# For office use only Submission No: 168 Kapiti Coast

# SUBMISSIONS ON PLAN CHANGE 2

- 1. As part of this submission we refer to and incorporate the content of our Submission 148 on the Draft Plan Change 2 (attached hereto).
- 2. We further submit:
- 2.1 The Government has directed KCDC to change its planning mindset of old and open up residential land for housing **NOW** not some time in the future **NOW**.
- 2.2 The land the subject of this submission was, as to part, previously designated urban. It was the KCDC which unilaterally redesignated that land to rural.
- 2.3 No doubt the "Waikanae North Urban Edge" was relevant when it was incorporated in the current operative district scheme all those years ago. Time, as Central Government has recognised, has moved on. KCDC has allowed urban development north of Waikanae and is considering greenfield development also. There is no logical, practical, or legal reason to not rezone the subject land as urban as it was, as to part, previously.
- 2.3.1 The subject land is in an urban cul-de-sac with houses surrounding it. There is absolutely no "use" incompatibility.
- 2.3.2 All services are in place.
- 2.3.3 The 3.5 acres rural blocks to the north of the subject land restrict urban development. The subject land is **NOT** required to remain rural to achieve that objective.
- 2.3.4 The subject land is not farmland, let alone productive.
- 2.4 KCDC, in addressing submission 148, merely stated it is "inappropriate" to rezone this land and it maybe "appropriate" to revisit in the future. Absolutely no explanation of "appropriate" is given, and is, we submit, entirely wrong of KCDC, given it has seen it "appropriate" to rezone other individual sites under the MDRS, and further, individual land actually owned by KCDC. It seems there is one rule for KCDC and another for KCDC ratepayers.
- 3. It would appear KCDC, in rejecting submission 148, is applying a carte blanche approach based upon the Bofa Miskill "urban development greenfield" assessment.
- 3.1 In so doing KCDC is ignoring the specific attributes and circumstances surrounding this small area of land and applying a "one size fits all" approach. The Bofa Miskill report is an assessment and no more. Logic and practicality need to be applied to achieve a satisfactory, realistic outcome in line with the Government's directive which will have no practical or legal effect on the planning principles involved.
- 3.2 Bofa Miskill prioritises the subject land as Group 2B in respect of plan designation WB01 for prioritisation of potential growth areas. Where in that assessment or in the KCDC response to our original submission 148 is there any justification or reason for stating "there are several constraints to overcome that may require significant strategic decision making." No justification or reasons generally, or specifically in respect of our land, are given to justify the

statement "there are a number of constraints associated with the area and overcoming them is likely to have an impact on Council's long term planning and strategic decision making".

Rather than a carte blanche statement, we ask, what are the constraints applicable to the subject land and why can those constraints, if any, not be worked through now, as required by the Government.

- 3.3 We further submit the public statement of District Planning Manager, Jason Holland, appearing in the Kapiti News of 24 August 2022, where he states "... to enable more intensive housing ... in **residential areas** across Kapiti includes proposals to ... **rezone as residential** some **small parcels** of land **within or near existing urban areas**" (emphasis added) supports our submission and does not accord with KCDC rejecting our submission. There appear to be public statements being made by the KCDC Planning Manager which do not accord with the actuality of the outcome of, in our case, our submissions.
- 4. In conclusion we submit KCDC planners, in rejecting our original submission 148, are not changing their longheld planning attitudes to either comply with the Government's directive so to do, or to achieve maximum housing outcomes **NOW** to comply with that Government directive.

### SUBMISSIONS ON DRAFT PLAN CHANGE 2

# FROM BRIAN RANFORD AND MICHELLE CURTIS

#### 1. **INTRODUCTION**

- 1.1 Brian Peter Ranford ("Brian") and Michelle Curtis ("Michelle") through their Trusts are the Registered Proprietors of the Real Estate at 157 Fieldway, Waikanae Beach being all of the land contained in Certificate of Title WN59A/825 (attached numbered "1") ("Our Property").
- 1.2 Brian's Trust first became registered proprietor of Our Property in 2001.
- 1.3 Our Property at the date of purchase by Brian's Trust was designated Urban as to part and as rural as to part as shown on Lattey Consultants Ltd plan dated 15 February 2001 (attached numbered "2A" and "2B").
- 1.4 Plan 2A shows Fieldway legal road ending somewhat south of Lots 10 and 11 on that Plan but you will note from Plan 2B the Fieldway legal road was extended north into Lots 10 and 11 thereby reducing their size and providing for 203m2 to be transferred from Lot 10 to Lot 13 DP 85461 allowing for a driveway to be created to access Lot 13, the resultant land areas being Our Property as it is in actuality today.
- 1.5 An aerial photo is attached showing Our Property (attached numbered "3").
- 1.6 Kapiti Coast District Council ("KCDC") changed that portion of Our Property zoned Urban to Rural during the time Brian and Michelle have been Registered Proprietors of Our Property.

### 2. PURPOSE OF SUBMISSION

- 2.1 This submission is of a specific nature relating to Our Property.
- 2.2 Notwithstanding its specific nature it is a submission as part of the KCDC Plan Change 2 "to create the vision and framework for diverse, high quality development so we 'grow well' as a District" (KCDC Growth Strategy document).
- 2.3 This submission advances the Housing and Business Assessment undertaken by KCDC which "identified long-term shortages in residential development capacity in Kapiti and the need to manage this capacity." (KCDC Growth Strategy document).
- 2.4 This submission also advances the New Zealand Government National Policy Statement on Urban Development (NPS-UD) issued as an intensification directive to Local Authorities in Tier 1 of that NPS-UD document. KCDC is such a Local Authority. Those outcomes are designed to enable intensification, allowing for growth both upwards and outwards.

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- 2.5 This submission also advances the New Zealand Government's Bill before the House of Representatives entitled "Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill.
- 2.6 In line with and to advance the foregoing, our submission is to enable the subdivision of part of Our Property as it abutts Fieldway legal road as shown marked only as 4 Lots numbered "A", "B", "C" and "D" on the Plan attached and numbered "3". Please note these Lot outlines are indicative only as no survey work has been undertaken at this point.
- 2.7 Brian and Michelle's proposal is KCDC redesignates the portion of Our Property abutting Fieldway as shown indicatively on Plan numbered "3" as Urban land to allow a subdivision of that land into residential Lots.

# 3. NATIONAL POLICY STATEMENT ON URBAN DEVELOPMENT

- 3.1 The New Zealand Government has issued the above directive to Local Authorities, of which KCDC is in Tier 1 of such directive, which requires Tier 1 Local Authorities amongst other things to:
  - 3.1.1 Invoke descriptive and prescriptive Policies setting guidelines for density in certain areas.
  - 3.1.2 Detailed Assessment of "take up" in intensified zones.
  - 3.1.3 Remove minimum car parking.
  - 3.1.4 Provide sufficient development capacity to meet demand.
  - 3.1.5 Provide well functioning urban environments,
  - 3.1.6 Provide responsive planning policies.
  - 3.1.7 Enable greater density of urban form in locations with good public transport accessibility.
- 3.2 The NPS-UD is designed to enable growth, both up and out, and help the development of more productive and sustainable cities by requiring Councils to address overly sensitive rules and provide development capacity to meet the diverse demands of communities. Councils are required to align and coordinate planning **across** urban areas. The New Zealand Government has recognised the lack of supply of land for residential purposes has been "driven by an unresponsive planning system characterised by reliance on restrictive land use regulation and the controlled release of land for urban purposes".
- 3.3 Importantly the "NPS-UD aims to change the culture and practice of land use regulation and its effects ..." It's stated requirements include "ensuring that rules and plans are not unnecessarily constraining growth".
- 3.4 Again and importantly the NPS-UD states "by removing these barriers the Government will provide for the construction of a range of housing typologies,

in a range of locations to meet the diverse housing needs and preferences of New Zealanders ...".

- 3.5 To achieve this, the Government recognises not only greenfield development but also brownfield development to obtain "the intensification of existing developments in urban areas". We submit Our property falls within that criteria.
- 3.6 Most importantly paragraph 48 of the National Policy statement on urban development provides:

"The discussion document included an example policy that would direct local authorities within Councils to be more responsive to change requests for urban development that were (a) out of sequence or (b) unidentified plans. The example policy was a directive using the term "must provide for urban development"."

Our Property, we submit, falls squarely within those guidelines.

3.7 Paragraph 60(a) also requires a well functioning urban environment "having or enabling a variety of homes that meet the needs, in terms of type, price and location of different households".

Again, Our Property falls squarely within those guidelines and in addition is close to public transport and open spaces.

3.8 Lastly the NPS-UD notes:

"The benefits of national direction cannot be realised without a change in planning culture and practice to support it. The NPS-UD must be supported by a comprehensive implementation programme that aims to ensure local authorities implement the NPS as intended".

3.9 To achieve the intentions of the New Zealand Government as enunciated we submit returning part of Our property to urban as it once was, will advance that objective.

### 4. RESOURCE MANAGEMENT (ENABLING HOUSING SUPPLY AND OTHER MATTERS) AMENDMENT BILL

4.1 The Bill seeks to rapidly accelerate the supply of housing where the demand for housing is high. The KCDC Housing and Business Development Capacity Assessment document has recognised this demand generally across the district but specifically:

"The strongest demand for residential housing is in the Waikanae area which accounts for almost half of all the district's anticipated growth and development out to 2047" (page 246 of Capacity Assessment).

Specifically the report goes on to identify Waikanae Beach/Peka Peka as areas of increase in occupancy.

- 4.2 The Bill brings forward the implementation of the NPS-UD by requiring KCDC as a Tier 1 Local Authority to notify intensification planning instruments by 20 August 2022. Local Authorities are directed to "increase housing development capacity and promote provision of a wider variety of housing types ... offering New Zealanders a wider variety of options to suit their needs at different stages in their lives."
- 4.3 The medium density residential standard which is required in all Tier 1 urban environments requires relevant territorial authorities, of which KCDC is one, to apply that standard to all existing residential areas except for areas zoned large lot residential. Our Property is in an existing residential area and is not zoned large lot residential and therefore falls within the New Zealand Government's Tier 1 directives.
- 4.4 In addition section 77K of the Bill provides:
  - "(1) A relevant Territorial Authority ... must give effect to the other intensification policies (a) using the ISPP: (b) if the ISPP is inapplicable, using another plan-making process in this Act.
  - (3) In carrying out its function under subsection (1), a relevant Territorial Authority
    - (a) may create new urban non-residential zones or amend existing urban non residential zones;
    - (b) **may modify** the requirements set out in policy 3(a) (b) or (c) to be more permissive than provided in those policies;
    - (c) **may not modify** the requirements set out in Policy 3 (a), (b) or (c) to be less permissive than provided in those policies unless authorised to do so under section 77L."

This is a clear directive by Central Government to incorporate intensification policies into plans where there are existing urban non-residential zones. Again our property fits squarely in this Policy.

## 5. KCDC HOUSING AND BUSINESS DEVELOPMENT CAPACITY ASSESSMENT

- 5.1 The Assessment identified a number of local shortages of capacity for housing and type of housing.
- 5.2 The Assessment identified opportunities to develop and increase density within existing urban areas and noted those areas as necessarily important for meeting future demand.
- 5.3 The Assessment identified 19,785 additional dwellings from infill/redevelopment of existing areas. We submit part of Our Property should fall into this category.

- 5.4 The Assessment also noted "realisable development" only included "stand alone housing ". Again a subdivision of part of Our Property would fulfil "stand alone" "realisable" housing development.
- 5.5 The Assessment notes "the strongest demand for residential housing is in the Waikanae area which accounts for almost half of all of the district's anticipated growth and development out to 2047.
- 5.6 The Assessment further notes "a strong preference for stand alone housing continues across the district making up 84% of future demand".
- 5.7 Our submission is KCDC considers the rezoning of part of our Property from rural to urban, as it once was, to meet the objectives of the capacity assessment.

### 6. CONCLUSION

- 6.1 In respect of each of :
  - 6.1.1 National Policy Statement on Urban Development; and
  - 6.1.2 Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill; and
  - 6.1.3 KCDC Housing and Business Development Capacity Assessment

the rezoning of part of Our Property from rural to urban to achieve the outcomes in each of the foregoing documents, fulfils the requirements and outcomes contained in those documents.

- 6.2 In addition to the general nature of the foregoing submission Our Property specifically has the additional attributes to be applied in a rezoning from rural to urban of part of our Property:
- 6.2.1 Historically most of that part of Our Property we desire to be rezoned from rural to urban was already zoned urban during our ownership of our Property, before KCDC changed that part zoning to rural. A return as to part urban is returning to the status quo.
- 6.2.2 If green belting the northern extremities of Waikanae urban areas by virtue of rural block designations was relevant in 2001 it is not relevant now, some 20 years later, as is evidenced by the urban encroachment of subdivided sections occurring north of our Property in Peka Peka. Further greenfield development in this area will advance that urban encroachment.
- 6.2.3 It should be noted we are not requesting a complete rezoning of all of Our Property from rural to urban but essentially just that portion abutting Fieldway.
- 6.2.4 The proposed subdivision of part of Our Property abutting Fieldway is merely a continuation of the existing urban environment all around Our Property in the

cul-de-sac at the end of Fieldway, ie the area between 155 Fieldway and 166 Fieldway as shown on the aerial photo attached numbered "3".

- 6.2.5 Our Property is on an existing public transport route.
- 6.2.6 All services and amenities are in place and operational.
- 6.3 Accordingly, both from the **general perspective** of the New Zealand Government's and KCDC's projected housing objectives and requirements and from the **specific perspective** of the subdivisional attributes of Our Property we submit KCDC include our Property in its work to :

"Explore its role to influence housing issues in the district ... to identify opportunities (sic - Our Property presents to) enable housing and to remove barriers to areas of housing supply in need (last paragraph page 294 of KCDC Capacity Assessment).

**Michelle Curtis** 

Brian Peter Ranford



# RECORD OF TITLE UNDER LAND TRANSFER ACT 2017 FREEHOLD Search Copy



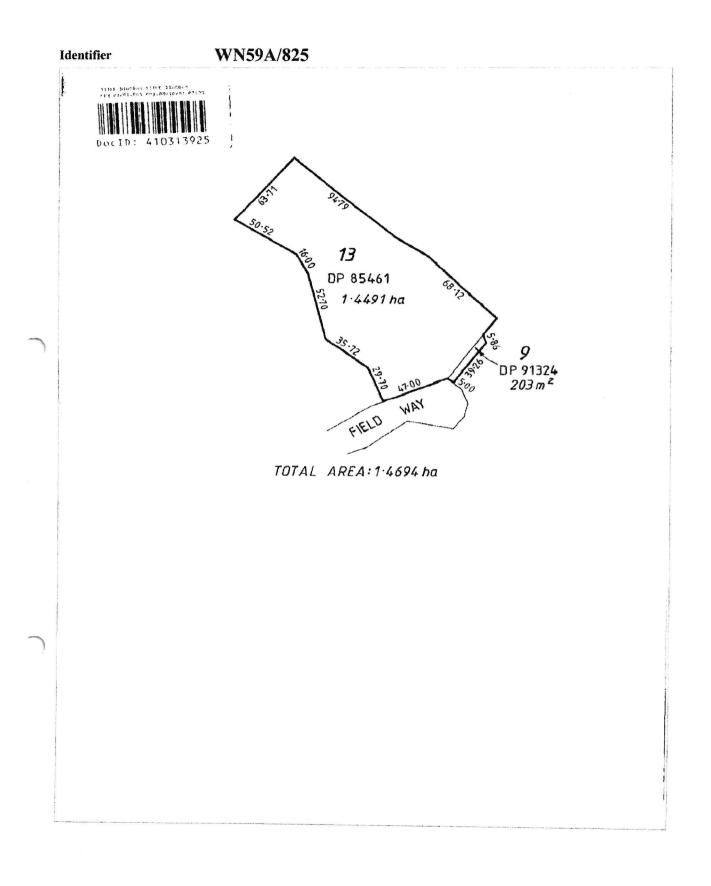
Identifier	WN59A/825
Land Registration District	Wellington
Date Issued	03 September 2001

Prior References WN53D/292	WN53D/345
Estate	Fee Simple
Area	1.4694 hectares more or less
Legal Description	Lot 9 Deposited Plan 91324 and Lot 13 Deposited Plan 85461
<b>Registered Owners</b>	S
Brian Peter Ranford	and Michelle Curtis as to a 77/100 share
Michelle Curtis and	Brian Peter Ranford as to a 23/100 share

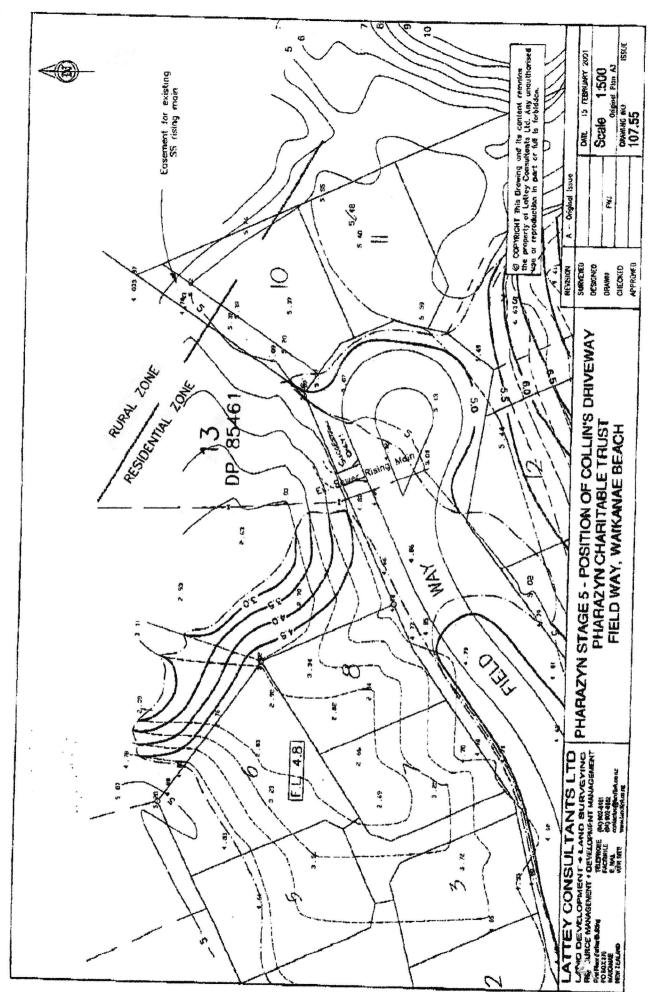
#### Interests

B687268.6 Consent Notice pursuant to Section 221(1) Resource Management Act 1991 - 1.10.1998 at 3.36 pm
Subject to Section 241(2) Resource Management Act 1991 (affects DP 91324 )
Subject to a right to drain sewage in gross over part lot 9 DP 91324 marked on DP 91324 to Kapiti Coast District Council created by Transfer 5078774.8 - 3.9.2001 at 3:33 pm
The easement created by Transfer 5078774.8 is subject to Section 243 (a) Resource Management Act 1991
Fencing Agreement in Transfer 5106276.1 - 9.11.2001 at 12:15 pm (affects Lot 13 DP 85461)
Land Covenant in Transfer 5106276.1 - 9.11.2001 at 12:15 pm (affects Lot 13 DP 85461)
9215576.3 Mortgage to ANZ National Bank Limited - 24.10.2012 at 5:03 pm

Transaction Id Client Reference mcurtis001

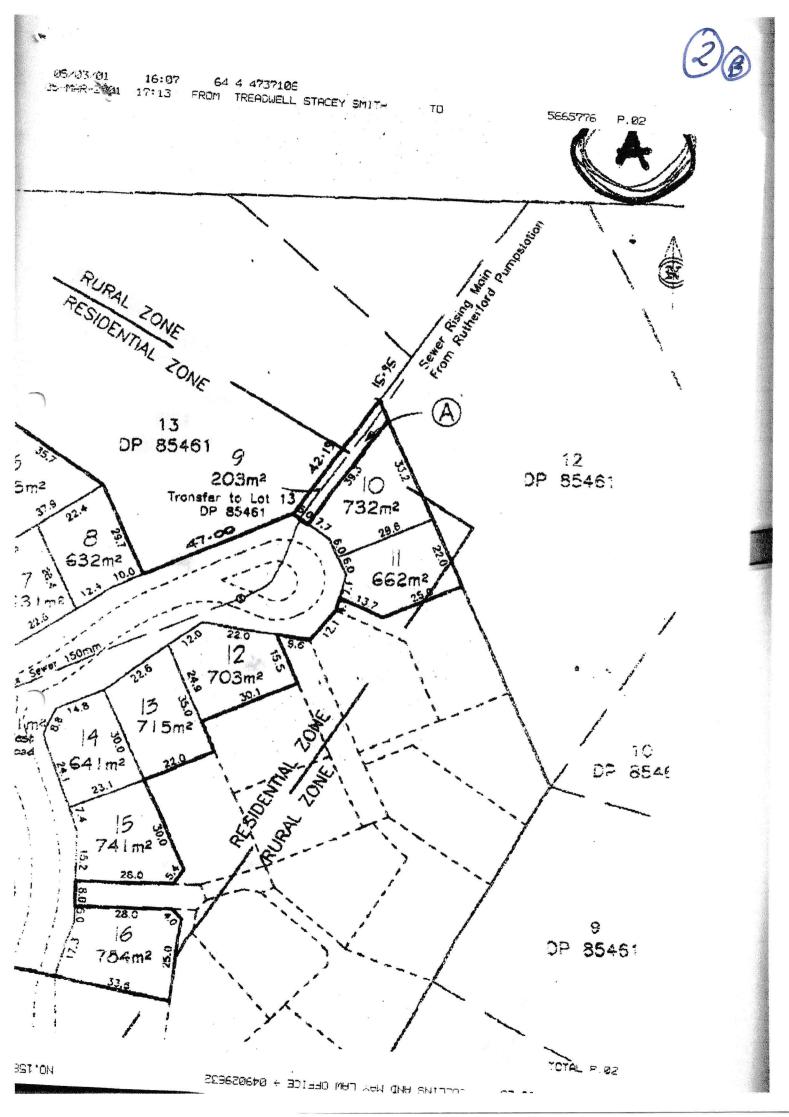


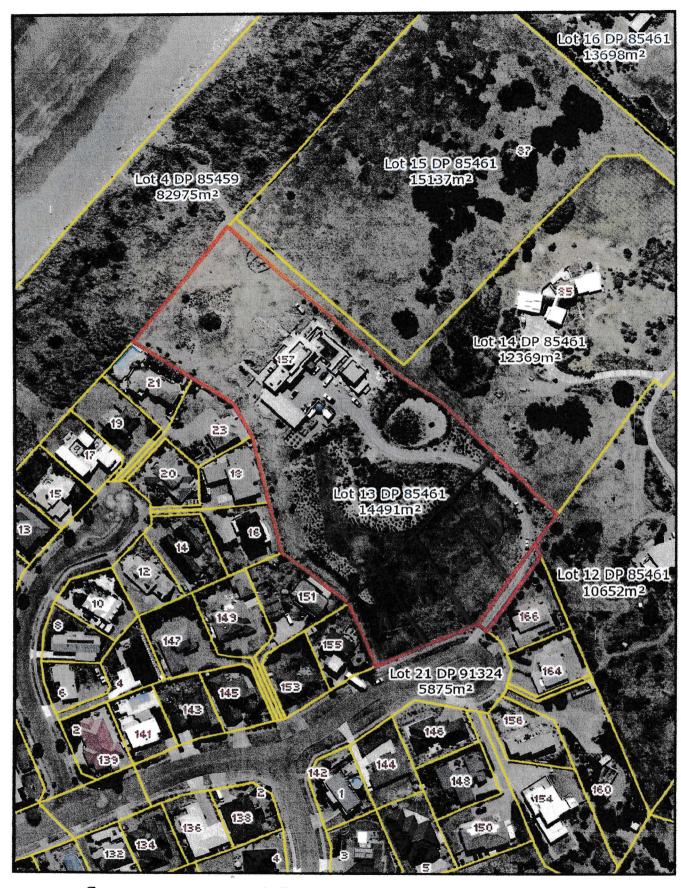
1.2



605

2







Property Information Search Result Date of Imagery: Report Date: 20 Sep 2020



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Accuracy of aenal imagery +/-0.5m. Accuracy of property boundaries I-3m in urban areas, up to 30m in rurual areas. Property boundaries and legal descriptions sourced from LINZ. Good afternoon Abbey

Thank you for your email of 19 September.

We now attach our Submissions in relation to Plan Change 2 with the requested changes.

Please confirm this Submission is now in order and will be presented and considered as part of KCDC Plan Change 2.

Thank you

Regards

Brian Ranford

From: Abbey Morris < Abbey.Morris@kapiticoast.govt.nz>
Sent: Monday, 19 September 2022 1:39 PM
To: brianranford54@gmail.com

**Cc:** Mailbox - District Planning <District.Planning@kapiticoast.govt.nz>

Subject: RE: Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

Hi Brian and Michelle

Thank you for your e-mail about your submission on Plan Change 2. We note that you've titled your submission "Further submissions to original submission 148 on plan change 2". We understand that it is your intent to refer to your submission on Draft Plan Change 2, which was consulted on earlier this year.

Plan Change 2 has now progressed to being a "proposed" plan change. The current consultation process on Proposed Plan Change 2 is separate to the previous consultation on Draft Plan Change 2. A description of the steps involved in the statutory consultation process (described as the Intensification Streamlined Planning Process) can be found our <u>website</u>.

At this stage in the statutory consultation process, the Resource Management Act (RMA) requires that your submission be identified as a "submission on Plan Change 2", and not a "further submission". This is an important distinction, because submitters will be separately notified later this year about the opportunity to formally provide a "further submission" on Plan Change 2, under the statutory consultation process.

To help ensure that your submission is correctly understood as a submission on Plan Change 2, could you please:

- 1. Confirm that this is a submission on Plan Change 2 (as opposed to a "Further Submission").
- Consider revising the title of your submission to "Submission on Plan Change 2". This will
  ensure that your submission cannot be mis-understood as a "further submission" by the
  Independent Hearings Panel or others who may read the submission.
- 3. Can you please confirm that you have included the correct attachment. We note that you have attached your submission on the Growth Strategy, where we understand that it is your intent to refer to your submission on Draft Plan Change 2.

As making a submission on a plan change is not something that one typically does often, the free <u>Friend of Submitter service</u> has been set up to help people create a submission on Plan Change 2.

Please note, the submission deadline for Plan Change 2 has been extended to 5pm, Tuesday 27 September.

Kind regards,

Abbey Morris Planning Technical Support Officer

Kāpiti Coast District Council Tel 04 296 4725 Mobile 027 3037 312

www.kapiticoast.govt.nz

From: brianranford54@gmail.com <brianranford54@gmail.com>
Sent: Tuesday, 13 September 2022 4:18 pm
To: Abbey Morris <<u>Abbey.Morris@kapiticoast.govt.nz</u>>
Subject: RE: Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

Good afternoon Abbey

Further to your email to us of 17 August 2022, we attach our Submission on the proposed Plan Change 2.

Without retyping our first submission we have incorporated the content in the new submission by reference.

Yours sincerely

Brian Ranford and Michelle Curtis

From: Abbey Morris <<u>Abbey.Morris@kapiticoast.govt.nz</u>>

Sent: Wednesday, 17 August 2022 4:53 PM

To: <u>brianranford54@gmail.com</u>

Subject: Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

Kia ora Brian Ranford and Michelle Curtis

#### Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

We are getting in touch with you because you provided feedback on draft Plan Change 2 earlier this year. The Council received feedback from over 200 people and organisations. All feedback, including yours, was given consideration as part of the development of the Plan Change.

If you would like to see a response to your feedback on the draft Plan Change, please refer to line 148 in the table contained in <u>Appendix B</u> of the Council's Section 32 Evaluation Report for the Plan Change.

Making a submission on Proposed Plan Change 2

Please note:

- council cannot "carry through" feedback you have previously given on the draft Plan Change 2
- if you wish to provide feedback on Proposed Plan Change 2, you must prepare a new submission and submit it to Council.

Submissions on Proposed Plan Change 2 close at 5pm, Thursday 15 September.

You can make a submission at Have Your Say.

Alternatively, you can make a submission by either:

- Completing the electronic Proposed Plan Change 2 Submission Form (Form 5), and emailing it to district.planning@kapiticoast.govt.nz.
- Picking up a hard copy of the submission form at our Service Centre, writing your submission on it (adding extra pages as needed), and posting to Kāpiti Coast District Council, 175 Rimu Road, Paraparaumu 5032.

#### Accessing Proposed Plan Change 2

You can read about Plan Change 2, the public notice and related information online at <u>kapiticoast.govt.nz/district-plan</u>.

You can download the notification documents for Proposed Plan Change 2 from our <u>Documents</u> section on our website. We've also prepared an <u>e-Plan</u> version of Proposed Plan Change 2.

Please note:

- The official version of Plan Change 2 is the <u>Proposed Plan Change 2 Intensification</u> (<u>Intensification Planning Instrument</u>) document.
- While the ePlan version of Plan Change 2 has been prepared with skill and care, if there are any discrepancies then the PDF document will prevail over the ePlan.

#### **Friend of Submitter**

Making a submission isn't something everyone does every day, so the Ministry for the Environment has provided funding to appoint an independent 'Friend of Submitter', to help you take part in the Intensification Planning Instrument (IPI) process.

Hannah McCashin from Incite has been appointed to this role. Hannah is a qualified planner who is fully independent from Council and has had no involvement in developing Plan Change 2.

The Friend of Submitter is available to advise people who don't already have professional assistance on the process for lodging submissions. They can help with how you might present your views in a submission, and the steps you'll need to take after lodging your submission. The Friend of Submitter can't provide advice on the merits of the IPI or write your submission for you.

Hannah's contact details are:

Hannah McCashin

Email: <u>hannah@incite.co.nz</u>

Phone: 022 0675 911

Note: Hannah's working hours are Monday – Thursday 9am-5pm.

There is no cost for this service.

Next steps

Public notification of Plan Change 2 on 18 August starts the formal consultation and decision-making process outlined under Part 6 of Schedule 1 of the Resource Management Act 1991. This process is referred to as the *Intensification Streamlined Planning Process*, and includes the following steps:

Step	Description
Step 1: public submissions on the plan change Submissions close 5pm, Thursday 15 September.	Any person can make a submission to the Council on the plan change. The process for making a submission is outlined below.
Step 2: summary of submissions.	The Council prepares a summary of the decisions sought by submitters, and publicly notifies this summary.
Step 3: further submissions.	People have the opportunity to make further submissions on the decisions sought by submitters in step 1, based on the summary provided in step 2.
Step 4: hearing by an Independent Hearings Panel (IHP).	An Independent Hearings Panel conducts a hearing on the Plan Change. Submitters who wish to be heard can speak at this hearing.
Step 5: Independent Hearings Panel makes recommendations.	The Independent Hearings Panel makes recommendations to the Council on the provisions of the Plan Change and the matters raised by submitters.
Step 6: Council decision on Independent Hearings Panel recommendations. <i>This step must be completed by 20 August 2023.</i>	The Council must decide whether to accept or reject the recommendations made by the Independent Hearings Panel on the Plan Change, and publicly notify its decision.
Step 7 (if Council <i>accepts</i> IHP recommendations): Plan change becomes operative.	If the Council accepts the recommendations of the Independent Hearings Panel, then the Plan Change (as altered by the recommendations) becomes operative. This means the plan change process is completed.
Step 7 (if Council <i>rejects</i> IHP recommendations): Minister for the Environment makes a final decision.	If the Council rejects any of the recommendations made by the Independent Hearings Panel, the rejected recommendations are sent to the Minister for the Environment, who makes the decision. Once the Minister notifies their decision then the Plan Change (as altered by the recommendations that are accepted by the Minister) becomes operative. This means the plan change process is completed.

It is likely that the first three steps will be completed this year, with the remaining steps occurring in 2023.

If you have any questions about the District Plan or proposed Plan Change 2, please contact us by phone on 0800 486 486 or by email at <u>district.planning@kapiticoast.govt.nz</u>

Ngā mihi,

**District Planning Team** 

Kāpiti Coast District Council

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