

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of an appeal under cl 14 of the First
Schedule to the Act
BETWEEN MAYPOLE ENVIRONMENTAL
LIMITED
(ENV-2018-WLG-000008)
Appellant
AND KAPITI COAST DISTRICT COUNCIL
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

CONSENT ORDER

- [A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that the Kapiti Coast District Proposed District Plan be amended as set out in Appendix 1.
- [B] This consent order resolves the Heritage Chapter part of the Maypole appeal contained at:
- (a) Paragraphs 7(s), 27(e), 28(a)(ix) of the Notice of Appeal in full;
 - (b) Paragraphs 7(a), 7(u), 27(i) and 28 (b) of the Notice of Appeal in part, only as they apply to the Heritage Chapter;
- Accordingly parts of this appeal that relate to the Heritage Chapter of the PDP in paragraph (a) above are otherwise dismissed, and those in paragraph (b) dismissed in part.
- [C] Under s 285 of the Act, there is no order as to costs.



REASONS**Introduction**

[1] The Court has read the notice of appeal and the memorandum of the parties dated 15 May 2019.

Other relevant matters

[2] The Director General of Conservation gave notice of an intention to become a party to the appeal under s 274 and has signed the memorandum setting out the relief sought.

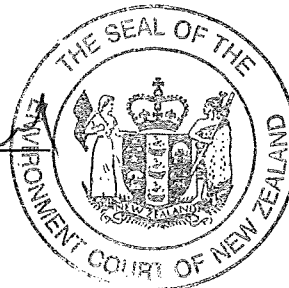
Orders

[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Wellington this 5th day of July 2019


B P Dwyer
Environment Judge



APPENDIX 1

Amendments to the Kapiti Coast Proposed District Plan 2012

Additions in underline and deletions in ~~strikethrough~~

Amend Table 10A.1

Table 10A.1 Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards in this table, and all relevant rules and permitted activity standards in other Chapters (unless otherwise specified).

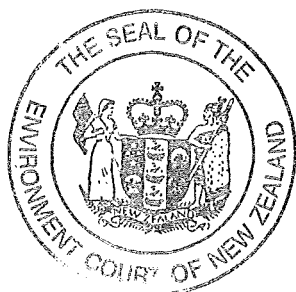
Permitted Activities	Standards
<p>9. For the following activities in an area scheduled as <i>waahi tapu and other places and areas of significance to Maori</i> - Wāhanga Rima:</p> <p>a) <i>land disturbance</i>;</p> <p>b) <i>additions and alterations to lawfully established buildings</i>;</p> <p>c) <i>fencing</i>; and</p> <p>d) <i>relocation of lawfully established buildings within the waahi tapu</i>; and</p> <p>e) <u>any new building on WTS0318A in the Ngarara Zone.</u></p>	<p>1. Notice of proposed <i>land disturbance</i> must be provided to Heritage New Zealand Pouhere Taonga at least 10 working days prior to work commencing.</p> <p>2. The Accidental Discovery Protocol, set out in Schedule 10.2, must be followed.</p> <p>3. <i>Land disturbance</i> in the Rural Zone that does not disturb more than 100m³ within a 5 year period, excluding <i>land disturbance</i> associated with the maintenance of a <i>network utility</i>.</p> <p>4. <i>Land disturbance</i> in the <i>river corridor zone</i> must not disturb more than 10m³ within a 10 year period, excluding <i>land disturbance</i> associated with stormwater control or the maintenance of a watercourse or <i>network utility</i>.</p>

Amend Table 10A.2

Table 10A.2 Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled activity standards in this table, and all relevant rules and standards in other Chapters (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control
<p>4. The following activities in an area scheduled as <i>waahi tapu and other places and areas of significance to Maori</i>- Wāhanga Rima:</p> <p>a) <u>new buildings, except for those permitted by Rule 10A.1.9</u></p>	<p>1. The Accidental Discovery Protocol, set out in Schedule 10.2, must be followed.</p> <p>2. All <i>permitted activity</i> standards under the rules in Tables 7A.1 and 9A.1.</p>	<p>1. Effects on historic heritage values.</p> <p>2. Layout, design and location of proposed <i>buildings</i> or <i>structures</i>.</p>



Amend Table 10A.3

Table 10A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other Chapters (unless otherwise specified).

Restricted Discretionary Activity	Standards	Matters over which Council will restrict its discretion
<p>9. The following activities in an area scheduled as <i>waahi tapu</i> and other places and areas of significance to Maori - Wāhanga Rima:</p> <p>a) new <i>buildings</i> that are <u>not a permitted activity under Rule 10A.1.9</u> or do not comply with the <i>controlled activity</i> standards under Rule 10A.2.4;</p> <p>b) <i>subdivision</i>;</p> <p>c) new <i>network utilities</i>;</p> <p>d) <i>land disturbance</i>, alterations to existing <i>buildings</i>, fencing, and relocation of lawfully established <i>buildings</i> that do not comply with the <i>permitted activity</i> standards.</p> <p>Note: <i>land disturbance</i> under this Rule which does not meet the <i>restricted discretionary activity</i> standard falls under Rule 10A.5.1.</p>	<p>1. The Accidental Discovery Protocol, set out in Schedule 10.2, must be followed.</p> <p>2. <i>Subdivision</i>: compliance with <i>subdivision</i> rules and standards for the underlying zone(s).</p> <p>3. New <i>network utilities</i> must comply with <i>network utility</i> rules and standards within Chapter 11.</p>	<p>1. <i>Effects</i> on <i>historic heritage</i> values.</p> <p>2. Layout, design and location of proposed <i>buildings</i>.</p> <p>3. Imposition of financial contributions in accordance with Chapter 12 of the Plan.</p> <p>4. Degree of compliance with Council's <i>Subdivision and Development Principles and Requirements, 2012</i> (or structure plan or guideline).</p> <p>5. Layout of the <i>subdivision</i>.</p> <p>6. <i>Effects</i> on landscape and <i>amenity values</i>.</p> <p>7. <i>Effects</i> on context and surroundings including any <i>effects</i> on 'key access and view points' listed in the Schedule of Historic Heritage.</p>

Amend Schedule 10.1

District Plan ID	Name	Type	Iwi	Key access and view points	Wāhanga
WTS0318A	Taewapirau waahi tupuna	Waahi tupuna	Āti Awa		<u>Rima</u> Rua

