

# Kāpiti Coast District Council - Proposed District Plan

## Pre-hearing meeting report

<b>Topic</b>	Mapping of Coastal and Lowland Landscapes
<b>Where</b>	Council Chambers, Council Offices, 175 Rimu Road, Paraparaumu
<b>When</b>	16 December 2015, 9am-4.10pm
<b>Chairperson</b>	Trevor Robinson, independent chair
<b>Assistant Chairperson</b>	Councillor Janet Holborow
<b>File reference</b>	631733

## 1 Meeting Procedures

### 1.1 Introduction and purpose

This report is a record of a pre-hearing meeting called by the council for the purpose of clarifying or facilitating the resolution of a matter related to its Proposed District Plan. This report is prepared in accordance with clause 8AA(5) of Schedule 1 of the Resource Management Act 1991. At the start of the meeting it was agreed by all those present that all matters which the parties wished to discuss would be on a “without prejudice” basis.

### 1.2 Information provided or received by Council prior to the meeting

- Agenda provided (corrected version attached – EDocs 629616)
- Draft Isthmus Landscape and Coastal Environment Addendum Report, 9 December 2015 circulated (EDocs 631680)
- Updated maps (EDocs 631683)
- Land Matters Landscape and Coastal pre-hearing representation provided to Council and attached (EDdocs 631688 / 631693) on behalf of:
  1. Bellcamp Trust Company Ltd (Submission #457 and Further Submission #181);
  2. Kennott Trust Company (Submission #492 and Further Submission #183)
  3. Clint Reha, Director of Waikanae Christian Holiday Park Inc (Submission #319 and Further Submission #177)

### 1.3 Council attendance

The following council staff and / or consultants attended:

Name	Title and / or role
Janeen Kydd-Smith	Consultant planner (Kydd Smith Environmental Planning)
Brad Coombs	Landscape consultant (Isthmus)
Lisa Rimmer	Landscape consultant (Isthmus)
Carolyn Wratt	Consultant planner (MWH)

### 1.4 Submitter attendance

The following submitters attended or were represented:

Sub # / points	Submitter name	Represented by
485	Frank and Vicki Boffa	Frank Boffa
250 FS063	Federated Farmers of New Zealand	Kristy McGregor Kerry Walker
202 FS193	Department of Conservation	Christopher Rendall Olivia Eaton
263 FS125	Maypole Environmental Ltd	Chris Hansen (left 1pm) Craig Martell (arrived 10.03am, left 1pm)
321	Robin & Ferial Falconer	Robin Falconer Ferial Falconer
487 FS181	Bellcamp Trust Company Ltd	Anna Carter – Landmatters (arrived 11.41) Stuart Pritchard (arrived 1.05pm, left 1.44pm)
492 FS183	Kennott Trust Company Ltd & Kauri Trust	Anna Carter – Landmatters (arrived 11.41)
319 & FS177	Waikanae Christian Holiday Park	Anna Carter – Landmatters (arrived 11.41)
FS093	Lyndon Enterprises Ltd	Don Wallace (arrived 11.34)

#### Apologies:

Max Lutz FS108

Winstone Aggregates 92

Jan Nisbet 133

Allan Darragh FS068

## 2 Agenda Items

1: WELCOME, HEALTH AND SAFETY BRIEFING

2: PROCESS ISSUES

Discussion of without prejudice status of discussions at this meeting and all discussions are confidential unless and to the extent they are recorded in the formal meeting record.

3: OVERVIEW OF ISTHMUS REPORT AND MAPS – GENERAL SUBMISSIONS

- Federated Farmers identified a general point of concern regarding lack of consultation with affected landowners. Despite the efforts of Isthmus to engage with landowners over the last six months, many landowners have not had the chance to have an input because they did not make a submission on the PDP, or alternatively did make a submission on the PDP landscape provisions but were not specific to any feature or location.
- The Council team acknowledges that following notification of the PDP there has been greater consultation with hill country versus lowlands and coastal landowners.
- Department of Conservation officers confirmed the Department's general support for the PDP policy approach and the identification of the SALs and ONLs. The Department has a particular interest in the application of the New Zealand Coastal Policy Statement which depends on the identification of the Coastal Environment. This matter has not been resolved and the Department's response is limited in this regard. Department of Conservation has a particular interest in the Waikanae River corridor subject to the landscape assessment.
- Department of Conservation officers advised that it would need to consider the implications for SALs within the Coastal Environment when that line is fixed, as to whether it supported or opposed Council's approach to SALs.
- Council were asked as to their position as to when the placement of the coastal environment line will be resolved. Council responded that there is a recommended amended Coastal Environment line issued at a previous coastal matters pre-hearing meeting. Ngarara is located outside this line at this point in time.
- Federated Farmers maintains its general opposition to the identification of SALs in the Proposed District Plan on the basis that neither the RMA nor the Wellington Regional Policy Statement requires the identification of SALs.
- Without prejudice to specific requests by submitters that Land Matters represents regarding amending boundaries of SALs on their land, Anna Carter also recorded that in general she opposes the SALs on the basis of a lack of consultation with the community and ambiguity of the planning provisions. She considers that the Wellington Regional Policy Statement only requires SALs if they are shown to meet the criteria set out in Policy 27 of the RPS.
- Anna considers that SAL need to be identified based on community values. Anna considers the LTCCP is an appropriate vehicle for identifying those values. Anna gave a presentation based on the written submission attached. She emphasised the need for SALs generally to be identified in consultation with the community. Brad Coombs noted that the 2012 Isthmus report recorded that the absence of community input was not ideal and that the report had been a technical assessment only. Anna

requested that where SAL boundaries are in contention and given the lack of time for broader community consultation, boundaries be reviewed by an independent landscape architect working in conjunction with Isthmus with the landowners who might also undertake random SAL assessments. Her position is that imposition of SALs should be deferred until this occurs. Council response is that having been provided with the additional information provided specific to the land, Council advisors will need to assess this and will also consider the request for an independent landscape assessment.

- Anna raised a particular concern around the directive language of Policy 3.7 creating a quasi rule. Janeen responded that the point had merit and the references to SAL would be deleted from that policy in her report.
- Anna commented on the ambiguity of policies, the lack of guidance in the assessment record sheets and the merits of retaining SALs. Janeen responded that Council staff had considered deleting SALs entirely but did not consider that was appropriate and that the lack of assessment criteria is not a fatal flaw.
- The Council team recorded their position that SALs should be retained. The identification of SALs is a point of disagreement between Federated Farmers and the submitters represented by Land Matters, on the one hand, and Council.
- Kristy McGregor picked up on the observation that Robin and Ferial Falconer had not received any notification of the landscape overlays over their land and queried whether there was a need for communication with affected landowners more generally having regard to previous communications from Council that would have led landowners to believe that they were not affected. Don Wallace characterised those communications as misleading. The Chair asked Council staff to consider whether this matter can be addressed.
- Kristy also asked if there might be an opportunity for affected owners to communicate directly with Isthmus regarding ONL and SAL boundaries. Isthmus advised that they would need to consult with Council before committing to this but would advise Kristy and Anna as soon as possible.

#### 4. WAIORONGOMAI DUNES ONL

- Lisa reported on discussions with the sole submitter on Waiorongamai Dunes ONL. Lisa reported that investigations indicated that the boundary already addressed the matters raised in submission. The submitter was not present at the meeting so this matter could not be discussed further.

#### 5. NGARARA DUNES ONL

- Frank Boffa recorded that subject to Janeen's advice that the proposed revision of the provisions related to SAL involves no rules, then he accepts the SAL classification rather than the ONL for his property.
- Frank requested that given that what was an ONL is now largely an SAL, Council consider the possibility of a future plan change identifying Waikanae golf course and Waikanae Park in particular as an SAL subject to further landscape assessment, recognising that there is no scope provided by submissions at this point to do so.

- Frank maintains his position that the road corridor should be included in the SAL. The Isthmus team stated they are not in a position at this point to agree but are sympathetic to the approach. Isthmus have agreed to review the additional information around mitigation measures for the road corridor when forming a view as to whether the designation is included in the SAL in whole or part.
- Maypole accepts there are landscape and ecological values of importance in Ngarara but challenges the location of lines drawn. However, the main area of concern is the duplication of planning provisions and processes and on that basis Maypole opposes identification of the Ngarara SAL.
- Maypole maintain their position that the ONL encompassing Kawhakahia wetland should be constrained to the natural system. The Isthmus team maintain that the ONL is a broader landscape as identified. This is a point of disagreement.
- Maypole's primary position is to remove SAL from Ngarara. If the notation remains, then Maypole seeks expansion of the proposed exemption to identified neighbourhood development areas. Council team maintains their position in terms of the SAL and the provisions relating to it. This is an area of disagreement.
- Maypole has a general concern about the consistency of approach applied to identify the Ngarara SAL compared with other areas in the district. Isthmus advised that the submission response process had provided further consistency checks across the District for dune and wetland landscapes and that they were confident as to the outcome.
- Maypole has an issue about the extent of on-site assessment to support the Council position. The Isthmus team outlined the constraints on on-site observations in terms of time and access, but noted that they had taken the opportunity to view the site and see what they could.
- Maypole will consider its position further with respect to the extent of duplication of policies. The outcome of the discussions between Council staff and Department of Conservation on the identification of the Coastal Environment (and confirmation that Ngarara is outside the Coastal Environment as identified) is likely to be relevant to the stance Maypole takes on those issues.

## 6. WAIKANAE ESTUARY ONL

- Department of Conservation officers advised that it supports the Council's current recommendation.
- Frank asked if the landscape team reconsider whether the northern extension beyond the scientific reserve to the ONL is justified. Isthmus agreed to consider the request.
- Waikanae Christian Holiday Park Inc supports the identification of the inclusion of the ONL based on advice that the eastern boundary is in the vicinity of the swingbridge.

## 7. WHAREROA DUNELANDS ONL

- Lisa advised that of the two areas in Raumati South, one is recommended to be included but the other is not as it is not supported by the landscape assessment. As the submitter not present at the meeting, this matter could not be discussed further.

## 8. KAPITI COASTLINE (ADDITIONAL) ONL

- Frank agreed to withdraw this point of his submission as he is comfortable with identification of Otaki and Waikanae estuaries as ONFs. The rest of the coastline is High Natural Character and has been included as a mixture of SAL or ONFL which he considered is appropriate.

## 9. NORTHERN BEACHES SAL

- Lisa advised that she has reviewed the plan and considers the landscape assessment sheets address the point of submission and no further amendments are required. The submitter was not present and the matter could not be discussed further.

## 10: WAITAWA / WAIORONGOMAI DUNE LAKES SAL

- Federated Farmers queried whether the duplication (and therefore increased complexity) provided by SAL provisions was justified and provided any added value to the network of overlays and zone provisions that already apply to the land affected by this SAL (and other farmland dominated SALs such as Te Hapua and Lower Otaki River). This remains a point of disagreement as Janeen considered there is value in identifying the values that would be considered in a discretionary or non complying consent application.
- Anna Carter spoke to the SALs on Bellcamp Company Trust land (off Forest Lakes Road) and Kennott Company Trust land (off Taylors Road and Forest Lakes Road). Anna highlighted that both owners' land is subject to both PDP and Proposed Natural Resources Plan overlays. Where possible, and in agreement with the landowner, the landowners are looking to have the boundaries of the SAL align with the boundaries of these other overlays. Stuart spoke about how he has managed the wetland and forest on his property by fencing these off and managing weeds. Anna on behalf of both landowners said that they are seeking to have an independent landscape architect in consultation with Isthmus Group and the landowners, come out and assess the boundaries of the SAL.

## 11: LOWER OTAKI RIVER SAL

- Lisa described the process gone through with Winstone Aggregates and minor boundary changes have been recommended to exclude existing extraction areas. Winstone Aggregates were not present but advised in writing that it did not oppose the updated mapping. Winstone Aggregates stated a need to ensure Plan maps are presented at an appropriate scale to accurately define boundaries.

## 12: LOWER WAIKANAЕ RIVER SAL

- Robin and Feriel Falconer raised concerns with the portion of the SAL on the higher river terrace of their land and other properties to Te Moana Road. They considered the higher section previously recognised as an ecosite is not appropriate as an SAL. Isthmus undertook to review the approach and considered that if the ecosite has been withdrawn, there may be a case to review the SAL boundaries. Council undertook to respond to the Falconers as soon as possible.
- Anna presented on behalf of the Waikanae Christian Holiday Park based on the written paper attached. She emphasised the limited flexibility the Park has to relocate buildings and activities given the loss of land to the Expressway and Council's requirements for resource consents to relocate activities within the park, but that the Park would accept SAL status over the lower section of the Park constituting the existing walkway and cycleway.
- Isthmus advised that they accepted in principle the revision of the SAL line accordingly but need to check on the ground against broader landscape context and the relationship on adjacent properties. They undertook to do so and advise Anna Carter as soon as possible.

## 3 Disclosure

None noted

## 4 Agreed Actions

- Department of Conservation to consider its position on SALs when the boundary of the coastal environment is fixed for the purposes of the Plan.
- Council to consider Anna Carter's request for SALs to be reviewed by an independent landscape architect working in conjunction with Isthmus with the landowners both where boundaries are contentious and at random points of SALs
- Janeen Kydd-Smith to delete the references to SAL from Policy 3.7 in the revised Plan provisions she is recommending.
- Council staff to consider whether people who are not submitters can be alerted to landscape overlays on their property.
- Council to consider opportunities for affected owners to communicate directly with Isthmus regarding ONL and SAL boundaries, and to advise Kristy and Anna as soon as possible.
- Council to consider the possibility of a future plan change identifying Waikanae Golf course and Waikanae Park in particular as an SAL subject to further landscape assessment.
- Maypole to consider further the extent of duplication of policies if its land is subject to ONL/SAL overlays, once the coastal environment line is fixed for the purposes of the Plan.
- Isthmus to review the additional information around mitigation measures for the road corridor when forming a view as to whether the designation is included in the SAL in whole or part.
- Isthmus to consider whether the northern extension to the Waikanae Estuary ONL beyond the scientific reserve is justified.
- Isthmus to review the boundary of the Lower Waikanae River SAL in the vicinity of the Falconers' property to ascertain if the boundary should be shifted, particularly if

the previously identified ecosite has been deleted from the Proposed Plan. Council to advise the Falconers of the results of this review as soon as possible.

- Isthmus to check the Lower Waikanae River SAL boundary on the ground where it crossed the Waikanae Christian Holiday Park against broader landscape context and the relationship on adjacent properties and advise Anna Carter as soon as possible as to whether the proposed boundary will be shifted.

## **5 Further information provided at Pre-hearing**

- Large scale map of the lower Waikanae River SAL in the location of the Falconer's property
- Powerpoint Presentation – Coastal and Lowland Landscapes Pre-hearing Meeting (EDocs6317004)
- PDP implementation Plan Timeline (EDocs 573027)

**Report prepared by:**



**Trevor Robinson  
Independent Chair**

**Dated: 21 December 2015**

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## Attachment 1

### Clause 8AA, Schedule 1 of the RMA 1991

[8AA Resolution of disputes

- (1) For the purpose of clarifying or facilitating the resolution of any matter relating to a proposed policy statement or plan, a local authority may, if requested or on its own initiative, invite anyone who has made a submission on the proposed policy statement or plan to meet with the local authority or such other person as the local authority thinks appropriate.
- (2) A member of the local authority who attends a meeting under subclause (1) is not disqualified from participating in a decision made under clause 10.
- (3) The local authority may, with the consent of the parties, refer to mediation the issues raised by persons who have made submissions on the proposed plan or policy statement.
- (4) Mediation under subclause (3) must be conducted by an independent mediator.
- (5) The chairperson of the meeting must, as soon as practicable after the end of the meeting, prepare a report that—
  - (a) must identify the matters that are agreed between the local authority and the submitters and those that are not; and
  - (b) may identify—
    - (i) the nature of the evidence that must be called at the hearing by the persons who made submissions:
    - (ii) the order in which that evidence is to be heard:
    - (iii) a proposed timetable for the hearing; but
  - (c) does not include evidence that was presented at the meeting on a without prejudice basis.
- (6) The person who prepared the report must give the report to those persons who attended the meeting and the local authority not later than 5 working days before the hearing.
- (7) The local authority must have regard to the report in making its decision under clause 10.]