

IN THE MATTER OF Resource Management Act 1991

AND

IN THE MATTER OF Kāpiti Coast District Council Proposed
Plan Change 3

MINUTE 3

POST HEARING MINUTE RECORDING REQUESTS AND DIRECTIONS OF THE PANEL

Purpose of the Minute

[1] The Hearing of PC3 took place on 2 June and 4 June 2026. At the conclusion of the hearing on 4 June, the Panel¹ adjourned the hearing and indicated that we would issue a further Minute requesting further information from the Council, provide an opportunity for submitter comment², and make directions for a written reply on behalf of the Council.

Panel questions and request for further information

[3] Could Mr Conway and Ms Naidoo please respond to the following questions and requests from the Panel:

- (a) Is the plan change site listed as a site on the New Zealand Archaeological Association Archsite?
- (b) If so, does the extent of Wāhanga Tahī and Wāhanga Rua areas match the spatial extent of the recorded archaeological site?
- (c) Is there any difference in procedures that apply for Wāhanga Tahī and Wāhanga Rua in terms of an archaeological authority?

¹ The Kāpiti Coast District Council ("the Council") have appointed Cindy Robinson (Chairperson), Carolyn Wratt and Liz Burge ("the Hearings Panel") to hear submissions and further submissions and make recommendations on the Kāpiti Coast District Council Proposed Plan Change 3 (PC3) pursuant to Section 34A(1) of the Resource Management Act 1991 (RMA). Our delegation includes all related procedural powers to conduct those hearings.

² Submissions and further submissions

- (d) Please provide a copy of the Waikanae Land Company archaeological authority application and decision to decline by Heritage New Zealand Pouhere Taonga that was then subject to an appeal to the Environment Court.³
- (e) Please provide a copy of the Reserve Management Plan relevant to the reserve open space area of Waimanu Lagoons.
- (f) We seek to further understand the development of the site over time, including the decades predevelopment through to the year 2000 when works ceased, by sourcing information from resources such as Retrolens or Council records that indicate the topography and other physical features of Kārewarewa.
- (g) Where else in the Kāpiti district are wāhanga tahi and wāhanga rua sites located? What do they apply to, what area do they encompass and what are the underlying zones? Could you please provide 'snips' from the Council's planning maps and include on a separate map recent aerial photography of the site and surrounding sites.
- (h) Could you please provide us with similar maps for Wāhanga Toru and Wāhanga Rima, noting that Wāhanga Toru also applies to urupā. Please explain the 'Waahi Tapu Areas' covered by Wāhanga Rima.
- (i) How have the provisions operated since the Plan became operative? In particular, what consent applications have been made, and what process was followed to determine them?
- (j) When preparing the section 32 evaluation, did the Council undertake an assessment of other options such as a change in zoning, or other Wāhanga classifications? If not please explain why that was the case.
- (k) The Panel has not made any finding on the issue of scope or the merit of the submission points at this time; however, the following question is asked to assist us with evaluating matters raised in submissions. In the s42A report at [203], Ms Naidoo concluded that the submission points S9.4-8 from Brett Osborne were out of scope on the basis that they would apply to all Scheduled SASM. Could Ms Naidoo please reconsider those submission points in the context that any proposed further amendments to rules SASM-R3, SASM-R9, SASM-R11, SASM-R16, SASM-R19 and SUB-DW-R15 could only apply to Wāhanga Rua at Kārewarewa⁴, through the lens of a s32AA evaluation?
- (l) Could you please explain the rationale behind the different activity status for earthworks and structures in Wāhanga Tahi. Structures appear to have a more restrictive activity status than earthworks.

³ Legal Submissions of Mr Conway, answers to Panel questions, Hearing Recording, Day 1 at ~ 30min and at ~ 1hr -1-02.

⁴ Legal submissions of Mr Conway, 22 May 2026 at 9.4(b) and 9.5(b), and Panel questions during Day 1, Hearing Recording at ~37-39 minutes. Submission s9 supports the retention of Wāhanga Tahi in Schedule 9 as proposed by the Council.

Timetable for response to questions and request for further information

[4] The Panel requests that Council provide the above information to the Panel by **4pm on 23 June 2026**.

[5] Submitters wishing to comment on the materials provided by the Council (to the extent that they relate to matters raised in their submissions) may do so by **4pm on 30 June 2026**.

[6] All comments should be sent to the Hearings Administrator District.Planning@kapiticoast.govt.nz. For the avoidance of doubt the Panel is not requesting further submissions or evidence from submitters, but submitters may, if necessary, provide any clarification of material forwarded to us by the Council, or address any factual errors in the materials provided.

Council's Final Written Reply

[7] The Panel directs that the Council's Final Written Reply be provided by **4pm on 10 July 2026**. The Panel expects that the Council's Final Written Reply will be limited to closing legal submissions from Mr Conway and may include a planning response from Ms Naidoo, if there are changes to her recommendations based on evidence presented by submitters at the hearing, but her response should not introduce new evidence.

Dated: 11 June 2026.



C E ROBINSON

CHAIR ON BEHALF OF THE HEARINGS PANEL