

From: [Emily Thomson](#)
To: [Matt Muspratt](#)
Subject: FW: Variation 3
Date: Monday, 19 November 2018 11:37:18 AM

Emily Thomson
Senior Policy Planner
Kaiwhakatau Kaupapa Matua

Kāpiti Coast District Council
Tel 04 296 4618

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From: Te Rangimarie Williams [mailto:terangimarie@teaki.co.nz]
Sent: Monday, September 10, 2018 12:36 PM
To: Emily Thomson
Cc: ^Mahina-a-rangi Baker
Subject: Re: Variation 3

Kia ora Emily,

Thank you for setting this out. Based on the information you have provided, we are happy that our policy and the existing rules will adequately provide for our concerns at least in the short-term. However, we are concerned with the limitations of the plan and do agree that long-term changes are needed through the implementation of a plan change to more fully address our concerns. We look forward to being involved in this process in the future.

Ngā mihi,
Te Rangimārie

On 6 September 2018 at 09:06, Emily Thomson <emily.thomson@kapiticoast.govt.nz> wrote:

Hi,

Yes all earthworks rules across the District require the Accidental Discovery Protocol to be followed.

In terms of your suggestions below

the inclusion of a rule requiring a mana whenua assessment be undertaken where there will be any construction in the dunescape; and I am unclear whether you are referring to all remaining landform within the residential area or specifically to the immediate foredunes. The immediate foredunes at Waikanae have some level of protection from development as there is a 7.5m setback for buildings from the seaward title boundary. In terms of the remaining dune landform within the area these have not been identified as being significant in any of the current assessments we have undertaken so the districtwide earthworks rules have been considered appropriate to maintain the landform. In order to add this type of assessment there would need to be a resource consent so it would need to be included in a restricted discretionary activity rule. There are no Waikanae Beach specific rules currently that this would fit with. The New RD rule proposed in the variation does not look at anything other than yards and the earthworks rules are all district wide.

If this approach is desired it would be more appropriate to consider this on a districtwide basis as part of a future plan change (that we have on our radar) to review all the provisions in relation to the Tangata whenua objective and seek to more fully implement this objective. whether there are rules to support the maintenance of the natural character of vegetation in the area?

The plan does not currently address natural character very well due to the extensive withdrawals made to the Chapter 4 Coastal Environment provisions. Chapter 4 has 2 remaining rules (currently appealed) to protect areas of high and outstanding natural character in the Coastal Environment. We are aware of this significant gap in the plan and will be preparing a plan change as soon as possible (once the pdp is operative) to address this gap.

Emily Thomson
Senior Policy Planner
Kaiwhakatau Kaupapa Matua

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From: Te Rangimarie Williams [mailto:terangimarie@teaki.co.nz]
Sent: Wednesday, September 05, 2018 5:15 PM
To: Emily Thomson
Subject: Re: Variation 3

Kia ora Emily,

Thank you for your response - this is very helpful. Am I reading these rules right (apologies I am not a planner): that any earthworks in the KCDC Region require that the Archaeological Discovery Protocol is followed in the event of an archaeological find?

Also, what are your thoughts on our other two questions (see highlighted below) being:

- the inclusion of a rule requiring a mana whenua assessment be undertaken where there will be any construction in the dunescape; and
- whether there are rules to support the maintenance of the natural character of vegetation in the area?

Ngā mihi,
Te Rangimārie

In terms of the above drafted policy (a), this reflects an ability to protect the natural sand dune system in the area, a system which likely carries with it archaeological and historic materials. Could you confirm whether there are existing rules that can be applied for the purpose of dune protection in the Waikanae Beach Special Character Area? If not, could a rule be included in Variation 3 that requires any earthworks in the dunescape area to be

automatically subject to our Accidental Discovery Protocol? Another rule we would like included to support the policy would be, where there is earthworks in the dunescape area, there is an automatic requirement for a mana whenua assessment to identify any potential historical issues with the area. There are some significant Te Ātiawa areas in and around Waikanae Beach that could be a trigger for us in terms of effects on historical and cultural values. We are interested in your thoughts on these ideas.

With respect to policy (b), limiting the density of subdivision etc. this is appropriately reflected in the rules which provides restrictions around lot use and yard requirements. Limiting the density of subdivision etc. will contribute to respecting and recognising the history of the area by reducing adverse effects to the environment from intense density.

In terms of maintaining the natural character in the area - policy (c), this pays homage to the character of the area that has endured throughout history and to present day and therefore respects and recognises the history of the area. **Could you please confirm that there are rules in the Plan that support (c)?**

On 4 September 2018 at 13:20, Emily Thomson <emily.thomson@kapiticoast.govt.nz> wrote:

Hi

There are no Waikanae beach specific rules for earthworks. The relevant existing permitted activity rules which apply across the district are (yellow highlight added for areas of particular interest to iwi):

<p>3A.1.6 (permitted activity)</p> <p>6. <i>Earthworks</i>, excluding those listed in Rule 3A.1.8, in all areas except areas subject to flood hazards, <i>outstanding natural features and landscapes, ecological sites, geological features, areas of outstanding natural character, areas of high natural character.</i></p> <p>Note: See Chapter 4: Coastal Environment for further rules and standards for <i>earthworks</i> in <i>areas of outstanding natural character, areas of high natural character</i> and on dunes in the <i>coastal environment</i>. See Chapter 9 Hazards for further rules and standards for <i>earthworks</i> in flood hazard areas and Chapter 10 Historic Heritage for further rules and standards relating to land disturbance on land with Scheduled waahi tapu and other places and areas of significance to Maori See also Chapter 6 Working Zones, Chapter 7 Rural Zones and Chapter 8 Open Space for other earthworks rules relating specifically to zones and precincts.</p>	<p>1. <i>Earthworks</i> must not be undertaken:</p> <p>a) on slopes of more than 28 degrees; and</p> <p>b) within 20 metres of a <i>waterbody</i>, including <i>wetlands</i> and coastal water.</p> <p>2. In all other areas except as provided for in Standard 3, <i>earthworks</i> must not:</p> <p>a) disturb more than 50m³ (volume) of land per site in <i>living zones, working zones and open space zones</i> within a 5 year period;</p> <p>b) disturb more than 100m³ (volume) of land per <i>site</i> in rural <i>zones</i> within a 5 year period; and</p> <p>c) alter the <i>original ground level</i> by more than 1 metre, measured vertically.</p> <p>This standard applies whether in relation to a particular <i>earthwork</i> or as a total of cumulative <i>earthworks</i> within the specified period.</p> <p>3. <i>Earthworks</i> for the construction of permitted telecommunications and radio communication facilities, and their maintenance, renewal and minor upgrading outside <i>legal road</i>, provided that the <i>earthworks</i> do not alter the <i>original ground level</i> by more than 1.5 metres measured vertically, except piling associated with the installation of a <i>network utility</i>.</p> <p>4. Standards 1 and 2 under this rule do not apply, to:</p> <p>a) <i>earthworks</i> associated with</p>
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farm and forestry tracks permitted under Rule 7A.1.5;

b) tilling or cultivation of soil for the establishment and maintenance of crops and pasture;

c) harvesting of crops;

d) planting trees;

e) removing trees;

f) horticultural root ripping;

g) digging offal pits

h) burying dead stock and plant waste;

i) digging post holes;

j) drilling bores;

k) installing and maintaining services such as water pipes and troughs;

l) or where a more specific earthworks provision is provided for in the zone or precinct methods;

m) earthworks required to effect a subdivision of land in the Otaki South Precinct under Rule 6F.3.4.

5. Any earthworks must ensure that:

a) Surface runoff from the site is isolated from other sites and existing infrastructure; and

b) The potential for silt and sediment to enter the stormwater system or waterbodies in surface runoff from the site, is minimised; and

c) Erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.

Note: attention is drawn to the Wellington Regional Council publications 'Erosion and Sediment Control Guidelines for the Wellington Region' and 'Small Earthworks – Erosion and sediment control for small sites'. Applying the appropriate recommended treatments from these publications is a means of compliance with this standard.

	<p>6. Accidental Discovery Protocol (Schedule 10.2) to be followed for any accidental discovery of a waahi tapu or other cultural site.</p> <p>a) Accidental Discovery Protocol – should a waahi tapu of other cultural site be unearthed during Earthworks the contractor and/or owner must:-</p> <p>i. cease operations;</p> <p>ii. inform local iwi;</p> <p>iii. inform Heritage New Zealand and apply for the appropriate authority if required;</p> <p>iv. take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site.</p> <p>Note: in accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is present (or uncovered), an authority from Heritage New Zealand.</p> <p>7. Standards (2) and (3) do not apply to earthworks required to effect a subdivision of land in the Otaki South Precinct under Rule 6F.3.5.</p>
<p>3A.1.8 (permitted activities)</p> <p>8. Earthworks in all areas associated with:</p> <p>a) road maintenance activities within the legal road.</p> <p>b) maintenance of access ways, including walkways and cycle ways not within legal road.</p> <p>c) activities permitted under Rule 9A.1.4, 9A.1.6. and 9A.1.7 except within outstanding natural features and landscapes in the Coastal Environment.</p> <p>d) the construction of telecommunication and radio communication facilities, and their maintenance, renewal and minor upgrading within the legal road.</p> <p>e) maintenance of farm tracks and plantation forestry tracks permitted under Rule 7A.1.5.</p> <p>f) approved building developments, subject to a building consent, where the earthworks do not extend more than 2 metres beyond the foundation line of the building.</p> <p>Note: See Chapter 4 Coastal Environment for further rules for earthworks within areas of Outstanding Natural Character, and Chapter 9 Natural Hazards standards for further rules and standards for earthworks in flood hazard areas and Chapter 10</p> <p>Historic Heritage chapter for further rules relating to land disturbance on land with waahi tapu and other places and areas of significance to Maori. See also Chapter 6 Working Zones, Chapter 7 Rural Zones and Chapter 8 Open Space for other earthworks rules relating specifically to zones and precincts.</p>	<p>1. Any earthworks must ensure that:</p> <p>a) surface runoff from the site is isolated from other sites and existing infrastructure; and</p> <p>b) the potential for silt and sediment to enter the stormwater system or waterbodies in surface runoff from the site, is minimised; and</p> <p>c) erosion and sediment control measures are installed and maintained for the duration of the construction period, where necessary.</p> <p>Note: attention is drawn to the Greater Wellington Regional Council publications 'Erosion and Sediment Control Guidelines for the Wellington Region' and 'Small Earthworks – Erosion and Sediment Control for Small Sites'. Applying the appropriate</p>

recommended treatments from these publications is a means of compliance with this standard.

2. Archaeological Discovery Protocol to be followed for any accidental discovery of a *wahi tapu* or other cultural site.

a) Accidental Discovery Protocol – should a *wahi tapu* or other cultural site be unearthed during *Earthworks* the contractor and/or owner must:-

i. cease operations;

ii. inform local iwi;

iii. inform Heritage New Zealand and apply for the appropriate authority if required;

iv. take appropriate action, after discussion with Heritage New Zealand, the Council and Iwi to remedy damage and/or restore the site.

Note: in accordance with the Heritage New Zealand Pouhere Taonga Act 2014, where an archaeological site is present (or uncovered), an authority from Heritage New Zealand is required if the site is to be modified in any way.

If these rules are not complied with the default is a restricted discretionary activity.

I consider that your new policy will assist anyone processing a consent for earthworks at Waikanae beach.

Regards

Emily

Emily Thomson
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Kaiwhakatau Kaupapa Matua

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From: Te Rangimarie Williams [mailto:terangimarie@teaki.co.nz]

Sent: Monday, September 03, 2018 7:44 PM

To: Emily Thomson

Cc: ^Mahina-a-rangi Baker

Subject: Variation 3

Kia ora Emily,

The draft policy we would like included in Variation 3 is as follows:

'Subdivision, use and development in the Waikanae Beach Special Character Area will be undertaken in a manner that respects and recognises the cultural context and history of the area, including through:

- (a) limiting subdivision, use and development that affects the dune system in the area;*
- (b) limiting the density of subdivision, use and development in the area; and*
- (c) maintaining the natural character of vegetation in the area."*

The "Waikanae Beach: Our Future" document contains some really good commitments to respecting and recognising the cultural history of

the Waikanae Beach special character area. However, the extent to which this can be reflected in Variation 3 is limited due to the limited scope and effect of variation 3 (being mostly limited to restrictions on matters such as fences and walls, lot coverage and building height etc.).

In terms of the above drafted policy (a), this reflects an ability to protect the natural sand dune system in the area, a system which likely carries with it archaeological and historic materials. Could you confirm whether there are existing rules that can be applied for the purpose of dune protection in the Waikanae Beach Special Character Area? If not, could a rule be included in Variation 3 that requires any earthworks in the dunescape area to be automatically subject to our Accidental Discovery Protocol? Another rule we would like included to support the policy would be, where there is earthworks in the dunescape area, there is an automatic requirement for a mana whenua assessment to identify any potential historical issues with the area. There are some significant Te Ātiawa areas in and around Waikanae Beach that could be a trigger for us in terms of effects on historical and cultural values. We are interested in your thoughts on these ideas.

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In terms of maintaining the natural character in the area - policy (c), this pays homage to the character of the area that has endured throughout history and to present day and therefore respects and recognises the history of the area. Could you please confirm that there are rules in the Plan that support (c)?

We look forward to hearing from you.

Ngā mihi,
Te Rangimārie

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