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Tēnā koe Jason,

Proposed Plan Change 2 – Intensification

To: Kāpiti Coast District Council

Name of Submitter: Ātiawa ki Whakarongotai, Ngā Hapū Ōtaki, Te Rūnanga o Toa Rangatira on behalf of Ngāti Toa Rangatira

This is a submission on the following proposed plan change: Proposed Plan Change 2- Intensification

Nāku te rourou, nāu te rourou, ka ora ai te iwi

Ātiawa ki Whakarongotai, Ngā Hapū o Ōtaki (of Ngāti Raukawa ki te Tonga) and Ngāti Toa Rangatira (A.R.T) have close connections and a long history of working together.

Proposed Plan Change 2 (PPC2) is so broad and far-reaching and will have a significant impact on the Kapiti district, our taonga and the wellbeing of our iwi for years to come. Mana Whenua seeks to work with KCDC to design growth and development that prioritises restoration of mauri and mana of both te taiao and ngā tangata as a critical step towards repairing some of the damage of the past 200 years.

Enabling rules to provide for sufficient, affordable and healthy kainga whilst caring for te taiao and our ability to connect with and grow our taonga is the current challenge. Getting this balance right is a critical step towards hauora and rangatiratanga.

This submission presents the main areas of importance for all three of the Mana Whenua iwi, A.R.T in the Kapiti area. We refer you to our individual submissions for the detail about the areas and recommendations on decisions sought.

1. Meaningful engagement and timing - *Planning for Growth*

Te Tiriti o Waitangi is the founding document of Aotearoa. It guarantees tino rangatiratanga of mana whenua over the land, waterways and all other taonga in our rohe. This type of authority differs from other forms of authority, such as that from the kāwanatanga or the governance of local or central government, which is subject to tino rangatiratanga of mana whenua. A Tiriti partnership recognises these two types of authorities functioning together. This is represented in the 'Tiriti House Model'¹, which shows that a Tiriti approach to decision-making ensures equal recognition of, protection of and input from each house.

The implementation requirements around the National Policy Statement on Urban Development (NPS-UD) 2020 do not uphold the guarantee of tino rangatiratanga. The timeframes provided for their incorporation into the KCDC District Plan was not adequate for Councils. Consequently, Mana Whenua had inadequate opportunities and insufficient time to consider and contribute to the development of these proposals. This is an RMA iwi engagement breach and is far from the Tiriti House model.

Mana Whenua have fundamental concerns with the process and direction given by the Government requiring this PPC2. This process and the intensification provisions also prejudice and jeopardise the outcomes of Treaty of Waitangi Settlements.

Mana Whenua have welcomed the opportunity to work with KCDC planning staff in the development of PPC2 to meet the 20 August 2022 statutory deadline. We acknowledge the short timeframes and limited scope under which KCDC has had to deliver PPC2. We commend the planning staff on their openness and inclusion of mana whenua in this process. We do though request more meaningful engagement on a number of the decisions and aspects of the Plan.

Mana Whenua seeks growth that both retains the ability for our people to live in their own rohe, and creates housing opportunities that attract our own people home as part of the growing population. Housing should be supported by life sustaining infrastructure including improved public transport hubs. The Tino Rangatiratanga of hapū and iwi should be provided for in relation to their land and waterways by policies and rules that enable hapū and iwi to manage sustainable use of these taonga. The manaakitanga that iwi, hapū and ahi kā have provided over generations to share their home with Tangata Tiriti needs to be recognised in the way growth is managed. This includes recognising the significant role of Marae as a

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http://www.firstfound.org/wrrt2005/rua_rautau_lecture_2005,%20Whatarangi%20Winiata_The%20Reconciliation%20of%20Kawanatanga%20and%20Tino%20Rangatiratanga.htm#_ftn25 accessed 27/09/22

spiritual and cultural home for our people, a social hub and in civil emergencies. Proactive initiatives are required to ensure that our unique history, identity and culture is respected and they are given expression in the District, through giving effect in the District Plans and Growth Strategies.

PPC2 has the potential to have irreversible negative impacts on our whenua, awa, moana and tangata. In making decisions on provisions with such potential scale and significance of impact; a robust, evidence and Treaty based approach should have been taken.

2. Infrastructure

All iwi in the Kapiti area aspire to nurturing and restorative approaches to growth and development rather than extractive, risky and likely damaging approaches. Taking the extra time and steps to ensure we 'grow well' to achieve well-functioning urban and rural environments in accordance with tikanga Māori that will enable people and the environment to flourish together is critical.

The provision of adequate and appropriate infrastructure and the design of urban form is foundational to the delivery of housing and intensification. When grounded in and guided by the mātauranga of mana whenua the results enhance the unique identity and culture of this place. If done poorly, housing and intensification can have enduring negative impacts on the relationship of iwi with our lands and waters.

Proceeding with intensification before these steps are taken is irresponsible and neglectful of our taonga.

It is critical that the provision of infrastructure is proactively managed to support development, in conjunction with or in advance of housing development.

We have not been provided with 'evidence that supports the statement that there is adequate infrastructure' for the growth that Kāpiti will need for the level of intensification that is proposed. Quite the opposite, we are aware, from our interactions with utility providers in our rohe, that we have serious Three Waters infrastructure issues now. We are not convinced some of our stormwater and wastewater issues will be dealt with before any new housing development.

It is concerning, that it is acknowledged 'while a lack of reticulated infrastructure may constrain levels of development in the short-term, access to reticulated infrastructure to support existing and new development in the area may need to be considered over the long term'. This should not be a 'may' but 'must' as we are aware the three waters infrastructure is not fit for this purpose.

The reliance on another entity (the Regional Council) to deliver that infrastructure provides significant opportunity for a misalignment between the development enabled and the infrastructure delivered. The effects of such development will therefore not be adequately managed.

We also note that there is a broad spectrum of what is considered 'infrastructure', and what of that is a genuine public good whose benefits are equitably distributed across the

community, as opposed to other forms of infrastructure that are not necessarily public good, but rather benefit very distinct parts of the community.

3. Papakāinga:

Tangata Whenua were heavily involved in the drafting of the papakāinga provisions. We held the pen throughout the technical crafting of provisions, objectives, policies and rules. We fully support the chapter as a whole and that it is enabled in different zones. We do however ask that papakāinga is enabled in the Metropolitan, Local Centres and Mixed Use Zones, not restricted on Kapiti Island and the inconsistencies as noted in our individual submissions are amended.

4. Proposed amendments to sites and areas of significance to Māori:

a. Marae Takiwā

A.R.T support the intent of the Marae Takiwā precinct, that KCDC have proposed, which goes a very small way towards protecting our relationship with our 'taonga'. However, as proposed, PPC2 will have significant impacts on our sites and areas of significance and our 'taonga'. To provide adequate protection, the provisions need to be more robust and further reaching.

b. Kārewarewa Urupā

Kārewarewa urupā has been used for the interment of both members of Ātiawa ki Whakarongotai, Ngāti Raukawa ki te tonga, Ngāti Toa Rangatira, and the Pākehā settler community. Members of Ātiawa have been on record since 1896 consistently testifying that it is an urupā and a wāhi tapu and the Waitangi Tribunal has provided an early report on it.

Mana Whenua supports Council's inclusion of Kārewarewa urupā as a wāhi tapu as a reflection of its history and appropriate future use. The extent of the urupā was originally identified as part of a long list in a district wide scale project to identify wāhi tapu and potential plan provisions. The boundaries of the wāhi tapū are intended to reflect the original surveyed boundaries of the urupā, however, the extent of the south eastern edge of the urupā as shown in Appendix E is not consistent with the surveyed boundary. Effects on that portion of the wāhi tapu will not be adequately managed. Therefore the extent of the wāhi tapu should be extended to be consistent with Figure 3 as noted in the Ātiawa ki Whakarongotai submission.

Mana Whenua would be horrified if housing development was allowed to continue at the urupā/cemetery. The history of Kārewarewa urupā is a dark reflection of previous councils and governments failure to protect the interests of Māori, and the wider community. The opportunity provided through this District Plan process is for Council to go some way to setting this legacy right, and demonstrate a more enlightened and faithful approach to how it informs land use on the Kāpiti Coast.

Proposed amendments to the District Plan Schedules:

We support the amendments to the Schedule 9 Sites and Areas Significant to Māori and adding of Kārewarewa Urupā (Waikanae Beach) to the Schedule. It is important to add that there will be a policy gap of introducing intensification and medium density rules in the Plan, in the absence of including a new review of the Schedule of Sites and Areas of Significance to iwi and Māori in Kāpiti. We are concerned additional sites and their new spatial scope may not be provided protection at the level that Tangata Whenua desires.

5. MDRS and NPS-UD - Proposed Amendments to the District Objectives:

a. DO-Ox3 Residential Intensification Precincts:

DO-Ox3 purely gives effect to increased height and density within the parts of the General Residential Zone but fails to speak and link into Papakāinga and Tangata Whenua aspirations into the future. It does not account for the impacts on the Sites and Areas of Significance to Māori. We oppose the current drafting of the new objective.

This objection includes the objective being unable to cater for changing land use for Tangata Whenua when they receive land back through Settlement arrangements; the objective will be simply overtaking the rights and interests of Tangata Whenua by overlaying a 'residential intensification precinct' without Tangata Whenua involvement. In addition to amending this objective to ensure Tangata Whenua's role in the residential intensification precinct, 1.10 should also include Papakāinga.

b. DO-O11 Character and Amenity:

This objective is amended in the proposed change and now provides a watered down version of the values proposed to be protected in the first place. The phrases of character and amenity are muddled through although they represent different values in urban environments.

We oppose the change from 'maintained and enhanced' to just 'recognised'. Character and amenity values have significant cultural and indigenous components, but they are not referenced in clauses 1-5. For instance, the presence of mature vegetation can also be a cultural heritage.

c. DO-O11 Explanatory text:

We oppose the explanatory text regarding the 'character of development' having no reference to indigenous whakapapa and natural features as identities of Tangata Whenua, such as the Tararua Ranges. Places and spaces mentioned in this explanatory text are not communicated how significant they are for Tangata Whenua. This means that their significance is reduced to visible values from Pākeha perspectives and constructs. This section should be rewritten with Mana Whenua.

The explanatory text gives effect to Objective 4 of the National Policy Statement on Urban Development 2020 by emphasising that the 'amenity values develop and change over time'. We oppose this reduced and unsubstantiated perspective taken at amending this section when we know amenity covers many different dimensions of cultural and indigenous identities which come from the past.

The demonstration of Tangata Whenua issues is troublesome with the language used in this section, such as, using the word 'acknowledging' instead of 'maintaining', given that the plan change has not provided an in depth analysis of Sites and Areas of significance to Māori and iwi. It is a bold proposal, in the absence of these assessments, to downgrade the iwi-related values from maintaining to acknowledging.

In the same regard, we observe there is phrasing used to downscale the importance of amenity and character such as instead of 'avoiding a change in scale' to 'managing the change in scale of development'. There are no mentions of Otaihanga, Waikanae, Te Horo and Peka Peka - and how Mana Whenua define these places. Mana Whenua opposes the language used around 'Managing the change in existing character that may result from development' given this language ignores the multi-faceted character and amenity in the absence of robust evidence.

d. Objective DO-O16:

We oppose the wording of this objective that whilst it was amended to cater for 'providing for higher density urban built character and high-quality development in Metropolitan and town centre zones' we are not assured that the environmental quality is provided for. Objective DO-O16 Centres should include an objective that the environment is provided for as part of the proposals and the environment must not be worse off.

e. DO-O16 Explanatory text:

There was no co-design of "the centres hierarchy" with Mana Whenua iwi and hāpu for the Kāpiti's Operative District Plan. Centres hierarchy could impact on Mana Whenua's land aspirations and bringing these aspirations into fruition by way of dictating the densities and heights at sites that are not appropriate.

We do not desire this to be used as a barrier for Mana Whenua to develop their own housing and land development aspirations (for instance, papakāinga, education etc.) or implement and express their cultural practices. We certainly would not be keen to see 'Centres hierarchy' being used in a way that puts a barrier in front of implementing Tino Rangatiratanga.

Amended text '...to support the role of each centre, the scale and urban built form of development provided for within each of the centres is related to the centre's position within the hierarchy...' suggests that high density and medium density provisions that enable development in the Centres hierarchy are supported within that hierarchy. Given the up zoning of certain areas in Kāpiti, such as Paekākāriki, it seems this hierarchy will change over time visually and physically; the explanatory text does not reflect the change itself will impact on the Hierarchy.

Another point that emanates from how 'Centres hierarchy' will stack up to evidence is that it seems it is left to Council's discretion how they arrange the centres sit in this hierarchy, in the shadow of the housing intensity and density rules and implementation. One might argue that the way that walking catchments are calculated is a good example and demonstrates

the arbitrariness of the selection process where with some areas, we are seeing what is proposed is already breaching that hierarchy. Paekākāriki is a good example.

6. Proposed Amendments to the General Residential Zone:

We are concerned that the General Residential Zone leaves the appearance and amenity of neighbourhood changes to Design Guides which are expected to manage the impacts of medium density and high-density developments. Mana Whenua did not co-design these design-guides with the Council.

We are not convinced a non-binding document that developers can push back on because they might want to cut off their costs could achieve a high standard of urban design and just to 'encourage' new development 'contribute' positively to the changing character of the zone.

We would welcome the establishment of a design panel with tāngata whenua representation to adequately assess the design of development.

7. Proposed Amendments to the Residential Precinct A:

We are concerned that the simple following of the rapid transit stops definition has created a zoning which may not be appropriate in the implementation. This becomes a bigger concern because of climate change and serious lack of infrastructure in Kāpiti Coast.

For instance, it is puzzling to see Paekākāriki being in the same up zoning category with Paraparaumu and Waikanae but not Ōtaki. A similar case study that can be referred to, pointing out to this confusion and arbitrariness across the region for calculating rapid transit stops is Whanganui-a-Tara Johnsonville Catchment. The JVL line did not pass for a rapid transit stop to enable high densities and was left out in the relevant zoning.

Similarly, in some parts of Auckland, the lack of infrastructure was regarded as a qualifying matter. The inconsistency and intention of these zoning calculations suggest they might have not been investigated in practical sense, however Mana Whenua considers these decisions will have enormous impacts in the way that Mana Whenua will use the whenua and this is not necessarily positive.

Recommend the zoning calculations are reconsidered with Mana Whenua input.

8. Proposed Amendments to the Financial Contribution provisions:

a. FC-R5 General requirements for payment of a financial contribution:

Clause 1 only refers to land and money and this may be limiting if we consider Tangata Whenua in the decision making of financial contributions. Clause 2 is restricting the further decisions that may need to be made if certain aspects of the proposed development and its impacts have not been well estimated and or assessed into the project implementation stage.

b. FC-F5 should have additional phrases to include Mana Whenua's principles and roles, as rangatira (decision-maker) and kaitiaki along with the Council partners.

Depending on the location and nature of the proposal, Mana Whenua would want to get involved in determining the land and the amount regarding the contributions. The land should always be offered to Mana Whenua.

c. Offsetting and compensation effects:

We oppose and suggest this to be deleted. This clause as it is written would mean that Mana Whenua accepts the degradation of mauri.

Conclusion:

A.R.T have engaged in this PPC2 process in good faith and with a view to providing housing that is supported by life sustaining infrastructure. However, the time frames provided for its development is disproportionate to the enduring impacts of the proposals and there is little evidence to justify the proposals as drafted. The timeframes provided mean that Mana Whenua had inadequate or no involvement in their development.

As currently drafted, PPC2 has little visibility of Mana Whenua as kaitiaki, our tino rangatiratanga, values and tikanga or of consideration of the potential impact on Treaty settlement outcomes. We seek decisions that clearly provide for our values. We oppose our values being meshed and lost through concepts such as amenity and character and tools such as design guides.

We are acutely aware that where development is enabled without active protection of our taonga it can have enduring negative impacts on the relationship of iwi with our lands and waters. This includes the vulnerability of our sites that have not yet been properly protected as SASM's.

We seek for these matters to be addressed and we are keen to work with KCDC to achieve this.

We wish to be heard in support of this submission.

We could not gain an advantage in trade competition through this submission.

Ngā Pou Taiao
A.R.T
27 Hepetema 2022

From: [Kirsten Hapeta](#)
To: [Mailbox - District Planning](#)
Cc: [Jason Holland](#); claire@tekonae.co.nz; [Onur Oktem](#); [Aroha Spinks](#)
Subject: ART submission re DPPC2 270922
Date: Tuesday, 27 September 2022 4:57:18 pm
Attachments: [ART PC2 submission to KCDC 270922.pdf](#)

Tēnā tātou

Please find attached the A.R.T submission re the KCDC District Plan.

Please confirm receipt of this submission.

Ngā mihi

Nā Kirsten Hapeta

On behalf of:

Atiawa ki Whakarongotai, contact: Claire Gibb,

Te Rūnanga o Toa Rangatira on behalf of Ngāti Toa Rangatira, Contact: Onur Oktem

Ngā Hapū Ōtaki, contact: Kirsten Hapeta,