

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of a proposed review of the Kapiti Coast District
Plan: Chapter 2 Objectives

BETWEEN **MAYPOLE ENVIRONMENTAL LIMITED**

Submitter [No. 263]

AND **KAPITI COAST DISTRICT COUNCIL**

Local Authority

**PRIMARY EVIDENCE OF CHRISTOPHER ADRIAN HANSEN
ON CHAPTER 2 OBJECTIVES OF PROPOSED DISTRICT PLAN
FOR MAYPOLE ENVIRONMENTAL LIMITED**

1 April 2016

SUMMARY OF EVIDENCE

1. My name is Christopher Adrian Hansen and I am a planning expert. I summarise the key points in this statement of evidence under the following sub-headings.

Outline of Evidence

2. I refer to my Primary Evidence on General/Plan Wide Issues (dated 22 March 2016) (**Primary General Evidence** or **General Evidence**) which provides background to who Maypole Environmental Limited (**Maypole**) is, and how it has sought plan provisions incorporated into the operative District Plan to allow for the development of the Ngarara Farm property in North Waikanae. My Primary General Evidence also provides an overview of the planning context that is relevant to this hearing.
3. The focus of this evidence is on the objectives of the Proposed Kapiti Coast District Plan (**PDP**), and in particular 4 objectives relevant to Maypole's submission points. I have reviewed the s.42A Report recommendations and seek for some recommendations to be adopted where appropriate. I provide alternative wording to meet Maypole's key concerns where those concerns are not addressed or accepted in the s.42A Report. I have provided a complete set of the 4 reworded objectives in my evidence under **annexure "A"**.
4. The approach I have taken to addressing the planning context includes:
 - (a) An outline of the Planning Context to be considered;
 - (b) A review of the notified PDP provision;
 - (c) A review of the matters relating to Chapter 2 - Objectives raised by Maypole in its submission, and the relief sought;
 - (d) A review of Stakeholder Engagement Version (**SEV**) and Consultation with Kapiti Coast District Council (**Council**);
 - (e) A review of the s.42A Report recommendation regarding the PDP provisions; and

(f) My planning comment.

5. As discussed in my General Evidence, I also rely on the statement to be provided by Mr Jon Smith, the landowner, regarding Maypole's project development to date, and future development plans and aspirations. I have reviewed a draft copy of this statement which will be provided to the Hearings Panel for the General/Plan Wide hearings. Mr Smith's statement is relatively short and has not been filed, as of yet, because it is lay-evidence.

Conclusions

6. Objectives are important plan provisions, as they address resource management issues, providing the direction and justification for the policies, rules and other methods set out under the plan. They are required to be the most appropriate way to achieve the purpose of the Resource Management Act 1991 (**RMA** or **Act**).
7. The key goal of Maypole's submission is to ensure that the objectives of the PDP are the most appropriate way to meet the purpose of the RMA, while providing for appropriate subdivision, use and development and managing the effects of these activities.
8. In my opinion, the objectives of the PDP as they are currently written, including the amendments recommended under the s.42A Report, are not, when read as a complete package, the most appropriate way to meet the purpose of the Act.
9. I have suggested amendments to 4 objectives, which I consider would provide for appropriate subdivision, use and development while ensuring that the management of adverse environmental effects achieves the purpose of the RMA. The wording of these 4 objectives, including the s.42A recommendations that I support, are set out under annexure "A".

INTRODUCTION

Qualifications and experience

10. My name is Christopher Adrian Hansen and I am a Director and Principal Planning Consultant with Chris Hansen Consultants Ltd. My qualifications and experience are outlined in my Primary Evidence (dated 22 March 2016) provided to the Hearings Panel for the General/Plan Wide hearings.

Code of conduct

11. I have read the Code of Conduct contained in the Environment Court's Practice Notes for Expert Witnesses and even though this is a Council hearing, I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

Background to evidence preparation

12. I provide the following statement of evidence in support of the submission lodged by Maypole on Chapter 2 – Objectives of the PDP. I have assisted Maypole over a number of years with planning advice related to its proposed development.
13. I have visited the site and environs of the land which is the subject of Maypole's submissions, and as discussed in my Primary Evidence dated 22 March 2016, I am generally familiar with land planning matters in Kapiti District through other consulting briefs.
14. In preparing this evidence I have read the following reports and evidence:
 - a) Proposed Kapiti Coast District Plan 2012; Section 42A Report: Part A – Background and Process;
 - b) Proposed Kapiti Coast District Plan 2012; Section 42A Report: Part B – Objectives.

OVERVIEW OF MAYPOLE'S SUBMISSION

15. I have provided a background to the Ngarara Farm development in my Primary General Evidence, including the Mission for the development and an overview of Maypole's main submission points [No. 263].
16. The overall intent of Maypole's submission is to ensure the PDP provisions for the Ngarara Zone and Ngarara Precinct are consistent with the provisions introduced through Plan Change 80, now incorporated into the operative District Plan.
17. Through its submission Maypole seeks relief that in the event the provisions in the PDP conflict with those in Plan Change 80 (now incorporated into the operative District Plan), the latter shall prevail.
18. This evidence addresses matters raised by Maypole in relation to Chapter 2 - Objectives. Maypole looks to the Objectives of the PDP to identify the environmental outcomes sought for the subdivision, use and development of land within the Kapiti District, and in particular to provide direction regarding how resource management issues will be dealt with.

PLANNING CONTEXT

19. In my Primary Evidence I provided a broader planning context relating to how the provisions developed through Plan Change 80 relating to the Ngarara Zone, Ngarara Precinct, (Neighbourhood Development Areas and Neighbourhood Development Plans had been made operative under the District Plan. I then discussed the extent to which Plan Change 80 had been given effect under the PDP.
20. This statement of evidence is primarily focussed on the Objectives contained under Chapter 2 of the PDP. These Objectives are to enable Council to carry out its functions under s.31(1)(a) RMA, which states territorial authority functions, for the purpose of giving effect to the Act, include:

“The establishment, implementation, and review of **objectives**, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.” (**Emphasis added**)

21. Objectives provide the direction and justification for the policies, rules and other methods. Objectives should be read together to gain an understanding of what the Plan is seeking to accomplish, the natural resource management issues for the District and the manner in which they are to be addressed. Objectives should be designed to work together, recognising both the complex interactions of natural systems and the needs of resource users, decision makers and the community to clearly understand the context in which resource use activities take place. I am concerned that the current approach to the hearing of the PDP, on a chapter by chapter basis, means the objectives are being assessed in isolation of the policies, rules and methods. In my experience, it is normal for a plan to identify: (a) the district-wide resource management issues; (b) then the objectives to address those issues; and finally (c) the policies, rules and methods necessary to implement those objectives. This is not the case for the PDP, as objectives identified prior to issues (on a zone by zone basis) and in isolation of other plan provisions. This is not, in my opinion, good planning practice.
22. I consider that s.32(1)(a) of the Act requires proposed objectives to be evaluated to determine the extent to which they are the most appropriate way to achieve the purpose of the RMA. The lower order provisions of the PDP must in turn be examined to determine whether they are the most appropriate way of achieving the objectives of the PDP.
23. In other words, the RMA treats an objective as the 'highest order' of plan provisions. It is required to be the most appropriate way of achieving the purpose of the RMA, and the 'lower order' provisions of the plan (policies, rules and methods) are in turn required be the most appropriate way of achieving the objectives. I provide further comment on the role and purpose of objectives, and best practice for writing objectives, later in my evidence.

REVIEW OF NOTIFIED PDP

24. The notified PDP includes 20 objectives that relate to a wide range of resource management matters. The PDP does not list District-wide issues at the beginning of the plan; rather the PDP identifies zone-wide issues specific to an area alongside an introduction to each different “*Environment Chapter*” under the PDP. For the purpose of this evidence, I will only focus on those objectives specifically relevant to Maypole. These are:

(a) Objective 2.2 – Ecology and biodiversity which reads:

To improve indigenous biological diversity and ecological resilience through the:

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

(b) Objective 2.4 - Coastal Environment which reads:

To have a coastal environment where:

- a) natural character, natural systems, natural landforms and natural processes, are protected, and restored where degraded;
- b) appropriate public access to and along the coast is improved;
- c) development does not result in further loss of coastal dunes; and
- d) communities are not exposed to increased risks from coastal hazards.

(c) Objective 2.7 – Historic Heritage which reads:

To have a coastal environment where:

- a) natural character, natural systems, natural landforms and natural processes, are protected, and restored where degraded;
- b) appropriate public access to and along the coast is improved;
- c) development does not result in further loss of coastal dunes; and
- d) communities are not exposed to increased risks from coastal hazards.

(d) Objective 2.9 – Landscapes which reads:

To have a coastal environment where:

- a) natural character, natural systems, natural landforms and natural processes, are protected, and restored where degraded;
- b) appropriate public access to and along the coast is improved;
- c) development does not result in further loss of coastal dunes; and
- d) communities are not exposed to increased risks from coastal hazards.

25. I note the PDP includes an Explanation of the objectives, which is intended to facilitate the plan reader's understanding of the intent of the objective, and to clarify the objective's direction. I consider this is a useful planning tool. This is particularly that case for objectives which as discussed under paragraph [23], are the highest level of provision found under a planning document.

REVIEW OF MAYPOLE'S SUBMISSION POINTS

26. In its submission on Chapter 2 Objectives, Maypole **supported in part** the objectives identified above for the following reason:

Many of the objectives are inconsistent with Part 2 of the RMA and require blanket "protection" without consideration of the desirability of appropriate subdivision, use and development.

27. Maypole sought the following amendments from Council:

Amend the objectives to set outcomes to be achieved that are consistent with the decisions requested in this submission.

This includes amendments to:

- a) **'Objective 2.4 Coastal environment'** 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.
 - b) **'Objective 2.7 Historic heritage'** so it enables appropriate use and development instead of, for example, requiring the recognition and protection of tangata whenua historic heritage without considering the implications for private property owners.
 - c) **'Objective 2.9 Landscapes'** so it reflects the requirements of section 6(b) of the RMA that outstanding natural features and landscapes are only to be protected from inappropriate subdivision, use, and development. Further, the objective refers to other items such as "*the landscape values of coastal hills and escarpments*" which casts the net very wide in terms of the protection required.
28. While Maypole's submission specifically references 3 objectives as outlined above, I interpret the reason for the submission to be broad enough to include additional objectives, and in particular Objective 2.2. I will discuss this point further in my Planning Comment section below.

STAKEHOLDER ENGAGEMENT VERSION AND CONSULTATION

29. The Council introduced a SEV (Stakeholder Engagement Version) of the notified District Plan in June 2015. While the SEV has no statutory weight, it did provide an opportunity for Council to indicate to submitters whether it was contemplating amendments to the PDP to take on board matters raised in submissions, and to undertake pre-hearing meetings with submitters. I commend Council for taking this approach, and for the manner in which staff conducted the pre-hearing meetings.
30. I have reviewed the SEV to see whether any amendments were proposed by Council Officers to the objectives of interest to Maypole. The following are the suggested amendments to the 4 objectives of interest included in Chapter 2 – Objectives of the SEV.
31. In relation to **Objective 2.2 – Ecology and biodiversity** which reads (~~strike through~~ to be deleted; underlined to be added):
- 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.
32. In my opinion, the proposed amendments included in Objective 2.2 of the SEV do not address the inconsistency with Part 2 of the RMA issue being raised by Maypole in its submission.

33. In relation to **Objective 2.4 - Coastal Environment** which reads (~~strike through~~ to be deleted; underlined to be added):

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 landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified, protected, and restored where degraded;
 - b) inappropriate subdivision, use and development is avoided, remedied, or mitigated; and
 - c) ~~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.;
 - d) ~~development does not result in further loss of coastal dunes.~~
34. In my opinion, the proposed amendments included in Objective 2.4 meet in part the matters of concern raised by Maypole in its submission as the Objective is consistent with the Part 2 of the RMA and the reference to inappropriate subdivision, use and development implies appropriate subdivision, use and development is possible.

35. However, I have concerns regarding the wording of Clause b). In particular, while *'avoiding, remedying and mitigating'* are appropriate outcomes for managing adverse environmental effects, this term does not, in my opinion, sit well in the context it is used under Clause b), as it refers to subdivision, use and development (and not effects). I do not consider that subdivision, use and development *per se* can be mitigated or remedied?

36. In relation to **Objective 2.7 – Historic Heritage** which reads (~~strike through~~ to be deleted; underlined to be added):

To protect historic heritage in the District for the social, cultural and economic well being 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 places, knowledge, histories and ngā taonga tuku iho.
37. In my opinion, the proposed amendments included in Objective 2.7 of the SEV do not address the inconsistency with Part 2 of the RMA, but rather requires a form of protection on private property, which sits uncomfortably alongside the enabling purpose of the Act.

38. In relation to **Objective 2.9 – Landscapes** which reads (~~strike through~~ to be deleted; underlined to be added):

To protect the District's ~~natural landforms and valued landscapes, including:~~
Identified outstanding natural features and landscapes from inappropriate subdivision, use and development, and maintain the landscape values of significant special amenity landscapes, and areas of high natural character; Stream and river corridors, including stream and river mouths, head waters and estuaries; Remaining coastal dunes, wetlands and native vegetation; and The landscape values of coastal hills and escarpments.

39. In my opinion, the proposed amendments included in Objective 2.9 meet some of the matters raised by Maypole in its submission. However, the additional wording relating to subdivision, use and development should be written in a positive form, as discussed further below.
40. In terms of consultation in response to the SEV, the discussions I have been involved in with Council Officers have not addressed the objectives of the PDP, or Maypole's submission points on the objectives which I have outlined in paragraph [27] above.

41. Overall, while the proposed amendments to the relevant objectives in the SEV did incorporate some of the matters raised in Maypole's submissions, only Objective 2.9 has been amended to the point I can support it in its entirety. The other objectives require further amendments as I discuss below. As I stated in paragraph [29] above, I acknowledge the SEV is not a statutory document and little weight can be placed on the provisions included in it. The reason I have provided the above overview, however, is to offer a context for assessing the s.42A Report recommendations below.

REVIEW OF S.42A REPORT COMMENT AND RECOMMENDATION

42. I have reviewed the s.42A Report relating to Maypole's submission points on the relevant objectives identified above. I address the Council Officer's views on Maypole's submission in that report as follows.

Objective 2.2 – Ecology and biodiversity

43. The s.42A Report does not specifically recognise Maypole's submission point to amend objectives to be consistent with Part 2 of the RMA. Maypole sought consideration of the desirability of subdivision, use and development when considering 'protection' of natural resources.
44. I note paragraph [135] (page 31) of the s.42A Report lists 9 submitters that sought a similar outcome to Maypole in their respective submissions – *“that a more balanced approach should be taken to enabling appropriate development, use and subdivision”*, and a large number of further submissions that supported the 9 original submissions (paragraphs [136] to [138]; pages 32-34).
45. The s.42A Report recommends these submissions and further submissions be **accepted in part** by refocussing sub point (b) to encourage restoration of indigenous ecosystems. Clause b) of Objective would read (~~strike through~~ to be deleted; underlined to be added):

Encouraging restoration of the ecological integrity of ~~important degraded environments and habitats~~ indigenous ecosystems and recognising its importance;

Objective 2.4 – Coastal environment

46. The s.42A Report recognises Maypole's submission in paragraph [279] (page 68) and in paragraph [294] (page 70) and agrees the objective is very general and could benefit from being redrafted to be more specific about areas to be protected.
47. In paragraph [308] (page 75) the s.42A Report recommends Maypole's submission be **accepted in part** and recommends Objective 2.4 be amended. I note the amendments to Objective 2.4 use the exact wording as proposed in the SEV (refer to paragraph [33] of my evidence above), the only difference being that the proposed Clause b) in the SEV has been renumbered as Clause c) in the s.42A Report recommendation.

Objective 2.7 – Historic heritage

48. The s.42A Report recognises Maypole's submission in paragraph [383] (page 95) and in paragraph [387] (page 96) assesses the submission. The Council Officer does not agree with Maypole's submission as the Officer considers it is:

... entirely appropriate to ensure protection of historic heritage regardless of land ownership, and the objective gives effect to the RMA, which ensures that historic heritage it is protected from inappropriate subdivision, use and development. Enabling appropriate subdivision, use and development where historic heritage values are affected or potentially affected is, in my opinion, the intent of the Act.
49. The s.42A Report recommends Maypole's submission be **rejected**. A minor amendment is recommended to Objective 2.7 a) in response to other submissions. I note the recommended amendment to Clause a) is the exact wording proposed in the SEV (refer to paragraph [36] above).

Objective 2.9 - Landscapes

50. The s.42A Report recognises Maypole's submission in paragraph [438] (page 105) and in paragraph [444] (page 106) assesses the submission. The Council Officer agrees that the objective should give effect to s.6(b) of the RMA and recommends Maypole's submission be **accepted in part**.
51. The s.42A Report recommends Objective 2.9 be amended. I note the recommended amendments are the same as proposed in SEV (refer to paragraph [38] above), apart from one small amendment where the words '*features and*' were proposed to be deleted in the SEV but are recommended to be retained in the s.42A Report.

PLANNING COMMENT

52. As I outlined in the Planning Context (paragraph [21] to [23] above), the purpose of an objective in a planning context is to express the outcomes sought or what is aimed to be achieved when addressing an environmental issue, and to provide the direction and justification for the policies, rules and other methods. Policies, on the other hand, identify the path or course of action to be taken to achieve an objective, and rules and methods provide a regulatory or non-regulatory approach to implementing policies regulatory (rules have the force and effect of a regulation).
53. An objective should be clear in intent, specific in terms of what is to be achieved, precise as to where and when it is to be achieved (as relevant), and obviously pertain to the issue being addressed. Objectives should be positively worded.
54. As I also mentioned in paragraph [21] above, objectives should be read together. In my opinion they also need to be read together with policies and rules/methods contained in the plan to accurately determine how the resource management issue that has been identified is to be addressed. Unfortunately, this is not possible in the case of the PDP, as the Council has procedurally decided to hear submissions on a chapter by chapter basis. This means the policies to implement the objectives, and the rules/methods to implement the policies, may change.

55. Unfortunately, this means my planning comment is limited to assessing the objectives in isolation of the complete planning package proposed under the PDP to address the environmental issues identified under the plan.
56. I am further concerned that the s.42A Report often provides the Council Officer's opinion without reference to background technical reports or expert advice upon which the Council Officer's planning opinion may have been formed. In particular, where the Council Officer states they do not agree with a submitter, I would have expected further clarification as to why the submission is rejected and reference to technical reports or expert advice prepared in support of the s.42 recommendation.
57. The following sub-headings set out my planning comment on the s.42A Report and recommendations in relation the 4 objectives I have referred to above.

Objectives Meeting the Purpose of the RMA

58. The objectives must meet the purpose of the RMA, and in particular promote the sustainable management of natural and physical resources (s.5(1)). Section 5(2) defines sustainable management as:

... 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 while—

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
- (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
- (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

59. The purpose of the RMA is enabling. It anticipates the use and development (as well as protection) of natural and physical resources while ensuring environmentally sustainable outcomes. As I have discussed in paragraph [20] above, s.31 states that a function of Council is to prepare objectives to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. Section 32(1) requires these objectives to be the most appropriate way to achieve the purpose of the RMA.
60. Within this context, I agree with the Maypole request that the objectives of the PDP should be consistent with the Part 2 purpose of the RMA. In my opinion, the objectives do not achieve the integration of the effects of the use, development or protection of land. For example, while Objective 2.2 focuses on the protection, restoration and enhancement of ecosystems and biodiversity, but it does not recognise that there may be subdivision, use and development that is appropriate in the areas identified if the adverse environmental effects are appropriately managed.
61. Similarly, while Objective 2.4 protects the coastal environment, it does not provide for appropriate subdivision use and development if adverse environmental effects are appropriately managed. It only provides for development that does not result in further loss of coastal dunes. Furthermore, when considering the objectives of the PDP collectively, I can see no objective that provides for the integration of use and development while protecting ecosystems and biodiversity, or the coastal environment. It is therefore my view the recommended objectives are not the most appropriate way of meeting the purpose of the RMA.
62. The remainder of my evidence focuses on how the 4 relevant objectives might be amended to achieve this outcome. I accept that it may be possible for one objective to be developed that addresses the integrated management requirements of s.31(1) and the 'most appropriate' test in s.32(1)(a) of the RMA. However, I prefer the approach taken in Maypole's submission, which looks to have each of the relevant objectives amended to address this issue. This is my preference as it ensures clarity in the objective.

Objective 2.2 – Ecology and biodiversity

63. As I have discussed above, Maypole and a number of other submitters sought a more balanced approach to enabling appropriate development, use and subdivision. In my opinion, while the Council Officer states they agree with the submission point in their s.42A Report, the amendment recommended does not address the issue being raised.
64. The s.42A Report suggests (paragraph [154] page 36) that Objective 2.2(b) could be refocused because Priority Areas for Restoration have been withdrawn from the plan, and this, along with other amendments to Objective 2.2, may address the concerns of the submitters. I disagree. The amendments recommended to Objective 2.2 do nothing, in my opinion, to introduce a balanced approach, and no reason is given, or technical reports/expert opinion offered, to support the recommendation not to adopt the amendments sought.
65. In Maypole's case, as outlined in my Primary General Evidence, Private Plan Change 80 was supported by a large number of assessments and technical reports, which provided a significant level of detail concerning the natural and physical characteristics of the surrounding environment (paragraph [37] of my Primary Evidence).
66. These assessments were prepared by highly experienced and nationally recognised technical specialists. I understand that the Council has since undertaken its own investigations into District-wide natural resources in order to ensure areas of importance are recognised and protected. In my opinion, this protection can sit comfortably with the identification of appropriate subdivision, use and development, where adverse effects are managed as required by the RMA.

67. I therefore consider the Council should amend Objective 2.2 to specifically provide for appropriate subdivision, use and development when adverse environmental effects are managed to acceptable levels. I consider the following wording would be appropriate for a new Clause e):

e) Providing for appropriate subdivision, use and development of natural and physical resources with ecological and biodiversity values while ensuring any adverse environmental effects are avoided, remedied or mitigated.

68. I have set out the complete wording of Objective 2.2 (together with the s.42A Report recommendation) under annexure "A".

Objective 2.4 – Coastal Environment

69. I consider the Council Officer's recommended amendments to Clause a) in the s.42A Report are consistent with the RMA, and remove previously vague references to natural character, systems, landforms and I processes. I support these amendments and would seek the recommendation be adopted.
70. While I support the inclusion of a new Clause c), I have the following concerns regarding the Council Officer's proposed wording. Firstly, as discussed above, an objective should be written in a positive way. Therefore, instead of trying to restrict inappropriate subdivision, use and development, it should instead promote appropriate subdivision, use and development. This is consistent with the enabling purpose of the RMA and removes any uncertainty that subdivision, use and development can be undertaken where the effects of a proposal are appropriately avoided, remedied or mitigated.
71. Secondly, in my opinion the recommended wording of Clause c) is incorrectly focussed on avoiding, remedying and mitigating subdivision, use and development, rather than the adverse effects of these activities. I cannot see how a subdivision (or a use or a development for that matter) may be remedied or mitigated. I consider the following wording is more appropriate under a new Clause c):

c) appropriate subdivision, use and development of natural and physical resources in the coastal environment is provided for while ensuring any adverse environmental effects are avoided, remedied or mitigated.

72. The full wording is set out in annexure "A" to my evidence.

Objective 2.7 – Historic heritage

73. In my opinion, the recommended amendments to Objective 2.7 in the s.42A Report do not address valid concerns raised by Maypole in its submission, and the assessment seems to have missed the key point being raised. I am confused by the amendments proposed. The Council Officer clearly states in paragraph [387] (page 96) that the intent of the RMA is to enable appropriate subdivision, use and development but rejects the amendments sought by Maypole.

74. Maypole is not suggesting in its submission that historic heritage protection should not occur on important recognised sites of heritage significance. Rather, consistent with its main submission point on the objectives, Maypole is seeking recognition that there may be appropriate subdivision, use and development where the heritage values are recognised and appropriately managed in any development.

75. Similar to my above comments, I agree with the intention of Maypole's submission that Objective 2.7 should ensure the purpose of the RMA can be achieved (which is agreed to in the s.42A Report, as discussed above in paragraph [73]).

76. Maypole provided two Cultural Impact Assessments under private Plan Change 80. Those reports identified the cultural significance of the Ngarara Farm area, while supporting subdivision/development and Heritage New Zealand approvals (as outlined in my Primary General Evidence under paragraph [42])). I consider Maypole has worked well with iwi to ensure subdivision, use and development within areas of heritage value is managed in culturally and archeologically appropriate ways. In my view the following wording is appropriate for a new Clause c):

c) Providing for appropriate use and development of natural and physical resources with historic heritage while ensuring any adverse environmental effects are avoided, remedied or mitigated.

77. The full wording is set out in my evidence under annexure "A".

Objective 2.9 - Landscapes

78. I support the recommended amendments to Objective 2.9 under the s.42A Report, and particularly the deletion of the vague references. However, I would prefer the objective to be written in a more positive way in regard to subdivision, use and development for reasons discussed above.

79. I would therefore consider the recommendation to delete parts of Objective 2.9 should be adopted, and the following wording is an appropriate amendment with respect to subdivision, use and development:

~~...landscapes from inappropriate subdivision, use and development, and~~
while providing for appropriate subdivision, use and development of natural and physical resources with landscape values while ensuring any adverse environmental effects are avoided, remedied or mitigated, and to maintain the
....

80. The full wording is set out in my evidence under annexure "A".

CONCLUSION

81. Objectives are important plan provisions that provide direction and justification for the policies, rules and other methods insofar as they are intended to address district wide resource management issues. Objectives are required to be the most appropriate way of achieving the purpose of the RMA.

82. The key issue for Maypole in its submission is to ensure that the PDP's objectives are the most appropriate way to meet the purpose of the RMA. This entails making provision for appropriate subdivision, use and development where the effects of those activities can be sustainably managed

83. In my opinion, the objectives of the PDP as they are currently proposed, including the amendments recommended in the s.42A Report, are not the most appropriate way to meet the purpose of the RMA.
84. I have provided suggested amendments to 4 objectives, which I consider would provide for appropriate subdivision, use and development while ensuring any adverse environmental effects are managed to acceptable levels, in order to meet the purpose of the RMA.

1 April 2016

Chris Hansen

ANNEXURE “A”

PROPOSED AMENDMENTS TO CHAPTER 2 - OBJECTIVES

The objectives below show the following amendments:

Blue – amendments recommended in the s.42A Report

Red – amendments I propose to meet Maypole’s submission points

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 and recognising its importance~~;

c) enhancement of the health of terrestrial and aquatic ecosystems; ~~and~~

d) enhancement of the mauri of waterbodies; ~~and~~

e) providing for appropriate subdivision, use and development of natural and physical resources with ecological and biodiversity values while ensuring any adverse environmental effects are avoided, remedied or mitigated.”

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 landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified, protected, and restored where degraded;

b) ~~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.;~~

c) ~~appropriate subdivision, use and development of natural and physical resources in the coastal environment is provided for while ensuring any adverse environmental effects are avoided, remedied or mitigated.~~”

e) ~~inappropriate subdivision, use and development is avoided, remedied, or mitigated.;~~ and

e) ~~development does not result in further loss of coastal dunes”~~

Objective 2.7 – Historic Heritage

“To protect historic heritage in the District for the social, cultural and economic well being of the Kāpiti Coast community and future generations, this includes:

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 places, knowledge, histories and ngā taonga tuku iho; ~~and~~

c) ~~Providing for appropriate use and development of natural and physical resources with historic heritage while ensuring any adverse environmental effects are avoided, remedied or mitigated.~~”

Objective 2.9 - Landscapes

“To protect the District’s ~~natural landforms and valued landscapes, including: I~~ identified outstanding natural features and landscapes ~~from inappropriate subdivision, use and development, and~~ while providing for appropriate subdivision, use and development of natural and physical resources with landscape values while ensuring any adverse environmental effects are avoided, remedied or mitigated, and to maintain or enhance the landscape values of significant special amenity landscapes, and areas of high natural character; Stream and river corridors, including stream and river mouths, head waters and

~~estuaries; Remaining coastal dunes, wetlands and native vegetation; and The landscape values of coastal hills and escarpments.”~~