

15 September 2023

Minister for the Environment
c/o Lucy Knowles
Lucy.Knowles@mfe.govt.nz

Dear Minister,

Referral under clause 101(2) of Schedule 1 to the RMA of a rejected IHP recommendation on Plan Change 2 to the Kapiti Coast District Plan

Plan Change 2 ('PC2') to the Operative Kapiti Coast District Plan 2021 ('District Plan') is an Intensification Planning Instrument under section 80E of the Resource Management Act 1991 ('RMA'). The purpose of PC2 is to:

- incorporate the Medium Density Residential Standards ('MDRS') into the District Plan and give effect to the intensification policies (Policies 3 and 4) of the National Policy Statement on Urban Development 2020 ('NPS-UD');
- provide for tangata whenua to develop papakāinga housing; and
- amend financial contributions provisions.

On 10 August 2023, the Kāpiti Coast District Council (the 'Council') made its decisions on the recommendations of the Independent Hearings Panel ('IHP') on PC2. The IHP's report to the Council is available online at <http://www.kapiticoast.govt.nz/AboutPC2#IHPReport>. The IHP's formal recommendations are set out at paragraph [13] of its report.

On 19 August 2023, the Council publicly notified its decisions on the recommendations of the IHP. The full public notice is available online at <https://www.kapiticoast.govt.nz/media/1ynb5vzg/pc2-public-notice-full.pdf>. An appendix to this notice, which sets out minor amendments made under clause 102(2) of Schedule 1, is available online <https://www.kapiticoast.govt.nz/media/r53imjce/pc2-public-notice-appendix.pdf>.

The Mayor and Kapiti Coast Councillors requested that we express to you that in addition to the recommendation noted below, they have a number of concerns that they would like to raise around the process that we were required to follow when preparing this plan change:

- This decision was extremely hard to land, due to mana whenua, our wider community and District maintaining concerns about the way in which the intensification process has been driven from a National level.
- Whilst we accept that growth is inevitable, we remain concerned that the unnecessary pace that this national directive drives does not enable Council or mana whenua to support a robust and important discussion with our communities around how we best shift and grow together, whilst maintaining some of the natural characteristics that make us who we are.
- Our Council and mana whenua representatives to Council believe there is tension between the multitude of government directives around growth, environmental protection, emergency management preparedness and readiness for extreme weather events, natural disasters, which are unresolved and unmanageable for communities, but these government directives are silent on how, for example, additional infrastructure, schooling, medical care and jobs will be provided to support this growth.

- More work is required to ensure that local government and mana whenua have the funding support required to implement the drive for growth, whilst managing risks, as requested by the current national directive and reforms underway.

Notwithstanding the significance of those concerns, the Mayor and Councillors acknowledge they are not relevant to your decision regarding the Council's notified recommendation.

Referred recommendation

Pursuant to clause 101(2) of Schedule 1 to the RMA, the Council refers the following formal recommendation of the IHP that it has rejected, along with its reasons and its alternative recommendation, to the Minister:

Recommendation rejected	Reasons	The Council's alternative recommendation
<p>[13](b)(i) Allow submission 023 by the Mansell family by rezoning the land covered by the submission from Rural Lifestyle to General Residential Zone</p> <p>Table continues over page...</p>	<p>We concur with our Council Officer's reply evidence (point 26, p9) stating the need for a Structure Plan for the wider area of Otaihanga including the block rejected for rezoning off Ratanui Road.</p> <p>"While I appreciate the submitters' willingness to work together to overcome the '10 per cent', and I acknowledge the additional information provided by them in their further evidence lodged after the hearing, we remain in fundamental disagreement about the need for a structure plan. As outlined in paragraph 10 above and onwards, I consider a comprehensive structure plan of the wider area is necessary prior to any rezoning. Ultimately the timeframes set under the ISPP are not conducive to the preparation of a comprehensive structure plan for the area, and I felt it inappropriate to engage in this process as part of the ISPP given the lack of information available on the issues that may need to be addressed in the surrounding area outside of the submitters' site and the lack of ability for other parties potentially affected by the structure planning to input into the process."</p> <p>Quote from Plan Change 2 Council Officer's Reply Evidence; Author: Katie Maxwell; Dated: 28 April 2023 – p9, point 26.</p> <p>We disagree with IHP conclusions for supporting the rezone:</p> <p>1) in their report points [240] & [241] rejecting the need for a Structure Plan. The use of Supplementary Statement s023 Hansen Memo 18.04.2023 points 2.2 & 2.3 does not provide enough evidence to support denying the Structure Plan.</p> <p>2) We reference Te Atiawa ki Whakarongotai Submission s100.FS.1 p2 in which they say they only "support in part" s023 then add their reasons: "KCDC has a Future urban development plan change scheduled as part of implementing the District Growth Strategy. It may be more appropriate to consider submitter's requests for rezoning as part of that plan change. Decision sought: Seek further assessment of environmental effects, including s6 RMA matters and cumulative effects of rezoning all or some of the proposed sites or deferring for future plan change."</p>	<p>Reject submission 023 by the Mansell family by rezoning the land covered by the submission from Rural Lifestyle to General Residential Zone</p>

Information that was before the IHP

The information that was before the IHP when it made its recommendations is set out in **Attachment 1** to this letter.

Minister's direction under section 80L of the RMA

The Minister's direction to the Council under section 80L of the RMA is set out under [Gazette Notice 2022-s11594](#). The Council has complied with this direction.

The Council looks forward to hearing from the Minister once they have made their decision on the rejected recommendation. Queries can be forwarded in the first instance to Kris Pervan, GM Strategy and Governance (kris.pervan@kapiticoast.govt.nz).

Regards,



Darren Edwards

Attachment 1

Information that was before the Independent Hearings Panel

This attachment sets out the information that was before the Independent Hearings Panel when it made its recommendations to the Council on Plan Change 2. This information can be downloaded from the Council's website at the links set out in the table below.

Document(s)	Link
PC2 as notified by the Council on 18 August 2022	https://www.kapiticoast.govt.nz/media/33be5xmp/pc2_ipi.pdf
Section 32 Evaluation Report for PC2 (including Appendices A to Z)	https://www.kapiticoast.govt.nz/your-council/forms-documents/district-plan/hearings/proposed-plan-change-2-intensification/about-pc2/#supporting-for-notification
Legal advice on the scope of PC2	https://www.kapiticoast.govt.nz/media/5ecevqnl/21-02-22-advice-letter-implementing-the-enabling-housing-amendment-act.pdf
Submissions and further submissions	https://www.kapiticoast.govt.nz/your-council/forms-documents/district-plan/hearings/proposed-plan-change-2-intensification/submissions-and-further-submissions-received/
Maps showing submitter requested rezoning	https://www.kapiticoast.govt.nz/media/5uefat34/pc2-rezone-requests-map.pdf
Minutes of the Independent Hearings Panel	https://www.kapiticoast.govt.nz/your-council/forms-documents/district-plan/hearings/proposed-plan-change-2-intensification/hearing-minutes/
Council and submitter evidence, legal submissions, memoranda and other statements that were before the Independent Hearings Panel	https://www.kapiticoast.govt.nz/your-council/forms-documents/district-plan/hearings/proposed-plan-change-2-intensification/hearing-documents/
Recordings of the hearing	https://www.youtube.com/watch?v=zJncjhgYhnQ&list=PLMkbFqbC0LfCeqMX2qF4drel3vHstWUtw&pp=iAQB