

IN THE MATTER of the Resource Management Act 1991,
Subpart 6 concerning the Intensification
Streamlined Planning Process

AND

IN THE MATTER of Plan Change 2, a Council-led proposed
plan change to the Kapiti Coast District Plan
under the Resource Management Act 1991,
Schedule 1 Subpart 6.

Plan Change 2 Council Officer's Reply Evidence

Authors: Katie Maxwell

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1.0 Introduction

- (1) My full name is Katie Monique Maxwell. I am employed as a Planner at Boffa Miskell Limited based in Wellington. I have been engaged to provide planning evidence on behalf of the Kapiti Coast District Council (the ‘**Council**’) in respect of matters raised in submissions on Plan Change 2 (‘**PC2**’) to the Operative Kapiti Coast District Plan.
- (2) I have prepared this reply on behalf of the Council in respect of matters raised at the hearing on PC2.
- (3) My qualifications and experience are set out in section 2.4 of the Council Officers’ Planning Evidence Report.
- (4) I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court’s Practice Note 2023.
- (5) I have read the evidence, legal submissions and tabled statements provided by submitters to the Independent Hearings Panel (‘**IHP**’).

2.0 Scope of reply

- (6) The scope of this reply relates to the matters on which I gave evidence in the Council Officers’ Planning Evidence report.
- (7) In summary, the main matters addressed by this reply include the following:
 - The benefit and process involved in preparing a structure plan
 - Response to the alternative approach proposed by the Hearings Panel
 - Clarification of the purpose and scope of Te Tupu Pai – Growing Well
 - Further site and submitter specific clarifications.
- (8) I have not recommended any amendments to PC2 as part of my right of reply.

3.0 Key Issues

Rezoning

- (9) As I was the reporting officer for all rezoning requests, I will outline in this section the key matters raised at the hearing and respond to these below.

Benefit/requirement for a structure plan before land is rezoned general residential

- (10) Several submitters requested their land be rezoned from a rural zone to General Residential Zone as part of PC2, without any other amendments to the Operative District Plan (ODP). In line with Council’s own rezoning process, the requested rezonings were assessed against the criteria applied to rezoning decisions. Most of these sites did not meet one or more of the Council’s criteria and were accordingly recommended to be refused on this basis. The key criterion not met in most cases was the need for a “structure plan” approach given the size or complexity of the site. I outline below the importance of completing a structure plan before enabling urban growth and development on greenfield land.

- (11) A structure plan is an essential tool in enabling the rezoning of low density or undeveloped greenfield land. It provides an integrated approach to the management of complex environmental issues within a defined geographical boundary. It identifies the opportunities available and constraints of the area, including:

- Areas of cultural significance
- Ecological features
- Waterways and waterbodies
- Landscape features
- Transport connectivity
- Natural hazards
- Open space and recreation opportunities
- Infrastructure provision
- Location of centres
- Reverse sensitivity risks

- (12) A structure plan ensures the co-ordinated staging of development, compatible patterns, and intensities of development across land parcels in different land ownership and connection with existing areas of development. It ensures infrastructure and service provision supports the development of land. Structure plans also provide certainty to developers, key stakeholders and the wider public regarding the layout, character, and costs of development in an area identified for urban growth. Structure plans are generally a good method for promoting cohesive development and enabling new urban development to meet urban design outcomes,

regardless of current market conditions, and provide a longer-term view for growth and development.

(13) A structure plan must be embedded in a district plan, as without statutory weighting in place, it is unlikely to be fully implemented as market conditions and landowners change over time. Once a structure plan is embedded in a district plan, it also forms part of the District’s strategic vision, as it illustrates an area of urban expansion.

(14) To develop and implement a structure plan, the following steps are considered best practice:

- Scoping and project planning – which includes boundary definition, a desktop review of existing information, opportunities and constraints analysis, defining structure plan outcomes, identification of iwi partners and stakeholders, and confirming the method of implementation. This step includes commissioning technical investigations to support the formal development of a structure plan.
- Iwi partnership – which is essential in the development of a structure plan and provides a significant opportunity to recognise and provide for the relationship of Māori with their ancestral land, waters, sites, wāhi tapu and other taonga. This includes the recognition and provision for Māori values in a structure plan, and the identification and protection of areas of cultural significance.
- Stakeholder and community engagement – based on stakeholders identified earlier and the size and extent of issues in a structure plan area, engagement with stakeholder groups and the wider community will be undertaken, to allow local experience to inform the structure plan.
- Structure plan development and report – developed based on feedback from iwi, key stakeholders, the community, and technical specialist reports. Maps are created to support the spatial layout of the structure plan area.
- Implementation – following the completion of the structure report and mapping, it is typically implemented through a plan change process which includes updating district plan provisions to incorporate the structure plan, notification of the proposed change, a submission and further submission period, followed by a hearing and then a final decision.

(15) The steps outlined above usually take between 6-18 months to complete, depending on the size and complexity of the structure plan and the external investigations required to support its implementation. This process cannot fit into the time constraints of the ISPP, which limits the inclusion of a meaningful and well-considered structure plan through that process.

(16) Once a structure plan is implemented and embedded in a District Plan, it must be completed before its removal. This is because the structure plan establishes a bespoke land use regime for the site and the outcomes its development should achieve. It would be inappropriate to

remove the structure plan from the area prior to its completion. Effectively, once the development of the entire structure plan area is complete, there is no need for the structure plan to remain in the District Plan – it would serve no ongoing purpose anymore and can therefore be removed.

Response to alternative approach proposed by the Hearings Panel

- (17) The Panel proposed an alternative method to incorporate structure plans through the ISPP, by creating a qualifying matter for sites which require a structure plan prior to development, using a policy mechanism to describe the spatial outcomes sought for their development, and enforced through restricted discretionary land use and subdivision rules. Therefore, assessing spatial outcomes at the time of consenting land use and subdivision on-site would be undertaken by the council officer processing the consent. Below I address the appropriateness of this approach.
- (18) I consider that this approach would not achieve the outcome sought, given the nature of resource consenting and the council officer’s limited ability to alter a proposal once it is lodged. If the applicant has not addressed this requirement appropriately in their application, further information can be requested through a section 92 request, but it is unclear what exactly the officer would be requesting and what the response should look like. Spatial outcomes need to be defined via a visual tool (such as a map), given the subjective interpretation possible without clear visual guidance. These visual tools need to be supported with a set of bespoke provisions to implement them, outlining outcomes sought and what needs to be demonstrated through the consenting pathway. What might be considered a ‘cohesive’ development to one planner may differ from another, and not all planners have experience in implementing spatial outcomes.
- (19) Therefore, while I appreciate the Panel’s attempt to provide a compromise between the Council and submitters, I do not see this alternative approach as an acceptable way to manage the risk of rezoning a site to General Residential Zone where a structure plan is required to manage the development of an area. This can only be done through the creation of a structure plan map supported by a suite of provisions enabling and ensuring its implementation. Such provisions can only be introduced by way of a plan change.

Application/interpretation of Policy 55 and 56 of the RPS Change 1 for rezoning sites

- (20) Many submitters referred to the application of proposed Policies 55 and 56 of the RPS Change 1 in their evidence and at the hearing. Proposed Policy 55 should be read in conjunction with Policy UD.3 of the RPS, as is outlined in the explanatory note for Policy 55. These policies relate to enabling urban growth and set out criteria that needs to be met to enable urban expansion outside of the existing urban area. Many submitters used these policies to justify

their lack of structure plan associated with rezoning requests. The ability under proposed Policy 55 of RPS Change 1 to not provide a structure plan, is only applicable in circumstances when the criteria set out under Policy UD.3 is met. Most sites requesting rezoning do not meet criteria UD.3(a)(i) (*contributes to establishing or maintaining a well-functioning urban environment*) and UD.3(a)(ii) (*is well-connected to the existing or planned urban area*). This is because of their proximity to centres, lack of public or active transport options available and that they are located in the rural environment and not well-connected with existing urban areas. Most of these sites would result in urban sprawl and likely be car dependent.

Future urban development plan change

- (21) The scope of this future plan change is intended to be developed after decisions have been made on PC2. The focus of this plan change may include consideration of future greenfield development, as well as other strategic matters relevant to the future urban development of the District.

Clarification of *Te Tupu Pai – Growing Well*, the District Growth Strategy

- (22) Several submitters referenced *Te Tupu Pai* in their submission, using it to justify different positions in relation to enabling urban expansion and rezoning rural land to residential. It was not always correctly referenced and at times incorrectly associated with other information, so I feel it is necessary to outline the document’s scope and purpose.
- (23) *Te Tupu Pai - Growing Well*, is KCDC’s growth strategy. It was published in March 2022 and establishes the vision and road map for ensuring sustainable development occurs across the Kapiti Coast. It outlines how the District will grow over the next 30 years, with a mixture of intensification and greenfield development to be enabled. It outlines the priority areas (at the time of publication) for growth (prior to the MDRS implementation requirement), which the Council intends to investigate for future urban development but does not commit to the rezoning of any particular site within those areas.
- (24) *Te Tupu Pai* establishes categories for growth, which include high-priority greenfield growth areas, medium-priority greenfield growth areas and longer-term greenfield growth areas. These areas are spatially defined on the map included in the Strategy¹. *Te Tupu Pai* also references a greenfield assessment report undertaken to examine opportunities and constraints associated with each potential growth area. This assessment is a technical document, which was commissioned to assist the prioritisation of areas. It is neither part of *Te Tupu Pai* nor is it an appendix to the document. It was included as an appendix to the Section 32 report (Appendix N) and was only included in relation to the areas proposed to be rezoned as part of PC2, not in relation to the Growth Strategy. *Te Tupu Pai* is not a Future

¹ *Te Tupu Pai – Growing Well*, p.16

Development Strategy (FDS) either, as was indicated by a submitter. A FDS is required by subpart 4 of Part 3 of the NPS-UD and is still being prepared for the Wellington Region.

4.0 Matters raised by submitters

4.1 Mansell Subdivision, Otaihanga (S023 Mansell Family, S235 Morris)

- (25) The submitter requested the rezoning of their site from Rural Lifestyle to General Residential Zone. As indicated in my original recommendation, the site is sufficiently large or complex enough to require a structure planned approach. There was some confusion over whether the site itself is big enough to warrant a structure planned approach. I would like to clarify this point (as was done at the hearing), that it is not the site alone which requires a structure plan but rather the wider area surrounding (and including) the site which I consider requires a structure plan. The Mansell’s site presents a key connection point into this area from the existing urban environment, and it is important the area be considered comprehensively prior to development occurring.
- (26) 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. The other benefits associated with a structure plan (and reasons I consider it necessary) are stated in paragraphs 11 and 12. My opinion is consistent across all sites requested for rezoning by submitters, where I considered a structure plan was necessary.
- (27) Given the site already has a subdivision consent approved under the Rural Lifestyle Zone (although currently under appeal), it is important to note that, while the owners have indicated their intention to re-design the development and reapply for land use and subdivision consent should their land be rezoned, they could develop to the density provided under the MDRS as a permitted activity across the 46 lots consented (without any additional consents). This means there may not be a consent process through which infrastructure or other issues related to increased levels of development would be addressed.
- (28) I also appreciate Morris’ submission in their opposition of the rezoning of the site, particularly in relation to the loss of rural lifestyle land in the District. This is an important consideration, given the implications of the NPS-HPL which limits the creation of new rural lifestyle areas on land considered to be highly productive. The demand for this type of development will remain,

and if areas of existing rural lifestyle land are lost, it can be anticipated that this will be pushed elsewhere in the District.

4.2 Ratanui Road, Otaihanga (S043 Cuttriss Consultants)

- (29) The submitter requested the rezoning of their site to General Residential Zone. As indicated in my original recommendation (and outlined from paragraph 10 onwards), the site is sufficiently large or complex enough to require a structure planned approach. The site also presents a crucial link between existing urban areas, and likely would need to provide for open space and recreational opportunities too given its size. The submitter also agreed at the hearing that a structure plan within the District Plan would be necessary for the site. It should also be noted that public participation would not be provided for through future consents (should the site be rezoned), because public notification is precluded under the MDRS.
- (30) The submitter also referred to Te Tupu Pai as the ‘FDS’. As outlined in paragraphs 22 – 24 above, Te Tupu Pai is not an FDS. The submitter also referred the site’s priority within Te Tupu Pai. While it is indicated as a “medium priority greenfield growth area”, it is also stated that these areas are subject to further investigation².

4.3 45 & 47 Rongomau Lane (S123 Stacey Liakovskaia)

- (31) The submitter outlined that the expressway designation on-site is no longer required given they purchased the land off the Crown, and the expressway is complete - therefore it is appropriate for their land to be rezoned. Following the hearing, the submitter provided written correspondence with Waka Kotahi, outlining why the designation remains. None of the reasons provided seemed to relate to the subject sites, but rather some outstanding conditions and the fact that not all properties have been disposed by the Crown. It was also noted that written consent was required from Waka Kotahi in relation to any proposed development within the designation. I can confirm that this was the only matter which prevented the rezoning of the sites. If the Panel do not consider this to be a development-limiting issue, it is open to them to recommend rezoning these sites.
- (32) It should also be noted that reverse sensitivity effects in relation to the expressway are addressed through existing District Plan provisions (specifically NOISE-R14).

4.4 Waikanae East (S087 Waikanae East Landowners)

- (33) The submitter requested their site be rezoned to General Residential Zone. As indicated in my original recommendation, the site is sufficiently large or complex enough to require a structure planned approach. The submitter proposed an indicative structure plan as part of

² Te Tupu Pai – Growing Well, p.16 and p.17

their request, but only to inform how the area might be developed and are not seeking its inclusion in the District Plan. While the structure plan they proposed has merit, without its inclusion in the District Plan, there is no guarantee the outcomes it seeks will be achieved through a straight rezone to General Residential. While the current landowners may have every intention to develop in this pattern, there is no requirement under the General Residential Zone alone to follow this approach. A structure plan embedded in the District Plan would be the only way to ensure the development outcomes set out in the submission would be achieved.

- (34) Also raised at the hearing was the question of whether development without a structure plan would foreclose options, particularly with respect to additional vehicle crossing points over the railway line. While these may be retained through a subdivision consent, if development is staged these may not be considered comprehensively across the site. Improved access across the railway line for the Waikanae East area is a key strategic issue. It was noted that the existing Elizabeth Street intersection is already at capacity during peak times and rezoning the site would add to existing capacity issues.
- (35) Further to this, Ātiawa have also expressed their preference for the site to be structure planned. They have indicated their interest in being involved in its drafting to ensure that Te Mana o te Wai is provided for throughout the site, to understand how their cultural landscapes will be impacted (including the access to special sites and ability to undertake cultural practices), how Te Ao Tūroa will be provided for (including understanding the potential cumulative flooding impacts from increased residential development) and potential impacts to their taonga fish species. They do not consider it appropriate for these matters to be addressed at the consenting stage.

4.5 Waikanae North Development Area (S068 Anna and John Carter)

- (36) The submitter requested their site be removed from the Waikanae North Development Area, and be rezoned to General Residential Zone. As discussed at the hearing, the site is part of a development area and subject to a bespoke set of provisions. While areas of the site have been developed, there are still some areas yet to be completed. Therefore, it is inappropriate to remove the application of the Development Area and to rezone the site prior to this development occurring. The Development Area will be removed once development across the entire area is complete, rendering it no longer necessary. This is also set out in the National Planning Standards (page 50) as the appropriate approach.

4.6 Poplar Ave, Raumati (S205 Classic Developments)

- (37) The Panel requested further information on the ecological constraints/values across this site. The site is subject to Ecological Site K131 (Raumati South Peatlands), with ecological values

set out in Schedule 1 of the District Plan. Schedule 1 notes the following description of the ecological values on-site:

*“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”.*³

(38) The site is also subject in part to the expressway designation.

4.7 157 Field Way (S168 Brian Ranford and Michelle Curtis)

(39) The submitter requested part of their site be rezoned to General Residential Zone from General Rural Zone. Under the assessment process for rezoning, it did not meet all criteria due to the fact it does not provide a notable contribution to plan enabled housing. This was not the primary issue preventing its rezoning however. The site is also outside the urban area and is beyond the Waikanae North Urban Edge (WNUE). The WNUE is a strategic policy in the District Plan which defines the ‘edge’ of the urban area. The edge exists to manage the spread of urban development, and the Strategy requires that new urban development for residential activities should maintain the integrity of this boundary. The WNUE was not proposed to be amended through PC2. Therefore, I deem it inappropriate to rezone 157 Field Way prior to a wider strategic assessment of the location of the WNUE, and whether it should be extended to include further urban development. The location of/need for the WNUE is a strategic matter that would be more appropriately reviewed as part a future plan change (for example, it could be considered for inclusion in the future urban development plan change).

4.8 11 & 15 Te Rauparaha Street, Ōtaki (S156 Luke Richards, S254 Nancy Huang)

(40) The submitters requested their site be rezoned to General Residential Zone. I considered these submissions to be out of scope, for the reasons outlined in my planning evidence-in-chief. At the hearing, the submitter referenced Te Tupu Pai and stated that their site was identified as a “priority 3 greenfield area” as part of their reasoning. This category does not exist in Te Tupu Pai. Te Tupu Pai in fact identifies no growth area in that location. The site is identified in Appendix N as part of a “priority 3 potential growth area” which means “*The area is an unlikely candidate for long term urban development, on the basis that there are numerous and significant constraints that are unlikely to be overcome*”⁴. As discussed in paragraphs 22-24, Appendix N is not part of Te Tupu Pai.

³ Kapiti Coast District Plan, SCHED 1 – Ecological sites

⁴ Appendix N, p.13

(41) There are also several constraints on the site sought to be rezoned that would make it inappropriate, including:

- Class 1 and 3 soils on the majority of the site; and
- An overflow path covers a significant portion of the site (in the District Plan flood hazard maps).