

BEFORE A HEARING PANEL CONSTITUTED BY KĀPITI COAST DISTRICT COUNCIL

IN THE MATTER OF

Resource Management Act, Schedule 1
Subpart 6 being the Intensification
Streamline Planning Process

AND

IN THE MATTER OF

Proposed Plan Change 2, a Council-led
proposed plan change to the Kāpiti Coast
District Plan in accordance with the
directives of the National Policy Statement
on Urban Development

STATEMENT OF PLANNING EVIDENCE OF BRYCE SELWYN HOLMES

Submitter's Consultant:

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Section A – Introduction*Name, qualifications and experience*

- [1] My full name is Bryce Selwyn Holmes. I am a Director and the Principal Planner at Land Matters Limited based in the Kapiti Coast. I co-founded Land Matters in 2008/2009.
- [2] I hold a Bachelor of Resource and Environmental Planning (with Honours) from Massey University, majoring in Economics.
- [3] I am a Full Member of the New Zealand Planning Institute. I have 22 years of experience as a planning and resource management professional in New Zealand.
- [4] I have worked in local government (Regional and District Councils) and private practice. I have been involved in plan changes and plan development in many regions of New Zealand. I have prepared and assessed resource consent applications for various projects for greenfield residential developments, commercial activities and large-scale projects. I have appeared before the Environment Court and High Court for resource management matters.

Expert Code

- [5] While this is not an Environment Court hearing, I have met the standards in that Court for giving expert evidence.
- [6] I have read the Environment Court Practice Note 2023 Part 8 in respect to the preparation of evidence and Part 9 in respect of the Code of Conduct for expert witnesses. I agree to comply with the Code of Conduct. I am satisfied that the matters addressed in this statement of evidence are within my expertise. I am not aware of any material facts that have been omitted or might alter or detract from the opinions expressed in this statement of evidence.

Roles held

- [7] I prepared the submission on behalf of Classic Developments NZ Limited (the **Submitter**) (Submission S205) in relation to the land identified as 39 Rongomau Lane and 99-105 Poplar Avenue, Raumati (the **subject land**).
- [8] I have previously acted for the submitter on a number of development plans and resource consent proposals throughout the lower North Island and elsewhere in NZ.
- [9] I have worked in resource management in Kāpiti for 20 years and have been involved in the development of the Kāpiti Coast District Plan through a range of statutory and non-statutory processes throughout that time.

Scope and purpose of evidence

- [10] **Appendix 1** of my evidence shows the proposed extent of residential rezoning requested. The land is currently vacant land, partly zoned General Residential Zone and partly zoned General Rural Zone (Rural Dunes Precinct). The zone boundary is a somewhat arbitrary roughly north-south line running through the centre of the subject land, as shown on **Figure 1** below. From my experience the zoning (rural/residential divide) line was previously determined only by a former designation for an arterial road. Now that the Kapiti Expressway has been constructed, that road project is no longer relevant.



Figure 1 Existing district plan zone boundaries showing General Residential (yellow), General Rural (faded green) and Open Space (light green) zones (Source: KCDC Operative District Plan)

[11] In preparing this evidence, I have reviewed the following documents:

- a) Plan Change 2 as notified (**PC(N)**);
- b) Advice from Simpson Grierson to Jason Holland, Kāpiti Coast District Council providing legal advice on scope of plan change 2 dated February 2022; and dated 31 January 2023;
- c) Minute from the Hearing Panel dated 11 November 2022;
- d) Supporting section 32 reports prepared for KCDC in support of PC 2 and in particular:
 - (i) Evaluation Report
 - (ii) Evaluation Report Appendix E: Boffa Miskell Ltd 2022. *Spatial application of NPS-UD Intensification Policies*

- (iii) Evaluation Report Appendix L: Boffa Miskell Ltd 2022. *Kapiti Coast Urban Development Intensification Assessment Parts 1 and 2* prepared for Kapiti Coast District Council
 - (iv) Evaluation Report Appendix M: Property Economics 2022. *Assessment of Kapiti Coast Residential Intensification Area Feasibilities*
 - (v) Evaluation Report Appendix N: Boffa Miskell Ltd 2022. *Kapiti Coast Urban Development Greenfield Assessment Parts 1 and 2* prepared for Kapiti Coast District Council
 - (vi) Evaluation Report - Appendix V: Areas proposed to be rezoned as General Residential Zone
- e) Further submissions received in support of, and opposition to the proposed rezoning of the subject land.

Section B – Consideration of submission

Scope of Submission ‘on’ Proposed Plan Change 2

[12] We note the Panel’s advice in their Minute dated November 2022 at paragraph 22 requesting the Council provide a view of out-of-scope requests. We also note the Minute has highlighted at paragraph 41 on, whether requests for new rezoned areas raises questions of scope, and that the Panel’s recommendations are not limited by conventional scope constraints under the Resource Management Act (the **RMA**) as provided for in Schedule 1, subpart 6 cl. 99(2).

[13] The KCDC officer’s report, at page 232, confirms Submission S205 is “*in scope*” for the following reason:

“As the submission is requesting a consequential amendment, and there has been sufficient opportunity to submit on the proposed rezoning of the area, I consider this submission to be in scope”

[14] I agree that the submission is in scope and that the merits of the relief sought can be considered as part of PC(N).

Assessment against relevant policy documents

[15] The policy documents I consider to be of most relevance to these activities are:

- National Policy Statement on Urban Development (**NPS-UD**)
- National Policy Statement on Freshwater Management (**NPS-FM**); and
- GWRC's Proposed Change 1
- KCDC's Section 32 evaluation of PC(N)

National Policy Statement – Urban Development

[16] The subject land is comprised of four parcels of land as follows:

Legal description	Title	Area (hectares)
Section 2 SO 508397	798191	5.0509
Sections 1 & 2 SO 537569	905967 and 905968	17.675
Sections 29-30 & 36 SO 505426	840307	12.0730
Section 37 SO 505426	843525	3.0665

[17] The subject land adjoins, and is sandwiched between, residentially zoned land to the east and west. Approximately 19ha of the subject land is currently zoned General Rural Zone. The subject land is predominantly the hinterland between the residential area of Leinster Avenue/Poplar Avenue and the wider Raumati South residential area. The interface between the residential and rural zone appears to be an arbitrary line and as stated is related to the designation for the Western Link Road.

[18] The NPS-UD seeks to encourage *“well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.”* (NPS-UD, Objective 1).

[19] Policy 1 directs planning decisions to contribute to variety in housing choice, provide good accessibility to housing, jobs, services and recreational

opportunities, support competitive operation of land and markets, reduce emissions and create urban environments that are resilient to climate change.

- [20] The existing zone layout with an arbitrary straight line through the land (a legacy of a defunct roading network plan) creates segregation of the residential land resource and hinders connectivity between the existing residential land resource.
- [21] Well-functioning urban environments are best achieved through connected residential land resource with consideration of constraints addressed appropriately through plan provisions.
- [22] Policy 2 seeks to provide sufficient development capacity to meet demand over short, medium and long terms. The subject land, well connected to urban infrastructure and services, will contribute to that capacity.
- [23] Policy 3 focuses development around urban centres. The subject land is within walking distance of a local centre and well connected to other urban centre.
- [24] I consider that the rezoning of the subject land would achieve the mandatory requirements of Policy 3 of the NPS-UD and as provided in Policy 8 of the NPS-UD which allows local authority decisions to be responsive where plan changes, *“would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is (a) unanticipated by RMA planning documents; or (b) out of sequence with planned land release.”*
- [25] I also consider that this achieves the objectives and policies set out in Policy 55 of GWRC’s Proposed Change 1 to the RPS, as I discuss later.

National Policy Statement – Highly Productive Land

- [26] The subject land contains both Class 3 and Class 6 soils as categorised under the New Zealand Resource Inventory Land Use Capability classification system (**NZ RLUC**) as shown below:

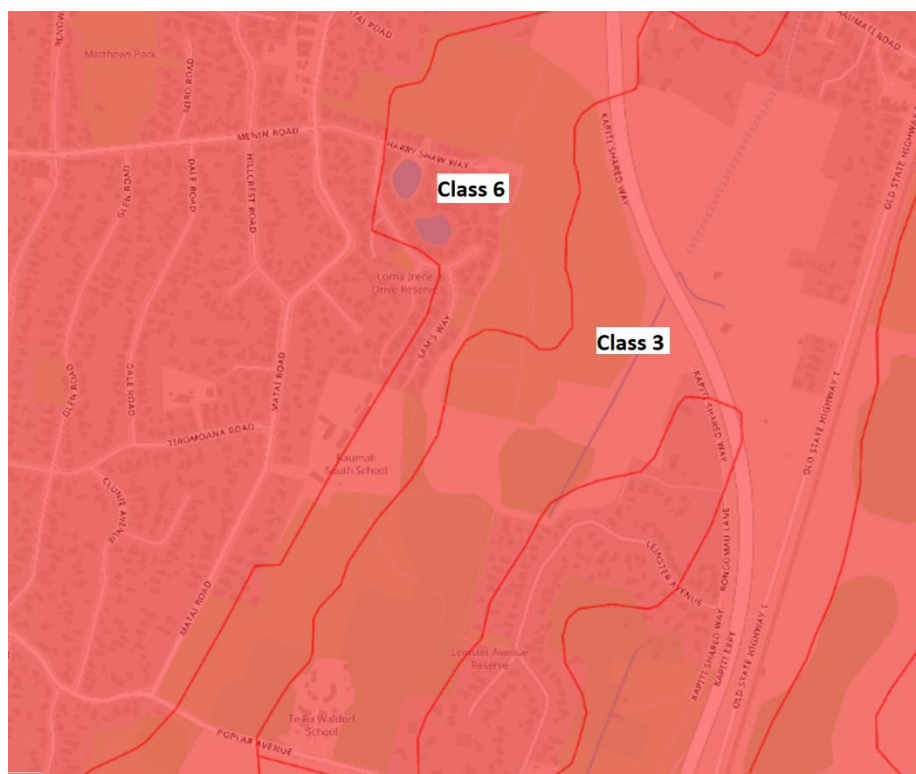


Figure 2 Land Use Class of the subject land (Source: LRIS portal)

- [27] Clause 3.4 of the NPS-HPL states that every regional council must map highly productive land that is in a general rural zone or rural production zone and is predominantly LUC 1, 2 or 3 land, and forms a large and geographically cohesive area. Subclause (2) states however, *“despite anything else in this clause, land that, at the commencement date, is identified for future urban development must not be mapped as highly productive land.”*
- [28] Subclause (5)(d) states that, *“small, discrete areas of LUC 1, 2 or 3 land need not be included if they are separated from any large and geographically cohesive area of LUC 1, 2 or 3 land.”*
- [29] The part of the subject land identified as LUC 3 on the NZ RLUC is a small, discrete areas of LUC 3 land that is separated from any large and geographically cohesive area of LUC 1, 2 or 3 land. As such, it need not be included as highly productive land.

National Policy Statement – Freshwater Management

- [30] The NPS-FM sets environmental bottom lines for the management of water quality and water quantity for the purpose of improving degraded

waterbodies and maintaining or improving all other waterbodies. It seeks to give effect to Te Mana o te wai through involving tangata whenua and communities to set out long term visions in the Regional Policy Statement (**RPS**) and through prioritising the health and wellbeing of water bodies, then the essential needs of people, followed by other users. GWRC have given effect to the provisions of the NPS-FM in the Proposed Natural Resources Plan (**PNRP**) and through proposed change 1 to the Regional Policy Statement.

[31] The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (**NES-F**) came into force on 3 September 2020 include new regulations in relation to urban and rural streams, groundwater and wetland management.

[32] The KCDC officer's report, in relation to 99-105 Poplar Avenue, states:

The submitter has requested a large parcel of land adjoining Poplar Ave be rezoned General Residential Zone. This piece of land is 9 ha. in size, and largely covered by a wetland. While this (along with other site constraints) can be managed by existing District Plan provisions and the provisions of the NES-F, this means the site is unlikely to be able to provide a notable contribution to plan-enabled housing. The submitter has also indicated in their submission, that they plan to retain and protect the majority of this site as "ecological enhancements, stormwater control and more appropriate land uses". I consider that this can be generally achieved under the operative District Plan zoning (General Rural Zone). Therefore, I do not consider the rezoning requested to be necessary or appropriate.

[33] Part of the land is identified in the Operative District Plan (**ODP**) as *Ecological Site K131 – Raumati South Peatlands*, identified as follows in the ODP:

Kanuka dominated habitat on dune systems is rare in Foxton ED. Small area of nationally rare habitat type (wetland). Relatively large area of kanuka-gorse scrub although it is highly fragmented and exotic species are common. Bush falcon (Threatened-Nationally Vulnerable) reported.

[34] As the officer's report states, any future residential development of the subject land will need to have regard to the matters set out in the NPS-FM and

NES-F as required under GWRC's PNRP. Furthermore, future land use change of the site would be subject to all section 6 matters set out in the RMA including the preservation of the natural character of wetlands, lakes, rivers and their margins and protection from inappropriate subdivision. This would be achieved through assessment against the provisions of the Regional Plan and the District Plan.

- [35] The presence of an Ecological Site in the ODP does not therefore preclude the re-zoning of the land to General Residential Zone. There are many examples elsewhere in the district of wetlands within residential areas that are managed and given the opportunity to be enhanced through appropriate and sensitive residential development.
- [36] Whilst the potential presence of natural wetlands on the subject land may reduce the land area available for residential development and therefore the potential contribution to plan-enabled housing, the location of the land and the surrounding environment is such that it forms a logical extension of the existing residential area.
- [37] Including the land in the General Residential Zone will connect to existing fragmented areas of General Residential Zone and will provide the opportunity for better residential outcomes than the current arbitrary straight line zone boundary through the site (as shown in **Figure 1** above).

Regional Policy Statement including Proposed Change 1

- [38] **Policy 55 of Proposed Change 1 to GWRC's Regional Policy Statement ('RPS')**, seeks to provide for appropriate urban expansion where:

"... particular regard shall be given to:

(a) contributes to establishing or maintaining the qualities of a well-functioning urban environment, including:

(i) the urban development will be well-connected to the existing or planned urban area, particularly if it is located along existing or planned transport corridors;

(ii) *the location, design and layout of the proposed development shall apply the specific management or protection for values or resources identified by this RPS, including:*

- 1) *Avoiding inappropriate subdivision, use and development in areas at risk from natural hazards as required by Policy 29,*
- 2) *Protecting indigenous ecosystems and habitats with significant indigenous biodiversity values as identified by Policy 23,*
- 3) *Protecting outstanding natural features and landscape values as identified by Policy 25,*
- 4) *Protecting historic heritage values as identified by Policy 22,*
- 5) *Integrates Te Mana o Te Wai consistent with Policy 42,*
- 6) *Provides for climate resilience and supports a low or zero carbon transport network consistent with Policies CC.1, CC.4, CC.10 and CC17,*
- 7) *Recognises and provides for values of significance to mana whenua / tangata whenua,*
- 8) *Protecting Regionally Significant Infrastructure as identified by Policy 8; and*

(b) Urban development is consistent with any Future Development Strategy, or the regional or local strategic growth and/or development framework or strategy that describes where and how future urban development should occur in that district or region, should the Future Development Strategy be yet to be released; and

(c) A structure plan has been prepared and/or

(d) Significant development capacity regardless of if the development was out of sequence or unanticipated by growth or development strategies.”

[39] Policy 55 of Proposed Change 1 of the RPS does not exclude large greenfield or brownfield sites simply on the basis that a ‘structure plan’ has not been

prepared. Policy 55(d) continues to provide for inclusion of greenfield sites where, *“any urban development [that] would provide for significant development capacity ...”*

[40] The rezoning of subject land to General Residential Zone achieves the outcomes sought by Policy 55 of Proposed Change 1 to the RPS. Policy 55(a)(i) seeks new development is well-connected to existing or planned urban areas and in particular existing or planned transport routes. Policy 55(a)(ii) seeks to ensure any constraints can be managed through District Plan provisions. Policy 55(b) requires areas to be rezoned as General Residential zone are consistent with *Te tupu pai: Growing Well*, which is the Council’s Growth Strategy.

[41] Policy 55(d) which provides for *significant development capacity* regardless of whether Policies 55(c) being the provision of a structure plan exists.

Evaluation under Section 32

[42] Paragraph 5.2.3 of the Section 32 report supporting PC(N) sets out the criteria for identifying land for rezoning to General Residential Zone, 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.*

[43] Consideration of the subject land against the above criteria is provided below.

Located next to an urban area that is connected to infrastructure services

- [44] The subject land is located on the on south-western edge of Raumati and includes existing urban infrastructure including public road and three waters servicing.
- [45] Parts of the subject land are zoned General Residential. The northern most section of Section 2 SO 537569 and the south-eastern portion of Sections 30 and 36 SO 505426 have been identified under PC(N) as New General Residential Zones.
- [46] The subject land clearly meets this criterion.

Relatively low degree of constraints (and any existing constraints can be managed through existing District Plan rules)

- [47] The subject land does not contain any greater degree of constraints than the entire urban area of Kāpiti.
- [48] The constraints of the subject land in relation to residential development are shown both on the existing district plan mapping and in master planning exercises undertaken over the land from 2005 through to 2020. I am aware of plans that have been completed by Common Ground (James Lunday), Urbanism Plus (Kobus Mentz) and Design Group Stappletown Elliot. All of those urban design groups have acknowledged the natural constraints for the land and provided design responses accordingly.
- [49] Master planning of the land has demonstrated there is sufficient land area suitable for development that it will make a contribution to plan-enabled housing supply, as discussed further later in my evidence.
- [50] Existing ecological protection, flood risk and liquefaction risk policies and rules are capable of managing the relevant risks, as with the rest of the General Residential Zone.
- [51] In my opinion, the subject land meets this criterion.

Not sufficiently large or complex enough to require a “structure planned” approach

- [52] The majority of the subject land has already been considered for residential development by way of existing and proposed General Residential zoning. As outlined in Appendix V of PC(N), *“the presence of the Expressway and the restrictions that this places on creating new access means that there would be little benefit to structure planning the areas either side of the Expressway...”*.
- [53] It is appropriate to rezone these areas without a structure plan, given the body of assessment work that exists for the land and the proposal basically represents ‘infilling’ between existing residential areas.
- [54] The part of the development area currently not residentially zoned, while large, is not complex enough to warrant a structure plan approach.
- [55] The subject land meets this criterion.

Would provide a notable contribution to plan-enabled housing supply, or where this is not the case, re-zoning is appropriate to regularise the area into the surrounding zoning pattern

- [56] Rezoning the subject land would both make a significant contribution to plan-enabled housing supply and would regularise and rationalise the zoning pattern of the surrounding area.
- [57] As detailed above, the subject land is located on the on south-western edge of Raumati and includes existing urban infrastructure including public road and three waters servicing.
- [58] Surrounding land (within the urban area of Raumati South) is zoned for General Residential.
- [59] The s42A report produced by the Council does not address the practicalities of developing between the rural and residential lands. The contour along the current hard zoning line varies significantly and there will be a need (from a development perspective) to undertake earthworks to support urban development on the current residentially zoned land. If the batter slopes are

to stick the current hard line then there will be a reduction in the utilisation of the land for residential purposes.

[60] The subject land meets this criterion.

Summary of Section 32 assessment criteria

[61] There is no policy barrier to rezoning the land interest to General Residential as part of PC(N). The land meets the criteria set for rezoning in the Section 32 report.

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

Consideration of officer's report

[63] The KCDC officer's table of submission assessment, at page 214, states the following:

The submitter requests a number of sites be included in areas proposed to be rezoned through PC(N). I note that majority of the sites sought to be rezoned by the submitter are already zoned General Residential under the operative District Plan. I focus my assessment on those sites not already zoned General Residential - Poplar Ave and Rongamau Lane.

99-105 Poplar Avenue

The submitter has requested a large parcel of land adjoining Poplar Ave be rezoned General Residential Zone. This piece of land is 9 ha. in size, and largely covered by a wetland. While this (along with other site constraints) can be managed by existing District Plan provisions and the provisions of the NES- F, this means the site is unlikely to be able to provide a notable contribution to plan-enabled housing. The submitter has also indicated in their submission, that they plan to retain and protect the majority of this site as "ecological enhancements, stormwater control and more appropriate land uses". I consider that this can be generally achieved under the operative District Plan zoning (General Rural Zone). Therefore, I do not consider the rezoning requested to be necessary or appropriate.

39 Rongamau Lane

The submitter has requested two pieces of land adjoining Rongamau Lane be rezoned to General Residential Zone. This piece of land is 3.9 ha. in size, and is adjacent to the Kapiti Expressway. Part of these two sites is proposed to be rezoned by PC(N). The remainder of the area not included in proposed rezoning is located within the NZTA-005 designation (state highway purposes). On that basis, I do not consider it appropriate to rezone these properties.

- [64] I have already addressed why I consider the presence of Ecological Site K131 is not a barrier to rezoning the land to General Residential Zone and that any future residential development of the subject land will need to have regard to the matters set out in the NPS-FM and NES-F as required under GWRC's PNRP.
- [65] Residential development would also be subject to all section 6 matters set out in the RMA including the preservation of the natural character of wetlands, lakes, rivers and their margins and protection from inappropriate subdivision. This would be achieved through assessment against the provisions of the Regional Plan and the District Plan.
- [66] This would be achieved through compliance with relevant rules in the Regional Plan and in the District Plan.
- [67] The presence of the designation for the Kāpiti Expressway over part of the land is also no barrier to the rezoning of the land. The expressway has been open for approximately 6 years and the subject and has been deemed surplus to requirements for the Crown. As such the land should no longer be considered necessary for use in the expressway project. In any case, the Crown has statutory mechanisms preventing land use and subdivision that may hinder a designation through the workings of s176 of the RMA.
- [68] Matters relating to reverse sensitivity from the effects of the expressway can be suitably addressed through existing District Plan provisions. There are already rules in relation to noise corridors and land use in proximity to the Expressway (see rule NOISE-R14.1).

[69] It is my view that the designation should have no effect on the suitability of the land for rezoning.

Summary and Conclusions

[70] I conclude that:

- a. I agree with the KCDC's officer's report that the relief sought by the submitter is within the scope of PC(N);
- b. It is my opinion that the presence of identified ecological site and designation over part of the subject land is no impediment to rezoning the land to General Residential;
- c. The existing provisions of the District Plan (as they relate to the General Residential Zone), the regional plan and regulations in force can appropriately manage any potential or perceived adverse effects of the residential development of the subject land in relation to the above;
- d. The existing arbitrary straight line zone boundary across the subject land is not grounded in any rational resource management basis and does not best achieve the purpose of the RMA;
- e. Rezoning the land as sought by the submitter will connect two segregated areas of residential zoning, is consistent with national and regional policy documents and supported by the research undertaken to support PC(N) and will better achieve the purpose of the RMA when compared with the status quo.

Dated 10 March 2023



B S Holmes

Appendix 1: Subject land

