

HEARINGS PANEL REPORT AND RECOMMENDATIONS
ON THE
PROPOSED KĀPITI COAST DISTRICT PLAN 2012

Chapter 2 Objectives

Report 2 of 16

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**Report and Recommendations of the Hearings Panel
Pursuant to s34A of the Resource Management Act 1991**

On the

**Proposed Kāpiti Coast District Plan 2012: Chapter 2
Objectives**

Report 2 of 16

Panel Members:

Alistair Aburn (Independent Commissioner and Chair)

David McMahon (Independent Commissioner)

Miria Pomare (Independent Commissioner)

Diane Ammundsen (Commissioner)

Mike Cardiff (Commissioner)

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Hearings Panel Report and Recommendations

Chapter 2 Objectives

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PART A – INTRODUCTION AND OVERVIEW

1 Introduction

Report Purpose

- 1.1 At its meeting on 24 July 2014 the Kapiti Coast District Council (the Council or KCDC) resolved to appoint, pursuant to section 34A(1) of the Resource Management Act 1991 (RMA of the Act), a Hearings Panel comprising five accredited commissioners to hear the submissions and further submissions on the Proposed District Plan (PDP). The Council subsequently confirmed a Hearings Panel comprising three independent commissioners and two KCDC councillor commissioners:
- (a) Alistair Aburn (Independent Commissioner and Chairperson)
 - (b) Miria Pomare (Independent Commissioner)
 - (c) David McMahon (Independent Commissioner)
 - (d) Diane Ammundsen (Commissioner)
 - (e) Mike Cardiff (Commissioner)
- 1.2 The Hearings Panel was delegated¹ the responsibility for hearing the submissions and further submissions on the PDP and to consider and make recommendations to the Council on the provisions and matters raised.²
- 1.3 This report sets out our recommendations to the Council in respect to all submissions lodged to Chapter 2 of the PDP dealing with Objectives.
- 1.4 The PDP was initially drafted as a complete review of the Kapiti Coast Operative District Plan in accordance with Section 79 of the RMA. The PDP was publicly notified on 29 November 2012 in accordance with Clause 5 of Schedule 1 of the RMA. There were subsequent changes to the PDP including:
- (a) corrections under Clause 16 of Schedule 1 of the RMA on the 6 December 2012;
 - (b) the withdrawal of objectives, policies, rules and map layers publicly notified on the 30 October 2014 for Coastal Hazard Management Areas, hazardous substances and facilities, and Priority Areas for Restoration; and
 - (c) the withdrawal of one policy (Chapter 3) and seven rules (Chapter 4) on 3 May 2017 in response to an Environment Court declaration application.

¹ Minute KCDC 14/06/128, 24 July 2014.

² Pursuant to Schedule 1, Clause 10(1) of the RMA.

1.5 The PDP has an extensive background which we will canvas in due course. All Chapters have had Section 32 (of the RMA) evaluations undertaken, along with public consultation, and public notification and hearings; culminating in a series of decision reports containing our recommendations to the Council. This Report is one of eighteen decision reports with each report generally aligning with a Chapter of the PDP. Where a given report contains provisions that have relevance to other Chapters of the PDP, we have endeavoured to make the appropriate cross references. Further commentary on the structure of each decision report is contained later in this section and also in Section 5 of this report.

1.6 Before setting out the details of the PDP, the submissions and our substantive evaluations, there are some procedural matters that we will address, beginning with our role as a Hearings Panel.

Role of the Hearings Panel

1.7 As noted above, our role is to make recommendations to the Council on the PDP. The final decision-making power rests with the Council; and in the event that the Council adopts our recommendations, then this report (and all eighteen decision reports) will become the Council Decision.

1.8 It is not our role for us to introduce our own evidence, and we have not done so - rather, our role has been to:

- (a) establish that all relevant evidence is before us (or where it is not, consider whether we should commission additional reports or information);³ and
- (b) test the evidence of others, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.

1.9 Council's decision-making power for the PDP is set out in Clause 10(1) of Schedule 1 of the RMA. Under this clause the Council must give a decision on the provisions and matters raised in submissions. The Council must give reasons for the decision it reaches. Although we are 'recommenders' and not 'decision-makers' in this case, we have followed this structure so that our recommendations are valid, should they be adopted by Council.

1.10 In conducting this exercise we have familiarised ourselves with the PDP and its associated background material, read all the submissions, read the Section 42A reports and any further assessments accompanying this, conducted the hearings, and undertaken many site and locality visits - both at the request of submitters and also to assist our understanding of various issues raised by submitters and officers. Having undertaken all these tasks, we hereby record our recommendations.

³ Section 41C(4) of the Act.

Report Outline

1.11 Our report is generally organised into four broad parts:

Part A

This section is factually based with no evaluation. It outlines procedural matters as well as acknowledging the RMA statutory requirements that direct and guide our subsequent evaluation. For contextual reasons, it outlines the role of the PDP Chapter which this report covers; summarising the content and purpose of the Chapter. Essentially this background section provides a factual context for our consideration of the issues raised in submissions (Part B of this report). This section also contains a summary of the submissions and records and acknowledges the submitters that prepared evidence and presented to us. We provide a brief account of the hearing process itself and our subsequent deliberations. Where relevant, procedural matters such as minutes, directions, conferencing and caucusing are also referenced in this part of the report.

Part B

The second part of our report is structured around the main issues raised in submissions, and, where relevant, summarises the evidence / statements presented at the hearing. This part of the report is evaluative and records the results of our deliberations on substantive matters.

Part C

This part of the report acknowledges the statutory requirements and records our evaluation of the PDP provisions against the relevant sections of the RMA, as well as all other relevant documents prepared under the RMA, in reaching our recommendations. Where there is other relevant legislation that we must have regard to, such as the Heritage New Zealand Pouhere Taonga Act 2014, any discussions of the relevant legislation will also be contained in this part of the report.

Part D

We conclude with a summary of our recommendations, having had regard to the necessary statutory considerations that underpin our evaluation.

Submitter Engagement Version

1.12 Following the close of submissions, and during 2013-2015 Council officers undertook formal engagement with various submitters in an endeavour for the parties to fully understand the Plan provisions and the submissions on them. The basis for this exercise was the production of a Submitter Engagement Version (SEV) of the PDP dated 15 June 2015.

1.13 The purpose of the SEV was for reporting officers to consider all the submissions and make preliminary changes in response to those submitters where they considered amendments were appropriate. The SEV showed the preliminary changes recommended by the planners to the

PDP in response to the submissions received and formed the base for engagement with submitters leading up to the hearings. The main purpose of the SEV was to facilitate discussions, and various methods were used to engage with submitters including newsletters, workshops, one-on-one meetings, and formal pre-hearing meetings under Clause 8AA to Schedule 1 of the RMA.

- 1.14 While all meetings were recorded and minutes produced, all the pre-hearing meetings were documented with reports prepared under Clause 8AA(5) to Schedule 1 of the RMA. These were appended to the relevant Section 42A reports.
- 1.15 Although our baseline document for consideration of submissions is the notified version of the PDP (minus those provisions withdrawn subsequently by Council), we acknowledge the value of the SEV. We recognise however that the SEV was for discussion purposes only and has no statutory status. This has proved a highly useful method for engaging further with submitters, and testing some of the preliminary thinking of the reporting planners. We also note that many of the altered provisions in the SEV made their way into the recommended changes in the Section 42A reports and have subsequently been adopted by the Hearings Panel.

Approach to Hearings

- 1.16 The RMA sets out a number of requirements for conducting hearings, including holding them in public, determining appropriate procedures and who may be heard at hearings.
- 1.17 To this end, prior to the commencement of the hearings, we issued several minutes to the parties to achieve various purposes. All minutes issued throughout the pre-hearing, hearing and post-hearing process are contained on the Council web page and files.
- 1.18 Our introductory Minute (dated 14 December 2015) introduced the Hearings Panel, outlined the background to the process and provided a draft hearing schedule. It also included a draft set of procedures for the hearings. In advance of the first hearing scheduled for Monday 4 April 2016, the Hearings Panel convened a one-day meeting to hear from submitters or their representatives on any 'procedural' points regarding the proposed hearing process, as outlined in Minute 1. That meeting was held on Wednesday 17 February 2016 in the Council Chamber, Rimu Road, Paraparaumu.
- 1.19 The procedural meeting was extremely useful and resulted in some agreed changes to the hearing procedures to reflect suggestions from submitters who attended the meeting.
- 1.20 We set out our revised hearing procedures in Minute 3 issued on 10 March 2016, including a direction to require expert evidence to be pre-circulated in advance of the particular hearing(s) to which it relates. Whilst it was not mandatory for non-expert / lay submitters to pre-circulate their evidence, we appreciated those who did.

1.21 We approached the hearing schedule on a topic-by-topic⁴ basis to allow us to hear all evidence relative to a given topic in one sitting⁵ as opposed to having such evidence scattered throughout a multitude of hearings. We have structured our reports in a similar manner and there are sixteen reports outlining our recommendations:

- (a) Report 1: Chapter 1 - Introduction and Interpretation (including Plan Wide)
- (b) Report 2: Chapter 2 - Objectives
- (c) Report 3: Chapter 3 - Natural Environment: Landscape and Earthworks
- (d) Report 4: Chapter 3 - Natural Environment: Ecology and Vegetation
- (e) Report 5: Chapter 4 - Coastal Environment
- (f) Report 6: Chapter 5 - Living Environment
- (g) Report 7: Chapter 6 - Working Environment
- (h) Report 8: Chapter 7 - Rural Environment
- (i) Report 9: Rural Re-zoning Requests
- (j) Report 10: Chapter 8 - Open Space
- (k) Report 11: Chapter 9 - Hazards
- (l) Report 12: Chapter 10 - Historic Heritage
- (m) Report 13: Chapter 11 - Infrastructure, Services and Associated Resources Use: Network Utilities and Services
- (n) Report 14: Chapter 11 - Infrastructure, Services and Associated Resources Use: Access and Transport
- (o) Report 15: Chapter 11 - Infrastructure, Services and Associated Resources Use: Community Facilities
- (p) Report 16: Chapter 12 - General District-wide Provisions (including Amateur Radio)

1.22 Each report takes a lead from the Objectives recommended in the Chapter 2 Report. Other than that, each report is largely self-contained on all matters relevant to the Chapter it is reporting on. In some instances, however, cross references to relevant content in other reports are provided where necessary; for example, to illustrate a point about how a rule gives effect to a particular policy or to reference a particular point about the rationale for consistency in provisions across the Plan as a whole.

Comments on the Assistance Given to Us

1.23 In advance of setting out the PDP context, we would like to record our appreciation of all the organisations and individuals involved throughout the PDP process, but in particular those who took part in the hearings. We would like to acknowledge the following:

- (a) the constructive and helpful input provided by all the submitters appearing before us;

⁴ In most instances, each topic is synonymous with a single Chapter of the PDP.

⁵ Some sittings were confined to a single day whereas others extended over several days.

- (b) the helpfulness of Council's Hearings Administrator, Leanne Taylor in coordinating the scheduling of parties and general administrative assistance;
- (c) the assistance of Council's Hearings Panel Support, Sally Matich for ensuring we had access to evidence as soon as it was lodged with Council;
- (d) the reporting and planning input from the various Council planners and consultants who prepared the Section 42A reports;
- (e) the advice provided by other experts appearing for the Council, including both internal and external advisors; and
- (f) Koro Don the Council's kaumatua, assisted by Monica Fraser, Council's Iwi Relationship Manager, who assisted in opening and closing the hearings.

1.24 We are grateful for the efforts of the submitters, experts, and other witnesses for doing their very best to respond constructively to the challenges presented by the Act's processes. We also wish to acknowledge the effort that has been put in by some submitters who have spent hours and hours reading and discussing the PDP and reports so that they were in a position to present knowledgeably to us about their concerns at the various hearings. We appreciate the conduct of the participants which allowed us to have a focused hearing process. This greatly assisted us in assessing and determining the issues, and delivering our recommendations.

2 Objectives

Role of Chapter

- 2.1 Section 75(1)(a) of the RMA requires district plans to state objectives for the District, which are the primary means by which the sustainable management purpose of the RMA (section 5) is to be achieved in the District. Objectives are essentially the desired outcomes for the District, focusing on the final outcome rather than the means of achieving it. Chapter 2 contains all the objectives for the District. While some objectives have a direct correlation to one of the zone Chapters, others have a wider scope and apply across the District, irrespective of zone.
- 2.2 The higher order planning documents all guide the development of objectives, including:
- (a) the RMA, particularly Part 2 matters;
 - (b) National Policy Statements, including the New Zealand Coastal Policy Statement; and
 - (c) the Wellington Regional Policy Statement.
- 2.3 Accordingly, we also acknowledge that the PDP is required to give effect to those higher order statutes and documents. We note that since the PDP was notified, the following higher order documents have been gazetted:
- (a) NPS for Freshwater Management (2014); and

(b) NPS for Urban Development Capacity (2016).

The Wellington Regional Policy Statement was also made operative on 24 April 2013.

2.4 The above framework represents the high level statutory context for our consideration of the submissions and further submissions lodged on the PDP. It is the statutory 'lens' that we have kept foremost in our mind when considering whether, under section 32 of the Act, a particular provision of the PDP that has been submitted on:

(a) is the most appropriate way to achieve the purpose of the Act if it is an objective; and

(b) is the most appropriate way to achieve the objective if it is a policy, rule or method.

Summary of Objectives

2.5 As outlined above, some objectives are highly focused on one particular matter / overlay / zone whilst others are more generally applicable to the entire District:

(a) Objective 2.1 - Tāngata Whenua

(b) Objective 2.2 - Ecology and Biodiversity

(c) Objective 2.3 - Development Management

(d) Objective 2.4 - Coastal Environment

(e) Objective 2.5 - Natural Hazards

(f) Objective 2.6 - Rural Productivity

(g) Objective 2.7 - Historic Heritage

(h) Objective 2.8 - Strong Communities

(i) Objective 2.9 - Landscapes

(j) Objective 2.10 - Contaminated Land

(k) Objective 2.11 - Character and Amenity Values

(l) Objective 2.12 - Housing Choice and Affordability

(m) Objective 2.13 - Infrastructure and Services

(n) Objective 2.14 - Access and Transport

(o) Objective 2.15 - Incentives

(p) Objective 2.17 - Centres

(q) Objective 2.18 - Open Spaces / Active Communities

(r) Objective 2.19 - Urban Design

(s) Objective 2.20 - Renewable Energy, Energy Efficiency and Conservation

- 2.6 Each Objective has an explanation which provides more context and references higher order planning documents where relevant, such as the Wellington Regional Policy Statement or the New Zealand Coastal Policy Statement.

3 Submissions

- 3.1 As noted in the Section 42A report,⁶ there were 85 submissions and numerous further submissions received on the Chapter 2 Objectives.
- 3.2 We provide a summary of the submissions received in Appendix 2, including our recommendations on the relief sought by each submitter.
- 3.3 Submissions received sought a range of outcomes, with many submissions seeking wording changes to clarify or change the focus of the objectives and supporting explanatory text.
- 3.4 We discuss the submissions and associated issues in greater detail under our evaluation in Part B below.

4 The Hearing

- 4.1 We were not presented with any agreements under Clause 8AA of Schedule 1 of the RMA as a result of any formal pre-hearing meetings on Objectives.
- 4.2 The hearing of submissions on Chapter 2 Objectives was held on two days, being Tuesday 12 April 2016 and Friday 15 April 2016.
- 4.3 There were no procedural issues for the Panel to address in respect of this Chapter and the hearing was generally focused on the presentation of evidence and submissions from the various parties present.
- 4.4 We received the Section 42A report from Ms Suzanne Rushmere. This was circulated to submitters on this Chapter and made available on Council's website. The hearing commenced with an overview of the Section 42A report from Ms Rushmere, summarising the key issues for consideration by the Panel.
- 4.5 We received written pre-circulated evidence from the following submitters:
- (a) Rob Crozier and Joan Allin [451];
 - (b) Transpower New Zealand Limited [208]

⁶ s42A Report: Part B - Chapter 2 Objectives, Suzanne Rushmere.

-
- (c) Coastlands Shoppingtown Limited [218 and FS55]
 - (d) St Heliers Capital Ltd [459];
 - (e) Heritage New Zealand [460 and FS175];
 - (f) Director-General of Conservation [202 and FS193];
 - (g) Very Rev John Murray [288];
 - (h) New Zealand Transport Agency [457];
 - (i) Spark New Zealand Trading Limited [444] and Chorus New Zealand Limited [442];
 - (j) Maypole Environmental Ltd [263];
 - (k) Coastal Ratepayers United Inc [378];
 - (l) Land Matters Ltd on behalf of Waikanae Christian Holiday Park Inc. [319 and FS177], Michael and Elizabeth Welch [369 and FS58], Barry, Suzanne and Timothy Mansell [380 and FS59], USNZ Forestry Group Ltd [408 and FS102], Land Matters Ltd [411 and FS178], Lutz Brothers Ltd [425 and FS180], Bellcamp Trust Company Ltd [487 and FS181], Mahaki Holdings Ltd [495 and FS186] and Kennott Trust Company Ltd and Kauri Trust [492 and FS183].

4.6 In addition to Ms Rushmere, the following people attended the hearing and presented evidence / material in support of their submission:

- (a) Ms Mari Housiaux and Mr John Gibson on behalf of Friends of Te Hapua Dune and Wetlands Society Inc [341];
- (b) Mr Ian Jensen [275 / FS041];
- (c) Ms Angela Penfold on behalf of New Zealand Transport Agency [457];
- (d) Mr Neil Donnelly and Mr Robert Binney on behalf of Kapiti Coast Airport Holdings Ltd [276];
- (e) Mr Richard Jessup [115];
- (f) Mr John Maassen on behalf of North Otaki Beach Residents' Group [38];
- (g) Mr Lance Bills on behalf of Harrisons Country GardenWorld Ltd & Trustees of AA Bills [131];
- (h) Mr Allan Smith [443];
- (i) Mr Quentin Smith on behalf of Quick Silver Enterprises Ltd (Ex The NZ Anglican Church Pension Board) [212];
- (j) Ms Marian Smith and Mr Phil Stroud on behalf of Waa Rata Estate [327];
- (k) Ms Anna Carter on behalf of Barry, Suzanne and Timothy Mansell [380 and FS59], USNZ Forestry Group Ltd [408 and FS102], Land Matters Ltd [411 and FS178], Lutz Brothers Ltd

[425 and FS180], Bellcamp Trust Company Ltd [487 and FS181], Mahaki Holdings Ltd [495 and FS186], Kennott Trust Company Ltd and Kauri Trust [492 and FS183], Carter Family of Reikorangi) [320 and FS43];

(l) Mr Bryce Wilkinson [280];

(m) Mr Bryce Wilkinson and Mr Christopher Ruthe on behalf of Coastal Ratepayers United Inc[378]; and

(n) Ms Margaret Niven [251].

4.7 Following completion of the hearing on Objectives, Ms Rushmere drafted a closing statement which was made public on the Council's website.⁷ We note Ms Rushmere's caveat that her closing statement was an interim response as several submitters chose to delay commenting on Chapter 2 Objectives until Chapters 3, 4, 8 and 9 - the coastal resource chapters - which were heard later in the hearings schedule.

4.8 By way of explanation, the Panel directed two sets of integration hearings as follows:

(a) **Coastal Integration Hearing** - the purpose of this hearing was to consider the interrelationship between Chapters 3, 4, 8 and 9 (and also with relevant Objectives in Chapter 2). This hearing was discussed and directed by way of Minute 5 dated 7 April 2016 and was in part a response to concerns expressed by some submitters (Rob Crozier and Joan Allin [451], Coastal Ratepayers United Inc [378] and North Otaki Beach Residents' Group [38]) that the hearing schedule did not enable effective consideration of (and thus ultimately integration of) management of the coastal resource by any party (including submitters, Section 42A report writers or the Hearings Panel). The Coastal Integration Hearing schedule was established by way of Minute 11 dated 22 June 2016. The actual Coastal Integration Hearing was conducted on 16 July 2016. Full details on this hearing and the background to it are contained in our Report on Chapter 4 Coastal Environment.

(b) **Whole of Plan Integration Hearing** - this was our initiative and was first signalled in Minute 5 dated 7 April 2016. Subsequent Minutes (Minute 15 dated 6 September 2016 and Minute 16 dated 18 October 2016) outlined the procedures and programming for this hearing. The purpose of the Whole of Plan Integration Hearing was to identify and consider cross-chapter linkages in an integrated manner given that previous hearings originated and were conducted on a chapter-by-chapter basis. It transpired that we required four separate sittings to complete the Whole of Plan Integration Hearing. The first sitting was held over two days, being 13-14 December, followed by two days on the 3 and 15 March 2016, and the last sitting was conducted on 5 April 2017.

⁷ Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

- 4.9 For all parties who presented to us at the various fixtures, we took the opportunity to ask questions at the proceedings. In most instances our questions were promptly and readily addressed on the spot. However, there were matters we raised with Council advisors at the integration hearings which required further consideration and response. We are satisfied that both the Coastal Integration and Whole of Plan Integration reports and hearings satisfied any outstanding matters on Chapter 2 Objectives.
- 4.10 Having reviewed all of the above material, we are satisfied that the responses were complete and answered our questions.

PART B – EVALUATION OF ISSUES

5 Evaluation

Overview

- 5.1 As in the Section 42A, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters⁸ to which they relate, rather than assessing each individual submission. We have adopted this approach to avoid unnecessary duplication with our focus being on the key themes and issues which underpin our recommendations.
- 5.2 Where we do not refer to a specific submission or further submission topic or recommended amendment to Chapter 2 it is because we concur with the analysis and recommendations contained within the Section 42A report and the closing statements provided to us by the report writers.
- 5.3 For those submitters who are interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in Appendix 2, which includes our recommendation on each relief point sought. Those specific decisions have been derived from our issues assessment below. Therefore, our recommendations on all Chapter 2 provisions, and on all Chapter 2 submissions and further submissions, are contained in Appendix 1 and Appendix 2 respectively.
- 5.4 This approach is not to downplay the importance of the input from submitters - we acknowledge the invaluable input of submitters in shaping our grouping of issues and our consideration of those matters. We considered it would be helpful for submitters as well as our own thinking to focus on the key issues.
- 5.5 We accept that having adopted this approach means that not every submission is specifically referenced in the discussions in this report. To have done so would have resulted in the reports being significantly longer as a result of simply listing out submitters and further submitters for no purposeful end. Accordingly, we have adopted the approach of grouping issues/matters in the reports as a basis for delivering decisions on individual submissions.
- 5.6 We have organised our discussion of issues as follows:
- Issue 1:** General Matters
 - Issue 2:** Objective 2.1 - Tāngata Whenua
 - Issue 3:** Objective 2.2 - Ecology and Biodiversity

⁸ Clause 10(2)(a) of Schedule 1, RMA sets out that a Plan change decision may address submissions by grouping them according to either the provisions of the Plan change to which they relate, or to the matters to which they relate.

-
- Issue 4:** Objective 2.3 - Development Management
- Issue 5:** Objective 2.4 - Coastal Environment
- Issue 6:** Objective 2.5 - Natural Hazards
- Issue 7:** Objective 2.6 - Rural Productivity
- Issue 8:** Objective 2.7 - Historic Heritage
- Issue 9:** Objective 2.8 - Strong Communities
- Issue 10:** Objective 2.9 - Landscapes
- Issue 11:** Objective 2.10 - Contaminated Land
- Issue 12:** Objective 2.11 - Character and Amenity Values
- Issue 13:** Objective 2.12 - Housing Choice and Affordability
- Issue 14:** Objective 2.13 - Infrastructure and Services
- Issue 15:** Objective 2.14 - Access and Transport
- Issue 16:** Objective 2.15 - Incentives
- Issue 17:** Objective 2.16 - Economic Vitality
- Issue 18:** Objective 2.17 - Centres
- Issue 19:** Objective 2.18 - Open Spaces / Active Communities
- Issue 20:** Objective 2.19 - Urban Design
- Issue 21:** Objective 2.20 - Renewable Energy, Energy Efficiency and Conservation

Evaluation Preamble - Statutory Framework

- 5.7 Before formally recording our consideration of the issues, we summarise here the relevant statutory matters that frame our evaluation. This summary is organised into three parts as follows:
- (a) firstly, we set out the mandatory requirements of the RMA that frame our decision-making;
 - (b) secondly, we clarify which ‘version’ of Section 32 (RMA) is applicable as part of our decision-making; and
 - (c) finally, we provide clarification about the force of certain higher order documents that we must have regard to as part of our evaluation.
- 5.8 What follows represents just an initial factual commentary on these matters governing our evaluation. The specific statutory evaluation of the challenged provisions in this Chapter of the PDP are covered in greater detail later in this report. Specifically, the principal Section 32 consideration is provided in Section B of this report under the heading “Evidence and Evaluation” for each of the Issues (referred to in the Act as “matters”) that are canvassed for this

Chapter; and ultimately the overall Section 32 evaluation is summarised and concluded in Part C of this report.

Mandatory Requirements

5.9 The Environment Court gave a comprehensive summary of the mandatory requirements for the preparation of district plans in *Long Bay-Okura v North Shore City Council*.⁹ Subsequent cases have updated the 'Long Bay' summary following amendments to the Act in 2005 and 2009, with the most comprehensive and recent of which was provided in *Colonial Vineyard Ltd v Marlborough District Council*.¹⁰

5.10 The framework established by the Court sets out the relevant decision-making framework as follows:

General requirements

- a. the Plan should be designed to accord with,¹¹ and assist Council to carry out its functions¹² so as to achieve the purpose of the Act;¹³
- b. when preparing/changing the Plan, Council must:
 - i. give effect to any NPS¹⁴, the NZCPS¹⁵ or any RPS;^{16 17}
 - ii. have regard to any *proposed* RPS;¹⁸
 - iii. have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to consistency with plans and proposed plans of adjacent authorities;¹⁹
 - iv. take into account any relevant planning document recognised by an iwi authority;²⁰
 - v. not have regard to trade competition or the effects of trade competition;²¹
 - vi. be in accordance with any regulation;²²
- c. in relation to regional plans:
 - i. the Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order;²³ and
 - ii. shall have regard to any proposed regional plan on any matter of regional significance;²⁴

⁹ Decision No. A 078/2008.

¹⁰ Decision No. {2014} NZEnvC 55.

¹¹ s74(1), RMA.

¹² s31, RMA.

¹³ s72, 74(1), RMA.

¹⁴ National Policy Statement.

¹⁵ New Zealand Coastal Policy Statement.

¹⁶ Regional Policy Statement for the Wellington Region.

¹⁷ s75(3)(a)-(c), RMA.

¹⁸ s74(2), RMA.

¹⁹ s74(2)(b)-(c), RMA.

²⁰ s74(2A), RMA.

²¹ s74(3), RMA.

²² s74(1), RMA.

²³ s75(4), RMA.

- d. the Plan must also state its objectives, policies and the rules (if any) and may state other matters;²⁵

Objectives

- e. the objectives of the Plan are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose;²⁶

Provisions (policies, rules and methods)

- f. the policies are to implement the objectives, and the rules are to implement the policies;²⁷
- g. each provision is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives²⁸ of the Plan, taking into account:
- i. the benefits and costs of the proposed policies and methods;
 - ii. the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions;²⁹ and
 - iii. if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.³⁰

Rules

- h. in making a rule, Council shall have regard to the actual or potential effect of activities on the environment;³¹
- i. rules have the force of regulations;³²
- j. rules may be made for the protection of property from the effects of surface water, and these may be more restrictive than those under the Building Act 2004;³³
- k. there are special provisions for rules about contaminated land;³⁴
- l. there must be no blanket rules about felling of trees³⁵ in any urban environment;³⁶ and

Other Statutes

- m. Council may be required to comply with other statutes.

5.11 The above Court-established decision-making framework is adopted in our evaluation of challenged provisions for all Plan Chapters. The way we approach this is explained in more detail in Part C of this report. Suffice to say however, that the approach is adopted consistently

²⁴ s74(2)(f), RMA.

²⁵ s75(1)-(2), RMA.

²⁶ s74(1) and s32(3)(a), RMA.

²⁷ s75(1), RMA.

²⁸ s32(3)(b), RMA.

²⁹ s32(4), RMA.

³⁰ s32(3A), RMA.

³¹ s76(3), RMA.

³² s76(2), RMA.

³³ s76(2A), RMA.

³⁴ s76(6), RMA.

³⁵ s76(4A), RMA.

³⁶ s76(4B), RMA.

across all our reports on the Plan Chapters. Whilst this may at first glance appear to be formulaic and/or repetitive, it does nonetheless ensure (importantly) that we have undertaken and recorded our evaluation in terms of the relevant statutory tests prescribed in the Act.

The Applicable Section 32 Framework

- 5.12 The unchallenged advice before us is that our evaluation of issues is to be structured to satisfy the requirements of Section 32 as it applied when the PDP was publicly notified in November 2012,³⁷ as opposed to the version of Section 32 as it currently sits.
- 5.13 That (now former) Section 32 requires the Council to carry out an evaluation at the following stages:
- (a) before a proposed plan is publicly notified; and
 - (b) before making a decision on provisions and matters raised in submissions for the proposed plan under clause 10 of schedule 1 to the RMA.
- 5.14 We record that the Council had already completed the Section 32 evaluation referred to in (a) above, prior to the PDP being notified on 29 November 2012, and therefore we do not need to repeat this evaluation further in this report.
- 5.15 The next juncture when an evaluation is required by the RMA is before making the Decision referred to in (b) above.
- 5.16 Given that we have delegated authority to hear submissions and make a recommendation to the Council about what the Decision should be, the onus of making that further evaluation rests with us.
- 5.17 In this respect, we note that while Section 32(5) requires a report to be prepared summarising and giving reasons for the initial Section 32(1) evaluation prior to notification of a proposed plan, there is no equivalent provision requiring a Section 32 report to be prepared for the further evaluation required under Section 32(2). Nor is there an express requirement in the applicable version of Clause 10 of Schedule 1 of the RMA for the Decision to address Section 32 matters.
- 5.18 This position differs from Clause 10 as it is currently worded in the RMA (post-2013 Amendment Act), which expressly requires the Decision to include a further evaluation of the proposed plan in accordance with Section 32AA, and for the Council to have particular regard to that evaluation in making its decision.
- 5.19 Despite the absence of an express requirement to that effect in the Section 32 framework applicable to our report, we consider it essential for the Decision to address Section 32 matters. In practice, the requirement in Clause 10(2)(a) for the Decision to include reasons for accepting

³⁷ The version of Section 32 of the RMA that was in force between 1 October 2011 and 2 December 2013 applies to the current PDP process, despite Section 32 having since been amended in the Resource Management Amendment Act 2013.

or rejecting submissions should relate directly to the Section 32 matters and other statutory requirements that are applicable.

- 5.20 Notwithstanding that Section 32AA(1)(d)(ii) under the post-2013 Amendment Act version of the RMA is also not applicable to our evaluation, we find some utility in applying the scope of that Clause as it enables our Section 32(2) evaluation of the alterations we are recommending to be incorporated into this report as part of the decision-making record.
- 5.21 In adopting the above pragmatic approach, this means that in those instances where we have recommended an alteration to the notified PDP within our report, we have deliberately assessed the appropriateness of that alteration in the wider context of Section 32 (in specific detail in Part B and in summary form in Part C of this report).

Status of Higher Order Documents

- 5.22 Against the context established above, we acknowledge there is an obligation for the Plan to give effect to the higher order planning documents identified; however, we note our ability to achieve this through amendments is limited to instances where there is scope provided by submissions to do so.
- 5.23 We record here that five national policy statements (NPS) have been gazetted to date, being:
- (a) NPS on Electricity Transmission (2008);
 - (b) New Zealand Coastal Policy Statement (2010);
 - (c) NPS for Renewable Electricity Generation (2011);
 - (d) NPS for Freshwater Management (2014); and
 - (e) NPS for Urban Development Capacity (2016).³⁸
- 5.24 The NPS on Electricity Transmission, the New Zealand Coastal Policy Statement, and the NPS for Renewable Electricity Generation are all relevant and represented in the Objectives. The NPS for Urban Development Capacity is of particular relevance to Objectives on Living and Working Zones and we have picked up those matters where relevant in Chapters 5 and 6, but again within the scope of submissions.
- 5.25 We note that a National Environmental Standard for Plantation Forestry was in a draft form at the time of the hearing, but has now been gazetted and comes into force on 1 May 2018. Consequently, during our deliberations we did not give it any weight, other than be aware of the matters it was intending to cover.³⁹
- 5.26 When the PDP was first notified, the (then) *Proposed* Wellington Regional Policy Statement 2009 was still the subject of appeals to the Environment Court. In line with the general

³⁸ The NPSUDC came into force on 1 December 2016, which was after our Hearings had been largely concluded but prior to our deliberations concluding.

³⁹ Local authorities have until 1 May 2018 to identify any Plan rules that duplicate or conflict with the NES, or which deal with the same effects. As soon as practicable after 1 May 2018, those rules must be removed from the Plan without using Schedule 1 of the RMA.

requirements outlined above, the PDP was required at that point to give effect to the *Operative* Regional Policy Statement 1999 by Section 75(3)(c) of the RMA. The provisions of the *Proposed* Wellington Regional Policy were required to be given regard to by Section 74(2)(a)(i).

- 5.27 The *Proposed* Regional Policy Statement for the Wellington Region became the Operative Regional Policy Statement (RPS) on 24 April 2013. To the extent enabled by the scope of submissions, we have adopted recommendations to ensure the Plan gives effect to the Operative RPS.
- 5.28 We have also endeavoured to ensure any recommended amendments are not inconsistent with the operative regional plans for the Wellington Region, and we have had regard to the Proposed Natural Resources Plan for the Wellington Region (notified May 2015).
- 5.29 We also have taken into account the relevant planning documents recognised by iwi authorities and lodged with KCDC, to the extent that their content has a bearing on the resource management issues of the District. We understand two documents have been prepared and lodged with the Council - the Ngati Raukawa Ōtaki River and Catchment Iwi Management Plan 2000, and Nga Korero Kaupapa mo Te Taiao Policy Statements Manual for Kapakapanui Te Runanga o Ati Awa 1999-2000.
- 5.30 With these contextual matters established, we now turn to our evaluation of issues, followed by our summary evaluation of the above statutory requirements.

6 Issue 1: General Matters

General Submissions and Recommended Amendments

- 6.1 As signalled in Section 5 of this report, we do not revisit all submissions, topics or recommended amendments to the PDP addressed within the Section 42A reports for Chapter 2 and integration matters. To avoid unnecessary duplication, we have focused our discussion on the key themes and issues which underpin our recommendations.
- 6.2 Where we do not refer to a specific submission, topic or recommended amendment to the PDP in this report, it is because we concur with the analysis and recommendations contained within the Section 42A reports and closing statements provided to us by the report writers.
- 6.3 Our recommendations on all Chapter 2 submissions, and our complete recommendations on all relevant PDP provisions, are attached to this report as Appendix 2 and Appendix 1 respectively.

Description of the Issue

- 6.4 While many of the submissions addressed specific Objectives, there were twenty seven submissions and thirty six further submissions that did not relate to specific Objectives but

instead made more general comments or requested new objectives in the Plan. The common themes from these more general submissions included:

- (a) the need for more positive enabling / balanced objectives;
- (b) the role and retention of the explanations to the objectives;
- (c) lack of recognition of private property rights, and constraining the ability for landowners to manage their land;
- (d) supporting analysis for objectives;
- (e) drafting and purpose of the objectives; and
- (f) additional objectives which recognise particular industries.

Evidence and Evaluation

Positive Enabling / Balanced Objectives

- 6.5 We heard from Ms Smith and Mr Stroud on behalf of Waa Rata Estate [327], Mr Smith [443], Mr Donnelly and Mr Binney on behalf of Kāpiti Coast Airport Holdings Ltd [276], Ms Niven [251] and Ms Carter from Land Matters [411] who all commented on the need for the Objectives and the Plan in general to be less restrictive and more balanced. The evidence provided by these submitters reflected the submissions received on this matter. Submitters drew our attention to Objectives 2.2: Ecology and Biodiversity, 2.4: Coastal Environment, 2.9: Landscapes, and 2.17: Centres as particular examples of Objectives that were more constraining than others.
- 6.6 The written evidence from Coastal Ratepayers United Inc provided us with Objective 2.4(b) as an example. The Objective as notified read:
- b) inappropriate subdivision, use and development is avoided, remedied, or mitigated.
- 6.7 The written evidence suggested inclusion of “*and appropriate subdivision, use and development is enabled*” to provide a more balanced objective.
- 6.8 Having carefully considered the Part 2 matters in the RMA, we consider that striking a balance overall is important but we recognise that there are specific matters which require protection. We agree with Ms Rushmere in her closing statement⁴⁰ that some objectives should signal an intent to protect such as Objective 2.2: Ecology and Biodiversity which seeks to improve indigenous biodiversity and achieve this through protecting areas of significant indigenous vegetation. Other Objectives, such as 2.3: Development Management and 2.7: Rural Productivity, provide a balance by recognising the productive potential of land whilst identifying that protection will be sought from inappropriate subdivision, use and development.

⁴⁰ Paragraph 2.3, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

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- 6.9 We note that Objective 2.2 does not preclude development taking place and gives effect to the RMA as well as to Objective 3 and Policy 24 in the Regional Policy Statement. We agree that a balanced approach is appropriate for Objectives relating to the rural areas and centres, to support farming activities and retail development and to recognise that subdivision may have benefits such as increasing vegetation.
- 6.10 Overall, we have taken the approach of recommending amendments to Objectives to make them more enabling where appropriate, but we have been fully cognisant of Sections 6 and 7 of the RMA which may direct us to focus on protection for some matters.

Explanations

- 6.11 We note from the Section 42A report that whilst the “whole of Plan” Section 42A report recommended removal of the explanatory text to policies to reduce the length of the Plan, this did not apply to objectives. However, submissions were received seeking the PDP to be more concise and streamlined. While the explanatory text was intended to assist users in interpreting the provisions, we agree that in some places the text is cumbersome, repetitive, and adds little clarity to the Objectives. We agree with the Section 42A report that in some instances the explanatory text is useful, particularly where the Objective is giving effect to a higher order planning document. The explanatory text can also be a useful support to the Objectives in lieu of issue statements, which the RMA no longer requires.
- 6.12 During the course of the hearing on Chapter 2 Objectives, we heard a variety of viewpoints on whether the explanatory text should be retained. Some submitters considered that the Objectives should stand on their own, whilst others supported their retention and the additional clarity they provided. We agree that overall the Explanations do add a level of detail or rationale that may not always be apparent from the Objective. We agree that explanatory text is particularly useful for providing context with regards to higher order planning documents. So, while we recommend their retention, we have taken opportunities to more tightly focus them while also ensuring that only the most relevant and appropriate information is included. For completeness, we record that a similar issue regarding rationalisation and/or deletion of Explanations at the policy level was raised by submitters. We address this under each Chapter but can record at this point that as a general rule we have deleted policy explanations, except where there are particularly relevant or where appropriate reference can usefully be made to applicable higher order planning documents.

Private Property Rights

- 6.13 We heard from Mr Wilkinson [280] in particular regarding his concern that the Objectives do not respect private property rights and landowners should be able to manage their land. We heard from Mr Smith [443], Ms Niven [251], Mr Jensen [275] and Mr Swan [231] stating that they already achieve environmental protection by their management of their land.

6.14 We accept that the PDP may restrict landowners' management and activities on their land, however we agree with Ms Rushmere in her closing statement that the RMA Part 2 concept of sustainable management should be applied irrespective of land ownership.⁴¹ We note that Section 85 of the RMA also clarifies that there is no compensation payable in respect of land use controls on private land. The Objectives per se do not preclude development from taking place, and unless an activity is classed as prohibited, any activity can be considered through the resource consent process. We consider the role of Objectives is to establish a shared outcome for the community. We do not recommend any changes in response to those submissions.

Supporting Analysis

6.15 In Mr Wilkinson's [280] written evidence, he expressed concern at a perceived lack of rigour underlying the development of the Objectives – particularly in terms of central government requirements for public policy formulation in respect of property rights, problem definition, the compilation of options and the assessment of cost and benefits. We would like to draw Mr Wilkinson's attention to Section 32 of the RMA, and in particular the version that existed when the PDP was notified in 2012. Section 32 was amended as part of the Resource Management Amendment Act (2013) to give clearer guidance and specificity about what is required in Section 32 evaluations, including to emphasise the importance of economic analysis and economic consequences. The new sections provide greater guidance and specificity to planning practitioners about what is required in Section 32 reporting, particularly for the assessment of benefits and costs of effects.

6.16 While the current version of Section 32 requires identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects of a proposal, and quantification of those costs and benefits where possible, this was not the requirement in 2012. In any case, this analysis is only required in terms of the provisions not the Objectives. Provisions are defined in the RMA as being the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed Plan. In terms of objectives, Section 32(1)(a) requires an assessment of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of this Act. A cost benefit analysis is not required for objectives and this requirement has remained unchanged since 2012.

Drafting and Purpose of the Objectives

6.17 The submission from Rob Crozier and Joan Allin in particular [451.5] expressed concern at the drafting of the PDP and sought the PDP be revised so that provisions are drafted using clear and consistent language, appropriate provisions are included, the provisions are legally robust and in accordance with the RMA higher order planning documents, which the PDP must give effect to. In terms of objectives, we note their submission sought that reference is provided in the

⁴¹ Paragraph 2.11, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

objectives (rather than just the explanations) to something that captures, using appropriate language, the concept of the environmental or ecological carrying capacity of the local environment (or similar concept) in relation to the concerns that they have expressed about the potential adverse effects of activities at Te Horo Beach. They also requested that the Objectives and explanations use defined terms where appropriate, and that provisions are revised using consistent terminology.

6.18 We agree and have endeavoured to recommend these changes as we came across them.

Additional Objectives Which Recognise Particular Industries

6.19 Two submissions in particular sought specific recognition through objectives for their activities / industries; they were Winstone Aggregates [92.22] who requested the inclusion of a new objective and explanation that relates specifically to the mineral extraction industry; and House Movers Section of New Zealand Heavy Haulage [345.3] who sought recognition in the objectives, policies and rules of the need to provide for coordination between the Building Act and Resource Management Act to avoid regulatory duplication.

6.20 We agree with the Section 42A report that a new objective is not warranted, however we have recommended amendments to other objectives to address some of the concerns raised by Winstone Aggregates.⁴² We consider the role of the objectives is to outline high level outcomes in relation to resource management Issues. It is not appropriate to single out specific industries.

6.21 While we acknowledge that often both the RMA (in particular its manifestation in the PDP rules) and Building Act apply to structures and buildings, we do not consider that objectives are the most appropriate place to recognise the functions of each. Many of the Objectives can be achieved by methods outside the PDP, but these are not individually identified.

Findings

6.22 We recommend the Objectives are largely retained as set out in Appendix 1, with the following amendments:

- (a) amendments to the Objectives to make them more enabling where appropriate;
- (b) retain the Explanations but more tightly focus them and ensure that only the most relevant and appropriate information is included; and
- (c) changes to wording to ensure clear and consistent language, appropriate provisions are included, the provisions are legally robust and in accordance with the RMA higher order planning documents, which the Plan must give effect to.

⁴² Paragraph 86, s42A Report: Part B - Objectives, Suzanne Rushmere.

- 6.23 For the reasons discussed in Evidence and Evaluation above, those submissions relating to general Objectives (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

7 Issue 2: Objective 2.1 Tāngata Whenua

Description of the Issue

- 7.1 There were nine submissions relating to Objective 2.1 and twenty further submissions. Most of the submissions supported its inclusion in the Plan, however there were some submissions that were concerned with its content and sought amendments.
- 7.2 The supporting submissions considered the Objective recognises the importance of Kaitiakitanga and the involvement of tāngata whenua in the management of the Otaki River catchment in particular. Other submitters wished to ensure that submitters' whanau and hapu voices and aspirations are reflected and tracked via measurable actions.
- 7.3 Those seeking amendments requested the Objective include the naming of mana whenua on the basis that it strengthened their role and makes the Objective specific to the District. Greater Wellington Greater Regional Council [441.4] sought that the principles of the Treaty of Waitangi be addressed by the Objective in a bullet point list and that the explanatory text be amended to better reflect issues.
- 7.4 An opposing submission from Bryce Wilkinson [280.1] sought an amendment to the Objective to provide that all groups in the District have the same level of protection as tāngata whenua.

Evidence and Evaluation

- 7.5 There was very little evidence presented in respect to the aforementioned submissions. This was probably a reflection of the widespread and general support for Objective 2.1.
- 7.6 We did hear from Mr Wilkinson [280] who raised concerns that the principles in Objective 2.1 Tāngata Whenua should also apply to other New Zealand citizens. We would draw Mr Wilkinson's attention to Section 8 of the RMA which require the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account when managing the use, development, and protection of natural and physical resources. We agree with Ms Rushmere's closing statement⁴³ that the Objective is specifically designed to address Council obligations in accordance with the Treaty of Waitangi and sections 6, 7 and 8 of the RMA. It also gives effect to Objectives 23, 24, 25, 26, 27 and 28 and Policies 48, 49 and 50 of the Regional Policy

⁴³ Paragraph 3.0, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

Statement. For this reason, we do not recommend any changes to the Objective in response to Mr Wilkinson's submission.

- 7.7 We consider that the consultation process required with notifying a PDP ensures that all members of the community have an opportunity to comment equally on the PDP.
- 7.8 We agree with the Section 42A report that there is no need to specifically name the iwi within Objective 2.1 that have mana whenua.⁴⁴
- 7.9 We agree that listing the principles of the Treaty of Waitangi in the Explanation text as requested by Greater Wellington Regional Council would increase clarity for users of the Plan. We recommend including the following principles in the Explanation text:

The five principles are:

- mutually-beneficial relationship;
- active protection;
- iwi self-regulation;
- shared decision-making; and
- the right to iwi/hapū resource development.

- 7.10 In our decision-making we have been particularly mindful of Objective 2.1 in relation to matters in Chapters 3 (Natural Environment), 4 (Coastal Environment), 7 (Rural Environment), 10 (Historic heritage) and, in particular, the management of Kāpiti Island which is discussed in the relevant decision reports.

Findings

- 7.11 We recommend that Objective 2.1 and its Explanation is retained for the reasons outlined above.
- 7.12 We recommend minor changes to the Explanation to improve clarity and context for Objective 2.1 as shown in Appendix 1, including:
- a) deleting the quoting of Sections 6, 7 and 8 of the RMA in favour of just referencing those sections;
 - b) deletion of unnecessary Explanation text, rationalising where possible; and
 - c) inclusion of the five principles of the Treaty of Waitangi in the Explanation.
- 7.13 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.1 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 7.14 The amended Objective is as follows:

Objective 2.1 Tāngata Whenua

⁴⁴ Paragraph 117, s42A Report: Part B - Objectives, Suzanne Rushmere.

To work in partnership with the *tāngata whenua* of the District in order to maintain *kaitiakitanga* of the District's resources and ensure that decisions affecting the natural *environment* in the District are made in accordance with the principles of the Te Tiriti o Waitangi (Treaty of Waitangi) (~~Te Tiriti o Waitangi~~).

8 Issue 3: Objective 2.2 Ecology and Biodiversity

Description of the Issue

- 8.1 A total of thirty-three submission points were raised on Objective 2.2 and forty-one further submissions. Six submissions support Objective 2.2, including Director-General of Conservation [202.1] and Wellington Fish and Game Council [462.4] expressing specific support to retaining Objective 2.2 as notified.
- 8.2 Twelve submissions opposed Objective 2.2 for a variety of reasons. Many of the submissions in opposition were concerned about the focus on protection and that the Objective be amended for a more balanced approach to enabling appropriate development, use and subdivision. Other submissions contended that the restrictive terminology would leave decision makers little choice in appropriately weighting issues during consideration of resource consent applications. The submitters suggested that opportunities for restoring ecology and biodiversity could result from appropriate development and subdivision. Several submitters expressed opposition without providing any reasons, and many others sought exclusion of private property from this Objective.
- 8.3 The remaining fifteen submissions sought specific wording changes.
- 8.4 The Council notified a variation to the PDP on 2 September 2015, the subject of which was policies, rules and methods governing modifications to urban trees (hereby known as the Urban Tree Variation or UTV). The details of the variation are canvassed in Report 4 dealing with Chapter 3. The UTV, whilst dealing principally with Chapter 3, also affected to some degree the provisions of Chapter 1 (Introduction and Interpretation), Chapter 2 (Objectives) and Chapter 10 (Historic Heritage).
- 8.5 Neither the Chapter 3: Ecological Sites Indigenous Vegetation Provisions' Section 42A report nor the UTV and subsequent Section 42A reports recommended any amendments to the PDP Objectives themselves. However, the UTV did propose amendments to the explanations to Objectives 2.2 and 2.4 to include references to protecting areas of remnant indigenous vegetation, including significant individual trees that are important in maintaining the biodiversity of the District.
- 8.6 The recommended amendments to the explanations also sought to protect representative or significant natural ecosystems and sites of biological importance, and to maintain the diversity of the District's indigenous coastal flora and fauna.

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- 8.7 Twenty-one submissions were made on the proposed UTV amendments to the explanations, with 13 submissions in support, 2 supporting in part, 4 seeking amendments and 2 in opposition. Amendments sought and other matters raised included:
- a) KDCDC should use their resources to improve care of the remnant forests;
 - b) the value of more recent vegetation should be recognised;
 - c) everyone should ensure remaining areas, especially waterways and forest remnants are protected and preserved; and
 - d) reference to the NZCPS should be more explicit.
- 8.8 For the reasons discussed above in Evidence and Evaluation, we recommend those submissions relating to the Objectives associated with the UTV are accepted, rejected or accepted in part as outlined in Appendix 2.

Evidence and Evaluation

- 8.9 We heard from a number of submitters seeking further amendment or deletion of Objective 2.2. Those mentioned below represent a sample of the views presented.
- 8.10 We heard from Mr Hansen on behalf of Maypole Environmental Ltd [263] who restated the desire to amend Objective 2.2 to specifically provide for appropriate subdivision, use and development when adverse environmental effects are managed to acceptable levels. There were also a number of submitters including Ms Carter [411], Mr Jensen [275], Ms Smith on behalf of Waa Rata Estate [327], and Mr Wilkinson [280] who expressed similar concerns. Ms Carter told us that statutory bodies cannot halt declining biodiversity through restrictive measures alone.⁴⁵
- 8.11 Ms Housiaux [511] requested the reintroduction of provisions relating to Priority Areas of Restoration. As these provisions were withdrawn on the 30 October 2014, we do not have scope to consider these. Ms Smith questioned whether there was a need for Clause a) in Objective 2.2 with the withdrawal of Priority Areas for Restoration, and asked whether Clause b) in the Objective as recommended in the Section 42A report could cover the matter as Clause a) is very specific and Clause b) is more general. We have considered Ms Smith's request but consider Clauses a) and b) address different components of Sections 6 and 7 of the RMA and therefore recommend both Clauses are retained.
- 8.12 We agree with the analysis in the Section 42A report that it is not appropriate to exclude private property, living zones or property used for residential purpose from the Objective.⁴⁶ The principles of sustainable management and protection of remaining areas of significant indigenous flora and fauna being sought by Objective 2.2 should apply irrespective of ownership

⁴⁵ Paragraph 3.4, Statement of Evidence of Anna Carter.

⁴⁶ Paragraph 156, s42A Report: Part B - Objectives, Suzanne Rushmere.

or the predominant land use / zone. We note that Section 6(c) of the RMA seeks to protect significant indigenous vegetation on both public and private land. Further, we are conscious that it is a requirement of the Operative Regional Policy Statement to identify and protect such areas regardless of land ownership.

- 8.13 Ms Carter also suggested the removal of Clause d) of Objective 2.2 on the basis that Mauri of water bodies is not a function for which the Council has responsibility and that this is adequately covered by Clauses a)-c) of the Objective. We agree with Ms Rushmere in her closing statement that the Council has responsibility for managing land use and activities in such a way that adverse effects, including those on water bodies, are avoided remedied or mitigated.⁴⁷ This also gives effect to Section 7(e) of the RMA as well as Objective 26 and Policy 49 of the Regional Policy Statement. Accordingly, we recommend the retention of Clause d) with a minor change to improve readability.
- 8.14 We accept Ms Carter's point that the non-regulatory approaches that KDCDC has adopted such as the rates relief, the heritage fund, the provision of advice from the Council's biodiversity officer, contributions towards fencing and surveying costs with landowners, are highly effective in creating biodiversity gains on the Kāpiti Coast. However, and as these examples appropriately illustrate, objectives can be achieved by methods outside the PDP, and we consider use of the word "*encouraging*" does not exclude voluntary mechanisms which may be highly effective.
- 8.15 While we acknowledge Ms Carter's concerns that Objective 2.2 has a focus on protection rather than enabling development, we consider this is appropriate given Sections 6(c) and 7(d) of the RMA. This focus on protection is balanced by other Objectives, (such as Objective 2.3 Development Management, Objective 2.6 Rural Productivity, and Objective 2.16 Economic Vitality), which collectively are more enabling of development.
- 8.16 In respect of Objective 2.2, we recognise that this is a key objective for provisions in Chapter 3 and we agree that the underpinning theme of protection is appropriate and note this is reflected in the policies and rules in Chapter 3. We have recommended amending Clause b) of Objective 2.2 having considered the points made by Margaret Niven [251] that this limb of the Objective be refocused from degraded environments to supporting greater interconnectivity and resilience of isolated remnant habitats for the purpose of ecosystem integrity. Specifically, we recommend changing "*important degraded environments and habitats*" to "*indigenous ecosystems*" and retaining the emphasis on their restoration.
- 8.17 Other changes we have recommended to Objective 2.2 are essentially fine tuning. We have taken the opportunity to improve the readability of the four limbs of the Objective; for example, by referring to "*enhancing*" rather than "*enhancement*".

⁴⁷ Paragraph 3.6 Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere

- 8.18 The policies and rules to implement this theme of protection are canvassed in more detail in the Chapter 3 report, where other provisions that provide for an appropriate balance are considered.
- 8.19 In terms of the UTV, we did not hear from any submitters or receive any evidence on the changes to the explanations of the two Objectives (Objective 2.2 and Objective 2.4) subject to the Variation. Having considered the submissions and the Section 42A report we do not agree that the amendments to the explanatory text of Objective 2.2, as proposed in the UTV, are necessary. Whilst the proposed amendments provide reasoning for the Plan provisions and supports the protection of significant indigenous and remnant trees in the Urban Environment Allotments, the Objective is self-explanatory and other submissions are calling for the Plan to be reduced in length and complexity.
- 8.20 For completeness, we also note that amendments were recommended to Objective 2.4 in the Chapter 1 Introduction, Interpretation and Integration closing statement to delete the text recommended by the UTV. This was on the grounds that the amendments recommended in Ms Rushmere's Section 42A report went beyond what was in the PDP as notified, and Objectives 2.2 and 2.9 already adequately addressed areas of significant indigenous vegetation and significant habitats of indigenous fauna. We agree with the advice provided by officers, and on that basis, we do not recommend the amendments proposed in the UTV to the explanatory text of Objective 2.4. This also provides relief to Mr Murray Allerby [UTV20.12] who considered that *"the amendment is not necessary as it is covered by other legislation"*.
- 8.21 For the reasons discussed above we do not recommend amendments to the explanatory text of Objectives 2.2 and 2.4.

Findings

- 8.22 We recommend that Objective 2.2 is amended as set out in Appendix 1 for the reasons outlined above, including:
- (a) minor wording changing to improve readability;
 - (b) Clause b) is amended to focus on restoring the ecological integrity of indigenous ecosystems; and
 - (c) rationalisation of the Explanation, deleting unnecessary information; and
 - (d) addition of text in the Explanation recognising the importance of remnant indigenous vegetation.
- 8.23 For the above reasons discussed above, those submissions relating to Objective 2.2 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

8.24 The amended Objective is as follows:

Objective 2.2 - Ecology and Biodiversity

To improve indigenous biological diversity and ecological resilience through ~~the~~:

- a) ~~protection of~~ protecting areas of *significant indigenous vegetation* and *significant habitats of indigenous fauna*;
- b) encouraging restoration of the ecological integrity of ~~important degraded environments and habitats~~ indigenous ecosystems;
- c) ~~enhancement of~~ enhancing the health of terrestrial and aquatic ecosystems; and
- d) ~~enhancement of~~ enhancing the *mauri of waterbodies*.

9 Issue 4: Objective 2.3 Development Management

Description of the Issue

9.1 Thirty four submissions were received in respect of Objective 2.3 Development Management.

9.2 The three submissions opposing the Objective were for various reasons, including:

- (a) Transpower New Zealand Ltd [208.1] sought amendments so that the necessity of infrastructure is not part of the Objective;
- (b) Ngahina Developments Ltd [221.7] sought amendment to recognise that places must have a function and there must be demand for the use and regulation cannot force this. The submitter considered that there is a need to recognise that there are different types of centres with different functions as it is in other parts of the Plan; and
- (c) Rob Crozier and Joan Allin [451.34] considered that Objective 2.3 when read in conjunction with Objectives 2.11, 2.12 and 2.19 placed insufficient emphasis on what it is about residential areas that enables people to live in them happily, comfortably and safely and away from other types of activities that can adversely affect people's enjoyment of the area and amenity values, including by cumulative adverse effects. The submitter expressed concern at insufficient emphasis on separating potentially incompatible activities.

9.3 The remaining bulk of the submissions sought a range of amendments, ranging from changing a single word to proposing additional clauses. Some of the changes sought included:

- (a) that only new development that has a material increase in severity of damage to property is precluded;
- (b) enable low impact coastal erosion hazard protection infrastructure;

- (c) rewriting to make the Objective achievable, and shorter more focussed objectives to avoid repetition and provide a clearer picture of what is to be avoided and what is to be achieved;
- (d) change in focus from the soils to the productive capacity of the land;
- (e) management of the interface with adjoining zones so that potential for conflicts is avoided;
- (f) private property rights are retained; and
- (g) broader definition of resilience.

Evidence and Evaluation

- 9.4 Objective 2.3 Development Management provides the strategic direction for growth ensuring that new development is sustainably managed throughout the District. This Objective sets out the Council's overarching approach for managing new growth and development. It works in conjunction with the other Objectives in Chapter 2, and the more detailed policy and rule provisions throughout each Chapter in the Plan. Therefore, as an initial starting point we consider it should be retained, although amended in response to certain submission points. A representative sample of those submitters we heard from is canvassed below.
- 9.5 The written evidence from both Transpower New Zealand Ltd [208] and New Zealand Transport Agency [457] expressed support for the changes recommended in the Section 42A report in response to their points of submission. Transpower New Zealand Ltd sought deleting the word "*necessary*" from Clause a) and adding the words "*recognising the national and regional importance of the national grid*". We agree with the deletion of the word "*necessary*" from Clause a) as it is an unnecessary qualification. However, we do not agree with inclusion of the national grid to Clause a) as it would narrow the application of the Objective. We consider infrastructure is much wider than the national grid and the Objective is intending to ensure that urban areas are well integrated and make the most efficient use of infrastructure necessary for urban development. Therefore, we recommend that Clause a) reads:
- a) urban areas which maximise the efficient end use of energy and integration with ~~necessary~~ infrastructure;
- 9.6 Similarly, evidence presented on behalf of Coastlands Shoppingtown Ltd acknowledged that although the Section 42A report had recommended amendments, they considered that none of these recommended changes impacted on or diluted the intent of the Objective to consolidate commercial and retail development within existing centres. They continued to support the objective in its amended form.
- 9.7 We agree with the Section 42A report that there is no need to amend Clause b) to recognise that regulations cannot force the demand for and function of places as requested by Ngahina

Developments Ltd [221.7].⁴⁸ Objectives can be achieved by a range of methods - including both regulatory and non-regulatory. The vitality and viability of the District's centres (as the community's social and economic hubs) are important and a regulatory framework will help achieve this outcome. We recommend that Clause b) is changed from applying to "*working environments*" to "*working areas*" in accordance with changes throughout the PDP to ensure clear (and less ambiguous) terminology is used across the PDP, to help increase the clarity of the Plan's provisions and assist in their workability and application.

9.8 Rob Crozier and Joan Allin [451.35] requested the wording in Clause d) be widened so that it is clear that it refers to places like Te Horo Beach. We agree that some changes to the Objective would more provide further clarification regarding the areas to which the objective applies, and that there are areas where special values are maintained and, where possible, enhanced. While we consider Objectives should remain at a higher level rather than addressing issues specific to certain locations, we recommend splitting Clause d) into two Clauses. While Objective 2.3 should acknowledge that there are areas with special character or amenity values in the District by the addition of clause e), we consider these site-specific matters are most appropriately addressed at a policy and rule level rather than in objectives. We do however recommend that Clause d) is reworded to focus on where higher density residential development should be located and Clause e) be focused on retaining the character and amenity of the areas with special character and amenity. We recommend the Clauses be amended as follows:

- d) higher residential densities in locations that are close to centres and public open spaces, with good access to public transport ~~appropriate areas, and avoidance of such development where it would adversely affect areas of special character or amenity;~~
- e) management of *development* in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;

9.9 We heard from Mr Smith [443] who raised the issue of rural productivity. We note that the focus of Objective 2.3 is on urban form within existing urban areas and a limited number of identified growth areas. We consider that Clause f) of the Objective can be amended to focus on productive potential of the land, and that this will sit comfortably alongside Objective 2.6 which is wholly focused on rural productivity. Horticulture New Zealand [219.26] sought an amendment to Objective 2.3 e) by replacing "*productive soils*" with "*productive potential of the land*". We agree that the term "*productive potential of the land*" is appropriate, particularly since it is aligned with terminology in Policy 59 of the RPS "*Retaining highly productive agricultural land*".

9.10 We agree with Ms Smith [327] that Clause f) could be amended to be refocused on "*sustaining*" rather than "*preserving*" and this may address concerns raised by Mr Smith [453]. We consider that the word "*sustainable*" would better align with the purpose of the RMA and improve

⁴⁸ Paragraph 216, s42A Report: Part B - Objectives, Suzanne Rushmere.

readability of the Objective. We agree with the other changes suggested by Ms Smith for Clause f) to make it more grammatically correct and consistent with terminology in Objective 2.2: Ecology and Biodiversity and 2.9: Landscapes. For those reasons, we believe that this is the most appropriate way to achieve the purpose of the Act.⁴⁹ We therefore recommend Clause f) is amended to read:

- e) f) ~~sustainable settlements that are developed in a manner that preserves:~~
sustainable natural processes including freshwater systems; areas
 characterised by ~~productive soils~~ the productive potential of the land,
~~ecological and landscape importance~~ ecological integrity, identified
landscapes and features, and other places of significant natural amenity;
 and

9.11 Horticulture New Zealand [219.26] also sought an additional Clause g) to read: “*management of the interface with adjoining zones for that the potential for conflicts is avoided.*” The submitter considered this amendment is needed to ensure greater recognition of rural land for production of food, rather than protection of particular classes of soil. We agree that the management of potential conflict between uses and reverse sensitivity is not only a rural matter and needs to be reflected in Objective 2.3 with regards to development management. This also reflects the points made by Transpower New Zealand and New Zealand Transport Agency in terms of management of potential reverse sensitivity effects. We therefore recommend including a new clause h) which addresses this issue as follows:

- h) management of the location and effects of potentially incompatible land uses including any interface between such uses.

9.12 In addition to the above, we recommend that the amendments recommended by Ms Rushmere in her closing statement and subsequently the whole of Plan integration version are generally adopted, for the reasons outlined in both the Section 42A report and the closing statement. We also recommend minor changes to make the Objective consistent in its terminology with the rest of the PDP and to italicise defined terms.

Findings

9.13 We recommend that Objective 2.3 is amended as outlined in Appendix 1, including the following:

- (a) italicise words that are defined;
- (b) delete “*necessary*” from Clause a);
- (c) amend Clause b) to refer to “*working areas*” rather than “*working environments*”;
- (d) splitting Clause d) into two clauses;

⁴⁹ In accordance with Section 32AA of the RMA.

- (e) amend Clause d) to focus on appropriate areas for higher density residential densities;
- (f) new Clause e) focused on managing development in areas of special character and amenity to maintain those values;
- (g) changes to Clause e) (as notified and to be renumbered as Clause f)) to recognise productive potential of the land rather than productive soils and align with ecological and landscape terms used elsewhere in the PDP;
- (h) Clause e) changing “*preserves*” to “*sustainable*” and deleted references to “*sustainable settlements*”;
- (i) retain Clause f) but renumber as g);
- (j) adding new Clause h) regarding the management of reverse sensitivity; and
- (k) changes to the Explanation to improve clarity and context for Objective 2.3 and remove unnecessary text.

9.14 For the above reasons discussed above, those submissions relating to Objective 2.3 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

9.15 The amended Objective is as follows:

Objective 2.3 Development Management

To maintain a consolidated urban form within *existing urban areas* and a limited number of *identified growth areas* which can be efficiently serviced and integrated with existing townships, delivering:

- a) urban areas which maximise the efficient end use of energy and integration with ~~necessary~~ infrastructure;
- b) a variety of living and working ~~environments~~ areas in a manner which reinforces the function and vitality of *centres*;
- c) resilient communities where *development* does not result in an increase in *risk* to life or severity of damage to property from *natural hazard* events;
- d) higher residential densities in locations that are close to centres and public open spaces, with good access to public transport ~~appropriate areas~~, and ~~avoidance of such development where it would adversely affect areas of special character or amenity~~;
- e) management of *development* in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;
- e) f) ~~preserves settlements that are developed in a manner which preserves:~~ sustainable natural processes including freshwater systems; ~~areas characterised by productive soils, the productive potential of the land,~~

- ~~ecological and landscape importance~~ ecological integrity, identified landscapes and features, and other places of significant natural amenity; ~~and~~
- f) ~~g)~~ an adequate supply of housing and areas for business/employment to meet the needs of the ~~the~~ District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and.
- h) management of the location and effects of potentially incompatible land uses including any interface between such uses.

10 Issue 5: Objective 2.4 Coastal Environment

Description of the Issue

- 10.1 Forty-five submissions were received on Objective 2.4, with only two supporting the Objective in its entirety being Director-General of Conservation [202.2] and Kapiti Coast Grey Power Association Inc [480.12], and twenty eight opposing it. The two supporting submissions considered the objectives gives effect to the NZCPS, particularly Policies 13: Preservation of Natural Character, 15: Natural Features and 18: Public Open Space. We note Clause d) was withdrawn from the PDP, and therefore we have not considered it further, nor the submission points pertaining to it.
- 10.2 The relief sought for the bulk of the submissions opposing the Objective was varied, and included requests for alteration as follows:
- (a) the Explanation is updated to be more accurate and complete;
 - (b) amendments to reflect Council's responsibilities in terms of the foreshore, public roads, the supply of essential services such as water, sewerage and storm water;
 - (c) the need to give effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement;
 - (d) amendments to reflect the developed nature of the coast;
 - (e) enabling appropriate development and not focus solely on the protection and restoration of natural character, natural systems, natural landforms and natural processes; and
 - (f) addressing vehicles on the beach.
- 10.3 In addition, there was a concern expressed that Clauses a) and c) of Objective 2.4 are too extreme, setting the stage for potentially inappropriate application in particular cases.
- 10.4 As referenced earlier, there were also some submissions relating to the explanations to Objective 2.4 via the UTV process. For convenience, we have dealt with this earlier under

Objective 2.2 given the interrelationship with that Objective. For the record, we have not recommended any changes to the explanations of either Objective 2.2 or 2.4.

Evidence and Evaluation

- 10.5 As a preliminary observation, we note that many of the submitters presented evidence on both Objective 2.4 (particularly withdrawn Clause d) dealing with risks to communities from coastal hazards and Objective 2.5; (particularly the explanation dealing with coastal erosion inundation and sea level rise). As all provisions relating to coastal hazards were withdrawn from the PDP after submissions closed (including the above two references), we have had to carefully consider scope provided by submissions. Essentially, the advice we received is that where a submission was lodged on a provision that is no longer part of the PDP then we have no jurisdiction to consider and recommend on such submissions (or any further submissions which 'attach' to such a submission). We have adopted that advice and the points of submission pertaining to withdrawn provisions do not appear in Appendix 2. On the 13 April 2017 Council resolved to withdraw Policy 3.14 and some rules in Chapter 4 of the PDP in response to an Environment Court declaration application. Public notice of the withdrawal was on 3 May 2017. As the withdrawal of these provisions occurred partway through the Hearings process, this is reflected in this report and in the table of recommendations in Appendix 2, where we have recorded where a submission has been made on a provision that was withdrawn on 3 May 2017 and that no recommendation is required.
- 10.6 Related to the above, we also heard from Mr Maassen from North Otaki Beach Residents Group Ltd [38] and Coastal Ratepayers United expressing concerns that some submitters have been precluded from taking part in the PDP process as a result of withdrawn provisions.⁵⁰ We understand only the points of submission pertaining to coastal hazards have been set aside, simply due to the fact that the provisions to which they relate no longer exist. Even though this is a process matter, we do not consider that submitters have been unduly constrained from participating in the PDP process.
- 10.7 These procedural matters aside, we now focus on the substantive aspects of the submissions.
- 10.8 Clause a) as notified contained a number of undefined terms. The Plan-wide submission from Rob Crozier and Joan Allin [451] caused reconsideration of vague and undefined terms. For this reason, we recommend Clause a) is amended so as to contain specific terms and defined terms. We agree that the terms used in Clause a) are very general and do not relate easily to provisions regarding the natural environment. We recommend that the objective is redrafted to be more specific about areas to be protected. We consider these changes will better align with Part 2 of the RMA and also Policies 11, 13 and 15 of the NZCPS. As a result of the submission

⁵⁰ The withdrawal of objectives, policies, rules, and map layers publicly notified on the 30 October 2014 for Coastal Hazard Management Areas, hazardous substances and facilities, and Priority Areas for Restoration.

from Frank and Vicki Boffa [485], we also recommend inclusion of areas of outstanding natural character. This is largely a consequential change to Objective 2.4 as a result of our recommendation to accept the submission by Frank and Vicki Boffa which requested the inclusion of two defined areas of the coastal environment within the District (i.e. Kapiti Island and Waikanae River Mouth) as “*Outstanding Natural Character*” areas. Our evaluation and recommendation of that submission is contained in our report for Chapter 4.

- 10.9 Furthermore we recommend splitting Clause a) into two parts to reflect the content of policies and rules that give effect to this Objective, but also give effect to the submissions that request conformity with the NZCPS and in particular the different emphasis of Policy 13 (natural character) and Policy 14 (restoration) of the NZCPS. Specifically, while we consider it appropriate for areas of outstanding natural character, areas of high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna to be identified and protected (as per Policy 13 of the NZCPS), Policy 14 of the NZCPS promotes restoration or rehabilitation of the natural character of the coastal environment. Therefore, we recommend retaining most of clause a) with the exception of the reference to restoration and inserting a new Clause b) which focuses on restoring natural character where it is degraded rather than the whole suite of outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna (as it was notified). North Otaki Beach Group Inc [38.13] requested that Objective 2.4 a) be amended to only require restoration in appropriate locations, and that it excludes residential areas/living zones and we consider the changes we have recommended will, in part address that submission. Accordingly, we recommend Clause a) is amended as follows:

- a) areas of outstanding natural character and high natural character, ~~natural systems, natural landforms and natural processes,~~ outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected;
- b) areas of outstanding natural character and high natural character ~~and~~ are restored where degraded;

- 10.10 We heard from Mr Jensen [275] outlining his concerns relating to the clarification of how levels of degradation are set in Objective 2.4. Mr Smith from Quicksilver Enterprises [212] also told us that that Objective 2.4 raises inappropriate expectations and fails to take account of the RMA. We consider the recommended changes to include a new Clause b) will assist in addressing those submissions.

- 10.11 Maypole Environmental Ltd [263.2] sought an amendment to Clause a) of Objective 2.4 so it enables appropriate development and does not focus solely on the protection and restoration of natural character, natural systems, natural landforms and natural processes. We note Mr Hansen on behalf of Maypole Environmental Ltd [263.2] considered the changes as proposed in

the Section 42A report to Clause a) to be consistent with the RMA, and supported removing previously vague references to natural character, systems, landforms and processes.

- 10.12 Quicksilver Enterprises [212.4] sought changes to clause a) of the Objective in respect of avoiding, remedying or mitigating rather than “*protect*”. We consider that some matters need to be protected as required by both the RMA and the NZCPS, however we consider subdivision, use and development should also be considered to be more balanced.
- 10.13 In respect to the notified Clause b) of this Objective the written evidence from Coastal Ratepayers United [378] sought the addition of the words “*appropriate subdivision, use and development is enabled*” and reinstatement of text from the Explanation. Their reasons were that the Objective fails to acknowledge the built environment and creates a costly and undue bias against subdivision, use and development. While we have taken the opportunity to ensure the Objectives in general are enabling where possible, particularly given that both the RMA and NZCPS focus on protecting from inappropriate subdivision, use and development.
- 10.14 Mr Hansen’s evidence on behalf of Maypole Environmental Ltd [263] considered that the amendments recommended to Objective 2.4 in the Section 42A report mostly addressed the matters of concern raised by Maypole in its submission. Mr Hansen drew our attention to Clause b) referring to subdivision, use and development (and not the effects of those activities), and did not see how subdivision, use and development per se can be mitigated or remedied. We agree that the focus should be on the effects of the activities rather than the effects themselves and have recommended that the Clause be amended to focus on the effects. For this reason, we recommend inclusion of a new Clause c) that addresses subdivision, use and development as follows:
- c) the effects of inappropriate *subdivision, use and development* are avoided, remedied, or mitigated.
- 10.15 Mr Wilkinson’s [280] written evidence expressed concern at the intrusive regulation of private property in the Coastal Environment, and the dismissal of his concerns in the Section 42A report on the basis that Council needs to give effect to higher order documents such as the NZCPS. We would like to point out to Mr Wilkinson that Section 75(3) of the RMA requires all District Plans to give effect to the NZCPS and the RPS. Both of these planning documents apply irrespective of land ownership and to take a different approach based on land ownership in the Plan would not be giving effect to these higher order documents.
- 10.16 Turning to Clause c) of Objective 2.4, Denis and Jan Toohey [738.H] sought to amend this clause to include the problems caused by vehicles driving on the beach in prohibited areas and travelling over the beach speed limit of 20km/h, and damage to the dunes caused by trail bikes which are prohibited on the beach. The submission sought to include a link to KCDC bylaw 2009, and Policy 20 in the NZCPS 2010. We agree and recommend Clause b) (as numbered in the notified version) be amended to better reflect the NZCPS as follows:

~~b d) appropriate public access to and along the coast is improved to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and~~

10.17 We note that the Section 42A report recommends deletion of Clause c) pertaining to the loss of rural dunes. We agree with Mr Rendall's written evidence on behalf of the Director-General of Conservation [202] that the deletion of Objective 2.4 c), especially with the proposed rewording of 2.4 a), provides less clarity regarding the values that are important within the coastal environment of Kāpiti and the requirement for Section 6(a) "*preservation of natural character*".⁵¹ Accordingly, we recommend the retention of Clause c); particularly given that there are policies and rules (including matters of discretion on this matter) in Chapter 4 Coastal Environment. Those Chapter 4 provisions would benefit from retaining strategic support at an objective level. We recognise that some dunes could potentially be located some distance from the coastal marine area so have therefore added clarification to Clause d) that the focus is on those dunes that are within the area mapped on the District Plan Maps as being part of the dominant coastal environment rather than the wider District. We have made this amendment as a consequential amendment to our findings on the delineation of the coastal environment (which we have addressed in our report on Chapter 4 Coastal Environment). Clause d) of this Objective is achieved by Policy 4.9 which seeks to protect and enhance natural dune systems. This matter is canvassed more fully in our report for Chapter 4. We therefore recommend Clause d) of Objective 2.4 be amended to read:

⇒ e) development does not result in further loss of coastal dunes in the area mapped as the dominant coastal environment.

10.18 Overall, giving effect to the NZCPS has been forefront of our considerations on Objective 2.4; particularly where scope has been afforded by submissions. In this light, we consider the Explanation to Objective 2.4 could also recognise the NZCPS direction in terms of *tāngata whenua* and recommend the inclusion of the following sentence at the end of the fifth paragraph:

The NZCPS provides strong direction recognising *tāngata whenua* values associated with the coastal environment.

Findings

10.19 We recommend that Objective 2.4 is amended as shown in Appendix 1, including:

(a) Clause a) be made more specific by replacing natural systems, natural landforms and natural processes with more specific and defined terms "*areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna*"

⁵¹ Paragraph 17, Statement of Evidence of Christopher Paul Rendall On Behalf of The Director-General of Conservation Chapter 2 - Objectives, 29 March 2016.

- (b) Clause a) be split into two so that one clause focuses on identification and protection areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna while the other focuses on restoration of natural character;
- (c) the addition of a new Clause c) to address inappropriate subdivision, use and development;
- (d) Clause b) as notified (now Clause c)) is amended to facilitate active and passive recreational use while managing vehicle access;
- (e) Clause c) as notified (now Clause d)) is retained but clarified to pertain to coastal dunes in the area mapped as the dominant coastal environment;
- (f) inclusion of a new sentence in the Explanation reflecting the NZCPS provides strong direction recognising tāngata whenua values;
- (g) defined terms are italicised; and
- (h) the Explanation is rationalised and unnecessary information deleted.

10.20 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.4 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

10.21 The amended Objective is as follows:

Objective 2.4 Coastal Environment

To have a coastal environment where:

- a) areas of outstanding natural character and high natural character, natural systems, natural landforms and natural processes, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected;
- b) areas of outstanding natural character and high natural character are restored where degraded;
- c) the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated;
- b) d) appropriate public access to and along the coast is improved to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and
- e) e) development does not result in further loss of coastal dunes in the area mapped as the dominant coastal environment.

11 Issue 6: Objective 2.5 Natural Hazards

Description of the Issue

- 11.1 Twenty nine submissions were received regarding Objective 2.5. Of these, two submissions supported the Objective and sought to have its intent retained. Those submissions were the Director-General of Conservation [202.3] and Coastlands Shoppingtown Ltd [218.12].
- 11.2 The remaining bulk of submissions either opposed the Objective or sought amendments to it. We note that many of the submitters made similar points on Objective 2.5.
- 11.3 Key points of submission seeking amendments included:
- (a) explicitly enabling owners of properties in the coastal environment to maintain, protect and develop their land if they take appropriate measures against the likely risks to their land;
 - (b) the Objective be reworded to give effect to the RPS and NZCPS, and should be reworded to be less extreme with deletion of references to the words "*ensure*", "*avoiding*", "*precautionary approach*" and "*conservative decisions*";
 - (c) requesting a more balanced objective to better measure the long term trends of natural processes (such as climate change) to adequately assess if there is in fact a risk to property and people;
 - (d) recognition of specific activities such as gravel extraction assisting with the management of natural hazards; and
 - (e) the role of Council in managing risks.

Evidence and Evaluation

- 11.4 Before evaluating the above submissions, we merely reiterate the procedural comments we made at the inception of our discussion on Objective 2.4 above; namely that parts of the Explanation to Objective 2.5 dealing with coastal hazards were withdrawn following the lodgement of submissions but did not affect the Objective itself.
- 11.5 As a result of the above, this Objective no longer addresses coastal hazards and is largely uncontested by the remaining submissions.
- 11.6 As a starting point, to this short evaluation, we agree with the Director-General of Conservation [202.3] and Coastlands Shoppingtown Ltd [218.12] that Objective 2.5 sets an appropriate strategic direction for the consideration of natural hazards in the PDP and gives effect to Objective 19 of the RPS. Given the focus of Objective 19 of the RPS on "*reducing the risks and consequences*", we consider the PDP Objective 2.5 is appropriate. We therefore recommend it is retained without modification.

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- 11.7 We agree that the Explanation will benefit from amendments to recognise that appropriate, rather than conservative decisions will be made, where there is sufficient knowledge and information to predict the effects of the hazard.
- 11.8 We acknowledge that there are many ways to manage the risk of natural hazards and do not consider it necessary to specifically identify activities such as gravel extraction as sought by Winstone Aggregates Ltd [92.20].
- 11.9 While we do not recommend any changes to Objective 2.5 in response to submissions, we agree that the Explanation will benefit from the amendments as outlined in the Section 42A reports for the reasons outlined therein. We recommend that the Explanation to the Objective should be amended to recognise that appropriate, rather than conservative decisions will be made, where there is sufficient knowledge and information to predict the effects of the hazard. It is recommended that the explanation reflects this, and that the Explanation should also be more explicit that the approach is to hazard risk management.

Findings

- 11.10 We recommend that Objective 2.5 is retained as set out in Appendix 1, with minor amendments as follows:
- a) italicise defined terms; and
 - b) wording changes to the Explanation to rationalise and remove unnecessary information.
- 11.11 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.5 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 11.12 The retained Objective is as follows:

Objective 2.5 – Natural Hazards

To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of *risk* from *natural hazards*, while recognising the importance of natural processes and systems.

12 Issue 7: Objective 2.6 Rural Productivity

Description of the Issue

- 12.1 Seventeen submissions were received on Objective 2.6, with none in support. Of these submissions, ten submissions opposed or sought deletion of the Objective, while six sought amendments, and one opposed the Objective in part.

- 12.2 There were a number of common themes in the submissions. Several submissions considered that the Objective may prevent rural landowners from using their land to meet the housing needs of the rural community, and that it does not provide for people in the rural community to fairly choose how they use their land. Many submitters also considered the Objective is too wide reaching in its protection of natural systems and processes because it does not adequately explain what these are. Such submissions considered the Objective is too restrictive and fails to recognise that primary production is primarily about modifying natural processes to enable production to occur.
- 12.3 At one end of the submission spectrum was the Director-General of Conservation [202.4] who sought the Objective be amended to reflect that ‘primary production activities must also be undertaken in a manner that does not adversely affect terrestrial, freshwater and marine ecosystems’, and to be more consistent with the requirement of Part 2 of the RMA which requires the avoidance, remediation and mitigation of effects.
- 12.4 At the other end of the spectrum was Horticulture New Zealand [219.25] who sought a greater recognition of rural land for production of food, rather than protection of particular classes of soil. That submitter sought changes throughout the Plan to implement this approach.

Evidence and Evaluation

- 12.5 We heard from Ms Carter representing a number of submitters who opposed this Objective and who sought changes to it. She told us that the higher the price of land the greater the need for that land to be more productive. In her submission, either rural land is used intensively for high productivity or, as is more often the case, it is purchased for the life-style. It is not likely to be both. She considered Council and in particular the Plan should be more realistic about its expectation of rural land on the Kāpiti Coast; in her submission, it is a peri-urban area where rural land values are high and increasing and demand for rural lifestyles is also increasing. She considered that although the focus of Objective 2.6 should be on the “*productive potential of land and other natural resources*”, it should also be broader and acknowledge the use of all natural resources in primary production (e.g. sunlight, wind, wood, water, metal, plants and animals etc). She suggested amending Objective 2.6 so that Clauses a) and b) referred to “*enabling*” rather than “*retaining*” land which is suitable for a range of primary production activities and “*supporting*” rather than “*achieving*” added economic and social value. She suggested that Clauses b) and all of Clause d) should be deleted to make the Objective more flexible and less restrictive. We agree in part. We consider the focus on retaining land suitable for a range of primary production activities is consistent with Policy 59 of the RPS, and therefore Clause a) as notified is generally appropriate. However, we do agree that Clause c) would more appropriately refer to “*enabling*” activities and as such recommend Clause c) be amended to read:

c) ~~achieving priority importance of~~ enabling activities that utilise the *productive potential* of the land in the rural environment; ~~and~~

-
- 12.6 We agree with Horticulture New Zealand [219.25] that the Objective should refer to the primary production activities rather than focusing on soils. Therefore, we recommend amending Clause a) to read:
- a) ~~retaining highly versatile soils and specialised soils for land which is suitable~~
for a range of primary production activities;
- 12.7 Mr Wilkinson’s written evidence expressed concern that the underlying economic assumptions of the Objective are incorrect. We do not agree and consider that Objective 2.6 appropriately gives effect to the RPS.
- 12.8 We heard from Mr Jensen [275] who considered that “*ancillary on-site processing and marketing*” contradicted the principles contained in Objective 2.2: Ecology and Biodiversity, whilst Ms Carter felt it should be broader. We consider that as notified, Clause b) appropriately recognises on-site processing and marketing associated with primary production activities.
- 12.9 We agree with the Director-General of Conservation that the Objective could be amended to be more consistent with the requirements of the RMA. In this respect, we are of the view that a more appropriate focus for the Objective is to safeguard the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment, rather than requiring protection of natural systems. We consider this is more aligned with Section 5(2)(b) of the RMA. For this reason, we recommend including text at the end of the Objective as follows:
- ~~while ensuring that natural systems and processes are protected~~
safeguarding the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment.
- 12.10 We consider the Objective as recommended to be altered gives effect to Section 5 of the RMA and it is appropriate to seek to retain land that is suitable for primary production whilst safeguarding the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment.
- 12.11 We agree with Poultry Industry Association and Egg Producers Federation of NZ [277] that while the Objective recognises that conflicts between land uses must be reduced, it does not specifically recognise reverse sensitivity effects. Accordingly, we agree that the addition of Clause e) to address the reverse sensitivity effects between existing primary production activities and sensitive activities is appropriate.
- e) avoiding, remedying or mitigating adverse effects on the efficient operation of existing primary production activities from sensitive activities establishing on adjoining sites;
- 12.12 In response to this submitter we have also made alterations to certain policies and rules in Chapter 7 to address reverse sensitivity effects in order to align the Rural Zone provisions with the modified objective.
-

12.13 We have recommended an addition to the Explanation in the last paragraph to recognise that the intent of Objective 2.6 is not to constrain day-to-day normal rural activities:

Underpinning all of these issues is the need for rural production to be carried out in a manner that is viable for producers, and avoids undue restrictions on day-to-day normal rural activities, but not at the expense of the natural environment.

12.14 In this vein, we note that this above qualification to the Objective is implemented at both the policy and the rule levels in the rural zone by the relaxation of controls on day to day activities such as the establishment and maintenance of farm and forestry tracks which was a common request by many submitters to the PDP. We cover this in greater detail in our report on Chapter 7 but mention it here to illustrate how this alteration to the Objective and attendant explanation is recommended to be implemented at the rule level.

Findings

12.15 We recommend that Objective 2.6 is amended as shown in Appendix 1, including:

- (a) deletion of “*primary*” in terms of the productive potential of land;
- (b) deletion of the terms “*highly versatile soils*” and “*specialised soils*” from Clause a)
- (c) amending Clause a) to recognise land suitable for a range of primary production activities;
- (d) amending Clause c) to “*enabling*” activities;
- (e) adding a new Clause e) to address reverse sensitivity;
- (f) deleting references to the terms natural systems and processes;
- (g) inserting safeguarding the life-supporting capacity of air, water, soil, and ecosystems to reflect the purpose of the RMA;
- (h) italicise defined terms;
- (i) wording changes to the Explanation to rationalise and remove unnecessary information and to recognise that that the intent of Objective 2.6 is not to constrain day-to-day normal rural activities; and
- (j) minor wording changes to improve accuracy and readability.

12.16 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.6 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

12.17 The amended Objective is as follows:

Objective 2.6 – Rural Productivity

To sustain the ~~primary~~ *productive potential* of land in the District, including:

-
- a) retaining ~~highly versatile soils and specialised soils for~~ land which is suitable for a range of primary production activities;
 - b) achieving added economic and social value derived from *primary production activity* ~~activity~~ activities through *ancillary* on-site processing and marketing;
 - c) ~~achieving priority importance of~~ enabling activities that utilise the *productive potential* of the land in the rural environment; ~~and~~
 - d) reducing conflict between land uses in the rural environment and adjoining areas; and
 - e) avoiding, remedying or mitigating adverse effects on the efficient operation of existing primary production activities from sensitive activities establishing on adjoining sites;

~~while ensuring that natural systems and processes are protected safeguarding the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment.~~

13 Issue 8: Objective 2.7 Historic Heritage

Description of the Issue

- 13.1 While Objective 2.7 focuses on protection of historic heritage, we noted from submissions and evidence presented to us that this approach does not enable appropriate use and development and does not consider the implications for private property owners.
- 13.2 Four submissions were received pertaining to Objective 2.7. Greater Wellington Regional Council [441.7] supported the thrust of Objective 2.7 and sought amendments to clarify the intent in terms of “supporting the contribution” of historic heritage values, features and areas to the identity, character and amenity of places and landscapes in Clause a).
- 13.3 Heritage New Zealand [460.4] supported the Objective but sought amendments to refocus Clause a) on historic heritage features rather than historic heritage values.
- 13.4 Bryce Wilkinson [280.7] sought replacement of the Objective with wording that preserves private property rights, while enabling Council to buy properties with exceptional heritage values in order to preserve them.
- 13.5 Maypole Environmental Limited [263] sought recognition in the wording of the Objective that there may be appropriate subdivision, use and development where the heritage values are recognised and appropriately managed in any development.

Evidence and Evaluation

- 13.6 In his written evidence on behalf of Maypole Environmental Limited [263], Mr Hansen supported and outlined amendments to Objective 2.7 so it enables appropriate use and development instead of requiring the recognition and protection of historic heritage. He considered the Objective as notified requires a form of protection on private property, which sits uncomfortably alongside the enabling purpose of the Act. Mr Hansen clarified that Maypole is not suggesting in its submission that historic heritage protection should not occur on important recognised sites of heritage significance. Rather, he clarified that Maypole sought recognition that there may be appropriate subdivision, use and development where the heritage values are recognised and appropriately managed in any development.
- 13.7 In considering this issue we turned our minds to Section 6(f) of the RMA which requires us to recognise and provide for as a matter of national importance “*the protection of historic heritage from inappropriate subdivision, use, and development*”.
- 13.8 We also considered the policy framework for historic heritage in the RPS, particularly Objective 15 which mirrors Section 6(f) of the RMA:
- Historic heritage is identified and protected from inappropriate modification, use and development.
- 13.9 This RPS objective is achieved by RPS Policies 21, 22 and 46. Policy 21 establishes assessment criteria for identifying sites of historic heritage, Policy 22 seeks to protect those identified sites and Policy 46 provides an interim assessment framework prior to the identification of sites with significant historic heritage value.
- 13.10 While we accept that identified historic heritage areas, sites and features should be protected, we also note that Section 6(f) of the RMA seeks to protect historic heritage from inappropriate subdivision, use, and development [emphasis added]. It seems to us that the Act does not envisage that historic heritage areas, sites and features are locked away in perpetuity and no longer used but more that *inappropriate* use is avoided where it would adversely impact on the heritage values sought to be protected. Therefore, we support the amendments as sought by Mr Hansen in his evidence, enabling appropriate use and development which aligns with the enabling purpose of the Act. We therefore recommend including a new Clause as follows:
- c) providing for appropriate use and development of natural and physical resources with historic heritage values, while ensuring any adverse environmental effects are avoided, remedied or mitigated.
- 13.11 Mr Wilkinson [280] provided a written statement expanding on his submission, and expressed his concern that the Objective turns private assets into private liabilities as it relies on the stick rather than the carrot to preserve historic heritage. He expressed concern at the cost to the private property owner of doing so. While we accept that protecting historic heritage may impose a cost on the landowner, we are aware of non-regulatory assistance that may be available from

Council and Heritage NZ, including financial incentives to encourage the conservation of nationally significant heritage places in private ownership. Priority is given to heritage places of national significance where conservation work is planned and could be improved through extra funding. In addition, protection of historic heritage is a legislative requirement irrespective of land ownership, and in this respect Objective 2.7 gives effect to the RMA, which ensures that historic heritage is protected from inappropriate subdivision, use and development. For this reason, we do not consider any changes necessary in response to the submission.

13.12 Heritage New Zealand [460] also provided a written statement supporting the position outlined in the Section 42A report which recommended accepting their amendments. We agree with this recommendation. We therefore recommend amending Clause a) to read:

- a) supporting the contribution of *historic heritage values, features and areas* ~~their values~~ to the identity, character and amenity of places and landscapes; ~~and~~

13.13 The matter of waahi tapu was the subject of a separate hearing on Chapter 10. We asked Mr Jerome Wyeth (the Reporting Officer for waahi tapu) whether Objectives 2.1 (dealing with Tangata Whenua) and Objective 2.7 in particular, needed to change in light of his recommendations in the Section 42A report for waahi tapu. He considered that Objective 2.1 is self-contained and does not need any alteration, but that Objective 2.7 (b) could refer to “*waahi tapu and other places and areas of significance to Māori*” to be more consistent with Chapter 10 Historic Heritage.⁵² We agree that this is appropriate recognition of Section 6(e) of the RMA. We consider that Clause b) can be focused further as follows:

- b) recognising and protecting *tāngata whenua* historic heritage, including *waahi tapu and other places and areas significant to Māori*, ~~knowledge, histories and ngā taonga tuku iho;~~ and

13.14 On the basis of our considerations outlined above, we recommend accepting the changes as sought by Heritage New Zealand [460] and Maypole Environmental Ltd [263].

13.15 We note that the first paragraph of the Explanation to Objective 2.7 as proposed for inclusion in the Section 42A report contains incorrect references to outstanding natural landscapes and therefore recommend the following wording:

The RMA identifies the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance under section 6(f). In addition, section 6(e) identifies the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāahi tapu, and other taonga as a matter of national importance. These requirements facilitate the achievement of the overall purpose of the RMA to promote sustainable management of natural and physical resources.

⁵² Paragraph 3.21 Kapiti Coast Proposed District Plan - Reporting Officer Closing Statement Chapter 10: Historic Heritage (Waahi Tapu), Jerome Wyeth.

Findings

13.16 We recommend that Objective 2.7 is amended as shown in Appendix 1, including:

- (a) recognition of historic heritage features and values in Clause a);
- (b) inclusion of waahi tapu and other places and areas significant to Maori in Clause b);
- (c) adding a new Clause c) to balance use and development with protection of historic heritage;
- (d) amendments to the explanation to better reflect the RMA Sections 6(e) and 6(f);
- (e) italicise defined terms;
- (f) wording changes to the Explanation to rationalise and remove unnecessary information; and
- (g) minor wording changes to improve accuracy and readability.

13.17 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.7 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

13.18 The amended Objective is as follows:

Objective 2.7 – Historic Heritage

To protect *historic heritage* in the District for the social, cultural and economic wellbeing of the Kāpiti Coast community and future generations, ~~this including~~es:

- a) supporting the contribution of *historic heritage values, features and areas* their values to the identity, character and amenity of places and landscapes; ~~and~~
- b) recognising and protecting *tāngata whenua historic heritage*, including waahi tapu and other—places and areas significant to Māori; and— ~~knowledge, histories and ngā taonga tuku iho—~~
- c) providing for appropriate use and development of natural and physical resources with historic heritage values while ensuring any adverse environmental effects are avoided, remedied or mitigated.

14 Issue 9: Objective 2.8 Strong Communities

Description of the Issue

14.1 There were nine submissions received regarding this Objective, of which there were two submissions that supported Objective 2.8 and one partially supporting it. Only one submission

opposed the Objective and that is Stephen Lang [432.2] on the basis that it is not clear what part of the Plan is being referred to and it is assumptive that sea levels will rise.

- 14.2 The majority of submissions sought amendments to address various diverse matters, such as:
- (a) access to rivers, lakes, wetlands and their margins for recreational use by anglers, hunters and their dogs (where appropriate);
 - (b) increased access to locally produced food, minerals (particularly aggregate) and energy resources;
 - (c) recognition that the prime responsibility of the Council to protect members of the community in terms of persons and property;
 - (d) fence heights and visual permeability; and
 - (e) the ability for a community to connect to a transport network that is capable of adapting over time.

Evidence and Evaluation

- 14.3 NZ Transport Agency [457.14] sought an inclusion of a new clause regarding the ability for a community to connect to a transport network that is capable of adapting over time. We do not agree that changes are required to Objective 2.8 as Objective 2.13 more specifically acknowledges the importance of infrastructure and services. We note that NZTA's planning witness (Ms Penfold) accepted that this matter is adequately addressed by access being referred to directly in Objective 2.8(a), and that it is implicit that infrastructure will need to be sustained and adapted over time to achieve an adaptable, connected transport network.
- 14.4 We heard from Mr Smith [443] who sought inclusion of social infrastructure in Objective 2.8: Strong Communities. While this matter was not specifically covered in Mr Smith's original submission, there were other submissions which provide scope for this change such as Landlink [191.22] who sought consistency with the RMA. We agree and consider this is adequately covered by the inclusion of social and community services and facilities in Clause a) as follows:
- a) have easy access and connectivity to quality and attractive public places and local social and community services and facilities;
- 14.5 We agree in part with some of the matters raised by Landlink Ltd [191.22], that the Objective is broadly in line with sustainable management under the RMA, but the matters listed in the objective do overlap. For this reason, we agree with deletions and streamlining of the Objective so it is more tightly focused. In particular, we recommend deleting Clauses b), e), f), h) and i). We also recommend the rationalisation of various clauses by including the concept of "*quality and attractive*" places from Clause e) and f) into Clause a).
- 14.6 We heard from Ms Pope [547] who sought retention of the Objective as notified. We are unable to accept that submission because we agree with Ms Rushmere's closing statement which

concluded that the principles addressed in the deleted clauses recommended to be deleted are adequately covered in Objective 2.11: Character and Amenity and Objective 2.13: Infrastructure.⁵³

- 14.7 While we understand the points made by Jan Toohey [427.1] with regards to fence height, we consider objectives set the higher order outcomes for the District and detail such as fencing heights is more appropriately addressed in policy and rules. However, we recommend retaining Clause e) which establishes a strong sense of safety and security in public and private spaces.
- 14.8 We consider the second paragraph of the Explanation should be retained, to recognise that a resilient community is one that has the capacity to actively respond and adapt to change with minimum cost to communities, to community systems (including infrastructure) and ecosystems.

Findings

- 14.9 We recommend that Objective 2.8 is amended as shown in Appendix 1, and includes:
- (a) Clause a) includes “quality and attractive” public places;
 - (b) Clause b) is deleted;
 - (c) Clause c) is amended to include acknowledgement of other products;
 - (d) Clauses e), f), and h) and i) are deleted;
 - (e) retention of the second paragraph to the Explanation;
 - (f) italicise defined terms;
 - (g) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (h) minor wording changes to improve accuracy and readability.
- 14.10 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.8 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 14.11 The amended Objective is as follows:

Objective 2.8 – Strong Communities

To support a cohesive and inclusive community where people:

- a) have easy access and connectivity to quality and attractive public places and local social and community services and facilities;
- ~~b) have capacity to respond to change and ability recover from sudden environmental and economic system shocks and stresses;~~

⁵³ Paragraph 3.30 Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

- ~~e) b)~~ have increased access to locally produced food, ~~and~~ energy and other products and resources; and
- ~~e) c)~~ have improved health outcomes through opportunities for active living ~~and/or~~ access to health services.
- ~~e)~~ ~~have access to high-quality and attractive places;~~
- ~~f)~~ ~~can efficiently and effectively use community resources, places and spaces;~~
- ~~e) d)~~ have a strong sense of safety and security in public and private spaces;
- ~~h)~~ ~~feel part of and pride in a distinct shared identity and wellbeing; and~~
- ~~i)~~ ~~find opportunities and places for community involvement and interaction.~~

15 Issue 10: Objective 2.9 Landscapes

Description of the Issue

- 15.1 Twenty three submissions were received on Objective 2.9, of which two submissions supported the objective, nine opposed the Objective, one opposed the Objective in part, and eleven sought amendments. The Director-General of Conservation [202.5] and Wellington Fish and Game Council [462.6] supported the Objective on the basis that it is consistent with the RMA, and sought that it be retained as notified.
- 15.2 A common theme of the submissions was a request that the Objective be altered to more accurately reflect the RMA. In particular, submitters sought only outstanding natural features and landscapes be protected from inappropriate subdivision, use, and development. Other requests for amendments included:
- (a) deletion of Clause b);
 - (b) deletion of Clause d) (dealing with areas of high natural character);
 - (c) replacement of the word “*protect*” with the words “*maintain and enhance*”; and
 - (d) deleting significant amenity landscapes.
- 15.3 Some submissions also considered the Objective needs to be more balanced, recognising that some development with minimal adverse effects on outstanding natural features and landscapes may be appropriate in certain circumstances in some of these areas. Such submissions suggested that the network of overlays that may apply - identified outstanding natural features and landscapes, significant amenity landscapes and areas of high natural character - would significantly restrict development in the District.

Evidence and Evaluation

15.4 Mr Hansen’s evidence on behalf of Maypole Environmental Ltd [263.4] suggested that the Objective be altered such that it reflects the requirements of section 6(b) of the RMA that only outstanding natural features and landscapes are to be protected from inappropriate subdivision, use, and development. He outlined Maypole’s concern that the Objective refers to other items such as “*the landscape values of coastal hills and escarpments*” which he submitted casts the net very wide in terms of the protection required. We agree that the Objective should focus on those landscapes and features that have been identified. In this regard, outstanding natural features and landscapes and special amenity landscapes are identified on the District Plan Maps, and the intention of “*identified significant landforms*” is to address those landforms that have been specifically identified within the District Plan (but not necessarily in the District Plan Maps) such as structure plans. We also consider Objective 2.9 should reflect Section 6(b) of the RMA. In this respect, we recommend the Objective be focused on outstanding natural features and landscapes, special amenity landscapes and identified significant landforms. In order to clarify what the term “*identified significant landforms*” relates to, we recommend the following addition to the Explanatory text:

Identified significant landforms are those landforms that have been specifically identified within the District Plan (but not necessarily in the District Plan Maps) such as structure plans.

15.5 We heard from Mr Smith on behalf of Quicksilver Enterprises [212] who primarily sought the deletion of the Objective 2.9, but in the case it remained he sought certain amendments. Mr Jensen [275] also felt that the intent of the Objective should be clearer. The changes he requested are similar to those of Mr Smith [443] who suggested that the first sentence of the Objective should be amended to include “*from inappropriate subdivision, use and development and enable the efficient use and development of natural and physical resources while maintaining and where practicable enhancing*”.

15.6 We note that Transpower New Zealand’s written evidence supported the Section 42A report’s recommendation to amend the objective by inserting reference to “*inappropriate subdivision, use and development*” and applying the Objective only to outstanding natural features and landscapes and special amenity landscapes as opposed to all natural areas. We agree with the submitters in this regard and recommend rewording the Objective as follows:

To protect the District’s ~~natural landforms and valued landscapes, including:~~ identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and

a) maintain or enhance the landscape values of ~~significant~~ special amenity landscapes; and identified significant landforms; and

b) avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms, and areas of high natural character;

- ~~b) Stream and river corridors, including stream and river mouths, head waters and estuaries;~~
- ~~c) Remaining coastal dunes, wetlands and native vegetation; and~~
- ~~d) The landscape values of coastal hills and escarpments.~~

- 15.7 We note that Mr Hansen also felt that the Objective should be worded more positively, however Section 6(b) of the RMA specifically seeks to “*protect*”. While other Objectives may enable appropriate development, we consider that the most appropriate way to meet the purpose of the Act in this particular instance is to protect outstanding natural features and landscapes from inappropriate subdivision, use, and development.
- 15.8 Mr Smith [443] drew our attention to a potential conflict between Objective 2.9 and Objective 2.6 Rural Productivity. While his submission did not specifically address this issue, his further submission [FS 139] supported other submissions seeking to have a more balanced approach to objectives. We consider that both of these objectives provide strategic direction to the rest of the Plan regarding matters to which particular regard should be given and provide direct guidance on what is appropriate in terms of relevant rules and standards. As reflected in the Purpose of the RMA itself (Section 5), there is a balance between allowing development whilst also protecting the environment. For this reason, we consider it is appropriate that some Objectives promote protecting particular resources while others enable use of other resources. Accordingly, we believe that Objectives 2.9 and 2.6 can co-exist and as such we do not recommend any further alteration to either objective.
- 15.9 Greater Wellington Regional Council [441] sought that all references to “Significant Amenity Landscapes” be changed to “*Special Amenity Landscapes*” to match the defined term in the RPS. As discussed in detail in our report on Chapter 3 Natural Environments, we agree and therefore recommend Objective 2.9 refers to “*Special Amenity Landscapes*”.
- 15.10 Ms Smith appeared on behalf of Waa Rata Estate [327] and considered that Special Amenity Landscapes should be maintained rather than protected. While this was not specifically addressed in the Waa Rata Estate submission, we note that FS139 supported other submissions seeking to have a more balanced approach to objectives. We agree that this would most appropriately reflect the cascade envisaged by Sections 6 and 7 of the RMA, and give effect to Objective 18 and Policy 28 of the RPS. We therefore recommend amending Objective 2.9 so as to deliver a two tiered approach where special amenity landscapes are “*maintained or enhanced*” rather than the higher tier of “*protect*” which applies to outstanding natural features and landscapes. We also recommend deleting high natural character from Objective 2.9 as we feel this is more appropriately addressed in Objective 2.4 Coastal Environment. As outlined in Section 6(a) of the RMA and Policy 11 of the NZCPS natural character is primarily identified and protected in the coastal environment. As a consequence of a more focused Objective, we recommend changing the title of the Objective to “*Landscapes, Features and Landforms*”.

-
- 15.11 Mr Wilkinson's written evidence expressed concern that at the 'stick' approach to private property rather than a 'carrot' approach. We would draw his attention to Section 6(b) of the RMA in particular and consider that the amended Objective 2.9 will achieve this matter of national importance.
- 15.12 We agree that the various submissions seeking deletion of Clauses b), c) and d) as we consider this will focus the Objective more appropriately on identified and mapped landscape features, as these only need to be protected where they form part of identified outstanding natural features and landscapes.
- 15.13 We consider the Objective as amended gives effect to Section 6(b) of the RMA and the RPS with respect to recognising and providing for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development, and Section 7 of the RMA and RPS with regards to maintaining or enhancing special amenity landscapes.

Findings

- 15.14 We recommend that Objective 2.9 is shown in Appendix 1, including the following amendments:
- (a) deletion of references to natural landforms and valued landscapes;
 - (b) Clause a) is amended to better reflect the RMA by addressing inappropriate subdivision, use and development;
 - (c) references are changed from significant to special amenity landscapes to reflect the Wellington Regional Policy Statement;
 - (d) areas of high natural character are deleted from Clause a) (numbered as notified) as these are more appropriately addressed in Objective 2.4 Coastal;
 - (e) Clauses b), c) and d) (numbered as notified) are deleted; and
 - (f) the Explanation is rationalised and refined;
 - (g) new title to widen the application of the Objective to Landscapes, Features and Landforms;
 - (h) italicise defined terms;
 - (i) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (j) minor wording changes to improve accuracy and readability.
- 15.15 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.9 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 15.16 The amended Objective is as follows:

Objective 2.9 – Landscapes, Features and Landforms

To protect the District's ~~natural landforms and valued landscapes, including: a) identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and~~

a) ~~maintain or enhance the landscape values of significant special amenity landscapes, and identified significant landforms;~~ and

b) ~~avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms, and areas of high natural character;~~

b) ~~Stream and river corridors, including stream and river mouths, head waters and estuaries;~~

e) ~~Remaining coastal dunes, wetlands and native vegetation; and~~

d) ~~The landscape values of coastal hills and escarpments.~~

16 Issue 11: Objective 2.10 Contaminated Land

Description of the Issue

16.1 Two submissions were received regarding Objective 2.10 seeking amendments. Horticulture New Zealand [219.28 and 31] sought that the Objective be renamed and references to “*hazardous facilities*” be deleted. Kapiti Coast District Council [440.34] sought minor wording changes.

Evidence and Evaluation

16.2 We note that Objective 2.10 was affected by the withdrawal of various objectives, policies, rules, and map layers publicly notified on the 30 October 2014. Amongst those provisions to be affected by those withdrawals were the hazardous substances provisions in Chapter 9. The reason for the withdrawal of hazardous substance provisions was an independent review of the PDP identified the hazardous substances provisions as being out of date and no longer best practice. The provisions in the PDP were considered to conflict with (and sometimes duplicate) landowner's requirements to comply with the Hazardous Substances and New Organisms Act 1996. The independent review also identified issues regarding the practicalities of enforcement. Provisions relating to both hazardous facilities and hazardous substances were withdrawn.

16.3 We agree with the minor wording amendments requested in the KCDC submission as recommended in the Section 42A report as the wording more accurately reflects 'The Ministry for the Environment's Hazardous Activities and Industries List (HAIL)'. We recommend adding the words “*involving contaminated land*” for clarity to the end of the Objective. We also recommend deleting the words “*and physical assets*” as physical assets is no longer appropriate in the

context of contaminated land, now that the Objective no longer addresses hazardous substances and facilities (as a result of withdrawal of provisions).

- 16.4 As a consequential change from addressing the submission from the Oil Companies pertaining to Chapter 9 [512.15 and 16] (which we have addressed in more detail in our decision on Chapter 9) we recommend a paragraph is added to the Explanation to draw to the attention of PDP users the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. We recommend the following text is added to the end of the Explanation:

Development, use, and subdivision of contaminated land in the District is managed through the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, in addition to general earthworks rules and standards. The regional plan(s) for the Wellington Region also contain rules which manage contaminated land and activities which may result in discharges to water, and discharges to land where contaminants may enter water.

- 16.5 For the reasons outlined in the Section 42A report we recommend Objective 2.10 is retained as it assists Council in carrying out their functions under Section 31(b) regarding the control of any actual or potential effects of the development, subdivision, or use of contaminated land.

Findings

- 16.6 We recommend that Objective 2.10 is amended as shown in Appendix 1, including the following changes:
- (a) inclusion of references to contaminated land;
 - (b) deletion of “*and physical assets*”;
 - (c) extending the Explanation to include includes reference to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011; and
 - (d) italicise defined terms;
 - (e) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (f) minor wording changes to improve accuracy and readability.
- 16.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.10 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 16.8 The amended Objective is as follows:

Objective 2.10 Contaminated Land

To prevent or mitigate any adverse environmental *effects*, including risks to human health, ~~and the environment, and physical assets~~, arising from past, present or future activities involving contaminated land.

17 Issue 12: Objective 2.11 Character and Amenity

Description of the Issue

17.1 Twenty six submissions were received on Objective 2.11, with most opposing or seeking amendments. Key points made by the submissions include:

- (a) addressing conflicting land uses;
- (b) recognition that rural character, based on a working landscape exists as a result of the on-going evolution of rural productive land uses which enables people (directly the landowners and land managers, and indirectly rural service providers) to provide for their economic well-being.
- (c) the word “*protect*” does not reflect that rural communities are dynamic and change over time to ensure productive activities can occur, and living environments can be created;
- (d) the need for consistency with the RMA by replacing the word “*protect*” with the term “*maintain and enhance*”;
- (e) widening the focus of the Objective to deal with the range of adverse effects that may not come within the PDP (and RMA) definition of “*Amenity values*”;
- (f) the descriptions of the rural area are not accurate; and
- (g) recognition of amenity issues in specific areas / settlements.

17.2 Most of the submissions related to the opening words of the Objective and Clauses d) and e).

Evidence and Evaluation

17.3 Rob Crozier and Joan Allin [451.41] sought that the focus of Objective 2.11 is widened, including the title and the matters dealt with in the objective, to reflect the range of adverse effects that may not come within the Plan (and RMA) definition of “*Amenity values*”. We agree and recommend amending the title to be “*Character and Amenity Values*”. We have also recommended that the first sentence be amended to include the term amenity values.

17.4 Five submissions opposed Objective 2.11 on the basis that the word “*protect*” does not reflect that rural communities are dynamic and change over time to ensure productive activities can occur, and living environments can be created. One particular submitter, Winstone Aggregates

[92.25], suggested alternative wording as "*To maintain and enhance the unique character...*". We agree and recommend that the beginning sentence of the Objective be amended to read:

To ~~protect~~ maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy.....

17.5 We also heard from both Ms Smith on behalf of Waa Rata Estate [327] and Ms Carter on behalf of Land Matters [411] that the term "*infrequent buildings*" in Clause d) is difficult to quantify and that the character of rural areas is adequately addressed through the word openness. This was indeed a point made by a number of submitters - that the rural area is not a wilderness and does indeed contain buildings, albeit that they are less frequent than in urban areas. Ms Carter explained that the term "*infrequent buildings*" may preclude the construction of buildings located close together, or clustering of dwellings. We agree that it is a subjective term open to interpretation and recommend its deletion from Clause d) as follows:

d) productive ~~and attractive~~ rural areas, characterised by openness, natural landforms, areas and corridors of *indigenous vegetation*, and *primary production activities*; and

17.6 We also agree with Winstone Aggregates [92.26], that the word "*attractive*" can be highly subjective and does not sit well with the focus of Clause d) which is about managing the interface between potentially conflicting land uses. We note that Winstone Aggregates [92.26] made the same points with regards to Clause e) and the references to a high amenity interface.

17.7 We heard from Mr Allan Smith [443] and Mr Quentin Smith from Quicksilver Enterprises [212] who sought wording changes. The changes sought include moving "*primary production areas*" to the front of the list in Clause (d) and recognition of the positive community aspects of production forestry including recreation opportunities such as mountain biking. While this matter was not addressed in the primary submission, it was covered in Mr Smith's further submission [FS 139] which supported other submissions seeking to have a more balanced approach to objectives. We consider neither of these changes are necessary - moving the term "*primary production areas*" within the Objective would change the focus of the Objective which is character and amenity. In addition, there is no need to highlight positive aspects of specific activities when an objective is a higher level outcome statement, and for this reason we consider no changes are necessary in response to these two particular submissions.

17.8 Ms Carter drew our attention to Clause (d) which refers to the rural environment being characterised by "*corridors of indigenous vegetation*". While shelterbelts may form corridors, they are exotic species with very few corridors of indigenous vegetation. She made the point that Clause d) does not describe many of the rural activities that take place such as production forestry and the character of farmlets and rural lifestyle blocks which often have shelter belts and buildings clustered close together. Ms Carter suggested that Clause (d) needs to be more reflective of the rural community. We consider the Objective does not need to describe every rural activity and that "*areas and corridors*" is broad enough to cover a number of forms of

indigenous vegetation. We also observe that because the definition of primary production activities includes plantation forestry, we consider this activity does not need to be singled out in an Objective. We do not recommend any changes in response to this submission.

- 17.9 Ms Carter considered that Clause (e) of Objective 2.11, which seeks to manage the interfaces between different types of land use, conflicts with Objective 2.6(e) which seeks to avoid sensitive activities being located close to an established primary production activity. She questioned what effects Clause (e) of Object 2.11 is trying to minimise. We consider the interface between activities and the management of reverse sensitivity is a key issue for the District. In this respect, we emphasise that users of the Plan need to be cognisant that Clause (e) applies to all areas, not just rural, and managing the interface to minimise adverse effects is part of managing the character and amenity of the District.
- 17.10 Mr Jensen [275] suggested that beginning of Clause d) referring to “*productive rural areas characterised by openness*” contradicts the thrust of Objective 2.2: Ecology and Biodiversity, with regards to “*the whittling away of the precious natural environment*”. We do not think this is the case and draw his attention to the latter part of Clause d) which refers to “*areas and corridors of indigenous vegetation*”.
- 17.11 With regards to Clause e), Winstone Aggregates [92.27] considered that the interface between residential, business and working environments is not a high amenity area. In their submission these are areas where there is a transition, but it could never be described as having a high amenity which shall be protected. While we consider that e) is an appropriate limb in this Objective (albeit with amendments) we agree that “*well managed*” better reflects the outcome expressed by the Objective.
- 17.12 Horticulture New Zealand [219.29 and 219.32] sought inclusion of the words “*rural environment*” in Clause e) and we agree that management of the rural interface is important. We recommend including recognition of minimising adverse effects to Clause e) to increase clarity for the Objective. We also agree that the Objective should be amended to refer to “*areas*” rather than “*environments*” for consistency with the rest of the Plan. We note a similar change was sought by Rob Crozier and Joan Allin [451.28] with regards to the removal of the word “*environment*” and inclusion of the word “*area*”. We recommend Clause e) be amended to read:
- e) ~~a high amenity~~ well managed interfaces between different types of land use areas (e.g. between living, and working and rural areas environments) and between potentially conflicting land uses, so as to minimise adverse effects.
- 17.13 Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] sought changes to the Explanation to Objective 2.11 to clarify how the Objective is to be achieved. He also restated the desire to replace “*protect*” with “*maintain and enhance*” and we agree that this more appropriately captures the requirements of the RMA that requires particular regard to be had to the maintenance and enhancement of the quality of the environment (Section 7(f)) and amenity (Section 7(c)).

17.14 With regards to the points of submission made by Rob Crozier and Joan Allin [451.41 and 451.42], we agree that Objective 2.11 should be amended to be consistent with terminology in the RMA. However, we do not believe that the character and amenity of a particular location should be singled out at the objective level and that this can be more appropriately and comprehensively addressed through policies, methods and rules. The issues of Te Horo can be addressed in the Explanation to help clarify applicability of the Objective to that particular area and we do not therefore recommend any changes to the Objective with respect to Te Horo. We recommend the following text is added into the Explanation to address Te Horo as follows:

The coastal community of Te Horo Beach is a quiet, relatively remote, low-density area with one narrow road accessing the village, many streets with no kerbs or footpaths, and potential adverse effects from septic tanks on drinking water supplied by bores. The activities and development that would be appropriate in this area are therefore different from other areas with better services and infrastructure.

Findings

17.15 We recommend that Objective 2.11 is amended as shown in Appendix 1, including the following:

- (a) the title of the Objective is amended to include values;
- (b) “*amenity values*” are included in the opening sentence;
- (c) the focus of the objective is changed from “*protect*” to “*maintain and enhance*”;
- (d) all references to “*environments*” are changes to “*areas*”;
- (e) “*and attractive*” is deleted from Clause d);
- (f) “*infrequent buildings*” is deleted from Clause d);
- (g) Clause e) is amended to reflect the different types of land use environments and minimise adverse effects;
- (h) the rural areas are included in Clause e);
- (i) italicise defined terms;
- (j) wording changes to the Explanation to rationalise and remove unnecessary information; and
- (k) minor wording changes to improve accuracy and readability.

17.16 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.11 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

17.17 The amended Objective is as follows:

Objective 2.11 Character and Amenity Values

To ~~protect~~ maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:

- a) relaxed, unique and distinct village identities and predominantly low-density residential areas environments characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;
- b) vibrant, lively *town centres* supported by higher density residential and mixed use areas environments;
- c) neighbourhood *centres*, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;
- d) productive ~~and attractive~~ rural areas, characterised by openness, natural landforms, areas and corridors of *indigenous vegetation*, and *primary production activities*; and
- e) ~~a high amenity~~ well managed interfaces between different types of land use areas (e.g. between living, and working and rural areas environments) and between potentially conflicting land uses, so as to minimise adverse effects.

18 Issue 13: Objective 2.12 Housing Choices and Affordability

Description of the Issue

- 18.1 Four submissions were received regarding Objective 2.12. The two supporting submissions were from Regional Public Health [252.2], and Cuttriss Consultants Ltd [550.3] who considered there is a need to refer to avoiding adverse effects caused by different housing (and activity) types (e.g. increasing pressure on septic tanks that affect the drinking water of people using bores, caused by increased intensification due to a range of permitted residential (and non-residential) activities).
- 18.2 Landlink Ltd [191.25] expressed concern that Objective 2.12 does not address the purpose and principles of the RMA. Rob Crozier and Joan Allin [451.43] sought that Objective 2.12 is widened to include the concept in general terms of the importance of health and safety issues relating to drinking water by avoiding pressure on septic tanks (but using appropriate terminology).

Evidence and Evaluation

- 18.3 We consider the Objective to be broadly consistent with the principle of 'sustainable management' under the RMA, as it is enabling people and their communities to provide for their

social, economic, and cultural wellbeing and for their health and safety. For this reason, we acknowledge and accept the submissions supporting the Objective.

- 18.4 We do not consider health and safety issues associated with onsite servicing are most appropriately addressed in this Objective. The focus of Objective 2.12 is on housing choice and affordability, and the matters raised in the submission from Rob Crozier and Joan Allin [451.43] are most appropriately addressed in Objective 2.13 Infrastructure and Services and the attendant policies of that Objective.

Findings

- 18.5 We recommend that Objective 2.12 is retained as notified.
- 18.6 We recommend that the Explanation is amended as shown in Appendix 1, including the following:
- (a) italicise defined terms;
 - (b) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (c) minor wording changes to improve accuracy and readability.
- 18.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.12 11 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 18.8 Objective 2.12 is as follows:

Objective 2.12 Housing Choice and Affordability

To meet diverse community needs by increasing the amount of housing that:

- a) is of densities, locations, types, attributes, size and tenure that meets the social and economic wellbeing needs of households in suitable urban and rural locations;
- b) is affordable and adequate for lower income households; and
- c) can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference;

while enhancing the amenity of living environments and contributing to the sustainability of communities and compatibility with the goals of environmental sustainability, in particular resource, water and energy efficiency.

19 Issue 14: Objective 2.13 Infrastructure and Services

Description of the Issue

- 19.1 Seventeen submissions were received relating to Objective 2.13, five of which supported the Objective either in part or in its entirety. The balance of the submissions sought amendments to the Objective. Most of the submitters on Objective 2.13 were infrastructure providers.
- 19.2 Those submissions seeking amendments addressed a number of matters including the following:
- (a) recognition that it may not always be practical to minimise adverse effects of an electricity generation activity;
 - (b) recognition of the importance and national, regional and local benefits of infrastructure and services;
 - (c) specific reference to coastal hazard protection infrastructure;
 - (d) replace “*minimise potentially adverse environmental effects*” with “*avoiding, remedying or mitigating adverse effects on the environment*”.
 - (e) amendments so that the objective only reflects RMA issues, not social infrastructure or building a stronger community;
 - (f) recognition of the gas distribution network; and
 - (g) application of the National Environmental Standard for Telecommunications Facilities.

Evidence and Evaluation

- 19.3 We heard from Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] who supported the objective, but sought the inclusion of commentary on the role or contribution of Council in providing infrastructure, and the provision of this infrastructure and community services by the land owner/resource user. Whilst we agree that Council does have a role to play in infrastructure development and operation, many of the essential services (such as telecommunications) are run by private companies, which means that there will be many aspects that are largely outside of the scope of the Council to be able to control. Accordingly, we do not consider the Objective needs to be amended to reflect this.
- 19.4 We agree with the Section 42A report that specific reference to coastal hazard protection infrastructure as requested by North Otaki Beach Residents Group Inc [38.17] is not appropriate in this Objective.⁵⁴ The objective relates to infrastructure that provides essential services to the community. We note that Infrastructure in the PDP means the same as that in the RMA and the

⁵⁴ Paragraph 554, s42A Report: Part B - Objectives, Suzanne Rushmere.

RPS, which does not include coastal hazard protection structures. We consider Objective 2.13 should remain focused on the scope of activities and structures identified as infrastructure in the RMA and RPS.

- 19.5 We agree with Transpower New Zealand Ltd [208.15] that the national, regional and local benefits of infrastructure should be recognised, and this gives effect to the RPS (Objective 10 and Policy 39). In this regard, we recommend that the start of the Objective is amended to read:

To recognise the importance and national, regional and local benefits of *infrastructure*...

- 19.6 We also recommend “*region*” is added to Clause a) as a consequential amendment.
- 19.7 We agree with New Zealand Transport Agency [457.12 and 457.15] and Director-General of Conservation [202.6] that the Objective could more closely reflect the wording of the RMA and therefore recommend inclusion of “...*while avoiding, remedying or mitigating adverse effects on the environment*”. We consider that this is more appropriate wording than seeking adverse effects are minimised “*as far as practical*”. We accept the argument of both these submitters that not all effects can be avoided, particularly when the activity depends on the location of a particular resource (such as renewable electricity generation) and therefore the inclusion of remedying and mitigating will cover these instances.
- 19.8 While we agree that with Landlink Ltd [191.26] that the Objective should be focused on infrastructure as it is defined in the RMA, we consider the inclusion of “*social and physical*” is appropriate to recognise that infrastructure to support communities is more than the physical pipes and roads. This is also reflected by the inclusion of the section on Community Facilities in Chapter 11 Infrastructure and Services. Given the focus of the Objective we do however question inclusion of ecological resilience in Clause b) and recommend its deletion in order to keep the Objective tightly focused.
- 19.9 We agree with the changes sought by Chorus New Zealand Ltd [442.10] and Telecom New Zealand Ltd [444.8] to the explanation, to make it clear that the NES for Telecommunications Facilities also covers provision for streetlight solutions in road, and the application of the radio frequency provisions to all telecommunications. We agree this will ensure PDP users are aware of the National Environmental Standard for Telecommunications Facilities.

Findings

- 19.10 We recommend that Objective 2.13 is amended as shown in Appendix 1, including the following:
- (a) inclusion of the recognition of the importance and national, regional and local benefits of infrastructure;
 - (b) the Objective is split into two clauses to improve readability;
 - (c) Clause a) is amended to reflect the regional needs;

- (d) Clause b) is amended to better reflect the purpose of the RMA;
- (e) italicise defined terms;
- (f) wording changes to the Explanation to rationalise and remove unnecessary information; and
- (g) minor wording changes to improve accuracy and readability.

19.11 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.13 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

19.12 The amended Objective is as follows:

Objective 2.13 – Infrastructure ~~and Services~~

To recognise the importance and national, regional and local benefits of infrastructure and ensure the efficient *development*, maintenance and operation of an adequate level of ~~social and physical infrastructure and services~~ throughout the District that:

- a) meets the needs of the community, and the region; and
- b) builds stronger community ~~and ecological~~ resilience, while ~~minimising avoiding, remedying or mitigating~~ potentially adverse ~~environmental effects~~ on the environment.

20 Issue 15: Objective 2.14 Access and Transport

Description of the Issue

20.1 Fourteen submission points were received regarding Objective 2.14.

20.2 The submissions seeking amendments were varied and covered a range of matters including:

- (a) providing for the efficient movement of freight;
- (b) opposing restricting access;
- (c) recognition of benefits needing to be greater than costs; and
- (d) enabling efficient and effective functioning.

20.3 A number of submitters requested replacement of the word “*minimise*” with “*avoiding, remedying or mitigating any adverse effects on the environment*” to better reflect the RMA.

Evidence and Evaluation

20.4 We heard from Ms Penfold on behalf of the NZ Transport Agency [457] requesting that the word “*minimise*” be replaced with “*avoiding, remedying or mitigating*”. She outlined that the New Zealand Transport Agency is concerned that the use of *minimise* creates an unrealistic community expectation and imposes a high level of avoidance/mitigation on infrastructure providers that may not be consistent with RMA expectations. We note that the Director-General of Conservation [202.7] requested the same relief as the NZ Transport Agency [457.16], while KiwiRail Holdings [447.2] requested “*minimise*” be deleted. We agree that this amendment will more accurately reflect the RMA. In response to these submissions we recommend Clause d) of Objective 2.14 be amended to read:

d) minimises, avoids, remedies or mitigates adverse effects on land uses ~~and vice-versa; and...~~

20.5 We agree with KiwiRail Holdings Ltd [447] that the transport network needs to be able to operate and function efficiently. However, we consider 'protect and enable' as proposed by KiwiRail Holdings Ltd places too much emphasis on the transport system, when it needs to be integrated with landuse. As such, we see a new Clause e) as achieving this same outcome and agree with the New Zealand Transport Agency [457.18] that Clause d) be split to address effects on the transport system in a separate clause as follows:

e) does not have its function and operation unreasonably compromised by other activities;

20.6 We do acknowledge those submissions that suggest that some changes are necessary to reflect the integration of transport and land use. We therefore recommend adding reference to “*land use*” in Clause a) to refer to the interdependence of land use and transport.

20.7 Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] restated the submitter’s concern as to who and how the Objective was to be achieved. We consider delivery of Objectives can be through a number of means including those outside the PDP. In addition, we are aware Council only controls certain parts of the transport network and it is not appropriate or realistic for Council to overstate its areas of control or influence. We do not consider any amendments are necessary in response to this point of submission.

20.8 We agree with Winstone Aggregates Ltd. [92.28] that movement of freight is a key responsibility of the transport network, and that the Objective does not identify or highlight the importance of the transport system for freight, which is a critical aspect of the District's network. We agree that it can be addressed by the addition of Clause g) to recognise the role of movement people, goods and services. We therefore recommend including a new Clause as follows:

g) provides for the integrated movement of people, goods and services.

Findings

- 20.9 We recommend that Objective 2.14 is amended as shown in Appendix 1, including the following:
- (a) Clause a) is amended to recognise landuse;
 - (b) Clause d) is amended to better reflect the purpose of the RMA;
 - (c) a new Clause e) is inserted to avoid the function and operation being unreasonably compromised by other activities;
 - (d) a new Clause g) is inserted to provide for the integrated movement of people, goods and services;
 - (e) italicise defined terms;
 - (f) renumbering to accommodate the amendments;
 - (g) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (h) minor wording changes to improve accuracy and readability.
- 20.10 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.14 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 20.11 The amended Objective is as follows:

Objective 2.14 – Access and Transport

To ensure that the transport system in the ~~Kapiti Coast~~ District:

- a) integrates with land use and urban form and maximises accessibility;
- b) improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;
- c) contributes to a strong economy;
- d) ~~minimises~~ avoids, remedies or mitigates adverse *effects* on land uses ~~and vice-versa~~;
- e) does not have its function and operation unreasonably compromised by other activities;
- e) f) is safe, fit for purpose, cost effective and provides good connectivity for all communities; and
- g) provides for the integrated movement of people, goods and services.

21 Issue 16: Objective 2.15 Incentives

Description of the Issue

- 21.1 Nine submissions were received in relation to Objective 2.15, with two in support but seeking some amendments and the rest seeking specified amendments. The amendments sought can be summarised as follows:
- a) increased clarity of the Objective; and
 - b) expansion to cover public facilities and amenity outcomes.
- 21.2 Five of the nine submissions all sought the Objective be amended to read "*To facilitate development (including subdivision) that enables people and communities to provide for their social, economic and cultural well-being by improving the amenity value of the environment*".

Evidence and Evaluation

- 21.3 We heard evidence from Mr Hansen and Mr Copeland on behalf of Coastlands Shoppingtown Ltd [218.16] seeking to amend the Objective to cover public facilities and amenity outcomes. We note that Objectives can be achieved through a number of different ways including non-statutory methods outside the RMA. We consider that the intent of the Objective is to create environmental benefits in the areas of water quality, biodiversity, renewable energy and energy efficiency, all of which are matters listed in Sections 6 and 7 of the RMA.
- 21.4 We agree with the Director-General of Conservation [202.8] that it is valid to clarify what is meant by energy in the body of the objective so that it is consistent with the Explanation. This also ensures consistency with the National Policy Statement for Renewable Energy Generation (NPSREG). Policy E1 of the NPSREG states "*Regional policy statements and regional and District plans shall include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation*". For this reason, we recommend amending the Objective so that it specifically refers to "*renewable*" energy and "*energy efficiency*".
- 21.5 We do not agree with the five submissions seeking to change to direction of the Objective so that it is concerned with facilitating development - the purpose of the Objective is to achieve permanent net environmental benefit through supporting and encouraging development that achieves this outcome. The amendments as sought by submitters would significantly change the focus of the Objective.
- 21.6 Mr Jensen [275] presented evidence regarding Objective 2.15, and we agree that the Explanation relating to the environmental enhancement having to be four or more times the status quo is not very clear. However, and as we discuss below, as we are recommending that Objective 2.15 become a policy, the Explanations will largely not be retained.

- 21.7 In addition to our consideration of Objective 2.15 as part of the hearings for Chapter 2, we also considered it in terms of the hearings on Incentives and Appendix 3.1. We asked Ms Thomson whether she considered Objective 2.15 would be more appropriate as a District-wide policy, and whether there were submissions to provide scope in this regard. Ms Thomson advised us that as currently drafted Objective 2.15 is not expressing an outcome and is written in a form that is more of a policy. Objective 2.15 is currently implemented by Policy 3.6 and Policy 11.28 and associated rules in Chapters 5-7. Ms Thomson advised us these provisions in Chapters 5-7 also implement either Objective 2.2 (biodiversity) or Objective 2.20 (energy efficiency and renewable energy) and the cascade from objectives to rules does not rely on Objective 2.15 remaining as an objective. She concluded that if there is scope in submissions, such a change could be considered appropriate.
- 21.8 While the submissions specifically pertaining to Objective 2.15 did not request making the Objective a District-wide policy, Ms Thomson drew our attention to general District-wide submissions which may provide the scope for this change if we are considering a change will “*reduce Plan complexity*”.
- 21.9 We have given this matter careful consideration and conclude that Objective 2.15 would indeed be more appropriate as a District-wide policy. We therefore recommend Objective 2.15 be relocated into Chapter 2A as a District-wide policy with the wording changes described above.

Findings

- 21.10 We recommend that Objective 2.15 is amended as shown in Appendix 1, including the following:
- a) relocation to Chapter 2A District-wide Policies;
 - b) clarification of energy with the inclusion of “*renewable*” energy and “*energy efficiency*”;
 - c) italicise defined terms; and
 - d) wording changes to the Explanation to rationalise and remove unnecessary information.
- 21.11 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.15 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 21.12 The amended Objective is as follows:

~~Objective 2.15~~ Policy DW18 – Incentives

To support and encourage development (including *subdivision*) that demonstrates a permanent net environmental benefit, in the areas of water quality, biodiversity, and renewable energy, and energy efficiency, significantly beyond the minimum levels required by this Plan.

22 Issue 17: Objective 2.16 Economic Vitality

Description of the Issue

- 22.1 Twenty one submissions were received on Objective 2.16; many of which requested amendments to improve the clarity of the Objective. Coastlands Shoppingtown Ltd [218.17] sought to clarify Clause a), ensure Clauses b), c) and f) can occur without imposing costs on existing local businesses; include a definition of Business Activity; and ensure the outcomes sought are in accordance with the RMA. St Heliers Capital Ltd [459] supported the submission.
- 22.2 The amendments sought by other submitters were wide ranging, including:
- (a) recognition of an aging population and their changing needs;
 - (b) revision of wording to be more consistent with the RMA;
 - (c) acknowledgement of the contribution of the rural sector to economic vitality and promoting a wide variety of use and development in the rural areas;
 - (d) recognising the amenity effects of business activities;
 - (e) encouraging business activities in Kāpiti;
 - (f) providing for primary production activities and their protection from reverse sensitivity effects;
 - (g) recognition of private property rights; and
 - (h) request to amend explanatory text to recognise difficulties in encouraging businesses to start, remain in or come to the District and the significant role of small businesses.

Evidence and Evaluation

- 22.3 We heard a significant amount of evidence on this Objective, particularly from Coastlands Shoppingtown Ltd [218], Kāpiti Coast Airport Holdings Ltd [276] and St Heliers Capital Ltd [459]. We heard from Mr Binney and Mr Donnelly representing Kāpiti Coast Airport Holdings Ltd [276] who considered that Objective 2.16 is largely appropriate but suggested minor changes to the Explanation.
- 22.4 Similarly, Mr Allan on behalf of St Heliers Capital Ltd [459] sought retention of the Objective insofar as it seeks to consolidate Paraparaumu Sub-Regional Centre.
- 22.5 Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] also outlined overall support for the Objective but outlined the amendments sought to Clause a) to remove references to differentiating and managing various types of business activities on the basis of the activity. Mr Miller providing economics and retail evidence on behalf of Coastlands Shoppingtown Ltd [218]

clarified his concerns by outlining the risk of sporadic retail development occurring in response to pressures for dispersal of retail across the District's industrial and mixed use zones.

- 22.6 In response to these submission points, we note that fundamental to the management of the business activities in the Plan is a centres hierarchy, which is reflected in zones and policies and rules to manage each area. Objective 2.16 (and also Objective 2.17) seeks to encourage business activities into appropriate locations, based on the activity and its effects. This Objective is principally delivered by Chapter 6 Working Zones which manages the establishment of business activities, both inside and outside identified centres. Given the fundamental relationship of Chapter 6 to Objective 2.16, we recommend retaining Clause a) of Objective 2.16 as notified.
- 22.7 Mr Hansen outlined his concerns with Clause c) of the Objective that the onus seems to be on the resource user/developer to bear the costs to achieve the stated outcomes. We agree with Ms Rushmere's closing statement that resource users and developers do have some responsibility for sustainable development under Section 5 of the RMA which includes managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.⁵⁵ Accordingly, we believe that Clause c) of the Objective will assist in achieving the economic component of the Purpose of the RMA and do not recommend any amendments to it in regards to this point of submission.
- 22.8 We heard from Ms Carter from Land Matters with regards to the recognition of the contribution of the rural sector to the District's economy. We recommend this is recognised with inclusion of reference to the rural sector in the Objective. Similarly, we agree with Horticulture New Zealand [219.30] and the Poultry Industry Association of New Zealand & the Egg Producers Federation of New Zealand [277.7] and their request for the Objective to consider primary productive activities in the Plan. We acknowledge that the rural sector has an important contribution to make to economic viability in the District, and recommend amendments to recognise the productive potential of the land and to align the Plan with terminology in Policy 59 of the RPS. We recommend this is inserted in three locations in the Objective as follows:
- (a) in the opening sentence:
- To promote sustainable and on-going economic development of the local economy, including the rural sector, with improved number and quality of jobs and investment through...;
- (b) again, in Clause e) with addition of "*primary production activities*". We consider this recognition of the productive potential of the land aligns with terminology in Policy 59 of the RPS; and

⁵⁵ Paragraph 3.55, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

(c) in Clause c) with the insertion of “*including primary production activities*”.

- 22.9 As part of their submission, Horticulture New Zealand also requested that primary production activities be protected from reverse sensitivity effects. We generally endorse the rationale behind this request and note that the Plan already has controls on the location of primary production activities in proximity to rural dwellings. It therefore seems logical to us that this “*protection*” is extended to cover reverse sensitivity effects and that the rules in Chapter 7 take a lead on this from Objective 2.16. However, rather than use the word “*protect*” which has a degree of absoluteness about it, we believe the emphasis should be on minimising the potential for reverse sensitivity effects on primary production activities and have amended Clause e) accordingly.
- 22.10 We agree with Winstone Aggregates that an enhanced level of amenity values for business activities is not appropriate given the wide range of those activities in the District and their effects. We recommend Clause e) of this Objective is amended to delete “*enhance the amenity of business activities*”. We also recommend Clause c) is amended to delete “*and requiring enhanced levels of amenity values as*” for the same reasons.
- 22.11 We recommend amending business environments to Working Zones in Clause f) for consistency with the zone approach throughout the Plan.
- 22.12 We note Ms Penfold’s comments on behalf of NZ Transport Agency with regards to intersections and received her supplementary evidence dated 13 April 2016. We recommend adopting Ms Penfold’s suggested amendments to the Explanation as outlined in Paragraph 7 of her supplementary evidence. We recommend the text suggested by Ms Penfold in her supplementary evidence is included in the Explanation:

In relation to State Highway 1, expressway interchanges tend to attract commercial, particularly retail activities to locate around them. The Council has a clear policy of consolidation of such activity around its town centres as a way of reducing adverse environmental, social and economic effects. Accordingly, commercial development is not envisaged at the base of interchanges. This is essential to prevent sporadic and unplanned commercial activity outside existing town centres.

Findings

- 22.13 We recommend that Objective 2.16 is amended as shown in Appendix 1, including the following:
- (a) inclusion of recognition of the rural sector;
 - (b) Clause e) changed from “protecting against” to “minimising” reverse sensitivity effects;
 - (c) Clause e) addresses reverse sensitivity effects on primary production activities;
 - (d) Clause f) is amended to Working Zones to be more specific;
 - (e) the clauses are re-numbered for clarity

- (f) Clause c) is amended to delete requiring enhanced levels of amenity values;
- (g) the Explanation is amended to address commercial activities around interchanges;
- (h) italicise defined terms;
- (i) renumbered clauses for clarity;
- (j) wording changes to the Explanation to rationalise and remove unnecessary information; and
- (k) minor wording changes to improve accuracy and readability.

22.14 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.16 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

22.15 The amended Objective is as follows:

Objective ~~2.16~~ 2.15 – Economic Vitality

To promote sustainable and on-going economic development of the local economy, including the rural sector, with improved number and quality of jobs and investment through:

- a) encouraging *business activities* in appropriate locations within the District, principally through differentiating and managing various types of *business activities* both on the basis of the activity, and the potential local and strategic *effects* of their operation;
- b) reinforcing a compact, well designed and sustainable regional form supported by an integrated *transport network*;
- c) enabling opportunities to make the economy more resilient and diverse;
- d) providing opportunities for the growth of a low carbon economy, including clean technology;
- e) ~~protecting~~ minimising reverse sensitivity effects on *business activities*, including *primary production activities* from reverse sensitivity effects and enhance the amenity of business activities; and
- f) enhancing the amenity of ~~business areas~~ Working Zones.

whilest:

- ~~a) g)~~ g) ensuring that economic growth and development is able to be efficiently serviced by *infrastructure*;
- ~~b) h)~~ h) encouraging commercial consolidation and the co-location of community services and facilities primarily within the *Paraparaumu Sub-Regional Centre* and *Town Centres*; and:

- e) i) managing contamination, pollution, odour, noise and glare, ~~and requiring enhanced levels of amenity values as,~~ associated with *business activities*, including *primary production activities*.

23 Issue 18: Objective 2.17 Centres

Description of the Issue

- 23.1 Fourteen submissions were received in respect of Objective 2.17. Coastlands Shoppingtown Ltd [218.18] and St Heliers Capital Ltd [459] expressed support for the Objective.
- 23.2 The remaining submissions raised a number of points and sought a variety of amendments that can be summarised as follows:
- (a) details of how the District Centre should develop should be contained in policies and rules and only the overall vision should be identified as an objective;
 - (b) it is not possible for the PDP to create vibrancy, safety and economic viability through the management of land use, and that these matters rely heavily on external factors such as population demographics, law enforcement and macroeconomic trends;
 - (c) not all 'commercial' activities are suitable for the District's Centres, as some by their nature have requirements more akin to those of industrial activities;
 - (d) oppose protectionist Objectives that restrain the growth and potential of the Airport in order to protect the interests of the Paraparaumu Sub-Regional Centre;
 - (e) providing for growth of Airport Zone commercial and retail activities;
 - (f) private property rights and the freedom of private landowners to respond quickly to changes in community demand and preferences;
 - (g) recognition of increased demand for commercial development at the Expressway interchanges as a resource management issue;
 - (h) retention of Paraparaumu Sub-Regional Centre as a focal point for the region; and
 - (i) request to make the Objective shorter and clearer.

Evidence and Evaluation

- 23.3 The key matter in contention in respect to Objective 2.17 related to the role of the Paraparaumu sub regional centre and its contribution to a district that has a hierarchy of vibrant, safe and economically viable sustainable centres. To this extent, we also acknowledge a close fit with Objective 2.16 dealing with Economic Vitality.

-
- 23.4 Whilst some of the aforementioned submitters focused on the minor wordsmithing of the Objective (and to which we comment on towards the end of this evaluation), there were three key submitters who took a strong stance on the objective. They were:
- (a) Coastlands Shoppingtown Ltd [218.18];
 - (b) Kapiti Coast Airport Holdings Ltd [276]; and
 - (c) St Heliers Capital Ltd [459].
- 23.5 The first two submitters largely supported the Objective as notified, albeit that some wordsmithing changes were requested. In this respect, we heard from:
- (a) Mr Chris Hansen - on behalf of Coastlands Shoppingtown Ltd - who supported the intent of Objective 2.17 particularly with regards to controlling retail activities outside the current centres. Mr Hansen also made other points, including his opinion that economic viability is a commercial and business matter for individual enterprises - not the Council. His evidence also expressed concern about responsibilities being placed on land owners / resource users related to providing a focus for community activities, and meeting outcomes regarding visual appearance, convenience and safety of buildings and physical settings.
 - (b) Mr Andrew Collins⁵⁶ - on behalf of Kapiti Coast Airport Holdings Ltd [276] - who also expressed overall support for Objective 2.17 but outlined minor changes to the objective (which incidentally we do not believe are necessary for the reasons outlined in Ms Rushmere's closing statement). Mr Collins main focus came in Chapter 6 and in respect to Policies 6.1 and 6.2 which seek to implement Objective 2.17 and cover Consolidation of Business Activities and Business Distribution respectively.
- 23.6 Overall however, and subject to some minor fine-tuning (which we canvas shortly) both Mr Hansen and Mr Collins supported the status quo embodied in the notified version of Objective 2.17; namely an Objective which promotes an outcome whereby:
- (a) centres provide the primary focus for commercial, retail and community activities within the District;
 - (b) the Paraparaumu Sub-Regional Centre is the principal commercial, cultural, civic and tourist centre for Kāpiti Coast the District; and
 - (c) within the Sub-Regional Centre, commercial and community activities are consolidated within Precincts A and B.
- 23.7 The position of the above two submitters was in contrast to that of St Heliers Capital Ltd [459]. We heard from Mr Roberts⁵⁷ on behalf of that submitter. Mr Roberts sought retention of the Objective insofar as it seeks to consolidate the Paraparaumu Sub-Regional Centre, but sought

⁵⁶ Mr Collins, whilst not attending the Chapter 2 hearing, did comment on Objectives as part of his evidence presented in person on behalf of Kapiti Coast Airport Holdings Ltd in respect to the hearing for Chapter 6 Business Zones.

⁵⁷ Mr Roberts, whilst not attending the Chapter 2 hearing did comment on Objectives as part of his evidence presented in person on behalf of St Heliers Capital Ltd in respect to the hearing for Chapter 6 Business Zones.

alterations to the Objective which would result in an Objective which facilitated policies and rules in Chapter 6 which:

- (a) enables a wider range of activities - particular larger format and food and beverage activities - within Precinct C; and
- (b) establishes a consent process (preferably as restricted discretionary activities) for such activities within Precinct C whereby the impacts of a particular proposal on the sub-regional centre as a whole can be considered on a case by case basis.

23.8 Clearly the policy and rule relief sought by St Heliers is focused on Chapter 6, and to this end we evaluate that. However, and as Mr Roberts noted, St Heliers' relief to Chapter 6 is based on the Council's position on the Chapter 2 Objectives. Therefore, it is essential that the Objective framework is settled by the Panel before addressing the policy and rule framework.

23.9 In terms of the above, we turned our mind to the centres hierarchy that Objective 2.17 establishes in terms of the dominant activities and purpose of each of the District Centre's Precincts. The PDP establishes a hierarchy of centres that perform specific roles and functions. The hierarchy of centres, and their role within the hierarchy, can ensure that businesses are distributed in such a way that they integrate with strategic and community infrastructure, existing residential, town centre and industrial environments and, therefore, is more likely to secure desired outcomes and sustainably manage effects.

23.10 Our recommendation in Chapter 6 in terms of the spatial extent of Zones and Precincts around the District Centre caused us to reconsider Clause d) i) of Objective 2.17. As with all three submitters canvassed above, we support the hierarchy approach and consider it is within the function of the Council to control land uses and the integrated management of the effects associated with those land uses. We consider the centres hierarchy allows Council to achieve this function. However, our decisions on the zoning and activities in Chapter 6 Working Zones means that Precinct B consolidates community activities, while Precincts A1, A2, and C enable, to different degrees, commercial activities and retail activities. Precinct C however has some restrictions on retail activities. For this reason, we recommend the following amendments to Clause d) i):

d. consolidates ~~commercial and~~ community activities within Precincts 'A' and 'B';

e. enables commercial activities and retail activities in Precincts A1, A2 and C, with restrictions on retail activities in Precinct C;

23.11 Further to this change, we felt there was value in clarifying the intent of this part of Objective 2.17 by inserting explanatory text as follows:

A key opportunity provided for is the further development of the Paraparaumu Sub-Regional Centre as the District's principal commercial and retail centre. To guide this further development a Structure Plan has been prepared. The Structure Plan identifies four precincts (Precincts A1, A2, B and C) each of which provides

opportunities for a range of activities to establish, including *commercial* and *retail activities*, but with some limitations on the type and scale of *retail activities* within Precinct C. These limitations will ensure that *retail activities* that establish within Precinct C do not adversely affect the viability and vitality of Precincts A1 and A2.

Furthermore, outside identified centres, *Commercial* activities, in particular *retail activities*, are largely restricted limited outside identified centres. There are numerous adverse effects of dispersed and out of *centre* business development, including...

23.12 The above high level aspect of Objective 2.17 aside, we then turned our attention to the minor word-smithing of the Objective sought by some submitters.

23.13 Mr Hansen on behalf of Coastlands Shoppingtown Ltd outlined several minor amendments to Objective 2.17. He considered that the concept of “*sustainable*” rather than “*viable*” is more aligned with the RMA at the start of the Objective and we agree. We acknowledge that the PDP has only limited influence in making a place viable and it is subject to a number of other influences, not least of which is market forces. We therefore recommend the start of the Objective is amended to read:

To have vibrant, safe and economically ~~viable~~ sustainable centres....

23.14 Mr Hansen questioned whether providing employment opportunities is a matter the Plan should be addressing. While we recognise that Working Zones are a natural provider of employment opportunities, we agree that this aspect of commercial activities is inherent in Clause d) which encourages economic opportunities and business activities. We note that the concept of centres functioning as key employment and economic nodes is recognised in the first sentence of Objective 2.17. For this reason, we recommend deleting “*employment opportunities*” from Clause d) and Clause d) i) b) as follows:

d) encourage economic, ~~and employment~~ opportunities and business activities in a manner which promotes

...

i) b) provides for a broad range of mutually compatible activities ~~and employment opportunities~~ that are integrated with pedestrian and public transport.

23.15 Mr Hansen sought recognition of “*retail*” in Objective 2.17 in his evidence.⁵⁸ We considered whether retail activities were inherent in commercial but note they are specifically excluded from the definition of “*commercial activities*” in Chapter 1. It seemed to us that retail activities are a fundamental aspect of centres in terms of attracting activity and meeting the community’s needs, and that Objective 2.17 should recognise this. Under Clauses a) and d) i) we agree that adding the word “*retail*” will contribute to the clarity of the Objective and is consistent with the PDP policy framework. We recommend the Clauses are amended as follows:

⁵⁸ Attachment 2 - Objectives with Recommended Amendments, Chris Hansen.

a) provide the primary focus for *commercial, retail* and community activities within the District;

...

d) i) *the Paraparaumu Sub-Regional Centre* as the principal commercial, retail, cultural, civic and tourist Centre for ~~Kapiti Coast~~ the District, to be developed in a manner that:

- 23.16 Mr Hansen also sought inclusion of “*pedestrian*” to Clauses d) i) a) and d) i) b) and we agree that this is appropriate recognition of alternative transport modes.
- 23.17 Kapiti Chamber of Commerce [132.6] sought additional explanatory text to recognise that not all commercial activities are suitable for the District’s centres and to enable flexibility for service and certain other businesses to be located in industrial and service designated zones. We agree that not all commercial activities are appropriate for the District’s centres, but consider that Objective 2.17 provides clear direction on the role of the centres and the activities that are appropriate in the Precincts. The rule framework enables consideration of activities not anticipated in particular Zones through the resource consent process.
- 23.18 Landlink [191.28] sought that the Objective is made shorter and clearer; however, we consider that the establishment of the centres hierarchy and the role and function of those is a critically important matter for the District and its economic development. We consider Objective 2.17 achieves this.
- 23.19 Ms Penfold presented evidence on behalf of the NZ Transport Agency [457] and while supporting the inclusion of “*a well-connected network offering a choice of direct routes*” in Clause d) i) a) she suggested changing “*direct*” to “*efficient*”. We agree that “*direct*” implies a linear approach, which may not always be the best route.
- 23.20 While considering Ms Penfold’s proposal, we also considered carefully the use of the words “*town centre*” in Clause d) i) a). After looking at the definitions, it seemed to us that “*district centre*” more accurately reflects the focus of this part of the Objective.
- 23.21 We therefore recommend Clause d) i) a) be amended to read:
- achieves an integrated and compact ~~town~~ district centre, linking all Precinct’s through a ~~permeable transport environment~~ well connected pedestrian and transport networks offering a choice of efficient routes and a high-quality ~~building~~ built environment;
- 23.22 Five submitters requested that the Objective is amended to acknowledge that the vitality of centres depends on security in private property and in the freedom of private landowners to respond quickly to changes in community demand and preferences. These submitters were Bryce Wilkinson [280.13], Christopher Ruthe [356.10], Salima Padamsey [358.11], Pascal Odijk [756.10] and Marianne Tavanier [757.10]. When considering the zoning and the higher level support of the centres approach through Objective 2.17, we have given no regard to land ownership. We consider the framework of policies and rules provides flexibility to respond to

changing pressures and conditions, whilst Objective 2.17 provides an overall strategic direction for the District's centres. Thus, we do not recommend any changes in response to these submissions.

Findings

23.23 As outlined in Appendix 1, we recommend that Objective 2.17 is amended as follows:

- (a) refers to "*sustainable*" centres rather than "*viable*";
- (b) inclusion of "*retail*" in Clauses a) and d) i);
- (c) Clauses d) and d) i) b) are amended to delete references to "*employment opportunities*";
- (d) Clauses d) i) a) is amended to include well connected pedestrian and transport networks;
- (e) Clause d) i) a) refers to "*district centre*" rather than "*town centre*";
- (f) Clause d) i) b) addresses pedestrian traffic;
- (g) Clause d) is revised to pertain only to Precinct B and consolidate community activities within Precinct B;
- (h) insertion of a new Clause d) i) e) to enable commercial activities and retail activities in Precincts A1, A2 and C, with restrictions on retail activities in Precinct C;
- (i) minor wording changes to use defined terms where appropriate;
- (j) insertion of additional explanatory text to clarify the role of a Structure Plan in the Sub-Regional Centre and the purpose of the Precincts; and
- (k) the Explanation is rationalised and refined.

23.24 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.17 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

23.25 The amended Objective is as follows:

Objective ~~2.17~~ 2.16 - Centres

To have vibrant, safe and economically ~~viable~~ sustainable *centres* that function as key employment and economic nodes and as a focus for social and community life, as public transport and local service hubs, and as places for living, entertainment and recreation that:

- a) provide the primary focus for *commercial*, *retail* and community activities within the District;
- b) support community cohesion and a sense of place;

-
- c) reinforce a compact, well designed and sustainable District and regional form, through promoting and reinforcing a close proximity and good accessibility between living, business and employment areas;
- d) encourage economic, ~~and employment~~ opportunities and *business activities* in a manner which promotes:
- i. the *Paraparaumu Sub-Regional Centre* as the principal commercial, cultural, civic and tourist ~~Centre for Kāpiti Coast~~ the District, to be developed in a manner that:
 - a. achieves an integrated and compact ~~town~~ district centre, linking all Precinct's through ~~permeable transport environment~~ well connected pedestrian and transport networks offering a choice of efficient routes and a high quality ~~building built~~ environment;
 - b. provides for a broad range of mutually compatible activities ~~and employment opportunities~~ that are integrated with pedestrian and public transport;
 - c. is supported by opportunities for ~~moderate~~ medium density residential living;
 - d. consolidates ~~commercial and~~ community activities within Precincts 'A' and 'B'; and
 - e. enables commercial activities and retail activities in Precincts A1, A2 and C, with restrictions on retail activities in Precinct C;
 - ii. the District's *town centres* at a scale and form that provides the urban focus for the commercial, tourism, education, entertainment, community and civic activities as well as opportunities for medium density residential living, where these meet the needs of the surrounding township community; and
 - iii. the District's *local centres* to provide for *commercial activities and retail activities*, within a residential context, to primarily serve the local convenience, community and commercial needs of the surrounding residential community.

24 Issue 19: Objective 2.18 Open Spaces / Active Communities

Description of the Issue

- 24.1 Seven submissions were received for Objective 2.18, including support from the Director-General of Conservation [202.9] and Regional Public Health [252.4]. The remaining five submissions sought amendments to recognise that land for open spaces should be secured in a manner that acknowledges and respects private property rights. The submitters contended that insecurity in property rights will undermine the achievement of the RMA's purpose.

Evidence and Evaluation

- 24.2 Mr Wilkinson addressed this matter in his written evidence, expressing his continued concern that the rights of individual property owners will be protected in the pursuit of the goal of more open spaces, including issues of compensation and falls in property values for residents.
- 24.3 Four other submitters also sought that the objective is amended to include the observation that land for open spaces should be secured in a manner that acknowledges and respects private property rights. Otherwise the submitters consider insecurity in property rights will undermine the achievement of the RMA's purpose. We consider this is a process that may sometimes be undertaken via processes outside the PDP. We do not consider the Objective requires amending in terms of this matter.
- 24.4 We agree with Director-General of Conservation [202.9] and Regional Public Health [252.4] that the objective provides a clear steer on the expectations relating to open space. We also agree with the Section 42A report that open space contributes significantly to the District's recreational and conservation values.⁵⁹ As the population in the District grows there is a need to review the provision and ensure that open space matches the needs of the community. In addition to the PDP, we recognise the role of Council's non-statutory policies and plans which guide Council decisions on form, function, size and location of open space such as Open Space Strategy (February 2012) and Kāpiti Coast: Choosing Futures - cycleways, walkways and bridleways Strategy 2009.
- 24.5 We note that Mr Ashby's closing statement for the Coastal Integration hearing recommended the inclusion of two additional clauses to Objective 2.18 pertaining to management of coastal hazards. Mr Ashby goes on to state that it may be better to consider his proposed amendments regarding coastal hazards as part of an integrated wider suite of approaches to addressing coastal hazards. We agree that the matter of coastal hazards should be addressed

⁵⁹ Paragraph 724, s42A Report: Part B - Objectives, Suzanne Rushmere.

comprehensively as a Schedule 1 process of the RMA, separately from our consideration of the PDP. For this reason, we do not recommend including the amendments to Objective 2.18 proposed by Mr Ashby.

Findings

24.6 We recommend that Objective 2.18 is amended as shown in Appendix 1, including the following:

- (a) all defined terms be italicised; and
- (b) the Explanation is rationalised and refined.

24.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.18 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

24.8 Objective 2.18 is as follows:

Objective ~~2.18~~ 2.17 – Open Spaces / Active Communities

To have a rich and diverse network of *open spaces* ~~areas~~ that:

- a) is developed, used and maintained in a manner that does not give rise to significant adverse *effects* on the natural and physical *environment*;
- b) protects the District's cultural, ecological and *amenity values*, while allowing for the enhancement of the quality of *open space* areas;
- c) supports the identity, health, cohesion and resilience of the District's communities; and
- d) ensures that the present and future recreational and *open space* needs of the District are met.

25 Issue 20: Objective 2.19 Urban Design

Description of the Issue

- 25.1 Fifteen submissions were received on Objective 2.19, five of which expressed support. Greater Wellington Regional Council [441.8] sought the inclusion of Low Impact Urban Development and Design in objective 2.19, but recommended that the Council moves beyond “avoiding barriers” to actively incorporating Low Impact Urban Development and Design principles in its decisions.
- 25.2 Those submissions seeking amendments addressed a variety of matters:
- (a) opposing the rules adhering to National Environment Standards as the submitter considers this will not result in good urban design outcomes, including a requirement for projects not meeting the urban design protocol 7C's assessment to be non-complying activities;
 - (b) inclusion of more realistic and measurable wording;
 - (c) alignment with the purposes and principles of the RMA;
 - (d) recognition that provisions impairing property rights must be demonstrated to be necessary in the public interest and that the question of compensation must be addressed;
 - (e) amendments to the Explanation; and
 - (f) need for a policy addressing disability issues to ensure these are addressed up front when any project is planned and not treated as an afterthought.

Evidence and Evaluation

- 25.3 We heard from Mr Lunday in terms of urban design on behalf of Coastlands Shoppingtown Ltd [218]. He supported the Objective and considered that good urban design reinforces the existing centres. He considered that this in turn protects and reinforces the community investment in these centres over decades (libraries, galleries, swimming pool, cinemas etc). He considered that stronger recognition should be given to the role of Rail as a Transit Centre, and reflected that the existing centres of Paraparaumu and Waikanae are based around the rail. He acknowledged that the concept of well-connected transport networks for the Town Centre in terms of economic and employment promotion is addressed in Objective 2.17, but considered that this should also be referred to specifically in respect of the urban design objective. We agree with the principles behind this requested change. We recognise transport is not limited to public transport, and other modes including pedestrian, cycle and car are also a factor to be considered. We recommend that Clause e) is changed to include “*by encouraging a well-connected and integrated transport network*”.

25.4 Ms Pope [547] sought that the Objective should remain as notified as the term “*high quality*” is meaningless. We agree that “*high quality*” is a highly subjective term and “*quality*” is a more appropriate description. We recommend the opening sentence is amended to read:

~~To promote high Quality urban design outcomes will be promoted so that have~~
~~liveable and safe~~ public and private places and spaces are liveable and safe,
which

25.5 Landlink Ltd [191.29] was concerned that Objective 2.19 does not address the purpose and principles of the Resource Management Act 1991. While we consider that the objective is broadly consistent with sustainable management as outlined in section 5(2) of the RMA, and several Section 7 matters and the council's integrated management function, we agree that the opening sentence could include consideration of liveable and safe places, which more closely aligns it to RPS provisions.

25.6 With respect to the matters raised by Rob Crozier and Joan Allin [451], we agree the term “*vibrant*” is only appropriate to areas such as District Centres; however, the term a “*diversity of experiences*” is appropriate as the District is so diverse. We recommend deleting the term “*vibrant*” from Clause e).

25.7 We consider that Clause e) and its references to “*easy to move around*” will cover the issue of disability access as raised by Dale Evans [513.15] who sought that a policy is developed that ensures disability is considered up front in new development. We note that there is other legislation such as the Building Act and Health and Disability Act that covers this matter and do not consider amendments necessary to Objective 2.19 in regards to this matter.

25.8 We asked the reporting officers at the Integration hearing whether Objective 2.19 would be more appropriate as a policy, and whether there were any submissions which provide sufficient scope to effect that alteration. Ms Hinton considered that Objective 2.19 is one means of achieving Objective 2.1; rather than an outcome in itself. In her opinion it is also another means of achieving several other Plan objectives including Objective 2.8(a), Objective 2.12, Objective 2.14 and Objective 2.17. She therefore suggested that it was more appropriate as a District-wide Policy and be inserted before or after Policy 5.14 in Chapter 2A. We agree and have renumbered this as Policy DW16.

25.9 In terms of scope provided by submissions, Ms Hinton suggested that the Panel could rely on scope provided by a submission from Ngahina Developments [221.10] which sought:

- (a) that it be amended to revise the wording to be more realistic and measurable;
- (b) that the Objective is not specific enough to be effective, is more like an urban design manifesto; and
- (c) would be virtually impossible to make reasonable use of the objective in a resource management context.

25.10 In addition, Landlink [191.29] stated that the matter in Objective 2.19 should be taken into account during Plan preparation but should not be included as an objective in their own right.

25.11 We therefore recommend relocating Objective 2.19 into Chapter 2A and revising the wording to make it consistent with the wording used in other policies in Chapter 2A.

~~Objective 2.19~~ Policy DW16 - Urban Design

~~To promote high Quality urban design outcomes will be promoted so that have liveable and safe~~ public and private places and spaces which:

- a) are liveable and safe;
- ~~a) b)~~ enhance the local economy, *environment* and community;
- ~~b) c)~~ are sustainable, enduring and resilient;
- ~~e) d)~~ provide a strong sense of place reflecting cultural values and distinct community identities;
- ~~e) e)~~ are enjoyable, comfortable, welcoming and provide a diversity of experiences; and
- ~~e) f)~~ are vibrant and are easy to move around and through, by encouraging a well-connected and integrated transport network;
- ~~f)~~ have a positive relationship between public and private spaces.

at all levels of urban design, from macro (urban structure and *subdivision*) to micro (*building* details and materials) scale.

25.12 We consider the Objective provides appropriate direction for promoting high quality urban design, but is more appropriate as a policy. Quality urban design influences so many aspects of a place including character, ease of movement, legibility and safety. We consider all of these values support a sense of place and have positive impacts on the quality of life.

Findings

25.13 We recommend that Objective 2.19 is amended as shown in Appendix 1, including the following:

- (a) the Objective is relocated into Chapter 2A District-wide Policies;
- (b) the Objective seeks to promote quality urban design;
- (c) the Objective seeks liveable and safe places;
- (d) Clause e) seeks to encourage a well-connected and integrated transport network;
- (e) references to vibrant are deleted in Clause e)
- (f) Clause f) is deleted; and
- (g) defined terms are italicised.

25.14 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.19 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

25.15 The amended Objective is as follows:

Objective 2.19 Policy DW16 - Urban Design

~~To promote high Quality urban design outcomes will be promoted so that have liveable and safe~~ public and private places and spaces ~~which:~~

- a) ~~are liveable and safe;~~
- a) b) enhance the local economy, *environment* and community;
- b) c) are sustainable, enduring and resilient;
- e) d) provide a strong sense of place reflecting cultural values and distinct community identities;
- d) e) are enjoyable, comfortable, welcoming and provide a diversity of experiences; and
- e) f) ~~are vibrant and~~ are easy to move around and through, by encouraging a well-connected and integrated transport network;
- f) ~~have a positive relationship between public and private spaces.~~

at all levels of urban design, from macro (urban structure and *subdivision*) to micro (*building* details and materials) scale.

26 Issue 21: Objective 2.20 Renewable Energy, Energy Efficiency and Conservation

Description of the Issue

26.1 Eighteen submissions were received on Objective 2.20, of which one supported the Objective but sought amendments.

26.2 The bulk of the submissions sought amendments to the Objective including:

- (a) need for recognition that developing renewable electricity generation resources cannot always be carried out in a way that protects the natural environment and significant amenity values;
- (b) replacing key terms with more correct terms / descriptions;

- (c) recognition of the potential tensions between existing values of areas and their potential for renewable electricity generation;
- (d) need for recognition that inappropriate subdivision, land use and development in close proximity have the potential to adversely affect the safe and efficient operation of the renewable electricity generation activity due to the creation of reverse sensitivity effects;
- (e) recognition that infrastructure associated with commercial-scale renewable electricity generation will traverse land between the generation site and the area of demand; and
- (f) ensure the development and use of energy from renewable sources is consistent with the RMA's purpose (Section 5(2)), with particular emphasis on the natural environment and amenity values.

Evidence and Evaluation

26.3 We agree with Murray Williams [36.3 and 36.4] that the Objective and accompanying Explanation are a suitable basis to ensure the efficient generation and use of energy in the District. We therefore recommend retaining Objective 2.20 albeit with amendments in response to other submissions. We consider Kapiti Coast has the ability to achieve renewable energy generation from wind, solar, wave and hydro energy and this should be capitalised on. We note that the PDP can only manage structures associated with land-based energy generation activities and the surface of waterbodies, but not the sea.

26.4 We agree with NZ Wind Energy Association [136.14] that the effects of renewable electricity generation cannot always be avoided and therefore recommend that effects should be avoided, remedied or mitigated in accordance with Section 5 of the RMA (Section 5(2)(c)). The Objective ensures that not only the areas of significant amenity value and natural environments are afforded an appropriate level of protection. We note the other Objectives which seek to protect aspects of the natural environment and landscapes which this Objective will need to read in conjunction with. We therefore recommend the Objective be amended as follows:

...energy use while ~~protecting the natural environment and significant amenity values~~ avoiding, remedying or mitigating adverse effects on the environment.

26.5 We agree with many of the changes sought to the Explanatory text sought by submitters, including recognition that transmission infrastructure will traverse the land between the generation site and the demand, as sought by Transpower New Zealand Ltd [208.16]. We recommend paragraph seven of the Explanation be amended as follows:

Transmission ~~infrastructure~~ associated with *renewable electricity generation activities* will traverse land between the generation *site* and the area of demand. These facilities for the transmission of electricity to the grid areas of demand ~~are likely to~~ may have adverse environmental *effects*. ~~However, unless~~ It is preferable

~~that the effects of construction and operation of renewable electricity generation facilities, including the effects relating to access and transmission, are be assessed as a single package of effects, the viability of renewable energy projects could be compromised.~~

Findings

- 26.6 We recommend that Objective 2.20 is amended as shown in Appendix 1, and includes the following:
- (a) delete references to protecting the natural environment and significant amenity values;
 - (b) amend to avoid, remedy or mitigate adverse effects on the environment to better reflect purpose of the RMA;
 - (c) amendments to the Explanation to accurately reflect the National Grid; and
 - (d) italicise defined terms;
 - (e) consequential renumbering;
 - (f) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (g) minor wording changes to improve accuracy and readability.
- 26.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.20 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 26.8 The amended Objective is as follows:

Objective ~~2.20~~ 2.18 – Renewable Energy, Energy Efficiency and Conservation

Increase the development and use of energy from renewable sources, including on-site systems, and efficiency and conservation of energy use while ~~protecting the natural environment and significant amenity values~~ avoiding, remedying or mitigating adverse effects on the environment.

PART C – STATUTORY EVALUATION

27 Statutory Evaluation

27.1 This part of our report addresses the mandatory requirements as summarised in Part A of this report, and draws on our detailed evaluation of the issues in Part B. In this respect, most of our substantive evaluation of the matters below has already been addressed above.

27.2 We acknowledge the Section 32 analysis at notification of the PDP and the further analysis as part of the Section 42A reports in relation to the matters in Sections 32 (and 32AA for provisions notified after 2014). To avoid unnecessary duplication, we have therefore adopted a thematic approach to our evaluation here, and we have omitted from considering the general requirements which are not relevant.

Is the PDP designed to accord with, and assist KCDC to carry out its functions so as to achieve the Act's purpose?

27.3 The PDP contains Objectives to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources in the District. Likewise, the PDP adopts measures to control actual and potential environment effects.

27.4 In considering the twenty Objectives notified as part of the PDP, and assessing the submissions lodged to them, it became clear to us that two of the Objectives were potentially redundant. They are:

- (a) Objective 2.15 - Incentives
- (b) Objective 2.19 - Urban Design

27.5 In terms of Objective 2.15, and in light of submissions received, we concluded that because the Objective is not expressing an outcome, but is more in the form of a policy, it should be 'relocated' to a new Chapter (Chapter 2A) as a District-wide policy (i.e. Policy DW18 - Incentives)

27.6 Similarly, our recommendation for Objective 2.19 is that it should be 'relocated' to Chapter 2A as a District-wide policy as it is more of a means to achieve outcomes rather than an outcome itself (i.e. DW16 - Urban Design)

27.7 Neither recommendation will lessen the ability of the KCDC to carry out its functions or for the PDP to achieve the purpose of the RMA. Both Objectives are adequately covered by other (retained) Objectives in the Plan; namely *Objective 2.2 - Ecology and Biodiversity* and *Objective 2.11 - Character and Amenity Values*. Furthermore, the implementation of those retained Objectives will be better serviced by the precise wording on the two new District-wide policies.

27.8 Finally, the reduction of the total number of the Objectives in Chapter 2 (along with identification of a select number of District-wide policies) makes the Plan less duplicative and more focused and streamlined, which was a major request of many submissions on the PDP.

27.9 Given the above, we find that the PDP, including the amendments that we have made to the Objectives will assist the Council to carry out its functions so as to achieve the sustainable management purposes of the RMA.

Does the PDP give effect to any NPS or the NZCPS?

27.10 The PDP was designed to give effect to the NPSs and NZCPS in effect at the time of notification. Since that time, the NPS on Urban Development Capacity has been gazetted.⁶⁰

27.11 We generally endorse the content of the various Section 32 reports (16 in total) which address the manner in which the Objectives in the notified PDP give effect to the various NPSs including the NZCPS. Since notification of the PDP, the Section 42A reports have continued this Section 32 evaluation, and again we are largely in agreement with the recommendations as they pertain to all 18 of the 20 Objectives. Accordingly, we have adopted those changes along with the recommended rewordings to better implement these higher order documents where enabled by submissions. This includes, for example:

- (a) alterations to Objective 2.9 (Landscapes), Objective 2.13 (Infrastructure and Services) and Objective 2.11 (Character and Amenity) to manage the effects of activities to ensure the operation, maintenance, development and upgrading of the National Grid are not compromised (as envisaged by the NPS on Electricity Transmission);
- (b) alterations to Objective 2.9 (Landscapes), Objective 2.13 (Infrastructure and Services) and Objective 2.11 (Character and Amenity) to enable the activities and facilities associated with wind energy, whilst avoiding remedying and mitigation effects on the natural environment as envisaged by the NPS on Renewable Electricity Generation; and
- (c) alterations to Objective 2.4 Coastal Management in order to make it more specific by replacing “*natural systems, natural landforms and natural processes*” with more specific and defined terms “*areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna*”. We have also added words to address the effects of inappropriate subdivision, use and development.

⁶⁰ We also note that Council has an obligation to continue to monitor housing needs and demands against supply - particularly given the NPS-UDC requirements - and is able to review and update the district plan provisions as appropriate through future RMA Schedule 1 processes.

27.12 For two of the Objectives, we have decided to relocate to the District-wide policies (as discussed earlier in this section of the report). We do not see any purpose in retaining them to give effect to any NPS (or RPS for that matter). As District-wide policies they will help implement other Objectives, which in turn give effect to the various NPSs.

27.13 Overall, we consider that the amended PDP gives effect to the various NPSs and the NZCPS. The relevance of the NPSs varies for each PDP Chapter.

Does the PDP give effect to the RPS?

27.14 As noted above, the current RPS was made operative after the PDP. To the extent that we have scope to make amendments through the relief of submissions received, we have amended the PDP in order to give effect to the RPS. Further, to the extent that the RPS gives effect to the relevant NPS, we adopt our earlier evaluation on those NPSs.

In relation to Regional Plans, is the PDP inconsistent with the operative Regional Plans, and has regard been given to the proposed Natural Resources Regional Plan?

27.15 In our evaluation, the PDP is not inconsistent with any operative Regional Plan. We have also had regard to the proposed Natural Resources Regional Plan, and do not consider any amendments to the PDP are necessary as a result.

Does the PDP satisfy the necessary requirements in relation to relevant plans and strategies under other acts, including the Heritage New Zealand Pouhere Taonga Act 2014, plans of adjacent territorial authorities and plans of iwi authorities?

27.16 We have applied appropriate consideration of these matters in amending the PDP Objectives, including (for example) in relation to historic heritage and matters of significance to iwi.

27.17 We consider these requirements are met by the PDP

Does the PDP state objectives, policies, rules and other methods?

27.18 This general requirement has been satisfied by the notified PDP and as amended by our evaluation and recommendations. The eighteen recommended Objectives achieve this.

Is each objective the most appropriate way to achieve the purpose of the RMA?

27.19 This has been the primary consideration for the purposes of this report. For the reasons we have stated in Part B above, and in terms of satisfying Section 32, we find that the PDP Objectives, as amended, are the most appropriate to achieve the purpose of the Act. Part B of this report gives a detailed and specific evaluation of how each Objective (in its recommended form) does this and we see no utility in repeating that here.

Do the policies implement the objectives, do the rules implement the policies, and are the policies and rules the most appropriate for achieving the objectives?

27.20 No policies or methods have been considered in this decision. We have found in Reports 1, and 3-16 that the amended PDP policies, rules and other methods, for the purposes of satisfying Section 32, are the most appropriate to implement the Objectives as amended in this report.

Do the PDP rules have sufficient regard to actual and potential environmental effects?


27.21 This Report is limited to the PDP Objectives, and does not provide an evaluation any of the proposed rules. We note, however, that the PDP Objectives include aims that relate to the management, avoidance, remedy or mitigation of effects. The policies, rules and other methods are the implementation measures for ensuring those aims are delivered by the PDP.

PART D - RECOMMENDATIONS

28 Recommendations

28.1 Based on our consideration of all the material before us, including the Kapiti Coast Proposed District Plan 2012 (PDP) as notified including the Section 32 reports, the submissions and further submissions, Section 42A report from the Council advisors, evidence and submissions presented at the hearing, and following consideration of the requirements of Clause 10(2)(a) and Section 32 and of other relevant statutory matters, we make the following statutory recommendations:

- (a) That Council adopt the recommendations of the Hearings Panel in respect of Chapter 2 (Objectives) of the PDP as outlined in the Hearings Panel Report dated 11 September 2017.
- (b) That Council approve Chapter 2 (Objectives) of the PDP as amended in Appendix 1 and for the reasons stated in the report and that accordingly all submissions and further submissions on Chapter 2 (Objectives) of the PDP be accepted, accepted in part or rejected to the extent set out above and summarised in Appendix 2.
- (c) That pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991 Council give public notice of its decision on submissions and further submissions on Chapter 2 (Objectives) of the PDP.



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Alistair Aburn (Chair)
for and on behalf of the Kapiti Coast Proposed District Plan Hearings Panel

Commissioner Alistair Aburn
Commissioner Diane Ammundsen
Commissioner Miria Pomare
Commissioner David McMahon
Commissioner Mike Cardiff

11 September 2017

Appendix 1

Volume 1 - Plan

Volume 2 - Appendices

Volume 3 - Maps

Appendix 2

Recommendations on Submission and Further Submissions to Chapter 2 (Objectives)