

Kapiti Coast District Plan Proposed Plan Changes 1A and 1C

Section 32AA Further Evaluation Report on Proposed Amendments to Address Matters Raised in Submissions

December 2023

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ATTACHMENTS:¹

- 1 Summary of decisions requested by submitters on PC1A
- 2 Summary of decisions requested by submitters on PC1C
- 3 Issues raised in submissions on PC1A and amendments proposed to address those issues
- 4 Issues raised in submissions on PC1C and amendments proposed to address those issues

¹ The attachments referred to in this report are Attachments 1-4 of the Council report, 14 December 2023, titled "Decisions on Proposed Plan Changes 1A (Accessible Carparking) and 1C (Cycle Parking) to the Operative Kapiti Coast District Plan." This section 32AA evaluation report is itself Attachment 5 to that report.

I. Introduction

This further evaluation report has been prepared, in accordance with section 32AA of the Resource Management Act 1991 (*RMA, the Act*), to support amendments proposed to proposed Plan Changes 1A (accessible car parking provisions) and 1C (cycle parking provisions) (*PC1A* and *PC1C*) to address matters raised in submissions.

PC1A restores the District Plan's accessible car parking requirements and PC1C restores the District Plan's cycle parking requirements, both deleted as a consequence of the deletion of car parking requirements directed by the National Policy Statement on Urban Development 2020.

PC1A and PC1C were publicly notified on 17 February 2022. Submissions were received from two submitters (see Table 1 below). A summary of the submissions was publicly notified on 22 September 2022, inviting further submissions. No further submissions were received by the closing date of 6 October 2022.

Table 1 - PC1A and PC1C: Submissions received

Submissions on PC1A:	
Submitter	PC1A Submission Reference:
Kapiti Disability Advisory Group (KDAG)	S1
Sheffield Properties Ltd and Ngahina Developments Ltd	S2
Submissions on PC1C:	
Submitter	PC1C Submission Reference:
Sheffield Properties Ltd and Ngahina Developments Ltd	S1

Neither submitter opposed the proposed Plan Changes, but both sought refinements to address particular issues raised. A summary of the issues raised in each submission is contained in Attachment 1 (for PC1A) and Attachment 2 (for PC1C).

2. Response to Issues Raised in Submissions

The District Planning Team has held discussions with both submitters. The discussions helped to further refine the issues and confirmed that the relief sought is within the scope of the fundamental purpose of both Plan Changes, and will help achieve the purpose of the Plan Changes.

The District Planning Team has drafted refinements to the PC1A and PC1C wording to address the issues raised by submitters. Submitters have confirmed in writing that the proposed amendments

address the matters raised in submissions.² The proposed amendments to the wording of PC1A and PC1C reflect an agreed position between the District Planning Team and submitters.

In addition, part of PC1A has been superseded by amendments to the Operative District Plan made as a result of hearing and determining submissions on Plan Change 2 (PC2). Amendment number 9 of PC1A proposed amendments to Appendix *APP2 Medium Density Housing Design Guide*. One PC1A submission point requests amendment to *APP2 Medium Density Housing Design Guide*. The *APP2 Medium Density Housing Design Guide* has, however, been deleted from the District Plan by decisions on PC2. Therefore, amendment number 9 of PC1A can no longer be made and should be withdrawn from PC1A. The withdrawal of amendment number 9 of PC1 has been discussed with the submitter and the submitter has provided written acceptance of the withdrawal. Clause 8D of Schedule 1 of the RMA provides for withdrawal of part or all of a proposed plan change up until the point appeals are lodged against any Council decision. For PC1A, no decision has yet been made so it is open to the Council to withdraw amendment number 9 and it is appropriate to make that withdrawal immediately. Clause 8D (2) of Schedule 1 of the RMA requires the Council to give public notice of the withdrawal and this can be done at the same time as publicly notifying the Council's decision on PC1A. Accordingly, the attached version of PC1A shows amendment 9 struck out.

3. Section 32AA Requirements

Section 32AA(1) requires a further evaluation only for any amendments to a proposed plan change since the initial section 32 report was completed. This evaluation must be undertaken in accordance with section 32(1) to (4) of the RMA, and at a level of detail that corresponds to the scale and significance of the proposed changes. The relevant considerations in s.32(1) to (4) are:

- 32(1)(a): the evaluation report must examine the extent to which the objectives of the proposed changes are the *most appropriate way to achieve the purpose of the RMA* [Note: PC1A and PC1C and the further amendments proposed do not propose any amendments to the objectives of the District Plan, so s.32 (1) (a) is not relevant for this further evaluation];
- 32(1)(b): the evaluation report must examine whether the proposed provisions are the *most appropriate way to achieve the Plan objectives*. The evaluation must also assess the *efficiency and effectiveness* of the proposed changes in achieving the objectives, and summarise the reasons for deciding on the provisions;
- 32(1)(c): the evaluation report must contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementation of the proposed changes;
- 32(2)(a): the assessment must identify and assess the *benefits and costs of the environmental, economic, social, and cultural effects* that are anticipated from implementation of the proposed changes, *including opportunities for economic growth* that are anticipated and employment;
- 32(2)(b): *if practicable*, the assessment must *quantify the benefits and costs* identified;

² Noting that discussions about PC1C were held only with the PC1C submitter (Sheffield Properties Ltd and Ngahina Developments Ltd) and discussions about PC1A were held with both submitters.

- 32(2)(c): the assessment *must assess the risk of acting or not acting if there is uncertain or insufficient information* about the subject matter of the proposed changes;
- 32(3)(b): for an ‘amending proposal’ (PC1A and PC1C are ‘amending proposals’) the Plan objectives must be considered to the extent that they are relevant to the proposed changes – the relevant objectives were attached to the original s. 32 report;
- 32(4): where the proposed changes will impose a greater or lesser restriction on an activity to which a national environmental standard applies than the proposed provisions, the evaluation must examine whether the restriction is justified in the circumstances of the region [there are no relevant national environmental standards].

In addition, the evaluation should consider whether the proposed changes will assist the Council to exercise its functions under s.31 of the RMA³.

The evaluation of proposed amendments to PC1A and PC1C in s.14 of this report is structured under the following headings, derived from these s.32AA requirements:

- Benefits (including anticipated environmental, economic, social, cultural effects)
- Costs (of the anticipated environmental, economic, social, cultural effects)
- Economic growth impacts and employment impacts
- Risk (of acting or not acting if information is insufficient)
- Scale
- Significance
- Efficiency
- Effectiveness
- Council s.31 functions

4. Purpose of the Plan Changes

PC1A and PC1C are ‘amending proposals’ for the purpose of sections 32 and 32AA. This evaluation is required to consider the objective or purpose of the proposed Plan changes, in addition to the objectives of the operative Plan. The purposes of the proposed Plan Changes are:

- (a) **PC1A:** to continue the Plan’s provisions requiring accessible car parking in new developments, and adding a requirement for multi-unit residential so as to fully meet the needs of all people within the Kāpiti community;
- (b) **PC1C:** to replace the Plan’s current provisions for cycle parking in new developments, to enable and encourage cycling as a transport mode within Kāpiti district.

³ This is not explicitly required by s. 32 but follows from s. 31 which sets out the functions of territorial authorities. The contents of the District Plan must be for a s. 31 purpose. Case law has established that it is relevant to consider the extent to which any District Plan changes assist in exercising the Council’s functions.

5. Relevant Part 2 Considerations

Section 5 of the Act (which sets out the sustainable management purpose of the Act) is relevant. This evaluation considers whether the proposed Plan Changes will promote sustainable management and enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety, relative to the reasonably practicable alternatives.

For proposed PC1A and PC1C, sections 7 (b), (c) and (f) are relevant considerations to be given particular regard:

- Section 7 (b): the efficient use and development of natural and physical resources;
- Section 7 (c): the maintenance and enhancement of amenity values (noting the broad definition of 'amenity values'); and
- Section 7 (f): maintenance and enhancement of the quality of the environment.

6. Relevant Higher-Order Statutory Instruments

Under section 75(3) of the RMA, a district plan must give effect to:

- (a) any national policy statement; and
- (b) any New Zealand Coastal Policy statement (the *NZCPS*);
- (ba) any national planning standard; and
- (c) any regional policy statement.

The following higher-level planning documents and legislation are potentially relevant to the amendments proposed by PC1A and PC1C:

6.1. National Policy Statements

The following national policy statements are now in force (in addition to the *NZCPS*):

- (a) National Policy Statement for Indigenous Biodiversity (July 2023);
- (b) National Policy Statement for Highly Productive Land (2022);
- (c) National Policy Statement on Urban Development (2020 – the ***NPS-UD***);
- (d) National Policy Statement for Freshwater Management (2020) [not directly relevant to PC1A or PC1C];
- (e) National Policy Statement for Renewable Electricity Generation (2011) [also not relevant to PC1A or PC1C]; and
- (f) National Policy Statement on Electricity Transmission (2008) [also not relevant to PC1A or PC1C].

Of these, only the *NPS-UD* is potentially relevant to the accessible car parking and cycle provisions proposed by PC1A and PC1C.

The NPS-UD defines a 'planning decision' as including any decision on a district plan. The areas zoned as urban environments within the District Plan, collectively, meet the NPS-UD definition of 'urban environment' and Kāpiti District is identified in the Appendix to the NPS-UD as being part of the Tier 1 urban environment of Wellington. The following objectives and policies of the NPS-UD 2020 are relevant to any decisions pertaining to the District's urban environment:

- Objective 1:** *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.*
- Objective 2:** *Planning decisions improve housing affordability by supporting competitive land and development markets.*
- Objective 3:** *Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply:*
- (a) the area is in or near a centre zone or other area with many employment opportunities*
 - (b) the area is well-serviced by existing or planned public transport*
 - (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.*
- Objective 4:** *New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.*
- Objective 5:** *Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*
- Objective 7:** *Local authorities have robust and frequently updated information about their urban environments and use it to inform planning decisions.*
- Objective 8:** *New Zealand's urban environments:*
- (a) support reductions in greenhouse gas emissions; and*
 - (b) are resilient to the current and future effects of climate change.*
- Policy 1:** *Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*
- (a) have or enable a variety of homes that:*
 - i. meet the needs, in terms of type, price, and location, of different households; and*
 - ii. enable Māori to express their cultural traditions and norms; and*
 - (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*

- (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- (e) support reductions in greenhouse gas emissions; and*
- (f) are resilient to the likely current and future effects of climate change.*

Policy 6: *When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:*

- (a) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- (b) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - i. may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - ii. are not, of themselves, an adverse effect*
- (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- (e) the likely current and future effects of climate change.*

Policy 9: *Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:*

- (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
- (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
- (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
- (d) operate in a way that is consistent with iwi participation legislation.*

Policy 11: *In relation to car parking:*

- (a) *the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, **other than for accessible car parks**; and*
- (b) *tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

6.2. Wellington Regional Policy Statement

The relevant provisions of the operative Wellington Regional Policy Statement 2013 (RPS) were highlighted in the original s.32 evaluation report. The proposed amendments to PC1A and PC1C do not raise any new or additional issues in terms of the relevant RPS provisions.

Since preparation of the original s. 32 evaluation report, Greater Wellington Regional Council has publicly notified Proposed Change No. 1 to the RPS (*RPS-Change 1*). RPS-Change 1 proposes additional objectives and policies to address climate change, including proposed Policy CC.3:

Enabling a shift to low and zero-carbon emission transport – district plans:

By 30 June 2025, district plans shall include objectives, policies, rules and methods that enable infrastructure that supports the uptake of zero and low-carbon multi modal transport that contribute to reducing greenhouse gas emissions.

PC1C has not been explicitly drafted with the intention of addressing climate change issues, but by enabling cycling, will contribute to low-carbon transport options as intended by proposed Policy CC.3.

7. Planning Documents Recognised by Iwi Authorities

The four documents recognised by iwi authorities in the Kapiti Coast District were considered in the original s.32 evaluation report. The proposed amendments to PC1A and PC1C do not raise any new issues in relation to these documents.

8. Engagement and Feedback

As reported above, Council staff have discussed with both submitters the proposed amendments contained in Attachments 3 (for PC1A) and 4 (for PC1C) which are intended to address the issues raised by the submissions. The submitters have confirmed in writing that the proposed amendments satisfactorily resolve the issues raised in submissions.

9. Scale and Significance

The further amendments proposed to PC1A and PC1C do not alter the fundamental purpose of the Plan Changes. They fit within the original intended scope of the Plan Changes and are considered to be relatively minor refinements.

10. Reasonably Practicable Alternatives

Recognising that the proposed amendments are relatively minor refinements to PC1A and PC1C, a pragmatic approach has been taken to the selection of alternative options. The original s.32 evaluation report concluded that the 'status quo' of retaining the current District Plan provisions is not a reasonably practicable alternative. The only meaningful reasonably practicable alternative is the PC1A and PC1C provisions as publicly notified.

11. Evaluation

In the following evaluation (Tables 2 and 3 below), cells within the table shaded green indicate the option that is assessed as superior in terms of each consideration. For most factors, there is little difference between them, which reflects the relatively minor scale and significance of the proposed amendments in response to submissions.

Table 2 – Summary of s. 32AA evaluation of PC1A

PC1A Accessible Car Parking Provision	Option 1: PC1A as publicly notified	Option 2: The proposed amendments in response to submissions to PC1A (set out in Attachment 3)
Benefits and Costs: Environmental	Neutral: There are no environmental effects additional to those identified under social effects below.	Neutral: There are no environmental effects additional to those identified under social effects below.
Benefits and Costs: Economic	Neutral: Restoring the requirement for accessible parking continues the operative District Plan's intended policy approach.	Neutral: Restoring the requirement for accessible parking continues the operative District Plan's intended policy approach.
Benefits and Costs: Social	Restoring the requirement for accessible parking supports community wellbeing. Costs are neutral because PC1A continues the requirements (costs) previously imposed.	Restoring the requirement for accessible parking supports community wellbeing. Costs are neutral because PC1A continues the requirements (costs) previously imposed. The proposed refinements provide better clarity about the policy intention but do not impose additional costs.
Benefits and Costs: Cultural	Neutral: No specific cultural benefits or costs are identified.	Neutral: No specific cultural benefits or costs are identified.
Economic Growth & Employment Impacts	Restoring the requirement for accessible parking continues the operative District Plan's intended policy approach.	The clarification in the proposed amendments that the provisions apply to only new development enhances certainty for economic growth and employment.
Risk	Neutral: At the time of publicly notifying PC1A, no uncertainty about how the proposed provisions would have effect was identified, and no associated risk (given that the proposed provisions restore and continue pre-existing requirements).	Neutral: The submissions identified some improvements that could be made to ensure there is no uncertainty about how the provisions will have effect and no associated risk for Plan implementation.
Scale & Significance	Neutral: District-wide scale with low significance due to the proposed provisions simply continuing pre-existing requirements.	Neutral: District-wide scale with low significance due to the provisions simply continuing pre-existing requirements.
Efficiency	Efficient: The proposed provisions target only those activities likely to experience demand for accessible car parking.	More Efficient: The added clarification provided by the proposed amendments, including the proposed definition of 'accessible carpark', will assist the clarity and efficiency of implementation of the District

PC1A Accessible Car Parking Provision	Option 1: PC1A as publicly notified	Option 2: The proposed amendments in response to submissions to PC1A (set out in Attachment 3)
		Plan. The amendment to clarify that the requirement for accessible carparks applies only in relation to new development that creates new demand for accessible carparking will help ensure the provisions are clearly understood and readily implemented. Clarification of the measurement criteria for assessing the number of accessible carparks required will also improve Plan implementation efficiency.
Effectiveness	Effective: The proposed provisions will ensure accessible car parking is provided where it will meet need.	More Effective: The provisions will ensure accessible car parking is provided to meet need and the clarification provided by the proposed amendments will ensure the requirements target new development that genuinely contributes to new demand for accessible car parking.
s. 31 Council Functions	PC1A will assist KCDC to implement its statutory functions.	The proposed refinements will allow KCDC to (marginally) more effectively implement statutory functions.
Overall Conclusion	The proposed amendments to PC1A will be more efficient and effective in addressing the issues identified for PC1A and will better contribute to achieving the sustainable management purpose of the Act and the community wellbeing and accessibility outcomes sought by the NPS-UD, RPS and the District Plan objectives.	

Table 3 – Summary of s. 32AA evaluation of PC1C

PC1C Cycle Parking Provision	Option 1: PC1C as publicly notified	Option 2: The proposed amendments to PC1C set out in Attachment 4
Benefits and Costs: Environmental	Neutral: There are no environmental effects additional to those identified under social effects below.	Neutral: There are no environmental effects additional to those identified under social effects below.
Benefits and Costs: Economic	Neutral: Restoring the requirement for cycle parking continues the operative District Plan's intended policy approach.	Neutral: Restoring the requirement for cycle parking continues the operative District Plan's intended policy approach.
Benefits and Costs: Social	Neutral: Restoring and improving the requirement for cycle parking supports community wellbeing. Costs are neutral because PC1C continues the requirements (costs) previously imposed.	Neutral: Restoring and improving the requirement for cycle parking supports community wellbeing. Costs are neutral because PC1C continues the requirements (costs) previously imposed.
Benefits and Costs: Cultural	Neutral: No specific cultural benefits or costs are identified.	Neutral: No specific cultural benefits or costs are identified.
Economic Growth & Employment Impacts	Restoring the requirement for cycle parking continues the operative District Plan's intended policy approach.	The clarification in the proposed amendments that the provisions apply to only new development enhances certainty for economic growth and employment.
Risk	Neutral: At the time of publicly notifying PC1C, no uncertainty about how the provisions would have effect was identified, and no associated risk (given that the proposed provisions restore and continue pre-existing requirements).	Neutral: The submissions identified some improvements that could be made to ensure there is no uncertainty about how the provisions will have effect and no associated risk for Plan implementation.
Scale & Significance	Neutral: District-wide scale with low significance due to the proposed provisions simply continuing pre-existing requirements.	Neutral: District-wide scale with low significance due to the provisions simply continuing pre-existing requirements with only minor amendments.
Efficiency	Efficient: The proposed provisions target only those activities likely to experience demand for accessible car parking.	More Efficient: The added clarification provided by the proposed amendments will help ensure the provisions are clearly understood and readily implemented only in relation to new development that creates new demand for cycle parking. Clarification of the measurement criteria for assessing the number of cycle parks required will also improve Plan implementation efficiency.
Effectiveness	Effective: The proposed provisions will ensure cycle parking is provided where it will meet the need.	More Effective: The provisions will ensure cycle parking is provided to meet need and the clarification provided by the proposed amendments

PC1C Cycle Parking Provision	Option 1: PC1C as publicly notified	Option 2: The proposed amendments to PC1C set out in Attachment 4
		will ensure the requirements target new development that genuinely contributes to new demand for cycle parking.
s. 31 Council Functions	PC1C will assist KCDC to implement its statutory functions.	The proposed refinements will allow KCDC to (marginally) more effectively implement statutory functions.
Overall Conclusion	The proposed amendments to PC1C will be a more efficient and effective way to address the provision of cycle parking, will contribute to achieving the sustainable management purpose of the Act and the community wellbeing and accessibility outcomes sought by the NPS-UD, RPS and the District Plan objectives.	