

Kāpiti Coast District Council Proposed District Plan

Te Ohu Taiao Workshop Notes & Actions

Topic:	Workshop #4 Chapter 8 Open Space and Chapter 9 Hazards
Meeting Date:	12 and 16 October 2015
Venue:	Nikau Room, Council Offices, Rimu Road, Paraparaumu

Attendees

Name	Title/Role
Katherine Dorofaeff	Chapter Lead
Mahinarangi Hakaraia	Ngā Hapū o Ōtaki Representative
Ann-Maree Ellison	Te Āti Awa ki Whakarongotai Representative
Hohepa Potini	Ngāti Toa Rangatira Representative
Michelle Conland	Planning Support for Te Ohu Taiao

Workshop summary

Katherine Dorofaeff explained the provisions of Chapter 8 Open Space and the proposed changes to the chapter. There was a discussion about the permitted activity standards relating to harvesting of plantation forestry and concern that GWRC's sole jurisdiction over consenting of this nature may not provide for iwi concerns with regard to water quality. TOT agreed that this would be revisited during the Rural Zone workshop.

The change to the rule for new buildings in the Private Recreation and Leisure Zone was discussed. It was agreed that as a restricted discretionary activity, it would be appropriate for one of the matters for discretion to be 'effects on cultural values', to provide for situations where earthworks are occurring where there may not be wāhi tapu sites, but middens or other archaeological features may be discovered.

Katherine explained that the hazardous substances provisions had been withdrawn from the plan following an independent review, as they relied on an MFE database which is no longer kept up to date. Provisions for hazardous substances will need to come back in a different form via a plan change or variation. In the meantime, the existing provisions in the ODP can remain in effect. TOT noted their support for Council undertaking a plan change or variation and would like to be involved in conversations early on in this process.

Katherine explained the key changes proposed to the flood hazard provisions. TOT raised concerns about the proposed policies and rules in relation to gravel extraction and flood mitigation works. These discussions highlighted a need to clarify the relationship between the Regional and District Plan and areas of responsibility along the river corridor. TOT believe the focus of policies and rules within the PDP should be around what KCDC has control over, such as the ability of infrastructure to deal with flood hazards (e.g. stopbanks) and any other land-based associated flood hazard mitigation measures. A number of changes to the policies and rules were suggested by TOT.

Also discussed were provisions relating to erosion and slope stability, and contaminated sites. The provisions relating to erosion and slope stability are likely to be withdrawn due to the slope data used not being suitable to be included in a district plan. Opus recommended

that the site specific consideration of this matter be included at the time of processing resource consents for subdivision, building and earthworks.

Regarding contaminated sites, all rules have been deleted due to the *National Environmental Standard (NES) for Assessing and Managing Contaminants in Soil to Protect Human Health (2011)*. There is a legal requirement to avoid duplication or conflict with the NES.

Matters discussed¹

Item
<p>1 Open Space</p> <ul style="list-style-type: none">• Katherine explained it wasn't a very contentious chapter. A number of minor changes were made, including changes in relation to consistency throughout the plan.• Private recreation and leisure zone – applies to some privately owned land used for open space, eg. golf courses, and Waikanae Beach Bowling Club (currently for sale).• In private recreation and leisure zone – provides for limited onsite retail and caretaker accommodation – limits size etc.• Open Space – conservation and scenic zone relates to Kāpiti Island, Tararua Forest Park, DOC land.

¹ Te Ohu Taiao (TOT) comments are italicised.

2 Open Space – Key SEV changes

- Some policies shifted to Chapter 2A District-wide policies. Associated tables and schedule (Esplanade Reserves / Strips) shifted. Viewed as a better fit in a general chapter – wider than just open space. Can have implications for subdivision. Joan Allin recommended ‘environments’ be changed to ‘zones’, and that general policies be grouped to make the plan easier to understand, and this follows on from that – zone specific policies vs district wide. *Supported.*
- New rule in the Open Space (Local Parks) zone re Ōtaki South Precinct (Rule 8.1.2A) – was in the operative plan with similar wording. Allows roading, walkways etc that won’t impede floodway. *Supported.*
- Deletion of permitted activity standard (2) applying to harvesting of plantation forestry (Rule 8.1.5) relating to harvesting within 20m of a river of 3m width. To be consistent with PNRP and National Environmental Standard for Plantation Forestry (currently draft). Means that GWRC would have sole jurisdiction over consenting of this nature. Change is consistent with that proposed for the Rural zone (Chapter 7, SEV). *Would like to revisit when discussing the Rural zone (Action 1). Concerns that the PNRP may not sufficiently provide for iwi concerns of water quality.*
- New buildings in the Private Recreation and Leisure Zone (Rule 8.4.2) – changed from discretionary to restricted discretionary (new Rule 8.3.4). Paraparaumu Beach Golf Club is keen to develop land further. Wanted specific and more lenient development controls. Katherine explained that wasn’t appropriate for the entire site. However, there are now limited matters for discretion. *Mahinarangi asked if there are any matters for control for iwi input, esp in areas on sand dunes, which may not be listed as wāhi tapu sites but middens etc may be present? There are the heritage rules, and archaeological discovery protocol. Katherine agreed it would be appropriate to have something about cultural matters, especially when it comes to land disturbance or earthworks. Include as a matter for discretion “Effects on cultural values” (Action 2).*

3 Hazardous substances

- Hazardous substances provisions withdrawn from the plan. Provisions weren’t up to date and this was commented on in the Independent Review. Used an MFE database which is no longer kept up to date. Weren’t submissions that allowed the provisions to be changed dramatically but there were submissions in opposition to matters of detail. Will need to come back in a different form via a plan change or variation. Legal advice says operative plan provisions can remain in effect while the Plan is under review. *Ann-Maree asked what if there was asbestos in a house. Other provisions deal with that – Worksafe etc. It’s about using hazardous substances. Contaminated sites provisions have been deleted and replaced with reference to the relevant NES. Rural farming – highly toxic chemicals to land – where would this be covered? Mixture of other regs and the operative district plan. GWRC deals with discharges of contaminants to air and groundwater/surface water. Small landholdings and domestic properties are the concern.*
- Katherine provided further information on hazardous substances. Matter to be considered further once information has been read **(Action 3)**.
- *TOT is assuming that iwi will be involved in conversations when these hazardous substances provisions move through to the next stage of preparing a plan change or variation.*
- *TOT support Council undertaking a plan change or variation and would like to be involved in conversations early on in this process.*

4 Flood Hazards – Key SEV changes

- Removal of non-complying activity Rule 9A.5 – PDP approach means that if you have one hazard then a lower consent category applies, but more than one then suddenly non-complying. The hazards could be far apart on different area of piece of land. Subdivision already restricted disc or discretionary. Rules already regulate development within all of the hazards listed – flood hazard rules, fault avoidance in earthquake, erosion rules being withdrawn. *Supported – no point in duplicating.*
- Flood hazard provisions – approach to gravel extraction not yet sorted. Winstone Aggregates want associated buildings to be able to stay longer than 12 months as they are flood tolerant (Rule 9B.1.8). Status of permanent buildings is a bit ambiguous. Winstone Aggregates have provided further information. Note there is no definition of gravel extraction and flood mitigation works.

5 Flood Hazards – Key SEV changes - Flood protection and mitigation

- New policy 9.14 (9.13A in SEV) – was to fill a gap because the rules do provide for flood protection and gravel extraction. *Mahinarangi asked about the boundary between GWRC's and KCDC jurisdiction. Relates to permitted activity rules 9B.1.6 and 9B.1.8, which allow these activities as a permitted activity. Enable 'flood mitigation works' (in the new policy) rather than 'mitigation measures' (Rule 9B.1.8 uses the term flood mitigation works in relation to the River Corridor). No definition of gravel extraction and flood mitigation works. It is a hazard zone policy and rule only. Hohepa concerned that rule 9B.1.8 allows gravel extraction for flood mitigation or commercial purposes. Need to clarify relationship between Regional and District Plans and areas of responsibility.*

TOT has concerns with regard to this matter. Investigations indicate that the whole of the river corridor is under GWRC jurisdiction. Concerned that there is a policy and rules which try to manage something that is not under KCDC's control. Therefore, Ngā Hapu o Ōtaki cannot support any rules and policies which seek to control areas outside of the Council's jurisdiction within the river corridor.

It should not be worded in a way that gives the impression that these activities are controlled by KCDC. For flood mitigation purposes – therefore should be controlled by GWRC.

If KCDC do have jurisdiction – ie. the land adjacent to the river, then this activity should not be a permitted activity – consider that discretionary would be better. Katherine is not sure that there is scope in submissions for this change. Extractive industries is no longer included in the earthworks definition, this may be relevant for scope.

In addition, Ngā Hapu o Ōtaki do not support KCDC, as partner with iwi, supporting gravel extraction and flood mitigation works in the policy (enabling), and within the rules being permitted activities. This adds another layer of support for gravel extraction. Recognise gravel extraction is needed, but it needs good controls around it to manage the effects. In addition, there is no mention of the Iwi Management Plan for the Ōtaki River catchment.

Having looked through Chapter 9, TOT believe that the focus of this chapter is not balanced correctly in terms of what KCDC can actually do with respect to gravel extraction and flood mitigation. Again we understand that KCDC may need to have a position concerning flood hazards, but believe the focus of policies and rules within the PDP should be around what KCDC has control over, such as the ability of infrastructure to deal with flood hazards and any other land-based associated flood hazard.

TOT would like to see the jurisdictional lines between GWRC and KCDC on a map. How does the river corridor relate to the bed of the river, and existing stopbanks? Katherine to provide GWRC's submission. (Action 4)

Given the extractive industries rule in Chapter 7 (controlled or discretionary activities), Rule 9B.1.8 should be deleted. If gravel extraction is for flood mitigation measures then this will be occurring within the bed of the river, which is GWRC's jurisdiction. If gravel extraction is occurring on land then this is not for flood mitigation purposes and should be assessed under the rules in the Rural Zone.

As such, the words 'including gravel extraction' should also be deleted from Policy 9.13A.

A definition of flood protection and mitigation measures would be useful to clarify the activities which would be taken on land (within KCDC's jurisdiction) that relate to flood mitigation. (Action 8)

6 Flood Hazards – Key SEV changes – Earthworks and extractive industries

- Earthworks rules – the amended definition of earthworks now excludes extractive industries. Standards applying to earthworks aren't that relevant when dealing with that scale. Also, the flood hazard rules permitted gravel extraction (a type of extractive industry) but gravel extraction was then (arguably) caught by earthworks rules. Flood mitigation works are going to be excluded from the earthworks rule in Rule 9B.1.4. *Mahinarangi asked shouldn't there be some kind of control on the amount of earthworks involved, even though it is for flood mitigation measures. There could still be an effect on the river and other catchments.* Katherine said if it's for flood mitigation purposes and it's been undertaken by KCDC, GWRC, DOC or their contractors, then it's a permitted activity. *Not convinced that allowing flood mitigation measures as a permitted activity, despite being undertaken by a council or DOC, gives sufficient opportunity to consider the effects. Which rule(s) does extractive industries come under? Rural zone.* To discuss with Janeen (**Action 5**).

7 Flood Hazards - Post SEV changes

- New flood hazard category – some 'ponding areas' changed to 'shallow surface flow areas'. Two areas in the plan – Otaki and Waikanae. Rule 9B.3.2 now includes ponding and shallow surface flow areas. *Supported*
- Change of activity status for earthworks and subdivision – eg. restricted discretionary instead of discretionary. Clarify / less restrictive activity status for some activities
 - Res Disc status for earthworks in overflow path or residual overflow path (applies to fill or earthworks not meeting permitted standards) (Rule 9B.3.3, p9-22)
 - Res Disc status for earthworks in ponding area not meeting permitted standards (Rule 9B.3.4, p9-22)
 - Disc status for subdivision located *partly* within the River or Stream Corridor (Rule 9B.4.6, p9-25). Wholly located with the river or stream corridor is still a non-complying activity.*Supported*
- 1 in 100 year flood event changed to 1% AEP (Annual Exceedance Probability) – more technically correct
Supported
- References to flood erosion areas removed – there are none (was in operative plan but now part of river corridor)
Supported
- Network utility provisions moved to Ch 11 Infrastructure
Supported
- Descriptions of the flood hazards now included in Ch 1 Definitions eg:
 - 'Fill control area means the areas identified as such on the District Plan Maps and further described in Table 9.1 Flood hazard categories.'
 - 'Ponding means the area identified as such on the District Plan Maps and further described in Table 9.1 Flood hazard categories.'*Supported*

8 Erosion and slope stability – Key SEV changes

- Policies, rules and mapping layer identified as ‘to be withdrawn’
Opus review 2014 – said that the slope data is not suitable for this context, and recommended remove provisions – rely on site specific consideration as part of subdivision and resource consents triggered by other requirements
Can be addressed at time of subdivision and building consent, and by earthworks rules in the PDP
There was also some mismatch between rules and maps (very high, high and moderate identified on maps – but no rules for the very high area)
Submissions do not provide scope for removal of provisions – only site specific provisions. That is why withdrawal is recommended.
Supported

9 Contaminated sites – Key SEV changes

- Assessment policy (9.34, p9-57) deleted as applications are assessed under the NES – content reflected in new info requirements in Ch 1 (p1-16)
All rules deleted – plan users directed to the NES 2011 (for assessing and managing contaminants in soil to protect human health)
Legal requirement to avoid duplication or conflict with NES 2011
Rather than writing rules, include information requirements.
Existing GWRC requirements not adequate for a contaminant discharging to water within a site – only if going over a site boundary. PNRP deals with it better.
- Katherine has provided further information on contaminated sites. To be considered further once information has been read (**Action 6**).

10 Other changes to Chapter 9

- Changes to policies – in response to submissions from GWRC and DOC. Ann-Maree to have a look through and come back with any comments (**Action 7**).

Actions

#	Action Description	Responsibility	Timeframe (if applicable)
1	Revisit plantation forestry when discussing the Rural zone.	Janeen Kydd-Smith	2-5 Nov
2	Include as a matter of restricted discretionary Rule 8.3.4. “Effects on cultural values”. Look at consistency across the plan with regard to earthworks and other relevant matters.	Katherine and TOT	For s42A report
3	Katherine has provided further information about hazardous substances. To be considered further once information has been read.	TOT	Prior to plan change or variation
4	New policy 9.14 in relation to permitted activity rules 9B.1.6 (Flood mitigation works) and 9B.1.8 (gravel extraction). TOT would like to see the jurisdictional lines on a map. How does the river corridor relate to the bed of the river, and existing stopbanks? Katherine to provide GWRC’s submission.	Katherine	Submission 20/10/15 Jurisdiction for s42A report
5	Exclusion of extractive industries from the earthworks definition (Chapter 1 definitions) and implications of this for rules regarding extractive	Janeen	

	industries. Janeen to cover in Rural zone chapter.		
6	Katherine has provided further information on contaminated sites. To be considered further once information has been read.	Ann-Maree, TOT	20 October
7	Changes to policies based on submissions from GWRC and DOC. To be considered further.	Ann-Maree, TOT	
8	<p><i>Seek deletion of Rule 9B.1.8. If gravel extraction is occurring on land then this is not for flood mitigation purposes and should be assessed under the rules in the Rural Zone.</i></p> <p><i>As such, the words 'including gravel extraction' should also be deleted from Policy 9.13A.</i></p> <p><i>A definition of flood protection and mitigation measures would be useful to clarify the activities which would be taken on land (within KCDC's jurisdiction) that relate to flood mitigation.</i></p>	Katherine	

Meeting Close Out

Date notes issued to parties	
Method of Issue	