

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	Anna and John Carter		
Company/Organisation <i>if applicable</i>			
Contact Person <i>if different</i>	Anna Carter		
Email Address for Service	annacartermail@gmail.com		
Address	41 Morepork Drive, Waikanae		
	City Kapiti Coast	Postcode 5032	
Address for Service <i>if different</i>	Postal Address 518 Mangaone Sth Road RD 1, Waikanae 5391		Courier Address
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2. This is a **submission** on the **Proposed Plan Change 2 to the District Plan** for Kāpiti.

3. We **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. We **are 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. We **wish to be heard** in support of my submission.

6. We **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 4

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.

Anna and John Carter (**the Submitter**) own land on the northern edge of Waikanae town at 41 Morepork Drive, Waikanae. Their land is located within the Waikanae North Development Area (WNDA) and is currently vacant. It is 2,163m² in area and has connections to potable water and sanitary sewer, power and telecommunications.

The Waikanae North Development Area was included in the District Plan in 2009 and has been the subject of a resource consent application that granted approval 162 residential allotments to be carried out in four stages, and which consented out of large parts of the Waikanae North Development Area planning provisions. A copy of the WNDA Design Guide which includes the Precinct Plan and Master Plan can be found here <https://www.kapiticoast.govt.nz/media/rmrogmgb/app-56-waikanae-north-design-guide-appeals-vn.pdf>.

Anna and John Carter made a submission on the draft version of PC2 released by KCDC prior to notification supporting the rezoning the Waikanae North Development Area and specifically their section at 41 Morepork Drive, Waikanae to the General Residential Zone.

KCDC noted the submission but made no changes to the proposed zoning of the WNDA or the site at 41 Morepork Drive. KCDC's rationale for not including WNDA and 41 Morepork Drive, Waikanae in the General Residential Zone was as follows:

- *"The MDRS are required to be incorporated into relevant residential zones in the District Plan. The Waikanae North Development Area **does not meet the definition of a relevant residential zone** [our emphasis], because it is not a residential zone listed and described in standard 8 of the National Planning Standards.*
- *While the Development Area may be considered an urban environment, based on the operative District Plan no changes are required in order to give effect to policy 3 of the NPS-UD in the area.*
- *The Waikanae North Development Area is subject to a structure plan, and a detailed and integrated set of bespoke provisions (including design guides) to carefully manage development in the area. Rezoning of all or parts of the Waikanae North Development Area would require careful consideration in order to ensure the integrated management approach for the Development Area is maintained in a manner that is consistent with the requirements of the MDRS. Evidence would be required to identify how this could be achieved. It would be more appropriate to undertake this through a future plan change designed to achieve this purpose.*

Submission is noted, no changes made"

2. THE LAND

The land that is the subject of this submission is the Waikanae North Development Area zone and the land at 41 Morepork Drive, Waikanae (the land the submitters own). The property details are:

Address	Waikanae North Development Area and 41 Morepork Drive, Waikanae
Current land use	Mix of developed and undeveloped sites. 41 Morepork Drive is undeveloped.
Current Zoning	Land in this area is included in the Waikanae North Development Area Zone and partly within the Open Space Precinct 43 (<i>note there are a large number of privately owned sites within the WNDZ that fall within the Open Space Precinct</i>) All land within the WNDZ is within the Waikanae North Urban Edge
Area (ha)	WNDZ is approximately 38.1 hectares in area. The land at 41 Morepork Drive is 2,163m ²
Topography & Soils	Flat – sandy and peat soils

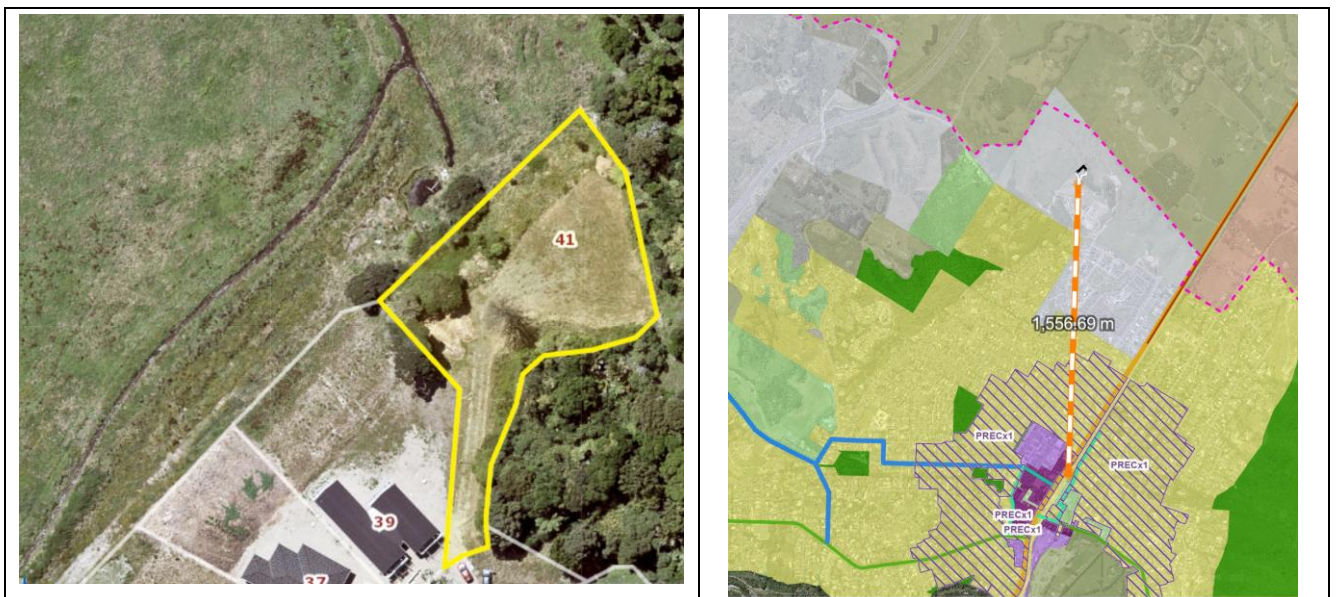


Figure 1: Location of 41 Morepork Drive (left); Location of WNDZ in grey in relation to Waikanae Railway Station (right)

The images below show development as indicated by the WNDa Masterplan and Preinct Plan contained in the Design Guide for WNDa in the District Plan versus the residenital development consented under RM160213:

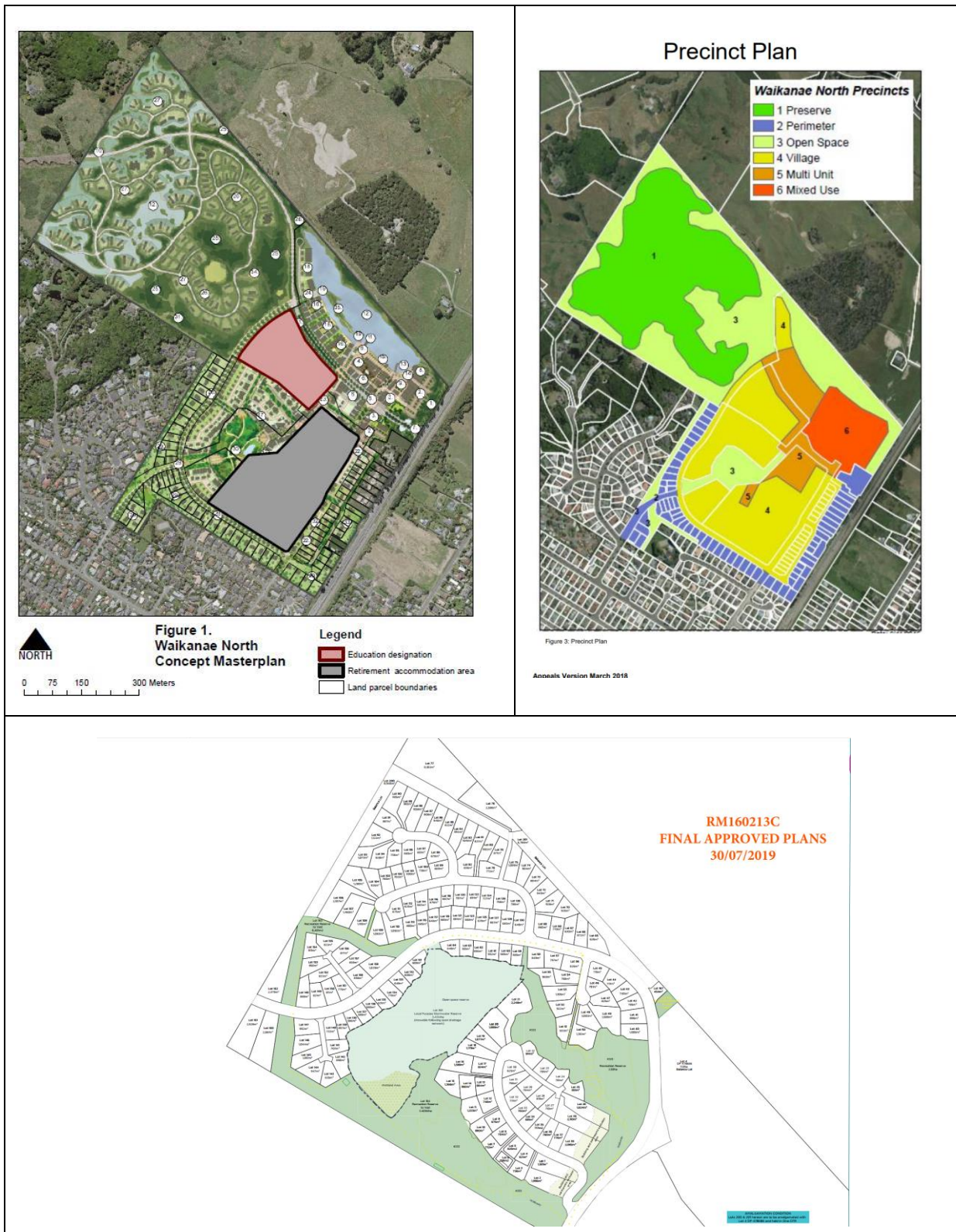


Figure 2: WNDa Master Plan and Precinct Plan (top left and right); Consented Development RM160213 (bottom)

3. SUBMISSION AND CHANGES SOUGHT

The submitters **oppose the following parts of the Proposed PC2:**

1. Retention of the Waikanae North Development Area zoning, the Precinct Plan and in particular the Open Space Precinct (Precinct 43) located over private land including over the land at 41 Morepork Drive; and the Masterplan for WNDA; and
2. Failure to rezone the land within the WNDA and the land at 41 Morepork Drive as part of the General Residential Zone (**GRZ**) with appropriate precincts.

The submitters **seek** the following general amendments to PC2 to better achieve the Purpose of the RMA:

- A. **Amendments to the planning maps to remove the existing WNDA zoning and precincts including as shown in the Master Plan, the Precinct Plan, and the Regulatory Plan which includes a roading hierarchy over land within** Waikanae North Development Area (WNDA) and within the the land at 41 Morepork Drive, Waikanae; and **rezone this land as General Residential Zone (GRZ)** and provide for higher densities over the land identified in WNDA as Precinct 4 – Village and Precinct 5 – Multi-Unit; and
- B. **Remove of all other provisions in the District Plan** relating to the Waikanae North Development Area including the Waikanae North Design Guide and the associated Masterplan, Precinct Plan, and Regulatory Plan, the associated policies, rules and appendices/schedules.

4. REASONS FOR SUBMISSION

- 4.1. **Objective 3 of the National Policy Statement – Urban Development (NPS-UD)** requires District Plans of Tier 1 Councils such as KCDC to, 'enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:

- a) the area is in or near a centre zone or other area with many employment opportunities;
- b) the area is well-served by existing or planned public transport;
- c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.

Tier 1 Councils are required to provide sufficient development capacity to meet expected demand for housing over the short term and the land within WNDA and the land at 41 Morepork Drive is serviced and can provide for development within the short term.

- 4.2. **Policy 3 of the NPS-UD** requires District Plans in Tier 1 Council's to enable building heights and densities of urban form within and adjacent to neighbourhood centre zones, local centre zones and town centre zones.

WNDA and the land at 41 Morepork Drive is within 1,500m of the Waikanae Town Centre and the Waikanae Railway line. It is adjacent to the current General Residential Zone found along Parata Street and the Old State Highway. It is identified as being within the Waikanae North Urban Edge and should be eligible for rezoning as specified in Policy 3 of the NPS-UD

- 4.3. **Clause 3.2 of the NPS-UD** provides for new development capacity in existing and new urban areas; and that development must be:

- a) plan-enabled (see clause 3.4(1)); and

- b) infrastructure-ready (see clause 3.4(3)); and
- c) feasible and reasonably expected to be realised (see clause 3.26); and
- d) for tier 1 and 2 local authorities only, meet the expected demand plus the appropriate competitiveness margin (see clause 3.22).

WNSA and 41 Morepork Drive can be included in Plan Change 2 as a *new* urban area, if in the opinion of the Hearing Commissioners, it is considered to be outside an urban area as claimed by KCDC.

However, we consider that the land within WNSA and the land at 41 Morepork Drive would meet the definition of being within an *urban environment* and is eligible to be included in the MDRS by being rezoned General Residential Zone.

We consider that KCDC's Section 32 report incorrectly leaves out the WNSA zone as being in an urban environment despite it being entirely urban in nature; more so than the General Industrial Zone, the Airport Zone or the Hospital Zone which has been identified in the section 32 report as being in an urban area¹. We also would like to highlight that the current zoning 'Waikanae North Development Area' is not a zoning considered by the National Planning Standards in its Zone Framework Standard² and should have been updated as part of updating the District Plan to be in accordance with that framework.

Provided the area is rezoned General Residential Zone and all provisions relating to WNSA are removed, including removing the restriction of no more than 300 residential units, the site will be able to contribute to the required demand in the short term as it is infrastructure ready; can be reasonably expected to be realised given that submitters are looking to intensify development on the site and the sites are large enough to accommodate higher densities than what are currently provided for; and will contribute to meeting the short term demand for housing in the Wellington Region, including a 20% competitive margin.

- 4.4. There are no new qualifying criteria that would exempt this site from inclusion in the General Residential Zone.
- 4.5. The Masterplan and Precinct Plan associated with the WNSA zoning is no longer relevant given the consented development approved under RM160213 and earlier consents granted over this area. This resource consent application was processed on a non-notified basis on the conclusion of the reporting planner that, "the effects of the proposal on the environment are no more than minor..." thereby supporting the consented pattern of development over the proposed pattern of development as set out in the Masterplan and Precinct Plan.
- 4.6. The Precincts identified in the WNSA Precinct Plan do not align with the public and private property boundaries approved through the consent RM160213 and for which new titles have been issued. Any development outside the consented development in the preserve precincts of the WNSA Masterplan and Precinct Plan will be severely restricted and are not consistent with the objectives and policies of the NPS-UD for urban land within Tier 1 Councils. Of particular concern is that the preserve precinct in the WNSA extends across a significant part of the landholdings and over half of 41 Morepork Drive.

All development within WNSA is restricted to a maximum threshold of 300 residential units and 100 residential units for retirement accommodation, as specified by the Restricted Discretionary Activity Rule DEV2-R8 in the WNSA provisions of the District Plan. This represents a very low average density across the 38 hectares of the WNSA of just under 1,300m² per allotment. This restriction on density

¹ Refer section 5.2.1, KCDC PC2 – Section 32 Evaluation Report. Pg136 <file:///C:/Users/anna/OneDrive%20-%20Land%20Matters/uploads/KCDC%20PC2%20-%20Section%2032%20Evaluation%20Report.pdf>

² Standard 8 of the National Planning Standards. <https://environment.govt.nz/assets/publications/national-planning-standards-november-2019-updated-2022.pdf>

is inconsistent with the areas own policy - DEV2-P1 policy, which seeks that subdivision, use and development achieves, *“the efficient utilisation of the land for urban purposes...”*

Any non-compliance with these provisions requires a resource consent application to be assessed as a non-complying activity which is required to also be in general accordance with the Waikanae North Design Guideline and its associated ‘Regulatory Plan’ and precinct layout. Given the new cadastral arrangements of residential allotments including stormwater easement areas, and areas of open space, the precinct layouts of the WNDA Precinct Plan is no longer relevant, as are any of the Guidelines, Regulatory Plan and Masterplan.

The application of the WNDA Precinct Plan and Masterplan and associated District Plan provisions is an inefficient use of fully serviced urban land within a tier 1 Council which is within 1,500 metres of a main transport hub and town centre.

4.7. 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 WNDA against the above criteria is provided below:

Criteria	Consideration
Located next to an urban area that is connected to infrastructure services.	The WNDA and the site at 41 Morepork Drive is on the northern edge of Waikanae town and includes existing urban infrastructure including public road and three waters servicing. It is inside the identified northern urban fence for Waikanae. The WNDA and the land at 41 Morepork Drive clearly meets this criterion.
Relatively low degree of constraints (and any existing constraints can be managed through existing District Plan rules).	The WNDA and the land at 41 Morepork Drive does not contain any greater degree of constraints than the entire urban area of Kāpiti. Existing development proposals within the development area have demonstrated how engineering solutions can be provided to address flood risk and liquefaction risk. Existing flood risk and liquefaction risk rules are capable of managing the relevant risks, as with the rest of the General Residential Zone. The WNDA and the land at 41 Morepork Drive meets this criterion.
Not sufficiently large or complex enough to require a “structure planned” approach.	The majority of the WNDA and the land at 41 Morepork Drive is consented for residential development. The part of the development area currently unconsented is neither large nor complex enough to warrant continuing with the existing Masterplan or Precinct Plan. For reasons detailed elsewhere in this submission, the existing structure plan provisions no longer work for the area and we consider this criteria is irrelevant.

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.	<p>Rezoning the WNDA and the site at 41 Morepork Drive to General Residential and allowing the application of the MDRS would both contribute to plan-enabled housing supply and would regularise and rationalise the zoning pattern of the wider area. It would no longer rely on complex planning provisions which require consenting out of unworkable masterplan and precinct plan.</p> <p>As detailed above, the WNDA and the land at 41 Morepork Drive is on the northern edge of Waikanae town and includes existing urban infrastructure including public road and three waters servicing. It is also inside the identified northern urban fence for Waikanae.</p> <p>Surrounding land (within the urban area of Waikanae) is zoned for General Residential.</p> <p>The WNDA and the land at 41 Morepork Drive meets this criterion.</p>
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The table below considers the reasons KCDC gave for not including the land within WNDA and ayt 41 Morepork Drive within the General Residential Zone when PC2 was notified:

Reason	Submitter's Response
The Medium Density Residential Standards (MDRS) are required to be incorporated into relevant residential zones in the District Plan. The Waikanae North Development Area does not meet the definition of a relevant residential zone [our emphasis], because it is not a residential zone listed and described in standard 8 of the National Planning Standards.	<p>This is also the case for the greenfield sites that are proposed to be rezoned through PC2 listed below:</p> <ul style="list-style-type: none"> • 234 & 254 Rangiuru Road, Ōtaki • 17 Jean Hing Place, Ōtaki • 18 Huiawa Street, Waikanae Beach • 1-3 Karu Crescent, Waikanae • 106-188 Milne Drive, Paraparaumu • Part of 58 Ruahine Street, Paraparaumu • Part of 59-69 Raumati Road & part of 58 Kiwi Road, Raumati Beach • 160-222 Main Road, 39 Rongomau Lane, & 99-105 Poplar Avenue, Raumati South, Paraparaumu <p>Some of these land parcels are currently zoned rural or open space, much less akin to a residential zone than the WNDA and the land at 41 Morepork Drive, Waikanae. All of the above are proposed to be rezoned to General Residential Zone.</p> <p>Using this rationale to preclude the WNDA and the land at 41 Morepork Drive from rezoning is inconsistent with the approach proposed for the above sites. This inconsistency is particularly the case when considering the WNDA and the land at 41 Morepork Drive is serviced with public road connections and three waters infrastructure.</p> <p>The July 2022 Boffa Miskell report included with the Section 32 report to PC2 (<i>Kāpiti Coast Urban Development Greenfield Assessment</i>) includes the WNDA and the land at 41 Morepork Drive in the "Areas zoned for residential development".</p> <p>It is not clear what the land is currently zoned as. The Operative District Plan maps and eplan shows the land zoned as <i>Waikanae North Development Area</i>. This is not a zone listed in Standard 8 of the National Planning Standards. What is clear is that the majority of the area is more akin to a General Residential Zone than any other zone.</p>

<p>While the Development Area may be considered an urban environment, based on the operative District Plan no changes are required in order to give effect to policy 3 of the NPS-UD in the area.</p>	<p>This statement is no more true for the WNDA and the land within 41 Morepork Drive, than it is for any other area of land proposed to be rezoned as part of PC2.</p> <p>Using this rationale to preclude zoning the WNDA and 41 Morepork Drive is inconsistent with the approach taken elsewhere in PC2 where land currently zoned rural or low-density residential is proposed to be zoned General Residential.</p> <p>The WNDA and the land at 41 Morepork Drive is serviced and within an existing urban area. It is appropriate for General Residential Zoning.</p>
<p>The Waikanae North Development Area is subject to a structure plan, and a detailed and integrated set of bespoke provisions (including design guides) to carefully manage development in the area. Rezoning of all or parts of the Waikanae North Development Area would require careful consideration in order to ensure the integrated management approach for the Development Area is maintained in a manner that is consistent with the requirements of the MDRS. Evidence would be required to identify how this could be achieved. It would be more appropriate to undertake this through a future plan change designed to achieve this purpose.</p>	<p>This rationale is being inconsistently applied elsewhere in PC2. For example, the Pekawau Precinct Structure Plan Area (PPSPA) is proposed to be rezoned to General Residential Zone. This structure plan area is also subject to a <i>“detailed and integrated set of bespoke provisions...to carefully manage development in the area”</i>.</p> <p>Furthermore, the PPSPA is unserved by council infrastructure and currently lower density than the WNDA. It is also covered by no further subdivision restrictions and specific bulk and location standards.</p> <p>The WNDA and the land at 41 Morepork Drive is a better fit for General Residential zoning given it is serviced and already identified for urban development, including some high density areas.</p> <p>Land tenure, existing consents, and new development within the WNDA and 41 Morepork Drive, represent significant physical changes to the proposed urban layout shown in the masterplan for Waikanae North and as such we consider the WNDA structure plan has lost its integrity. As an example, over half the site at 41 Morepork Drive is located within the Open Space Precinct 43 and yet the entire site has been consented for residential development. However, the Open Space precinct severely restricts the submitters ability to intensify and develop the site outside the consented development.</p> <p>Previous changes in ownership within the area, including to the Ministry of Education and to a retirement accommodation provider, resulted in wholesale changes to the structure plan with little regard to the integrity of the overall structure plan as shown by the blanket coverage of grey and red areas in the current structure plan document in the District Plan.</p> <p>Resource consents and residential development over the land in the north and west of the structure plan area have also altered the form and layout of the land away from that envisaged by the highly detailed structure plan document.</p> <p>The submitter’s previous experience with WNDA is that with the changes to the area over time (including in tenure and layout of services), coupled with the highly specific standards and provisions of the WNDA relating to the masterplan and precinct plan, it is no longer possible to implement the detailed and integrated set of bespoke provisions (including design guides) of the Waikanae North Development Area.</p> <p>Rezoning the land to General Residential Zone would be more consistent with the approach taken with other structure planned</p>

residential areas and with the surrounding area. Existing qualifying matters enshrined in the subdivision rules for flood risk, liquefaction and infrastructure will ensure these matters can be adequately managed and provided for.

In summary, there is no barrier to rezoning the land to General Residential across the WNDAs including 41 Morepork Drive 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 working for the WNDAs as a result of previous land tenure changes and development within the area.

The land is more suitable for rezoning to General Residential than many of the other areas identified for rezoning in the notified version of PC2. Supporting documents in the Section 32 report confirm that the WNDAs are “*zoned for residential development*” and are therefore suitable for rezoning and application of the MDRS.

There is potential to use the consented subdivision scheme plan for part of the land as a zoning outline should KCDC see the need to protect areas to be vested as reserve as Open Space Zone.

The purpose of the RMA would be better achieved by rezoning the land to General Residential with appropriate intensification precincts over the WNDAs Precinct Areas 4 and 5.

Appendix 1: Design Guide for WNDAs

APPENDIX 1: WNDA DESIGN GUIDE

From: [Anna Carter](#)
To: [Mailbox - District Planning](#)
Subject: Submission on PC2 by Anna and John Carter
Date: Wednesday, 14 September 2022 9:45:58 pm
Attachments: [Anna and John Carter, Submission on KCDC PC2.pdf](#)

Please find attached a submission prepared by Anna and John Carter on PC 2.

Please confirm that you have received and can open the attachment sent with this email.

Thank you and kind regards, Anna