203.49 S115.07</p>

10.10 Amend rule SUB-RES-R30 in the SUB-RES Subdivision in Residential Zones Chapter as follows:

SUB-RES-R30	<p>Any <i>subdivision of land</i> in the General Residential Zone which is not a controlled activity under SUB-RES-R25 or SUB-RES-Rx1, at Raumati, Paraparaumu, Waikanae and Otaki (excluding land within any precinct identified in UFD-P13 where the land to be subdivided is less than 3,000m² in area and it</p> <ol style="list-style-type: none"> 1. is not a controlled activity under SUB-RES-R25, or SUB-RES-R26 or SUB-RES-Rx1; 2. meets all standards under SUB-RES-R27 except standard (3); 3. has a minimum allotment area of 450m²; and 4. each allotment can accommodate a 15m diameter circle. <p>The following are excluded from this rule:</p> <ul style="list-style-type: none"> • <u>Subdivision of land in the Coastal Qualifying Matter Precinct.</u> <p>Notification Public and limited notification of an application for <i>resource consent</i> under this rule is <u>precluded.</u></p>	<p>S028.48 S028.49 S028.50 S028.51</p>
Discretionary Activity		

[23] Similarly, when undertaking comprehensive residential development, without subdivision, within GRZ land and within Residential Intensification Precincts (i.e. Precinct 1 being the 800m walkable catchment area from the Waikanae Train Station), only up to three dwelling units can be constructed as a **permitted activity under Rule GRZ-Rx2.**

[24] Where more than three dwelling units are proposed on a lot (i.e. a comprehensive residential development), the activity becomes a **restricted discretionary activity** with Council’s discretion being limited to the matters set out in **Rule GRZ-Rx6:**

4.29 Add a new rule (after rule GRZ-Rx5) as follows:

GRZ-Rx6	<p><i>New buildings and structures, and any minor works, additions or alterations to any building or structure, that comply with all of the standards under rules GRZ-Rx1 or GRZ-Rx2, except for standard GRZ-Rx1.1 do not comply with standard 1 under rule GRZ-Rx1.</i></p> <p>The following are excluded from this rule:</p> <ul style="list-style-type: none"> • <u>Papakāinga</u> <p>Notification Public and limited notification of an application for <i>resource consent</i> under this Rule is <u>precluded.</u></p>	<p>S028.12 S043.08</p> <p>CI16(2)</p>
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[25] The matters of discretion are listed in Rule GRZ-Rx6 below:

<u>Restricted Discretionary Activity</u>	<u>Matters of Discretion</u>
	<ol style="list-style-type: none"> 1. <u>The matters contained in the Residential Design Guide in Appendix x1.</u> 2. <u>The matters contained in the Land Development Minimum Requirements.</u> 3. <u>Site layout.</u> 4. <u>Building density, form and appearance.</u> 5. <u>Streetscape.</u> 6. <u>Landscaping.</u> 7. <u>Reverse sensitivity.</u> 8. <u>Transport effects.</u> 9. <u>Where the site is located adjacent to a Place and Area of Significance to Māori identified in Schedule 9, effects on cultural values.</u> 10. <u>Where the site is located adjacent to a site containing a historic heritage feature, effects on historic heritage values.</u> 11. <u>Cumulative effects.</u> 12. <u>The imposition of financial contributions in accordance with the Financial Contributions Chapter.</u>

S153.03

[26] Therefore, any comprehensive residential development and/or subdivision creating more than three dwellings on any allotment would trigger either a RDA or Discretionary Activity and be subject to a comprehensive range of matters of discretion and a number of relevant District Plan policies including Policy GRZ-Px6 and Policy- GRZ-P10:

4.4 Add a new policy (after policy GRZ-Px5) as follows:

GRZ-Px6	<u>Residential Intensification Precincts</u>
<p>Provide for higher-density housing within Residential Intensification Precincts, including:</p> <ol style="list-style-type: none"> 1. <u>within Residential Intensification Precinct A, residential buildings up to 6-storeys; and</u> 2. <u>within Residential Intensification Precinct B, residential buildings up to 4-storeys;</u> <p>where development meets the requirements of <u>is consistent with the relevant matters in the Residential Design Guide in Appendix x1.</u></p>	

S122.20

4.14 Amend policy GRZ-P10 as follows:

GRZ-P10	Residential Amenity
	<p><i>Subdivision, use and development</i> in the Residential Zones will be required to achieve a high level of on-site amenity for residents and neighbours in accordance with the following principles:</p> <ol style="list-style-type: none">1. <i>building size and footprint</i> will be proportional to the size of the <i>allotment</i>;2. usable and easily accessible private <i>outdoor living spaces</i> will be provided;3. <i>buildings and structures</i> will be designed and located to maximise sunlight access, privacy and amenity for the site and adjoining <i>allotments</i>;4. <i>buildings and structures</i> will be designed and located to minimise visual impact and to ensure they are of a scale which is consistent with the area's urban form compatible with to respond to the planned built character of the Zone;5. appropriate separation distances will be maintained between <i>buildings</i>;6. <i>yards</i> will be provided to achieve appropriate <i>building setbacks</i> from neighbouring areas, the street and the coast;7. hard and impermeable surfaces will be offset by permeable areas on individual <i>allotments</i>;8. unreasonable and excessive <i>noise</i>, odour, smoke, <i>dust</i>, light, glare and vibration will be avoided;9. <i>non-residential buildings</i> will be of a form and scale which is compatible with the surrounding residential <i>environment</i>; and10. service areas for <i>non-residential activities</i> will be screened, and planting and <i>landscaping</i> will be provided.

S207.13

S197.33

[27] There are similar restrictions applying to the GRZ areas outside the intensification precinct. That is any development exceeding more than three dwellings or creating lots for more than three dwellings will trigger resource consents as RDAs and Discretionary Activities. Furthermore, any development that involved three or less dwellings are likely to trigger rules around earthworks which would also result in a resource consents being required.

[28] All development and subdivision is also subject to Council's new Residential Design Guide and updated Land Development Minimum Requirements document.

[29] The application of the Residential Design Guide requires that a **design statement** be prepared for land use consents or subdivision consents prepared under the IPI that support design in accordance with the Residential Design Guide and in part as summarised below

1. Site layout including having *"clear delineation between public, semi-public and private spaces that contribute to the legibility of the site and street"*;
2. Built form including, *"reducing the effects of physical dominance through breaking up the form of the building and the effective use of landscaping ... consideration should be given to the setback from the street, scale and bulk"* and *"new development should respond to the unique characteristics in its surroundings and contribute to cohesive streetscape,"* and *"ensure that any visual links to unique and/or prominent features in the surrounding environment"* etc

3. Amenity and Sustainability including, *“existing mature and healthy vegetation should be retained and integrated into the site development”* and *“minimise the use of impermeable surfaces to manage and dispose of on-site stormwater”* and *“strategically locate communal open space to encourage passive surveillance within the development and of adjoining sites”* etc

[30] The application of Council’s Land Development Minimum Requirements documents requires compliance with the New Zealand Standard NZS4404:2010 with variations specified by KCDC. This document provides minimum standards for earthworks, landscaping, potable water networks, wastewater networks, stormwater design and maintenance, flood management, roading networks, and cycleway and pedestrian networks. These minimum standards include:

- Compliance with Table 3.2 of NZS4404:2010 regarding road design including provision of footpaths, berm widths, carparks etc. Gradients, pavements, and road layout are also specified. Specific design for roads servicing more than 20 allotments would apply to this site;
- Designing stormwater treatment and attenuation for the 10% AEP with secondary overflow paths catering for the 1% AEP event plus climate change. Also requires use of water sensitive urban design such as use of raingardens, swales, bio-retention areas and constructed wetlands to treat stormwater before discharge;
- Constructing flood attenuation areas to cater for the 1% AEP event plus climate change; and to ensure that roads are not inundated in the 1% AEP event by more than 200mm;
- Earthworks including ensuring erosion and sediment controls are approved and monitored; finished earthworks are in accordance with residential fill standards and are stabilised;
- Potable water, water for fire-fighting supplies and sewerage reticulation are provided in the manner specified by KCDC’s variation to NZS4404; and
- Landscaping and maintenance regimes for landscaping for land vested in Council.

ATTACHMENT: WAIKANAE EAST SPATIAL PLAN

