

Form 5

Submission on notified proposal for plan change

Clause 6 of Schedule 1, Resource Management Act 1991

To: Kāpiti Coast District Council

Name of submitters: R P Mansell; A J Mansell, & M R Mansell

This is a submission on the following plan change proposed to the Operative Kāpiti Coast District Plan 2021 (the **proposal**):

- Proposed Plan Change 2 – Intensification (PPC2-I)

The submitters could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that the submission relates to are:

- General – Rezoning of submitter’s property to General Residential Zone
- Objective DO-03 – Development Management
- Objective DO-011 – Character and Amenity Values
- Policy UFD-P1 – Growth Management
- Policy UFD-P3 – Managing Intensification
- Policy UFD-P4 – Residential Density
- Policy UFD-P11 – Amenity Values

I seek the following decision from the local authority:

Refer to submission attached.

I wish to be heard in support of my submission.



Signature of submitters
(or person authorised to sign
on behalf of submitters)

Date: 12 September 2022

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Submission on notified Proposed Plan Change 2 – Intensification (PPC2-I)

Overview

The following submission is on behalf of R P, A J and M R Mansell (the submitters) who own property in Otaihanga, Paraparaumu. The submitters have applied for subdivision (including earthworks and infrastructure) resource consent for part of their property severed by the Kapiti Expressway.

National Policy Statement – Urban Development (NPS-UD)

A key Objective of the NPS-UD is to ensure New Zealand has 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. The NPS-UD has directives for regional policy statements and district plans to achieve this objective. PPC2-I intends to give effect to Policies 3 and 4 the NPS-UD by introducing an intensification Planning Instrument to (amongst other things) incorporate Medium Density Residential Standards (MDRS) into the district plan.

Te Tupu Pai – District Growth Strategy

The submitter’s property is identified in the Te Tupu Pai district growth strategy as a medium-priority future greenfields development area. Te Tupu Pai identifies the main elements of growth, and the emphasis of “*opening up some greenfields progressively over time, with our greenfield development also being denser and more connected into public transport*” (page 8 of Te Tupu Pai). The delivery approach includes how Council will work with (amongst others) developers and making sure the right infrastructure is available at the right time for achieving sustainable growth for Kāpiti. There is a clear direction in Te Tupu Pai that future growth in Kāpiti will be met through intensification of existing areas, and new greenfield developments.

Proposed Plan Change 1 to the Wellington Regional Policy Statement (RPS)

Proposed Plan Change 1 (PPC1) to the Wellington RPS was notified on 19 August 2022. PPC1 makes amendments relevant to PPC2-I, particularly relating to urban environments. While Te Tupu Pai is not a Future development Strategy (FDS) in terms of the NPS-UD, proposed amendments to Policy 55 of the Wellington RPS provides for an interim period whereby a district growth strategy can be considered when considering urban development should the FDS not yet be released. It is unclear the extent to which PPC2 gives effect to RPS PPC1.

Section 32 Evaluation Accompanying PPC2-I

The s.32 Evaluation includes a number of appendices that support PPC2-I. The submitter’s property is part of a larger ‘theoretical development area’ identified as OH-01 in the Urban

Development Greenfield Assessment (Boffa Miskell; 7 July 2022) being an appendix to the s.32 Evaluation. This larger OH-01 includes areas to the east of the Kapiti Expressway. The Urban Development Greenfield Assessment identifies a number of ‘avoidance constraints’ when identifying ‘theoretical development areas’, and the submitter’s site is identified as avoiding all of these constraints.

The above context is important to understand the submission points being made below to PPC2-I.

Submission Points

The submitters makes the following submission points on PPC2-I:

Submission Point #1 – General – Rezoning of Submitter’s Property

The submitters generally support the growth principles, priorities and aspirations included in Te Tupu Pai – the district’s growth strategy. In particular the submitters support the main elements of growth, and the emphasis of “*opening up some greenfields progressively over time, with our greenfield development also being denser and more connected into public transport*” (page 8 of Te Tupu Pai). The delivery approach includes how Council will work with (amongst others) developers and making sure the right infrastructure is available at the right time for achieving sustainable growth for Kāpiti. There is a clear direction in Te Tupu Pai that future growth in Kāpiti will be met through intensification of existing areas, and new greenfield developments.

Te Tupu Pai intends to enable greenfield development, and acknowledges how quickly a greenfield area could be developed is heavily dependent on the level of infrastructure required. Otaihanga, where the submitter’s property is located, is identified as a medium-priority greenfield growth area. Medium-priority greenfield areas are identified as needing further investigations of constraints, including what infrastructure would be required. High-priority greenfield sites are located within and adjoining existing urban areas. Te Tupu Pai recognises that some greenfield developments might be able to happen sooner, while others could be rescheduled for later or deferred. Much of this work is deferred until 2024, however, a small number of smaller greenfield sites that were formally rural residential have been rezoned as General Residential as part of PPC2 -1.

The submitters believe that the subdivision (including earthworks and infrastructure) that they have sought resource consent for at Otaihanga has already been investigated and the constraints associated with a greenfield development on that site, and demonstrated that Council three waters infrastructure is able to service this proposed development. Greater Wellington has also issued regional consents including in respect of natural wetlands under the NES-FW for the project which would give Council a further level of comfort around rezoning this area and that any constraints have been appropriately managed, relevant iwi have confirmed their support for the development of the site and Heritage New Zealand have granted an authority for the earthworks needed to develop the site. The submitters also note that their proposed subdivision borders the western side of the northern part of Tieko Street, which is zoned General Residential and which will have intensification provisions applying to this land. Their proposed subdivision therefore meets the high-priority requirement for greenfield sites to be located adjoining to existing urban areas and PPC2-1 provides a good

opportunity for Council to do so, allowing this land to be developed for housing now rather than deferring consideration on this area for until further planning work scheduled to take place in 2024, with planning process to follow in the subsequent years.

The submitters therefore seek to have the PPC2-I rezone its property in Otaihanga from Rural Lifestyle to General Residential Zone. The submitters note there are a number of areas PPC2-I intends to rezone, including 2 areas to be rezoned from Rural Lifestyle Zone to General Residential Zone. The submitters believe that their property in Otaihanga meet the criteria required to have this rezoning occur, and including their property in PPC2-I would meet the Policies 3 and 4 of the NPS-UD.

Decision Sought

The submitters seek PPC2-I be amended to:

1. Rezone the submitter's property in Otaihanga from Rural Lifestyle to General Residential; and
2. Include the submitter's property west of the Kapiti Expressway in Otaihanga in maps in Appendix 1 – Map 09 Zones – General Residential ReZone with a coinciding Precinct, and 'Areas proposed to be rezoned as General Residential Zone' in Appendix D; and
3. Include reference to their property in any relevant provisions subject to change by PPC2-I where other areas are being rezoned from rural lifestyle to General Residential Zone are referenced;
4. Any other amendments to the provisions of PPC2-I that are required to achieve the outcomes sought in this submission.

Submission Point #2 – Amendment to Objective DO-03 – Development Management

The submitters note amendments to Objective DO-03 to provide for the development of new urban areas, and for an urban environment that enables more people to live in it. The submitters note that the terms 'urban areas' and 'urban environment' are not defined in the operative District Plan, and PPC2-I does not include definitions of these terms. Providing a definition of these key terms would assist to clarify the intent of the amendments to the Objective and other operative District Plan provisions. It is suggested that urban environment should have the same definition as the NPS-UD for consistency.

While the submitters generally support the proposed amendment to Clause 3 of the Objective to provide for the development of new urban areas and the new wording in the explanation, the Objective retains a 'maintain a consolidated urban form approach' that restricts growth which is reflective of the Council's approach taken to urban form when the PDP was prepared prior to 2012, (over a decade ago). This approach has contributed to the housing crisis and district shortfall in homes. The Objective does not reflect Te Tupu Pai or assessments undertaken as part of appendices in to s32 Report for proposed PC2-I, nor does it properly provide for the 'enabling' of urban development proposed PPC1 to the Wellington RPS, or the NPS-UD 2019 or NPS-UD May 2022 update, or the relevant provisions of the RMA.

Furthermore, Clause 6 of the Objective adopts an approach to amenity that also appears to be inconsistent with the direction in Policy 6 of the NPS-UD.

Decision Sought

The submitters seek Objective DO-03 be amended to:

- Change the narrow consolidation of existing urban areas approach to reflect the broader ‘urban environment’ approach included in the NPS-UD, PPC2 to the Wellington RPS, the intentions of Te Tupu Pai and the Urban Development Greenfield Assessment in the s.32 appendices; the new wording included in the explanation should be the basis for the amendments to the Objective
- Amend Clause 6 in respect of the reference to amenity to bring it into line with NPS-UD Policy 6.

The submitters seek PPC2-I into include definitions of ‘urban areas’ and ‘urban environment’ into the operative District Plan – the definition of ‘urban areas’ should be broader than just listing existing and identified future areas from the operative District Plan, the NPS-UD definition of ‘urban environment’ should be adopted.

Submission Point #3 – Objective DO-011 – Character and Amenity Values

The submitters generally support the proposed amendments to Objective DO-011 which reflect Policy 4 of the NPS-UD. In particular the submitters generally support the intent of the new wording included in the explanation specific to Otaihanga, but would like reference to the ‘Otaihanga area’ to reflect the potential of the wider area beyond the existing Otaihanga residential area.

Decision Sought

The submitters seek the proposed amendments to Objective OD-011 to be adopted as written (or similar intent), with the exception of amending the explanation to refer to the ‘Otaihanga area’.

Submission Point #4 – Policy UFD-P1 – Growth Management

The submitters generally oppose the proposed amendments to Policy UFD-01 as they retain the reinforce the Council’s approach taken to urban form when the PDP was prepared prior to 2012, over a decade ago. The Policy does not reflect Te Tupu Pai or assessments undertaken as part of appendices in to s32 Report for proposed PC2-I, proposed PPC1 to the Wellington RPS, or the enabling approach to urban development NPS-UD 2019 or NPS-UD May 2022 update or the relevant provisions of the RMA. The Policy also does not implement Objective DO-03 as sought to be amended above.

Decision Sought

The submitters seek Policy UFD-P1 be amended to:

- Change the narrow consolidation of existing urban areas approach to reflect the broader ‘urban environment’ approach included in the NPS-UD, PPC2 to the Wellington RPS, the intentions of Te Tupu Pai and the Urban Development Greenfield Assessment in the s.32 appendices; the new wording included in the explanation in Objective DO-03 should be the basis for the amendments to the Policy.

Submission Point #5 – Policy UFD-P3 – Managing Intensification

The submitters generally oppose the proposed amendments to Policy UFD-P3 as it does not properly implement Policy 6 (b) of the NPS-UD which directs that where planned urban form involves significant changes that may detract from amenity values, these changes are not, in themselves, an adverse effect. It also does not implement Objective DO-011 with the amendments proposed by PC2-I and sought by the submitters above.

Decision Sought

The submitters seek Policy UFD-P3 be amended to reflect properly the intent of Policy 6 (b) of the NPS-UD when considering the changes planned urban form may have on amenity values, and the proposed amendments to Objective DO-011.

Submission Point #6 – UFD-P4 – Residential Density

While the submitters generally support the amendments to introduce the intensification provisions, the policy does not reflect Te Tupu Pai or assessments undertaken as part of appendices in to s32 Report for proposed PC2-I, proposed PPC1 to the Wellington RPS, or the NPS-UD 2019 or NPS-UD May 2022 update, or the relevant provisions of the RMA. The Policy also does not implement Objective DO-03 as sought to be amended above.

Decision Sought

The submitters seek Policy UFD-P4 be amended to reflect the broader ‘urban environment’ approach included in the NPS-UD, PPC2 to the Wellington RPS, the intentions of Te Tupu Pai and the Urban Development Greenfield Assessment in the s.32 appendices; the new wording included in the explanation in Objective DO-03 should be the basis for the amendments to the Policy.

Submission Point #7 – Policy UFD-P11 – Amenity Values

While the submitters generally supports the amendments which reflect the amendments proposed to Objective DO-011, the amendments do not properly implement Policy 6 (b) of the NPS-UD which directs that where planned urban form involves significant changes that may detract from amenity values, these changes are not, in themselves, an adverse effect. It is considered this amendment is needed to fully implement Objective DO-11 or the relevant provisions of the RMA.

Decision Sought

The submitters seek Policy UFD-P11 be amended to reflect properly the intent of Policy 6 (b) of the NPS-UD when considering the changes planned urban form may have on amenity values.