

IN THE MATTER OF

the Resource Management Act 1991

AND

IN THE MATTER OF

Kāpiti Coast District Council Proposed Plan Change 3

SECTION 42A REPORT WRITER'S REPLY

17 July 2026

1. INTRODUCTION

- 1.1** My name is Sandhira Naidoo, and I am a Principal Policy Planner at Kāpiti Coast District Council (**the Council** or **KCDC**). I am the author of the Section 42A Report for KCDC Proposed Plan Change 3 – Kārewarewa Urupā (**PC3**) and my qualifications and experience are set out in paragraphs [14] – [21] of that report.

2. PURPOSE OF REPLY

- 2.1** The purpose of this report is primarily to consider the matters raised by submitters at the hearing for PC3 (held on 2 and 4 June 2026) and provide my reply for consideration by the Hearing Panel (**the Panel**).
- 2.2** In this report I also provide responses to specific questions that the Hearing Panel directed to me during the hearing. These are set out in section [7] of this report.
- 2.3** For all submissions, I maintain my recommendation set out in my original Section 42A Report.

3. PROCEDURAL MATTERS

- 3.1** On 11 June 2026, the Panel issued Minute 3 seeking further information from the Council to assist its deliberations on PC3.
- 3.2** Minute 3 requested additional information and clarification on a range of matters relating to the site's archaeological status, planning history, physical development over time, operation of the existing Sites and Areas of Significance to Māori (SASM) provisions, alternative planning approaches considered through the section 32 process, and several issues raised during the hearing.
- 3.3** The Panel directed that:
- (a) the Council provide its response to the Panel's queries by 23 June 2026;
 - (b) in response, submitters could comment on that material by 30 June 2026; and

- (c) the Council file a final written reply by 10 July 2026, comprising closing legal submissions and any necessary planning response to matters arising from the hearing.

3.4 Following a request by the Council, by way of Minute 4, the Panel amended the dates for reporting to 26 June, 1 July, and 17 July, respectively.

3.5 Council filed its response to the Panel's Minute 3 queries on 26 June, and following that, submitter responses were received from:

- (a) Ātiawa ki Whakarongotai;¹ and
- (b) Laurence Petherick.²

4. CONSIDERATION OF SUBMISSIONS AND EVIDENCE RECEIVED

4.1 In this reply, I have only addressed submissions and evidence where I consider additional comment is required. These matters have been traversed at the hearing and reinforced in my Section 42A report as well as in the further information provided to the Panel in accordance with the directions in Minute 3. I have grouped these matters into the following headings:

- (a) Matters raised by Ātiawa ki Whakarongotai (**Ātiawa**)
 - (i) Archaeological information in relation to cultural significance;
 - (ii) Intent and application of Wāhanga Rima in the wider context;
 - (iii) Application of Wāhanga Rua in the context of Kārewarewa Urupā; and
 - (iv) The use of Accidental Discovery Protocols as a substitute for SASM protection.
- (b) Matters raised by Laurence Petherick on behalf of a collective³
 - (i) Lack of public consultation and notification;

¹ [Submitter 3.](#)

² [Submitter 5 and Further Submitter 2.](#)

³ The collective comprises Laurence Petherick, Gary Collis, Steve Hollett, Elspeth Preddey, Clive Cameron, Michael Peryer, Craig Hardie, Vic Hewson, Brian Kouvelis and Che Ray.

- (ii) Extent of Kārewarewa Urupā in relation to 27 and 29 Barrett Drive
- (iii) Wāhanga Rua provisions and the impact on the construction of future buildings due to modern foundation requirements
- (iv) Lack of an economic assessment; and
- (v) Historical aerial photographs.

5. MATTERS RAISED BY ĀTIAWA KI WHAKARONGOTAI

5.1 I provide a summary below of the key points raised by Ātiawa ki Whakarongotai in their response comments, followed by my final comments on the key points.

Archaeological information in relation to cultural significance

5.2 Comments from Ātiawa⁴ dated 1 July 2026 highlight that while archaeological values may be associated with wāhi tapu and sites of significance, they do not define or determine them. Archaeological values, such as those of archaeological sites, are separate and distinct from the cultural value of a wāhi tapu or site of significance. Wāhi tapu and sites of significance exist because of their cultural significance, regardless of whether archaeological values are present.

5.3 Ātiawa also set out a range of practical reasons why archaeological assessments and records may be limited in what they indicate about wāhi tapu and sites of significance, including:

- (a) archaeological records arise in an ad hoc manner, often as a consequence of development activity, and the absence of a record does not mean a site lacks archaeological values;
- (b) identification of archaeological sites depends on land users voluntarily reporting discoveries, and it is known locally that discoveries can be made that are never recorded; and

⁴ The document is dated 1 July 2026, and titled 'Ātiawa ki Whakarongotai comment on further information from Kāpiti Coast District Council'.

- (c) Where land use is not occurring, landowners can decline to permit archaeological assessment even of areas independently known to have values. This is what occurred at Kārewarewa, where requests from the Wellington Archaeological Society to assess the urupā prior to development were declined by the landowner.

5.4 I acknowledge and support the Ātiawa position that archaeological evidence should not be used to determine cultural significance.

Intent and application of Wāhanga Rima in the wider context

5.5 Ātiawa provided additional contextual evidence from the Takamore and Taewapīrau areas explaining how mana whenua themselves understand and apply Wāhanga Rima.

5.6 At both Takamore and Taewapīrau, the main urupā are scheduled as Wāhanga Tahī, while the wider surrounding areas — referred to as wāhi tūpuna (ancestral sites) — are scheduled as Wāhanga Rima. Ātiawa explains that these Wāhanga Rima areas are significant because of their cultural values relating to occupation, historical events, use of resources, and other ancestral connections. Although there is a possibility that kōiwi may be found within those areas, particularly given the nature of historical conflicts, there are no known or defined burial locations outside the core urupā. Wāhanga Rima is therefore intended to recognise wider landscapes that contain a range of mixed cultural values, rather than to protect discrete burial sites. This account of how mana whenua understand and apply Wāhanga Rima is instructive in considering the appropriate wāhanga classification for Kārewarewa.

5.7 The feedback further explains that in the case of Kārewarewa, the developed half of the urupā does not meet the criteria for Wāhanga Rima. It does not contain a mix of cultural values. Instead, it forms part of a single, distinct, and highly tapu urupā.

5.8 In addition to my further information response to the Panel on this matter, dated 26 June 2026, I agree with Ātiawa's assessment that Wāhanga Rima is appropriately applied at Takamore and Taewapīrau, but is not an appropriate wāhanga for Kārewarewa Urupā. The defining characteristic of Wāhanga Rima is a mixed cultural value landscape, and the developed half of Kārewarewa does not exhibit that character. Applying Wāhanga Rima to

Kārewarewa would misrepresent the nature of the site and understate the significance of the values the Plan Change is designed to protect.

Application of Wāhanga Rua in the context of Kārewarewa Urupā

5.9 Ātiawa clarifies that the equivalent application of Wāhanga Rima at Kārewarewa — if it were applied consistently with Takamore and Taewapīrau — would require scheduling the entire urupā (both the developed and undeveloped areas) as Wāhanga Tahī, and scheduling the surrounding land and water as Wāhanga Rima. Those surrounding areas contain a mix of cultural values, including historical cultivation, pā, mahinga kai, and other ancestral sites, which would meet the Wāhanga Rima criteria.

5.10 Ātiawa confirms it is not seeking that broader approach through this Plan Change. However, the comparison is instructive: it demonstrates the stark contrast between the developed half of Kārewarewa — which forms part of a single urupā, — and the broader Wāhanga Rima landscapes at Takamore and Taewapīrau, which recognise a range of cultural values across a wider area. This contrast strongly supports the application of Wāhanga Rua at Kārewarewa as the appropriate classification for the developed portion of the urupā.

5.11 As is consistent with my further information response to the Panel on this matter, dated 26 June 2026, I agree with Ātiawa that the application of Wāhanga Rua at Kārewarewa Urupā is appropriate.

The use of Accidental Discovery Protocols as a substitute for SASM protection

5.12 I reiterate the position set out in my Section 42A report and further information response to the Panel, dated 26 June 2026, that relying on Accidental Discovery Protocols (ADPs) under HH-Table 1 in the Historical Heritage chapter of the Plan is insufficient to address the potential for adverse effects associated with otherwise permitted residential development under the MDRS on a wāhi tapu site.

5.13 Ātiawa agrees with this view, and provides a helpful articulation of why: ADPs are designed to mitigate effects on known lower-value sites, or on sites where discovery is merely a

potential risk. Their purpose is typically rationalised on the basis that discovery provides an opportunity to recover archaeological information that would otherwise be lost. That rationale does not apply — and the tool is not appropriate — where the site is already known to be of high cultural and spiritual significance.

5.14 This is particularly so given the evidence indicates that Kārewarewa Urupā is a known archaeological site where kōiwi have previously been uncovered. In these circumstances, the discovery of archaeological material or human remains cannot reasonably be regarded as accidental or unforeseen. Accordingly, reliance on an Accidental Discovery Protocol alone carries a high level of risk and does not provide an adequate level of protection for the known cultural, historical, spiritual, and archaeological values of the site. The SASM provisions are put in place to protect and mitigate the risk by setting out appropriate levels of permitted development, while putting in place a consent path to enable appropriate subdivision and development to go ahead.

5.15 This position is consistent with, and reinforced by, the internal assessment⁵ undertaken by Heritage New Zealand Pouhere Taonga (HNZPT) for the Barrett Drive archaeological authority application in the proposed Wāhanga Rua area. HNZPT determined that while an ADP may be sufficient to mitigate effects on archaeological evidence, archaeological information recovery is not necessarily mitigation for effects on broader cultural values, especially if kōiwi tangata are disturbed. Ātiawa expressly endorses that finding in its feedback. The Council's position, the agreement of Ātiawa, and HNZPT's independent assessment are therefore fully aligned: ADPs are not an adequate substitute for SASM protection at Kārewarewa Urupā.

6. MATTERS RAISED BY MR PETHERICK ON BEHALF OF A COLLECTIVE

6.1 I provide a summary below of the key points raised by Mr Petherick, followed by my final comments on these matters.

5 Heritage New Zealand Pouhere Taonga, 14 September 2021, Internal Assessment of Barrett Drive application, page 5.

Interested Parties

- 6.2** It is worth noting at the outset that not all members of the collective represented by Mr Petherick own or occupy land within Kārewarewa Urupā. Mr Petherick confirmed at the hearing that he does not reside within Kārewarewa. I confirm that in addition to Mr Petherick, three⁶ other submitters who are part of the collective do not reside within Kārewarewa.

Lack of public consultation and notification

- 6.3** Mr Petherick has raised questions regarding the PC3 notification and consultation process with affected property owners. PC3 was publicly notified for submissions on 18 September 2024 in accordance with the notification requirements under the RMA. A public notice (**Attachment A**) of proposed PC3 was published in the local newspaper, Kāpiti News on 18 September 2024. On 20 September 2024, Council staff hand delivered a letter (**Attachment B**) to the letter boxes of all directly affected landowners (**Attachment C**) within Kārewarewa Urupā notifying them of proposed PC3 and explaining its purpose. The letter was accompanied by the public notice. As the Wāhanga Tahi area is vacant land, the landowner, Waikanae Land Company, was notified by email only, rather than by mail drop. A longer notification and submission period was provided than the standard Schedule 1 RMA submission period, with submissions closing on 1 November 2024.

- 6.4** Accordingly, Mr Petherick's suggestion that the public notice appeared only shortly before Christmas and contained minimal information is not correct. I also note that the RMA Schedule 1 process requires public notification of a proposed plan change. It does not require individual notification of every resident in the surrounding area.

Land Information Memorandum (LIM) Report

- 6.5** Mr Petherick claims in his feedback that the property owners of 5 and 7 Marewa Place were unaware of PC3 at the time of purchase.

6 Interested parties residing outside Kārewarewa - Steve Hollett, Clive Cameron, and Brian Kouvelis.

- 6.6** Council's LIM report template was updated in September 2024 to include a note advising that all affected properties are affected by a proposed historic heritage listing for Kārewarewa Urupā under proposed PC3. The note further advised that the new historic heritage listing has immediate legal effect from its notification date of 18 September 2024.
- 6.7** Council's records do not establish whether the current owners of 5 and 7 Marewa Place obtained LIM reports before purchasing their respective properties. Accordingly, Council cannot comment on what information was available to those purchasers through their individual conveyancing processes.
- 6.8** I note it is the responsibility of the purchaser of a property to carry out due diligence prior to purchasing a property to confirm all information Council holds on a property. I also note that all information regarding PC3 was contained within the LIM information. Council cannot control whether a purchaser of a property decides to obtain a LIM from Council prior to purchase.

Extent of Kārewarewa Urupā in relation to 27 and 29 Barrett Drive

- 6.9** Mr Petherick states at para. 3.8 of his feedback:

There is some confusion as to the southernmost boundary of the 20 acre block with plans and aerial photos in the many documents showing a variation of the boundary affecting 27 & 29 Barrett Drive & properties in Te Ropata Place.

- 6.10** Mr Petherick has not explained what the confusion is nor has he provided any supporting information or a spatial map for me to investigate the matter further. Nonetheless, I have reviewed all available information regarding the spatial extent of Kārewarewa Urupā as contained within PC3, and I have not identified any information that would support a different spatial extent.

SASM provisions and the impact on future building construction

- 6.11** Mr Petherick at paragraph 3.11 in his feedback cites two local examples of recent residential development — at 187 Tutere St and 41 Queens Rd — where new houses have been built on deep timber driven piles, and argues that the same foundation requirements would

apply to any future development within the Wāhanga Rua area. He contends that because piled foundations would be prohibited under the SASM provisions, all future residential development would be automatically prohibited.:

- 6.12** The proposed SASM provisions do not prohibit all land use and development within the Wāhanga Rua area — they restrict specific ground disturbance activities in order to protect the known values of the site. Permitted activities and resource consent pathways remain available for appropriate use and development. Furthermore, Mr Petherick does not establish that deep timber driven piling is the only viable foundation system for all potential development scenarios within the area, nor does he account for the engineering options that may be available where surface-level or alternative foundation systems could be used. The suggestion that the provisions automatically prohibit all future residential development misrepresents both the provisions themselves and other available and alternative options.

Lack of an economic assessment and land valuation

- 6.13** This section responds to the points raised at paragraph 3.12 of Mr Petherick’s feedback regarding why an economic effects assessment and land valuation were not undertaken. An economic effects assessment was not prepared primarily because cultural values cannot be quantified or compared to market metrics, and because the provisions provide a consent pathway for appropriate subdivision, use, and development.
- 6.14** Mr Petherick suggests that the Wāhanga Tahi area has a land value in the range of \$10 million to \$15 million and queries who will compensate the Waikanae Land Company for any loss of value resulting from the plan change. The RMA does not provide a general right to compensation for the effects of plan changes on land values, and questions of compensation to a private landowner are not matters that fall within the scope of this Right of Reply or the Panel's jurisdiction in this process. The appropriate weight to be given to economic effects is a matter for the Panel in the context of all relevant statutory considerations, including the values the Plan Change is designed to protect.
- 6.15** In terms of the economic effects of PC3 on the Wāhanga Rua part of Karewarewa Urupa, I note that the feedback from Ātiawa points out that one of the most challenging aspects of

gaining approval for earthworks on the site is the landowner's inability to obtain archaeological authority under the HNZPTA to undertake earthworks on the site.

- 6.16** In its internal assessment for the Barrett Drive archaeological authority application, Heritage New Zealand determined:

Heritage New Zealand also believes that whether or not the urupa has been desecrated, excavated, disturbed, or modified, it retains its tapu. Therefore, the Māori values of the urupa/koiwi tangata are significant and tapu to iwi/hapu of Te Atiawa and warrants full preservation.

- 6.17** In its decision to decline the archaeological authority application for Barrett Drive, HNZPT concluded:

The granting of the archaeological authority is not in line with the Purposes and Principles of the Act. Heritage New Zealand Pouhere Taonga cannot in good conscience grant an archaeological authority that allows development on a property which is within the bounds of a known Māori Cemetery referred to as Kārewarewa Urupā.

- 6.18** This constraint arises from the nature of the site itself and HNZPT's assessment of its values. It is not a consequence of PC3. The plan change formalises in the district plan the protection that the site's values already attract under the HNZPTA. This is directly relevant to any assessment of the economic utility of the land: even in the absence of the SASM provisions proposed by PC3, the ability to carry out earthworks and development on this site is already constrained by HNZPTA requirements.

- 6.19** For these reasons I consider that an economic evaluation for PC3 is neither practicable nor necessary to support the plan change.

Historical aerial photographs

- 6.20** Contrary to Mr Petherick's suggestion, in his feedback email dated 1 July 2026, that Council may have provided the Panel with only select historic aerial photographs, I confirm that all relevant aerial photographs have been provided to the Panel.

- 6.21** Mr Petherick's feedback includes an aerial photo from 1942, sourced from Council's website. That photograph is consistent with, and does not contradict, the material already before the panel. My response to the Panel's questions included a copy of an aerial photo from the 1940s, which was sourced from the same Council source as that used by Mr Petherick, with the extent of the subdivision and roading overlaid.

7. QUESTIONS RAISED BY THE HEARING PANEL

- 7.1** As I confirm above, the Panel's questions and requests for further information arising from Minute 3 were the subject of separate responses filed by the Council in accordance with the Panel's directions and I do not repeat those responses here.

- 7.2** Since the conclusion of the hearing, I have had the opportunity to reflect upon all verbal questions asked of me by the Panel during the hearing. One question asked by Commissioner Burge was regarding the purpose of the plan change – noting that the purpose set out within the s32 evaluation differed slightly to that within the s42A report. I have reflected upon my verbal answer provided during the hearing and I wish to confirm that I consider the purpose of the plan change is that as expressed within the s32 evaluation, and that the purpose set out within the s42A report is a refinement of this for explanatory purposes.

8. CONCLUSION

- 8.1** Having considered the submissions, listened to submitters and reviewed their feedback on the further information provided, I remain of the professional opinion reflected in my Section 42A report.
- 8.2** For the reasons set out in this Right of Reply, I recommend that the Hearing Panel accept the recommendations contained within the Section 42A Report.

ATTACHMENTS

Attachment A – Public Notice

Attachment B – Notification Letter

Attachment C – List of properties for mail drop

Sandhira Naidoo

A handwritten signature in black ink, appearing to read 'S. Naidoo', with a stylized flourish at the end.

Date: 17 July 2026