

# Kāpiti Coast District Council Submitter Engagement Version PDP

## Planner Drop-in Notes & Actions

<b>Topic:</b>	Chapter 3 Natural Environment and Chapter 7 Rural Zone
<b>Meeting Date:</b>	7 August 2015
<b>Meeting Start Time:</b>	2.30pm
<b>Meeting Finish Time:</b>	4.10pm
<b>Venue:</b>	Kohekohe Room, Council Offices, , Paraparaumu (example)
<b>File reference/s:</b>	Ref# <b>Not provided</b> Copy of Original Submission

### Attendees

Name	Title/Role	Sub #
Janeen Kydd Smith	Consultant Planner – Chapter Lead	
Michelle Conland	Consultant Planner	
Egon Guttke	Submitter	100

### Matters discussed

Item
<p><b>1 Health &amp; Safety</b></p> <ul style="list-style-type: none"> <li>Emergency procedures</li> <li>Visitor sign-in complete</li> </ul>
<p><b>2 Submitter engagement process</b></p> <ul style="list-style-type: none"> <li>Janeen explained that drafted changes to the Proposed District Plan (PDP) had been made in response to submissions and were contained in the Submitter Engagement Version (SEV), but that further changes were being made as the process progressed.</li> </ul>
<p><b>3 Definition of development</b></p> <ul style="list-style-type: none"> <li>Egon noted that the definition includes fencing which should not be captured under development. If it was just fencing without a house etc, then it was not development.</li> <li>Also includes land disturbance – the definition of which includes any new tree planting and maintenance of tracks.</li> <li>Janeen explained that Katherine Dorofaeff has responsibility for Chapter 1, which includes definitions. Janeen advised that consideration would need to be given as to how the definition is used in the PDP rules and any implications of amending the definition.</li> </ul>
<p><b>4 Earthworks, disturbance of land definitions</b></p> <ul style="list-style-type: none"> <li>Egon asked whether the disturbance of land, earthworks, was the same as land disturbance, and did that mean with a spade and doing some digging? Is resource consent needed for that?</li> <li>Janeen explained that for earthworks there were volume restrictions.</li> <li>Janeen agreed that these definitions needed to be looked at but would have to check the scope of submissions. <b>(Action 1)</b></li> </ul>

## 5 Farm tracks and plantation forestry

- Egon stated that it may be implied but should be explicit that the definition of farm tracks included forestry tracks. He believed it needed to be included in the definition of farm tracks due to land use changing over time.
- Janeen looked at the definition of farming – forestry is commercial cultivation, which was included in the definition. Janeen noted that there is a definition of plantation forestry also. The intention is that forestry is included in farming.

## 6 Land disturbance definition

- Egon noted that this included tree planting and removal.
- Janeen explained that tree planting and removal was initially covered in clauses a) to c) of the definition below, and the definition had been amended to make it more succinct.
- Egon asked what the difference was between planting plants and tree seedlings.
- Janeen said that the land disturbance term use does not necessarily have an effect on rules. Janeen said she would review the definition and where it was used in the rules. **(Action 2)**

## 7 Defined terms – capitals

- Egon thought that all defined terms should be in capitals.
- Janeen noted that they are supposed to be in italics but that not all had been picked up yet in the redrafting. Janeen said that this issue had been raised by others and would be looked at through the plan chapter integration process.

## 8 Policy 3.7 - Subdivision

- Egon did not believe the policy was justified through s32. Ignores positive effects of subdivision, e.g. Better pest control. No evidence that subdivision has a negative effect on biodiversity. Also, subdivision is not synonymous with development.
- Janeen explained that the policy was concerned about other effects (e.g. landscape) and not just biodiversity. She noted that concerns about the focus of the policy on avoiding subdivision that created lots entirely within ecological sites, or which created boundaries that cut through ecological sites, had been raised during meetings with other submitters. She considered that the intention of the policy, to avoid the creation of a new sites entirely within ecological sites, was likely to avoid creating a whole new set of development rights that landowners would expect to have when new lots were created, e.g. dwelling and associated access, etc.
- Janeen agreed that the policy did not consider the positive effects that could be gained from allowing subdivision of ecological sites where there might be benefits associated with the protection of those areas.
- Egon asked if there was an issue with putting a hut on the site that was on land within an outstanding natural landscape He could not see the reason for the policy going as far as it did. Janeen agreed to review the policy and consider whether it should be amended (and whether it could under the scope of submissions) to address the concerns raised. **(Action 3)**

## 9 Policy 3.8 – Cumulative effects

- Egon noted that the policy stated must “avoid cumulative adverse effects”. Should replace ‘avoid’ with ‘minimise’ as any development will have those effects.
- Janeen explained that the terminology should be “avoid, remedy or mitigate”.
- Janeen agreed that the terminology should be looked at but would have to check scope of submissions. **(Action 4)**

## 10 Section 3.2 – Introduction

- Egon asked why indigenous vegetation was protected.
- Janeen explained that this would be looked at further by the PDP review team and a review of the regulatory/non-regulatory methods for ecological sites, trimming/modification of trees and indigenous vegetation, and biodiversity was proposed over the next few months. She also noted that the list of Key Indigenous Tree Species identified in Schedule 3.2 of the PDP was designed for urban trees but had been applied across the whole district.
- Egon asked why Tawa was included as a key indigenous species as it was not endangered and did not require any special protection.
- Janeen noted that the list would be reviewed also as part of a proposed Urban Tree Variation (UTV) to the PDP.

## 11 Policy 3.12 – Buffer zones

- Egon stated that buffer zones were not needed for large contiguous areas.
- Janeen said she had been looking at buffer zones around ecological sites and had almost got to the point of removing them entirely, but she was still looking at this issue. This included obtaining technical expert advice from Council's ecologists.
- Egon asked what the legal implications were if a neighbour protected their ecological site and the buffer potentially extended over your property.
- Janeen explained that the buffers only related to identified ecological sites, so to add a new ecological site to the maps and Schedule 3.1 in the PDP, a plan process would have to be gone through.
- Janeen noted that Policy 3.2, that referenced the identification of new ecological sites as further information became available through the resource consent process, was deleted in the SEV in response to submissions.
- Egon noted that the wording in clause (a) of Policy 3.12 "avoiding where practicable" was confusing regarding what it related to. Janeen explained that the whole clause needed rewording, due to the new clauses (e) and (f), so that there was an ability to trim trees, and undertake pest management and weed control.

## 12 Timeframes for trimming – Rule 3A.1.3

- Egon questioned the two year timeframe under Rules 3A.1.3.2(h) – which allowed trimming of indigenous vegetation within 2 years of a plantation forestry being harvested. He noted that the limit was four years under the Emissions Trading Scheme (ETS), and under the draft NES for Plantation Forestry it is 5 years. Egon believed the rule needed to be in line with these requirements.
- Janeen said she would have a look into the provisions of the ETS and draft NES regarding timeframes in relation to this, and would check the scope of submissions for being able to change the timeframe. **(Action 5)**

### **13 Trimming of trees – Rule 3A.1.2.1.**

- Egon asked about the trimming of trees under this rule.
- Janeen noted that it related to the urban environment. She noted that an amendment to this rule was being considered as part of the proposed Urban Tree Variation (UTV) to the PDP along with the list of Key Indigenous Tree Species schedule.
- Egon discussed about needing to trim within a waterway if a tree was blocking something. Egon noted that people only trimmed trees if there was a problem that needed rectifying.
- Janeen said that trimming may well become a permitted activity under the UTV subject to compliance with standards.
- Janeen explained that the provisions around trimming of trees near waterways came from the desire to preserve riparian vegetation. She said the PDP review team would be getting DOC's and other submitters' input on the rule as part of the upcoming issues and options exercise on the indigenous vegetation provisions.
- Egon said that with all the rain recently there were instances of culverts that were blocked and damaged the road because vegetation had not been managed.
- Janeen said that road maintenance may be included in exceptions to the rule. Under the rule you should be able to trim in those circumstances. Janeen reiterated that the SEV had already gone some way towards making the trimming rules more lenient, but were still subject to further work.

### **14 Modification of indigenous vegetation – Rule 3A.1.5.1(f)**

- Egon asked about the requirement for a contiguous area of more than 100m<sup>2</sup>. He said that he does not believe this is workable, and that it could include ring fern or any vegetation (i.e., not just trees). He also asked about the situation where a hectare of land lay fallow for a year – indigenous tree species could establish.
- Janeen said that this rule would be reviewed as part of the issues and options exercise referred to previously.

### **15 Earthworks – Rule 3A.1.7.1.**

- Egon noted that the earthworks definition includes land disturbance. Therefore earthworks associated with the planting of trees is not permitted on slopes of more than 28 degrees or within waterbodies.
- Janeen explained that that the definition of earthworks referred to “disturbance of land”, not ‘land disturbance’ (the latter being the defined term). Also, the definition in the SEV excluded the “cultivation of soil for the establishment of crops and pasture”. She advised that it was not intended that earthworks include the disturbance of land associated with planting trees. Janeen agreed that the wording of the definition of earthworks should be reviewed to address this issue. **(Action 6)**
- Egon noted that the Note for clause 5 referred to the Greater Wellington Regional Council (GWRC) publications for earthworks.
- Janeen said that these documents contained the methods that could be used to achieve the standards for erosion and sediment control under this rule.

**16 Subdivision building sites located within ecological sites – Rule 3A.3.5.1**

- Egon noted that there were properties with 80-90% of their land classified as an ecological site. He asked why, if DOC was allowed to build huts and ski huts, was there a need for this restriction?
- Janeen said that the rule should refer to a 'building area', not a 'building site'. She noted that the intention of the rule related to the issue referred to above, about expected development rights associated with subdivisions. She noted that it was intended to amend the rule further to make it clear that it does not include boundary adjustments or subdivisions where no additional lots are created.
- Egon also asked about the situation where there is an area of ecological importance in one small corner of a property. He asked why he could not subdivide the remainder of the site.
- Janeen noted that, with the exception of boundary adjustments (which were controlled activities under the Rules in Chapter 7), all subdivision required a restricted discretionary activity, regardless of whether there was an ecological site on the property or not. She said that this rule added some extra protection where there were ecological sites on properties. Janeen also noted that the rule would be reviewed as part of the broader issues and options review by the PDP review team.

**17 Plantation forestry and Shelterbelts – Rule 3A.4.7**

- Egon noted that under the ETS an existing forest or shelterbelt (existing before 1990), if harvested, had to be replanted otherwise financial penalties would be imposed. Egon believed that the rule should say 'new' shelterbelts or plantation forests, so that the rule was not in conflict with the ETS. If the shelterbelts or plantation forests were planted after 1990, the penalties were not the same. Including the word 'new' would stop encroachment of new plantation forest into ecological sites.
- Janeen said she would have a look at the provisions of the ETS in relation to this rule, and would check the scope of submissions for being able to make changes. **(Action 6)**

**18 Focus on Production, page 7-4, third paragraph**

- Egon said that he took offence at the wording that some primary production activities are characterised by nuisance effects. He said that harvesting of plantation forestry did not need to cause these effects.
- Janeen agreed that the wording should be 'may cause'. She would check the scope of submissions and if possible, make this change. **(Action 7)**

**19 Subdivision – Policy 7.3**

- Egon asked about the effects on productive capability and soils and whether this was something KCDC should be controlling. He also asked if KCDC had expertise in this area.
- Janeen said that yes, this is within KCDC's jurisdiction. The land is identified in part through zoning and for resource consent applications that expertise can be engaged if necessary. The plan sets minimum lot sizes based on an area of land that can sustain primary production activities. This is the trigger point for requiring a resource consent for subdivisions proposing to subdivide lots that are less than the minimum lot size.

**20 Harvesting - Policy 7.6**

- Egon commented that the negative effects of harvesting need to be balanced by the economic ability. The policy should state 'minimise as much as reasonably practicable'.

### **21 Farm tracks – Rule 7A.1.5**

- Egon said that most farm tracks need to exceed 4 metres.
- Janeen said that this had been raised at meetings with other submitters, including Federated Farmers, and 6 metres was the width that other submitters considered would be an appropriate minimum. This would allow for the size of the equipment needed to construct and use the tracks and to allow for drains on each side of the farm track. Janeen advised that she had noted that Egon's submission was one providing scope to amend the rule.

### **22 Harvesting - Rule 7A.2.2**

- Egon discussed the provisions in the GWRC's Proposed Natural Resources Plan (NRP). He noted that in that plan, harvesting was a permitted activity provided a harvesting plan was provided. This was also consistent with the draft NES for Plantation Forestry.
- Janeen noted that KCDC's submission on the NES requested that the NES be amended to allow district councils to retain their ability to impose financial contributions for harvesting to enable the recouping of the costs of roading etc.
- Egon said that financial contributions were his other concern, and not justified by the effects harvesting had on roads. Land in forestry was declining as it was too unpredictable. Lots of forestry land was being turned into dairy and other types of farms.
- Janeen noted that harvesting was a controlled activity, the same as it was under the operative district plan, which meant that consent was required, but could not be declined. Janeen said that financial contributions could be required under that plan too, but it was her understanding that generally the Council did not usually request them through resource consents, but instead preferred to work directly with forestry companies to plan for and meet roading requirements during harvesting.
- Egon asked about the s32 analysis and whether this was identified as the best approach.
- Janeen said that when the decisions were made by the hearing panel they would need to undertake their own s32 analysis to support their decisions.
- Egon asked if there was scope to delete the imposition of financial contributions in accordance with Chapter 12 as a matter over which the Council reserves discretion in assessing resource consent applications for harvesting of plantation forestry larger than 10 hectares in any 12 month period.
- Janeen said that she would see if there was scope within submissions for this matter of discretion to be deleted. **(Action 8)**

### **23 Pedestrian and cycle routes - Rule 7A.3.2.1(e)**

- Egon asked about the requirement under the subdivision rule to provide pedestrian and cycle routes where they would be within ecological corridors. He also noted that the term 'ecological corridors' was not defined. Egon noted that it was strange to require urban infrastructure in a rural environment. He also asked about whether the pedestrian and cycle routes were intended to be paved.
- Janeen said that she did not think anyone had asked for this clause to be changed, so she hadn't specifically looked at it. As such, there may be an issue with scope. Janeen said Egon made a good point though and she would look into this. **(Action 9)**

#### **24 Water Collection Area on maps**

- Egon noted that the area captured the catchment of the Waikanae River, but that in GWRC's proposed NRP, the area much smaller and more granular. He believed GWRC's area was scientifically justified. It included 1<sup>st</sup> order tributaries and approximately 100-150m around them. He believed that the PDP should reflect what was in the NRP. Egon also asked whether this was the responsibility of KCDC when GWRC was responsible for the collection of drinking water at Waikanae.
- Janeen said that is the purpose of the Water Collection Area was to control land uses that could potentially adversely affect water quality, such as intensive farming.
- Egon noted that it affected subdivision too.
- Janeen noted that it was possible that the water catchment area may also be relevant to activities under the Infrastructure chapter (Chapter 11). Janeen also noted that she would need to check the submissions to determine whether there were any submissions requesting changes to the water catchment area on the maps.

#### **(Action 10)**

#### **25 Timber production from indigenous forests**

- Egon noted that it was possible to have timber production from indigenous forests provided you had a sustainable forest plan (i.e. sustainable logging). However, the PDP made this activity impossible. He said that it should not be that such a lawful activity could not be undertaken anywhere in the district.
- Janeen said the issue of indigenous forests and trees was being looked at on a broader scale as part of the issues and options review.
- Egon noted that it would be difficult to even get a consent due to the wording of the policies.
- Janeen said she would look at how other plans might have addressed harvesting native forest using sustainable logging techniques. **(Action 11)**
- Janeen noted that sustainable logging within ecological sites could potentially have significant adverse effects and it was therefore appropriate to retain a higher level of control over harvesting activities in those areas to ensure the Council meets its statutory obligations under Part 2 of the Resource Management Act and the Regional Policy Statement (RPS).

## 26 Ecological sites assessment criteria and triggers

- Egon noted that everything green in the district was an ecological site in this plan.
- Janeen said that the PDP had identified and mapped ecological sites but it also included a range of rules for the protection of significant indigenous vegetation outside the ecological sites (including scattered trees). There was a question of whether this rule framework was fair and reasonable, which would be addressed as part of the issues and options review.
- Egon noted that in Horowhenua they had a whole lot of ecological sites but the Horowhenua District Council had reduced the number of them so that most of the sites were now on public land. Egon believed that KCDC had gone overboard with their ecological sites.
- Discussed Wildlands assessment criteria and triggers.
- Janeen said that GWRC was preparing guidelines on applying the criteria for identifying areas of significant indigenous vegetation and significant indigenous fauna under Policy 23 of the RPS. As part of that, they would refer to DOC guidelines for assessing and identifying significant ecological values that were released in early August 2015. The timeframe for reviewing the ecological sites in the PDP had been pushed out to provide time to consider these documents. Janeen advised that consultation on this would be extended, with pre-hearings likely to be held early in the New Year. It was likely that the provisions relating to ecological sites would be heard by the hearings panel towards the end of the hearing process in 2016. Janeen noted that the provisions need to be robust and defensible.
- Egon said that someone needed to look at each of the identified ecological sites and say whether they needed protecting or not.

## 27 Mangaone Walkway

- Egon noted that the Mangaone Walkway provided legal access for about 13 property owners. The area is administered by DOC. The land owners had a legal right to use the accessway. However, it was inside an ecological site. The access must be maintained because it is a legal right.

## Actions

#	Action Description	Responsibility	Timeframe (if applicable)
1	Check the definitions of development, 'earthworks' (including the disturbance of land) and how this term are used in the Rural chapter, and in Rule 3A.1.7.1.	Janeen/Katherine	
2	Check the definition of 'land disturbance' including in relation to the inclusion of tree planting and removal, and in relation to Rule 3A.1.7.1.	Janeen/Katherine	
3	Check wording of Policy 3.7 and whether there is scope in the submissions for it to be changed.	Janeen	
4	Check terminology used in Policy 3.8 and scope of submissions.	Janeen	
5	Look at provisions of the ETS and draft NES in relation to timeframe for trimming trees. Check scope of submissions in relation to Rule 3A.1.	Janeen	
6	Look at the provisions of the ETS in relation to harvesting existing forests and the provisions of Rule 3A.4.7, and check the scope of submissions.	Janeen	
7	Check the scope of submissions and if possible, amend the wording of the section	Janeen	

	titled 'Focus on Production' (page 7-4) to say 'may cause'.		
8	Check whether the matter for discretion under Rule 7A.2.2 relating to financial contributions was raised in any of the submissions and determine whether there is scope for this criteria to be deleted.	Janeen	
9	Check the scope of submissions on Rule 7A.3.2.1(e), and whether the provisions around pedestrian and cycle routes in the rural environment can be changed.	Janeen	
10	Check the scope of submissions on the Water Collection Area and whether the maps can be reasonable changed so that the area mapped is consistent with the area identified in the NRP.	Janeen	
11	Look at how other District Plans have addressed harvesting native forest (i.e. sustainable logging).	Janeen	

Meeting notes recorded by Michelle Conland, Consultant Planner

### Meeting Close Out

<b>Date notes issued to parties</b>	
<b>Method of Issue</b>	Email