

Mayor and Councillors
COUNCIL

9 NOVEMBER 2017

Meeting Status: **Public**

Purpose of Report: For Decision

COUNCIL DECISIONS ON SUBMISSIONS TO THE PROPOSED KAPITI COAST DISTRICT PLAN AND VARIATION 1 URBAN TREE VARIATION

PURPOSE OF REPORT

- 1 This report seeks that the Council adopts the recommended decisions of the Independent Hearing Panel on submissions and further submissions made on the Proposed Kapiti Coast District Plan 2012 and Variation 1 Urban Tree Variation.

DELEGATION

- 2 Only the Council has the authority to consider this matter.

BACKGROUND

- 3 The Panel Chair, Alistair Aburn and the other Panel members will be attending the Council meeting on 9 November 2017 and will be available to answer questions with regard to the Panel's Reports and Recommendations.
- 4 The Proposed District Plan project has been underway since 2008. A brief summary of the project up to this point is as follows:

2008 - 2012

- Release of a District Plan Review Scoping Discussion Document and Summary providing information on 'focus areas', monitoring information and setting out processes and an expected timeline for the review process and seeking feedback (March 2010).¹
- A number of studies were undertaken to help inform the Council about various aspects primarily relating to the focus areas (2007-2012).²
- There was a range of community-based meetings in 2010, and consultation and liaison with a range of people and organisations.
- Seven discussion documents were released for consultation in November 2010.
- A range of Council workshops were held between June 2011 and November 2012.

¹

² http://www.kapiticoast.govt.nz/Your-Council/Planning/District-Plan-Review/PDP_Technical_Reports/

2012 - 2014

- The Proposed Kapiti Coast District Plan (PDP) was notified on 29 November 2012. Approximately 800 submissions and 200 further submissions were received.
- Following the close of submissions and further submissions, and in response to community concerns, the Council commissioned two independent reviews, one of the Proposed District Plan coastal hazard provisions and one of the Proposed District Plan overall.
- Following receipt of the independent reviews, the Council made two decisions:
 - (a) Firstly to withdraw some provisions from the Proposed District Plan, in particular the coastal hazard provisions. On 2 October 2014 the Regulatory Management Committee resolved to “withdraw from the Proposed District Plan those parts of the maps, objectives, policies and rules relating to:
 - Coastal Hazard Management Areas;
 - Hazardous Substances and Facilities; and
 - Priority Areas for restoration.
 - (b) Secondly, the Council resolved to adopt Option 4 of the independent review panel’s report which was to continue with the Proposed District Plan process but in a manner that drew on important input from submitters and provided opportunities for further consultation with submitters.
- It is noted that following the withdrawal of these provisions the Hearing Panel had no further role in considering coastal hazard provisions.

2015 - 2017

- In June 2015 the Council released a Submitter Engagement Version (SEV) of the Proposed District Plan. This was a non-statutory document which identified a number of amendments to the November 2012 notified version. This document formed the basis of further dialogue with submitters on issues raised in the submissions.
- The Council appointed a five member Hearings Panel which comprised three independent commissioners and two KCDC Council commissioners:

Alistair Aburn (Chairperson),

Miria Pomare,

David McMahon,

Diane Ammundsen, and

Cr Mike Cardiff

Their role was to consider and make “recommended” decisions on all submissions and further submissions.

The hearings commenced on 4 April 2016 with the last hearing on 5 April 2017. This comprised 41 hearing days. Overall 218 submitters appeared and presented to the Hearings Panel.

- Variation 1 (Urban Tree) was notified on 2 September 2015. This Variation altered the types of “urban” trees to be protected in response to a change to the RMA. There were 34 submissions and one further submission to the Variation. The Hearing Panel heard submissions on Variation 1 on 11 July 2016.
- On 13 April 2017 the Council resolved to withdraw further provisions from the Proposed District Plan affected by the earlier withdrawal of provisions in October 2014 including the following:
 - Rule 4A.2.1
 - Rules 4A.3.1, 4A.3.2 and 4A.3.3
 - Rule 4A.4.2
 - Rules 4A.5.1 and 4A.5.4
 - Policy 3.14

ISSUES AND DISCUSSION

Issues

- 5 In December 2015 Cr Diane Ammundsen and Cr Mike Cardiff had their term as Hearing Commissioners extended until 23 December 2016. In September 2016 this period was extended again, to 30 April 2017 and then in April 2017 further extended until 31 July 2017. The Hearing Panel completed their deliberations and all of the Hearing Panel Recommendation Reports were completed in draft by the 31 July 2017 and circulated for review and approval by the Panel³.
- 6 Since the 31 July the final editing of the reports and appendices has been completed by Mr Aburn. Given that the final reports were completed after the 31 July date it is prudent for Council to further extend the delegation of Diane Ammundsen and Cr Mike Cardiff through to the end of November 2017. The appointments of the Independent Commissioners Alistair Aburn, David McMahon and Miria Pomare have no end date specified.
- 7 In accordance with Section 34 and Section 34A of the RMA Council has delegated to the Hearing Panel authority to consider all submissions received on the Proposed Kapiti Coast District Plan and to report to Council recommending whether Plan provisions are retained or amended (based upon the submissions received and the evidence heard) and the reasons why.
- 8 If the Council agrees to adopt the Hearing Panel Reports and Recommendations they will be issued as ‘Council’s decisions’ on the Proposed District Plan and Variation 1, and all submitters and further submitters will be notified of Council’s decision. The availability of a ‘Decisions Version’ of the Proposed District Plan incorporating all Council decisions will also be publicly notified. The availability

³ Attached as Appendix 2 are copies of the emails from D Ammundsen and Cr M Cardiff sent to A Aburn.

of the Council's decision will also be publicly notified in line with the requirements of the Resource Management Act 1991.

- 9 It is important to note that the recommendations of the Panel are presented to the Council after careful consideration of the submissions and further submissions and hearing extensive evidence from experts and a range of legal submissions over a 12 month period. If Council is of a mind not to accept any aspect of the report or a recommendation of the Panel, the Council would need to consider the submissions and rehear the evidence on the matter itself. This would be a lengthy process which would result in significant additional costs to Council.
- 10 Public notification of the decision is proposed for 22 November 2017. An appeal period of 30 working days will begin from the date of the public notification of the decisions for any person/s that made either a submission or a further submission.

Overview Report

- 11 The Overview Report is a non-statutory part of the Hearing Panels Reports and Recommendations but provides a useful summary of the process the Panel have been through in hearing the submissions and further submissions and as stated in the report it is a *"high level summary that provides a "road map" to the main issues, and our findings and recommendations, addressed in the separate recommendation reports."* The Overview report outlines the individual reports and summarises the key findings of each chapter it is not intended to be read in isolation and is not a substitute for reading the Panel's 16 Recommendation Reports.
- 12 The Overview Report and Chapter 2 – Objectives - Recommendation Report were circulated to Councillors on 16 October 2017 and the full 16 Recommendation Reports were circulated on 26 October 2017 ahead of the release of the Council agenda. The 16 Recommendations Reports are as follows:
 - *Report 1: Chapter 1 - Introduction and Interpretation (including Plan Wide)*
 - *Report 2: Chapter 2 - Objectives*
 - *Report 3: Chapter 3 - Natural Environment: Landscape and Earthworks*
 - *Report 4: Chapter 3 - Natural Environment: Ecology and Vegetation*
 - *Report 5: Chapter 4 - Coastal Environment*
 - *Report 6: Chapter 5 - Living Environment*
 - *Report 7: Chapter 6 - Working Environment*
 - *Report 8: Chapter 7 - Rural Environment*
 - *Report 9: Rural Rezoning*
 - *Report 10: Chapter 8 - Open Space*
 - *Report 11: Chapter 9 - Hazards*
 - *Report 12: Chapter 10 - Historic Heritage*

- *Report 13: Chapter 11 - Infrastructure, Services and Associated Resources Use: Network Utilities and Services*
- *Report 14: Chapter 11 - Infrastructure, Services and Associated Resources Use: Access and Transport*
- *Report 15: Chapter 11 - Infrastructure, Services and Associated Resources Use: Community Facilities*
- *Report 16: Chapter 12 - General District-wide Provisions (including Amateur Radio)*

The Overview Report sets out the structure of each report as follows:

“Each of the reports is structured in the following four parts:

Part A

This section is factually based with no evaluation. It outlines procedural matters as well as acknowledging the RMA statutory requirements that direct and guide our subsequent evaluation. For contextual reasons, it outlines the role of the PDP Chapter which the report covers; summarising the content and purpose of the Chapter. Essentially this background section provides a factual context for our consideration of the issues raised in submissions (Part B of each report). This section also contains a summary of the submissions and records and acknowledges the submitters that prepared evidence and presented to us. We provide a brief account of the hearing process itself and our subsequent deliberations. Where relevant, procedural matters such as minutes, directions, conferencing and caucusing are also referenced in this part of the report.

Part B

The second part of each report is structured around the main issues raised in submissions, and where relevant, summarises the evidence / statements presented at the hearing. This part of the report is evaluative and records the results of our deliberations on substantive matters.

Part C

This part of each report acknowledges the statutory requirements and records our evaluation of the PDP provisions against the relevant sections of the RMA, as well as all other relevant documents prepared under the RMA, in reaching our recommendations. Where there is other relevant legislation that we must have regard to, such as the Heritage New Zealand Pouhere Taonga Act 2014, any discussions of the relevant legislation is contained in this part of the reports.

Part D

In each report we conclude with a summary of our recommendations, having had regard to the necessary statutory considerations that underpin our evaluation.

Each report takes a lead from the Objectives recommended in the Chapter 2 Report. Other than that, each report is largely self-contained on all matters relevant to the Chapter it is reporting on. In some instances, however, cross references to relevant content in other reports are provided where necessary; for example, to illustrate a point about how a rule gives effect to a particular

policy or to reference a particular point about the rationale for consistency in provisions across the Plan as a whole⁴.

- 13 The changes that the Panel is recommending to the Proposed District Plan (over and above those recommended in the S42A Reports and adopted by the Hearings Panel) are set out in the Panel's Recommendations for each chapter. As noted above there are 16 chapter reports.
- 14 In addition the Overview Report sets out the Panel's approach to the hearings stating: *"Our approach to the hearings was based on ensuring that every submitter who wished to be heard was given every opportunity to outline their concerns, whether calling expert evidence or not."*⁵ . The main drivers of the Panel's recommendations on objectives, policies, methods and rules, subject to the specific requirements and tests set out in the RMA, was the demonstration of:
 - Cogent reason(s) , where possible supported with actual examples;
 - The Council's S32 evaluation;
 - Requirements of another RMA Plan or Policy Statement, or relevant enactment;
 - Proposed objectives and policies or rules being *ultra vires*;
 - The Council's S.42A Report/S.32 evaluation and in the case of Variation 1 the S.32AA Further Evaluation;
 - The Panels own S32 and 32AA Further Evaluation
- 15 In terms of "reasons" for the decisions, where the Panel has adopted the Section 42A discussion and recommendation in its decision, reference is made to the specific Section 42A report. Where the Panel has made a change from the Section 42A recommendations the Panel's report includes a new recommended decision with reasons to support that change.
- 16 As noted above the Council at its meeting on 11 August 2015 received a report on the Proposed District Plan – Potential Urban Tree Variation. At that meeting the Council resolved the following:

That Council request staff to prepare a Variation to the Proposed District Plan relating to trees on urban allotments as defined in the Resource Management Act that:

- a. identifies and schedules trees on urban allotments that are within ecological sites in the Proposed District Plan;*
- b. amends the rules relating to protected trees in urban areas, including notable trees, to enable trimming of trees in accordance with New Zealand Arboricultural Association Best Practice Guideline on Amenity Tree Pruning Version 3 April 2011 to be undertaken as a permitted activity.*

That a schedule of additional individual or groups of trees be compiled that the amended rules shall apply to. The schedule is to individually list and protect only the non-planted trees from the 2010 database that have biodiversity values of 9 and 10. These trees are to be limited to the species listed in Appendix 2 of report SP-15- 1666.

⁴ Extract from page 2-3 of Hearings Panel Report and Recommendations on the Proposed Kāpiti Coast District Plan 2012 – Overview Report.

⁵ Page 10 of Hearings Panel Report and Recommendations on the Proposed Kāpiti Coast District Plan 2012 – Overview Report.

That the proposal to incorporate New Zealand Arboricultural Association Best Practice Guideline on Amenity Tree Pruning version 3 April 2011 be publicly notified for comment in accordance with Clause 43 of Part 3 of the First Schedule to the Resource Management Act 1991.

That a package of non-regulatory measures be developed for Council's future approval in relation to protected urban trees. This shall include consideration of:

- a. advice on best practice management of trees*
- b. discounted fees and charges; and*
- c. financial assistance with maintaining protected urban trees.*

- 17 The Panel's Recommendations Report 4 includes specific recommendations in relation to Variation 1 Urban Tree Variation.

CONSIDERATIONS

Legal considerations

- 18 As set out in paragraph 6 and 7 above, the Council has delegated the Hearing Panel authority to consider all submissions.
- 19 Simpson Grierson has reviewed the recommendations set out below in paragraphs 31-36.

Financial considerations

- 20 There will be some costs associated with the implementation of the "Decisions Version" of the Plan. This will include printing costs and the development of an E-Plan. These costs along with provision for appeals to the decisions are provided for within existing budgets.

Tāngata whenua considerations

- 21 The Tāngata Whenua District Plan Review Working Party was established in 2010. The mandate of the working party was to review all aspects of the District Plan on behalf of Te Whakaminenga o Kāpiti and recommend the direction for iwi policy. An outcome of this was the report Te Haerenga Whakamua.
- 22 Te Ohu Taiao was established by Te Whakaminenga o Kāpiti following the establishment of the working party to provide further iwi input into the Proposed District Plan process.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 23 Whilst this policy decision has a high level of significance for Council and the community the Resource Management Act 1991 mandates a specific engagement process that Council has followed rather than the process set out in the Significance and Engagement Policy.

Consultation already undertaken

- 24 As set out in the Overview Report and the separate Panel Reports and Recommendations the process of the Proposed District Plan has involved years of consultation. As highlighted in the background above the process of consultation undertaken through the process has been extensive. The Overview Report also outlines that a full year of hearings were undertaken between April 2016 – April 2017 involving 22 hearings over 41 hearing days with a total of 218 submitters presenting to the hearing panel.

Engagement planning

- 25 In accordance with the requirements of Schedule 1, Clause 10 and 11 of the RMA, Council's decisions will be publicly notified on 22 November 2017. This will allow staff time to update internal and external systems (including online information), print paper copies, and to prepare and send letters and emails to all those who made submissions and further submissions on the Proposed District Plan following the Council decision on 9 November 2017.
- 26 If the Council approves the Panel's recommendations, then after public notification of the decision there continues to be a transition period between the Operative District Plan and the Proposed District Plan. The rules in both plans will have legal effect initially. The rules in the Proposed District Plan will be treated as operative, and the equivalent rules in the Operative District Plan as inoperative, if either no appeals are lodged in relation to the relevant rules, or once the appeals are resolved.
- 27 To ensure that Council is informed, any appeals will be presented to the Council once they are lodged.

Other considerations

- 28 As with any new planning instrument there will be a period of change and uncertainty for practitioners and there may be implementation issues that emerge that need to be dealt with (for example, via practice or advice notes or plan changes).
- 29 Staff have developed a communications and training plan for both internal staff and external Plan users that will be adapted as required. Hill Young Cooper (a Planning Consultancy firm) has been engaged to assist with the implementation of the Proposed District Plan from November 2017 through to February 2018. Staff will also be working closely with Council's Communications team through this process.
- 30 Staff are also working towards having a Decisions Version of the Proposed District Plan as an E-Plan available on-line early in 2018.

RECOMMENDATIONS

- 31 That the Council extends the appointment of:
- (i) Diane Ammundsen as Independent Hearing Commissioner and
 - (ii) Councillor Mike Cardiff as an Elected Member Hearing Commissioner
- for the Proposed District Plan until the 30 November 2017.
- 32 That the Council receives this report SP-17-357 Council Decisions on Submissions to the Proposed Kapiti Coast District Plan and Variation 1 Urban Tree Variation and the Overview Report.
- 33 That the Council receives the 'Hearing Panel Reports and Recommendations' Reports 1-16 containing the 'recommended decision', prepared under delegated authority pursuant to sections 34(1) and 34A of the Resource Management Act 1991, for the hearing of submissions and further submissions on the Proposed Kapiti Coast District Plan 2012 and Variation 1 – Urban Tree Variation.
- 34 That pursuant to Schedule 1 to the Resource Management Act 1991, the Council adopts the recommendations and reasons in the Hearing Panel Recommendation Reports 1-16.
- 35 That the Council publicly notifies its decisions on submissions and further submissions (contained within the Panel Reports and Appendices 1 and 2 to those 16 reports) and serves a copy of the decision on all submitters and further submitters.
- 36 That Council releases a version of the Proposed Kapiti Coast District Plan as Amended by Decisions on 22 November 2017 incorporating all changes from the Hearing Panel Reports and Recommendations including the consequential changes set out in Appendix 1 of the reports.

Report prepared by	Approved for submission	Approved for submission
Nicki Williams	Wayne Maxwell	Sarah Stevenson
Manager Research, Policy and Planning	Group Manager Corporate Services	Group Manager Strategy & Planning

ATTACHMENT

Appendix 1

The Overview Report; and

Report 1 – 16: The Hearing Panel 'Reports and Recommendations on the Proposed Kapiti Coast District Plan 2012' including:

- Appendix 1 comprising the tracked change version of the PDP - Volume 1 Plan, Volume 2 Appendices and Volume 3 Maps; and
- Appendix 2 which is the Recommendations on submissions and further submissions.

www.kapiticoast.govt.nz/panel-recommendations-9november17

Appendix 2

Copies of the emails from D Ammundsen and Cr M Cardiff sent to A Aburn.

HEARINGS PANEL REPORT AND RECOMMENDATIONS
ON THE
PROPOSED KĀPITI COAST DISTRICT PLAN 2012
OVERVIEW REPORT

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**Reports and Recommendations of the Hearings Panel
Pursuant to s34A of the Resource Management Act 1991
on the
Proposed Kāpiti Coast District Plan 2012
Overview Report**

Panel Members:

Alistair Aburn (Independent Commissioner and Chair)

David McMahon (Independent Commissioner)

Miria Pomare (Independent Commissioner)

Diane Ammundsen (Commissioner)

Mike Cardiff (Commissioner)

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Hearings Panel Report and Recommendations

Overview Report

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1 INTRODUCTION AND OVERVIEW

Report Purpose

- 1.1 This Overview Report is a cover report to sixteen reports that, in total, provide the Kapiti Coast District Council with the recommendations of the Hearings Panel on the submissions and further submissions to the Kapiti Coast Proposed District Plan 2012 (PDP).
- 1.2 The Overview Report, unlike the separate recommendation reports, does not have any statutory role. It is more in the nature of a high level summary that provides a 'road map' to the main issues, and our findings and recommendations, addressed in the separate recommendation reports.

Role of the Hearings Panel

- 1.3 Our role as the Hearings Panel was to make recommendations to the Council on the PDP. The final decision-making power rests with the Council; and, in the event that the Council adopts our recommendations, all sixteen reports will become the Council Decision.

Recommendation Reports

- 1.4 The sixteen reports are:
- (a) Report 1: Chapter 1 - Introduction and Interpretation (including Plan Wide)
 - (b) Report 2: Chapter 2 - Objectives
 - (c) Report 3: Chapter 3 - Natural Environment: Landscape and Earthworks
 - (d) Report 4: Chapter 3 - Natural Environment: Ecology and Vegetation
 - (e) Report 5: Chapter 4 - Coastal Environment
 - (f) Report 6: Chapter 5 - Living Environment
 - (g) Report 7: Chapter 6 - Working Environment
 - (h) Report 8: Chapter 7 - Rural Environment
 - (i) Report 9: Rural Rezoning
 - (j) Report 10: Chapter 8 - Open Space
 - (k) Report 11: Chapter 9 - Hazards
 - (l) Report 12: Chapter 10 - Historic Heritage
 - (m) Report 13: Chapter 11 - Infrastructure, Services and Associated Resources Use: Network Utilities and Services
 - (n) Report 14: Chapter 11 - Infrastructure, Services and Associated Resources Use: Access and Transport

- (o) Report 15: Chapter 11 - Infrastructure, Services and Associated Resources Use: Community Facilities
- (p) Report 16: Chapter 12 - General District-wide Provisions (including Amateur Radio)

1.5 Each report is structured in four broad parts:

Part A

This section is factually based with no evaluation. It outlines procedural matters as well as acknowledging the RMA statutory requirements that direct and guide our subsequent evaluation. For contextual reasons, it outlines the role of the PDP Chapter which the report covers; summarising the content and purpose of the Chapter. Essentially this background section provides a factual context for our consideration of the issues raised in submissions (Part B of each report). This section also contains a summary of the submissions and records and acknowledges the submitters that prepared evidence and presented to us. We provide a brief account of the hearing process itself and our subsequent deliberations. Where relevant, procedural matters such as minutes, directions, conferencing and caucusing are also referenced in this part of the report.

Part B

The second part of each report is structured around the main issues raised in submissions, and where relevant, summarises the evidence / statements presented at the hearing. This part of the report is evaluative and records the results of our deliberations on substantive matters.

Part C

This part of each report acknowledges the statutory requirements and records our evaluation of the PDP provisions against the relevant sections of the RMA, as well as all other relevant documents prepared under the RMA, in reaching our recommendations. Where there is other relevant legislation that we must have regard to, such as the Heritage New Zealand Pouhere Taonga Act 2014, any discussions of the relevant legislation is contained in this part of the report.

Part D

In each report we conclude with a summary of our recommendations, having had regard to the necessary statutory considerations that underpin our evaluation.

1.6 Each report takes a lead from the Objectives recommended in the Chapter 2 Report. Other than that, each report is largely self-contained on all matters relevant to the Chapter it is reporting on. In some instances, however, cross references to relevant content in other reports are provided where necessary; for example, to illustrate a point about how a rule gives effect to a particular policy or to reference a particular point about the rationale for consistency in provisions across the Plan as a whole.

2 BACKGROUND TO HEARINGS

Proposed District Plan - Overview

- 2.1 The Council commenced its District Plan review process back in 2008. However, it was not until 29 November 2012 that the PDP was publicly notified.
- 2.2 Following public notification on 29 November 2012, there was a period for submissions and further submissions, with a final closing date for further submissions of 7 May 2013 for general submissions, 4 July 2013 for coastal only submitters who were not originally sent notice of the notification, and 18 July 2013 for coastal submitters. In total, 777 submissions were received, with 760 being received within the notification period, and 200 further submissions.
- 2.3 In response to public concern about aspects of the PDP, in November 2013 the Council commissioned an independent review, with the Council's objective in commissioning the reviewed being:
- “...to determine whether the plan should continue to be progressed through the hearings process, significantly changed, be withdrawn or some other process followed in order to best achieve the [stated] goal”
- 2.4 The Council's stated goal was:
- “... to have a District Plan that represents good practice, is comprehensible for users, is easily accessible and this is achieved fairly in the most cost effective way”.
- 2.5 The Independent Review Panel (IRP) consisting of Richard Fowler QC and Sylvia Allan, experienced RMA lawyer and planner respectively, reported to Council in June 2014.
- 2.6 Following receipt of the IRP's report and recommendations the Council resolved to proceed with a modified PDP process, a process that included opportunity for further engagement with submitters.
- 2.7 As part of its consideration of the IRP's report and recommendations, the Council also resolved to withdraw some contentious provisions from the PDP, including the coastal hazards provisions.¹
- 2.8 During August 2014 - March 2015, there was further engagement with submitters with a view to identifying potential resolution of issues raised through submissions. To assist this process, a 'redrafted' non-statutory version of the PDP, referred to as the 'submitter engagement version' (SEV), was prepared and released on 15 June 2015. The SEV incorporated possible

¹ Other provisions that were withdrawn related to 'hazardous substances and facilities' and 'priority areas for restoration'.

amendments to the PDP that officers considered could/should be made to the PDP in response to submitter concerns.

- 2.9 During April to December 2015 a number of consultation workshops and pre-hearing meetings involving submitters were held.

Urban Tree Variation

- 2.10 In response to the changes to the Resource Management Act (RMA) that affected blanket tree protection rules, Council prepared a variation to the PDP (known as the Urban Tree Variation (UTV)) which was notified on 2 September 2015. The period for submissions and further submissions closed 24 March 2016.
- 2.11 The UTV includes 47 proposed amendments to provisions contained within the PDP. The 47 proposed amendments include:
- (a) deletions, additions or changes to definitions;
 - (b) changes to explanations to the objectives;
 - (c) changes to policies in Chapter 3;
 - (d) changes to rules and standards in PDP chapters 3: Natural Environment, 4: Coastal Environment, 5: Living Zones, 6: Working Zones and 10: Historic Heritage; and
 - (e) changes to Schedule 3.1: Ecological Sites in the PDP and a new schedule 3.2A: Key Indigenous Trees. These amendments individually list trees or groups of trees that are proposed for protection on urban environment allotments including those that fall within ecological sites (in Schedule 3.1) and those that do not fall within ecological sites (Schedule 3.2A).
- 2.12 The intention is for the UTV to be merged into and become part of the PDP. Given that the UTV and PDP are both at the same procedural stage, we have considered the submissions and further submissions on the UTV as well.

Hearings Panel

- 2.13 A Hearings Panel was appointed in November 2015 consisting of:
- Alistair Aburn, Independent Commissioner and Chair
 - Miria Pomare, Independent Commissioner
 - David McMahon, Independent Commissioner
 - Councillor Diane Ammundsen
 - Councillor Mike Cardiff
- 2.14 With the appointment of the Hearings Panel, the responsibility for conducting the hearings process was delegated to the Hearings Panel.

- 2.15 In December 2015 the Hearings Panel issued a Minute (Minute No 1) which outlined the proposed hearing procedures and advised submitters that a Procedural Meeting would be held at which the Hearings Panel would provide an opportunity for submitters to comment on the proposed hearing procedures. The Procedural Meeting was held on 17 February 2016 and was attended by approximately forty submitters. In response to comments made by submitters, the Hearings Panel made a number of changes to the proposed hearing procedures. These were confirmed and issued on 10 March 2016 by Minute 3.

Hearings Timetable

- 2.16 The hearing of submissions commenced on 4 April 2016 and proceeded as follows:

Hearing 1: General/Plan Wide Provisions	4-11 April 2016
Hearing 2: Chapter 2: District-wide Objectives	12-19 April 2016
Hearing 3: Chapter 12: General and District-wide Provisions	2-4 May 2016
Hearing 4: Chapter 10: Historic Heritage (excluding Waahi Tapu)	6-10 May 2016
Hearing 5: Chapter 5: Living Environment	11-27 May 2016
Hearing 6: Chapter 7: Rural Environment	30 May-15 June 2016
Hearing 7: Chapter 7: Rural Re-zoning Requests	17-20 June 2016
Hearing 8: Urban Tree Variation	11-22 July 2016
Hearing 9: Coastal Overview	13 July 2016
Hearing 10: Chapter 3: Natural Environment	25 July-1 August 2016
Hearing 11: Chapter 9: Hazards	2-5 August 2016
Hearing 12: Coastal Environment	8-10 August 2016
Hearing 13: Chapter 8: Open Space	11 August 2016
Hearing 14: Chapter 11: Infrastructure	15-19 August 2016
Hearing 15: Chapter 6: Working Environment	12-20 September 2016
Hearing 16: Chapter 4: Coastal Environment (Reconvened)	21 September 2016
Hearing 17: Chapter 12 (Financial Contributions Only)	26-27 September 2016
Hearing 18: Chapter 10 Historic Heritage (Waahi Tapu Only)	28-30 September 2016
Hearing 19: Chapter 12 (Amateur Radio Provisions Only)	3-4 October 2016
Hearing 20: Whole PDP Integration	13-14 December 2016
Hearing 21: Appendix 3.1 (Development Incentive Guidelines)	14 February 2017

Hearing 22: Whole PDP Integration

13-14 December 2016, 3 and
15 March, and 5 April 2017

- 2.17 The Hearings Panel sat on forty-one days across the year 4 April 2016 - 5 April 2017.
- 2.18 Across the twenty-two hearings, a total of 218 submitters appeared and presented to the Hearings Panel, with a large number calling legal counsel and expert witnesses. A number of submitters attended and presented to several hearings, with one submitter appearing at eight hearings.
- 2.19 The Hearings Panel wishes to record that the written and verbal submissions and the expert evidence presented at the hearings were generally of a very high standard and greatly assisted the Hearings Panel's understanding of the issues and concerns that submitters had first raised through their formal submissions and further submissions on the notified PDP.
- 2.20 The Hearings Panel also wishes to record that the various Officer and Consultant Reports (Section 42A Reports and Technical Appendices), as well as the Officers' opening and closing statements, were also of a very high standard and demonstrated a significant appreciation by the reporting officers of the numerous issues and concerns that had been raised by submitters and further submitters in their formal submissions.

3 STRUCTURE OF OVERVIEW REPORT

- 3.1 This Overview Report is organised around the twelve PDP Chapter headings.
- 3.2 For each Chapter information is generally provided as follows:
 - (a) Context
 - (b) Submissions and Main Issues Raised
 - (c) Hearings Panel's Main Findings and Recommendations
- 3.3 It must again be emphasised that the Overview Report, unlike the separate recommendation reports, does not have any statutory role. It is more in the nature of a high level summary that provides a 'road map' to the main issues, and our findings and recommendations, addressed in the separate recommendation reports.

4 PDP CHAPTER 1 – INTRODUCTION AND INTERPRETATION

- 4.1 Chapter 1 of the PDP “*Introduction and Interpretation*” provides a “*User’s Guide to the District Plan*”, outlines the “*Resource Consent Process*”, outlines the information to be provided with an application for resource consent, and sets out the Plan “*Definitions*”.

Submissions and Issues Raised

- 4.2 There were 69 submissions and a number of further submissions that raised particular matters relating to Chapter 1. All but five of the submissions sought changes to defined terms. The majority of these definition-related submissions were heard during the particular Chapter hearing to which the definition primarily related.
- 4.3 In addition, there were a further 93 submissions and numerous further submissions which raised general or Plan-wide issues. These were heard during Hearing 1 and covered matters such as:
- (a) opposition to the whole PDP / request that the PDP be withdrawn
 - (b) PDP content
 - (c) structure and organisation of the PDP
 - (d) PDP complexity
 - (e) consultation
 - (f) Section 32 analysis
 - (g) complexity of PDP Maps
- 4.4 A number of submissions raised issues that were outside the scope of the PDP and/or RMA, such as:
- (a) speed limits
 - (b) water supply
 - (c) waahi tapu funding
 - (d) rates and other financial issues
 - (e) bylaws

Main Findings and Recommendations

General / Plan Wide Issues

- 4.5 Early on in the hearing process the Hearings Panel became aware that many of the submissions raised valid points regarding the structure and organisation and overall complexity of the PDP. A number of submissions also addressed matters that were relevant to the entire PDP rather than any one particular section.

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- 4.6 Many submitters considered that the Plan was unnecessarily complex. Consequently, throughout the hearing process and in our subsequent deliberations every opportunity was taken to reduce the PDP's overall complexity.
- 4.7 This included:
- (a) clarifying defined terms / italicising defined terms and using defined terms where appropriate;
 - (b) significantly reducing the number of policies in each Chapter and regrouping some District-wide policies into a new Chapter 2A;
 - (c) removing unnecessary information (including "*Explanations*") to policies;
 - (d) recommending the withdrawal of several Map overlays;
 - (e) ensuring consistent use of terms throughout the Plan;
 - (f) greater use of cross-referencing between provisions; and,
 - (g) generally correcting errors and inconsistencies.
- 4.8 Many submitters raised miscellaneous 'process or procedural' matters including consultation process, adequacy of the Section 32A analysis undertaken as part of the preparation of the PDP preparation, and the appointment of hearing commissioners and timeframe for hearing of submissions. While we acknowledge these submitter's concerns, they are somewhat outside the scope of our recommendations for amendments to the PDP.
- 4.9 Our approach to the hearings was based on ensuring that every submitter who wished to be heard was given every opportunity to outline their concerns, whether calling expert evidence or not.
- 4.10 Whilst we acknowledge that not every submitter will necessarily be happy with our findings and recommendations, we can provide an assurance that we have worked hard within the confines of the scope provided by the submissions to address the concerns raised by submitters with the overarching aim of recommending a PDP that is less complex to navigate and more clearly directs attention to the Plan provisions that will apply in the particular circumstances of future resource consent applications.
- 4.11 One specific recommendation we wish to highlight is in relation to what we have referred to as "*default rules and activity cascade*" - refer Report 1, Section 18, pages 43-44.
- 4.12 The background to this recommendation is our consideration of a submission from Rob Crozier and Joan Allin who considered that the PDP includes default permitted activity rules which may have unintended consequences, and includes default discretionary activity rules which do have unintended consequences.
- 4.13 During the course of the hearings we found that we had to constantly consider the matter, as it related to all rule-based Chapters.
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- 4.14 We were aware the Operative District Plan (ODP) takes a permitted activity stance for activities that are not specifically listed, but can comply with all the permitted activity standards. After seeking clarification from the Council Section 42A writers as to whether this approach in the ODP caused any unintended consequences, we have recommended this same approach - if an activity is not specifically listed, and it can comply with all the permitted activity standards, then it is a permitted activity.
- 4.15 This then caused us to reconsider the activity status for activities that cannot comply with one or more of their standards. In addition to the submission from Rob Crozier and Joan Allin, there were many specific submissions specific to chapters which sought a restricted discretionary activity status for non-compliance with one or more permitted activity standards. In the end we concluded that the following approach (i.e. 'rule cascade') was appropriate:
- (a) a permitted or controlled activity that cannot comply with one or more of its associated standards will be a restricted discretionary activity;
 - (b) an activity not specifically listed that cannot comply with one or more of the permitted standards will be a restricted discretionary activity; and
 - (c) a restricted discretionary activity than cannot comply with one or more of its associated standards will be a discretionary activity.
- 4.16 We accept that this approach may not be employed in all circumstances. For example, some activities (such as subdivision) have an entry level of restricted discretionary activity status then default to a higher order category such as discretionary activity on non-complying activity. Another example is where some activities are discouraged and therefore have a non-complying activity (entry) status. However, in the main we have endeavoured to use this standard and best practice default approach, which we recommend, across all the Chapters, where it is appropriate.

Changes Specific to Chapter 1

- 4.17 In addition to General / Plan Wide matters, we have also recommended some changes that relate to specific Chapter 1 matters. These included:
- (a) amendments to Section 1.1 "*Plan User's Guide*"
 - (b) deletion of Section 1.2 "*Resource Consent Process*" in its entirety;
 - (c) amendments to Section 1.3 "*Information to be Submitted with an Application for Resource Consent*";
 - (d) amendments to the definition of "*structure plan*" and the introduction of a new section 1.3A - "*Structure Plans*";
 - (e) various amendments to Section 1.4 "*Definitions*" to make interpretation of defined terms clearer;
 - (f) deletion of some existing definitions and the addition of some new definitions; and
 - (g) some amendments to Section 1.6 "*Monitoring*".
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5 PDP CHAPTER 2 – OBJECTIVES

Context

- 5.1 Section 75(1)(a) of the RMA requires district plans to state objectives for the District, which are the primary means by which the sustainable management purpose of the RMA (Section 5) is to be achieved in the District. Objectives are essentially the desired outcomes for the District, focusing on the final outcome rather than the means of achieving it. Chapter 2 contains all the objectives for the District. While some objectives have a direct correlation to one of the zone Chapters, others have a wider scope and apply across the District, irrespective of zone.
- 5.2 It is important to note that the District Plan objectives must be consistent with and give effect to the purpose and principles of the RMA as set out in Sections 5 to 8, including matters identified as “*matters of national importance*” (Section 6 RMA); and also higher order planning documents such as the New Zealand Coastal Policy Statement and the Regional Policy Statement for the Wellington Region.
- 5.3 Furthermore, the importance of the objectives cannot be underestimated as the requirements of the Act require us, once we have determined them to be appropriate for giving effect to the RMA and its higher order documents, to turn our attention to the degree to which the provisions in the remaining chapters of the PDP (namely policies, rules, methods, definitions etc.) implement the ‘settled’ objectives.
- 5.4 It is within that context that we tackled the assessment of submissions to all twenty notified objectives.

Submissions and Issues Raised

- 5.5 The PDP as notified included twenty Objectives. Our Report 2 addresses the submissions and further submissions on each of the twenty submissions. Each objective was accompanied by an explanation.
- 5.6 Our report also addresses the submissions that raised more general concerns, including what many submitters felt was the need for the Plan objectives to be more positive and more enabling and therefore more balanced. The concern expressed by a number of submitters was that a number of the objectives too strongly emphasised a ‘protectionist’ approach. Submitters drew our attention to Objectives 2.2: Ecology and Biodiversity, 2.4: Coastal Environment, 2.9: Landscapes and 2.17: Centres as particular examples of objectives that were considered to more constraining than necessary.
- 5.7 After hearing the submitters’ concerns we agreed that changes could be made to some of the objectives to make them more enabling where appropriate.
- 5.8 In the next section we briefly comment on each individual objective

Main Findings and Recommendations

Objective 2.1: Tangata Whenua

Refer Report 2, page 23 for full discussion

- 5.9 There were nine submissions and twenty further submissions with most supporting the objective.
- 5.10 We recommend retention of Objective 2.1 unchanged, but with some minor amendments to the explanation, including the inclusion of the five principles of the Treaty of Waitangi in the explanation.

Objective 2.2: Ecology and Diversity

Refer Report 2, page 25 for full discussion

- 5.11 A major point made in a number of submissions was that Objective 2.2 focused too much on protection and that it should be amended to provide a more balanced approach to enabling appropriate development, use and subdivision.
- 5.12 While we acknowledge the concerns that Objective 2.2 has a focus on protection rather than enabling development, we consider this is appropriate given the statutory directive of Section 6(c) of the RMA, which requires as a “*matter of national importance*”:

The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

- 5.13 As we note in our report (at page 27) the focus on protection in Objective 2.2 is balanced by other objectives such as Objective 2.3: Development Management, Objective 2.6: Rural Productivity, and Objective 2.16: Economic Vitality, which collectively are more enabling of development.
- 5.14 We have recommended some minor changes to the wording of Objective 2.2, including changes to Clause b) to focus on restoring the ecological integrity of indigenous ecosystems.

Objective 2.3: Development Management

Refer Report 2, page 29 for full discussion

- 5.15 This Objective provides the strategic direction for growth in the District and sets out the Council's over-arching approach for managing new growth and development. It works in conjunction with other objectives in Chapter 2, and the more detailed policy and rule provisions throughout each Chapter of the Plan.
- 5.16 In response to points raised by submitters, and in accordance with Officer advice, we have recommended some minor changes to the wording of Objective 2.3, along with the addition of a new Clause h) as follows:

- h) management of the location and *effects* of potentially incompatible land uses including any interface between such uses.

Objective 2.4: Coastal Environment

Refer Report 2, page 34 for full discussion

- 5.17 Objective 2.4 was significantly affected by the Council's decision on 30 October 2014 to withdraw the coastal hazard provisions. Forty-five submissions were received on the remaining parts of Objective 2.4, with only two supporting the objective in its entirety and twenty-eight opposing it. Two concerns raised in submissions were the need for amendments to reflect the developed nature of the coast and enabling appropriate development.
- 5.18 We have recommended a number of amendments to Objective 2.4 including:
- (a) amending Clause a) so as to make it more specific by replacing "*natural systems, natural landforms and natural processes*" with the more specific and defined terms "*areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna*"; and
 - (b) adding a new Clause c) to address the effects of inappropriate subdivision, use and development.
- 5.19 The amendments we are recommending ensure that Objective 2.4 is in line with the statutory direction laid down by the RMA, and appropriately gives effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement.

Objective 2.5: Natural Hazards

Refer Report 2, page 40 for full discussion

- 5.20 The majority of submissions lodged on Objective 2.5 raised concerns in relation to the management of coastal hazards. However, as a result of the Council's withdrawal of the coastal hazard provisions from the PDP, we had no jurisdiction to consider these submissions.
- 5.21 The Objective itself (as distinct from the explanation to the objective) made no specific reference to coastal hazards and remains unchanged. We agree that Objective 2.5 sets an appropriate strategic direction for the consideration of natural hazards in the District Plan and therefore we have recommended it is retained without modification as follows:

Objective 2.5 - Natural Hazards

To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of *risk* from *natural hazards*, while recognising the importance of natural processes and systems.

Objective 2.6: Rural Productivity

Refer Report 2, page 41 for full discussion

- 5.22 Seventeen submissions were received on Objective 2.6, with none in support.
- 5.23 A principal concern raised in the submissions was that the objective was too restrictive and wide reaching in its protection of natural systems and processes and failed to recognise that primary production involves modifying natural processes to enable production to occur.
- 5.24 The situation (i.e. difference of opinion) we had to address is captured in the following two paragraphs from our report:
- 12.3 At one end of the submission spectrum was the Director-General of Conservation [202.4] who sought that Objective be amended to reflect that ‘primary production activities must also be undertaken in a manner that does not adversely affect terrestrial, freshwater and marine ecosystem’, and to be more consistent with the requirement of Part 2 of the RMA which requires the avoidance, remediation and mitigation of effects.
- 12.4 At the other end of the spectrum was Horticulture New Zealand [219.25] who sought a greater recognition of rural land for production of food, rather than protection of particular classes of soil. That submitter sought changes throughout the Plan to implement this approach.
- 5.25 In the end, we have recommended a number of changes to Objective 2.6 to be more consistent with the requirements of the RMA, along with an amendment to refer to enabling activities that utilise the productive potential of the land in the rural environment.
- 5.26 We have also recommended the addition of the following words “*and avoids undue restrictions on day-to-day normal rural activities*” in the final paragraph to the explanation to the objective, as follows:

Underpinning all of these issues is the need for rural production to be carried out in a manner that is viable for producers, and avoids undue restrictions on day-to-day normal rural activities, but not at the expense of the natural environment.

Objective 2.7: Historic Heritage

Refer Report 2, page 45 for full discussion

- 5.27 Objective 2.7 focuses on protection of historic heritage. The issue raised by a number of submitters was that this approach did not enable appropriate use and development and did not take account of implications for private property owners.
- 5.28 In considering these submissions we had to take our lead from Section 6(f) of the RMA which requires that District Plans, as a “*matter of national importance*”, recognise and provide for:

The protection of historic heritage from inappropriate subdivision, use and development

5.29 The main change that we recommend is to add a new Clause c) to Objective 2.7 as follows:

- c) providing for appropriate use and development of natural and physical resources with historic heritage values while ensuring any adverse environmental *effects* are avoided, remedied or mitigated.

Objective 2.8: Strong Communities

Refer Report 2, page 48 for full discussion

5.30 Nine submissions were received regarding Objective 2.8, of which two submissions supported the objective and one partially supporting it. Only one submission opposed Objective 2.8 on the basis that it is not clear what part of the District Plan is being referred to and it is assumptive that sea levels will rise. The changes we are recommending to Objective 2.8 are essentially two-fold: the inclusion of a reference regarding access to social facilities; and amendments to more tightly focus the objective and improve accuracy and readability.

Objective 2.9: Landscapes

Refer Report 2, page 51 for full discussion

5.31 Twenty-three submissions were received on Objective 2.9, of which two submissions supported the objective, nine opposed the objective, one opposed the objective in part, and eleven sought amendments. The Director-General of Conservation [202.5] and Wellington Fish and Game Council [462.6] supported Objective 2.9 on the basis that it was consistent with the RMA, and sought that it be retained as notified.

5.32 A common theme of the submissions was a request that Objective 2.9 be altered to more accurately reflect the RMA. In particular, submitters sought that only outstanding natural features and landscapes be protected from inappropriate subdivision, use, and development.

5.33 Some submissions also considered that Objective 2.9 needed to be more balanced, recognising that some development with minimal adverse effects on outstanding natural features and landscapes may be appropriate in certain circumstances in some of these areas. Such submissions suggested that the network of overlays that may apply - identified outstanding natural features and landscapes, significant amenity landscapes and areas of high natural character - would significantly restrict development in the District.

5.34 We have recommended a number of amendments to Objective 2.9, including:

- (a) amendments to better reflect Section 6(b) of the RMA which requires that District Plans recognise and provide for *“the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development”*; and
- (b) the deletion to several clauses from the objective as notified to more appropriately focus on identified and mapped outstanding natural features and landscapes.

Objective 2.10: Contaminated Land

Refer Report 2, page 55 for full discussion

- 5.35 Only two submissions were received regarding Objective 2.10, including one from Council which sought some minor wording changes. The other submission from Horticulture New Zealand sought that the objective be renamed and references to “*hazardous facilities*” be deleted.
- 5.36 We note that the provisions relating to “*hazardous substances and facilities*” were withdrawn by Council following notification of the PDP. The reason for this withdrawal was based on an independent review that found that the provisions no longer represented ‘best practice’ and were considered to be in conflict with (and sometimes duplicated) the requirement for landowners to comply with the provisions of the Hazardous Substances and New Organisms Act 1996.
- 5.37 We agree with the minor amendments sought by Council. The amended Objective 2.10 is:

Objective 2.10 Contaminated Land

To prevent or mitigate any adverse environmental *effects*, including risks to human health, and the environment, and physical assets, arising from past, present or future activities involving contaminated land.

Objective 2.11: Character and Amenity

Refer Report 2, page 57 for full discussion

- 5.38 Twenty-six submissions were received on Objective 2.11, with most opposing or seeking amendments. Key points raised were:
- (a) a need to recognise that rural character is based on a working landscape and is the result of the on-going evolution of rural productive land-uses;
 - (b) need for consistency with the RMA by replacing the word “*protect*” with the term “*maintain and enhance*”;
 - (c) addressing conflicting land uses; and
 - (d) recognition of amenity issues in specific areas/settlements.
- 5.39 We have recommended a number of amendments to Objective 2.11 including changing the title to “*Character and Amenity Values*” and the inclusion of “*amenity values*” in the opening sentence, along with the replacement of “*protect*” with “*maintain and enhance*” such that the opening sentence will now read as follows:
- To ~~protect~~ maintain and enhance the unique character and amenity values of the District’s distinct communities so that residents and visitors enjoy: ...
- 5.40 In relation to a submission from Horticulture New Zealand regarding the management of the rural interface, we are recommending changes to Clause e) of the objective as follows:

- e) ~~a high amenity~~ well managed interfaces between different types of land use areas
(e.g. between living, and working and rural areas environments) and between
potentially conflicting land uses, so as to minimise adverse effects.

- 5.41 We have also recommended a new paragraph in the explanation to Objective 2.11 to reference the character and amenity of Te Horo (as a response to a submission from Rob Crozier and Joan Allin). The recommended paragraph is:

The coastal community of Te Horo Beach is a quiet, relatively remote, low-density area with one narrow *road* accessing the village, many streets with no kerbs or footpaths, and potential diverse *effects* from septic tanks on drinking water supplied by bores. The activities and *development* that would be appropriate in this area are therefore different from other areas with better services and *infrastructure*.

Objective 2.12: Housing Choices and Affordability

Refer Report 2, page 61 for full discussion

- 5.42 Four submissions were received regarding Objective 2.12, two of which were in support. Following consideration of the points raised in the submissions, we concluded that there was no reason to amend the objective. One submitter (Rob Crozier and Joan Allin) sought that Objective 2.12 be widened to include the concept in general terms of the importance of health and safety issues relating to drinking water by avoiding pressure on septic tanks.
- 5.43 The focus on Objective 2.12 is on housing choice and affordability. We consider that matters relating to health and safety like those raised by the submitter are most appropriately addressed in Objective 2.13 Infrastructure and Services and the attendant policies to that objective. Therefore, we recommend that Objective 2.12 is retained as notified.

Objective 2.13: Infrastructure and Services

Refer Report 2, page 63 for full discussion

- 5.44 Seventeen submissions were received on Objective 2.13, the majority of which were from infrastructure providers.
- 5.45 One submitter (Coastlands Shoppingtown Ltd) supported the objective, but sought the inclusion of commentary of the role or contribution of Council in providing infrastructure. Whilst we agree that Council does have a role to play in infrastructure development and operation, many of the essential services (such as telecommunications) are run by private companies, which means that there will be aspects that are largely outside the scope of the Council to be able to control. Accordingly, we are not recommending any amendments to Objective 2.13 in response to this request.
- 5.46 Transpower New Zealand submitted that Objective 2.13 should recognise the national, regional and local benefits of infrastructure. We agree, and in that regard are recommending that the start of the objective is amended to read:

To recognise the importance of national, regional and local benefits of *infrastructure*

...

- 5.47 We also agree with the New Zealand Transport Agency and the Director-General of Conservation that Objective 2.13 could more closely reflect the wording of the RMA and therefore have recommended including “... *while avoiding, remedying or mitigating adverse effects on the environment*” in the objective. We accept that this wording is more appropriate than seeking to “*minimise*” adverse effects “*as far as practical*”.

Objective 2.14 Access and Transport

Refer Report 2, page 65 for full discussion

- 5.48 Submissions on Objective 2.14 in a general sense sought to enable efficient and effective functioning of the transport system. A number requested that the word “*minimise*” be replaced with “*avoiding, remedying or mitigating any adverse effects on the environment*” to better reflect the RMA.
- 5.49 Coastlands Shoppingtown Ltd restated its concern as to who and how Objective 2.14 was to be achieved.
- 5.50 Changes we are recommending include the inclusion of two new Clauses as follows:
- e) does not have its function and operation unreasonably compromised by other activities;
 - g) provides for the integrated movement of people, goods and services.

Objective 2.15 Incentives

Refer Report 2, page 68 for full discussion

- 5.51 Nine submissions were received in relation to Objective 2.15, with two in support but seeking some amendments and the rest seeking specific amendments. The amendments sought can be summarised as follows:
- (a) increased clarity of the objective; and
 - (b) expansion to cover public facilities and amenity outcomes.
- 5.52 Following consideration of the points raised we concluded that because Objective 2.15 is not expressing an outcome, but is more in the form of a policy, it should be recast as a policy and ‘relocated’ to a new chapter (Chapter 2A) - which we have recommended - as a District-wide policy worded as follows:

Policy DW18 - Incentives

To support and encourage development (including subdivision that demonstrates a permanent net benefit, in areas of water quality, biodiversity, and renewable energy, and energy efficiency, significantly beyond the minimum levels required by this Plan.

- 5.53 In response to a submission from the Director-General of Conservation, we have recommended the inclusion of the words “*renewable*” and “*energy efficiency*” to clarify what is meant by “*energy*”. We are not recommending the inclusion of “*public facilities and amenity outcomes*”, as the focus is on achieving net environmental benefit.

Objective 2.16 Economic Vitality

Refer Report 2, page 70 for full discussion

- 5.54 Twenty-one submissions were received on Objective 2.16, many of which requested amendments to improve the clarity of the objective.
- 5.55 We received a significant amount of evidence on Objective 2.16, notably from Coastlands Shoppingtown Ltd, Kapiti Airport Holdings Limited and St Heliers Capital Ltd.
- 5.56 In our report (refer p70) we recorded that:

... we note that fundamental to the management of the business activities in the Plan is a centres hierarchy, which is reflected in zones and policies and rules to manage each area. Objective 2.16 (and also Objective 2.17) seeks to encourage business activities into appropriate locations, based on the activity and its effects. This Objective is principally delivered by Chapter 6 Working Zones which manages the establishment of business activities, both inside and outside identified centres. Given the fundamental relationship of Chapter 6 to Objective 2.16, we recommend retaining Clause a) of Objective 2.16 as notified.

Clause a) states:

a) encouraging *business activities* in appropriate locations within the District, principally through differentiating and managing various types of *business activities* both on the basis of the activity, and the potential local and strategic *effects* of their operation;

- 5.57 Other submitters sought recognition of the contribution of the rural sector to economic vitality and promoting a wide variety of use and development in the rural areas.
- 5.58 We agree that Objective 2.16 should refer to the role of the rural sector in promoting sustainable and on-going economic development and have accordingly recommended appropriate amendments to the objective. We also recommend this objective is renumbered as Objective 2.15.

Objective 2.17 Centres

Refer Report 2, page 74 for full discussion

- 5.59 Fourteen submissions were received in respect of Objective 2.17, with both Coastlands Shoppingtown Ltd and St Heliers Capital Ltd supporting the objective. Points raised by other submitters included:
- (a) details / understanding of how the District Centre should develop;

- (b) not possible for the District Plan to create vibrancy, safety and economic viability through the management of land use;
- (c) 'protectionist' focus on retraining the growth and potential of the Airport in order to protect the interests of the Paraparaumu Sub-Regional Centre;
- (d) providing for growth of the Airport Zone's commercial and retail activities; and
- (e) retention of the Paraparaumu Sub-Regional Centre as a focal point for the region among other concerns.

5.60 To fully appreciate the scope of the evidence presented in relation to Objective 2.17 reference should be made to the "*Evidence and Evaluation*" section of Report 2 (at pages 73-78). Objective 2.17 is the key objective underpinning many of the policies in Chapter 6 (Working Zones) and goes to the 'heart' of the role and function of the different centres within the so-called 'centres hierarchy', which is illustrated on the following page.

5.61 One significant change we have made to Objective 2.17 is the insertion of a new Clause e) as follows:

- e) enables *commercial activities* and *retail activities* in Precincts A1, A2 and C, with restrictions on *retail activities* in Precinct C

5.62 In addition, we have recommended the addition of the following statement in the explanation to Objective 2.17:

A key opportunity provided for is the further development of the Paraparaumu Sub-Regional Centre as the District's principal commercial and retail centre. To guide this further development a *Structure Plan* has been prepared. The *Structure Plan* identifies four precincts (Precincts A1, A2, B and C) each of which provides opportunities for a range of activities to establish, including *commercial* and *retail activities*, but with some limitations on the type and scale of *retail activities* within Precinct C. These limitations will ensure that *retail activities* that establish within Precinct C do not adversely affect the viability and vitality of Precincts A1 and A2.

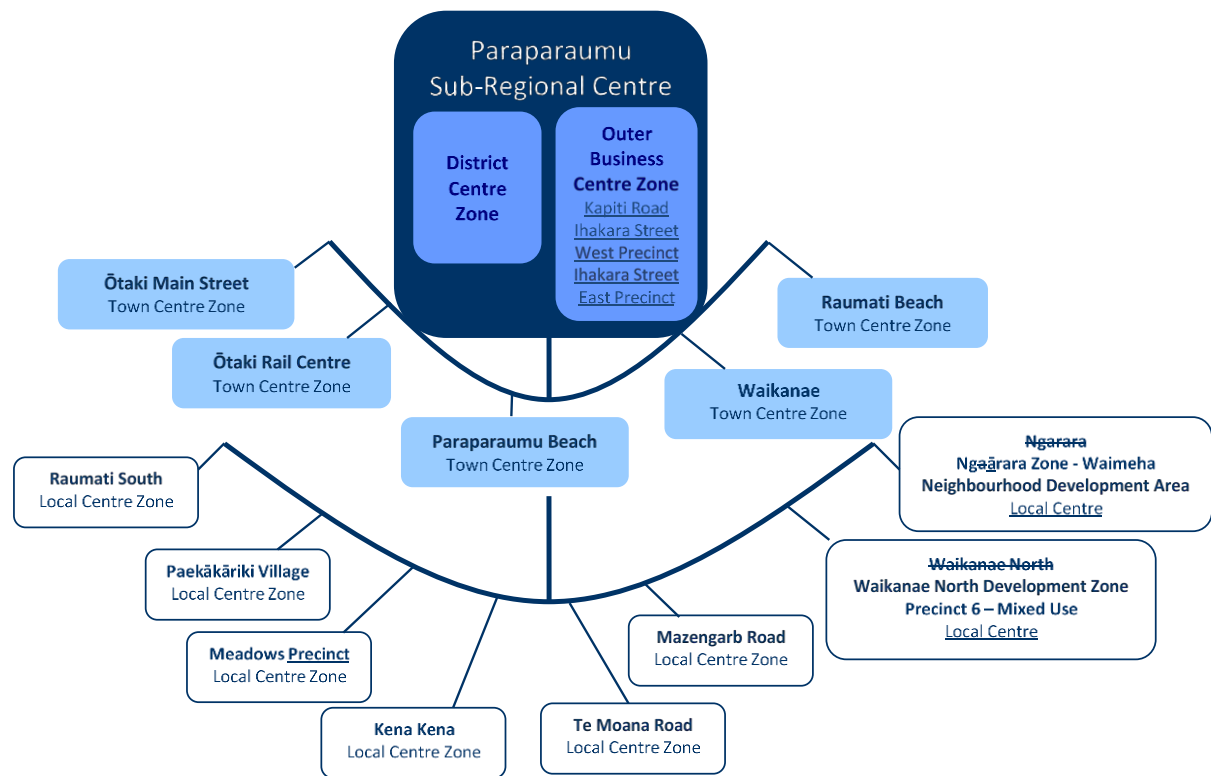


Figure 1: the Centres Hierarchy

- 5.63 The full recommended amendments to Objective 2.17 (to be renumbered Objective 2.16) are found at page 79 of Report 2.

Objective 2.18 Open Spaces / Active Communities

Refer Report 2, page 81 for full discussion

- 5.64 Seven submissions were received for Objective 2.18, including support from the Director-General of Conservation [202.9] and Regional Public Health [252.4]. The remaining five submissions sought amendments to recognise that land for open spaces should be secured in a manner that acknowledges and respects private property rights. The submitters contended that insecurity in property rights will undermine the achievement of the RMA's purpose.
- 5.65 Apart from italicising defined terms and rationalising the explanation to the objective, we are not recommending any changes. We agree with the view expressed by the Director-General of Conservation and Regional Public Health that Objective 2.18 provides a clear steer on the expectations in relation to open space.
- 5.66 The Objective is to be renumbered as Objective 2.17.

Objective 2.19 Urban Design

Refer Report 2, page 83 for full discussion

- 5.67 Our primary recommendation is that Objective 2.19 should be recast as a policy and 'relocated' to Chapter 2A as a District-wide policy as it is more of a means to achieve outcomes rather than an outcome itself.
- 5.68 We have also recommended some minor wording amendments, including the term "*high quality*" which is, we agree, a highly subjective term. Accordingly, the policy will commence with the words:

~~To promote high~~ Quality urban design outcomes will be promoted so that public and private spaces ...

Objective 2.20 Renewable Energy, Energy Efficiency and Conservation

Refer Report 2, page 85 for full discussion

- 5.69 Eighteen submissions were received on Objective 2.20 (to be renumbered Objective 2.18). The bulk of the submissions sought amendments to the Objective, including:
- (a) need for recognition that developing renewable electricity generation resources cannot always be carried out in a way that protects the natural environment and significant amenity values;
 - (b) recognition of the potential tensions between existing values of areas and their potential for renewable electricity generation;
 - (c) need for recognition that inappropriate subdivision, land use and development in close proximity have the potential to adversely affect the safe and efficient operation of the renewable electricity generation activity due to the creation of reverse sensitivity effects; and
 - (d) ensure the development and use of energy from renewable sources is consistent with the RMA's purpose (Section 5(2)), with particular emphasis on the natural environment and amenity values.
- 5.70 We agree with the NZ Wind Energy Association that the effects of renewable electricity generation cannot always be avoided and therefore recommend that effects should be "*avoided, remedied or mitigated*" in accordance with Section 5 of the RMA and therefore we also recommend deletion of the words "*protecting the natural environment and significant amenity values*".
- 5.71 The recommended (re-worded) Objective 2.20 (to be renumbered Objective 2.18) is as follows:
- Objective ~~2.20~~ 2.18 – Renewable Energy, Energy Efficiency and Conservation
- Increase the development and use of energy from renewable sources, including on-site systems, and efficiency and conservation of energy use while ~~protecting the~~

~~natural environment and significant amenity values~~ avoiding, remedying or mitigating adverse effects on the environment.

Concluding Comment

- 5.72 With the amendments that we have recommended, including the removal of two objectives and relocation of them to Chapter 2A District-wide Policies, we are of the opinion that the District Plan Objectives (now numbering eighteen) are 'fit for purpose' and establish appropriate strategic directions for the managing the use, development and protection of District's natural and physical resources.
- 5.73 Moreover, and in statutory terms, we have also found that all eighteen remaining objectives are consistent with and give effect to the higher order planning documents, as they must do.

6 PDP CHAPTER 3 – NATURAL ENVIRONMENT

Context

- 6.1 Chapter 3 Natural Environment primarily implements two objectives contained in Chapter 2 - Objective 2.2 Ecology and Biodiversity and Objective 2.9 Landscape.
- 6.2 The Hearings Panel's reporting on the submissions on the Chapter 3 provisions is contained in two reports:
 - (a) Report 3: Chapter 3 - Natural Environment: Landscape and Earthworks; and
 - (b) Report 4: Chapter 3 - Natural Environment: Ecology and Vegetation.
- 6.3 Report 4 also covers the Urban Tree Variation (UTV) submissions.

Report 3: Landscape and Earthworks

- 6.4 Section 3.1.1 of Chapter 3 outlines general natural environment policies, while Section 3.3 contains landscape and earthworks specific policies relating to:
 - (a) outstanding natural features and landscapes;
 - (b) significant amenity landscapes;
 - (c) landscape character areas; and
 - (d) dominant ridgelines, dominant dues and lookout points.
- 6.5 In the PDP as notified, eleven outstanding natural landscapes, twelve significant amenity landscapes, eleven landscape character areas, and twelve geological features were identified in the schedules to Chapter 3. Three lookout points and numerous dominant ridgelines and dominant dues were also identified on the notified PDP Maps.
- 6.6 In the notified PDP there were twenty-three rules relating to landscape and earthworks. These rules:
 - (a) restrict the scale and location of buildings and developments, including masts and turbines, extractive industries and intensive farming activities, in outstanding natural features and landscapes and within significant amenity landscapes;
 - (b) restrict the location and height of buildings in relation to dominant ridgelines and dominant dues;
 - (c) control the volume, scale and location of earthworks (including the slope of land, height of cuts/fills, and distance from waterbodies) and potential effects of erosion and sediment in

all areas/zones of the District, including on land having sensitive natural features or historic heritage features;

- (d) control the subdivision of land containing sensitive natural features; and
- (e) control the planting of shelter belts and plantation forestry, and the harvesting of plantation forestry, on sites containing a sensitive natural feature.

Submissions and Issues Raised

6.7 There were 130 submissions and 43 further submissions on the landscape and earthworks provisions of Chapter 3. The submissions sought a range of outcomes, with many seeking wording changes to clarify or change the focus of policies and rules.

6.8 In our report (Report 4) we have organised our discussion of issues raised as follows:

Issue 1: General Matters

Issue 2: Sensitive Natural Features

Issue 3: General Policies

Issue 4: Outstanding Natural Features and Landscapes

Issue 5: Mapping Outstanding Natural Features and Landscapes

Issue 6: Significant Amenity Landscapes

Issue 7: Landscape Character Areas

Issue 8: Dominant Ridgelines, Dominant Dunes and Lookout Points

Issue 9: Geological Features

Issue 10: Earthworks

Issue 11: Shelter Belts and Plantation Forestry

Issue 12: Subdivision

Issue 13: Definitions

6.9 In this Overview Report we have adopted the same structure, but highlight only the key points.

Main Findings and Recommendations

Issues 1: General Matters

Refer Report 3, pages 19-23 for full discussion

6.10 The main changes were to better focus the Introduction to Chapter 3 by recommending deletion of unnecessary text. We have also recommended that the District Plan Maps are amended to clarify the various layers shown on the maps by labelling the features with the relevant number (e.g. ONL4, SAL9, etc).

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- 6.11 We have recommended changes to the rules structure to accord with the ‘cascade of activity status’ regime that we have recommended be adopted generally throughout the District Plan (refer previous comment at paragraphs 4.11 - 4.16 above).

Issue 2: Sensitive Natural Features

Refer Report 3, pages 23-27 for full discussion

- 6.12 A number of submissions raised concerns about the term “*sensitive natural features and sensitive natural areas*” which was used quite widely throughout the PDP to describe a number of scheduled features including:
- (a) ecological sites
 - (b) geological features
 - (c) outstanding natural features and landscapes
 - (d) significant amenity landscapes
 - (e) areas of outstanding natural character
 - (f) rare and threatened vegetation species; and
 - (g) key indigenous vegetation species
- 6.13 Submitters requested that the sensitive natural features provisions and overlays be deleted because they were unclear, are not a matter protected under the RMA (only outstanding natural landscapes and significant indigenous vegetation are required to be protected under Part 2 of the RMA), are unnecessary and only serve to duplicate other PDP provisions, and do not provide a ‘fair’ planning regime.
- 6.14 In response to valid points made by submitters, we have recommended a number of changes, including the deletion of all references in the PDP to references to sensitive natural features and their replacement with the appropriate specific feature. We consider this provides greater clarity and (also) more appropriately responds to the requirements of the higher order planning documents.
- 6.15 We have also recommended deletion of Policy 3.2 on the basis that it creates an unreasonable level of uncertainty for landowners about the number and extent of sensitive natural features that many exist on their properties and that they would need to protect under the PDP as notified.

Issue 3: General Policies

Refer Report 3, pages 27-40 for full discussion

- 6.16 The PDP as notified contained nine policies of a more general nature:

Policy 3.1: Ecosystems Services

Policy 3.3: Protection

Policy 3.4: Adaptive Management

Policy 3.5: Environmental Off-Setting

Policy 3.8: Cumulative Effects

Policy 3.9: Monitoring

Policy 3.10: Active Participation

Policy 3.24: Extractive Industries

Policy 3.35: Clustering Buildings

- 6.17 For the reasons discussed in our report, we have recommended the deletion of five of the above policies (Policies 3.1, 3.2, 3.8, 3.9, and 3.25).
- 6.18 We have also recommended that Policy 3.3 (to be renumbered Policy 3.1) is substantially amended to focus on protection of (only) identified significant features and areas.
- 6.19 Aside from some other minor amendments to several of the other policies, again to better and more appropriately focus the policies, we have also recommended a new policy (to be numbered Policy 3.6) to recognise the value of eco-tourism activities:

Policy 3.6 - Eco-tourism

Enable eco-tourism activities that complement the protection and/or enhancement of areas of *significant indigenous vegetation* or *significant habitats of indigenous fauna* (including *ecological sites* and *rare and threatened vegetation species*) and contribute to the vitality and resilience of the District's economy, while avoiding, remedying or mitigating adverse effects on the *environment*.

Issue 4: Outstanding Natural Features and Landscape Rules and Policies

Refer Report 3, pages 41-50 for full discussion

- 6.20 Firstly we note that in the notified PDP there were various and conflicting descriptions of landscape features. We have recommended standardising all references to “*outstanding natural features and landscapes*”, which is consistent with the terminology used in Section 6 of the RMA.
- 6.21 We have also recommended that the Introduction to Section 3.3 better reflect the Regional Policy Statement.
- 6.22 We have recommended deletion of Policy 3.18, which relates to “*Development in Outstanding Natural Landscapes*” on the ground that it is a duplication of Policy 3.3 (to be renumbered Policy 3.1).

- 6.23 We have recommended a new permitted activity rule (Rule 3A.1.7) that provides for small buildings in outstanding natural features and landscapes.

Issue 5: Mapping Outstanding Natural Features and Landscapes

Refer Report 3, pages 50-58 for full discussion

- 6.24 There were a number of submissions addressing the identification and mapping of outstanding natural features and landscapes. Some submitters were concerned with the methodology used to identify these scheduled areas, whilst others sought amendments to the boundaries or extent. We acknowledge that significant landscapes were referred to in a variety of ways and recommend that they be referred to throughout the PDP as “*outstanding natural features and landscapes*” to reflect the language used in Section 6(b) of the RMA.

- 6.25 We have recommended a number of amendments as follows:

- (a) amending the boundary of the Tararua Ranges Outstanding Natural Landscape;
- (b) identifying each outstanding natural feature and landscape on the District Plan Maps by numbering corresponding to Schedule 3.4;
- (c) including further introductory text to Schedule 3.4 to provide further guidance to Council officers assessing consent applications;
- (d) amending the boundary of the Hemi Matenga Escarpment Outstanding Natural Landscape;
- (e) amending the record sheet for the Ngarara Dunes Outstanding natural landscape to include reference to existing and future residential development at Ngarara; and
- (f) mapping a small area of the Kawakahia neighbourhood (Ngarara Zone) as special amenity landscape and not as outstanding natural landscape.

Issue 6: Significant Amenity Landscapes

Refer Report 3, pages 58-71 for full discussion

- 6.26 Several submissions were received on the identification of significant amenity landscapes in general, and specifically on Policy 3.19. We are recommending a number of amendments including changing all references to “*significant amenity landscapes*” to “*special amenity landscapes*” to be consistent with the Regional Policy Statement.
- 6.27 We are also recommending significant change to Policy 3.19 (as shown below). As we recorded in our Report (para 11.10 at page 60), we considered that:

... Policy 3.19 as notified set too high a standard in requiring that high amenity values of special amenity landscapes are “*recognised and provided for*”, and essentially elevated them to an RMA Section 6 matter. On the basis of the submissions and evidence before us we recommend that Policy 3.19 (to be renumbered as Policy 3.13) is amended so that its focus is on “*maintaining or enhancing*” (in a RMA Section 7 context) the values of the special amenity landscapes, as follows:

Policy 3.13 – Significant Special amenity landscapes

~~Subdivision, use and development~~ in significant special amenity landscapes will be undertaken according to the following principles to ensure that these areas' high amenity located, designed and of scale and character that maintains or enhances the values of those landscape areas as listed identified in Schedule 3.5 of this Plan, are recognised and provided for;

- ~~a) minimise changes to predominant vegetation patterns including the use of vegetative screening to reduce prominence of buildings;~~
- ~~b) cluster buildings and development with existing buildings and structures;~~
- ~~c) retain areas of indigenous vegetation;~~
- ~~d) minimise earthworks to retain natural landforms.~~

6.28 We are recommending deleting all rules relating specifically to special amenity landscapes in Chapter 3. However, where discretionary or non-complying activity resource consents are required under rules of other Chapters of the PDP, and where the activities are located within identified special amenity landscapes, the proposed activities will be assessed in terms of their consistency with Policy 3.13.

6.29 The other recommendations we are making relate principally to the mapping of specific special amenity landscapes. Our recommendations are:

- (a) the Bellcamp Trust land be removed from the Waitawa-Waiorongomai Dune Lakes Special Amenity Landscape;
- (b) amending the boundary of the Lower Otaki River Amenity Landscape;
- (c) amending the boundary of the Otaki Gorge foothills Special Amenity Landscape;
- (d) inclusion of a Magaone Foothills Special Landscape as a consequence of amendments to the Tararua Ranges Outstanding Natural Landscape;
- (e) amending the boundary of the Lower Waikanae River Special Amenity landscape;
- (f) amending the boundary of the Mataihuka (Raumati) Escarpment Special Amenity Landscape; and
- (g) amendments to the Ngarara Dunes Special Amenity Landscape Assessment sheets.

Note: maps identifying each of the above recommendations (a) to (f) are found in Report 3 at pages 62 to 69.

6.30 In each case the recommendations we have made are based on expert evidence we received, either from the submitter's experts or from Isthmus Group, the Council's landscape experts.

Issue 7: Landscape Character Areas

Refer Report 3, pages 71-72 for full discussion

- 6.31 Submissions on landscape character areas relate to Policy 3.20, Schedule 3.6 and the landscape character overlay on the PDP Maps.
- 6.32 No evidence was presented to us in respect of these provisions.
- 6.33 After considering the points raised in submissions, and with regard to the advice contained in the Section 42A report, we have concluded that the Landscape Character Areas add an unnecessary layer of complexity to the PDP and do not achieve anything that cannot be achieved by other policies and provisions dealing with landscape character. Consequently, we are recommending that Policy 3.20 and Schedule 3.6 and the landscape character area overlay on the PDP Maps be deleted.

Issue 8: Dominant Ridgelines, Dominant Dunes and Lookout Points

Refer Report 3, pages 72-75 for full discussion

- 6.34 The relevant PDP provisions relating to dominant ridgelines and dominant dunes are Policy 3.21 and the map layers that identify dominant ridgelines and dominant dunes on the PDP Maps.
- 6.35 Forty-two submissions were received on these provisions, with the majority either requesting their deletion entirely, or their removal from specific properties.
- 6.36 After considering the submissions and evidence, we came to the following conclusion:
 - ... that the level of discretion that Council officers would have to apply to implement the policies and rules relating to dominant ridgelines and dominant dunes in the absence of mapped features and a robust definition would not provide an acceptable or appropriate level of certainty for implementing the PDP. We therefore consider that, as requested by the majority of submitters in relation to these provisions, all provisions relating to dominant ridgelines and dominant dunes be deleted from the PDP.
- 6.37 Therefore, we are recommending that Policy 3.21, the mapping layers for dominant ridgelines and dominant dunes and any rule standards that reference dominant ridgelines and dominant dunes, be deleted. We also recommend that any references to these are deleted from the Chapter 3 policies.
- 6.38 In relation to “*Lookout Points*” these are described in Chapter 3 as “*three elevated locations such as trig points and public lookouts that are located on Public land and provide expansive views of the District and Kapiti Island*”. The identified lookouts were shown on the PDP Maps. There were no rules relating to “*Lookout Points*”.
- 6.39 While we consider the potential for the provisions requiring consideration of lookout points to adversely affect normal rural activities is negligible, the lack of rules and that low risk has led us

to conclude that the provisions should be deleted from the PDP in order to avoid unnecessary complexity. Accordingly, we are recommending that the “*Lookout Points*” identified on the PDP maps be deleted.

Issue 9: Geological Features

Refer Report 3, pages 75-76 for full discussion

- 6.40 Only one submission from Federated Farmers was received in relation to geological features. The submission requested that geological features be assessed against the outstanding natural features and landscape criteria - and if they are found to be outstanding then they should be protected, but that any features that do not meet those criteria should be deleted.
- 6.41 There are twelve geological features identified in Schedule 3.7 of the PDP and these same sites are listed in the Heritage register of the Operative District Plan. Geological sites are recognised for reasons other than landscape - for example, for historical quality/type/rarity, cultural, archaeological and tangata whenua reasons and values.
- 6.42 We consider and recommend that Schedule 3.7, the geological features identified on the PDP maps, and all relevant provisions of Chapter 3 of the PDP should be retained.

Issue 10: Earthworks

Refer Report 3, pages 77-101 for full discussion

- 6.43 As can be appreciated from the number of pages in our report covering this issue, the earthworks provisions were a significant issue for many submitters, with a particular issue being the ability to maintain and create farm and forestry tracks.
- 6.44 We are recommending a number of amendments, principally to the rules, that we consider achieve an appropriate balance between, on the one hand, enabling appropriate earthworks, including those undertaken in association with farming and forestry activities, to be undertaken; while on the other hand also ensuring that outstanding natural features and landscapes are protected from inappropriate earthworks.

Issue 11 Shelter Belts and Plantation Forestry

Refer Report 3, pages 101-105 for full discussion

- 6.45 Two Rules (3A.3.10 and 3A.3.11) related to planting shelter belts and plantation forestry, as well as harvesting activities, in the notified PDP. There were eighteen submissions on Rule 3A.3.10 and nineteen submissions on Rule 3A.3.11. All of the submissions either sought deletion of or significant amendment to the rules. Several submitters requested that the provisions should be consistent with the Draft National Environmental Standard for Plantation Forestry.
- 6.46 In respect of the Draft NES, at page 18 of Report 3 (paragraph) we note that the:

... National Environmental Standard for Plantation Forestry was in a draft form at the time of the hearing, but has now been gazetted and comes into force on 1 May 2018. Consequently, during our deliberations we did not give it any weight, other than be aware of the matters it was intending to cover.

We also noted that:

Local authorities have until 1 May 2018 to identify any Plan rules that duplicate or conflict with the NES, or which deal with the same effects. As soon as practicable after 1 May 2018, those rules must be removed from the Plan without using Schedule 1 of the RMA.

6.47 In relation to the rules, we have recommended:

- (a) the deletion of Rule 3A.3.10 relating to planting shelter belts and plantation forestry;
- (b) amending Rule 3A.3.11 (to be renumbered Rule 3A.3.7) to clarify that it only applies to the harvesting of plantation forestry within outstanding natural features and landscapes, ecological sites and ecological features;
- (c) the insertion of a new discretionary activity rules for clarity, covering the planting of shelter belts in identified ecological sites and geological features (Rule 3A.4.5); and
- (d) planting of plantation forestry within outstanding natural features and landscapes, areas of outstanding natural character, areas of high natural character, ecological sites, or geological features (Rule 3A.4.6). We also enabled replanting within two calendar years from completing harvesting of a plantation forest existing at the time of notification of this District Plan, to recognise existing use rights.

Issue 12: Subdivision

Refer Report 3, pages 105-110 for full discussion

- 6.48 Policy 3.7 and several rules in the PDP related to subdivision of land containing significant indigenous vegetation, significant habitats of indigenous fauna and sensitive natural features, with different rule classifications applying to geological features, significant amenity landscapes and outstanding natural landscapes.
- 6.49 Twenty-six submissions were received on Policy 3.7, with only two in support (from the Director-General of Conservation and the Wellington Regional Council).
- 6.50 Our recommendation is that Policy 3.7 be deleted with reliance being placed on Policy 3.3 which identifies that protection would be sought against inappropriate subdivision, use and development in outstanding natural features and landscapes, ecological sites and geological features.
- 6.51 We have recommended amendments to Rule 3A.3.5 (to be renumbered as Rule 3A.3.2) to delete the standards and ensure that that matters of discretion are relevant to subdivision.

- 6.52 Other rules that we are recommending be deleted are Rule 3A.4.6, Rule 3A.5.1 and Rule 3A.5.2 so that all subdivision for sites with outstanding natural features and landscapes are addressed by the restricted discretionary rule.

Issue 13: Definitions

Refer Report 3, pages 110-114 for full discussion

- 6.53 A number of terms were specifically related to the Chapter 3 provisions, including:
- dominant ridgelines and dominant dunes;
 - earthworks; and
 - significant amenity landscapes.
- 6.54 Our recommendations are:
- (a) deletion of the definition of dominant ridgelines and dominant dunes;
 - (b) amendments to the definition of earthworks; and
 - (c) amendments to the definition of significant amenity landscapes.
- 6.55 Our recommended amendments to the definition of earthworks were to exclude a range of activities associated with normal day-to-day primary production activities (e.g. cultivation of soil and harvesting of crops). We recommend the definition is also amended to exclude extractive industries which have a separate definition and are subject to separate rules.

Concluding Comment

- 6.56 Finally as an ‘over-arching’ comment, we can advise that in making our recommendations we have been very conscious of the statutory directive under Section 6(b) of the RMA which recognises and provides for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development as a “*matter of national importance*”.
- 6.57 It is our opinion that the amendments we have recommended to the policies, rules and other methods will protect outstanding natural landscapes and features from inappropriate subdivision, use and development and therefore achieve the purpose of the Act.

Report 4: Ecology and Vegetation

- 6.58 Section 3.1.1 of Chapter 3 outlines general natural environment policies while Section 3.2 contains policies relating to ecology and biodiversity. The section addresses identification of significant biodiversity and biodiversity protection, enhancement and restoration.
- 6.59 Seventy-three ecological sites (areas of significant indigenous vegetation and significant habitats of indigenous fauna) are identified in Schedule 3.1 of Chapter 3, whilst Schedule 3.2 identifies key indigenous tree species (by size and ecological domain) and Schedule 3.3 identifies locations and areas of rare and threatened vegetation species. In addition, Schedule

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- 3.2A (notified as part of the UTV), provides a list of trees proposed for protection in urban environment allotments.
- 6.60 There were 102 submissions and fifty-two further submissions received on the Chapter 3 ecological sites and indigenous vegetation provisions. In addition, there were a further thirty-four submissions and two further submissions on the UTV.
- 6.61 Submitters sought a range of outcomes, with the majority requesting that the provisions of the PDP be less restrictive in terms of the policies and rules seeking to protect indigenous vegetation. Fifty-three submissions related to specific ecological sites as identified in Schedule 3.1 and on the maps of the PDP. Most of these submissions either sought the removal of the ecological site from the submitter's property, or a reduction in the area of land covered by particular ecological sites.
- 6.62 With regards to the UTV, some submissions expressed support for the UTV while others considered that it does not go far enough with regards to tree protection. The submissions opposing the UTV provisions sought amendments including:
- (a) opposition to the UTV in general and the proposed amendments contained within it;
 - (b) concerns that the UTV infringes on private property rights and places costs on landowners. Many submitters felt that if the Council wants to impose rules on landowners then the Council should also bear those costs;
 - (c) opposition to Schedules 3.1: Ecological Sites, 3.2: Key Indigenous Tree Species, 3.2A Key Indigenous Trees and 10.1: Notable Trees;
 - (d) opposition to the rules relating to trimming and modification of trees;
 - (e) clarity being sought on rules and definitions, particularly what schedules apply in what areas;
 - (f) requests to add or delete trees from the Schedules; and
 - (g) concern that more trees should be protected.
- 6.63 To provide structure to our summary of issues by these submitters we have again organised comment around the issues addressed in the full report (Report 4). Those issues were:
- Issue 1: Chapter 1 – General submissions and Information Requirements for Applications for Land Use Consent
 - Issue 2: Chapter 1 - Definitions
 - Issue 3: General Submissions
 - Issue 4: Chapter 3 General Structure
 - Issue 5: Ecological Domains
 - Issue 6: General Submissions on Chapter 3 Policies
 - Issue 7: Policy 3.7 - Subdivision and Sensitive Natural Features
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Issue 8: Policy 3.11 - Criteria for Identification of Significant Biodiversity

Issue 9: Policy 3.12 - Management Approach to Biodiversity Protection

Issue 10: Policy 3.13 - Ecology and Biodiversity / Policy 3.14 Restoration / Policy 3.16 Monitoring

Issue 11: General Rules

Issue 12: Trimming of Indigenous Vegetation

Issue 13: Modification of Indigenous Vegetation

Issue 14: Buildings and Earthworks Within and Adjacent to Ecological Sites

Issue 15: Ecological Sites

Issue 16: Schedule 3.1 - Ecological Sites

Issue 17: Schedule 3.2A

Issue 18: Schedule 3.2 Key Indigenous Tree Species and 3.3 Rare and Threatened Species

Issue 19: Appendix 3.1

Issue 20: UTV Amendments to Other Chapters

6.64 In this Overview Report we have adopted the same structure, but highlight only the key points.

Main Findings and Recommendations

Issue 1: General Submissions - Information Requirements for Applications for Land Use Consent

Refer Report 4, pages 26-28 for full discussion

6.65 We did not hear any evidence on the proposed amendments under the UTV to the information requirements for applications for land use consents. Having considered the submissions and the Section 42A report, we agree that the amendments to the information requirements for land use consents as proposed in the UTV are largely appropriate to support the protection of significant indigenous and remnant trees. We have not recommended any amendments.

Issue 2: Definitions

Refer Report 4, pages 28-33 for full discussion

6.66 The PDP contains a number of definitions which clarify terms used throughout the Plan, however, the UTV proposed amendments to various PDP definitions as notified, as well as proposing new definitions.

6.67 Seventy-six submissions and 137 further submissions were received on defined terms contained within both the PDP and the UTV, with the majority of submissions in support or seeking amendments. Nine submissions were in opposition. The amendments sought included:

- (a) amendments to the definition of “*Ecological Domains*”;
- (b) amendments to the UTV proposed new definition of “*Indigenous Vegetation*”;
- (c) amendments to the UTV proposed new definition of “*Key Indigenous Tree*”
- (d) amendments to the definition of “*Locally Indigenous Vegetation*”;
- (e) amendments to the definition of “*Modification*”;
- (f) amendments to the definition of “*Trimming*”;
- (g) amendments to the UTV proposed new definition of “*Tree*”; and
- (h) retention of the definition of “*Urban Environment*”.

6.68 We have recommended deletion of the definition of “*locally indigenous vegetation*”, as well as various other various amendments to the definitions to provide greater clarity, including clarifying the distinction between trimming and modification.

Issue 3: General Submissions

Refer Report 4, pages 33-38 for full discussion

6.69 Nine submissions were received on PDP Chapter 3 and thirty submissions subsequently on the UTV relating to “*general matters*” which did not relate to any specific provisions. Two ‘themes’ in the submissions were:

- (a) support for the rules proposed in the UTV being less restrictive than blanket protection and rules in the notified PDP; but
- (b) general opposition to the provisions of Chapter 3 and the UTV on the grounds that they infringe private property rights, impose rules and costs on landowners, and are too restrictive.

6.70 While we acknowledge that the PDP and UTV provisions may impinge on landowners’ management of their trees, the Council has a responsibility to carry out its obligations under RMA Section 31, and also to give effect to the RPS and matters of national importance in Part 2 of the RMA. We consider the rules and proposed Schedules have been developed to strike a balance between protection and flexibility for landowners. We also recommend some amendments to rules that address the concerns raised by submitters as well as noting that resource consents for the trimming of some protected trees are not charged a fee for processing the resource consent applications.

Issue 4: Chapter 3 General Structure

Refer Report 4, page 38 for full discussion

6.71 The notified UTV contained minor amendments to the explanation of the Chapter Structure to provide consistency with the amended provisions introduced into the PDP through the UTV.

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- 6.72 We agree with the Section 42A report writer that the amendments proposed ensure consistency with the amendments proposed through the UTV.

Issue 5: Ecological Domains

Refer Report 4, pages 39-40 for full discussion

- 6.73 Four submissions were received in relation to “*ecological domains*”, including one from Federated Farmers who submitted that the ecological domains classification should be deleted.
- 6.74 We have recommended deleting the ecological domains overlay from the PDP. We consider that the ecological domains as included and mapped in the PDP have little ecological value. It seems to us that the boundary of where a tree species naturally occurs is not defined by fixed lines as the PDP ecological domains overlay suggests. We also recommend that ecological domains are deleted from Schedule 3.2.

Issue 6: General Submissions on Chapter 3 Policies

Refer Report 4, pages 40-41 for full discussion

- 6.75 Twenty-five submissions and sixty-nine further submissions were received on general policies. The submissions included one from Maypole Environmental Ltd requesting amendments to Policies 3.11 to 3.16 to exempt Ngarara Zone from specific Chapter 3 policies.
- 6.76 In relation to the Maypole Environmental Ltd submissions, we agree with the Section 42A report writer that the ecological sites identified in the Ngarara Zone should require the same management of effects as other ecological sites.
- 6.77 Many other submitters requested deletion or amendment to a number of policies to remove what they considered was a bias against property rights. While we do not agree with those submissions we do, however, agree that there is a need to be more enabling in response to submissions seeking a more balanced approach and consistency with the RMA. Therefore, we have recommended amendments to policies and rules that are more enabling with regards to the trimming and modification of indigenous vegetation.

Issue 7: Policy 3.7 - Subdivision and Sensitive Natural Features

Refer report 4, pages 41-46 for full discussion

- 6.78 We have recommended deletion of Policy 3.7 as discussed in Report 3 (refer to page 33 of this report) as we consider that matters addressed in Policy 3.7 are adequately covered in Policy 3.3, albeit with some recommended amendments. We also recommend deletion of the term “*sensitive natural features*” and instead replacing this term with the appropriate overlay(s).

Issue 8: Policy 3.11 - Criteria for the Identification of Significant Biodiversity

Refer Report 4, pages 46-50 for full discussion

- 6.79 Policy 3.11 of the PDP as notified set out criteria for the identification of significant indigenous vegetation and significant habitats of indigenous fauna. Sixteen submissions and eighty-five further submissions were received on the policy.
- 6.80 In response to submissions we recommend a number of amendments to the policy to align it with Policy 23 of the Regional Policy Statement.

Issue 9: Policy 3.12 - Management Approach to Biodiversity Protection

Refer Report 4, pages 50-56 for full discussion

- 6.81 Policy 3.12 (to be renumbered Policy 3.8) sets out ways in which adverse effects from subdivision, use and development on biodiversity will be minimised.
- 6.82 In response to submissions we have made and recommend a number of amendments, including replacing “*minimised*” with “*avoided, remedied or mitigated*” to reflect the purpose of the RMA.
- 6.83 We have also recommended the addition of the following Clause as we consider it is appropriate to provide for track maintenance and passive recreation as appropriate uses within ecological sites.
- e) enabling pest and weed management and passive recreational activities within *ecological sites* including the associated construction and maintenance of tracks (where the biodiversity gains from pest control will outweigh the loss of *indigenous vegetation* from track construction) and the construction and maintenance of fences at the margins of *ecological sites*;

Issue 10: Policies 13.13 Enhancement, 3.14 Restoration and 3.16 Monitoring

Refer Report 4, pages 57-59 for full discussion

- 6.84 We consider Policy 13.13 (to be renumbered Policy 3.9) as notified was very onerous in terms of requiring enhancement, particularly in those situations where subdivision will result in a new site being created some distance from any indigenous vegetation or ecological site. In our report and recommendations on Chapter 2 of the PDP, we have recommended amendments to Objective 2.2 that focus enhancement provisions on encouragement rather than requirement. We therefore agree with those submitters who sought amendment of the Policy 3.13 (renumbered as Policy 3.9) to recognise the voluntary nature of much of the work that has been done to date by landowners. Accordingly, we have recommended that the policy be amended as follows;

~~Policy 3.13~~ 3.9 - Enhancement

Where a *subdivision* or ~~significant development~~ is undertaken on land containing *rare and threatened vegetation species*, or an *ecological site*, enhancement of the *ecological site* or *rare and threatened vegetation species* ~~shall will be required~~ shall be encouraged.

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- 6.85 In relation to Policy 3.14, Council resolved to withdraw this policy on 3 May 2017. Accordingly, we were unable to consider submission on this policy as part of our recommendations.
- 6.86 In relation to Policy 3.16 Monitoring (to be renumbered as Policy 3.11) we recommend a minor amendment to replace “*required*” with “*encouraged*”. We note that the RMA specifies that monitoring is one of the responsibilities of a district council.

Issue 11: General Rules

Refer Report 4, pages 60-64 for full discussion

- 6.87 Thirty-three submissions and 157 further submissions were received on the rules in Chapter 3 relating to ecological sites and vegetation in general. The submissions are grouped into the six topics below, which we address in the following:
- (a) general matters;
 - (b) grazing animals;
 - (c) fire hazards;
 - (d) natural hazards;
 - (e) trimming to allow for utilities and telecommunications; and
 - (f) trimming and modification in ecological sites.
- 6.88 Whilst we heard from a number of submitters who supported the vegetation rules in Chapter 3 or wanted them to be more protective, we also heard from a number of submitters that sought a more balanced approach to biodiversity in general, as well as in particular regards to site K017. In particular, submitters sought the ability to trim and modify trees for a variety of purposes.
- 6.89 We are also recommending deletion of Rule 3A.3.3 which relates to the subdivision of land containing significant or locally indigenous vegetation or significant habitats of indigenous fauna. Our reason for this is that given the extensive work that has been undertaken to identify and schedule ecological sites in the PDP, Rule 3A.3.3 is not necessary and would place an unreasonable burden on landowners.
- 6.90 We agree that a more balanced approach to vegetation protection and land use is needed and have recommend amendments to the rules in Chapter 3.

Issue 12: Trimming of Indigenous Vegetation

Refer Report 4, pages 64-73 for full discussion

- 6.91 A number of submissions were made on the rules relating to trimming of indigenous vegetation to both the PDP and the UTV.
- 6.92 Having heard from submitters and considered the written evidence and submissions received, we agree that there is a need for the PDP to provide a greater balance between the protection of indigenous biodiversity and the ability for landowners to manage their land effectively. In particular, we consider the trimming rules should enable maintenance of vegetation for access

ways, safety reasons, forestry tracks, fence lines, fire control, pest and weed management, and farm tracks / public walkways. Accordingly, we have recommended a number of amendments to the rules to better achieve this balance.

Issue 13: Modification of Indigenous Vegetation

Refer Report 4, pages 73-80 for full discussion

- 6.93 Multiple submissions were made on the rules for managing the modification of indigenous vegetation.
- 6.94 As with the rules relating to trimming we have also recommended a number of changes to the rules relating to modification, again to achieve a better balance between protection of indigenous biodiversity and the ability of landowners to manage their land effectively.
- 6.95 In addition to recommending amendments to the existing rules we also recommend a new restricted discretionary activity Rule 3A.3.6 to enable indigenous vegetation modification to provide for a residential building, minor flat and associated accessory buildings on a property where K017 covers more than 90% of the total area of that property, within a single building platform (one building platform per lot). The rule identifies the specific properties to which this rule applies as well as the matters over which the Council will restrict its discretion. We recommend the following:

- 6. *Indigenous vegetation modification to provide for a residential building, minor flat and associated accessory buildings on a property where K017 covers more than 90% of the total area of that property, within a single building platform (one building platform per lot).*

Issue 14: Buildings and Earthworks Within and Adjacent to Ecological Sites

Refer Report 4, pages 81-83 for full discussion

- 6.96 Two rules in the notified PDP (Rule 3A.2.3 and 3A.4.5) related to buildings and earthworks within and adjacent to ecological sites. Twenty-four submissions were received on Rule 3A.2.3. One submitter (Waa Rata Estate) requested that the 10m setback restriction in the rule be amended to 5m. Maypole Environmental Ltd submitted that both rules should be amended so that it is clear that they do not apply to any activity within a Neighbourhood Development Area that is in accordance with a Council approved Neighbourhood Plan granted under Rule 5C.4.2, or within the Ngarara Zone.
- 6.97 We have recommended some amendments on the basis that we agreed with submitters that the rules as originally notified were unnecessarily confusing.
- 6.98 We nevertheless consider it important that consent is obtained for buildings and earthworks that are proposed within ecological sites (in order to protect the values of those sites as required by section 6 of the RMA), but agree that a 10 or 20 metre buffer will impose unnecessary costs on landowners to obtain consents for activities that are unlikely to have significant adverse effects

on the values of ecological sites. We agree with the suggestion from Waa Rata Estate Ltd of a 5 metre buffer is appropriate and have recommended accordingly.

- 6.99 In relation to the Maypole Environmental Ltd submission, we note that this was made prior to subsequent legal submissions provided by Maypole which highlighted that the two-stage consenting process in the Ngarara Zone provisions was *ultra vires* the RMA. Accordingly, we have not recommended any of the amendments requested by Maypole Environmental Ltd. Note: for a detailed discussion of the Ngarara Zone provisions refer to our Chapter 5 Living Environment Report (Report 6 at pages 106 to 107).
- 6.100 As discussed above, one of the most significant recommendations in regards to buildings is the new rule for Ecological Site K017 where it covers greater than 90% of the site. This rule will class as a restricted discretionary activity indigenous vegetation modification to provide for residential buildings.

Issue 15: Ecological Sites

Refer Report 4, pages 83-113 for full discussion

- 6.101 Schedule 3.1 of the notified PDP lists ecological sites throughout the District and provides a description of their values. Fifty-nine submissions were received on thirty-seven specific ecological sites. General submissions on the ecological sites were also received from four submitters.
- 6.102 Twenty-six submitters presented evidence to us at the hearing, in relation to thirteen specific ecological sites and covering the more general submissions.
- 6.103 In reference to the general submissions, the two main points raised were that:
- (a) robust and objective criteria be used to identify ecological sites and that 'ground truthing' is used to confirm that sites that meet criteria are truly significant; and
 - (b) a review, including site visits, is undertaken to determine the consistency of the criteria used to determine sites with the requirements of Policy 23 of the RPS, and which, if any, parts of the proposed sites meet those criteria.
- 6.104 In relation to the issue of 'ground truthing' we heard from two experienced ecologists who appeared on behalf of submitters that acknowledged the expense and practical difficulties of ground truthing all ecological sites. As we state in our report:

Overall, we therefore consider that an appropriate approach has been taken to the identification of ecological sites. We also consider the approach used is consistent with how ecological sites are identified for inclusion in other district plans across the country.

- 6.105 Turning to the site-specific requests we have made a number of recommendations for amendments to the boundaries of some ecological sites as a consequence of either expert

evidence being presented at the hearing, or, in the absence of expert evidence but where we found it was clear that an adjustment was justified.

6.106 The site specific amendments that we are recommending are:

- (a) amend the boundaries of K011;
- (b) the boundaries and description of ecological site K013 are amended, including separation of the site into two sites - K013 and K239, with the latter to contain the forest remnant, and amendment of the boundaries to follow fence lines and exclude a man-made pond;
- (c) amend the boundaries of K017
- (d) amend the boundaries of K025;
- (e) amend the boundaries of K026;
- (f) minor change is recommended to the boundary of Ecological Site K066 Te Harakeke Swamp to remove an overlap with Ecological Site K236
- (g) deletion of K080;
- (h) ecological site K095 is amended to omit the house and garden areas.
- (i) amend the boundaries of K124;
- (j) amend the boundaries of K133;
- (k) amend the boundaries of K145;
- (l) amend the boundaries of K197;
- (m) ecological site K203 is slightly reduced;
- (n) K212 be amended to remove an identified area of exotic trees;
- (o) K231 and its entry in Schedule 3.1 is amended, including amending the name and location of the ecological site, making amendments to the description to provide a full explanation of the ecological significance of the site, including information in the significance column to illustrate the significance of the site against each of the criteria listed in the Policy 23 of the RPS, and making minor amendments to the boundaries to prevent overlap with ecological site K027;
- (p) amend the boundaries of K234;
- (q) inclusion of K236;
- (r) deletion of K185; and
- (s) deletion of K080 Ngatiawa Road Bush.

Issue 16: Schedule 3.1: Ecological Sites

Refer Report 4, pages 114-115 for full discussion

- 6.107 We heard from UTV submitters who wished to see the Schedules deleted and trees deleted from Schedules for the purpose of development. We do not agree that the Schedules should be deleted as they identify indigenous vegetation that the Council will protect to give effect to Sections 6 and 76 of the RMA. However, where inaccuracies have been identified these should be corrected and we have recommended accordingly, including the removal of some trees from the Schedules.

Issue 17: Schedule 3.2A

Refer Report 4, pages 115-116 for full discussion

- 6.108 Schedule 3.2A Key Indigenous Trees was notified with the UTV. Concerns raised in submissions were that the Council should not define key indigenous trees, that the threshold for scheduling is too high, and the need for the Schedule to be accurate. Some submitters were concerned that the provisions were not protectionist enough. As we note in our report:

... the notified UTV is a significant shift from blanket protection but the Schedules of trees and tree species balance protection with landowners rights and have been based on a survey and a Council resolution to protect indigenous vegetation with the highest biodiversity value.

- 6.109 We agree that Schedule 3.2A needs to be accurate and we have recommended a number of amendments to achieve this.

Issue 18: Schedules 3.2 Key Indigenous Tree Species and 3.3 Rare and Threatened Species

Refer Report 4, pages 116-117 for full discussion

- 6.110 We note that these Schedules identify the indigenous tree species that Council wishes to protect in order to give effect to Section 6 of the RMA. We therefore recommend that the Schedules are retained. We have, however, recommended amendment to the relevant rules to address submissions seeking a more balanced approach.

Issue 19: Appendix 3.1 General Matters

Refer Report 4, pages 117-119 for full discussion

- 6.111 We did not hear from any submitters at the hearing on this topic, however we note a number of submissions supported the development incentives concept including support for Objective 2.15, Policy 3.6, Appendix 3.1 and the associated rules and standards.
- 6.112 We have recommended some minor amendments to provide greater clarity.

Issue 20: UTV Amendments to Other Chapters

Refer Report 4, pages 120-123 for full discussion

- 6.113 The UTV proposed amendments to a number of rules in other chapters, of the PDP, including Chapter 5 Living Environment and Chapter 6 Working Environment.
- 6.114 We have recommended various amendments to some of the rules to address concerns raised and to achieve an appropriate balance between protection and the modification of trees or parts of trees.

Concluding Comment

- 6.115 Finally as an 'over-arching' comment, we can advise that in making our recommendations on submissions on Chapter 3 Natural Environment (Ecology and Vegetation) we have been very conscious of the statutory directive under Section 6(c) of the RMA which requires council's in their district plans to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna a "*matter of national importance*".
- 6.116 It is our opinion that the amendments we have recommended to the policies, rules and other methods will protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development and therefore achieve the purpose of the Act.
- 6.117 Specifically, in relation to the UTV, we have noted that:

Proposed Variation Number 1 Indigenous Trees - Urban Environment (the Urban Tree Variation) was notified as a variation to the Proposed District Plan on the 2 September 2015. This was to ensure that provisions were in place prior to the 4 September 2015, when blanket tree protection rules in the urban environment ceased following an amendment to the RMA. This Variation occurred after the amendments to Section 32 had been enacted in 2013 and therefore Section 32AA of the RMA applies. Section 32AA requires an evaluation report for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed. The evaluation must be undertaken in accordance with section 32(1) to (4).

- 6.118 We have provided the required "*Statutory Evaluation*" for Council - refer Report 4 at pages 125 to 132.

7 PDP CHAPTER 4 – COASTAL ENVIRONMENT

Context

- 7.1 Chapter 4 is only relevant to those areas that fall within the coastal environment, and it contains policies and rules pertaining to activities within the coastal environment.

Submissions and Issues Raised

- 7.2 Chapter 4 Coastal Environment was subject to two withdrawal processes by Council under Clause 8D of Schedule 1 of the RMA. The first was on 30 October 2014 when the coastal hazard provisions were withdrawn. The second was 3 May 2017 in response to an Environment Court declaration application when several policies and rules in respect to the coastal environment were removed by the Council from Chapter 4 (including a policy from Chapter 8 Open Space). There were 416 submissions and forty-one further submissions received on Chapter 4 as notified. These submissions were received prior to the withdrawal of the coastal hazard provisions. As a consequence of the withdrawal of the coastal hazard provisions, the majority of submission points raised in those submissions were no longer matters within our jurisdiction. As a result, few of the original submitters participated in the hearings.
- 7.3 The key issues raised that remained 'live' were:
- (a) general coastal environment issues;
 - (b) identification of the coastal environment;
 - (c) areas of outstanding natural character;
 - (d) identification and protection of natural character;
 - (e) restoration of natural character;
 - (f) public access;
 - (g) protection of natural dunes;
 - (h) stream and river maintenance;
 - (i) private property rights; and
 - (j) coastal yard requirements.

Main Findings and Recommendations

- 7.4 Our Chapter 4 findings and recommendations are contained in Report 5. Three matters we specifically want to draw attention to as a result of changes being recommended are the identification of the coastal environment, the identification of areas of outstanding natural character, and the coastal yard requirement.

Identification of the Coastal Environment

- 7.5 A significant matter for the Hearings Panel to review and understand was the identification of the coastal environment - in short, which parts of the District fall within the coastal environment.
- 7.6 The extent of the coastal environment was identified in the PDP as an 'overlay' on the District Plan Maps. Accordingly, all areas within that overlay are subject to the policies and rules in Chapter 4.
- 7.7 As the hearing evolved, it became clear to us that there were three main issues:
- (a) the spatial extent of the coastal environment mapped in the District Plan Maps;
 - (b) the policy context of the coastal environment; and
 - (c) the definition of coastal environment in the PDP.
- 7.8 Our discussion of these issues is covered in pages 27 to 35 of our report. In this Overview Report is not possible to summarise all of the relevant points made, consequently we focus on our principal findings and recommendations. Firstly, though, we record that we considered it important to obtain the very best expert advice and it is for this reason that we requested the various experts to engage in an experts' conference (as directed in our Minute 13) and provide us with an agreed position, or where agreement could not be reached, to identify areas of disagreement and reasons for any such disagreement.
- 7.9 At the end of the process, which included receiving comments from Frank and Vicki Boffa and Mr Dunmore on behalf of Coastal Ratepayers United on the "*Expert's Joint Statement*", we resolved to recommend that the definition of the "*coastal environment*" should be as amended follows:

Coastal environment means the 'dominant coastal environment' area mapped in the District Plan Maps and any area that meets the criteria listed in Policy 4.1, and to which the objectives and policies of the New Zealand Coastal Policy Statement is are relevant. ~~This includes all areas of sand dunes (and interdune wetlands) and coastal escarpments.~~

and that Policy 4.1 should also be amended to read as follows:

Policy 4.1 - Identify Coastal Environment Extent

The extent of the *coastal environment* is identified as being any area meeting any one or more of ~~and mapped in the District Plan, using~~ the following criteria:

- aa) areas mapped in the District Plan as being part of the 'dominant coastal environment'
- a) areas or landforms dominated by coastal vegetation or habitat of indigenous coastal species;

- b) landform affected by active *coastal processes*, excluding tsunami;
- c) ~~landscapes~~ elements or features, including coastal escarpments, that contribute to the natural character, landscape, visual quality or *amenity value* of the coast; and
- d) sites, *structures*, places or areas of *historic heritage* value adjacent to, or connected with, the coast, which derive their heritage value from a coastal location.

7.10 In terms of the extent of the dominant coastal environment (to be shown on the District Plan Maps) we accepted the agreed position presented in the “*Expert’s Joint Statement*”, which is shown on the map on the following page.

7.11 We agree with the Section 42A report author who opined that Policy 4.1 as recommended will result in a clear process for consent applicants as follows:

- (a) first consult the District Plan Maps to see whether the area affected by the proposed activity is mapped as being part of the dominant coastal environment; and
- (b) then, secondly, consider the other criteria listed in Policy 4.1 to see whether the area affected by the proposed activity includes any of the characteristics listed in parts a) to d). If it does, then the site is within the coastal environment, and the other policies contained in Chapter 4 will be relevant to any consideration of the consent application.

7.12 Again we draw attention to the more detailed discussion of these findings and recommendations at pages 27 to 34 of our report (Report 5).

Areas of Outstanding Natural Character

7.13 Policy 13 of the New Zealand Coastal Policy Statement (NZCPS) seeks to preserve natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development. Policy 13(1)(c) of the NZCPS requires the natural character of the coastal environment of the region or district to be assessed, by mapping or otherwise identifying *at least areas of high natural character* [emphasis added]. While the PDP did identify areas of high natural character, it did not identify any areas of outstanding natural character in the coastal environment.

7.14 The submission from Frank and Vicki Boffa [485] sought inclusion of Kāpiti Island and its associated islands as well as the entire coastal margin, being the inter-tidal area up to and including the unmodified fore-dune and secondary dune landforms (incorporating the Otaki and Waikanae River mouths) that have not been developed for residential or commercial purposes, are classified as an Outstanding Natural Feature and Landscape. The submission also sought Chapter 4 be amended to identify the seascape extending along the entire Kāpiti District coast out to a distance of 12 nautical miles as an outstanding natural landscape/seascape feature.

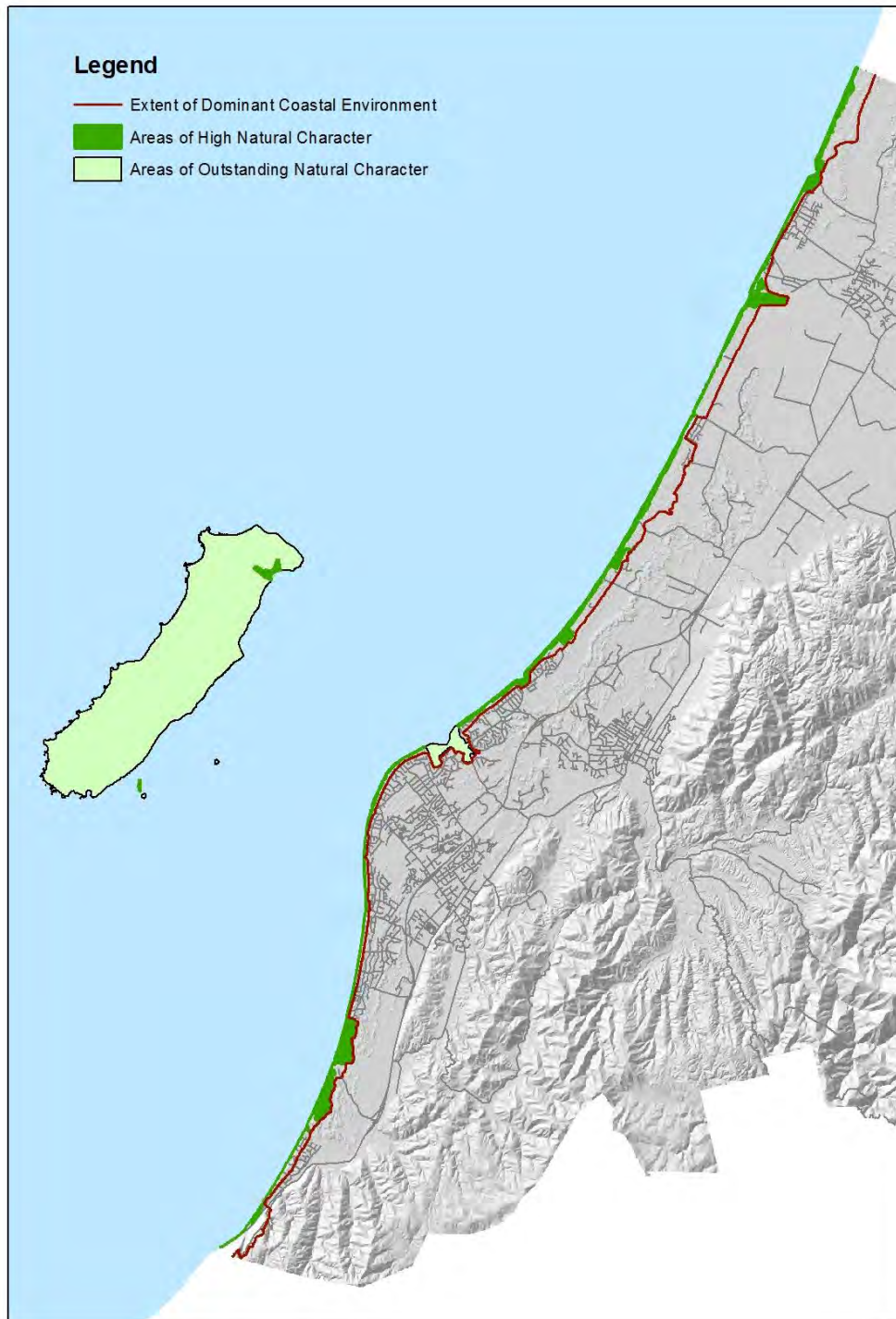


Figure 2: Recommended amendments to Coastal Environment and Consequential Changes to Schedule 4.1

7.15 Drawing on the Isthmus Group landscape assessment undertaken for Council, the Section 42A report writer recommended mapping both the Waikanae River Mouth and Kapiti Island as areas of outstanding natural character. We have adopted this recommendation.

- 7.16 As a consequence of introducing areas of outstanding natural character into the PDP we have also recommended consequential amendments to Policy 4.2 to incorporate reference to “*areas of outstanding natural character*”. Because areas of outstanding natural character in the coastal environment were not identified in the notified PDP, given the recommendation to identify the Waikanae River mouth and Kapiti Island as areas of outstanding natural character, we have also recommended the inclusion of a rule in relation to these areas.
- 7.17 For a more complete discussion of the above recommendations refer to Report 5, pages 36 to 41.
- 7.18 The Operative District Plan contains 7.5m coastal setback yards and a number of submitters sought the retention in the PDP of the 7.5m coastal yard for the Te Horo Beach Residential Zone, Waikanae and Peka Peka.
- 7.19 We understand that that the coastal yard was not included in the PDP as it was considered to be largely superseded by the proposed Coastal Hazard Management Areas outlined in Chapter 4 and on the Planning Maps. However, those provisions were subsequently withdrawn.
- 7.20 We have recommended the [re]inclusion of the 7.5m coastal setback yard in the Residential Zone at Te Horo, Peka Peka Beach and Waikanae Beach and discuss the reasoning for this matter in more detail in our Report for Chapter 5 Living Environment (refer Report 6 at page 73). We have recommended that the following text is inserted in the Introduction to Chapter 4:

Coastal yards apply to Te Horo, Peka Peka and Waikanae Beaches, not only for the amenity of the *Living Zones* but also to assist in retaining the *natural character* and amenity of the *beach* (see Chapter 5 Living Zones).

Concluding Comment

- 7.21 Notwithstanding the ‘streamlined’ look of Chapter 4 following the withdrawal of the coastal hazard provisions, we have found that the PDP, including amendments that we have made to the policies, rules and other methods (particularly in respect to the revised ‘definition’ and identification of the “*coastal environment*”, and the addition of areas of “*outstanding natural character*”), will assist the Council to carry out its functions so as to achieve the sustainable management purposes of the RMA.

8 PDP CHAPTER 5 – LIVING ENVIRONMENT

Context

- 8.1 Chapter 5 (Living Environment) contains provisions that apply to the PDP's four residential (or "living") zones:
- (a) Residential Zone;
 - (b) Beach Residential Zone;
 - (c) Waikanae North Development Zone; and
 - (d) Ngarara Zone.
- 8.2 The key objectives relevant to Chapter 5 are: 2.3 Development Management; 2.11 Character and Amenity; and 2.12 Housing Choice and Affordability.
- 8.3 A summary of the Living Environment provisions is provided at pages 9 to 11 of Report 6.

Submissions and Issues Raised

- 8.4 There were many submissions and further submissions received on Chapter 5. The submissions received were diverse and sought a range of outcomes, with many submissions seeking amendments to the Chapter 5 provisions. Submissions included for example: support for many provisions, as well as a range of amendments to related definitions, policies, rule provisions (including the activity status of specific activities), and corrections of inaccuracies and the removal of duplicated provisions.
- 8.5 The key themes emerging from the submissions received include:
- (a) the general approach to managing urban growth in the District, including provision for new residential development;
 - (b) the use of the "*Living Environment*" concept (as opposed to "*Living Zones*"), and the mix of District-wide policies and Living Zone specific policies within Chapter 5;
 - (c) the workability and alignment of key defined terms in Chapter 1 with the Chapter 5 policies and rules;
 - (d) the workability of Chapter 5 policies and rules whilst ensuring their alignment with the overarching objectives in Chapter 2, and their integration with other PDP provisions;
 - (e) the workability of the permitted activity rule provisions for residential activities in the Living Zones, including:
 - i) the default permitted activity rule provisions and the clarity of standards that apply to all permitted activities;

- ii) the permitted activity provisions for new buildings and structures, including setbacks, yards, height, coverage, outdoor living areas, fences etc;
 - iii) the provisions (including policies and rules) for activities such as minor flats and home occupations;
- (f) the provisions for non-residential activities in the Living Zones;
- (g) the rules for managing subdivision in the Living Zones, including activity status, minimum and average lot sizes, other standards, and the provisions for specific precincts within the Living Zones;
- (h) the identification of specific special character areas and the application of a new Beach Residential Zone to these areas in order to help maintain character and amenity values. This includes the extent of the zone as it applies to specific coastal settlements (for example, the Otaki Beach area), as well as the workability of the policies, rules and the special character guidelines in Appendix 5.2;
- (i) the zoning of the Waikanae Beach area;
- (j) the provisions (including policies and rules) for the removal, relocation and re-siting of buildings in the Living Zones; and
- (k) the provisions, particularly rules, for managing specific residential development areas, particularly within the Waikanae North and Ngārara Zones.

Main Findings and Recommendations

8.6 As a result of the Section 42A report recommendations and our consideration of the evidence presented at the hearing, we are recommending numerous amendments both to the policies and the rules that are more of a fine-tuning nature. It is not possible to summarise all of the recommended amendments in this summary overview. Therefore, we have focused this summary on what we deem to be the more significant issues that were raised by submitters during the hearing. Those issues are:

- (a) Policy Framework;
- (b) Subdivision Rules;
- (c) Ngarara Zone;
- (d) Waikanae Beach; and
- (e) Re-zoning requests.

8.7 As a result of the submission from Rob Crozier and Joan Allin, we recommend that Chapter 5 be renamed as “*Living Zones*” and the policies in particular are amended to be focused on the zones rather than residential activities in any zones.

Policy Framework

- 8.8 The notified version of the PDP contained thirty-three policies which ranged from broad (e.g. Policy 5.3 Housing choice that applied District-wide) to more specific (e.g. Policy 5.20 Private outdoor living courts).
- 8.9 In our report we have addressed all of the policies, however, we have done so based on 'groupings' of policies that we consider enable the broad policy directions to be considered comprehensively and in an integrated manner. The groupings we have employed are:
- (a) District-wide policies (Section 7);
 - (b) Living Zones and precinct framework (Section 8);
 - (c) subdivision (Section 9);
 - (d) residential activities and structures (Section 10); and
 - (e) non-residential activities (Section 11).

District-wide Policies

Refer Report 6, pages 27-37 for full discussion

- 8.10 We have recommended that the following policies are relocated to Chapter 2A District-wide Policies - Policy 5.1 Growth Management, Policy 5.2 Future Urban Structure Plan Areas, Policy 5.3 Housing Choice, Policy 5.4 Managing Intensification, Policy 5.5 Residential Density, Policy 5.8 Papakāinga, Policy 5.9 Marae and Associated Activities, and Policy 5.14 Safety and Crime Prevention Through Environmental Design.

Living Zones and Precinct Framework

Refer Report 6, pages 37-41 for full discussion

- 8.11 There are six policies which specifically focus on the Living Zones and precinct framework. We set out our analysis and consideration of the following policies in this section:
- (a) Policy 5.12 - Zoning Framework
 - (b) Policy 5.10 - Medium Density Housing
 - (c) Policy 5.18 - Focused Infill Precincts
 - (d) Policy 5.23 - Special Character Areas
 - (e) Policy 5.24 - Beach Residential Zone
 - (f) Policy 5.25 - Waikanae Garden Precinct.
- 8.12 We have recommended retention of these policies, but with some minor amendments for clarity and across-plan consistency, along with renumbering of the policies (and some policy clauses).

Subdivision Policies

- 8.13 There are three policies relating to subdivision in the Living Zones. They are:
- (a) Policy 5.16 - Development and Landforms
 - (b) Policy 5.17 - General Residential Subdivision

(c) Policy 5.28 - Industrial and Rural Edges.

- 8.14 We are recommending retention of all three policies, albeit with some minor changes. Of particular note is our recommended amendments to Policy 5.28 (to be renumbered as Policy 5.11) to be focused on new residential development minimising reverse sensitivity effects.

Residential Activities and Structures Policies

- 8.15 There are eleven policies relating to residential activities and structures in the Living Zones. The policies set out that residential activity is the predominant land use in the zones and they provide a number of principles by which new residential activities should be guided. The policies are:

- (a) Policy 5.11 - Residential Activities
- (b) Policy 5.6 - Residential Activities in the Working Environment
- (c) Policy 5.7 - Buildings and Structures
- (d) Policy 5.13 - Amenity
- (e) Policy 5.15 - Residential Streetscape
- (f) Policy 5.33 - Landscaping
- (g) Policy 5.19 - Energy Efficiency
- (h) Policy 5.20 - Private Outdoor Living Courts
- (i) Policy 5.21 - Minor Flats
- (j) Policy 5.22 - Accessory Buildings
- (k) Policy 5.26 - Supported Living Accommodation
- (l) Policy 5.27 - Shared and Group Accommodation.

- 8.16 We have recommended a number of amendments, including relocating Policy 5.6 into Chapter 6 Working Zones. Other recommended amendments, many of which are to enhance clarity and consistency, along with some policy renumbering, are listed in Report 6 at page 56.

Non-Residential Activities Policies

- 8.17 There are two policies in Chapter 5 which address non-residential activities:

- (a) Policy 5.31 Non-residential Activities: and
- (b) Policy 5.32 Home Occupations.

- 8.18 We recommend an amendment to Policy 5.32 (to be renumbered Policy 5.21) to reflect the language of the RMA. The amended policy reads as follows:

The opportunity to undertake home-based employment will be provided for in a manner which ~~avoids, remedies or mitigates~~ minimises adverse effects on the ~~amenity values~~ of the ~~living environment~~ Living Zones and the primacy and vitality of the ~~Ccentres as working environments~~.

Subdivision Rules

- 8.19 Several submitters raised issues regarding the subdivision rules and standards, with a general focus on minimum lot size. We recommend several amendments to the relevant rules generally with a view to enabling appropriate infill development. The concern that was expressed by submitters is captured in the following statement from Report 6 (at page 88):

There was a general concern that the PDP approach (as compared to the Operative District Plan) will effectively prevent (or severely limit) general infill from occurring in the Raumati, Paraparaumu, Waikanae and Ōtaki residential areas given the introduction of a 600m² average lot size requirement, and given the shift in activity status from controlled to restricted discretionary.

- 8.20 We agree that some general infill subdivision could be made a controlled activity under the PDP, where acceptable standards are met (i.e. similar to the Operative District Plan). We consider the areas appropriate for the more lenient activity status are limited to the Residential Zone areas between Raumati to Waikanae (inclusive) and Ōtaki (excluding Ōtaki Beach). We consider this is an appropriate approach to enable smaller-scale general infill subdivision in these areas. However, we do not consider this to be appropriate for any special precinct area such as the Waikanae Garden Precinct or the Otaki Low Density Housing Precinct, which have location-specific issues and therefore recommend these areas be excluded from the controlled activity rule we are recommending. In relation to minimum lot size, the recommended rule (Rule 5A.2.3) states as follows:

Minimum lot size

4. For all areas, excluding the Residential Zone at Ōtaki, the minimum lot area shall be 450m² (inclusive of access).
5. For the Residential Zone at Ōtaki:
 - a) the minimum lot area for front lots shall be 450m² and for rear lots 550m² (exclusive of access); and
 - b) the minimum average lot area shall be 700m² or greater (exclusive of access).

- 8.21 One other change we are recommending concerns minimum lot sizes in the Manu Grove Low Density Precinct. This is in response to a submission from Frank and Vicki Boffa.
- 8.22 The area is currently zoned Rural Zone under the Operative District Plan; however, the lots are connected to urban reticulated services and are considerably smaller (6,000m² - 1.5ha) than most lots in the Rural Zone. We were advised by the Section 42A report writer that the proposed 6,000m² lot size recognises the existing situation, whereby the smallest lot within the precinct is roughly 6,000m² in area. In addition, the precinct is covered extensively by ecological sites and is also subject to localised flooding constraints.
- 8.23 Mr Boffa spoke at the hearing and expressed the opinion that the PDP minimum lot size for the Precinct works against the policies for ecological sites, as the large minimum lot size will result

in the fragmentation of sites, whereas the smaller requested minimum lot size requested would provide for a smaller lot (for a house) and a larger balance lot to be retained (as ecological site). It was Mr Boffa's opinion that a smaller minimum lot size would better provide for the retention and protection of the K133 ecological site and would not have any impact on character or amenity values.

- 8.24 Following a site visit we carefully considered the information presented by Mr Boffa and agree that smaller minimum lot sizes could work against the policies for ecological sites, particularly Policy 3.7 (Subdivision and Sensitive Natural Features) which seeks to protect ecological sites from inappropriate subdivision and Clause c) of that policy which seeks to avoid subdivision which creates boundaries cutting through a sensitive natural feature (which includes ecological sites). We consider that a smaller minimum lot size, if provided in conjunction with a minimum average lot size, would provide increased consistency with the policy framework for ecological sites, in that smaller lots containing a dwelling could be balanced by larger lots containing the ecological site. This approach would help avoid the creation of new boundaries through ecological sites, whilst not creating an inappropriate expectation that a number of additional lots could be created in the area. We therefore recommend that Standard 2(c) of Rule 5A.3.3 (formerly Standard 1(c) of Rule 5A.3.2) be amended:

c) For any lot in the Manu Grove low density Precinct the minimum *lot* area shall be ~~6000m²~~1,200m² (inclusive of access) and the minimum average *lot* area for the *subdivision* shall be 6,000m²

Minor Flats

- 8.25 Minor flats are addressed by Policy 5.21 (to be renumbered as Policy 5.17) as well as rules and standards in Table 5A. These were called "*family flats*" in the Operative District Plan and we understand the shift from the family flat provisions in the ODP to minor flats in the PDP is to enable increased housing choice - including the ability to rent flats to non-family members. Servicing for the three waters was a matter raised, particularly in the unserviced areas and that led us to recommend that the minimum lot size for a minor flat to be a permitted activity should match the lot size requirements for subdivision of the relevant zone. This will ensure that the site will be sufficiently large to accommodate a minor flat. We recommend increasing the maximum floor area of a minor flat to 54m². We agree with submitters that there is no need for minor flats to be located behind the principal house and therefore recommend deleting this requirement.

Relocatable Houses

- 8.26 Three submitters (and two further submitters) made submissions on the relocated building provisions of the PDP seeking that the PDP provisions applying to relocated buildings be more permissive, i.e. enabling them as permitted activities, subject to standards. The submission made by House Movers Section of New Zealand Heavy Haulage [345] was the most comprehensive submission on the matter of relocated buildings and sought a comprehensive

set of changes across the PDP provisions (definitions, objectives, policies, rules, methods) to provide a permissive regime for relocated buildings. We agree with House Movers Section of New Zealand Heavy Haulage that relocated buildings are appropriate as a permitted activity, and there really is no need for additional standards over and above those applicable to a new-build from a resource management/environmental effects perspective. We therefore recommend deleting the controlled activity rule (Rule 5A.2.1) for relocatable buildings, and to amend the permitted activity Rule 5A.1.7 (formerly Rule 5A.1.9) to reflect this change.

Ngarara Zone

Refer Report 6, pages 111-122 for full discussion

- 8.27 The Ngarara Zone provisions were the focus of considerable attention through the hearing process with the principal submitter (Maypole Environmental Limited) representing the land owner and developer of Ngarara (Mr Jonathon Smith) attending on eight separate occasions.
- 8.28 A principal concern for Maypole Environmental Ltd was that the notified PDP did not 'roll over' the Operative District Plan provisions which were the outcome of a private plan change (PC80).
- 8.29 As we note in our report (at page 116):
- Central to our consideration of the Ngarara Zone is a single fundamental section 32 question; namely, what are the most appropriate methods and rules to deliver the outcomes anticipated by the objective and policy framework for development in the Ngarara Zone? Specifically, is it appropriate to roll over the Operative District Plan provisions as requested by Maypole Environmental Ltd, or are the proposed PDP provisions more appropriate?
- 8.30 Following receipt of and consideration of an extensive body of expert evidence and legal submissions, and having regard to the outcome of a Joint Expert Witness Conference involving planners for Council (Ms Sherilyn Hinton) and Maypole Environmental Ltd (Mr Chris Hansen), we have recommended a series of amendments which:
- (a) retain (where appropriate) 'bespoke' provisions for the Ngarara Zone; but
 - (b) also require regard to be had to other District Plan provisions which relate to District-wide matters.
- 8.31 We reached this position after it became clear that the Operative District Plan provisions inserted following Plan Change 80 were '*ultra vires*' the RMA and therefore could not be carried over into the PDP, at least not without some amendment.
- 8.32 We also had to have regard to the issue of 'scope' - that is, were the replacement provisions sought by Maypole Environmental Ltd through the Joint Expert Witness Conference within the scope of the original submission? In the end, and based on legal advice, we concluded that some important aspects of Maypole's conference position fell outside the scope of Maypole Environmental Ltd's original (2012) submission on the PDP.

8.33 In summary, as we record at page 114 of our Report:

... we consider the recommended amendments recognise the bespoke Ngārara provisions that were developed as part of PC80, but in a modified way that is integrated into and is consistent with the PDP's structure and the Plan's overall policy framework. Importantly, the amended PDP provisions reflect the updated and more recent analysis and assessments completed by Council for the PDP, for example those completed for landscape issues, waahi tapu, natural hazards, native vegetation. We considered the approach (as amended) was consistent with the principles of good practice in terms of plan making and plan reviews, as well as the principles of integrated management. It also avoids unnecessary duplication of plan provisions, ensuring efficiency and effectiveness.

Overall, we consider the recommended amendments to specific policy and rule provisions ... are the most appropriate way to achieve the purpose of the RMA, having regard to the efficiency and effectiveness of achieving the objectives of the PDP, and within the scope provided by submissions. In reaching this conclusion, we have considered all higher order planning documents including national and regional policy statements, standards and plans.

8.34 It is important that we acknowledge that the above summary is inevitably unable to cover all the 'twist and turns' that unfolded during the various presentations of Maypole Environmental Ltd's submission. To that end we recommend that the full reporting (at pages 111-122) is taken account of.

8.35 Finally, we want to express our thanks to the very helpful way in which Maypole Environmental Ltd's legal counsel (Mr Robert Makgill) and planning witness (Mr Chris Hansen) assisted us in understanding the submitter's issues and concerns.

Waikanae Beach

8.36 The specific issue we wish to highlight is the request from several submitters that the Waikanae 'Olde Beach' Area be identified as a special character area, with the Beach Residential Zone provisions to apply rather than the general Residential Area provisions.

8.37 In our report (Report 6 at page 127) we comment that:

We support the comprehensive planning of areas such as Waikanae Beach, and understand that a local outcomes process is underway for this area. We understand the next phases of the process will involve more detailed community discussions on key issues, which will lead to the development and evaluation of options for Waikanae Beach in consultation with the local community. We see value in a facilitated, collaborative process where Council is working closely with the community to develop a shared vision and a plan for its implementation. We are unable to anticipate the outcomes of this process, and note that the District Plan is only one mechanism for achieving a community vision. We therefore do not propose any changes at this stage of

the PDP process ... but encourage both Council and the community to continue with the collaborative process which may lead to future changes to the District Plan through Schedule 1 RMA processes.

- 8.38 For further discussion of the submissions relating to the request that Waikanae Beach be incorporated in the Beach Residential Area, a zoning which we know applies to other beach residential settlements at Otaki Beach, Raumati and Paekakariki, reference should be made to pages 122-125 of Report 6. However, our conclusion is that we are not recommending any amendments to the zones or rules applying to Waikanae Beach.

Re-Zoning Requests

- 8.39 Several submitters requested a change in zoning - refer Report 6, pages 136-164. The requested changes included identification of additional areas for higher density housing, and changes to the extent of the Otaki Beach and Paekakariki Beach Residential Zones.
- 8.40 We have recommended two zoning changes:
- (a) re-zoning of the retirement village on Milne Drive (Lots 1 DP 441854 and Lot 2 DP 88703) from Rural Residential Zone to Residential Zone (refer map at page 138 of Report 6); and
 - (b) specifically identifying the area at 12-14 Otaihanga Road as "*The Drive Extension Precinct*" on the PDP Maps (refer map at page 141 of Report 6).

Concluding Comment

- 8.41 Overall, and for the reasons we set out in detail in our Chapter 5 Report, we consider that the PDP provisions, with the amendments we have recommended, will facilitate the use and development of the finite resources associated with the District's residential areas. Similarly, we conclude that the Chapter 5 provisions will protect those areas from inappropriate use and development, and help maintain and enhance the amenity values and the quality of the environment.
- 8.42 In our consideration of submissions on Chapter 5 "*Living Environment*" we have been particularly mindful of the following sections of the RMA:
- (a) 7(b) the efficient use and development of natural and physical resources;
 - (b) 7(c) the maintenance and enhancement of amenity values; and
 - (c) 7(f) maintenance and enhancement of the quality of the environment.
- 8.43 We consider that the Chapter 5 provisions, incorporating the amendments we have recommended, do strike an appropriate balance between encouraging, where appropriate, higher density living environments, whilst maintaining residential character and amenity.

9 PDP CHAPTER 6 – WORKING ENVIRONMENT

Context

- 9.1 Chapter 6 (Working Environment) contains provisions that apply to the PDP's seven business (or "*working*") zones in the District:
- (a) District Centre Zone;
 - (b) Outer Business Centre Zone;
 - (c) Town Centre Zone;
 - (d) Local Centre Zone;
 - (e) Civic and Community Zone;
 - (f) Industrial / Service Zone; and
 - (g) Airport Zone.
- 9.2 A number of the Plan's objectives are relevant to Chapter 6, the key ones being Objective 2.3 Development Management, Objective 2.16 Economic Vitality and Objective 2.17 Centres.

Submissions and Issues Raised

- 9.3 There were many submissions and further submissions on Chapter 6. The submissions received were diverse and sought a range of outcomes.
- 9.4 The key themes emerging from the submissions included:
- (a) the complexity of Chapter 6 and its provisions;
 - (b) the centres-based approach to managing business activity development across the District, including the provisions for retail and commercial activities outside of identified centres;
 - (c) the provisions for the District Centre Zone and Precincts A, B and C, and the supporting Structure Plan in Appendix 6.7;
 - (d) the provisions for the Industrial Zone, including the provision for non-industrial activities in these areas;
 - (e) the provisions for the Airport Zone, including the controls on retail and commercial activity in the Mixed Use Precinct; and
 - (f) requests to re-zone specific areas and/or parts of the Working Zones to another zone, for example, land within the Ihakara Street, Kapiti Road and Amohia Street areas.

Main Findings and Recommendations

- 9.5 During the course of the Chapter 6 hearing we received a considerable body of expert evidence from planning, retail/economic, traffic, and urban design witnesses, among others, and also legal submissions, particularly on behalf of three principal submitters (Coastlands Shoppingtown Limited, St Heliers Capital Limited and Kapiti Coast Airport Holdings Limited).

- 9.6 Aside from the submission from Kapiti Airport Holdings Ltd that the Airport Zone be 're-classified' as a centre, there was effectively no evidence or discussion regarding the role and function of the town centres and the local centres (refer Figure 1 Centres Hierarchy at page 22),

Chapter 6 Policy Framework

- 9.7 When notified, Chapter 6 contained twenty-eight policies. Perhaps not surprisingly there were a large number of submission and submission points on the Chapter 6 policies. Principal issues raised included:

- (a) requests to simplify the policies and reduce their number;
- (b) requests to focus policies on the Working Zones rather than activities in other zones;
- (c) requests for the inclusion of new policies to address development in the District Centre (referred to in many submissions as the Paraparaumu Town Centre), including enabling re-orientation and expansion of the Centre;
- (d) support for the approach of policies to consolidate business activities and establish a centres hierarchy;
- (e) opposition to the directive approach to business activities;
- (f) approach to large format retail in lower order centres;
- (g) inclusion of the Airport as a centre; and
- (h) approach to large format retail in lower order centres.

- 9.8 Our discussion of and recommendations on the Chapter 6 policy framework is covered at pages 34 to 80 of Report 7 under the following headings:

- (a) General Approach to Policies (pages 34 to 38, with findings at page 38);
- (b) District-wide Policies Managing Business Activities (pages 38-54, with findings at pages 53-54);
- (c) Policies Managing Activities and Design (pages 54-61, with findings at pages 60-61); and
- (d) Policies Managing Zones and Precincts (pages 61 to 80, with findings at pages 79-80).

- 9.9 Many of the recommended changes are to refocus policies and to improve their wording and structure and reduce duplication. In a similar manner to Chapter 5, we recommend that Chapter 6 be renamed as "*Working Zones*" and the policies in particular are refocused to apply only to those activities in "*Working Zones*", rather than business activities in all areas of the District irrespective of zoning.

- 9.10 Other changes are more substantive and include:

General Approach to Policies

- (a) amendment of the Industrial Zone to be "*Industrial / Service Zone*" throughout Chapter 6 (and across the Plan);

District-wide Policies Managing Business Activities

- (a) relocate Policy 6.1 to Chapter 2A - District-wide Policies, and renumber and amend the policy title to Policy DW8 - *“Management of Business Activities”*;
- (b) amendments to Policy 6.3 (to be renumbered Policy 6.2) to recognise a range of activities that are compatible with and support the functioning of centres;
- (c) simplification of Clauses a), b) and c) of Policy 6.3 (renumbered as Policy 6.2) to more simply list the hierarchy of centres (and relocate the detail into other policies), and inclusion of new explanatory text to direct users of the Plan to the specific policies which detail the function of these centres;
- (d) insertion of new Policies 6.13 and 6.14 containing the specific policy goals for town centres and local centres; and
- (e) deletion of unnecessary explanations to the policies.

Policies Managing Activities and Design

- (a) amendments to Policy 6.5 (renumbered to Policy 6.3) in terms of Clause b) to *“maintain and enhance amenity values”*, refocusing Clause c) to include access and *“enhancing”* it rather than *“providing”* it, including opportunities for transport in Clause e) and enabling temporary events in Clause h);
- (b) deletion of all the design principles from the Clauses in Policy 6.8 (renumbered to Policy 6.6) in favour of the relocation of these principles into a new recommended “Appendix 6.9 - Centres Design Principles” and insertion of a cross-reference to the appendix into the policy wording; and
- (c) deletion of Policy 6.17, Policy 6.19, Policy 6.24 and Policy 6.25.

Policies Managing Zones and Precincts

- (a) amendments to Policy 6.9 (renumbered to Policy 6.7) to delete references to the Paraparaumu District Centre Zone from Clause a), and in terms of Clause b) delete references to Paraparaumu North Gateway Precinct, include Kapiti Road and include Ihakara Street East;
- (b) various amendments to Policy 6.10 (renumbered to Policy 6.8) including changing to *“zone”* rather than *“area”*, deleting District Centre, deleting *“employment opportunities”*, being consistent with the Structure Plan, clarifying the roads in Clause a), clarifying Clause b) to apply near the Wharemauku Stream, Clause c) refers to Precinct B, outlining the approach to activities in Precinct A in Clause d) and amending Clause f) to relate to wetland areas in Precinct B;
- (c) simplification of Policy 6.11 (renumbered to Policy 6.9) including deleting the introductory sentence, referencing the design principles in Appendix 6.9, simplifying Clause a), deleting Clause a) ii), simplifying Clause b), clarifying the role and function of Precinct C in Clause c) especially with regards to retail;

- (d) amending Policy 6.13 (renumbered to Policy 6.11) to delete references to Paraparaumu North Gateway Precinct, amend numbering and amend Clause c) to clarify where retail is appropriate and the type of retail and focus residential on the relationship to the surrounding environment rather than density; and
- (e) amendments to Policy 6.21 (renumbered to Policy 6.17) to focus on non-industrial activities in the Industrial/Service Zone including changing the title to reflect this, excluding trade supply and yard based retail, focusing on “*vitality*” rather than “*viability*”.

9.11 With the changes made to the Chapter 6 policies it is considered that the policy framework for the Working Zones is ‘fit for purpose’ and accordingly is recommended for adoption by Council.

The District Centre

9.12 The District Centre (sometimes referred to as the Paraparaumu Town Centre) is the core of the Paraparaumu Sub-regional Centre and sits at the ‘top’ of the centres hierarchy (refer figure 1, page 22 of this report).

9.13 The principal issues raised in submissions on the rules and standards for the District Centre were in relation to:

- (a) greater range of activities permitted in Precinct C;
- (b) consistency with Plan Change 72A; and
- (c) changes to the Structure Plan.

Precinct C

9.14 In relation to Precinct C, from our understanding of the applicable Chapter 6 policies, Precinct C is identified as a future development area. In our report on Chapter 6 (Report 7 at page 89) we comment as follows:

Policy 6.11 guides the long term strategic planning of each of the precincts within the District Centre Zone in a manner that will over time reinforce and strengthen the Paraparaumu Sub-Regional Centre and the range of uses provided in the commercial core and fringe areas. The Policy does this by identifying the land uses considered to be most appropriate in each precinct area and the manner in which development will be undertaken. The Policy (and the supporting Structure Plan) identify Precinct C as suitable for the establishment of activities complementary to the other District Centre Zone Precincts (A1, A2 and B). This includes commercial and residential activities where the activities remain compatible with the role and function of Precincts A1 and A2 as the primary retail/commercial core of the District Centre Zone. Given the role and location, we find the directive nature of Rule 6A.1.9 to be appropriate.

- 9.15 We have, however, recommended some changes to the rules and standards applying to Precinct C, including making some additional (but still limited) provision for retail activities with the inclusion of a new restricted discretionary activity rule (Rule 6A.3.4) as follows:

Rule 6A.3.4

4. Retail activities in Precinct C.

Standards

1. Retail activities are limited to the following activities:

- a. Trade supply retail;
- b. Yard based retail;
- c. Food and beverage outlets;
- d. Service stations.

2. Food and beverage outlets must be less than 500m² gross floor area and have an active retail frontage to Kāpiti Road.

3. The activity must meet the permitted activity standards for buildings in Precinct C.

4. The activity must be consistent with the Structure Plan in Appendix 6.7.

Matters over which Council will restrict its discretion

1. Location, layout, size and design of the proposed development.

2. The extent of consistency with the Crime Prevention Through Environmental Design Guidelines in Appendix 5.5, Council's Subdivision and Development Principles and Requirements 2012 and the Centres Design Principles in Appendix 6.9.

3. Visual, character, amenity, historic heritage and streetscape effects.

4. Traffic and transport effects.

5. Location and design of parking, traffic circulation areas, loading and access.

6. Public safety.

7. Context and surroundings.

8. Whether any nuisance effects are created.

9. The consistency with the relevant objectives and policies.

- 9.16 The background to this recommendation is that there were two submissions on Rule 6A.5.3 which makes retail activities in Precinct C of the District Centre Zone a non-complying activity. Coastlands Shoppingtown Ltd [218.54] supported Rule 6A.5.3 as it considered it is consistent to limit retail in areas outside of the Precinct A1 and A2, while St Heliers Capital Limited [459.9] sought deletion of the rule. We accept that there are some forms of retail which are not suitable for a District Centre Zone. We are aware that the analysis undertaken by Property Economics identified space extensive retail activities, such as trade supply and yard-based retail activities,

are not generally recognised as supporting the vitality and viability of centres. We consider such activities would be appropriate uses within Precinct C where they are complementary and compatible with the role and function of Precinct A as the primary retail/commercial core of the District Centre Zone.

- 9.17 After giving considered attention to the two differing viewpoints we concluded that provision could be made for some limited retailing in Precinct C - hence our recommendation to add Rule 6A.3.4, while, at the same time, enabling retail activities that do not meet the restricted activity standards as a discretionary activity. To this end, Rule 6A.5.3 is recommended to be deleted.
- 9.18 To support the recommended (amended rules) we have recommended the incorporation in Policy 6.11 (to be renumbered Policy 6.9) the following clause vi outlining the role of Precinct C in relation to retail activities:

Precinct C will be developed in the following manner:

- i. ~~transport circulation and integration within the surrounding District Centre Precincts~~ will be provided in a manner that integrates the precinct into the District Centre as a whole;
- ii. adverse *effects* that would otherwise decrease the efficiency and effectiveness of Kāpiti Road as a transport corridor, including for public transport, will be managed;
- iii. *amenity values* of Kāpiti Road will be maintained or enhanced;
- iv. the dune system as a key visual and landform feature within the Precinct will be protected and promoted;
- v. the ~~intensive~~ establishment of complementary activities, including *commercial and residential activities*, ~~in locations specified in the Structure Plan in Appendix 6.7, but not retail,~~ will be provided for where activities remain compatible with the role and function of *Precinct A* as the primary retail and commercial core of the District Centre Zone;
- vi. allowance for ~~some retail activities~~ will be limited in type and scale, in the location specified for commercial activities in the Structure Plan in Appendix 6.7, or will only be provided for in the long term when economic and social well-being analysis demonstrates:
 - a. a need for additional retail capacity to address the District's retail leakage and ~~failure~~ an inability to address this in *Precinct A*;
 - b. the additional retail capacity is required to accommodate retail demand associated with household growth, which is in addition to projected retail demand; and
 - c. the additional retail capacity will contribute to the functioning and performance of the District Centre;
- vii. ~~apartment living~~ medium density residential activities will be provided for in conjunction with *commercial activities*; and

- viii. ~~substantial~~ stormwater management facilities will be provided to address stormwater concerns for where these and will also support ~~also provide for~~ ecological and recreational values.

Consistency with Plan Change 72A

- 9.19 One matter that Coastlands Shoppingtown Limited addressed related to the Ihakara Street West Precinct (which was zoned Outer Business Centre Zone). The request was that the Ihakara Street West Precinct be included in Precinct A2 (and for it to be subject to the amended Rule 6A.1.7).
- 9.20 We do not recommend this change in zoning as we consider Ihakara St West area is most appropriate as Outer Business Centre Zone which aligns with the site-specific controls for this area limiting the scale of retail activities. We consider having this area as Outer Business Centre Zone assists in establishing a clear, defined edge to the District Centre Zone, which is identified by the PDP as the primary focus for retail and commercial activity within the Paraparaumu Sub-Regional Centre.

Note: we comment further on the zoning of Ihakara Street below when addressing submissions on Rezoning Requests

Structure Plan

- 9.21 A considerable amount of hearing time was spent on the Structure Plan (a copy of which is shown on the following page). In particular, Coastlands Shoppingtown Limited opposed it in its present form.
- 9.22 In the end, and after giving careful consideration to the differing points of view expressed by the submitters, we are recommending retention of the Structure Plan albeit with some amendments. We consider that structure plans are a valid method for guiding the development of larger areas and providing levels of detail that often cannot be shown on zone maps.
- 9.23 We discuss the Structure Plan in detail at pages 147-151 of Report 7 where we also list the amendments we are recommending, including the following:
- (a) clearer delineation of the precinct areas, as well as areas of open space/esplanade reserve etc. to increase clarity;
 - (b) updated future roading links;
 - (c) recognition of the Expressway and the proposed Ihakara Street extension; and
 - (d) rationalisation of “*desired connections*” through the Structure Plan area;
 - (e) applying more specificity to the areas for stormwater attenuation and fill areas in Precincts B and C;
 - (f) clarifying the stormwater ponding area adjacent to Kapiti Road (in Precinct C) to reflect the settled Expressway needs;
 - (g) refinement of the Dune Protection Areas; and
 - (h) refinement of the residential area specifically shown in Precinct C.

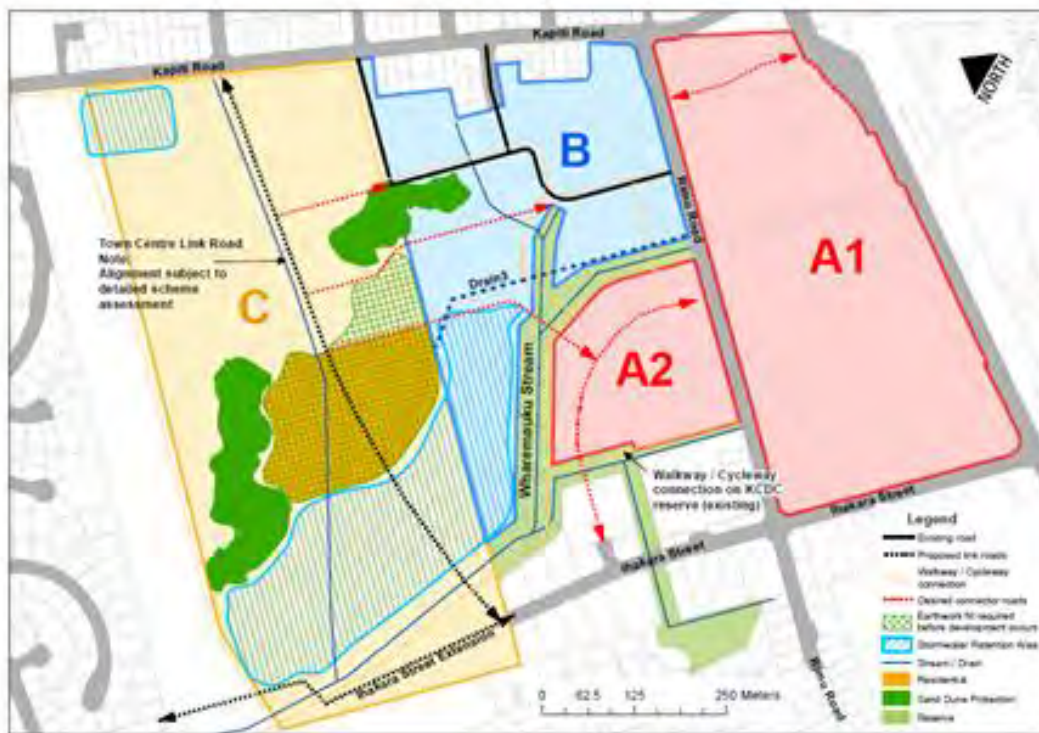


Figure 3: Amended Appendix 6.7 District Centre Zone Structure Plan Diagram.

- 2.24 It will be clear that the above recommended structure plan also extends the PDP boundary of the Precinct A overlay to the south to align with the northern edge of Ihakara Street. This has also resulted in a recommended zone change for that area of land below the extended overlay from Industrial to District Centre. These changes are explained below under the heading “Zoning and Maps” commencing at page 151 of Report 7.

Outer Business Centre Zone

Refer Report 7, pages 105-112 for full discussion

- 9.25 The Outer Business Centre Zone forms part of the Paraparaumu Sub-regional Centre and includes:
- (a) Paraparaumu North Gateway Precinct
 - (b) Ihakara Street West Precinct; and
 - (c) parts of Kapiti Road.
- 9.26 The main issues raised in submissions included:
- (a) deletion of the Paraparaumu North Gateway Precinct;
 - (b) support for the approach to retail activities; and

- (c) support for a more lenient approach to development standards and the approach to retail activities.
- 9.27 Coastlands Shoppingtown Ltd sought the deletion of the Paraparaumu North Gateway Precinct from the Outer Business Centre Zone, or if retained, requested similar restrictions on retail activities as included in the Airport Mixed Use Precinct. We understand that Coastlands are of the view that the proposed provisions as they relate to the Paraparaumu North Gateway Precinct are inconsistent with the PDP's centre's-based consolidation approach and will undermine the vision for the District Centre Zone.
- 9.28 We consider the PDP provisions for the Paraparaumu North Gateway Precinct (as part of the Outer Business Centre Zone) are appropriate for this area. We understand that the permitted activity provisions for new retail activities in this precinct are very limited in order to be consistent with and implement the PDP's objectives and policies which reinforce a centres-based approach to retail activities. We do not consider the Airport Mixed Use Precinct retail controls to be appropriate for this area and therefore have not recommended the changes sought by Coastlands Shoppingtown Ltd.
- 9.29 John and Brenda Cheese, Galarp Holdings Ltd and Mahaki Holdings Ltd opposed retail activities that do not meet the permitted activity or restricted discretionary activity standards being classified as a non-complying activity. They requested discretionary activity status under Rule 6B.4. We agree that this is an appropriate rule cascade and have made that recommendation accordingly. This involves deleting Rule 6B.5.3 relating to retail activities that do not meet the standards.
- 9.30 The other major recommendation we have made relates to the proposed new Outer Business Centre Zoning in Ihakara Street, which we cover in the section below relating to recommended rezonings.
- 9.31 The full list of recommended changes to the Outer Business Centre Zone which we are recommending, the majority of which are essentially fine-tuning, is provided at page 111-112 of Report 7.

Industrial Zone Provisions

Refer Report 7, pages 124-134 for full discussion

- 9.32 A general submission made by several submitters was in relation to the change "*Industrial Zone*" from the "*Industrial/Service Zone*" in the Operative District Plan. The submitters considered that this was not just a change in name but also a tightening in the provisions for the Zone.
- 9.33 We understand that the change of zone name from "*Industrial/Service Zone*" in the Operative District Plan, to "*Industrial Zone*" in the PDP, was to simplify the name of the Zone as well as to emphasise its focus on the key land use activities enabled within these areas, i.e. industrial

activities. We acknowledge that there are a range of activities which can be classed as industrial activities - ranging from light to heavy manufacturing. We are also aware, however, that the Industrial Zone permitted activity rule provisions provide for activities which directly service/support the primary industrial use on a site - e.g. ancillary/small-scale offices or retail. On this basis, we recommend that the zone be renamed as “*Industrial/Service Zone*” as this more fully represents the scope of activities provided for in the Zone.

- 9.34 A consistent theme raised in submissions on the Industrial Zone provisions was the request for greater flexibility to allow a wider range of service based industries. This included a request from Progressive Enterprises to make better provision for supermarkets in the Zone.
- 9.35 Although we have recommended a number of amendments, which can probably be best defined as ‘fine tuning’ amendments, we have not opened up the Industrial Zone to a wider range of activities beyond those proposed in the PDP as notified, although we have recommended that provision be made for trade supply retail activities up to 500m² as a permitted activity.
- 9.36 As we note in our Report (at page 126)

... the PDP seeks to preserve Industrial Zoned land primarily for industrial uses, by enabling industrial activities (and ancillary or supporting retail and office activities) and limiting the establishment of non-industrial activities. It seems to us that there are very good reasons for adopting this approach, including retaining the vitality and functioning of centres, as well as the effective management of traffic. However, we are aware that the research completed for the PDP also identifies that the District Plan should provide reasonable provision within industrial areas for activities that directly support and/or are related to an industrial activity(s). To this end, we acknowledge that the PDP already provides for a limited range of ancillary and non-industrial activities (e.g. residential, some retail and offices) as permitted activities in the Industrial Zone.

Airport Zone

Refer Report 7 pages 134-145 for full discussion

- 9.37 The principal issue raised in submission related to requested amendments to enable further retail development at the Airport.
- 9.38 At page 135 we note that:

Central to our consideration of the submissions from Coastlands Shoppingtown Ltd [218.63] which supported various rules and the submission from Kapiti Coast Airport Holdings Ltd [276.16] which sought amendments to enable increased development is the role that the Airport plays in the District-wide hierarchy of business activities. We consider the Airport is not a centre, and will not be in the lifetime of this PDP. We acknowledge the limitations on retail activities within the Airport Zone were specifically developed as part of Private Plan Change 73 (Paraparaumu Airport) and the specific thresholds in the permitted activity standards have been incorporated into

the PDP (from the operative District Plan) as they are considered to be of key relevance to effectively and appropriately managing the effects of retail development in this location. We also understand that Council has had a range of economic analyses undertaken which support the limitation of the type and extent of retail activities within the Airport Zone, in order to appropriately manage the adverse effects of such activities.

- 9.39 Two specific requests made by Kapiti Coast Airport Holdings Limited concerned the 10,000m² for permitted large format retail activities, and the classification of some retail activities as prohibited activities.
- 9.40 We have not recommended any change to the 10,000m².
- 9.41 We have however recommended some changes in relation to prohibited retail activities. We have done so on the basis that prohibited activity status is a very high bar and should only be used in those circumstances where there is potential for inappropriately significant adverse effects.
- 9.42 We have recommended amendments that retain prohibited activity status for more than one department store (a first department store would be a non-complying activity), while providing for a second supermarket as a non-complying activity. Stores of between 151m² and 1,500m² that retail groceries or non-specified food lines would also be non-complying activities (although one such store is a permitted activity).
- 9.43 A maximum floor area for a first supermarket (as a discretionary activity) is set at 3,000m².
- 9.44 We have recommended these amendments on the basis that such developments, which would be subject to scrutiny as a discretionary activity or non-complying activity, will not undermine the role and function of the Paraparaumu Sub-regional Centre as the heart of the District's retail activity.
- 9.45 We have also recommended amendments to enable additional residential development in the Airport Mixed Use Precinct located to the west of the Airport Core Precinct and outside of the Airport Noise Effects Advisory Overlay as identified on the District Plan Maps that has obtained subdivision consent for the residential activity. We have recommended amendments to better manage any potential reverse sensitivity effects (such as noise) associated with new residential development being in close proximity to the airport.

Zoning and Maps

Refer Report 7 pages 151-165 for full discussion

- 9.46 A number of submitters sought a change in zoning, including requests to change the zoning of Ihakara Street and Rimu Road from Industrial Zone to outer Business Centre Zone.
- 9.47 We have recommended six zoning changes as follows:

- (a) the sites at 4 Waimarie Avenue and 25-29 Amohia Street be rezoned as Outer Business Centre Zone;
- (b) the Industrial Zoned land on the northern side of Ihakara Street, bounded by Rimu Road and the old State Highway 1 be rezoned to District Centre Zone with an A1 Precinct overlay;
- (c) the rest of Ihakara Street (other than the Ihakara West Precinct which is already zoned Outer Business Centre Zone in the notified PDP) be rezoned to Outer Business Centre Zone, with a new overlay called "*Ihakara Street East Precinct*";
- (d) the strip of land in the northern corner of Airport currently zoned Industrial Zone be rezoned as "*Airport Mixed Use Precinct*";
- (e) the area which includes terminal, hangar, taxiing facility on western side of main runway be rezoned from "*Airport Mixed Use*" to "*Airport Core*";
- (f) the area on eastern side of the main runway be rezoned from "*Airport Core*" to "*Airport Mixed Use*"; and
- (g) delete Restricted Areas A and B from the Airport on Planning Map 11B.

9.48 In particular, we draw attention to recommended amendments (b) and (c) above relating to Ihakara Street. We accept that this is a significant and important recommendation. The zoning outcome, would be as shown on the map on the following page.

9.49 As background to our recommendation we can confirm that we gave careful consideration to the existing activities that have established in Ihakara Street, and asked Council officers to undertake a survey of those land uses. It seems to us that there have been a considerable number of non-industrial activities established in the Ihakara Street/Rimu Road Industrial / Service Zone over recent years, many of which have been subject to consideration as part of resource consent processes. The area now generally has more of a commercial appearance than an industrial appearance. We are also mindful of the traffic implications of different zones and the inherent different land uses they enable. In terms of the amenity of the area, we note that several submissions mention what they consider to be a conflict between the Industrial Zone and the desire to increase the attractiveness of the Ihakara Street/Rimu Road area as a gateway to the Paraparaumu town centre area.

9.50 We are cognisant of the need to maintain the integrity of the District Centre Zone as the hub for commercial and retail activity. This has led us to recommend provisions that place limits on retail floor areas in the new Outer Business Centre Zone (Ihakara Street East Precinct).

9.51 We have made our recommendations in the belief that the Outer Business Centre zoning will also consolidate the Paraparaumu Sub-Regional Centre, which includes both the District Centre Zone and the Outer Business Centre Zone. We are also satisfied that the loss of industrial land from this new precinct will not cause a shortfall of such land given the large amount of vacant industrial land elsewhere in Paraparaumu.

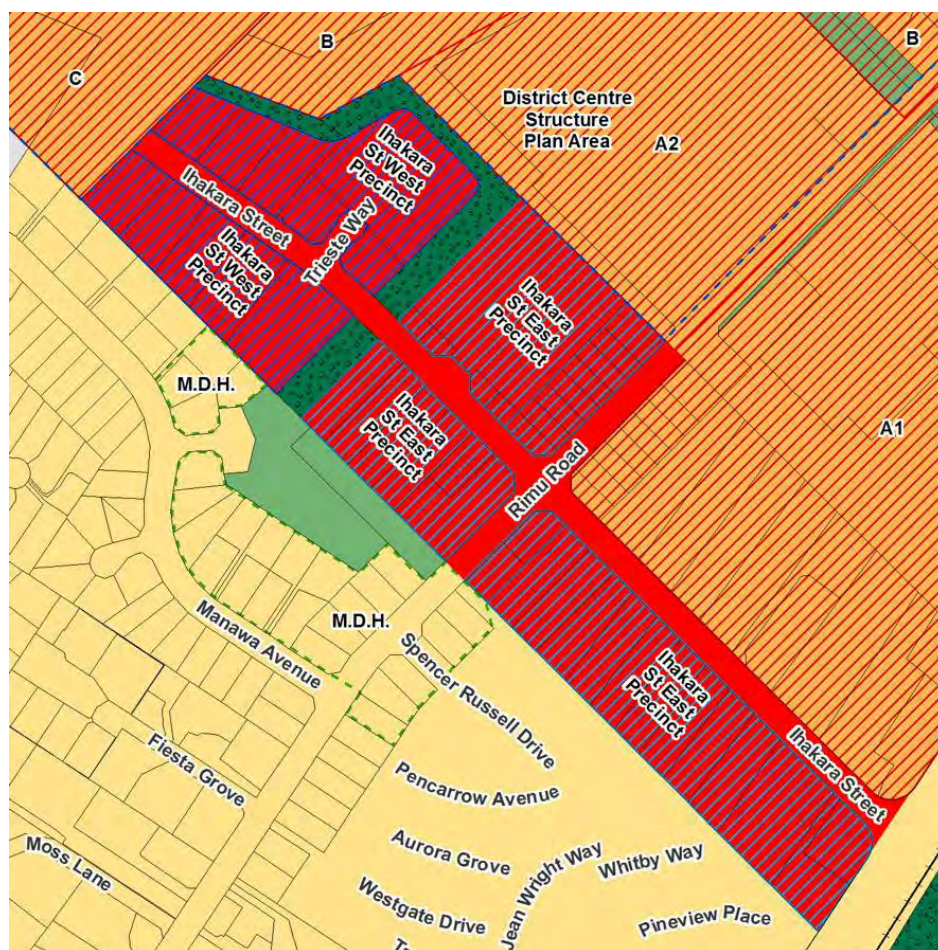


Figure 4: Land at Ihakara Street and Rimu Road rezoned from Industrial Zone to the Outer Business Zone (Ihakara Street East Precinct), and land at State Highway 1 and Ihakara Street rezoned from Industrial Zone to District Centre Zone (Precinct A1) as shown on Maps 11A and 14A of Appendix 1.

Concluding Comment

- 9.52 The Chapter 6 provisions are purposively directed toward providing opportunities for compact, vibrant and mixed-use working environments, whilst maintaining levels for service on related infrastructure and promoting character and amenity.
- 9.53 The more significant amendments we have recommended focus on the Paraparaumu Sub-Regional Centre, which one submitter referred to as the ‘heart’ of the District. Those recommendations, which we summarise above and discuss in more detail in our Chapter 6 report are:
- (a) slightly extending the District Centre Zone (which provides for a wide range of retail and commercial activities) to include former Industrial/Service land adjacent to Precinct A;

- (b) facilitating limited retail development in Precinct C by way of a resource consent process that will enable effects on transport networks and District Centre vitality to be assessed on a case by case basis; and;
- (c) rezoning parts of the Industrial/Service Zone to Outer Business Centre Zone along Ihakara Street (the Ihakara Street East Precinct) in recognition of the dominant commercial nature of existing activities established there.

9.54 We have also made some provision for supermarkets and a single department store at Kapiti Airport by way of a resource consent process that will enable effects on the transport network and District Centre vitality to be assessed on a case by case basis.

9.55 We are confident that the recommendations we have made across the Chapter 6 provisions are appropriate and will enable the achievement of the Act's sustainable management purpose in respect of business (commercial and industrial resource) within the District.

10 PDP CHAPTER 7 – RURAL ENVIRONMENT

Context

- 10.1 Chapter 7 is the main chapter managing activities and development in the Rural Zones. It contains policies and rules for subdivision, use and development in the following six zones and three precincts (which overlay zones):
- (a) Rural Residential Zone;
 - (b) Rural Dunes Zone;
 - (c) Rural Plains Zone;
 - (d) Rural Hills Zone;
 - (e) Rural Eco-Hamlet Zone;
 - (f) Future Urban Development Zone;
 - (g) Ngarara Precinct;
 - (h) Paraparaumu North Rural Precinct; and
 - (i) Peka Peka North Rural-Residential Precinct.
- 10.2 The chapter primarily implements three Objectives: 2.6 Rural Productivity, 2.3 Development Management and 2.11 Character and Amenity.
- 10.3 The focus of Chapter 7 is enabling appropriate primary production activities which are important for the ongoing resilience, health and social and economic wellbeing of the District's communities.

Submissions and Issues Raised

- 10.4 There were 131 submissions and 123 further submissions received on Chapter 7, which sought amendments to the content of the provisions applying to the rural environment such as changes to definitions, policies, rules and the activity status of specific activities. There were a number of submissions that sought changes to the proposed rural zoning of specific areas or properties.

Main Findings and Recommendations

- 10.5 Our Chapter 7 findings and recommendations are contained in Report 8. Report 9 addresses our findings and recommendations on the specific rezoning requests.

Rural Zone Policies

- 10.6 Chapter 7 contains a total of twenty-five policies, some of which apply across all Rural Zones, while others are specific to a particular rural zone (e.g. Rural Residential Zone).
- 10.7 Our discussion of our main findings and recommendations is quite extensive covering twenty-nine pages (Report 8, pages 31 to 60). We have recommended the deletion of two policies (Policies 7.2 and 7.3), the combination of two policies (Policy 7.5 and Policy 7.6) into one simplified policy, the splitting of one policy (Policy 7.9) into two policies, amalgamation of one Policy into zone specific policies, the addition of a new policy (Policy 7.23 Tourism) to enable appropriate tourism activities to establish in the Rural Zones, as well as the deletion of some clauses and the addition of new clauses to specific policies.
- 10.8 The various changes we recommend are all directed toward clarifying the purpose of the policy and where appropriate to focus the policies on enabling appropriate rural activities.
- 10.9 In a similar manner to Chapters 5 and 6, we recommend that the chapter be renamed as “*Rural Zones*” and the policies and rules be focused on activities within the Rural Zones.

Subdivision

- 10.10 The subdivision provisions in Chapter 7 include:
- (a) Rule 7A.2.3: controlled activity status for boundary adjustments and subdivisions where no additional allotments are created in all Rural Zones except the Future Urban Development Zone, where all subdivision is a non-complying activity until a structure plan is developed);
 - (b) Rule 7A.3.2: restricted discretionary activity status for subdivision in all Rural Zones except the Future Urban Development Zone and subdivisions which are controlled activities under Rule 7A.2.3;
 - (c) Rule 7A.5.3: non-complying activity status for subdivision of land in the Future Urban Development Zone shown on District Planning Maps a structure plan for the zone has been developed and included as an appendix to this Plan; and
 - (d) Rule 7A.5.4: non-complying activity status for subdivision in any Rural Zone which does not comply with one or more of the restricted discretionary activity subdivision standards.
- 10.11 Most of the submissions pertaining to subdivision expressed concern with the standards for subdivision, such as the requirement for every new lot in all Rural Zones to have an encumbrance on the title prohibiting further subdivision, or minimum lot sizes.
- 10.12 We have recommended a number of changes to the rules, including amending Standard 3 for Rule 7A.3.2 to require the minimum individual lot area for the relevant zone rather than a minimum area of 6,000m², reducing the minimum lot size in the Rural Dune Zone from 6,000m² to 4,000m², and an amendment to the requirement to cluster buildings in the Rural Dune Zone.

- 10.13 One particular rule we draw attention to is Rule 7A.5.4.
- 10.14 There was significant opposition to this rule which classifies any subdivision which does not meet one or more of the restricted discretionary standards for subdivision as a non-complying activity. Eighteen submissions considered that such an activity was more appropriate as a discretionary activity.
- 10.15 We consider subdivisions that do not meet the standards under Rule 7A.3.2, particularly in relation to the minimum average areas and minimum individual lot areas for the various zones, should be subject to the more rigorous tests under Section 104D(1) of the RMA, including assessing whether they are contrary to the objectives and policies of the PDP, even if the adverse effects on the environment will be minor. We recommend discretionary activity status for subdivisions that do not meet one or more of the general standards under Rule 7A.3.2.1, whilst subdivisions unable to meet one or more of the zone-specific subdivision standards will remain a non-complying activity.

Plantation Forestry

- 10.16 Firstly we note that since the hearings process concluded, the National Environmental Standard for Plantation Forestry (NES), which was in a draft form at the time of the hearing, has now been gazetted and comes into force on 1 May 2018. Local authorities have until 1 May 2018 to identify any Plan rules that duplicate or conflict with the NES, or which deal with the same effects. As soon as practicable after 1 May 2018, those rules must be removed from the Plan without using Schedule 1 of the RMA.
- 10.17 In the meantime, we recommend a number of changes to the notified PDP provisions applying to plantation forestry, including amendments to the minimum setback for planting from waterbodies, to align them with the provisions incorporated in the draft NES. Another recommendation relates to the rule activity status for planting and harvesting plantation forestry that does not comply with one or more permitted or controlled standards. The notified PDP rule was for a non-complying activity. We have recommended it be changed to restricted discretionary activity for non-compliance with one or more of the permitted or controlled activity standards for plantation forestry activities.

Intensive Farming

- 10.18 Intensive farming is a restricted discretionary activity in all Rural Zones except in Water Collection Areas where it is a non-complying activity. The definition of intensive farming as now recommended is:

Intensive farming (activities) means the ~~confinement~~ commercial raising and keeping of pigs, poultry, dairy and beef cattle, sheep, ferrets and other animals in yards, pens, feed lots, feed pads, bars or similar enclosures or buildings for periods in excess of 48 hours in any week and being sustained on

supplementary feed while so confined. ~~Intensive farming includes intensive pig farming.~~

- 10.19 The main issue raised by submitters related to the required setback of habitable buildings from intensive farming activities to manage reverse sensitivity effects. Based on the evidence we received, our recommendation is that a 300m separation would be appropriate and that this setback would reciprocate the 300m setback distance proposed for the establishment of new intensive farming activities. We therefore have recommended that the restricted discretionary activity rule (Rule 7A.3.3) be amended as follows:

Intensive farming, including ~~intensive poultry~~, and ~~intensive pig farming~~ in all Rural Zones except in the Water Collection Areas.

Standards:

1. Activities ~~shall~~ must be located at least:
 - a) ~~50~~ 300 metres from the property boundary of any sensitive activity;
nearest habitable building on any adjacent lot; and
 - b) 20 metres from any road boundary.
2. No spray residue, odour or dust associated with the *intensive farming* activities shall be ~~measurable~~ offensive or objectionable at the *boundary* with any ~~adjacent~~ adjoining properties.
3. *Buildings and structures* ~~shall~~ must be designed and located to screen the facility from public *roads* and dwellings on adjacent *sites*.
4. *Sites* ~~shall~~ must have adequate *effluent disposal systems to dispose of animal wastes from intensive farming*. [

Note: Any discharge to land, air or *waterbodies* may require a *resource consent* from the Greater Wellington Regional Council. Applicants should contact the Regional Council to confirm whether or not a consent is required.

- 10.20 More detailed discussion of the issue of intensive farming is provided in Report 8 at pages 76-81.
- 10.21 We also recommend amendments to policies in Chapter 7 to more effectively manage reverse sensitivity effects. This includes recommended deletion of Policy “*Conflicting Uses*” and its replacement with two new policies with the two new policies addressing (separately) the following two issues:
- (a) the potential effects arising from incompatible land uses next to each other; and
 - (b) reverse sensitivity effects on primary production and other existing lawful established activities associated with new sensitive activities establishing in the Rural Zones.

Forestry and Farm Tracks

- 10.22 Rule 7A.1.5 permits farm tracks on private land for permitted farming activities in all Rural Zones. The standards which accompany this permitted activity status pertain to width and the vertical distance of earthworks.

- 10.23 Twenty-seven submissions were received on Rule 7A.1.5, all in opposition. The key matters raised in the submissions related to concerns that the standards in the rule are too restrictive and will not allow landowners to construct tracks that meet their farming needs. Submitters considered it is unclear whether the rule includes forestry tracks.
- 10.24 We heard significant evidence on this issue from submitters with both farming and forestry interests. In response we are recommending a number of changes including incorporating forestry tracks within the definition of “*farm and forestry tracks*” and amending the standard relating to track width (the permitted width is increased to 6m from 4m). We also recommend deleting the maximum 1m cut or fill standard.

Buildings and Structures

- 10.25 Several issues regarding buildings and structures in the Rural Zones were raised in submissions, including:
- (a) the maximum floor area of minor units;
 - (b) the location of buildings in terms of dominant ridgelines or dominant sand dunes;
 - (c) yard setbacks from adjoining primary production activities/management of reverse sensitivity effects through setbacks; and
 - (d) Papakainga housing in all Rural Zones.
- 10.26 In relation to the maximum floor area of minor units we are recommending that this be increased from 54m² to 60m².
- 10.27 We have also recommended the deletion of references to the location of buildings in terms of dominant ridgelines or dominant sand dunes from the relevant rules, given that the overlays relating to these landscape features are also recommended to be deleted.
- 10.28 In relation to yard setbacks we are not recommending any change from the PDP proposed 5m, which is the same as in the Operative District Plan, notwithstanding that submitters requested that the setback be increased to 20m. The reasoning for our recommendation that the 5m setback is retained is provided in the following passage from our Report 8:

We agree that in the Rural Zones there is inevitably a high proportion of primary production activities, and indeed this is precisely one of the purposes of the rural area. If we were to adopt the submission from the above organisations of seeking that Rule 7A.1.4.7(b) be amended to require all habitable buildings to be set back at least 20 metres, instead of 5 metres, from a side or rear yard boundary where primary production activities are undertaken on the adjoining site, it would become the default setback for the zone. The setbacks in the Operative District Plan are 5 metres which has resulted in a particular pattern of development and we consider increasing the minimum yard to 20 metres would be a significant change from the current requirement. On this basis, and without further evidence supporting

the change, we recommend retaining the 5 metre setback requirement as notified.

We have recommended a 300m setback for sensitive activities from intensive farming activities (and also from extractive industries).

Papakainga Housing in all Rural Zones

10.29 Rule 7A.1.11 relates to papakainga housing in all Rural Zones, and four submissions were received with three in opposition and one in support. All the submissions raised a similar point, questioning why papakainga housing should be restricted to jointly owned Maori land.

10.30 We agree that it is not appropriate to restrict papakainga housing to multiple owned Maori land. Accordingly, we are recommending that the relevant rule (Rule 7A.1.11, to be renumbered as Rule 7A.1.9) be amended to read as follows:

~~On multiple owned Māori land as defined by the Te Ture Whenua Māori Act 1993 which Māori land is subdivided/partitioned/leased before November 2012:~~

Extractive Industries

10.31 Winstone Aggregates Limited [92] was the main submitter on this topic. Federated Farmers of New Zealand [250] also submitted in respect to separating farm quarries from extractive industries. The Winstone submission was wide ranging but essentially opposed provisions of the PDP that would compromise their ability to extract mineral resources. The submission requested several amendments, including:

- (a) creation of a “*Quarry Zone*” with a buffer area around existing quarries;
- (b) provision of rules within the Quarry Zone where extractive industries are a permitted activity, and managed reverse sensitivity effects within that Zone;
- (c) Rule 7A.5.1 is amended so extractive industries which do not meet standards are restricted discretionary activities;
- (d) management of potential reverse sensitivity effects through amendments to rules including subdivision and the location and design of dwellings; and
- (f) controlled activity status for extractive industries in Rural Zones.

10.32 We are not recommending a specific Quarry Zone. Rather, we consider that the appropriate way forward is to incorporate provisions in the District Plan that address the issue of reverse sensitivity effects affecting extractive industries.

10.33 We note that the submission from Winstone Aggregates Ltd requests inclusion of a 500 metre ‘quarry buffer area’ around the quarry in which new sensitive subdivision, use and development would be required to manage potential reverse sensitivity effects on the quarry. Given that we recommended a 300m setback for intensive farming activities, we recommend that a similar approach is taken for extractive industries. We consider that the management of

reverse sensitivity effects is a two-way street and that similar setbacks be also be required for extractive industries as for new sensitive activities.

10.34 In addition, as a matter of discretion for subdivision, we recommend the inclusion of a new matter that requires the location of sensitive activity building sites to avoid, remedy or mitigate potential adverse reverse sensitivity effects on existing primary production and extractive industries.

10.35 We are therefore recommending the following amendments:

Rule 7A.1.4 Standard ~~6~~ 4:

No ~~habitable building~~ sensitive activities shall be located within ~~50~~ 300 metres of a building or enclosure containing a lawfully established ~~an intensive farming activity, or within 300 metres of a lawfully established extractive industry, on an adjacent site.~~

Rule 7A.3.4 Standard 1:

The extractive industry must be located 300 metres from the property boundary of any sensitive activity.

Rule 7A.3.2 Matter 9:

The location of sensitive activity building sites to avoid, remedy or mitigate potential adverse reverse sensitivity effects on lawfully established primary production activities and intensive farming activities on adjoining properties.

Rural Rezoning Requests

10.36 Report 9 presents our findings and recommendations on the rural rezoning requests.

10.37 In total there were requests from twenty-four submitters on Chapter 7 relating to rezoning requests. The submissions sought a range of rezoning outcomes with requests across a number of the various Rural Zones in the District requesting:

- (a) rezoning rural land in Otaihangā - three submissions;
- (b) rezoning rural land in Otaki - two submissions;
- (c) rezoning rural land in Paekākāriki - one submission (and no further submissions);
- (d) rezoning rural land in Paraparaumu - four submissions;
- (e) rezoning rural land in Peka Peka - four submissions;
- (f) rezoning land at Raumati South - one submission (and no further submissions);
- (g) rezoning rural land in Te Horo - eight submissions; and
- (h) rezoning rural land in Waikanae - five submissions.

- 10.38 In this next section of our overview we are highlighting the rezoning requests where we are recommending changes. For discussion on the rezoning requests where we are not recommending changes, reference should be made to Report 9 (pages 17-41).

Rezoning Rural Land in Otaihanga

- 10.39 We are recommending rezoning rural land at State Highway 1 at Otaihanga from Rural Hills Zone to Rural Plains Zone, as shown on the Figure 1 at page 20 of Report 9.

Rezoning Rural Land at Otaki

- 10.40 We are recommending rezoning rural land in the vicinity of Te Manuao Road and Waitohu Valley Road at Otaki from Rural Plains Zone to Rural Residential Zone, as shown on Figure 2 at page 22 of Report 9.

Rezoning Rural Land at Paekākāriki

- 10.41 We are not recommending any rezoning changes relating to rural land at Paekākāriki.

Rezoning of Rural Land at Paraparaumu

- 10.42 We are recommending rezoning rural land at 331 Valley Road Paraparaumu from Rural Hills Zone to Rural Plains Zone, as shown on Figure 3 at page 27 of Report 9.

Rezoning Rural Land at Peka Peka

- 10.43 We are recommending rezoning rural land at Hadfield and Octavius Roads, Peka Peka from Rural Hills Zone to Rural Residential Zone, as shown on Figure 4 at page 31 of Report 9.

Rezoning of Rural Land at Raumati South

- 10.44 We are recommending rezoning rural land at Leinster Avenue / State Highway 1 from Rural Dunes Zone to Residential Zone, as shown on Figure 5 at page 33 of Report 9.

Rezoning of Rural Land at Te Horo

- 10.45 We are recommending rezoning rural land at 877 State Highway 1 at Te Horo from Rural Plains Zone to Rural Dunes Zone, as shown on Figure 6 at page 35 of Report 9.

Rezoning of Rural Land at Waikanae

- 10.46 We are recommending rezoning rural land at Huia Street, Waikanae from Rural Hills Zone to Rural Residential Zone, as shown on Figure 7 at page 37 of Report 9.
- 10.47 We are also recommending rezoning rural land (Nga Manu Nature Reserve) from Rural Dunes Zone to Open Space (Private Recreation) Zone, as shown on Figure 8 at page 39 of report 9.

Concluding Comment

- 10.48 As will be apparent from our Chapter 7 report, there was considerable attention given to the PDP provisions applying to the rural areas during the submission and hearing process.

- 10.49 As a consequence we are recommending a significant number to the Chapter 7 provisions to enable and facilitate the use and development of the rural land resource for appropriate and legitimate rural activities, while, at the same time, protecting the rural resource from inappropriate use and help maintain and enhance the amenity values and the quality of the rural environment, this includes providing protection to sensitive activities from intensive farming and extractive industries such as quarrying, and conversely protecting such rural activities from sensitive activities.
- 10.50 Overall, and in summary, the focus of Chapter 7 is enabling appropriate primary production activities which are important to the District's future social and economic wellbeing, but in a manner that maintains the character and amenity of the rural area and adjoining non-rural zones.
- 10.51 The Chapter 7 provisions, incorporating the amendments we are recommending, are, we consider, 'fit for purpose' for achieving the sustainable management purpose in respect of the rural resource within the District

11 PDP CHAPTER 8 – OPEN SPACES

Context

- 11.1 Chapter 8 contains the provisions for managing activities in the Open Space land in the District. It contains policies and rules for the following four zones:
- (a) Open Space (Recreation) Zone;
 - (b) Open Space (Local Parks) Zone;
 - (c) Open Space (Conservation and Scenic) Zone; and
 - (d) Private Recreation and Leisure Zone.
- 11.2 The focus of Chapter 8 is not only on managing activities and structures in the Open Space Zones, but also ensuring that new development is serviced by appropriately sized and located recreation areas.
- 11.3 The majority of land zoned Open Space is in public ownership. The only privately owned land affected by the Open Space zoning is all covered by the Private Recreation and Leisure Zone, which only applies to the District's golf courses. A small amount of Open Space (Conservation and Scenic) Zone land is used for production forestry, but the land is owned by the Council and leased to operators.

Submissions and Issues Raised

- 11.4 There were fifty-two submissions received from twenty-three different submitters and twelve further submissions on Chapter 8. Key themes that emerged from the submissions included:
- (a) private property rights, compensation and wellbeing;
 - (b) connectivity of the open space network, including through provisions for esplanade reserves, cycleways, walkways and bridleways;
 - (c) the appropriateness of buildings and structures in Open Space Zones, including those that are subject to National Policy Statements;
 - (d) the default status for activities not specifically referred to in the Open Space and Private Recreation Zone rules.
 - (e) provisions related to plantation forestry on land zoned Open Space, including the ecological values of those areas and setbacks from waterbodies;
 - (f) the application of Open Space and Private Recreation and Leisure zoning to specific areas of the District; and
 - (g) the intensity of development allowed on golf courses.

Main Findings and Recommendations

- 11.5 Our Chapter 8 findings and recommendations are contained in Report 10. The particular matter we wish to draw attention to is the provision for a 'development precinct' at the Paraparaumu Beach Golf Course.
- 11.6 The Paraparaumu Beach Golf Club [94] sought a number of amendments to recognise that the golf club fulfils a recreation opportunity and facility for the community whilst being in private ownership. The submissions requested that the PDP be amended in the following five ways:
- (a) retention of the zoning of the land as Private Recreation and Leisure Zone;
 - (b) inclusion of a clause in Policy 8.15 to recognise the significance the Paraparaumu Beach Golf Course plays in relation to a private recreational asset and to have policy direction for continued development of this asset through enabling built form, appropriate activities and further facilities;
 - (c) amend the maximum height of buildings to 12m or higher, and to increase maximum gross floor area to 3,000m²;
 - (d) amend Rule 8.4.2 to be a restricted discretionary activity under Rule 8.3 instead of a discretionary activity; and
 - (e) clarify rules so visitor accommodation is not treated as a residential activity.
- 11.7 At the hearing, the Golf Club explained that a more lenient approach was only sought within a defined 'precinct' within the golf course - being an approximately 17,000m² area along the Kāpiti Road frontage.
- 11.8 Based on the evidence presented by the Golf Club we agree that specific recognition through creation of a distinct precinct is appropriate and therefore have recommend the District Plan Maps be amended to reflect this. The Golf Club acknowledged that relaxed provisions should not apply to all land zoned Private Recreation and Leisure Open Space. We agree that a precinct approach is appropriate on the Paraparaumu Beach Golf Course land, and recommend that the area identified on the map on the following page be identified on the District Plan Maps as a "*Development Precinct*" (incorporating an area of some 17,000m²) to which specific policy and rules would apply.
- 11.9 The relevant policy (Policy 8.15) would include the following statement:

Paraparaumu Beach Golf Club

Development within a defined precinct of the Paraparaumu Beach Golf Course, as identified on the District Plan Maps, is subject to limits set by separate height and coverage controls. In addition to (a) and (b) above, development which is proposed to exceed those limits will be subject to the requirement to avoid, remedy or mitigate potential adverse effects on the amenity of adjoining residential zones and on landscape values.



Figure 5: Paraparaumu Beach Golf Course Development Precinct as shown on Map 8A of Appendix 1.

- 11.10 We consider that Policy 8.15 as recommended strikes an appropriate balance between enabling development in a defined precinct on Paraparaumu Beach Golf Course while avoiding, remedying or mitigating any potential adverse effects on the amenity of adjoining residential properties.
- 11.11 Full discussion of our recommendation in relation to the proposed Development Precinct is found at pages 30 to 35 of Report 10.
- 11.12 Other changes we have recommended relate to essentially fine-tuning of the policy and rule framework for the Open Space Zones. This includes ‘transferring’ five policies from Chapter 8 to the District-wide Policies chapter, Chapter 2A).
- 11.13 We have also recommended that the title of the Chapter be changed from “*Open Space*” to “*Open Space and Private Recreation and Leisure Zones*” to more accurately reflect the purpose of the Chapter.

12 PDP CHAPTER 9 – HAZARDS

Context

12.1 Chapter 9 manages activities and development that are either affected by natural hazards or involve contaminated land. The Chapter provisions apply across the District irrespective of the underlying zone. There are six sub-sections in Chapter 9:

- (a) General Natural Hazards
- (b) Flood Hazards
- (c) Earthquake Hazards
- (d) Erosion and Slope Stability
- (e) Fire Hazards; and
- (f) Man-made Hazards: Contaminated Land

Submissions and Issues Raised

12.2 There were a total of 124 submissions and a large number of further submissions on Chapter 9 which sought various amendments to the content of the hazards provisions, such as changes to definitions, policies, rules and the activity status of specific activities.

12.3 The key themes that emerged from the submissions were:

- (a) site-specific flood hazard mapping;
- (b) buildings for gravel extraction;
- (c) rejection of the proposed new policy to enable gravel extraction;
- (d) natural hazard policies;
- (e) provisions for subdivision and development in hazard areas; and
- (f) removal of inappropriate provisions for both contaminated land and erosion and slope stability.

Main Findings and Recommendations

12.4 Our Chapter 9 findings and recommendations on the hazards provisions are contained in Report 11.

12.5 Our findings and recommendations are presented under the following headings:

Issue 1: General Chapter 9 Matters

Issue 2: Natural Hazards

Issue 3: Flood Hazards

Issue 4: Earthquake Hazards

Issue 5: Erosion and Slope Stability

Issue 6: Fire Hazards

Issue 7: Contaminated Land

Issue 8: Definitions

- 12.6 In this Overview Report we have adopted the same structure, but highlight only the key points.

Issue 1: General Chapter 9 Matters

Refer Report 11, pages 21-27 for full discussion

- 12.7 In most cases, submissions addressed a specific provision, but there were also submissions that addressed natural hazards more generally. Coastal hazards as a subset of natural hazards was a common topic for submitters and there was concern expressed in many submissions as to how coastal hazards were being addressed in Chapter 9. As all provisions that specifically addressed coastal hazards were formally withdrawn by the Council, we cannot consider the points of submission on these matters.

- 12.8 The scale of the relief sought in the remaining submissions ranged from deletion of Chapter 9 in its entirety to minor corrections of typographical errors. Other general matters raised in submissions included:

- (a) scientific basis for provisions;
- (b) the risk of tsunami and volcanic eruptions;
- (c) consideration of climate change;
- (d) allowing beneficial activities;
- (e) consistency with higher order planning documents; and
- (f) balanced and enabling provisions.

- 12.9 We have recommended a number of amendments in response to the submissions on general matters, including amendments to ensure consistent terminology.

Issue 2: Natural Hazards

Refer Report 11 pages 27-376 for full discussion

- 12.10 Section 9.1.2 contains seven policies and one rule which apply generally across all natural hazards. Many of the submissions to this chapter were focused on coastal hazards and the applicability of the policies to coastal hazards, which were subsequently withdrawn by the Council following the close of the submission period. Nonetheless, we have considered those parts of the submissions that did not specifically mention coastal hazards.

12.11 The submissions were varied, but some of the matters raised in submission included:

- (a) the accuracy and robustness of the science informing the identification of hazards;
- (b) that risk is overstated;
- (c) appropriate uses should be allowed in all areas not just in lower-risk areas and that property owners may wish to accept certain risks;
- (d) lack of recognition that some land use activities can take place in risk hazard prone areas;
- (e) consistency with the RMA, NZCPS and RPS;
- (f) policies are too restrictive;
- (g) lack of clarity about what constitutes new development; and
- (h) lack of recognition of beneficial effects of development.

12.12 In the end result, having had regard to the submitters' evidence and the recommendations provided in the Section 42A report, we have recommended a number of amendments as follows:

- (a) delete references to slope instability and erosion from all policies;
- (b) amend Policy 9.2 to focus on potential harm to people rather than loss of life and clarify that the policy applies during decision-making processes;
- (c) rename Policy 9.3 to "*Managing Activities in Natural Hazard Prone Areas*";
- (d) amend Policy 9.3 to enable subdivision and development where it does not increase risk;
- (e) amend Policy 9.4 to clarify when the precautionary approach applies;
- (f) amend Policy 9.5 for clarity;
- (g) amend Policy 9.7 to focus on the effects of natural hazard events;
- (h) delete Rule 9A.5 and all non-complying activities listed in Table 9.1.4; and
- (i) renumbering the rest of the tables in Chapter 9 as a consequence.

12.13 We would draw attention to Clause (e) above and the recommendation to amend Policy 9.4 Precautionary Approach.

12.14 Policy 9.4 as recommended is as follows:

Policy 9.4 - Precautionary Approach

A precautionary approach will be taken to the management of risks from hazards that may impact on subdivision, use and development, where there is uncertainty about the potential *effects* and where the effects are potentially significantly adverse of a hazard until further detailed information on the extent and nature of the hazard becomes available.

12.15 We draw attention to the policy given that (as we record in our Report 11 at page 34):

It appeared to us from the variety of submissions and written evidence that the submitters are largely concerned with how the Policy will be used at a later date when a plan change is promulgated for coastal hazards. In this respect, we would like to point out that addressing coastal hazards is not a matter within the scope of the PDP as it stands and we accept that the Council will consider the full cascade of objectives, policies and rules and the seamless integration of coastal hazard provisions at the time that the above-mentioned plan change is developed. Furthermore, such a plan change will be required to take a lead (at least at the policy level) from the (at the time) settled Objectives for Hazards in Chapter 2 of the PDP. In this respect, we note that Objective 2.5 on natural hazards was not significantly challenged in the live submissions before us.

Issue 3: Flood Hazards

Refer Report 11, pages 37-64 for full discussion

12.16 As will be apparent from the fact that our report covers this topic over close on thirty pages, this was the main hazards issue presented to us during the hearing.

12.17 There were few submissions on the flood hazard policies. The submissions on the rules were varied with a number of the submission on the matters of earthworks and stream and river clearance. Other submitters raised issues regarding the mapping of flood hazards on their particular properties. Some of these submitters attended the hearing and told us that they had never seen flooding/ponding on their site.

12.18 In the context of this overview it is not possible to summarise all of the detail we present in the report. We do, nevertheless draw attention to our findings which are recorded at pages 61 to 64 of Report 11. The list of recommended amendments will confirm that we have:

- (a) recommended a number of amendments to the policies and rules to ensure that they are more appropriately worded and directed at addressing flood hazards; and
- (b) recommended a number of amendments to the District Plan Maps to remove flood hazard notations where appropriate (i.e. based on recommendations in the Section 42A report or on evidence presented at the hearing).

12.19 We do draw attention to the section of our report (refer pages 42-44) addressing earthworks and stream and river clearance, as this was an matter raised by a number of submitters; and, in particular, note the following comment:

There were a number of submissions on the matter of earthworks and stream and river clearance. We are aware that the majority of the issues of concern raised by submitters in regard to stream and river clearance related to activities that fall within the jurisdiction of Greater Wellington Regional Council as these activities occur within the waters or bed of a waterway. Accordingly, we do not have any jurisdiction to adjudicate on those matters.

12.20 We also noted at page 43 that:

... much of the work undertaken by Greater Wellington Regional Council in streambeds crosses over between the jurisdiction of the Regional Plan and the PDP. We consider it is important that the rules of the PDP are clear as to what is and is not permitted. As pointed out by a number of submitters, it seems unclear as to whether Rule 9B.1.6 for flood protection, erosion control and hazard mitigation measures is still subject to Rule 9B.1.4 for earthworks. In order to clarify this, we have recommended an exclusion in Rule 9B.1.4 to make it clear that the earthworks rule does not apply to Rule 9B.1.6 which enables both KCDC and Greater Wellington Regional Council to undertake flood protection, erosion control and natural hazard mitigation measures including associated structures in the Open Space Zones, and the Stream or River Corridor as a permitted activity. We also note that such works and structures may still require authorisation under the Greater Wellington Regional Council's own planning rules.

12.21 We have recommended an advice note be added to the relevant rules to draw attention to the position that any works carried out with the bed of lakes and rivers are within the jurisdiction of the Wellington Regional Council and are not covered by the District Plan.

12.22 In our consideration of flood hazards, we recommend deleting flood erosion areas but adding shallow surface flow areas. We were also very aware of the tiered approach of the Chapter 9 policies to flood hazards, in that river corridors, stream corridors, overflow paths and residual overflow paths are higher risk. Activities in these areas need to be managed more carefully than the flood hazard overlays of lower risk. This resulted in recommended amendments to the rules to reflect the risk levels.

Issue 4: Earthquake Hazards

Refer Report 11 pages 64-67 for full discussion

12.23 Section 9.3 contains four policies and rules relevant to earthquake hazards

12.24 We have not recommended any amendments to the policies other than minor amendments for clarity or to identify defined terms.

12.25 In respect of the rules and standards we have recommended a number of amendments, including the inclusion of a new Rule 9C.4.1 to apply to discretionary activities that do not meet one or more of their associated standards. This recommendation is consistent with our recommendations elsewhere to develop a more logical cascade - refer, for example, comment in our Report 1 at pages 43 to 44 which we refer to at pages 10-11 of this Overview Report.

Issue 5: Erosion and Slope Stability

Refer Report 11, pages 68-69 for full discussion

12.26 Nine submissions were received on the matter of erosion and slope stability, with most seeking site specific amendments.

12.27 As we note in Report 11:

During preparation of the Section 42A report and analysis of submissions, KCDC commissioned a report from Dr Jack McConchie from Opus. After reviewing the erosion and slope stability provisions, he considered that the information basis for the Erosion Susceptibility mapping within the PDP was undertaken for a different purpose (the National Environmental Standard for managing plantation forestry) and the mapping was at a very coarse scale. He concluded that the scale of data used is not precise enough to base Plan provisions on and is unreliable at a site specific scale.

Although it is unfortunate, we agree with Dr McConchie's findings and accordingly have recommended that the Erosion and Slope Stability section of Chapter 9 (Section 9.4) be deleted in its entirety.

- 12.28 Being aware of the Section 42A report recommendation that the Erosion and Slope stability section be deleted from the PDP, Ms Watson, on behalf of the Greater Wellington Regional Council, requested that Council include consideration of provisions for slope instability and land erosion as a future process under Schedule 1 of the RMA to give effect to Policy 29 of the RPS.

Issue 6: Fire Hazards

Refer Report 9, pages 69-70 for full discussion

- 12.29 Only two submissions were received on the fire hazard provisions, with both seeking amendments to the policies to reduce the risk of fire hazards by requiring areas to be clear of vegetation.
- 12.30 We have not recommended any amendments to this section of Chapter 9 apart from minor amendments to improve readability and consistency of PDP provisions generally.
- 12.31 The PDP provisions relating to fire hazards focus on the provision of water for fire fighting and access for fire appliances. Other regulations and bylaws outside of the District Plan are more effective than District Plan rules in addressing 'fire prevention' - e.g. Fire Prevention Bylaw 2010.

Issue 7: Contaminated Land

Refer Report 11, pages 70-73 for full discussion

- 12.32 The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2012 (NESCS) was a key matter raised in submissions and evidence. The NESCS is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants are contained to make the land safe for human use.
- 12.33 The NESCS contains replacement provisions for district and regional plans and Section 44A of the RMA requires that plans do not duplicate or conflict with national environmental standards.

The main matter raised in submissions and evidence on contaminated land was Council's functions and the level of duplication between the PDP and the NESCS.

- 12.34 We have recommended deleting the rules proposed in the PDP relating to contaminated land as they are reiterating what is stated in the NESCS. However, one point we do draw attention to is a matter raised by Ms Watson on behalf of the Greater Wellington Regional Council, and that is whether there may be other contaminated land effects that are not captured by the NESCS such as effects on the environment rather than on human health. This was also a point made by Regional Public Health. Accordingly, we recommend that Council consider progressing this matter as a separate process to the PDP, possibly as a future Schedule 1 process.

Concluding Comment

- 12.35 In making our recommendations to Council we are particularly mindful of Section 6(h) of the RMA which identifies the management of significant risks from natural hazards as a “*matter of national importance*”. Although Section 6(h) is a recent RMA alteration and was not in place at the time the PDP was produced and notified, and therefore does not need to be given effect to, we are conscious of the scrutiny that natural hazards planning is receiving nationwide. In this respect we consider the PDP provisions, with the amendments we have recommended, along with the future processes that the Council has committed to, will manage hazards in a way that enables the social, economic, and cultural wellbeing of the District. The approach includes avoiding new development in areas subject to high risk from hazards, and mitigating effects in areas subject to lower risk or where the hazard has a long return period. While the PDP cannot entirely protect communities from natural hazards, we consider the provisions manage the risk to people and property and therefore achieve the purpose of the Act.

13 PDP CHAPTER 10 – HISTORIC HERITAGE

Context

- 13.1 There is a requirement for district plans to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development as a Part 2 “*matter of national importance*” (Section 6(f) RMA). The definition of historic heritage includes
- (a) historic sites, structures, places, and areas
 - (b) archaeological sites;
 - (c) sites of significance to Maori, including waahi tapu; and
 - (d) surroundings associated with the natural and physical resources.
- 13.2 Chapter 10 contains the provisions for managing the District’s historic heritage and implements the provisions of the higher order planning documents (NZCPS and RPS), principally through Objective 2.7, which is recommended to be amended (refer Report 2, page 48) as follows:

Objective 2.7 - Historic Heritage

To protect *historic heritage* in the District for the social, cultural and economic wellbeing of the Kāpiti Coast community and future generations, ~~this including~~es:

- a) supporting the contribution of *historic heritage values, features* and ~~areas~~ their values to the identity, character and amenity of places and landscapes; ~~and~~
- b) recognising and protecting *tāngata whenua historic heritage*, including waahi tapu and other places and areas significant to Māori; and, knowledge, histories and ngā taonga tuku iho.
- c) providing for appropriate use and development of natural and physical resources with historic heritage values while ensuring any adverse environmental effects are avoided, remedied or mitigated.

Submissions and Issues Raised

- 13.3 There were twenty-nine submissions on Chapter 10 (excluding waahi tapu) and forty-two submissions on waahi tapu. Key topics/provisions raised in the submissions were:
- (a) enabling appropriate use and development;
 - (b) the historic heritage policies;
 - (c) accidental discovery protocol;

- (d) whether the archaeological alert layer should be in the PDP;
- (e) the schedule of heritage sites and buildings;
- (f) the schedule of notable trees;
- (g) clarification of terms and consequential amendments;
- (h) the content and approach of the proposed rules;
- (i) the physical extent of the waahi tapu sites; and
- (j) classification of waahi tapu sites and sites of significance to iwi.

Main Findings and Recommendations

- 13.4 Our Chapter 10 findings and recommendations on the historic heritage provisions (including waahi tapu) are contained in Report 12.
- 13.5 Our findings and recommendations are presented under the following headings:
- (a) Historic Heritage Policies
 - (b) Inventory of Identified Heritage
 - (c) Archaeological Alert Layers
 - (d) Rules
 - (e) Waahi Tapu
 - (f) Terms and Definitions

Historic Heritage Policies

- 13.6 There are twelve separate historic heritage policies. We are recommending that all are retained, but with some changes. Apart from more minor fine-tuning changes to improve clarity and use consistent terminology, the more significant changes are:
- (a) amendments to Policy 10.3 to create a two-tiered approach to Category 1 and Category 2 items;
 - (b) refocusing Policy 10.6 (to be renumbered as Policy 10.5) to be more enabling with regards to use, repair and maintenance (and the deletion of assessment criteria from Policy 10.6);
 - (c) amending Policy 10.8 (to be renumbered as Policy 10.6) to allow a hierarchy of additions, alterations, relocation, partial demolition, demolition and destruction;
 - (d) exclusion of notable trees from Policy 10.8;
 - (e) insertion of Clause B in Policy 10.8 relating to relocation being avoided; and
 - (f) deletion of all references to the Archaeological Alert Areas from Policy 10.11.
- 13.7 Discussion of the recommended changes to the historic heritage policies is provided in Report 12 at pages 22 to 35. The amendments we are recommending provide an appropriate 'fit for purpose' policy framework for managing historic heritage, a framework that is consistent with

Section 6 of the RMA and the higher order planning documents including the NZCPS and the RPS.

Inventory of Historic Heritage

- 13.8 The Historic Heritage Chapter contains Schedule 10.1 Schedule of Historic Heritage which has a number of identified historic heritage buildings features and areas, including waahi tapu and other places and areas of significance to Maori.
- 13.9 Some submitters requested that items be removed from the Schedule, while other submitters requested that items be added. We have recommended some amendments to Schedule 10.1, including the addition of the “*Stringer Wind Rain House*” at 224 Main Highway, Paraparaumu
- 13.10 We have also recommended the removal from the Schedule of some scheduled trees (T21 and T55).
- 13.11 At the hearing Heritage New Zealand sought the addition of some other items including the former “*Union Parish Church*” at 20-24 Reikorangi Road and “*Raised-rim Pits*”, Paekakariki Hill Road. However, because of a lack of scope in the original submission we are unable to recommend these additions. We do however recommend that Council might consider adding further items to Schedule 10.1, including these two items, as part of a future Schedule 1 process.
- 13.12 Further discussion on Schedule 10.1 is provided in Report 12 at pages 38-44.

Archaeological Alert Areas

- 13.13 The Archaeological Alert Areas (AAAs) were shown as a ‘layer’ on the PDP Maps. There are no specific PDP rules relating to the AAAs, rather the only reference (provision) was in Policy 10.11 Unidentified Historic Heritage.
- 13.14 A number of submitters sought the deletion of the AAA layer either generally, or from specific properties. Other submitters sought the retention of the layer. Heritage New Zealand supported the removal of the AAA layer from the District Plan Maps, and as an alternative supported the information being added to the Council’s GIS system instead. On the other hand, the Friends of Te Hapua Dunes and Wetlands supported retention of the AAA layer.
- 13.15 After considering the somewhat conflicting aspirations presented to us by submitters, we have concluded that we should recommend that the Archaeological Alert Areas layer should be removed from the District Plan Maps. A key factor influencing our recommendations was the officer advice that the original research that resulted in the AAA layer was based more on statistical modelling and geographic information systems, and is, in effect, a “*predictive model*”
- 13.16 We consider that if the AAA layer (or a similar approach) was to be further considered as part of a future Schedule 1 process, additional investigation and refinement would be necessary, as in its current form we consider the approach is not sufficiently robust.

- 13.17 As a consequence of our recommendation to remove the AAA layer from the District Plan Maps, (as noted above) we have therefore recommended amendments to Policy 11 (to be renumbered Policy 10.9) as follows:

Policy 10.14~~9~~ - Unidentified Historic Heritage

A precautionary approach will be taken to protecting unidentified *historic heritage* ~~will be undertaken~~. ~~Areas of high likelihood of identifying archaeology will be identified as Archaeological Alert Areas on the District Plan Maps. Development where the accidental discovery of any unidentified archaeological historic heritage occurs~~ Where no archaeological authority is in place and previously unidentified *historic heritage* is discovered, then work will be immediately stopped until the significance is assessed and adverse effects can be appropriately avoided or mitigated. The Accidental Discovery Protocol, as set out in Schedule 10.2, will be followed in all *development*.

The Council will maintain publicly available information to highlight areas where there is a higher risk of unidentified *historic heritage* being encountered.

Rules

- 13.18 The principal issue we needed to address is respect of the rules was: what degree of physical effect should trigger restricted, fully discretionary or non-complying activity status? The discussion of the proposed rules framework continues over 13 pages (refer Report 12, pages 51 to 64). Based on submitter comment and Officer advice, we consider that the rule structure that is now proposed will provide the appropriate level of protection of the District's historic heritage resources; whilst enabling appropriate alterations and additions to scheduled items that will secure the long term viability and retention of the scheduled item.

Waahi Tapu

- 13.19 Schedule 10.1 has a section in it relating to Waahi Tapu and Other Places or Areas of Significance to Maori. The submissions on this part of the Schedule were varied - ranging from broad support for the identification and scheduling of waahi tapu in the PDP, to seeking changes to the boundaries of specific sites.
- 13.20 One of the issues that was central to our consideration of waahi tapu was the groupings of the different waahi tapu sites. Te Anau Trust [272] raised concerns about the lack of explanation for the waahi tapu groupings and Heritage New Zealand expressed concern over the grouping and ranking of sites.
- 13.21 We consider that the underlying approach in the PDP to group waahi tapu sites according to their sensitivity and develop corresponding rules to protect these sites is appropriate. We agree with the submissions of Heritage New Zealand and Te Anau Trust that the PDP would benefit from explaining the waahi tapu groupings. We therefore recommend Schedule 10.1 is amended to provide an explanation of the waahi tapu groupings, their level of sensitivity and intended

levels of protection. We also accept the Section 42A report recommendations to rename the waahi tapu groups as follows:

- (a) Wāhanga Tahi (Group A);
- (b) Wāhanga Rua (Group B);
- (c) Wāhanga Toru (Group D); and
- (d) Wāhanga Wha (Group E).

13.22 Submitters also raised issues relating to the following specific waahi tapu:

- (a) Kaiwarehou
- (b) Makahuri
- (c) Takamore
- (d) Taewapirau
- (e) Taumanuka
- (f) Te Pou o Tainui

Kaiwarehou

13.23 Submissions were received from the property owners of 68 Tieko Street, Otaihanga (John Rice and Paula Keene). The submitters requested that the waahi tapu boundary should be amended and based on robust analysis and assessments. At the hearing, they advised that their major concern was the appropriateness of the boundary (they suggested that the waahi tapu area should be much smaller) and the implications that the waahi tapu had for their ability to subdivide their property.

13.24 Council officers advised that the current location of the scheduled Kaiwarehou waahi tapu does not impact on the subdivision potential of Mr Rice's and Mrs Keene's property in terms of the number of lots. Based on this advice, there appears to us to be limited benefit in amending the scheduled Kaiwarehou waahi tapu area in the PDP given that a loss of subdivision potential appears to be the key concern of Mr Rice and Ms Keene.

13.25 However, as the land is relatively modified, we consider that the site is only low to moderately sensitive to development. Therefore, it seems to us that a reasonable level development should be allowed to occur provided that land disturbance volumes are reasonably low and discovery protocols are followed.

13.26 To enable this outcome we have recommended that Kaiwarehou be included in Group B (Whanga Rua).

Makahuri

- 13.27 There were 16 submissions on Makahuri all seeking that waahi tapu WTS0137 be removed from the District Plan Maps. The submitters considered that retaining the waahi tapu listing would have an unreasonable and unfair impact on the future use of the land.
- 13.28 We understand the site is significant to Ngāti Raukawa for a number of reasons including being an original pā site and the burial ground of iwi members. However, we also understand that there is some uncertainty about the exact location of Makahuri.
- 13.29 Mr Brownie one of the submitters opposing Makahuri attended the hearing. He raised a number of concerns about the accuracy of the Makahuri waahi tapu scheduled site. We note that the site is recorded as Haowhenua not Makahuri and the NZAA site record states that it is a pā site overlooking Te Horo Flats and Kapiti Coast. It also records three pits and five possible terraces, but notes that these features are not clearly defined due to cover with long grass and sand dunes.
- 13.30 While we appreciate the concerns of Mr Brownie about the impact of the scheduled waahi tapu on his land, we are also cognisant of the clear statutory directives in the RMA and in the RPS to identify and protect waahi tapu that the PDP must give effect to. We consider that retaining Makahuri as a scheduled waahi tapu site will ensure that future activities are managed in a way that ensures the waahi tapu values are appropriately considered.

Takamore

- 13.31 Heritage New Zealand [460.37] sought that the extent of Takamore waahi tapu area be extended. This was opposed by a further submission from the Waikanae Christian Holiday Park [FS177] as the review of the Takamore waahi tapu area to include all of El Rancho's land holdings has been the subject of a judicial review. The further submission considered Council should hold off including the revised boundaries of the waahi tapu area until a decision has come out of the High Court.
- 13.32 We understand that the cultural significance of Takamore has been the subject to a number of studies and legal proceedings, as well as detailed historical and archaeological studies. Given this, and at the request of the parties, we delayed the hearings into this matter to enable further discussion and agreements to be reached.
- 13.33 At the (delayed) hearing we were advised that the Waikanae Christian Holiday Park, Takamore Trust and Heritage New Zealand had discussed the matter and had agreed on a revised 'Group C' rule set for Takamore which has the support of all parties (with the exception of some minor matters). We understand the main features of this proposed rule set are:
- (a) land disturbance is a permitted activity and the conditions allow for 100m³ of land disturbance within a 5 year period;

- (b) new buildings require consent as a controlled activity with effects on historic heritage values a matter to control which would enable Waikanae Christian Holiday Park to engage with Takamore Trust; and
- (c) all subdivision is a restricted discretionary activity with effects on historic heritage values a matter for consideration.

13.34 We accept the agreed outcomes and consider they address the relief sought from both these parties by recognising the cultural values associated with the larger waahi tapu area, while also allowing for a degree of flexibility for Waikanae Christian Holiday Park to develop their land in consultation with Takamore Trust.

Taewapirau

- 13.35 There were three submitters on Taewapirau (WTS0318) who all own properties that are partially within the scheduled waahi tapu area in the notified PDP: Waikanae Golf Club [002], Maypole Environmental Limited [263], and Te Anau Trust [272]. The submission from Waikanae Golf Club opposed the inclusion of WTS0318, Maypole Environmental Limited sought removal of item WTS0318 from the Schedule 10.1 and from the PDP Maps as they relate to areas in the Ngarara Zone and/or Ngarara Precinct, and Te Anau Trust sought that WTS0318 be removed from Schedule 10.1 or for the Rules relating to Group B waahi tapu to be amended to be less restrictive.
- 13.36 We understand Taewapirau has been identified and named as a pā by Te Ātiawa in a number of reports and there are references to Taewapirau in Native Land Court hearings during the 19th century. We understand the site has been the subject of a number of assessments. However, it seems that there is some uncertainty about the exact boundaries of Taewapirau.
- 13.37 At the hearing we heard evidence and received statements from all three submitters who raised similar concerns about the accuracy and robustness of scheduling Taewapirau in the PDP. More specifically, the issue that arose at the hearing was the position of Te Ātiawa on Taewapirau and the report of Dr Kahotea; and whether Taewapirau is considered to be a waahi tapu. These matters were the subject of considerable written statements including:
- (a) the position of Te Ātiawa on the report of Dr Kahotea was clarified in a memo prepared by Andre Baker, Chairman of Ātiawa ki Whakarongotai Charitable Trust on 27 September 'Review of Kahotea (2016) Report: Taewapirau';
 - (b) a Joint Memorandum for Maypole Environmental Limited and Ātiawa ki Whakarongotai Charitable Trust on 25 November 2017 seeking directions from the Panel that Council officers meet with the parties to hold discussions on whether an agreement can be reached as to the treatment of Taewapirau under the PDP;
 - (c) on 7 December 2016, we issued Minute 17 in response to the Joint Memorandum posing three questions for consideration by the parties; and

(d) separate responses from both Te Atiawa Whakarongotai Charitable Trust and Maypole Environmental Ltd on 20 January 2017.

- 13.38 The letter on 20 January 2017 from André Baker, Chairman of Te Ātiawa ki Whakarongotai Charitable Trust outlined the history of Taewapirau and clarified that it has tapu status. The letter stated that it is not practical or appropriate to determine a clear boundary indicating the extent of Taewapirau, given the reason why it is waahi tapu. The letter opposed having to identify clear boundaries of waahi tapu and distinguish within a significant area precisely what is tapu and what is not. The letter suggested an alternative approach of designating ‘trigger areas’ which indicate proximity to waahi tapu and waahi tupuna.
- 13.39 The response from Maypole Environmental Limited 20 January 2017 suggested a tiered planning response with an area delineated as waahi tapu and another identified as waahi tupuna.
- 13.40 While we accept that there is some uncertainty about the exact boundaries of Taewapirau, we consider there are clear directives to identify and protect waahi tapu in Section 6 of the RMA and the RPS to which we must give effect through the PDP. We therefore recommend a tiered approach to Taewapirau, with a core area classed as Wahanga Tahi and a surrounding area classed as Wahanga Rua.

Taumanuka

- 13.41 Only one submission was received in respect to Taumanuka from Daniel Castle [557.1], which requested that WTS0127B - Taumānuka be amended to exclude his property (Lots 8 & 9, DP 15133, 55 Kāpiti Lane, Ōtaki).
- 13.42 We have recommended that the submission is accepted to the extent that Taumānuka (WTS0127B) Schedule 10.1 and Map 2B of the PDP is amended to remove properties Lots 7, 8 and 9 DP15133. This recommendation is based on the evidence of Dr Kahotea (the Council’s advisor) who advised that Mr Castle’s property was in a different block and separated from the site of the waahi tapu site by the Rangiruru Stream.

Te Pou O Tainui

- 13.43 Heritage New Zealand [460.37] requested Te Pou O Tainui be included in Schedule 10.1.
- 13.44 We understand Heritage New Zealand did not consult Ngāti Raukawa when recommending that Te Pou O Tainui Marae be included in the PDP. We understand that Mahingarangi Hakaraia provided a response on behalf of Ngā Hapū o Ōtaki on 1 October 2015 that stated that *“there is no support, currently, for Te Pou o Tainui to be listed as a Waahi Tapu by the Marae Trustees. Ngā Hapū o Ōtaki, therefore, does not support this submissions recommendation to include Te Pou o Tainui as a Waahi Tapu”*.
- 13.45 We accept the position of Ngā Hapū o Ōtaki and therefore do not recommend that Te Pou O Tainui Marae is included in the PDP.

Terms and Definitions

- 13.46 A number of submissions sought clarification of the terms used in Chapter 10 including:
- (a) partial demolition;
 - (b) repair and maintenance;
 - (c) alterations;
 - (d) additions;
 - (e) land disturbance;
 - (f) earthworks;
 - (g) surroundings; and
 - (h) minor work.
- 13.47 We have recommended a number of amendments clarify the ‘intent’/meaning of the terms.
- 13.48 One other matter that was raised was the use of the word “*surroundings*” in Policy 10.7. The policy is that “*inappropriate subdivision of historic heritage and its surroundings will be avoided*”. “*Surroundings*” is also used in Policy 10.5.
- 13.49 We accept that use of the concept of “*surroundings*” creates uncertainty as to how far the area of influence of a scheduled historic heritage item or feature extends. We therefore have recommend deleting the term from Chapter 10 to focus the policies and rules on the scheduled items of features. We note that the definition of historic heritage in the RMA covers this matter anyway.

Concluding Comment

- 13.50 In terms of Chapter 10 of the PDP, we have been particularly mindful of Section 6(f) of the RMA which recognises and provides for the protection of historic heritage from inappropriate subdivision, use, and development, as a matter of national importance. Overall we consider the PDP provisions, with the amendments we recommend, facilitate the use, development, and protection of historic heritage resources in a way that enables enhanced social, economic, and cultural well-being of the District. Similarly, we conclude that the provisions will protect historic heritage from inappropriate use and will therefore achieve the purpose of the Act.

14 PDP CHAPTER 11 – INFRASTRUCTURE, SERVICES AND ASSOCIATED RESOURCE USE

Context

- 14.1 Chapter 11 is the main chapter managing infrastructure and services across the District.
- 14.2 The Hearings Panel's reporting on the submissions on the Chapter 11 provisions is contained in three reports:
- (a) Report 13: Network Utilities and Services
 - (b) Report 14: Access and Transport
 - (c) Report 15: Community Facilities
- 14.3 The key Objectives for the Chapter 11 provisions are:
- Objective 2.8 - Strong communities
 - Objective 2.13 - Infrastructure and Services
 - Objective 12.4 - Access and Transport
 - Objective 2.20 - Renewable Energy, Energy Efficiency and Conservation

Report 13: Network Utilities and Services

- 14.4 For Report 13, we have organised the discussion around seven topics or issues as follows:
- Issue 1: General/Whole of Chapter 11 Matters
 - Issue 2: General Policies
 - Issue 3: General Rules and Standards
 - Issue 4: Water Supply, Sanitation and Stormwater
 - Issue 5: Effects on Infrastructure
 - Issue 6: Renewable Energy
 - Issue 7: Definitions

Main Findings and Recommendations

Issue 1: General/Whole of Chapter 11 Matters

Refer Report 13, pages 21-24 for full discussion

- 14.5 The principal amendment(s) we have recommended are directed at shortening and clarifying the Introductory Statement and removing superfluous text.

Issue 2: General Policies

Refer Report 13, pages 25-47 for full discussion

- 14.6 In terms of policy structure, the following policies in Chapter 11 and more general in nature and apply to a multitude of network utility structures and activities:
- (a) Policy 11.1 - Recognition;
 - (b) Policy 11.2 - Reverse Sensitivity;
 - (c) Policy 11.3 - Protecting the Mauri of Natural Systems;
 - (d) Policy 11.4 - Managing Adverse Effects;
 - (e) Policy 11.5 - Infrastructure in Road Corridors;
 - (f) Policy 11.6 - Infrastructure Across Local Authority Boundaries;
 - (g) Policy 11.7 - Infrastructure and Growth Management;
 - (h) Policy 11.8 - Development Staging;
 - (i) Policy 11.9 - Proximity to Planning Features;
 - (j) Policy 11.10 - Quality of Infrastructure Design and Services;
 - (k) Policy 11.11 - Efficient Resource Use;
 - (l) Policy 11.12 - Development, Use, Maintenance, Replacement and Upgrading;
 - (m) Policy 11.13 - High Voltage and High Pressure Gas Transmission Lines;
 - (n) Policy 11.14 - Place Network Utilities Underground;
 - (o) Policy 11.15 - Co-location and Co-siting; and
 - (p) Policy 11.16 - Assessment Criteria.
- 14.7 Various amendments are proposed to the policies (refer “*Findings*” at pages 45-47), including the insertion of a new policy (Policy 11.10 - with consequent renumbering of other policies) which is specific to the National Grid. The new policy, and the reasons for it are found at pages 34-35 of Report 13. This Chapter is affected by national policy statements (NPSs) and national environmental standards (NESSs) and we were very mindful of those in our consideration of submissions and evidence.
- 14.8 As a summary comment, we note that the various amendments to the policies are all directed toward ensuring that they are properly focused and ‘fit for purpose’.

Issue 3: General Rules and Standards

Refer Report 13, pages 47-75 for full discussion

- 14.9 The numerous amendments we have recommended to the rules and standards (which are listed at pages 73 to 75), are again directed at ensuring that: (a) the rule framework is appropriate; and (b) that the individual rules are appropriately directed at addressing potential adverse effects on or created by network infrastructure and services.

- 14.10 It is appropriate that we acknowledge the appropriate and helpful input to our consideration of these matters by the principal network utility providers and the assistance of Ms Louise Miles who presented expert evidence on behalf of Chorus and Telecom NZ Ltd / Spark.
- 14.11 As a result of the hearing process, the rules, as a result of the amendments we are recommending, are in 'much better shape'.

Issue 4: Water Supply, Sanitation and Stormwater

Refer Report 13, pages 75-82 for full discussion

- 14.12 There are six policies that are located under Section 11.4 Managing Demand on Network Utilities - Water Supply, Sanitation and Stormwater, and Table 11B contains rules and standards for buildings and activities to ensure adequate provision of these services. The policies on this matter include the following:
- (a) Policy 11.17 Hydraulic Neutrality - Stormwater;
 - (b) Policy 11.18 Stormwater Quantity and Quality;
 - (c) Policy 11.19 Water Demand Management;
 - (d) Policy 11.20 Water Supply;
 - (e) Policy 11.21 Wastewater; and
 - (f) Policy 11.22 Protection of Drinking Water Supply.
- 14.13 As recorded at paragraph 9.29 page 81 of Report 13 we are recommending a number of amendments to the policies and related rules and standards. In general terms the amendments are to improve clarity and readability, and to use defined terms where appropriate.

Issue 5: Effects on Infrastructure

Refer Report 13, pages 82-95 for full discussion

- 14.14 There is one policy which pertains to managing effects on infrastructure, being Policy 11.13 - High Voltage and High Pressure Gas Transmission Lines.
- 14.15 Table 11C sets out the rules and standards for managing the effects of land use, development and subdivision on infrastructure, including roads.
- 14.16 In relation to Policy 11.13 (to be renumbered as Policy 11.22), KiwiRail Holdings Ltd [447.19] sought to amend the Policy to add "*avoided, remedied or mitigated*" in place of "*minimised*", and add "*existing and*" prior to "*proposed transport routes*". New Zealand Transport Agency [457.47] sought similar changes. We support the requested amendments and recommend the following:

The potential adverse *effects* on the *transport network* from *development* and *subdivision* will be ~~minimised~~ *avoided, remedied or mitigated* by identifying both the key existing transport routes and proposed transport routes likely to be required long term as part of the ~~Kāpiti Coast District's~~ *transport network* and having regard to

these when considering applications for *subdivision* or *development*.

- 14.17 The area where we recommended a significant change in approach was the comprehensive management of subdivision, use and development in close proximity to the National Grid. We have recommended the insertion of a new Table 11C which includes all the rules and standards relevant to the National Grid Yard and National Grid Corridor. We have recommended a more tailored approach where the National Grid crosses residential zoned land and there is already significant underbuild to recognise this existing situation.

Issue 6: Renewable Energy

Refer Report 13, pages 95-109 for full discussion

- 14.18 Eight submissions and six further submissions were received on the Chapter 11 policies relating to renewable energy. The policies are:
- (a) Policy 11.23 - Renewable Electricity Generation Activities;
 - (b) Policy 11.24 - Investigation and Identification;
 - (c) Policy 11.25 - Proximity to Planning Features;
 - (d) Policy 11.26 - Reverse Sensitivity on Existing Renewable Energy Generation Facilities;
 - (e) Policy 11.27 - Assessment Criteria for Renewable Energy Generation; and
 - (f) Policy 11.28 - Incentives.
- 14.19 Six submissions and five further submissions were received on the rules relating to renewable energy. The rules and standards are contained in Table 11B.
- 14.20 Generally the amendments we have recommended are directed toward clarifying policy intention and the rules framework. We were particularly mindful of the need to give effect to the National Policy Statement for Renewable Electricity Generation. Accordingly, we have recommended the insertion of two new rules:
- (a) Rule 11D.3.6 regarding the identification and assessment of potential sites for renewable energy activities (refer page 104); and
 - (b) Rule 11D.5.2 regarding the maximum height of wind turbines within outstanding natural features and landscapes (refer page 107).

Issue 7: Definitions

Refer Report 13, pages 109-120 for full discussion

- 14.21 We have recommended various amendments to the definitions relevant to Chapter 11, generally to make the definition clearer. We have also recommended the insertion of new definitions to assist with Plan interpretation and implementation, including definitions for: “*radiocommunications*”, “*renewable electricity generation activities*”, “*National Grid Corridor*” and “*National Grid Yard*”.

Concluding Comment

- 14.22 In considering submissions on Chapter 11 we have been mindful of Section 7(j) of the RMA which requires that regard shall be had to the benefits to be derived from the use and development of renewable energy. However, we are also aware that there are other obligations under Section 6 of the RMA which identifies matters of national significance, including the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development, as well as the need to protect areas of significant indigenous vegetation.
- 14.23 One example of this is our recommended amendments to Policy 11.9 and new Policy 11.10, and indeed Policy 11.25 (to be renumbered as Policy 11.26). We recommended a tiered approach to these policies where new network utility structures and activities are avoided in the most sensitive areas, and adverse effects are avoided, remedied or mitigated in less sensitive areas. Our recommended amendments to Policy 11.9 seek to avoid natural hazards (Section 6(h)), outstanding natural features and landscapes (Section 6(b)) and areas of outstanding or high natural character (Section 6(a)).
- 14.24 However, we accept that infrastructure is a means of ensuring the environmental, economic, social and cultural wellbeing of the District. At its most basic, infrastructure enables people's health - e.g. through providing water supply and taking away and treating wastewater; social wellbeing - e.g. the telecommunications networks enable social interaction; and economic growth - e.g. through readily available and reliable supply of electricity. Therefore, our consideration of the Chapter 11 provisions has required balancing the protection of the matters in Section 6 of the Act against the enabling direction of Section 5 of the Act. We conclude that the Chapter 11 provisions will protect sensitive features and aspects from inappropriate use, while enabling infrastructure in appropriate areas thereby achieving the purpose of the Act.
- 14.25 We also conclude that Chapter 11 appropriately gives effect to the RPS and the three most relevant National Policy Statements:
- (a) NPS on Electricity Transmission (2008);
 - (b) New Zealand Coastal Policy Statement (2010); and
 - (c) NPS for Renewable Electricity Generation (2011).

Report 14: Access and Transport

- 14.26 The Access and Transport section of Chapter 11 (Section 11.6 as notified) applies across the District, irrespective of zones. It contains policies pertaining to both the transport network as well as surrounding land uses, as urban form and transport are inextricably linked.
- 14.27 The key themes that emerged from the submissions were:
- (a) consequences of the new Kapiti Expressway;
 - (b) refinements to policies, rules, standards and definitions to improve clarity;

- (c) increased recognition of the rail network;
- (d) access and parking standards;
- (e) vehicle movement thresholds;
- (f) cycle guidelines;
- (g) notional roads; and
- (h) deletion of the Freight Hierarchy Maps.

14.28 For Report 14 we have organised the discussion around seven topics or issues as follows:

- Issue 1: General Transport Matters
- Issue 2: Site Specific Requests
- Issue 3: Policies
- Issue 4: General Rules and Standards
- Issue 5: Activities
- Issue 6: Car Parking Standards
- Issue 7: Schedules
- Issue 8: Mapping
- Issue 9: Definitions

Main Findings and Recommendations

Issue 1: General Transport Matters

Refer Report 14, pages 21-27 for full discussion

14.29 There were six submitters and twenty further submitters who related generally to the sections of Chapter 11 on Access and Transport. The focus of the submissions was varied. The matter of cycleways, walkways and bridleways was raised by a number of submitters

14.30 We agree that walking, cycling and bridleways are an integral part of a multi-modal transport network. We recommend amendments to provisions to enable and encourage suitable cycleways, walkways and bridleways including:

- (a) amendments to policies;
- (b) consideration of cycling as part of the resource consent process when a subdivision is of an appropriate scale;
- (c) matters of control for new roads; and
- (d) references standards for walking and cycling where appropriate.

Issue 2: Site Specific Requests

Refer Report 14, pages 27-29 for full discussion

- 14.31 The amendments that are recommended are based on the expert advice we received from the Council's senior traffic advisor, Mr Neil Trotter. They include consolidating access standards into a single rule (Rule 11.E 1.3).

Issue 3: Policies

Refer Report 14, pages 29-37 for full discussion

- 14.32 The Access and Transport section of Chapter 12 had eight policies as follows:

Policy 11.29 Integrated Transport and Urban Form

Policy 11.30 Sustainable Transport and maximising Mode choice

Policy 11.31 An Efficient and Economic Transport Network

Policy 11.32 Effects of Transport on Land Use/Development

Policy 11.33 Effects of land use on Transport

Policy 11.34 Safety

Policy 11.35 Parking

Policy 11.36 Cycling, Walking and Bridleway Links and Safety

- 14.33 We have recommended that all of the policies should be retained but with several amendments, generally to add clarity, or to better reflect the RMA - e.g. replace "*minimise*" with "*avoided, remedied or mitigated*". Policy 11.35 is amended to encourage opportunities for bridleways.

Issue 4: General Rules and Standards

Refer Report 14, pages 38-39 for full discussion

- 14.34 The recommended amendments to the structure of the rules tables is to increase clarity and usability. We have recommended two tables, the first being the standards that apply to activities that are otherwise addressed through the various Zone chapters, and rules relating to particular transport-related activities with associated standards; and the second table relating to parking standards.

Issue 5: Activities

Refer Report 14, pages 39-47 for full discussion

- 14.35 The main issue addressed in this section of our report is that of "*traffic generation thresholds*", a matter that was given considerable attention during the hearing of submissions on both Chapters 6 and 11, with several submitters, including Coastlands Shoppingtown Ltd, seeking

clarification on how the rules would be applied and what the most appropriate vehicle generations thresholds were.

- 14.36 The matter of the thresholds for vehicle movements was the subject of considerable evidence for a number of traffic experts. A particular concern was the likelihood that practically every development would need to provide a traffic impact assessment as realistically not many (if any) proposals, especially in the District Centre, would come within the permitted activity thresholds. Mr Mark Georgeson on behalf of Coastlands expressed the view that the Sub-Regional Centre should be treated differently and have higher permissible traffic thresholds than other areas in the District.
- 14.37 Kapiti Airport Holdings Ltd sought to amend the generic traffic generation rules to exempt the Airport Zone.
- 14.38 After hearing the evidence we came to the conclusion that thresholds proposed by the Council's traffic advisor (Mr Neil Trotter) are largely appropriate and we have therefore recommended that those thresholds are incorporated into the rules and that all rules dealing with this matter of vehicle generation be transferred from the various Zone chapters (particularly Chapter 6) and be confined to Chapter 11.

Issue 5: Car Parking Standards

Refer Report 14, pages 47-52 for full discussion

- 14.39 Eleven submitters addressed car parking standards in their submission. Some were philosophical matters such as Michelle Lewis [147.18] seeking to amend off street parking rules and standards to support the Council's policy to encourage walking and cycling, while others were highly specific - e.g. Z Energy [87.3] sought to amend Rule 11.1P pertaining to car parks associated with a carwash facility.
- 14.40 The issues raised in submissions broadly covered:
- (a) the relationship with walking and cycling;
 - (b) new parking standards for specific activities; and
 - (c) parking requirements for large format retail activities and supermarkets.
- 14.41 We have recommended some amendments directed at making it clear which standards apply to which activity.
- 14.42 One particular area of focus was in relation to parking requirements for large format retailing retail outlets and retail activities. After the evidence and having regard to Mr Trotter's advice, we are not recommending any changes to the carparking requirements in the PDP for large format retail activities.

Issue 7: Schedules

Refer Report 14, pages 52-55 for full discussion

- 14.43 Four submitters made comments on the three schedules in Chapter 11 associated with Access and Parking. The matters raised in submission included:
- (a) level rail crossings;
 - (b) route design; and
 - (c) transport network hierarchy.
- 14.44 KiwiRail Holdings Ltd sought to insert a new diagram “*Diagram A9 - Level Crossing Sight Triangles and Explanations*” in Schedule 11.1. We have recommended that the submission be accepted.
- 14.45 We have recommended the deletion of Schedule 11.3 “*Transport Network Hierarchy*” on the grounds that reliance should be placed on the Transport Network Hierarchy Maps. This will avoid any ‘mismatch’ between the two and also assist to simplify the District Plan.

Issue 8: Mapping

Refer Report 14, pages 56-61 for full discussion

- 14.46 The submissions received regarding transport maps were varied. While some sought additions of linkages between roads, others sought deletion of roads. The submissions addressed the following matters:
- (a) the exact location and alignment of the Expressway;
 - (b) linkages from State Highway 1 to Ngarara Road and Waikanae Beach;
 - (c) alignment of Ihakara Street extension;
 - (d) ownership of Ngarara Road;
 - (e) new roads from the Airport;
 - (f) new service lane parallel to Kapiti Road;
 - (g) support for a freight hierarchy that enables roads to be designed for the types of vehicles using it at a high frequency;
 - (h) the identification of particular roads as designated freight routes;
 - (i) particular roads as existing Heavy Haulage Traffic Routes;
 - (j) widening of Kapiti Road; and
 - (k) notional roads.

14.47 The recommendations we have made are as follows:

- (a) that the PDP reflect the alignment of Ihakara Street extension as per Plan Change 73;
- (b) deletion of the Freight Network hierarchy maps and consequential deletion of all references to them;
- (c) the Transport Network Hierarchy Map and Map 7B reflect that Parata Street extension has been constructed and vested in the Council;
- (d) Waterfall Road be re-classified as a local community connector road, and that the Transport Hierarchy Map contained in Volume 3 of the PDP be amended accordingly;
- (e) that part of Paekakariki Hill Road that falls within Kapiti Coast District be re-classified as a major community connector, and that the Transport Hierarchy Map contained in Volume 3 of the PDP be amended accordingly;
- (f) that the notional roads identified within the District Centre Zone be replaced with a new notional road notation indicating the future town centre link road between Arawhata Road and the Ihakara Street extension (consistent with our recommendations in regards to Appendix 6.7 and Chapter 6 matters);
- (g) delete the Western Link Road;
- (h) delete the notional road connecting Makora Road to Weggery Drive shown on Map 9B and the Transport Network Hierarchy Map;
- (i) delete the notional road connecting SH1 to Huia Street; and
- (j) add a notional road connecting Huia Street to Hadfield Road as per the District-wide and urban plan features maps 18 and 20 of the Operative District Plan.

Issue 9: Definitions

Refer Report 14, pages 61-66 for full discussion

14.48 Submissions were received on the following terms which are specifically related to the Access and Transport section of Chapter 11:

- (a) Access Leg;
- (b) Access Strip;
- (c) Boulevard;
- (d) Excessive Noise Routes;
- (e) Freight Hierarchy;
- (f) Western Link Road / Ihakara Street;
- (g) Major Traffic Activities;

- (h) Road;
- (i) Transport Assessment; and
- (j) Vehicle Movement.

14.49 The recommendations we have made regarding the definitions are as follows:

- (a) amendments to “*Access Strip*”;
- (b) change from “*Excessive Noise Routes*” to “*Transportation Noise Effects Route*” to more accurately reflect the purpose of the term;
- (c) deletion of the Freight Network hierarchy maps, therefore negating the need for the definition of “*Freight Routes*”;
- (d) amend “*Ihakara Street East*”;
- (e) delete “*Ihakara Street West*”;
- (f) clarification of the definition of “*Road*” to recognise the State Highway network;
- (g) deletion of the “*Western Link Road*” and “*Te Roto Drive Link*” as the layout of the expressway means these links no longer exist; and
- (h) simplification of “*Major Traffic Activities*” to refer to the relevant rule.

Concluding Comment

- 14.50 We accept that the efficient development, maintenance and operation of the physical resources of the transport network is fundamental to both present and future communities. In this respect the access and transport section of Chapter 11 has an important role to play.
- 14.51 With the amendments we are recommending, we consider that the access and transport provisions will enable the Council to carry out its functions so as to achieve the Act’s purpose.

Report 15: Community Facilities

- 14.52 Section 8 of Chapter 11 is the main section for managing activities and development in terms of community facilities.
- 14.53 Community facilities cover a wide range of both public and private facilities and include places of worship, recreation, school and community centres, halls and meeting places, and those offering medical, voluntary and welfare services. Community facilities also include marae, which often include multiple buildings and different components of Māori culture.
- 14.54 We did not receive any written evidence from any submitters on the matter of community facilities, nor did any submitter attend the hearing.
- 14.55 Accordingly, we have recommended that the provisions for Community Facilities are largely retained. Where we have recommended amendments, which are of a minor nature, these are consistent with the recommendations in the Section 42A report.

- 14.56 Our conclusion is that the provisions we are recommending to manage activities and structures associated with community facilities are 'fit for purpose' and will assist the Council to carry out its functions in respect to the provision for, and the management of, community facilities.

15 PDP CHAPTER 12 – GENERAL DISTRICT-WIDE PROVISIONS

Context

- 15.1 Chapter 12 contains provisions relating to:

- (a) financial contributions;
- (b) temporary events;
- (c) signs
- (d) noise; and
- (e) amateur radio

provisions that apply District-wide.

Submissions and Issues Raised

- 15.2 The principal issue raised in submissions were:

- (a) provision for temporary military training activities;
- (b) noise and reverse sensitivity;
- (c) noise and rural activities;
- (d) financial contributions; and
- (e) amateur radio provisions.

Main Findings and Recommendations

- 15.3 Our Chapter 12 findings and recommendations are contained in Report 16.

Provision for Temporary Military Training Activities

- 15.4 The New Zealand Defence Force (NZDF) generally supported the PDP provisions relating to temporary military activities, but expressed concern at the activity status - the PDP recommended discretionary activity status, whereas the NZDF requested controlled activity status, when the activities proposed by the NZDF did not meet the permitted activity noise standards.
- 15.5 The evidence called by the NZDF helped to clarify the types of temporary military training activities and possible locations, and the likely effects that could be expected.

- 15.6 Having considered the NZDF evidence we concluded that discretionary activity status was not appropriate and have therefore recommended restricted discretionary activity status. In our report (Report 16, page 23) we comment that:

... a restricted discretionary status would be an appropriate middle-ground which would adequately address any adverse effects and community concern, particularly with regard to larger scale TMTAs, while making the PDP more enabling by restricting the matters of Council's discretion to specific matters. We consider this would provide additional certainty to NZDF, while ensuring Council retains discretion over any significant adverse noise effects.

Noise and Reverse Sensitivity - NZTA

- 15.7 The New Zealand Transport Agency (NZTA) submitted on the PDP provisions that seek to manage reverse sensitivity effects associated with the State Highway Network. Among the amendments sought by the NZTA (at the hearing) were two new overlays on the District Plan Maps showing:
- *“Transportation noise buffer area”* (an area 40m either side of the edge of the state highway), and
 - *“Transportation noise effects area”* (an area effectively 41-100m either side of the edge of the state highway).
- 15.8 A large number of further submissions (eighteen) were received in opposition to the NZTA's submission seeking the introduction of new rules and standards that require consent or prohibit buildings within certain distances of the current and future state highway network. The further submitters considered that the provisions sought by NZTA are unreasonable restrictions on private landowners, and if the requested approach is necessary to implement a successful State Highway Network, the NZTA should purchase the properties as a true reflection of the impact on people.
- 15.9 Firstly, we note that the concept of the overlays was not raised in the NZTA's original submission. Consequently, submitters did not have an opportunity to submit on the concept (and dimensions) of the proposed Map overlays. Further discussion on this point is provided in our report (Report 16 at pages 25-27).
- 15.10 Accordingly, our recommendations is that the provisions proposed in the PDP to managing traffic noise effects (which are based on Operative District Plan provisions) be confirmed as the most efficient, effective and appropriate method to achieve the Plan's objectives.

Noise and Reverse Sensitivity - KiwiRail

- 15.11 We were again confronted with an issue of scope as the evidence presented at the hearing by KiwiRail extended to cover matters (and requested changes) that were not covered in KiwiRail's initial submission.

- 15.12 As a consequence, we have gone only so far as to adopt the Section 42A report author's recommendation regarding some minor fine-tuning amendments to one policy and one rule standard.

Noise and Rural Activities

- 15.13 Federated Farmers New Zealand [250] sought to have an exemption from all noise arising from primary production activities for the Plan's noise limits, rather than only temporary sources of noise.
- 15.14 During the hearing we asked the Section 42A report author whether noise arising from ordinary rural activities such as noise from stock would be subject to the Plan's noise standards. Consequently, in her Closing Statement, Ms Hinton recommended further amendments to the exclusion within the relevant rule to provide clarity regarding the sources of noise which are excluded from the rule. The amended rule (clause e) to Rule 12D.1.2) is as follows:

e) In Rural Zones, livestock noise, mobile sources associated with primary production activities and temporary activities required by normal agricultural and horticulture practice, such as cropping and harvesting.

- 15.15 We consider the exclusions to the Rule as recommended by Ms Hinton strikes an appropriate balance by excluding noise from typical primary activities while ensuring significant noise effects can be managed by the Council should they become an issue in any particular rural location.

Financial Contributions

- 15.16 There were nineteen submissions and twenty-three further submissions received in relation to Financial Contributions. Submissions ranged from:
- (a) supporting the financial contributions provisions;
 - (b) opposing financial contributions and the basis for their calculation; and
 - (c) seeking a specific policy for a contribution for state highway roading and seeking amendments to the policy and rules, including remissions policies.
- 15.17 The main matter raised at the hearing was that raised by the New Zealand Transport Agency who requested that the District Plan include a mechanism for a financial contribution for State Highway infrastructure.
- 15.18 Although we can understand some of the NZTA's reasoning for seeking a financial contribution mechanism within the District Plan for funding State Highway infrastructure to support future development, we nevertheless consider that this would be more appropriately addressed by working with the Council in its future review of the development contributions policy under the Local Government Act 2002, or, if not provided for through the Local Government Act, via other legislative means. Accordingly, we are not recommending any amendments to the financial contributions provisions contained in Chapter 12 in response to the NZTA's request.

Provisions for Amateur Radio

- 15.19 The main concern in the submission from New Zealand Association of Radio Transmitters Inc [203] was that the PDP contains no specific provision for amateur radio stations. Kapiti Amateur Radio Society Inc [45] expressed similar concern.
- 15.20 Having heard the evidence from the two submitters, we concluded that specific provisions for amateur radio should be included in the District Plan, and we have recommended a new section (Section 12.5) as an efficient way to address the issue. The creation of a separate section in the District Plan for amateur radio activities enables new policies as well as rules focused on amateur radio.
- 15.21 The recommended new section is outlined in our report (Report 16, pages 34-45). The recommended provisions include rules and standards relating to the scale and number of facilities and their location, along with maximum exposure levels.

16 FUTURE SCHEDULE 1 PROCESSES

- 16.1 During the course of the hearings there were a number of suggestions for future Plan Changes, some of which have been ‘flagged’ in our reports.
- 16.2 The Hearings Panel is aware that the Council is committed to progressing a Schedule 1 process to address the issue of coastal hazards. The Hearings Panel endorses this intention and accepts that this work is a priority.
- 16.3 Nevertheless, so that a record of other potential Plan Changes that have been identified during the hearings process is not lost, it is recommended that Officers review our Reports with a view to compiling a list of those potential changes.
- 16.4 Without wanting to ‘elevate’ any particular (possible) future Plan Change we do want to record that one issue that was identified during the hearings was a perceived ‘gap’ between Objective 2.1 “Tangata Whenua”:

Objective 2.1 Tāngata Whenua

To work in partnership with the *tāngata whenua* of the District in order to maintain *kaitiakitanga* of the District’s resources and ensure that decisions affecting the natural *environment* in the District are made in accordance with the principles of ~~the~~ Te Tiriti o Waitangi (Treaty of Waitangi) ~~(Te Tiriti o Waitangi)~~.

and the policy and rules framework to achieve outcomes consistent with the principles of Te Tiriti o Waitangi (Treaty of Waitangi).

- 16.5 If the Hearings Panel had identified appropriate scope within the relevant submissions, it is possible that additional recommendations may have been made to address this perceived gap, by recommending measures that would have enabled Maori to better use their land thereby better providing for their future social, economic and cultural wellbeing.

17 ACKNOWLEDGEMENTS

- 17.1 It would be remiss of the Hearings Panel if we closed our “*Overview Report*” without acknowledgement of the very considerable support we have had throughout the hearings process.
- 17.2 There are several groups of participants we must acknowledge.
- 17.3 Firstly to the Council itself. As a Hearings Panel we are grateful for the confidence placed in us to manage the hearings process, a process which commenced in December 2015 when we issued our introductory Minute where we set out a draft set of procedures for the hearings. That was followed by a one day procedural meeting on February 2016, and then the first hearing of submissions on 4 April 2016. The hearings process concluded on 5 April 2017. Throughout the year long hearings process, the Hearings Panel always felt we had the support and encouragement of the Council and its Chief Executive, Patrick Dougherty.
- 17.4 The second ‘vote of thanks’ must go to the many Council officers and external advisors who either managed all the organisational tasks, or prepared the Section 42A Reports and the opening and closing statements, all of which were essential to our understanding of the myriad of issues we needed to consider and resolve. During the course of the hearings some of those officers moved to other positions outside of Council, but their contribution is nevertheless acknowledged. In this regard we especially acknowledge the support of Stephen McArthur as the Council’s Group Manager Strategy and Planning at the beginning of the hearings process.
- 17.5 Council staff or consultants who have been heavily involved in the hearing process through the preparation of the Section 42A reports were:
- Sherilyn Hinton;
 - Emily Thomson;
 - Matt Muspratt;
 - Suzanne Rushmere;
 - Gina Sweetman;
 - Rebecca Lloyd;
 - Janeen Kydd-Smith;
 - Philip McKay;
 - Mark Ashby; and
 - Jerome Wyeth.

-
- 17.6 There were also other advisors who provided evidence or submissions on a range of matters, including traffic and transport, landscape, ecology, retail/economics and heritage, including waahi tapu, and legal. The contribution of these advisors is referenced in the relevant Chapter reports.
- 17.7 Three other people who merit special acknowledgement are:
- Leanne Taylor as Council's Hearings Administrator;
 - Sally Matich as the Hearings Panel's Support Officer; and
 - Carolyn Wratt as the Hearings Panel's Executive Assistant.
- 17.8 We were also grateful to Koro Don the Council's kaumatua, assisted by Monica Fraser, Council's Iwi Relationship Manager, who assisted in opening and closing the hearings.
- 17.9 We want also to acknowledge the encouragement and support provided by Sarah Stevenson Group Manager Strategy and Planning and Nicki Williams Manager Research Policy and Planning, who, at different times during the hearings process, and during our subsequent deliberations and report writing, were there for us when needed and who provided overall strategic advice and support.
- 17.10 Finally, we want to acknowledge the considerable time and attention that the submitters and their experts gave to the hearing process. We greatly appreciated the very constructive manner in which they brought their concerns to the hearings they attended. Whilst we acknowledge that not all of the submitters will necessarily agree with our findings and recommendations, we hope that at the very least they will accept that we have heard and considered their concerns.
- 17.11 The commitment to the future wellbeing of the Kapiti Coast that the submitters so clearly demonstrated is something that we will long remember.



.....
Alistair Aburn (Commissioner and Chair)
for and on behalf of the Kapiti Coast Proposed District Plan Hearings Panel

Commissioner Alistair Aburn
Commissioner Diane Amundsen
Commissioner Miria Pomare
Commissioner David McMahon
Commissioner Mike Cardiff

12 October 2017

HEARINGS PANEL REPORT AND RECOMMENDATIONS
ON THE
PROPOSED KĀPITI COAST DISTRICT PLAN 2012

Chapter 2 Objectives

Report 2 of 16

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**Report and Recommendations of the Hearings Panel
Pursuant to s34A of the Resource Management Act 1991
On the
Proposed Kāpiti Coast District Plan 2012: Chapter 2
Objectives
Report 2 of 16**

Panel Members:

Alistair Aburn (Independent Commissioner and Chair)

David McMahon (Independent Commissioner)

Miria Pomare (Independent Commissioner)

Diane Ammundsen (Commissioner)

Mike Cardiff (Commissioner)

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Hearings Panel Report and Recommendations

Chapter 2 Objectives

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PART A – INTRODUCTION AND OVERVIEW

1 Introduction

Report Purpose

- 1.1 At its meeting on 24 July 2014 the Kapiti Coast District Council (the Council or KCDC) resolved to appoint, pursuant to section 34A(1) of the Resource Management Act 1991 (RMA of the Act), a Hearings Panel comprising five accredited commissioners to hear the submissions and further submissions on the Proposed District Plan (PDP). The Council subsequently confirmed a Hearings Panel comprising three independent commissioners and two KCDC councillor commissioners:
- (a) Alistair Aburn (Independent Commissioner and Chairperson)
 - (b) Miria Pomare (Independent Commissioner)
 - (c) David McMahon (Independent Commissioner)
 - (d) Diane Ammundsen (Commissioner)
 - (e) Mike Cardiff (Commissioner)
- 1.2 The Hearings Panel was delegated¹ the responsibility for hearing the submissions and further submissions on the PDP and to consider and make recommendations to the Council on the provisions and matters raised.²
- 1.3 This report sets out our recommendations to the Council in respect to all submissions lodged to Chapter 2 of the PDP dealing with Objectives.
- 1.4 The PDP was initially drafted as a complete review of the Kapiti Coast Operative District Plan in accordance with Section 79 of the RMA. The PDP was publicly notified on 29 November 2012 in accordance with Clause 5 of Schedule 1 of the RMA. There were subsequent changes to the PDP including:
- (a) corrections under Clause 16 of Schedule 1 of the RMA on the 6 December 2012;
 - (b) the withdrawal of objectives, policies, rules and map layers publicly notified on the 30 October 2014 for Coastal Hazard Management Areas, hazardous substances and facilities, and Priority Areas for Restoration; and
 - (c) the withdrawal of one policy (Chapter 3) and seven rules (Chapter 4) on 3 May 2017 in response to an Environment Court declaration application.

¹ Minute KCDC 14/06/128, 24 July 2014.

² Pursuant to Schedule 1, Clause 10(1) of the RMA.

- 1.5 The PDP has an extensive background which we will canvas in due course. All Chapters have had Section 32 (of the RMA) evaluations undertaken, along with public consultation, and public notification and hearings; culminating in a series of decision reports containing our recommendations to the Council. This Report is one of eighteen decision reports with each report generally aligning with a Chapter of the PDP. Where a given report contains provisions that have relevance to other Chapters of the PDP, we have endeavoured to make the appropriate cross references. Further commentary on the structure of each decision report is contained later in this section and also in Section 5 of this report.
- 1.6 Before setting out the details of the PDP, the submissions and our substantive evaluations, there are some procedural matters that we will address, beginning with our role as a Hearings Panel.

Role of the Hearings Panel

- 1.7 As noted above, our role is to make recommendations to the Council on the PDP. The final decision-making power rests with the Council; and in the event that the Council adopts our recommendations, then this report (and all eighteen decision reports) will become the Council Decision.
- 1.8 It is not our role for us to introduce our own evidence, and we have not done so - rather, our role has been to:
- (a) establish that all relevant evidence is before us (or where it is not, consider whether we should commission additional reports or information);³ and
 - (b) test the evidence of others, and to determine the most appropriate outcome based on the views we consider best achieve sustainable management.
- 1.9 Council's decision-making power for the PDP is set out in Clause 10(1) of Schedule 1 of the RMA. Under this clause the Council must give a decision on the provisions and matters raised in submissions. The Council must give reasons for the decision it reaches. Although we are 'recommenders' and not 'decision-makers' in this case, we have followed this structure so that our recommendations are valid, should they be adopted by Council.
- 1.10 In conducting this exercise we have familiarised ourselves with the PDP and its associated background material, read all the submissions, read the Section 42A reports and any further assessments accompanying this, conducted the hearings, and undertaken many site and locality visits - both at the request of submitters and also to assist our understanding of various issues raised by submitters and officers. Having undertaken all these tasks, we hereby record our recommendations.

³ Section 41C(4) of the Act.

Report Outline

- 1.11 Our report is generally organised into four broad parts:

Part A

This section is factually based with no evaluation. It outlines procedural matters as well as acknowledging the RMA statutory requirements that direct and guide our subsequent evaluation. For contextual reasons, it outlines the role of the PDP Chapter which this report covers; summarising the content and purpose of the Chapter. Essentially this background section provides a factual context for our consideration of the issues raised in submissions (Part B of this report). This section also contains a summary of the submissions and records and acknowledges the submitters that prepared evidence and presented to us. We provide a brief account of the hearing process itself and our subsequent deliberations. Where relevant, procedural matters such as minutes, directions, conferencing and caucusing are also referenced in this part of the report.

Part B

The second part of our report is structured around the main issues raised in submissions, and, where relevant, summarises the evidence / statements presented at the hearing. This part of the report is evaluative and records the results of our deliberations on substantive matters.

Part C

This part of the report acknowledges the statutory requirements and records our evaluation of the PDP provisions against the relevant sections of the RMA, as well as all other relevant documents prepared under the RMA, in reaching our recommendations. Where there is other relevant legislation that we must have regard to, such as the Heritage New Zealand Pouhere Taonga Act 2014, any discussions of the relevant legislation will also be contained in this part of the report.

Part D

We conclude with a summary of our recommendations, having had regard to the necessary statutory considerations that underpin our evaluation.

Submitter Engagement Version

- 1.12 Following the close of submissions, and during 2013-2015 Council officers undertook formal engagement with various submitters in an endeavour for the parties to fully understand the Plan provisions and the submissions on them. The basis for this exercise was the production of a Submitter Engagement Version (SEV) of the PDP dated 15 June 2015.
- 1.13 The purpose of the SEV was for reporting officers to consider all the submissions and make preliminary changes in response to those submitters where they considered amendments were appropriate. The SEV showed the preliminary changes recommended by the planners to the

PDP in response to the submissions received and formed the base for engagement with submitters leading up to the hearings. The main purpose of the SEV was to facilitate discussions, and various methods were used to engage with submitters including newsletters, workshops, one-on-one meetings, and formal pre-hearing meetings under Clause 8AA to Schedule 1 of the RMA.

- 1.14 While all meetings were recorded and minutes produced, all the pre-hearing meetings were documented with reports prepared under Clause 8AA(5) to Schedule 1 of the RMA. These were appended to the relevant Section 42A reports.
- 1.15 Although our baseline document for consideration of submissions is the notified version of the PDP (minus those provisions withdrawn subsequently by Council), we acknowledge the value of the SEV. We recognise however that the SEV was for discussion purposes only and has no statutory status. This has proved a highly useful method for engaging further with submitters, and testing some of the preliminary thinking of the reporting planners. We also note that many of the altered provisions in the SEV made their way into the recommended changes in the Section 42A reports and have subsequently been adopted by the Hearings Panel.

Approach to Hearings

- 1.16 The RMA sets out a number of requirements for conducting hearings, including holding them in public, determining appropriate procedures and who may be heard at hearings.
- 1.17 To this end, prior to the commencement of the hearings, we issued several minutes to the parties to achieve various purposes. All minutes issued throughout the pre-hearing, hearing and post-hearing process are contained on the Council web page and files.
- 1.18 Our introductory Minute (dated 14 December 2015) introduced the Hearings Panel, outlined the background to the process and provided a draft hearing schedule. It also included a draft set of procedures for the hearings. In advance of the first hearing scheduled for Monday 4 April 2016, the Hearings Panel convened a one-day meeting to hear from submitters or their representatives on any 'procedural' points regarding the proposed hearing process, as outlined in Minute 1. That meeting was held on Wednesday 17 February 2016 in the Council Chamber, Rimu Road, Paraparaumu.
- 1.19 The procedural meeting was extremely useful and resulted in some agreed changes to the hearing procedures to reflect suggestions from submitters who attended the meeting.
- 1.20 We set out our revised hearing procedures in Minute 3 issued on 10 March 2016, including a direction to require expert evidence to be pre-circulated in advance of the particular hearing(s) to which it relates. Whilst it was not mandatory for non-expert / lay submitters to pre-circulate their evidence, we appreciated those who did.

1.21 We approached the hearing schedule on a topic-by-topic⁴ basis to allow us to hear all evidence relative to a given topic in one sitting⁵ as opposed to having such evidence scattered throughout a multitude of hearings. We have structured our reports in a similar manner and there are sixteen reports outlining our recommendations:

- (a) Report 1: Chapter 1 - Introduction and Interpretation (including Plan Wide)
- (b) Report 2: Chapter 2 - Objectives
- (c) Report 3: Chapter 3 - Natural Environment: Landscape and Earthworks
- (d) Report 4: Chapter 3 - Natural Environment: Ecology and Vegetation
- (e) Report 5: Chapter 4 - Coastal Environment
- (f) Report 6: Chapter 5 - Living Environment
- (g) Report 7: Chapter 6 - Working Environment
- (h) Report 8: Chapter 7 - Rural Environment
- (i) Report 9: Rural Re-zoning Requests
- (j) Report 10: Chapter 8 - Open Space
- (k) Report 11: Chapter 9 - Hazards
- (l) Report 12: Chapter 10 - Historic Heritage
- (m) Report 13: Chapter 11 - Infrastructure, Services and Associated Resources Use: Network Utilities and Services
- (n) Report 14: Chapter 11 - Infrastructure, Services and Associated Resources Use: Access and Transport
- (o) Report 15: Chapter 11 - Infrastructure, Services and Associated Resources Use: Community Facilities
- (p) Report 16: Chapter 12 - General District-wide Provisions (including Amateur Radio)

1.22 Each report takes a lead from the Objectives recommended in the Chapter 2 Report. Other than that, each report is largely self-contained on all matters relevant to the Chapter it is reporting on. In some instances, however, cross references to relevant content in other reports are provided where necessary; for example, to illustrate a point about how a rule gives effect to a particular policy or to reference a particular point about the rationale for consistency in provisions across the Plan as a whole.

Comments on the Assistance Given to Us

1.23 In advance of setting out the PDP context, we would like to record our appreciation of all the organisations and individuals involved throughout the PDP process, but in particular those who took part in the hearings. We would like to acknowledge the following:

- (a) the constructive and helpful input provided by all the submitters appearing before us;

⁴ In most instances, each topic is synonymous with a single Chapter of the PDP.

⁵ Some sittings were confined to a single day whereas others extended over several days.

-
- (b) the helpfulness of Council's Hearings Administrator, Leanne Taylor in coordinating the scheduling of parties and general administrative assistance;
 - (c) the assistance of Council's Hearings Panel Support, Sally Match for ensuring we had access to evidence as soon as it was lodged with Council;
 - (d) the reporting and planning input from the various Council planners and consultants who prepared the Section 42A reports;
 - (e) the advice provided by other experts appearing for the Council, including both internal and external advisors; and
 - (f) Koro Don the Council's kaumatua, assisted by Monica Fraser, Council's Iwi Relationship Manager, who assisted in opening and closing the hearings.
- 1.24 We are grateful for the efforts of the submitters, experts, and other witnesses for doing their very best to respond constructively to the challenges presented by the Act's processes. We also wish to acknowledge the effort that has been put in by some submitters who have spent hours and hours reading and discussing the PDP and reports so that they were in a position to present knowledgeably to us about their concerns at the various hearings. We appreciate the conduct of the participants which allowed us to have a focused hearing process. This greatly assisted us in assessing and determining the issues, and delivering our recommendations.

2 Objectives

Role of Chapter

- 2.1 Section 75(1)(a) of the RMA requires district plans to state objectives for the District, which are the primary means by which the sustainable management purpose of the RMA (section 5) is to be achieved in the District. Objectives are essentially the desired outcomes for the District, focusing on the final outcome rather than the means of achieving it. Chapter 2 contains all the objectives for the District. While some objectives have a direct correlation to one of the zone Chapters, others have a wider scope and apply across the District, irrespective of zone.
- 2.2 The higher order planning documents all guide the development of objectives, including:
- (a) the RMA, particularly Part 2 matters;
 - (b) National Policy Statements, including the New Zealand Coastal Policy Statement; and
 - (c) the Wellington Regional Policy Statement.
- 2.3 Accordingly, we also acknowledge that the PDP is required to give effect to those higher order statutes and documents. We note that since the PDP was notified, the following higher order documents have been gazetted:
- (a) NPS for Freshwater Management (2014); and

(b) NPS for Urban Development Capacity (2016).

The Wellington Regional Policy Statement was also made operative on 24 April 2013.

2.4 The above framework represents the high level statutory context for our consideration of the submissions and further submissions lodged on the PDP. It is the statutory 'lens' that we have kept foremost in our mind when considering whether, under section 32 of the Act, a particular provision of the PDP that has been submitted on:

(a) is the most appropriate way to achieve the purpose of the Act if it is an objective; and

(b) is the most appropriate way to achieve the objective if it is a policy, rule or method.

Summary of Objectives

2.5 As outlined above, some objectives are highly focused on one particular matter / overlay / zone whilst others are more generally applicable to the entire District:

(a) Objective 2.1 - Tāngata Whenua

(b) Objective 2.2 - Ecology and Biodiversity

(c) Objective 2.3 - Development Management

(d) Objective 2.4 - Coastal Environment

(e) Objective 2.5 - Natural Hazards

(f) Objective 2.6 - Rural Productivity

(g) Objective 2.7 - Historic Heritage

(h) Objective 2.8 - Strong Communities

(i) Objective 2.9 - Landscapes

(j) Objective 2.10 - Contaminated Land

(k) Objective 2.11 - Character and Amenity Values

(l) Objective 2.12 - Housing Choice and Affordability

(m) Objective 2.13 - Infrastructure and Services

(n) Objective 2.14 - Access and Transport

(o) Objective 2.15 - Incentives

(p) Objective 2.17 - Centres

(q) Objective 2.18 - Open Spaces / Active Communities

(r) Objective 2.19 - Urban Design

(s) Objective 2.20 - Renewable Energy, Energy Efficiency and Conservation

- 2.6 Each Objective has an explanation which provides more context and references higher order planning documents where relevant, such as the Wellington Regional Policy Statement or the New Zealand Coastal Policy Statement.

3 Submissions

- 3.1 As noted in the Section 42A report,⁶ there were 85 submissions and numerous further submissions received on the Chapter 2 Objectives.
- 3.2 We provide a summary of the submissions received in Appendix 2, including our recommendations on the relief sought by each submitter.
- 3.3 Submissions received sought a range of outcomes, with many submissions seeking wording changes to clarify or change the focus of the objectives and supporting explanatory text.
- 3.4 We discuss the submissions and associated issues in greater detail under our evaluation in Part B below.

4 The Hearing

- 4.1 We were not presented with any agreements under Clause 8AA of Schedule 1 of the RMA as a result of any formal pre-hearing meetings on Objectives.
- 4.2 The hearing of submissions on Chapter 2 Objectives was held on two days, being Tuesday 12 April 2016 and Friday 15 April 2016.
- 4.3 There were no procedural issues for the Panel to address in respect of this Chapter and the hearing was generally focused on the presentation of evidence and submissions from the various parties present.
- 4.4 We received the Section 42A report from Ms Suzanne Rushmere. This was circulated to submitters on this Chapter and made available on Council's website. The hearing commenced with an overview of the Section 42A report from Ms Rushmere, summarising the key issues for consideration by the Panel.
- 4.5 We received written pre-circulated evidence from the following submitters:
- (a) Rob Crozier and Joan Allin [451];
 - (b) Transpower New Zealand Limited [208]

⁶ s42A Report: Part B - Chapter 2 Objectives, Suzanne Rushmere.

- (c) Coastlands Shoppingtown Limited [218 and FS55]
- (d) St Heliers Capital Ltd [459];
- (e) Heritage New Zealand [460 and FS175];
- (f) Director-General of Conservation [202 and FS193];
- (g) Very Rev John Murray [288];
- (h) New Zealand Transport Agency [457];
- (i) Spark New Zealand Trading Limited [444] and Chorus New Zealand Limited [442];
- (j) Maypole Environmental Ltd [263];
- (k) Coastal Ratepayers United Inc [378];
- (l) Land Matters Ltd on behalf of Waikanae Christian Holiday Park Inc. [319 and FS177], Michael and Elizabeth Welch [369 and FS58], Barry, Suzanne and Timothy Mansell [380 and FS59], USNZ Forestry Group Ltd [408 and FS102], Land Matters Ltd [411 and FS178], Lutz Brothers Ltd [425 and FS180], Bellcamp Trust Company Ltd [487 and FS181], Mahaki Holdings Ltd [495 and FS186] and Kennott Trust Company Ltd and Kauri Trust [492 and FS183].

4.6 In addition to Ms Rushmere, the following people attended the hearing and presented evidence / material in support of their submission:

- (a) Ms Mari Housiaux and Mr John Gibson on behalf of Friends of Te Hapua Dune and Wetlands Society Inc [341];
- (b) Mr Ian Jensen [275 / FS041];
- (c) Ms Angela Penfold on behalf of New Zealand Transport Agency [457];
- (d) Mr Neil Donnelly and Mr Robert Binney on behalf of Kapiti Coast Airport Holdings Ltd [276];
- (e) Mr Richard Jessup [115];
- (f) Mr John Maassen on behalf of North Otaki Beach Residents' Group [38];
- (g) Mr Lance Bills on behalf of Harrisons Country GardenWorld Ltd & Trustees of AA Bills [131];
- (h) Mr Allan Smith [443];
- (i) Mr Quentin Smith on behalf of Quick Silver Enterprises Ltd (Ex The NZ Anglican Church Pension Board) [212];
- (j) Ms Marian Smith and Mr Phil Stroud on behalf of Waa Rata Estate [327];
- (k) Ms Anna Carter on behalf of Barry, Suzanne and Timothy Mansell [380 and FS59], USNZ Forestry Group Ltd [408 and FS102], Land Matters Ltd [411 and FS178], Lutz Brothers Ltd

[425 and FS180], Bellcamp Trust Company Ltd [487 and FS181], Mahaki Holdings Ltd [495 and FS186], Kennott Trust Company Ltd and Kauri Trust [492 and FS183], Carter Family of Reikorangi) [320 and FS43];

(l) Mr Bryce Wilkinson [280];

(m) Mr Bryce Wilkinson and Mr Christopher Ruthe on behalf of Coastal Ratepayers United Inc[378]; and

(n) Ms Margaret Niven [251].

4.7 Following completion of the hearing on Objectives, Ms Rushmere drafted a closing statement which was made public on the Council's website.⁷ We note Ms Rushmere's caveat that her closing statement was an interim response as several submitters chose to delay commenting on Chapter 2 Objectives until Chapters 3, 4, 8 and 9 - the coastal resource chapters - which were heard later in the hearings schedule.

4.8 By way of explanation, the Panel directed two sets of integration hearings as follows:

(a) **Coastal Integration Hearing** - the purpose of this hearing was to consider the interrelationship between Chapters 3, 4, 8 and 9 (and also with relevant Objectives in Chapter 2). This hearing was discussed and directed by way of Minute 5 dated 7 April 2016 and was in part a response to concerns expressed by some submitters (Rob Crozier and Joan Allin [451], Coastal Ratepayers United Inc [378] and North Otaki Beach Residents' Group [38]) that the hearing schedule did not enable effective consideration of (and thus ultimately integration of) management of the coastal resource by any party (including submitters, Section 42A report writers or the Hearings Panel). The Coastal Integration Hearing schedule was established by way of Minute 11 dated 22 June 2016. The actual Coastal Integration Hearing was conducted on 16 July 2016. Full details on this hearing and the background to it are contained in our Report on Chapter 4 Coastal Environment.

(b) **Whole of Plan Integration Hearing** - this was our initiative and was first signalled in Minute 5 dated 7 April 2016. Subsequent Minutes (Minute 15 dated 6 September 2016 and Minute 16 dated 18 October 2016) outlined the procedures and programming for this hearing. The purpose of the Whole of Plan Integration Hearing was to identify and consider cross-chapter linkages in an integrated manner given that previous hearings originated and were conducted on a chapter-by-chapter basis. It transpired that we required four separate sittings to complete the Whole of Plan Integration Hearing. The first sitting was held over two days, being 13-14 December, followed by two days on the 3 and 15 March 2016, and the last sitting was conducted on 5 April 2017.

⁷ Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

- 4.9 For all parties who presented to us at the various fixtures, we took the opportunity to ask questions at the proceedings. In most instances our questions were promptly and readily addressed on the spot. However, there were matters we raised with Council advisors at the integration hearings which required further consideration and response. We are satisfied that both the Coastal Integration and Whole of Plan Integration reports and hearings satisfied any outstanding matters on Chapter 2 Objectives.
- 4.10 Having reviewed all of the above material, we are satisfied that the responses were complete and answered our questions.

PART B – EVALUATION OF ISSUES

5 Evaluation

Overview

- 5.1 As in the Section 42A, we have grouped our discussion of the submissions and the reasons for accepting, rejecting, or accepting them in part by the matters⁸ to which they relate, rather than assessing each individual submission. We have adopted this approach to avoid unnecessary duplication with our focus being on the key themes and issues which underpin our recommendations.
- 5.2 Where we do not refer to a specific submission or further submission topic or recommended amendment to Chapter 2 it is because we concur with the analysis and recommendations contained within the Section 42A report and the closing statements provided to us by the report writers.
- 5.3 For those submitters who are interested in a particular matter as it pertains to their submission(s), reference can be made to the submitter-by-submitter summary of decisions requested in Appendix 2, which includes our recommendation on each relief point sought. Those specific decisions have been derived from our issues assessment below. Therefore, our recommendations on all Chapter 2 provisions, and on all Chapter 2 submissions and further submissions, are contained in Appendix 1 and Appendix 2 respectively.
- 5.4 This approach is not to downplay the importance of the input from submitters - we acknowledge the invaluable input of submitters in shaping our grouping of issues and our consideration of those matters. We considered it would be helpful for submitters as well as our own thinking to focus on the key issues.
- 5.5 We accept that having adopted this approach means that not every submission is specifically referenced in the discussions in this report. To have done so would have resulted in the reports being significantly longer as a result of simply listing out submitters and further submitters for no purposeful end. Accordingly, we have adopted the approach of grouping issues/matters in the reports as a basis for delivering decisions on individual submissions.
- 5.6 We have organised our discussion of issues as follows:
- Issue 1:** General Matters
- Issue 2:** Objective 2.1 - Tāngata Whenua
- Issue 3:** Objective 2.2 - Ecology and Biodiversity

⁸ Clause 10(2)(a) of Schedule 1, RMA sets out that a Plan change decision may address submissions by grouping them according to either the provisions of the Plan change to which they relate, or to the matters to which they relate.

Issue 4:	Objective 2.3 - Development Management
Issue 5:	Objective 2.4 - Coastal Environment
Issue 6:	Objective 2.5 - Natural Hazards
Issue 7:	Objective 2.6 - Rural Productivity
Issue 8:	Objective 2.7 - Historic Heritage
Issue 9:	Objective 2.8 - Strong Communities
Issue 10:	Objective 2.9 - Landscapes
Issue 11:	Objective 2.10 - Contaminated Land
Issue 12:	Objective 2.11 - Character and Amenity Values
Issue 13:	Objective 2.12 - Housing Choice and Affordability
Issue 14:	Objective 2.13 - Infrastructure and Services
Issue 15:	Objective 2.14 - Access and Transport
Issue 16:	Objective 2.15 - Incentives
Issue 17:	Objective 2.16 - Economic Vitality
Issue 18:	Objective 2.17 - Centres
Issue 19:	Objective 2.18 - Open Spaces / Active Communities
Issue 20:	Objective 2.19 - Urban Design
Issue 21:	Objective 2.20 - Renewable Energy, Energy Efficiency and Conservation

Evaluation Preamble - Statutory Framework

- 5.7 Before formally recording our consideration of the issues, we summarise here the relevant statutory matters that frame our evaluation. This summary is organised into three parts as follows:
- (a) firstly, we set out the mandatory requirements of the RMA that frame our decision-making;
 - (b) secondly, we clarify which ‘version’ of Section 32 (RMA) is applicable as part of our decision-making; and
 - (c) finally, we provide clarification about the force of certain higher order documents that we must have regard to as part of our evaluation.
- 5.8 What follows represents just an initial factual commentary on these matters governing our evaluation. The specific statutory evaluation of the challenged provisions in this Chapter of the PDP are covered in greater detail later in this report. Specifically, the principal Section 32 consideration is provided in Section B of this report under the heading “Evidence and Evaluation” for each of the Issues (referred to in the Act as “matters”) that are canvassed for this

Chapter; and ultimately the overall Section 32 evaluation is summarised and concluded in Part C of this report.

Mandatory Requirements

- 5.9 The Environment Court gave a comprehensive summary of the mandatory requirements for the preparation of district plans in *Long Bay-Okura v North Shore City Council*.⁹ Subsequent cases have updated the 'Long Bay' summary following amendments to the Act in 2005 and 2009, with the most comprehensive and recent of which was provided in *Colonial Vineyard Ltd v Marlborough District Council*.¹⁰
- 5.10 The framework established by the Court sets out the relevant decision-making framework as follows:

General requirements

- a. the Plan should be designed to accord with,¹¹ and assist Council to carry out its functions¹² so as to achieve the purpose of the Act;¹³
- b. when preparing/changing the Plan, Council must:
 - i. give effect to any NPS¹⁴, the NZCPS¹⁵ or any RPS;^{16 17}
 - ii. have regard to any *proposed* RPS;¹⁸
 - iii. have regard to any management plans and strategies under any other Acts and to any relevant entry on the NZ Heritage List and to various fisheries regulations (to the extent relevant), and to consistency with plans and proposed plans of adjacent authorities;¹⁹
 - iv. take into account any relevant planning document recognised by an iwi authority;²⁰
 - v. not have regard to trade competition or the effects of trade competition;²¹
 - vi. be in accordance with any regulation;²²
- c. in relation to regional plans:
 - i. the Plan must not be inconsistent with an operative regional plan for any matter specified in s30(1) or any water conservation order;²³ and
 - ii. shall have regard to any proposed regional plan on any matter of regional significance;²⁴

⁹ Decision No. A 078/2008.

¹⁰ Decision No. [2014] NZEnvC 55.

¹¹ s74(1), RMA.

¹² s31, RMA.

¹³ s72, 74(1), RMA.

¹⁴ National Policy Statement.

¹⁵ New Zealand Coastal Policy Statement.

¹⁶ Regional Policy Statement for the Wellington Region.

¹⁷ s75(3)(a)-(c), RMA.

¹⁸ s74(2), RMA.

¹⁹ s74(2)(b)-(c), RMA.

²⁰ s74(2A), RMA.

²¹ s74(3), RMA.

²² s74(1), RMA.

²³ s75(4), RMA.

- d. the Plan must also state its objectives, policies and the rules (if any) and may state other matters;²⁵

Objectives

- e. the objectives of the Plan are to be evaluated to the extent which they are the most appropriate way to achieve the Act's purpose;²⁶

Provisions (policies, rules and methods)

- f. the policies are to implement the objectives, and the rules are to implement the policies;²⁷
- g. each provision is to be examined, having regard to its efficiency and effectiveness, as to whether it is the most appropriate method for achieving the objectives²⁸ of the Plan, taking into account:
- i. the benefits and costs of the proposed policies and methods;
 - ii. the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the provisions;²⁹ and
 - iii. if a national environmental standard applies and the proposed rule imposes a greater prohibition or restriction than that, then whether that greater prohibition or restriction is justified in the circumstances.³⁰

Rules

- h. in making a rule, Council shall have regard to the actual or potential effect of activities on the environment;³¹
- i. rules have the force of regulations;³²
- j. rules may be made for the protection of property from the effects of surface water, and these may be more restrictive than those under the Building Act 2004;³³
- k. there are special provisions for rules about contaminated land;³⁴
- l. there must be no blanket rules about felling of trees³⁵ in any urban environment;³⁶ and

Other Statutes

- m. Council may be required to comply with other statutes.

5.11 The above Court-established decision-making framework is adopted in our evaluation of challenged provisions for all Plan Chapters. The way we approach this is explained in more detail in Part C of this report. Suffice to say however, that the approach is adopted consistently

²⁴ s74(2)(f), RMA.

²⁵ s75(1)-(2), RMA.

²⁶ s74(1) and s32(3)(a), RMA.

²⁷ s75(1), RMA.

²⁸ s32(3)(b), RMA.

²⁹ s32(4), RMA.

³⁰ s32(3A), RMA.

³¹ s76(3), RMA.

³² s76(2), RMA.

³³ s76(2A), RMA.

³⁴ s76(6), RMA.

³⁵ s76(4A), RMA.

³⁶ s76(4B), RMA.

across all our reports on the Plan Chapters. Whilst this may at first glance appear to be formulaic and/or repetitive, it does nonetheless ensure (importantly) that we have undertaken and recorded our evaluation in terms of the relevant statutory tests prescribed in the Act.

The Applicable Section 32 Framework

- 5.12 The unchallenged advice before us is that our evaluation of issues is to be structured to satisfy the requirements of Section 32 as it applied when the PDP was publicly notified in November 2012,³⁷ as opposed to the version of Section 32 as it currently sits.
- 5.13 That (now former) Section 32 requires the Council to carry out an evaluation at the following stages:
- (a) before a proposed plan is publicly notified; and
 - (b) before making a decision on provisions and matters raised in submissions for the proposed plan under clause 10 of schedule 1 to the RMA.
- 5.14 We record that the Council had already completed the Section 32 evaluation referred to in (a) above, prior to the PDP being notified on 29 November 2012, and therefore we do not need to repeat this evaluation further in this report.
- 5.15 The next juncture when an evaluation is required by the RMA is before making the Decision referred to in (b) above.
- 5.16 Given that we have delegated authority to hear submissions and make a recommendation to the Council about what the Decision should be, the onus of making that further evaluation rests with us.
- 5.17 In this respect, we note that while Section 32(5) requires a report to be prepared summarising and giving reasons for the initial Section 32(1) evaluation prior to notification of a proposed plan, there is no equivalent provision requiring a Section 32 report to be prepared for the further evaluation required under Section 32(2). Nor is there an express requirement in the applicable version of Clause 10 of Schedule 1 of the RMA for the Decision to address Section 32 matters.
- 5.18 This position differs from Clause 10 as it is currently worded in the RMA (post-2013 Amendment Act), which expressly requires the Decision to include a further evaluation of the proposed plan in accordance with Section 32AA, and for the Council to have particular regard to that evaluation in making its decision.
- 5.19 Despite the absence of an express requirement to that effect in the Section 32 framework applicable to our report, we consider it essential for the Decision to address Section 32 matters. In practice, the requirement in Clause 10(2)(a) for the Decision to include reasons for accepting

³⁷ The version of Section 32 of the RMA that was in force between 1 October 2011 and 2 December 2013 applies to the current PDP process, despite Section 32 having since been amended in the Resource Management Amendment Act 2013.

or rejecting submissions should relate directly to the Section 32 matters and other statutory requirements that are applicable.

- 5.20 Notwithstanding that Section 32AA(1)(d)(ii) under the post-2013 Amendment Act version of the RMA is also not applicable to our evaluation, we find some utility in applying the scope of that Clause as it enables our Section 32(2) evaluation of the alterations we are recommending to be incorporated into this report as part of the decision-making record.
- 5.21 In adopting the above pragmatic approach, this means that in those instances where we have recommended an alteration to the notified PDP within our report, we have deliberately assessed the appropriateness of that alteration in the wider context of Section 32 (in specific detail in Part B and in summary form in Part C of this report).

Status of Higher Order Documents

- 5.22 Against the context established above, we acknowledge there is an obligation for the Plan to give effect to the higher order planning documents identified; however, we note our ability to achieve this through amendments is limited to instances where there is scope provided by submissions to do so.
- 5.23 We record here that five national policy statements (NPS) have been gazetted to date, being:
- (a) NPS on Electricity Transmission (2008);
 - (b) New Zealand Coastal Policy Statement (2010);
 - (c) NPS for Renewable Electricity Generation (2011);
 - (d) NPS for Freshwater Management (2014); and
 - (e) NPS for Urban Development Capacity (2016).³⁸
- 5.24 The NPS on Electricity Transmission, the New Zealand Coastal Policy Statement, and the NPS for Renewable Electricity Generation are all relevant and represented in the Objectives. The NPS for Urban Development Capacity is of particular relevance to Objectives on Living and Working Zones and we have picked up those matters where relevant in Chapters 5 and 6, but again within the scope of submissions.
- 5.25 We note that a National Environmental Standard for Plantation Forestry was in a draft form at the time of the hearing, but has now been gazetted and comes into force on 1 May 2018. Consequently, during our deliberations we did not give it any weight, other than be aware of the matters it was intending to cover.³⁹
- 5.26 When the PDP was first notified, the (then) *Proposed* Wellington Regional Policy Statement 2009 was still the subject of appeals to the Environment Court. In line with the general

³⁸ The NPSUDC came into force on 1 December 2016, which was after our Hearings had been largely concluded but prior to our deliberations concluding.

³⁹ Local authorities have until 1 May 2018 to identify any Plan rules that duplicate or conflict with the NES, or which deal with the same effects. As soon as practicable after 1 May 2018, those rules must be removed from the Plan without using Schedule 1 of the RMA.

requirements outlined above, the PDP was required at that point to give effect to the *Operative* Regional Policy Statement 1999 by Section 75(3)(c) of the RMA. The provisions of the *Proposed* Wellington Regional Policy were required to be given regard to by Section 74(2)(a)(i).

- 5.27 The *Proposed* Regional Policy Statement for the Wellington Region became the Operative Regional Policy Statement (RPS) on 24 April 2013. To the extent enabled by the scope of submissions, we have adopted recommendations to ensure the Plan gives effect to the Operative RPS.
- 5.28 We have also endeavoured to ensure any recommended amendments are not inconsistent with the operative regional plans for the Wellington Region, and we have had regard to the Proposed Natural Resources Plan for the Wellington Region (notified May 2015).
- 5.29 We also have taken into account the relevant planning documents recognised by iwi authorities and lodged with KCDC, to the extent that their content has a bearing on the resource management issues of the District. We understand two documents have been prepared and lodged with the Council - the Ngati Raukawa Ōtaki River and Catchment Iwi Management Plan 2000, and Nga Korero Kaupapa mo Te Taiao Policy Statements Manual for Kapakapanui Te Runanga o Ati Awa 1999-2000.
- 5.30 With these contextual matters established, we now turn to our evaluation of issues, followed by our summary evaluation of the above statutory requirements.

6 Issue 1: General Matters

General Submissions and Recommended Amendments

- 6.1 As signalled in Section 5 of this report, we do not revisit all submissions, topics or recommended amendments to the PDP addressed within the Section 42A reports for Chapter 2 and integration matters. To avoid unnecessary duplication, we have focused our discussion on the key themes and issues which underpin our recommendations.
- 6.2 Where we do not refer to a specific submission, topic or recommended amendment to the PDP in this report, it is because we concur with the analysis and recommendations contained within the Section 42A reports and closing statements provided to us by the report writers.
- 6.3 Our recommendations on all Chapter 2 submissions, and our complete recommendations on all relevant PDP provisions, are attached to this report as Appendix 2 and Appendix 1 respectively.

Description of the Issue

- 6.4 While many of the submissions addressed specific Objectives, there were twenty seven submissions and thirty six further submissions that did not relate to specific Objectives but

instead made more general comments or requested new objectives in the Plan. The common themes from these more general submissions included:

- (a) the need for more positive enabling / balanced objectives;
- (b) the role and retention of the explanations to the objectives;
- (c) lack of recognition of private property rights, and constraining the ability for landowners to manage their land;
- (d) supporting analysis for objectives;
- (e) drafting and purpose of the objectives; and
- (f) additional objectives which recognise particular industries.

Evidence and Evaluation

Positive Enabling / Balanced Objectives

- 6.5 We heard from Ms Smith and Mr Stroud on behalf of Waa Rata Estate [327], Mr Smith [443], Mr Donnelly and Mr Binney on behalf of Kāpiti Coast Airport Holdings Ltd [276], Ms Niven [251] and Ms Carter from Land Matters [411] who all commented on the need for the Objectives and the Plan in general to be less restrictive and more balanced. The evidence provided by these submitters reflected the submissions received on this matter. Submitters drew our attention to Objectives 2.2: Ecology and Biodiversity, 2.4: Coastal Environment, 2.9: Landscapes, and 2.17: Centres as particular examples of Objectives that were more constraining than others.
- 6.6 The written evidence from Coastal Ratepayers United Inc provided us with Objective 2.4(b) as an example. The Objective as notified read:
- b) inappropriate subdivision, use and development is avoided, remedied, or mitigated.
- 6.7 The written evidence suggested inclusion of “*and appropriate subdivision, use and development is enabled*” to provide a more balanced objective.
- 6.8 Having carefully considered the Part 2 matters in the RMA, we consider that striking a balance overall is important but we recognise that there are specific matters which require protection. We agree with Ms Rushmere in her closing statement⁴⁰ that some objectives should signal an intent to protect such as Objective 2.2: Ecology and Biodiversity which seeks to improve indigenous biodiversity and achieve this through protecting areas of significant indigenous vegetation. Other Objectives, such as 2.3: Development Management and 2.7: Rural Productivity, provide a balance by recognising the productive potential of land whilst identifying that protection will be sought from inappropriate subdivision, use and development.

⁴⁰ Paragraph 2.3, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

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- 6.9 We note that Objective 2.2 does not preclude development taking place and gives effect to the RMA as well as to Objective 3 and Policy 24 in the Regional Policy Statement. We agree that a balanced approach is appropriate for Objectives relating to the rural areas and centres, to support farming activities and retail development and to recognise that subdivision may have benefits such as increasing vegetation.
- 6.10 Overall, we have taken the approach of recommending amendments to Objectives to make them more enabling where appropriate, but we have been fully cognisant of Sections 6 and 7 of the RMA which may direct us to focus on protection for some matters.

Explanations

- 6.11 We note from the Section 42A report that whilst the “whole of Plan” Section 42A report recommended removal of the explanatory text to policies to reduce the length of the Plan, this did not apply to objectives. However, submissions were received seeking the PDP to be more concise and streamlined. While the explanatory text was intended to assist users in interpreting the provisions, we agree that in some places the text is cumbersome, repetitive, and adds little clarity to the Objectives. We agree with the Section 42A report that in some instances the explanatory text is useful, particularly where the Objective is giving effect to a higher order planning document. The explanatory text can also be a useful support to the Objectives in lieu of issue statements, which the RMA no longer requires.
- 6.12 During the course of the hearing on Chapter 2 Objectives, we heard a variety of viewpoints on whether the explanatory text should be retained. Some submitters considered that the Objectives should stand on their own, whilst others supported their retention and the additional clarity they provided. We agree that overall the Explanations do add a level of detail or rationale that may not always be apparent from the Objective. We agree that explanatory text is particularly useful for providing context with regards to higher order planning documents. So, while we recommend their retention, we have taken opportunities to more tightly focus them while also ensuring that only the most relevant and appropriate information is included. For completeness, we record that a similar issue regarding rationalisation and/or deletion of Explanations at the policy level was raised by submitters. We address this under each Chapter but can record at this point that as a general rule we have deleted policy explanations, except where there are particularly relevant or where appropriate reference can usefully be made to applicable higher order planning documents.

Private Property Rights

- 6.13 We heard from Mr Wilkinson [280] in particular regarding his concern that the Objectives do not respect private property rights and landowners should be able to manage their land. We heard from Mr Smith [443], Ms Niven [251], Mr Jensen [275] and Mr Swan [231] stating that they already achieve environmental protection by their management of their land.

- 6.14 We accept that the PDP may restrict landowners' management and activities on their land, however we agree with Ms Rushmere in her closing statement that the RMA Part 2 concept of sustainable management should be applied irrespective of land ownership.⁴¹ We note that Section 85 of the RMA also clarifies that there is no compensation payable in respect of land use controls on private land. The Objectives per se do not preclude development from taking place, and unless an activity is classed as prohibited, any activity can be considered through the resource consent process. We consider the role of Objectives is to establish a shared outcome for the community. We do not recommend any changes in response to those submissions.

Supporting Analysis

- 6.15 In Mr Wilkinson's [280] written evidence, he expressed concern at a perceived lack of rigour underlying the development of the Objectives – particularly in terms of central government requirements for public policy formulation in respect of property rights, problem definition, the compilation of options and the assessment of cost and benefits. We would like to draw Mr Wilkinson's attention to Section 32 of the RMA, and in particular the version that existed when the PDP was notified in 2012. Section 32 was amended as part of the Resource Management Amendment Act (2013) to give clearer guidance and specificity about what is required in Section 32 evaluations, including to emphasise the importance of economic analysis and economic consequences. The new sections provide greater guidance and specificity to planning practitioners about what is required in Section 32 reporting, particularly for the assessment of benefits and costs of effects.
- 6.16 While the current version of Section 32 requires identification and assessment of the benefits and costs of the environmental, economic, social, and cultural effects of a proposal, and quantification of those costs and benefits where possible, this was not the requirement in 2012. In any case, this analysis is only required in terms of the provisions not the Objectives. Provisions are defined in the RMA as being the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed Plan. In terms of objectives, Section 32(1)(a) requires an assessment of the extent to which the objectives of the proposal are the most appropriate way to achieve the purpose of this Act. A cost benefit analysis is not required for objectives and this requirement has remained unchanged since 2012.

Drafting and Purpose of the Objectives

- 6.17 The submission from Rob Crozier and Joan Allin in particular [451.5] expressed concern at the drafting of the PDP and sought the PDP be revised so that provisions are drafted using clear and consistent language, appropriate provisions are included, the provisions are legally robust and in accordance with the RMA higher order planning documents, which the PDP must give effect to. In terms of objectives, we note their submission sought that reference is provided in the

⁴¹ Paragraph 2.11, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

objectives (rather than just the explanations) to something that captures, using appropriate language, the concept of the environmental or ecological carrying capacity of the local environment (or similar concept) in relation to the concerns that they have expressed about the potential adverse effects of activities at Te Horo Beach. They also requested that the Objectives and explanations use defined terms where appropriate, and that provisions are revised using consistent terminology.

- 6.18 We agree and have endeavoured to recommend these changes as we came across them.

Additional Objectives Which Recognise Particular Industries

- 6.19 Two submissions in particular sought specific recognition through objectives for their activities / industries; they were Winstone Aggregates [92.22] who requested the inclusion of a new objective and explanation that relates specifically to the mineral extraction industry; and House Movers Section of New Zealand Heavy Haulage [345.3] who sought recognition in the objectives, policies and rules of the need to provide for coordination between the Building Act and Resource Management Act to avoid regulatory duplication.
- 6.20 We agree with the Section 42A report that a new objective is not warranted, however we have recommended amendments to other objectives to address some of the concerns raised by Winstone Aggregates.⁴² We consider the role of the objectives is to outline high level outcomes in relation to resource management Issues. It is not appropriate to single out specific industries.
- 6.21 While we acknowledge that often both the RMA (in particular its manifestation in the PDP rules) and Building Act apply to structures and buildings, we do not consider that objectives are the most appropriate place to recognise the functions of each. Many of the Objectives can be achieved by methods outside the PDP, but these are not individually identified.

Findings

- 6.22 We recommend the Objectives are largely retained as set out in Appendix 1, with the following amendments:
- (a) amendments to the Objectives to make them more enabling where appropriate;
 - (b) retain the Explanations but more tightly focus them and ensure that only the most relevant and appropriate information is included; and
 - (c) changes to wording to ensure clear and consistent language, appropriate provisions are included, the provisions are legally robust and in accordance with the RMA higher order planning documents, which the Plan must give effect to.

⁴² Paragraph 86, s42A Report: Part B - Objectives, Suzanne Rushmere.

- 6.23 For the reasons discussed in Evidence and Evaluation above, those submissions relating to general Objectives (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

7 Issue 2: Objective 2.1 Tāngata Whenua

Description of the Issue

- 7.1 There were nine submissions relating to Objective 2.1 and twenty further submissions. Most of the submissions supported its inclusion in the Plan, however there were some submissions that were concerned with its content and sought amendments.
- 7.2 The supporting submissions considered the Objective recognises the importance of Kaitiakitanga and the involvement of tāngata whenua in the management of the Otaki River catchment in particular. Other submitters wished to ensure that submitters' whanau and hapu voices and aspirations are reflected and tracked via measurable actions.
- 7.3 Those seeking amendments requested the Objective include the naming of mana whenua on the basis that it strengthened their role and makes the Objective specific to the District. Greater Wellington Greater Regional Council [441.4] sought that the principles of the Treaty of Waitangi be addressed by the Objective in a bullet point list and that the explanatory text be amended to better reflect issues.
- 7.4 An opposing submission from Bryce Wilkinson [280.1] sought an amendment to the Objective to provide that all groups in the District have the same level of protection as tāngata whenua.

Evidence and Evaluation

- 7.5 There was very little evidence presented in respect to the aforementioned submissions. This was probably a reflection of the widespread and general support for Objective 2.1.
- 7.6 We did hear from Mr Wilkinson [280] who raised concerns that the principles in Objective 2.1 Tāngata Whenua should also apply to other New Zealand citizens. We would draw Mr Wilkinson's attention to Section 8 of the RMA which require the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) to be taken into account when managing the use, development, and protection of natural and physical resources. We agree with Ms Rushmere's closing statement⁴³ that the Objective is specifically designed to address Council obligations in accordance with the Treaty of Waitangi and sections 6, 7 and 8 of the RMA. It also gives effect to Objectives 23, 24, 25, 26, 27 and 28 and Policies 48, 49 and 50 of the Regional Policy

⁴³ Paragraph 3.0, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

Statement. For this reason, we do not recommend any changes to the Objective in response to Mr Wilkinson's submission.

- 7.7 We consider that the consultation process required with notifying a PDP ensures that all members of the community have an opportunity to comment equally on the PDP.
- 7.8 We agree with the Section 42A report that there is no need to specifically name the iwi within Objective 2.1 that have mana whenua.⁴⁴
- 7.9 We agree that listing the principles of the Treaty of Waitangi in the Explanation text as requested by Greater Wellington Regional Council would increase clarity for users of the Plan. We recommend including the following principles in the Explanation text:

The five principles are:

- mutually-beneficial relationship;
- active protection;
- iwi self-regulation;
- shared decision-making; and
- the right to iwi/hapū resource development.

- 7.10 In our decision-making we have been particularly mindful of Objective 2.1 in relation to matters in Chapters 3 (Natural Environment), 4 (Coastal Environment), 7 (Rural Environment), 10 (Historic heritage) and, in particular, the management of Kāpiti Island which is discussed in the relevant decision reports.

Findings

- 7.11 We recommend that Objective 2.1 and its Explanation is retained for the reasons outlined above.
- 7.12 We recommend minor changes to the Explanation to improve clarity and context for Objective 2.1 as shown in Appendix 1, including:
- a) deleting the quoting of Sections 6, 7 and 8 of the RMA in favour of just referencing those sections;
 - b) deletion of unnecessary Explanation text, rationalising where possible; and
 - c) inclusion of the five principles of the Treaty of Waitangi in the Explanation.
- 7.13 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.1 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 7.14 The amended Objective is as follows:

Objective 2.1 Tāngata Whenua

⁴⁴ Paragraph 117, s42A Report: Part B - Objectives, Suzanne Rushmere.

To work in partnership with the *tāngata whenua* of the District in order to maintain *kaitiakitanga* of the District's resources and ensure that decisions affecting the natural *environment* in the District are made in accordance with the principles of ~~the~~ Te Tiriti o Waitangi (Treaty of Waitangi) (~~Te Tiriti o Waitangi~~).

8 Issue 3: Objective 2.2 Ecology and Biodiversity

Description of the Issue

- 8.1 A total of thirty-three submission points were raised on Objective 2.2 and forty-one further submissions. Six submissions support Objective 2.2, including Director-General of Conservation [202.1] and Wellington Fish and Game Council [462.4] expressing specific support to retaining Objective 2.2 as notified.
- 8.2 Twelve submissions opposed Objective 2.2 for a variety of reasons. Many of the submissions in opposition were concerned about the focus on protection and that the Objective be amended for a more balanced approach to enabling appropriate development, use and subdivision. Other submissions contended that the restrictive terminology would leave decision makers little choice in appropriately weighting issues during consideration of resource consent applications. The submitters suggested that opportunities for restoring ecology and biodiversity could result from appropriate development and subdivision. Several submitters expressed opposition without providing any reasons, and many others sought exclusion of private property from this Objective.
- 8.3 The remaining fifteen submissions sought specific wording changes.
- 8.4 The Council notified a variation to the PDP on 2 September 2015, the subject of which was policies, rules and methods governing modifications to urban trees (hereby known as the Urban Tree Variation or UTV). The details of the variation are canvassed in Report 4 dealing with Chapter 3. The UTV, whilst dealing principally with Chapter 3, also affected to some degree the provisions of Chapter 1 (Introduction and Interpretation), Chapter 2 (Objectives) and Chapter 10 (Historic Heritage).
- 8.5 Neither the Chapter 3: Ecological Sites Indigenous Vegetation Provisions' Section 42A report nor the UTV and subsequent Section 42A reports recommended any amendments to the PDP Objectives themselves. However, the UTV did propose amendments to the explanations to Objectives 2.2 and 2.4 to include references to protecting areas of remnant indigenous vegetation, including significant individual trees that are important in maintaining the biodiversity of the District.
- 8.6 The recommended amendments to the explanations also sought to protect representative or significant natural ecosystems and sites of biological importance, and to maintain the diversity of the District's indigenous coastal flora and fauna.

- 8.7 Twenty-one submissions were made on the proposed UTV amendments to the explanations, with 13 submissions in support, 2 supporting in part, 4 seeking amendments and 2 in opposition. Amendments sought and other matters raised included:
- a) KCDC should use their resources to improve care of the remnant forests;
 - b) the value of more recent vegetation should be recognised;
 - c) everyone should ensure remaining areas, especially waterways and forest remnants are protected and preserved; and
 - d) reference to the NZCPS should be more explicit.
- 8.8 For the reasons discussed above in Evidence and Evaluation, we recommend those submissions relating to the Objectives associated with the UTV are accepted, rejected or accepted in part as outlined in Appendix 2.

Evidence and Evaluation

- 8.9 We heard from a number of submitters seeking further amendment or deletion of Objective 2.2. Those mentioned below represent a sample of the views presented.
- 8.10 We heard from Mr Hansen on behalf of Maypole Environmental Ltd [263] who restated the desire to amend Objective 2.2 to specifically provide for appropriate subdivision, use and development when adverse environmental effects are managed to acceptable levels. There were also a number of submitters including Ms Carter [411], Mr Jensen [275], Ms Smith on behalf of Waa Rata Estate [327], and Mr Wilkinson [280] who expressed similar concerns. Ms Carter told us that statutory bodies cannot halt declining biodiversity through restrictive measures alone.⁴⁵
- 8.11 Ms Housiaux [511] requested the reintroduction of provisions relating to Priority Areas of Restoration. As these provisions were withdrawn on the 30 October 2014, we do not have scope to consider these. Ms Smith questioned whether there was a need for Clause a) in Objective 2.2 with the withdrawal of Priority Areas for Restoration, and asked whether Clause b) in the Objective as recommended in the Section 42A report could cover the matter as Clause a) is very specific and Clause b) is more general. We have considered Ms Smith's request but consider Clauses a) and b) address different components of Sections 6 and 7 of the RMA and therefore recommend both Clauses are retained.
- 8.12 We agree with the analysis in the Section 42A report that it is not appropriate to exclude private property, living zones or property used for residential purpose from the Objective.⁴⁶ The principles of sustainable management and protection of remaining areas of significant indigenous flora and fauna being sought by Objective 2.2 should apply irrespective of ownership

⁴⁵ Paragraph 3.4, Statement of Evidence of Anna Carter.

⁴⁶ Paragraph 156, s42A Report: Part B - Objectives, Suzanne Rushmere.

or the predominant land use / zone. We note that Section 6(c) of the RMA seeks to protect significant indigenous vegetation on both public and private land. Further, we are conscious that it is a requirement of the Operative Regional Policy Statement to identify and protect such areas regardless of land ownership.

- 8.13 Ms Carter also suggested the removal of Clause d) of Objective 2.2 on the basis that Mauri of water bodies is not a function for which the Council has responsibility and that this is adequately covered by Clauses a)-c) of the Objective. We agree with Ms Rushmere in her closing statement that the Council has responsibility for managing land use and activities in such a way that adverse effects, including those on water bodies, are avoided remedied or mitigated.⁴⁷ This also gives effect to Section 7(e) of the RMA as well as Objective 26 and Policy 49 of the Regional Policy Statement. Accordingly, we recommend the retention of Clause d) with a minor change to improve readability.
- 8.14 We accept Ms Carter's point that the non-regulatory approaches that KDCDC has adopted such as the rates relief, the heritage fund, the provision of advice from the Council's biodiversity officer, contributions towards fencing and surveying costs with landowners, are highly effective in creating biodiversity gains on the Kāpiti Coast. However, and as these examples appropriately illustrate, objectives can be achieved by methods outside the PDP, and we consider use of the word "*encouraging*" does not exclude voluntary mechanisms which may be highly effective.
- 8.15 While we acknowledge Ms Carter's concerns that Objective 2.2 has a focus on protection rather than enabling development, we consider this is appropriate given Sections 6(c) and 7(d) of the RMA. This focus on protection is balanced by other Objectives, (such as Objective 2.3 Development Management, Objective 2.6 Rural Productivity, and Objective 2.16 Economic Vitality), which collectively are more enabling of development.
- 8.16 In respect of Objective 2.2, we recognise that this is a key objective for provisions in Chapter 3 and we agree that the underpinning theme of protection is appropriate and note this is reflected in the policies and rules in Chapter 3. We have recommended amending Clause b) of Objective 2.2 having considered the points made by Margaret Niven [251] that this limb of the Objective be refocused from degraded environments to supporting greater interconnectivity and resilience of isolated remnant habitats for the purpose of ecosystem integrity. Specifically, we recommend changing "*important degraded environments and habitats*" to "*indigenous ecosystems*" and retaining the emphasis on their restoration.
- 8.17 Other changes we have recommended to Objective 2.2 are essentially fine tuning. We have taken the opportunity to improve the readability of the four limbs of the Objective; for example, by referring to "*enhancing*" rather than "*enhancement*".

⁴⁷ Paragraph 3.6 Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere

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- 8.18 The policies and rules to implement this theme of protection are canvassed in more detail in the Chapter 3 report, where other provisions that provide for an appropriate balance are considered.
- 8.19 In terms of the UTV, we did not hear from any submitters or receive any evidence on the changes to the explanations of the two Objectives (Objective 2.2 and Objective 2.4) subject to the Variation. Having considered the submissions and the Section 42A report we do not agree that the amendments to the explanatory text of Objective 2.2, as proposed in the UTV, are necessary. Whilst the proposed amendments provide reasoning for the Plan provisions and supports the protection of significant indigenous and remnant trees in the Urban Environment Allotments, the Objective is self-explanatory and other submissions are calling for the Plan to be reduced in length and complexity.
- 8.20 For completeness, we also note that amendments were recommended to Objective 2.4 in the Chapter 1 Introduction, Interpretation and Integration closing statement to delete the text recommended by the UTV. This was on the grounds that the amendments recommended in Ms Rushmere's Section 42A report went beyond what was in the PDP as notified, and Objectives 2.2 and 2.9 already adequately addressed areas of significant indigenous vegetation and significant habitats of indigenous fauna. We agree with the advice provided by officers, and on that basis, we do not recommend the amendments proposed in the UTV to the explanatory text of Objective 2.4. This also provides relief to Mr Murray Allerby [UTV20.12] who considered that *"the amendment is not necessary as it is covered by other legislation"*.
- 8.21 For the reasons discussed above we do not recommend amendments to the explanatory text of Objectives 2.2 and 2.4.

Findings

- 8.22 We recommend that Objective 2.2 is amended as set out in Appendix 1 for the reasons outlined above, including:
- (a) minor wording changing to improve readability;
 - (b) Clause b) is amended to focus on restoring the ecological integrity of indigenous ecosystems; and
 - (c) rationalisation of the Explanation, deleting unnecessary information; and
 - (d) addition of text in the Explanation recognising the importance of remnant indigenous vegetation.
- 8.23 For the above reasons discussed above, those submissions relating to Objective 2.2 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

8.24 The amended Objective is as follows:

Objective 2.2 - Ecology and Biodiversity

To improve indigenous biological diversity and ecological resilience through ~~the~~:

- a) ~~protection of~~ protecting areas of *significant indigenous vegetation* and *significant habitats of indigenous fauna*;
- b) encouraging restoration of the ecological integrity of ~~important degraded environments and habitats~~ indigenous ecosystems;
- c) ~~enhancement of~~ enhancing the health of terrestrial and aquatic ecosystems; and
- d) ~~enhancement of~~ enhancing the *mauri of waterbodies*.

9 Issue 4: Objective 2.3 Development Management

Description of the Issue

9.1 Thirty four submissions were received in respect of Objective 2.3 Development Management.

9.2 The three submissions opposing the Objective were for various reasons, including:

- (a) Transpower New Zealand Ltd [208.1] sought amendments so that the necessity of infrastructure is not part of the Objective;
- (b) Ngahina Developments Ltd [221.7] sought amendment to recognise that places must have a function and there must be demand for the use and regulation cannot force this. The submitter considered that there is a need to recognise that there are different types of centres with different functions as it is in other parts of the Plan; and
- (c) Rob Crozier and Joan Allin [451.34] considered that Objective 2.3 when read in conjunction with Objectives 2.11, 2.12 and 2.19 placed insufficient emphasis on what it is about residential areas that enables people to live in them happily, comfortably and safely and away from other types of activities that can adversely affect people's enjoyment of the area and amenity values, including by cumulative adverse effects. The submitter expressed concern at insufficient emphasis on separating potentially incompatible activities.

9.3 The remaining bulk of the submissions sought a range of amendments, ranging from changing a single word to proposing additional clauses. Some of the changes sought included:

- (a) that only new development that has a material increase in severity of damage to property is precluded;
- (b) enable low impact coastal erosion hazard protection infrastructure;

- (c) rewriting to make the Objective achievable, and shorter more focussed objectives to avoid repetition and provide a clearer picture of what is to be avoided and what is to be achieved;
- (d) change in focus from the soils to the productive capacity of the land;
- (e) management of the interface with adjoining zones so that potential for conflicts is avoided;
- (f) private property rights are retained; and
- (g) broader definition of resilience.

Evidence and Evaluation

- 9.4 Objective 2.3 Development Management provides the strategic direction for growth ensuring that new development is sustainably managed throughout the District. This Objective sets out the Council's overarching approach for managing new growth and development. It works in conjunction with the other Objectives in Chapter 2, and the more detailed policy and rule provisions throughout each Chapter in the Plan. Therefore, as an initial starting point we consider it should be retained, although amended in response to certain submission points. A representative sample of those submitters we heard from is canvassed below.
- 9.5 The written evidence from both Transpower New Zealand Ltd [208] and New Zealand Transport Agency [457] expressed support for the changes recommended in the Section 42A report in response to their points of submission. Transpower New Zealand Ltd sought deleting the word "*necessary*" from Clause a) and adding the words "*recognising the national and regional importance of the national grid*". We agree with the deletion of the word "*necessary*" from Clause a) as it is an unnecessary qualification. However, we do not agree with inclusion of the national grid to Clause a) as it would narrow the application of the Objective. We consider infrastructure is much wider than the national grid and the Objective is intending to ensure that urban areas are well integrated and make the most efficient use of infrastructure necessary for urban development. Therefore, we recommend that Clause a) reads:
- a) urban areas which maximise the efficient end use of energy and integration with ~~necessary~~ infrastructure;
- 9.6 Similarly, evidence presented on behalf of Coastlands Shoppingtown Ltd acknowledged that although the Section 42A report had recommended amendments, they considered that none of these recommended changes impacted on or diluted the intent of the Objective to consolidate commercial and retail development within existing centres. They continued to support the objective in its amended form.
- 9.7 We agree with the Section 42A report that there is no need to amend Clause b) to recognise that regulations cannot force the demand for and function of places as requested by Ngahina

Developments Ltd [221.7].⁴⁸ Objectives can be achieved by a range of methods - including both regulatory and non-regulatory. The vitality and viability of the District's centres (as the community's social and economic hubs) are important and a regulatory framework will help achieve this outcome. We recommend that Clause b) is changed from applying to "*working environments*" to "*working areas*" in accordance with changes throughout the PDP to ensure clear (and less ambiguous) terminology is used across the PDP, to help increase the clarity of the Plan's provisions and assist in their workability and application.

- 9.8 Rob Crozier and Joan Allin [451.35] requested the wording in Clause d) be widened so that it is clear that it refers to places like Te Horo Beach. We agree that some changes to the Objective would more provide further clarification regarding the areas to which the objective applies, and that there are areas where special values are maintained and, where possible, enhanced. While we consider Objectives should remain at a higher level rather than addressing issues specific to certain locations, we recommend splitting Clause d) into two Clauses. While Objective 2.3 should acknowledge that there are areas with special character or amenity values in the District by the addition of clause e), we consider these site-specific matters are most appropriated addressed at a policy and rule level rather than in objectives. We do however recommend that Clause d) is reworded to focus on where higher density residential development should be located and Clause e) be focused on retaining the character and amenity of the areas with special character and amenity. We recommend the Clauses be amended as follows:

- d) higher residential densities in locations that are close to centres and public open spaces, with good access to public transport ~~appropriate areas, and avoidance of such development where it would adversely affect areas of special character or amenity;~~
- e) management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;

- 9.9 We heard from Mr Smith [443] who raised the issue of rural productivity. We note that the focus of Objective 2.3 is on urban form within existing urban areas and a limited number of identified growth areas. We consider that Clause f) of the Objective can be amended to focus on productive potential of the land, and that this will sit comfortably alongside Objective 2.6 which is wholly focused on rural productivity. Horticulture New Zealand [219.26] sought an amendment to Objective 2.3 e) by replacing "*productive soils*" with "*productive potential of the land*". We agree that the term "*productive potential of the land*" is appropriate, particularly since it is aligned with terminology in Policy 59 of the RPS "*Retaining highly productive agricultural land*".
- 9.10 We agree with Ms Smith [327] that Clause f) could be amended to be refocused on "*sustaining*" rather than "*preserving*" and this may address concerns raised by Mr Smith [453]. We consider that the word "*sustainable*" would better align with the purpose of the RMA and improve

⁴⁸ Paragraph 216, s42A Report: Part B - Objectives, Suzanne Rushmere.

readability of the Objective. We agree with the other changes suggested by Ms Smith for Clause f) to make it more grammatically correct and consistent with terminology in Objective 2.2: Ecology and Biodiversity and 2.9: Landscapes. For those reasons, we believe that this is the most appropriate way to achieve the purpose of the Act.⁴⁹ We therefore recommend Clause f) is amended to read:

- e) f) ~~sustainable settlements that are developed in a manner that preserves:~~
sustainable natural processes including freshwater systems; areas
 characterised by ~~productive soils~~ the productive potential of the land,
~~ecological and landscape importance~~ ecological integrity, identified
landscapes and features, and other places of significant natural amenity;
 and

- 9.11 Horticulture New Zealand [219.26] also sought an additional Clause g) to read: “*management of the interface with adjoining zones for that the potential for conflicts is avoided.*” The submitter considered this amendment is needed to ensure greater recognition of rural land for production of food, rather than protection of particular classes of soil. We agree that the management of potential conflict between uses and reverse sensitivity is not only a rural matter and needs to be reflected in Objective 2.3 with regards to development management. This also reflects the points made by Transpower New Zealand and New Zealand Transport Agency in terms of management of potential reverse sensitivity effects. We therefore recommend including a new clause h) which addresses this issue as follows:

- h) management of the location and effects of potentially incompatible land uses including any interface between such uses.

- 9.12 In addition to the above, we recommend that the amendments recommended by Ms Rushmere in her closing statement and subsequently the whole of Plan integration version are generally adopted, for the reasons outlined in both the Section 42A report and the closing statement. We also recommend minor changes to make the Objective consistent in its terminology with the rest of the PDP and to italicise defined terms.

Findings

- 9.13 We recommend that Objective 2.3 is amended as outlined in Appendix 1, including the following:
- (a) italicise words that are defined;
 - (b) delete “*necessary*” from Clause a);
 - (c) amend Clause b) to refer to “*working areas*” rather than “*working environments*”;
 - (d) splitting Clause d) into two clauses;

⁴⁹ In accordance with Section 32AA of the RMA.

- (e) amend Clause d) to focus on appropriate areas for higher density residential densities;
- (f) new Clause e) focused on managing development in areas of special character and amenity to maintain those values;
- (g) changes to Clause e) (as notified and to be renumbered as Clause f)) to recognise productive potential of the land rather than productive soils and align with ecological and landscape terms used elsewhere in the PDP;
- (h) Clause e) changing “*preserves*” to “*sustainable*” and deleted references to “*sustainable settlements*”;
- (i) retain Clause f) but renumber as g);
- (j) adding new Clause h) regarding the management of reverse sensitivity; and
- (k) changes to the Explanation to improve clarity and context for Objective 2.3 and remove unnecessary text.

9.14 For the above reasons discussed above, those submissions relating to Objective 2.3 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

9.15 The amended Objective is as follows:

Objective 2.3 Development Management

To maintain a consolidated urban form within *existing urban areas* and a limited number of *identified growth areas* which can be efficiently serviced and integrated with existing townships, delivering:

- a) urban areas which maximise the efficient end use of energy and integration with ~~necessary~~ infrastructure;
- b) a variety of living and working ~~environments~~ areas in a manner which reinforces the function and vitality of *centres*;
- c) resilient communities where *development* does not result in an increase in *risk* to life or severity of damage to property from *natural hazard* events;
- d) higher residential densities in locations that are close to centres and public open spaces, with good access to public transport ~~appropriate areas, and avoidance of such development where it would adversely affect areas of special character or amenity;~~
- e) management of *development* in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;
- e) f) ~~preserves settlements that are developed in a manner which preserves:~~ sustainable natural processes including freshwater systems; ~~areas characterised by productive soils, the productive potential of the land,~~

~~ecological and landscape importance~~ ecological integrity, identified landscapes and features, and other places of significant natural amenity; ~~and~~

~~f) g)~~ an adequate supply of housing and areas for business/employment to meet the needs of the ~~d~~District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and.

h) management of the location and effects of potentially incompatible land uses including any interface between such uses.

10 Issue 5: Objective 2.4 Coastal Environment

Description of the Issue

- 10.1 Forty-five submissions were received on Objective 2.4, with only two supporting the Objective in its entirety being Director-General of Conservation [202.2] and Kapiti Coast Grey Power Association Inc [480.12], and twenty eight opposing it. The two supporting submissions considered the objectives gives effect to the NZCPS, particularly Policies 13: Preservation of Natural Character, 15: Natural Features and 18: Public Open Space. We note Clause d) was withdrawn from the PDP, and therefore we have not considered it further, nor the submission points pertaining to it.
- 10.2 The relief sought for the bulk of the submissions opposing the Objective was varied, and included requests for alteration as follows:
- (a) the Explanation is updated to be more accurate and complete;
 - (b) amendments to reflect Council's responsibilities in terms of the foreshore, public roads, the supply of essential services such as water, sewerage and storm water;
 - (c) the need to give effect to the New Zealand Coastal Policy Statement and the Regional Policy Statement;
 - (d) amendments to reflect the developed nature of the coast;
 - (e) enabling appropriate development and not focus solely on the protection and restoration of natural character, natural systems, natural landforms and natural processes; and
 - (f) addressing vehicles on the beach.
- 10.3 In addition, there was a concern expressed that Clauses a) and c) of Objective 2.4 are too extreme, setting the stage for potentially inappropriate application in particular cases.
- 10.4 As referenced earlier, there were also some submissions relating to the explanations to Objective 2.4 via the UTV process. For convenience, we have dealt with this earlier under

Objective 2.2 given the interrelationship with that Objective. For the record, we have not recommended any changes to the explanations of either Objective 2.2 or 2.4.

Evidence and Evaluation

- 10.5 As a preliminary observation, we note that many of the submitters presented evidence on both Objective 2.4 (particularly withdrawn Clause d) dealing with risks to communities from coastal hazards and Objective 2.5; (particularly the explanation dealing with coastal erosion inundation and sea level rise). As all provisions relating to coastal hazards were withdrawn from the PDP after submissions closed (including the above two references), we have had to carefully consider scope provided by submissions. Essentially, the advice we received is that where a submission was lodged on a provision that is no longer part of the PDP then we have no jurisdiction to consider and recommend on such submissions (or any further submissions which 'attach' to such a submission). We have adopted that advice and the points of submission pertaining to withdrawn provisions do not appear in Appendix 2. On the 13 April 2017 Council resolved to withdraw Policy 3.14 and some rules in Chapter 4 of the PDP in response to an Environment Court declaration application. Public notice of the withdrawal was on 3 May 2017. As the withdrawal of these provisions occurred partway through the Hearings process, this is reflected in this report and in the table of recommendations in Appendix 2, where we have recorded where a submission has been made on a provision that was withdrawn on 3 May 2017 and that no recommendation is required.
- 10.6 Related to the above, we also heard from Mr Maassen from North Otaki Beach Residents Group Ltd [38] and Coastal Ratepayers United expressing concerns that some submitters have been precluded from taking part in the PDP process as a result of withdrawn provisions.⁵⁰ We understand only the points of submission pertaining to coastal hazards have been set aside, simply due to the fact that the provisions to which they relate no longer exist. Even though this is a process matter, we do not consider that submitters have been unduly constrained from participating in the PDP process.
- 10.7 These procedural matters aside, we now focus on the substantive aspects of the submissions.
- 10.8 Clause a) as notified contained a number of undefined terms. The Plan-wide submission from Rob Crozier and Joan Allin [451] caused reconsideration of vague and undefined terms. For this reason, we recommend Clause a) is amended so as to contain specific terms and defined terms. We agree that the terms used in Clause a) are very general and do not relate easily to provisions regarding the natural environment. We recommend that the objective is redrafted to be more specific about areas to be protected. We consider these changes will better align with Part 2 of the RMA and also Policies 11, 13 and 15 of the NZCPS. As a result of the submission

⁵⁰ The withdrawal of objectives, policies, rules, and map layers publicly notified on the 30 October 2014 for Coastal Hazard Management Areas, hazardous substances and facilities, and Priority Areas for Restoration.

from Frank and Vicki Boffa [485], we also recommend inclusion of areas of outstanding natural character. This is largely a consequential change to Objective 2.4 as a result of our recommendation to accept the submission by Frank and Vicki Boffa which requested the inclusion of two defined areas of the coastal environment within the District (i.e. Kapiti Island and Waikanae River Mouth) as “*Outstanding Natural Character*” areas. Our evaluation and recommendation of that submission is contained in our report for Chapter 4.

- 10.9 Furthermore we recommend splitting Clause a) into two parts to reflect the content of policies and rules that give effect to this Objective, but also give effect to the submissions that request conformity with the NZCPS and in particular the different emphasis of Policy 13 (natural character) and Policy 14 (restoration) of the NZCPS. Specifically, while we consider it appropriate for areas of outstanding natural character, areas of high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna to be identified and protected (as per Policy 13 of the NZCPS), Policy 14 of the NZCPS promotes restoration or rehabilitation of the natural character of the coastal environment. Therefore, we recommend retaining most of clause a) with the exception of the reference to restoration and inserting a new Clause b) which focuses on restoring natural character where it is degraded rather than the whole suite of outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna (as it was notified). North Otaki Beach Group Inc [38.13] requested that Objective 2.4 a) be amended to only require restoration in appropriate locations, and that it excludes residential areas/living zones and we consider the changes we have recommended will, in part address that submission. Accordingly, we recommend Clause a) is amended as follows:

- a) areas of outstanding natural character and high natural character, ~~natural systems, natural landforms and natural processes,~~ outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected;
- b) areas of outstanding natural character and high natural character ~~and~~ are restored where degraded;

- 10.10 We heard from Mr Jensen [275] outlining his concerns relating to the clarification of how levels of degradation are set in Objective 2.4. Mr Smith from Quicksilver Enterprises [212] also told us that that Objective 2.4 raises inappropriate expectations and fails to take account of the RMA. We consider the recommended changes to include a new Clause b) will assist in addressing those submissions.
- 10.11 Maypole Environmental Ltd [263.2] sought an amendment to Clause a) of Objective 2.4 so it enables appropriate development and does not focus solely on the protection and restoration of natural character, natural systems, natural landforms and natural processes. We note Mr Hansen on behalf of Maypole Environmental Ltd [263.2] considered the changes as proposed in

the Section 42A report to Clause a) to be consistent with the RMA, and supported removing previously vague references to natural character, systems, landforms and processes.

- 10.12 Quicksilver Enterprises [212.4] sought changes to clause a) of the Objective in respect of avoiding, remedying or mitigating rather than “*protect*”. We consider that some matters need to be protected as required by both the RMA and the NZCPS, however we consider subdivision, use and development should also be considered to be more balanced.
- 10.13 In respect to the notified Clause b) of this Objective the written evidence from Coastal Ratepayers United [378] sought the addition of the words “*appropriate subdivision, use and development is enabled*” and reinstatement of text from the Explanation. Their reasons were that the Objective fails to acknowledge the built environment and creates a costly and undue bias against subdivision, use and development. While we have taken the opportunity to ensure the Objectives in general are enabling where possible, particularly given that both the RMA and NZCPS focus on protecting from inappropriate subdivision, use and development.
- 10.14 Mr Hansen’s evidence on behalf of Maypole Environmental Ltd [263] considered that the amendments recommended to Objective 2.4 in the Section 42A report mostly addressed the matters of concern raised by Maypole in its submission. Mr Hansen drew our attention to Clause b) referring to subdivision, use and development (and not the effects of those activities), and did not see how subdivision, use and development per se can be mitigated or remedied. We agree that the focus should be on the effects of the activities rather than the effects themselves and have recommended that the Clause be amended to focus on the effects. For this reason, we recommend inclusion of a new Clause c) that addresses subdivision, use and development as follows:
- c) the effects of inappropriate *subdivision, use and development* are avoided, remedied, or mitigated.
- 10.15 Mr Wilkinson’s [280] written evidence expressed concern at the intrusive regulation of private property in the Coastal Environment, and the dismissal of his concerns in the Section 42A report on the basis that Council needs to give effect to higher order documents such as the NZCPS. We would like to point out to Mr Wilkinson that Section 75(3) of the RMA requires all District Plans to give effect to the NZCPS and the RPS. Both of these planning documents apply irrespective of land ownership and to take a different approach based on land ownership in the Plan would not be giving effect to these higher order documents.
- 10.16 Turning to Clause c) of Objective 2.4, Denis and Jan Toohey [738.H] sought to amend this clause to include the problems caused by vehicles driving on the beach in prohibited areas and travelling over the beach speed limit of 20km/h, and damage to the dunes caused by trail bikes which are prohibited on the beach. The submission sought to include a link to KCDC bylaw 2009, and Policy 20 in the NZCPS 2010. We agree and recommend Clause b) (as numbered in the notified version) be amended to better reflect the NZCPS as follows:

b d) ~~appropriate~~ public access to and along the coast ~~is improved~~ to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and

10.17 We note that the Section 42A report recommends deletion of Clause c) pertaining to the loss of rural dunes. We agree with Mr Rendall's written evidence on behalf of the Director-General of Conservation [202] that the deletion of Objective 2.4 c), especially with the proposed rewording of 2.4 a), provides less clarity regarding the values that are important within the coastal environment of Kāpiti and the requirement for Section 6(a) "*preservation of natural character*".⁵¹ Accordingly, we recommend the retention of Clause c); particularly given that there are policies and rules (including matters of discretion on this matter) in Chapter 4 Coastal Environment. Those Chapter 4 provisions would benefit from retaining strategic support at an objective level. We recognise that some dunes could potentially be located some distance from the coastal marine area so have therefore added clarification to Clause d) that the focus is on those dunes that are within the area mapped on the District Plan Maps as being part of the dominant coastal environment rather than the wider District. We have made this amendment as a consequential amendment to our findings on the delineation of the coastal environment (which we have addressed in our report on Chapter 4 Coastal Environment). Clause d) of this Objective is achieved by Policy 4.9 which seeks to protect and enhance natural dune systems. This matter is canvassed more fully in our report for Chapter 4. We therefore recommend Clause d) of Objective 2.4 be amended to read:

⇒ e) development does not result in further loss of coastal dunes in the area mapped as the dominant coastal environment.

10.18 Overall, giving effect to the NZCPS has been forefront of our considerations on Objective 2.4; particularly where scope has been afforded by submissions. In this light, we consider the Explanation to Objective 2.4 could also recognise the NZCPS direction in terms of *tāngata whenua* and recommend the inclusion of the following sentence at the end of the fifth paragraph:

The NZCPS provides strong direction recognising *tāngata whenua* values associated with the coastal environment.

Findings

10.19 We recommend that Objective 2.4 is amended as shown in Appendix 1, including:

(a) Clause a) be made more specific by replacing natural systems, natural landforms and natural processes with more specific and defined terms "*areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna*"

⁵¹ Paragraph 17, Statement of Evidence of Christopher Paul Rendall On Behalf of The Director-General of Conservation Chapter 2 - Objectives, 29 March 2016.

- (b) Clause a) be split into two so that one clause focuses on identification and protection areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna while the other focuses on restoration of natural character;
- (c) the addition of a new Clause c) to address inappropriate subdivision, use and development;
- (d) Clause b) as notified (now Clause c)) is amended to facilitate active and passive recreational use while managing vehicle access;
- (e) Clause c) as notified (now Clause d)) is retained but clarified to pertain to coastal dunes in the area mapped as the dominant coastal environment;
- (f) inclusion of a new sentence in the Explanation reflecting the NZCPS provides strong direction recognising tāngata whenua values;
- (g) defined terms are italicised; and
- (h) the Explanation is rationalised and unnecessary information deleted.

10.20 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.4 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

10.21 The amended Objective is as follows:

Objective 2.4 Coastal Environment

To have a coastal environment where:

- a) areas of outstanding *natural character* and high *natural character*, ~~natural systems, natural landforms and natural processes~~, *outstanding natural features and landscapes*, areas of significant *indigenous vegetation* and *significant habitats of indigenous fauna* are identified and protected;
- b) areas of outstanding *natural character* and high *natural character* are restored where degraded;
- c) the effects of inappropriate *subdivision*, use and *development* are avoided, remedied, or mitigated;
- b) d) appropriate public access to and along the coast is improved to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate *vehicle access*; and
- e) e) development does not result in further loss of coastal dunes in the area mapped as the dominant coastal environment.

11 Issue 6: Objective 2.5 Natural Hazards

Description of the Issue

- 11.1 Twenty nine submissions were received regarding Objective 2.5. Of these, two submissions supported the Objective and sought to have its intent retained. Those submissions were the Director-General of Conservation [202.3] and Coastlands Shoppingtown Ltd [218.12].
- 11.2 The remaining bulk of submissions either opposed the Objective or sought amendments to it. We note that many of the submitters made similar points on Objective 2.5.
- 11.3 Key points of submission seeking amendments included:
- (a) explicitly enabling owners of properties in the coastal environment to maintain, protect and develop their land if they take appropriate measures against the likely risks to their land;
 - (b) the Objective be reworded to give effect to the RPS and NZCPS, and should be reworded to be less extreme with deletion of references to the words "*ensure*", "*avoiding*", "*precautionary approach*" and "*conservative decisions*";
 - (c) requesting a more balanced objective to better measure the long term trends of natural processes (such as climate change) to adequately assess if there is in fact a risk to property and people;
 - (d) recognition of specific activities such as gravel extraction assisting with the management of natural hazards; and
 - (e) the role of Council in managing risks.

Evidence and Evaluation

- 11.4 Before evaluating the above submissions, we merely reiterate the procedural comments we made at the inception of our discussion on Objective 2.4 above; namely that parts of the Explanation to Objective 2.5 dealing with coastal hazards were withdrawn following the lodgement of submissions but did not affect the Objective itself.
- 11.5 As a result of the above, this Objective no longer addresses coastal hazards and is largely uncontested by the remaining submissions.
- 11.6 As a starting point, to this short evaluation, we agree with the Director-General of Conservation [202.3] and Coastlands Shoppingtown Ltd [218.12] that Objective 2.5 sets an appropriate strategic direction for the consideration of natural hazards in the PDP and gives effect to Objective 19 of the RPS. Given the focus of Objective 19 of the RPS on "*reducing the risks and consequences*", we consider the PDP Objective 2.5 is appropriate. We therefore recommend it is retained without modification.

- 11.7 We agree that the Explanation will benefit from amendments to recognise that appropriate, rather than conservative decisions will be made, where there is sufficient knowledge and information to predict the effects of the hazard.
- 11.8 We acknowledge that there are many ways to manage the risk of natural hazards and do not consider it necessary to specifically identify activities such as gravel extraction as sought by Winstone Aggregates Ltd [92.20].
- 11.9 While we do not recommend any changes to Objective 2.5 in response to submissions, we agree that the Explanation will benefit from the amendments as outlined in the Section 42A reports for the reasons outlined therein. We recommend that the Explanation to the Objective should be amended to recognise that appropriate, rather than conservative decisions will be made, where there is sufficient knowledge and information to predict the effects of the hazard. It is recommended that the explanation reflects this, and that the Explanation should also be more explicit that the approach is to hazard risk management.

Findings

- 11.10 We recommend that Objective 2.5 is retained as set out in Appendix 1, with minor amendments as follows:
- a) italicise defined terms; and
 - b) wording changes to the Explanation to rationalise and remove unnecessary information.
- 11.11 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.5 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 11.12 The retained Objective is as follows:

Objective 2.5 – Natural Hazards

To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of *risk* from *natural hazards*, while recognising the importance of natural processes and systems.

12 Issue 7: Objective 2.6 Rural Productivity

Description of the Issue

- 12.1 Seventeen submissions were received on Objective 2.6, with none in support. Of these submissions, ten submissions opposed or sought deletion of the Objective, while six sought amendments, and one opposed the Objective in part.

- 12.2 There were a number of common themes in the submissions. Several submissions considered that the Objective may prevent rural landowners from using their land to meet the housing needs of the rural community, and that it does not provide for people in the rural community to fairly choose how they use their land. Many submitters also considered the Objective is too wide reaching in its protection of natural systems and processes because it does not adequately explain what these are. Such submissions considered the Objective is too restrictive and fails to recognise that primary production is primarily about modifying natural processes to enable production to occur.
- 12.3 At one end of the submission spectrum was the Director-General of Conservation [202.4] who sought the Objective be amended to reflect that ‘primary production activities must also be undertaken in a manner that does not adversely affect terrestrial, freshwater and marine ecosystems’, and to be more consistent with the requirement of Part 2 of the RMA which requires the avoidance, remediation and mitigation of effects.
- 12.4 At the other end of the spectrum was Horticulture New Zealand [219.25] who sought a greater recognition of rural land for production of food, rather than protection of particular classes of soil. That submitter sought changes throughout the Plan to implement this approach.

Evidence and Evaluation

- 12.5 We heard from Ms Carter representing a number of submitters who opposed this Objective and who sought changes to it. She told us that the higher the price of land the greater the need for that land to be more productive. In her submission, either rural land is used intensively for high productivity or, as is more often the case, it is purchased for the life-style. It is not likely to be both. She considered Council and in particular the Plan should be more realistic about its expectation of rural land on the Kāpiti Coast; in her submission, it is a peri-urban area where rural land values are high and increasing and demand for rural lifestyles is also increasing. She considered that although the focus of Objective 2.6 should be on the “*productive potential of land and other natural resources*”, it should also be broader and acknowledge the use of all natural resources in primary production (e.g. sunlight, wind, wood, water, metal, plants and animals etc). She suggested amending Objective 2.6 so that Clauses a) and b) referred to “*enabling*” rather than “*retaining*” land which is suitable for a range of primary production activities and “*supporting*” rather than “*achieving*” added economic and social value. She suggested that Clauses b) and all of Clause d) should be deleted to make the Objective more flexible and less restrictive. We agree in part. We consider the focus on retaining land suitable for a range of primary production activities is consistent with Policy 59 of the RPS, and therefore Clause a) as notified is generally appropriate. However, we do agree that Clause c) would more appropriately refer to “*enabling*” activities and as such recommend Clause c) be amended to read:

c) ~~achieving priority importance of~~ enabling activities that utilise the *productive potential* of the land in the rural environment; ~~and~~

12.6 We agree with Horticulture New Zealand [219.25] that the Objective should refer to the primary production activities rather than focusing on soils. Therefore, we recommend amending Clause a) to read:

- a) ~~retaining highly versatile soils and specialised soils for~~ land which is suitable for a range of primary production activities;

12.7 Mr Wilkinson's written evidence expressed concern that the underlying economic assumptions of the Objective are incorrect. We do not agree and consider that Objective 2.6 appropriately gives effect to the RPS.

12.8 We heard from Mr Jensen [275] who considered that "*ancillary on-site processing and marketing*" contradicted the principles contained in Objective 2.2: Ecology and Biodiversity, whilst Ms Carter felt it should be broader. We consider that as notified, Clause b) appropriately recognises on-site processing and marketing associated with primary production activities.

12.9 We agree with the Director-General of Conservation that the Objective could be amended to be more consistent with the requirements of the RMA. In this respect, we are of the view that a more appropriate focus for the Objective is to safeguard the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment, rather than requiring protection of natural systems. We consider this is more aligned with Section 5(2)(b) of the RMA. For this reason, we recommend including text at the end of the Objective as follows:

~~while ensuring that natural systems and processes are protected~~ safeguarding the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment.

12.10 We consider the Objective as recommended to be altered gives effect to Section 5 of the RMA and it is appropriate to seek to retain land that is suitable for primary production whilst safeguarding the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment.

12.11 We agree with Poultry Industry Association and Egg Producers Federation of NZ [277] that while the Objective recognises that conflicts between land uses must be reduced, it does not specifically recognise reverse sensitivity effects. Accordingly, we agree that the addition of Clause e) to address the reverse sensitivity effects between existing primary production activities and sensitive activities is appropriate.

- e) avoiding, remedying or mitigating adverse effects on the efficient operation of existing primary production activities from sensitive activities establishing on adjoining sites;

12.12 In response to this submitter we have also made alterations to certain policies and rules in Chapter 7 to address reverse sensitivity effects in order to align the Rural Zone provisions with the modified objective.

- 12.13 We have recommended an addition to the Explanation in the last paragraph to recognise that the intent of Objective 2.6 is not to constrain day-to-day normal rural activities:

Underpinning all of these issues is the need for rural production to be carried out in a manner that is viable for producers, and avoids undue restrictions on day-to-day normal rural activities, but not at the expense of the natural environment.

- 12.14 In this vein, we note that this above qualification to the Objective is implemented at both the policy and the rule levels in the rural zone by the relaxation of controls on day to day activities such as the establishment and maintenance of farm and forestry tracks which was a common request by many submitters to the PDP. We cover this in greater detail in our report on Chapter 7 but mention it here to illustrate how this alteration to the Objective and attendant explanation is recommended to be implemented at the rule level.

Findings

- 12.15 We recommend that Objective 2.6 is amended as shown in Appendix 1, including:

- (a) deletion of “*primary*” in terms of the productive potential of land;
- (b) deletion of the terms “*highly versatile soils*” and “*specialised soils*” from Clause a)
- (c) amending Clause a) to recognise land suitable for a range of primary production activities;
- (d) amending Clause c) to “*enabling*” activities;
- (e) adding a new Clause e) to address reverse sensitivity;
- (f) deleting references to the terms natural systems and processes;
- (g) inserting safeguarding the life-supporting capacity of air, water, soil, and ecosystems to reflect the purpose of the RMA;
- (h) italicise defined terms;
- (i) wording changes to the Explanation to rationalise and remove unnecessary information and to recognise that the intent of Objective 2.6 is not to constrain day-to-day normal rural activities; and
- (j) minor wording changes to improve accuracy and readability.

- 12.16 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.6 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

- 12.17 The amended Objective is as follows:

Objective 2.6 – Rural Productivity

To sustain the ~~primary~~ *productive potential* of land in the District, including:

-
- a) retaining ~~highly versatile soils and specialised soils for~~ land which is suitable for a range of primary production activities;
 - b) achieving added economic and social value derived from *primary production activity* activities through *ancillary* on-site processing and marketing;
 - c) ~~achieving priority importance of enabling~~ activities that utilise the *productive potential* of the land in the rural environment; ~~and~~
 - d) reducing conflict between land uses in the rural environment and adjoining areas; and
 - e) avoiding, remedying or mitigating adverse effects on the efficient operation of existing primary production activities from sensitive activities establishing on adjoining sites;

~~while ensuring that natural systems and processes are protected safeguarding the life-supporting capacity of air, water, soil, and ecosystems by avoiding, remedying or mitigating adverse effects on the environment.~~

13 Issue 8: Objective 2.7 Historic Heritage

Description of the Issue

- 13.1 While Objective 2.7 focuses on protection of historic heritage, we noted from submissions and evidence presented to us that this approach does not enable appropriate use and development and does not consider the implications for private property owners.
- 13.2 Four submissions were received pertaining to Objective 2.7. Greater Wellington Regional Council [441.7] supported the thrust of Objective 2.7 and sought amendments to clarify the intent in terms of “supporting the contribution” of historic heritage values, features and areas to the identity, character and amenity of places and landscapes in Clause a).
- 13.3 Heritage New Zealand [460.4] supported the Objective but sought amendments to refocus Clause a) on historic heritage features rather than historic heritage values.
- 13.4 Bryce Wilkinson [280.7] sought replacement of the Objective with wording that preserves private property rights, while enabling Council to buy properties with exceptional heritage values in order to preserve them.
- 13.5 Maypole Environmental Limited [263] sought recognition in the wording of the Objective that there may be appropriate subdivision, use and development where the heritage values are recognised and appropriately managed in any development.

Evidence and Evaluation

- 13.6 In his written evidence on behalf of Maypole Environmental Limited [263], Mr Hansen supported and outlined amendments to Objective 2.7 so it enables appropriate use and development instead of requiring the recognition and protection of historic heritage. He considered the Objective as notified requires a form of protection on private property, which sits uncomfortably alongside the enabling purpose of the Act. Mr Hansen clarified that Maypole is not suggesting in its submission that historic heritage protection should not occur on important recognised sites of heritage significance. Rather, he clarified that Maypole sought recognition that there may be appropriate subdivision, use and development where the heritage values are recognised and appropriately managed in any development.
- 13.7 In considering this issue we turned our minds to Section 6(f) of the RMA which requires us to recognise and provide for as a matter of national importance “*the protection of historic heritage from inappropriate subdivision, use, and development*”.
- 13.8 We also considered the policy framework for historic heritage in the RPS, particularly Objective 15 which mirrors Section 6(f) of the RMA:

Historic heritage is identified and protected from inappropriate modification, use and development.

- 13.9 This RPS objective is achieved by RPS Policies 21, 22 and 46. Policy 21 establishes assessment criteria for identifying sites of historic heritage, Policy 22 seeks to protect those identified sites and Policy 46 provides an interim assessment framework prior to the identification of sites with significant historic heritage value.
- 13.10 While we accept that identified historic heritage areas, sites and features should be protected, we also note that Section 6(f) of the RMA seeks to protect historic heritage from inappropriate subdivision, use, and development [emphasis added]. It seems to us that the Act does not envisage that historic heritage areas, sites and features are locked away in perpetuity and no longer used but more that *inappropriate* use is avoided where it would adversely impact on the heritage values sought to be protected. Therefore, we support the amendments as sought by Mr Hansen in his evidence, enabling appropriate use and development which aligns with the enabling purpose of the Act. We therefore recommend including a new Clause as follows:

c) providing for appropriate use and development of natural and physical resources with historic heritage values, while ensuring any adverse environmental effects are avoided, remedied or mitigated.

- 13.11 Mr Wilkinson [280] provided a written statement expanding on his submission, and expressed his concern that the Objective turns private assets into private liabilities as it relies on the stick rather than the carrot to preserve historic heritage. He expressed concern at the cost to the private property owner of doing so. While we accept that protecting historic heritage may impose a cost on the landowner, we are aware of non-regulatory assistance that may be available from

Council and Heritage NZ, including financial incentives to encourage the conservation of nationally significant heritage places in private ownership. Priority is given to heritage places of national significance where conservation work is planned and could be improved through extra funding. In addition, protection of historic heritage is a legislative requirement irrespective of land ownership, and in this respect Objective 2.7 gives effect to the RMA, which ensures that historic heritage is protected from inappropriate subdivision, use and development. For this reason, we do not consider any changes necessary in response to the submission.

13.12 Heritage New Zealand [460] also provided a written statement supporting the position outlined in the Section 42A report which recommended accepting their amendments. We agree with this recommendation. We therefore recommend amending Clause a) to read:

- a) supporting the contribution of *historic heritage values, features and areas* ~~their values~~ to the identity, character and amenity of places and landscapes; ~~and~~

13.13 The matter of waahi tapu was the subject of a separate hearing on Chapter 10. We asked Mr Jerome Wyeth (the Reporting Officer for waahi tapu) whether Objectives 2.1 (dealing with Tangata Whenua) and Objective 2.7 in particular, needed to change in light of his recommendations in the Section 42A report for waahi tapu. He considered that Objective 2.1 is self-contained and does not need any alteration, but that Objective 2.7 (b) could refer to “*waahi tapu and other places and areas of significance to Māori*” to be more consistent with Chapter 10 Historic Heritage.⁵² We agree that this is appropriate recognition of Section 6(e) of the RMA. We consider that Clause b) can be focused further as follows:

- b) recognising and protecting *tāngata whenua* historic heritage, including *waahi tapu and other places and areas significant to Māori*, ~~knowledge, histories and ngā taonga tuku iho;~~ and

13.14 On the basis of our considerations outlined above, we recommend accepting the changes as sought by Heritage New Zealand [460] and Maypole Environmental Ltd [263].

13.15 We note that the first paragraph of the Explanation to Objective 2.7 as proposed for inclusion in the Section 42A report contains incorrect references to outstanding natural landscapes and therefore recommend the following wording:

The RMA identifies the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance under section 6(f). In addition, section 6(e) identifies the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, *wāahi tapu*, and other taonga as a matter of national importance. These requirements facilitate the achievement of the overall purpose of the RMA to promote sustainable management of natural and physical resources.

⁵² Paragraph 3.21 Kapiti Coast Proposed District Plan - Reporting Officer Closing Statement Chapter 10: Historic Heritage (Waahi Tapu), Jerome Wyeth.

Findings

13.16 We recommend that Objective 2.7 is amended as shown in Appendix 1, including:

- (a) recognition of historic heritage features and values in Clause a);
- (b) inclusion of *waahi tapu* and other places and areas significant to Maori in Clause b);
- (c) adding a new Clause c) to balance use and development with protection of historic heritage;
- (d) amendments to the explanation to better reflect the RMA Sections 6(e) and 6(f);
- (e) italicise defined terms;
- (f) wording changes to the Explanation to rationalise and remove unnecessary information; and
- (g) minor wording changes to improve accuracy and readability.

13.17 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.7 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

13.18 The amended Objective is as follows:

Objective 2.7 – Historic Heritage

To protect *historic heritage* in the District for the social, cultural and economic wellbeing of the Kāpiti Coast community and future generations, ~~this including~~ as follows:

- a) supporting the contribution of *historic heritage* ~~values, features and areas~~ their values to the identity, character and amenity of places and landscapes; ~~and~~
- b) recognising and protecting *tāngata whenua historic heritage*, including *waahi tapu* and other—places and areas significant to Māori; and, knowledge, histories and ngā taonga tuku iho.
- c) providing for appropriate use and development of natural and physical resources with historic heritage values while ensuring any adverse environmental effects are avoided, remedied or mitigated.

14 Issue 9: Objective 2.8 Strong Communities

Description of the Issue

14.1 There were nine submissions received regarding this Objective, of which there were two submissions that supported Objective 2.8 and one partially supporting it. Only one submission

opposed the Objective and that is Stephen Lang [432.2] on the basis that it is not clear what part of the Plan is being referred to and it is assumptive that sea levels will rise.

- 14.2 The majority of submissions sought amendments to address various diverse matters, such as:
- (a) access to rivers, lakes, wetlands and their margins for recreational use by anglers, hunters and their dogs (where appropriate);
 - (b) increased access to locally produced food, minerals (particularly aggregate) and energy resources;
 - (c) recognition that the prime responsibility of the Council to protect members of the community in terms of persons and property;
 - (d) fence heights and visual permeability; and
 - (e) the ability for a community to connect to a transport network that is capable of adapting over time.

Evidence and Evaluation

- 14.3 NZ Transport Agency [457.14] sought an inclusion of a new clause regarding the ability for a community to connect to a transport network that is capable of adapting over time. We do not agree that changes are required to Objective 2.8 as Objective 2.13 more specifically acknowledges the importance of infrastructure and services. We note that NZTA's planning witness (Ms Penfold accepted that this matter is adequately addressed by access being referred to directly in Objective 2.8(a), and that it is implicit that infrastructure will need to be sustained and adapted over time to achieve an adaptable, connected transport network.
- 14.4 We heard from Mr Smith [443] who sought inclusion of social infrastructure in Objective 2.8: Strong Communities. While this matter was not specifically covered in Mr Smith's original submission, there were other submissions which provide scope for this change such as Landlink [191.22] who sought consistency with the RMA. We agree and consider this is adequately covered by the inclusion of social and community services and facilities in Clause a) as follows:
- a) have easy access and connectivity to quality and attractive public places and local social and community services and facilities;
- 14.5 We agree in part with some of the matters raised by Landlink Ltd [191.22], that the Objective is broadly in line with sustainable management under the RMA, but the matters listed in the objective do overlap. For this reason, we agree with deletions and streamlining of the Objective so it is more tightly focused. In particular, we recommend deleting Clauses b), e), f), h) and i). We also recommend the rationalisation of various clauses by including the concept of "*quality and attractive*" places from Clause e) and f) into Clause a).
- 14.6 We heard from Ms Pope [547] who sought retention of the Objective as notified. We are unable to accept that submission because we agree with Ms Rushmere's closing statement which

concluded that the principles addressed in the deleted clauses recommended to be deleted are adequately covered in Objective 2.11: Character and Amenity and Objective 2.13: Infrastructure.⁵³

- 14.7 While we understand the points made by Jan Toohey [427.1] with regards to fence height, we consider objectives set the higher order outcomes for the District and detail such as fencing heights is more appropriately addressed in policy and rules. However, we recommend retaining Clause e) which establishes a strong sense of safety and security in public and private spaces.
- 14.8 We consider the second paragraph of the Explanation should be retained, to recognise that a resilient community is one that has the capacity to actively respond and adapt to change with minimum cost to communities, to community systems (including infrastructure) and ecosystems.

Findings

- 14.9 We recommend that Objective 2.8 is amended as shown in Appendix 1, and includes:
- (a) Clause a) includes “quality and attractive” public places;
 - (b) Clause b) is deleted;
 - (c) Clause c) is amended to include acknowledgement of other products;
 - (d) Clauses e), f), and h) and i) are deleted;
 - (e) retention of the second paragraph to the Explanation;
 - (f) italicise defined terms;
 - (g) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (h) minor wording changes to improve accuracy and readability.
- 14.10 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.8 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 14.11 The amended Objective is as follows:

Objective 2.8 – Strong Communities

To support a cohesive and inclusive community where people:

- a) have easy access and connectivity to quality and attractive public places and local social and community services and facilities;
- ~~b) have capacity to respond to change and ability recover from sudden environmental and economic system shocks and stresses;~~

⁵³ Paragraph 3.30 Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

- e) ~~b)~~ have increased access to locally produced food, ~~and~~ energy and other products and resources; and
- d) ~~c)~~ have improved health outcomes through opportunities for active living ~~and/or~~ access to health services.
- e) ~~have access to high quality and attractive places;~~
- f) ~~can efficiently and effectively use community resources, places and spaces;~~
- g) ~~d)~~ have a strong sense of safety and security in public and private spaces; ~~and~~
- h) ~~feel part of and pride in a distinct shared identity and wellbeing; and~~
- i) ~~find opportunities and places for community involvement and interaction.~~

15 Issue 10: Objective 2.9 Landscapes

Description of the Issue

- 15.1 Twenty three submissions were received on Objective 2.9, of which two submissions supported the objective, nine opposed the Objective, one opposed the Objective in part, and eleven sought amendments. The Director-General of Conservation [202.5] and Wellington Fish and Game Council [462.6] supported the Objective on the basis that it is consistent with the RMA, and sought that it be retained as notified.
- 15.2 A common theme of the submissions was a request that the Objective be altered to more accurately reflect the RMA. In particular, submitters sought only outstanding natural features and landscapes be protected from inappropriate subdivision, use, and development. Other requests for amendments included:
- (a) deletion of Clause b);
 - (b) deletion of Clause d) (dealing with areas of high natural character);
 - (c) replacement of the word “*protect*” with the words “*maintain and enhance*”; and
 - (d) deleting significant amenity landscapes.
- 15.3 Some submissions also considered the Objective needs to be more balanced, recognising that some development with minimal adverse effects on outstanding natural features and landscapes may be appropriate in certain circumstances in some of these areas. Such submissions suggested that the network of overlays that may apply - identified outstanding natural features and landscapes, significant amenity landscapes and areas of high natural character - would significantly restrict development in the District.

Evidence and Evaluation

- 15.4 Mr Hansen's evidence on behalf of Maypole Environmental Ltd [263.4] suggested that the Objective be altered such that it reflects the requirements of section 6(b) of the RMA that only outstanding natural features and landscapes are to be protected from inappropriate subdivision, use, and development. He outlined Maypole's concern that the Objective refers to other items such as "*the landscape values of coastal hills and escarpments*" which he submitted casts the net very wide in terms of the protection required. We agree that the Objective should focus on those landscapes and features that have been identified. In this regard, outstanding natural features and landscapes and special amenity landscapes are identified on the District Plan Maps, and the intention of "*identified significant landforms*" is to address those landforms that have been specifically identified within the District Plan (but not necessarily in the District Plan Maps) such as structure plans. We also consider Objective 2.9 should reflect Section 6(b) of the RMA. In this respect, we recommend the Objective be focused on outstanding natural features and landscapes, special amenity landscapes and identified significant landforms. In order to clarify what the term "*identified significant landforms*" relates to, we recommend the following addition to the Explanatory text:

Identified significant landforms are those landforms that have been specifically identified within the District Plan (but not necessarily in the District Plan Maps such as structure plans.

- 15.5 We heard from Mr Smith on behalf of Quicksilver Enterprises [212] who primarily sought the deletion of the Objective 2.9, but in the case it remained he sought certain amendments. Mr Jensen [275] also felt that the intent of the Objective should be clearer. The changes he requested are similar to those of Mr Smith [443] who suggested that the first sentence of the Objective should be amended to include "*from inappropriate subdivision, use and development and enable the efficient use and development of natural and physical resources while maintaining and where practicable enhancing*".
- 15.6 We note that Transpower New Zealand's written evidence supported the Section 42A report's recommendation to amend the objective by inserting reference to "*inappropriate subdivision, use and development*" and applying the Objective only to outstanding natural features and landscapes and special amenity landscapes as opposed to all natural areas. We agree with the submitters in this regard and recommend rewording the Objective as follows:

~~To protect the District's natural landforms and valued landscapes, including:~~
identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and

a) maintain or enhance the landscape values of significant special amenity landscapes; and identified significant landforms; and

b) avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms, and areas of high natural character;

~~b) Stream and river corridors, including stream and river mouths, head waters and estuaries;~~

~~c) Remaining coastal dunes, wetlands and native vegetation; and~~

~~d) The landscape values of coastal hills and escarpments.~~

- 15.7 We note that Mr Hansen also felt that the Objective should be worded more positively, however Section 6(b) of the RMA specifically seeks to “*protect*”. While other Objectives may enable appropriate development, we consider that the most appropriate way to meet the purpose of the Act in this particular instance is to protect outstanding natural features and landscapes from inappropriate subdivision, use, and development.
- 15.8 Mr Smith [443] drew our attention to a potential conflict between Objective 2.9 and Objective 2.6 Rural Productivity. While his submission did not specifically address this issue, his further submission [FS 139] supported other submissions seeking to have a more balanced approach to objectives. We consider that both of these objectives provide strategic direction to the rest of the Plan regarding matters to which particular regard should be given and provide direct guidance on what is appropriate in terms of relevant rules and standards. As reflected in the Purpose of the RMA itself (Section 5), there is a balance between allowing development whilst also protecting the environment. For this reason, we consider it is appropriate that some Objectives promote protecting particular resources while others enable use of other resources. Accordingly, we believe that Objectives 2.9 and 2.6 can co-exist and as such we do not recommend any further alteration to either objective.
- 15.9 Greater Wellington Regional Council [441] sought that all references to “Significant Amenity Landscapes” be changed to “*Special Amenity Landscapes*” to match the defined term in the RPS. As discussed in detail in our report on Chapter 3 Natural Environments, we agree and therefore recommend Objective 2.9 refers to “*Special Amenity Landscapes*”.
- 15.10 Ms Smith appeared on behalf of Waa Rata Estate [327] and considered that Special Amenity Landscapes should be maintained rather than protected. While this was not specifically addressed in the Waa Rata Estate submission, we note that FS139 supported other submissions seeking to have a more balanced approach to objectives. We agree that this would most appropriately reflect the cascade envisaged by Sections 6 and 7 of the RMA, and give effect to Objective 18 and Policy 28 of the RPS. We therefore recommend amending Objective 2.9 so as to deliver a two tiered approach where special amenity landscapes are “*maintained or enhanced*” rather than the higher tier of “*protect*” which applies to outstanding natural features and landscapes. We also recommend deleting high natural character from Objective 2.9 as we feel this is more appropriately addressed in Objective 2.4 Coastal Environment. As outlined in Section 6(a) of the RMA and Policy 11 of the NZCPS natural character is primarily identified and protected in the coastal environment. As a consequence of a more focused Objective, we recommend changing the title of the Objective to “*Landscapes, Features and Landforms*”.

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- 15.11 Mr Wilkinson's written evidence expressed concern that at the 'stick' approach to private property rather than a 'carrot' approach. We would draw his attention to Section 6(b) of the RMA in particular and consider that the amended Objective 2.9 will achieve this matter of national importance.
- 15.12 We agree that the various submissions seeking deletion of Clauses b), c) and d) as we consider this will focus the Objective more appropriately on identified and mapped landscape features, as these only need to be protected where they form part of identified outstanding natural features and landscapes.
- 15.13 We consider the Objective as amended gives effect to Section 6(b) of the RMA and the RPS with respect to recognising and providing for the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development, and Section 7 of the RMA and RPS with regards to maintaining or enhancing special amenity landscapes.

Findings

- 15.14 We recommend that Objective 2.9 is shown in Appendix 1, including the following amendments:
- (a) deletion of references to natural landforms and valued landscapes;
 - (b) Clause a) is amended to better reflect the RMA by addressing inappropriate subdivision, use and development;
 - (c) references are changed from significant to special amenity landscapes to reflect the Wellington Regional Policy Statement;
 - (d) areas of high natural character are deleted from Clause a) (numbered as notified) as these are more appropriately addressed in Objective 2.4 Coastal;
 - (e) Clauses b), c) and d) (numbered as notified) are deleted; and
 - (f) the Explanation is rationalised and refined;
 - (g) new title to widen the application of the Objective to Landscapes, Features and Landforms;
 - (h) italicise defined terms;
 - (i) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (j) minor wording changes to improve accuracy and readability.
- 15.15 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.9 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 15.16 The amended Objective is as follows:

Objective 2.9 – Landscapes, Features and Landforms

To protect the District's ~~natural landforms and valued landscapes, including: a)~~ identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and

a) ~~maintain or enhance the landscape values of significant special amenity landscapes; and identified significant landforms;~~ and

b) ~~avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms, and areas of high natural character;~~

b) ~~Stream and river corridors, including stream and river mouths, head waters and estuaries;~~

e) ~~Remaining coastal dunes, wetlands and native vegetation; and~~

d) ~~The landscape values of coastal hills and escarpments.~~

16 Issue 11: Objective 2.10 Contaminated Land

Description of the Issue

- 16.1 Two submissions were received regarding Objective 2.10 seeking amendments. Horticulture New Zealand [219.28 and 31] sought that the Objective be renamed and references to “*hazardous facilities*” be deleted. Kapiti Coast District Council [440.34] sought minor wording changes.

Evidence and Evaluation

- 16.2 We note that Objective 2.10 was affected by the withdrawal of various objectives, policies, rules, and map layers publicly notified on the 30 October 2014. Amongst those provisions to be affected by those withdrawals were the hazardous substances provisions in Chapter 9. The reason for the withdrawal of hazardous substance provisions was an independent review of the PDP identified the hazardous substances provisions as being out of date and no longer best practice. The provisions in the PDP were considered to conflict with (and sometimes duplicate) landowner's requirements to comply with the Hazardous Substances and New Organisms Act 1996. The independent review also identified issues regarding the practicalities of enforcement. Provisions relating to both hazardous facilities and hazardous substances were withdrawn.
- 16.3 We agree with the minor wording amendments requested in the KCDC submission as recommended in the Section 42A report as the wording more accurately reflects 'The Ministry for the Environment's Hazardous Activities and Industries List (HAIL)'. We recommend adding the words “*involving contaminated land*” for clarity to the end of the Objective. We also recommend deleting the words “*and physical assets*” as physical assets is no longer appropriate in the

context of contaminated land, now that the Objective no longer addresses hazardous substances and facilities (as a result of withdrawal of provisions).

- 16.4 As a consequential change from addressing the submission from the Oil Companies pertaining to Chapter 9 [512.15 and 16] (which we have addressed in more detail in our decision on Chapter 9) we recommend a paragraph is added to the Explanation to draw to the attention of PDP users the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. We recommend the following text is added to the end of the Explanation:

Development, use, and subdivision of contaminated land in the District is managed through the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, in addition to general *earthworks* rules and standards. The regional plan(s) for the Wellington Region also contain rules which manage *contaminated land* and activities which may result in discharges to water, and discharges to land where contaminants may enter water.

- 16.5 For the reasons outlined in the Section 42A report we recommend Objective 2.10 is retained as it assists Council in carrying out their functions under Section 31(b) regarding the control of any actual or potential effects of the development, subdivision, or use of contaminated land.

Findings

- 16.6 We recommend that Objective 2.10 is amended as shown in Appendix 1, including the following changes:
- (a) inclusion of references to contaminated land;
 - (b) deletion of “*and physical assets*”;
 - (c) extending the Explanation to include includes reference to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011; and
 - (d) italicise defined terms;
 - (e) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (f) minor wording changes to improve accuracy and readability.
- 16.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.10 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 16.8 The amended Objective is as follows:

Objective 2.10 Contaminated Land

To prevent or mitigate any adverse environmental *effects*, including risks to human health, ~~and the environment, and physical assets~~, arising from past, present or future activities involving contaminated land.

17 Issue 12: Objective 2.11 Character and Amenity

Description of the Issue

- 17.1 Twenty six submissions were received on Objective 2.11, with most opposing or seeking amendments. Key points made by the submissions include:
- (a) addressing conflicting land uses;
 - (b) recognition that rural character, based on a working landscape exists as a result of the on-going evolution of rural productive land uses which enables people (directly the landowners and land managers, and indirectly rural service providers) to provide for their economic well-being.
 - (c) the word “*protect*” does not reflect that rural communities are dynamic and change over time to ensure productive activities can occur, and living environments can be created;
 - (d) the need for consistency with the RMA by replacing the word “*protect*” with the term “*maintain and enhance*”;
 - (e) widening the focus of the Objective to deal with the range of adverse effects that may not come within the PDP (and RMA) definition of “*Amenity values*”;
 - (f) the descriptions of the rural area are not accurate; and
 - (g) recognition of amenity issues in specific areas / settlements.
- 17.2 Most of the submissions related to the opening words of the Objective and Clauses d) and e).

Evidence and Evaluation

- 17.3 Rob Crozier and Joan Allin [451.41] sought that the focus of Objective 2.11 is widened, including the title and the matters dealt with in the objective, to reflect the range of adverse effects that may not come within the Plan (and RMA) definition of “*Amenity values*”. We agree and recommend amending the title to be “*Character and Amenity Values*”. We have also recommended that the first sentence be amended to include the term amenity values.
- 17.4 Five submissions opposed Objective 2.11 on the basis that the word “*protect*” does not reflect that rural communities are dynamic and change over time to ensure productive activities can occur, and living environments can be created. One particular submitter, Winstone Aggregates

[92.25], suggested alternative wording as "*To maintain and enhance the unique character...*". We agree and recommend that the beginning sentence of the Objective be amended to read:

To ~~protect~~ maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy.....

- 17.5 We also heard from both Ms Smith on behalf of Waa Rata Estate [327] and Ms Carter on behalf of Land Matters [411] that the term "*infrequent buildings*" in Clause d) is difficult to quantify and that the character of rural areas is adequately addressed through the word openness. This was indeed a point made by a number of submitters - that the rural area is not a wilderness and does indeed contain buildings, albeit that they are less frequent than in urban areas. Ms Carter explained that the term "*infrequent buildings*" may preclude the construction of buildings located close together, or clustering of dwellings. We agree that it is a subjective term open to interpretation and recommend its deletion from Clause d) as follows:

d) productive ~~and attractive~~ rural areas, characterised by openness, natural landforms, areas and corridors of *indigenous vegetation*, and *primary production activities*; and

- 17.6 We also agree with Winstone Aggregates [92.26], that the word "*attractive*" can be highly subjective and does not sit well with the focus of Clause d) which is about managing the interface between potentially conflicting land uses. We note that Winstone Aggregates [92.26] made the same points with regards to Clause e) and the references to a high amenity interface.
- 17.7 We heard from Mr Allan Smith [443] and Mr Quentin Smith from Quicksilver Enterprises [212] who sought wording changes. The changes sought include moving "*primary production areas*" to the front of the list in Clause (d) and recognition of the positive community aspects of production forestry including recreation opportunities such as mountain biking. While this matter was not addressed in the primary submission, it was covered in Mr Smith's further submission [FS 139] which supported other submissions seeking to have a more balanced approach to objectives. We consider neither of these changes are necessary - moving the term "*primary production areas*" within the Objective would change the focus of the Objective which is character and amenity. In addition, there is no need to highlight positive aspects of specific activities when an objective is a higher level outcome statement, and for this reason we consider no changes are necessary in response to these two particular submissions.
- 17.8 Ms Carter drew our attention to Clause (d) which refers to the rural environment being characterised by "*corridors of indigenous vegetation*". While shelterbelts may form corridors, they are exotic species with very few corridors of indigenous vegetation. She made the point that Clause d) does not describe many of the rural activities that take place such as production forestry and the character of farmlets and rural lifestyle blocks which often have shelter belts and buildings clustered close together. Ms Carter suggested that Clause (d) needs to be more reflective of the rural community. We consider the Objective does not need to describe every rural activity and that "*areas and corridors*" is broad enough to cover a number of forms of

indigenous vegetation. We also observe that because the definition of primary production activities includes plantation forestry, we consider this activity does not need to be singled out in an Objective. We do not recommend any changes in response to this submission.

- 17.9 Ms Carter considered that Clause (e) of Objective 2.11, which seeks to manage the interfaces between different types of land use, conflicts with Objective 2.6(e) which seeks to avoid sensitive activities being located close to an established primary production activity. She questioned what effects is Clause (e) of Object 2.11 is trying to minimise. We consider the interface between activities and the management of reverse sensitivity is a key issue for the District. In this respect, we emphasise that users of the Plan need to be cognisant that Clause (e) applies to all areas, not just rural, and managing the interface to minimise adverse effects is part of managing the character and amenity of the District.
- 17.10 Mr Jensen [275] suggested that beginning of Clause d) referring to “*productive rural areas characterised by openness*” contradicts the thrust of Objective 2.2: Ecology and Biodiversity, with regards to “*the whittling away of the precious natural environment*”. We do not think this is the case and draw his attention to the latter part of Clause d) which refers to “*areas and corridors of indigenous vegetation*”.
- 17.11 With regards to Clause e), Winstone Aggregates [92.27] considered that the interface between residential, business and working environments is not a high amenity area. In their submission these are areas where there is a transition, but it could never be described as having a high amenity which shall be protected. While we consider that e) is an appropriate limb in this Objective (albeit with amendments) we agree that “*well managed*” better reflects the outcome expressed by the Objective.
- 17.12 Horticulture New Zealand [219.29 and 219.32] sought inclusion of the words “*rural environment*” in Clause e) and we agree that management of the rural interface is important. We recommend including recognition of minimising adverse effects to Clause e) to increase clarity for the Objective. We also agree that the Objective should be amended to refer to “*areas*” rather than “*environments*” for consistency with the rest of the Plan. We note a similar change was sought by Rob Crozier and Joan Allin [451.28] with regards to the removal of the word “*environment*” and inclusion of the word “*area*”. We recommend Clause e) be amended to read:
- e) ~~a high amenity~~ well managed interfaces between different types of land use areas (e.g. between living, and working and rural areas environments) and between potentially conflicting land uses, so as to minimise adverse effects.
- 17.13 Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] sought changes to the Explanation to Objective 2.11 to clarify how the Objective is to be achieved. He also restated the desire to replace “*protect*” with “*maintain and enhance*” and we agree that this more appropriately captures the requirements of the RMA that requires particular regard to be had to the maintenance and enhancement of the quality of the environment (Section 7(f)) and amenity (Section 7(c)).

- 17.14 With regards to the points of submission made by Rob Crozier and Joan Allin [451.41 and 451.42], we agree that Objective 2.11 should be amended to be consistent with terminology in the RMA. However, we do not believe that the character and amenity of a particular location should be singled out at the objective level and that this can be more appropriately and comprehensively addressed through policies, methods and rules. The issues of Te Horo can be addressed in the Explanation to help clarify applicability of the Objective to that particular area and we do not therefore recommend any changes to the Objective with respect to Te Horo. We recommend the following text is added into the Explanation to address Te Horo as follows:

The coastal community of Te Horo Beach is a quiet, relatively remote, low-density area with one narrow road accessing the village, many streets with no kerbs or footpaths, and potential adverse effects from septic tanks on drinking water supplied by bores. The activities and development that would be appropriate in this area are therefore different from other areas with better services and infrastructure.

Findings

- 17.15 We recommend that Objective 2.11 is amended as shown in Appendix 1, including the following:
- (a) the title of the Objective is amended to include values;
 - (b) “*amenity values*” are included in the opening sentence;
 - (c) the focus of the objective is changed from “*protect*” to “*maintain and enhance*”;
 - (d) all references to “*environments*” are changes to “*areas*”;
 - (e) “*and attractive*” is deleted from Clause d);
 - (f) “*infrequent buildings*” is deleted from Clause d);
 - (g) Clause e) is amended to reflect the different types of land use environments and minimise adverse effects;
 - (h) the rural areas are included in Clause e);
 - (i) italicise defined terms;
 - (j) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (k) minor wording changes to improve accuracy and readability.
- 17.16 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.11 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 17.17 The amended Objective is as follows:

Objective 2.11 Character and Amenity Values

To ~~protect~~ maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:

- a) relaxed, unique and distinct village identities and predominantly low-density residential ~~areas environments~~ characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;
- b) vibrant, lively *town centres* supported by higher density residential and mixed use ~~areas environments~~;
- c) neighbourhood *centres*, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;
- d) productive ~~and attractive~~ rural areas, characterised by openness, natural landforms, areas and corridors of *indigenous vegetation*, and *primary production activities*; and
- e) ~~a high-amenity~~ well managed interfaces between different types of land use areas (e.g. between living, and-working and rural areas environments) and between potentially conflicting land uses, so as to minimise adverse effects.

18 Issue 13: Objective 2.12 Housing Choices and Affordability

Description of the Issue

- 18.1 Four submissions were received regarding Objective 2.12. The two supporting submissions were from Regional Public Health [252.2], and Cuttriss Consultants Ltd [550.3] who considered there is a need to refer to avoiding adverse effects caused by different housing (and activity) types (e.g. increasing pressure on septic tanks that affect the drinking water of people using bores, caused by increased intensification due to a range of permitted residential (and non-residential) activities).
- 18.2 Landlink Ltd [191.25] expressed concern that Objective 2.12 does not address the purpose and principles of the RMA. Rob Crozier and Joan Allin [451.43] sought that Objective 2.12 is widened to include the concept in general terms of the importance of health and safety issues relating to drinking water by avoiding pressure on septic tanks (but using appropriate terminology).

Evidence and Evaluation

- 18.3 We consider the Objective to be broadly consistent with the principle of 'sustainable management' under the RMA, as it is enabling people and their communities to provide for their

social, economic, and cultural wellbeing and for their health and safety. For this reason, we acknowledge and accept the submissions supporting the Objective.

- 18.4 We do not consider health and safety issues associated with onsite servicing are most appropriately addressed in this Objective. The focus of Objective 2.12 is on housing choice and affordability, and the matters raised in the submission from Rob Crozier and Joan Allin [451.43] are most appropriately addressed in Objective 2.13 Infrastructure and Services and the attendant policies of that Objective.

Findings

- 18.5 We recommend that Objective 2.12 is retained as notified.
- 18.6 We recommend that the Explanation is amended as shown in Appendix 1, including the following:
- (a) italicise defined terms;
 - (b) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (c) minor wording changes to improve accuracy and readability.
- 18.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.12 11 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 18.8 Objective 2.12 is as follows:

Objective 2.12 Housing Choice and Affordability

To meet diverse community needs by increasing the amount of housing that:

- a) is of densities, locations, types, attributes, size and tenure that meets the social and economic wellbeing needs of households in suitable urban and rural locations;
- b) is affordable and adequate for lower income households; and
- c) can respond to the changing needs of residents, regardless of age, mobility, health or lifestyle preference;

while enhancing the amenity of living environments and contributing to the sustainability of communities and compatibility with the goals of environmental sustainability, in particular resource, water and energy efficiency.

19 Issue 14: Objective 2.13 Infrastructure and Services

Description of the Issue

- 19.1 Seventeen submissions were received relating to Objective 2.13, five of which supported the Objective either in part or in its entirety. The balance of the submissions sought amendments to the Objective. Most of the submitters on Objective 2.13 were infrastructure providers.
- 19.2 Those submissions seeking amendments addressed a number of matters including the following:
- (a) recognition that it may not always be practical to minimise adverse effects of an electricity generation activity;
 - (b) recognition of the importance and national, regional and local benefits of infrastructure and services;
 - (c) specific reference to coastal hazard protection infrastructure;
 - (d) replace “*minimise potentially adverse environmental effects*” with “*avoiding, remedying or mitigating adverse effects on the environment*”.
 - (e) amendments so that the objective only reflects RMA issues, not social infrastructure or building a stronger community;
 - (f) recognition of the gas distribution network; and
 - (g) application of the National Environmental Standard for Telecommunications Facilities.

Evidence and Evaluation

- 19.3 We heard from Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] who supported the objective, but sought the inclusion of commentary on the role or contribution of Council in providing infrastructure, and the provision of this infrastructure and community services by the land owner/resource user. Whilst we agree that Council does have a role to play in infrastructure development and operation, many of the essential services (such as telecommunications) are run by private companies, which means that there will be many aspects that are largely outside of the scope of the Council to be able to control. Accordingly, we do not consider the Objective needs to be amended to reflect this.
- 19.4 We agree with the Section 42A report that specific reference to coastal hazard protection infrastructure as requested by North Otaki Beach Residents Group Inc [38.17] is not appropriate in this Objective.⁵⁴ The objective relates to infrastructure that provides essential services to the community. We note that Infrastructure in the PDP means the same as that in the RMA and the

⁵⁴ Paragraph 554, s42A Report: Part B - Objectives, Suzanne Rushmere.

RPS, which does not include coastal hazard protection structures. We consider Objective 2.13 should remain focused on the scope of activities and structures identified as infrastructure in the RMA and RPS.

- 19.5 We agree with Transpower New Zealand Ltd [208.15] that the national, regional and local benefits of infrastructure should be recognised, and this gives effect to the RPS (Objective 10 and Policy 39). In this regard, we recommend that the start of the Objective is amended to read:

To recognise the importance and national, regional and local benefits of *infrastructure*...

- 19.6 We also recommend “*region*” is added to Clause a) as a consequential amendment.
- 19.7 We agree with New Zealand Transport Agency [457.12 and 457.15] and Director-General of Conservation [202.6] that the Objective could more closely reflect the wording of the RMA and therefore recommend inclusion of “...*while avoiding, remedying or mitigating adverse effects on the environment*”. We consider that this is more appropriate wording than seeking adverse effects are minimised “*as far as practical*”. We accept the argument of both these submitters that not all effects can be avoided, particularly when the activity depends on the location of a particular resource (such as renewable electricity generation) and therefore the inclusion of remedying and mitigating will cover these instances.
- 19.8 While we agree that with Landlink Ltd [191.26] that the Objective should be focused on infrastructure as it is defined in the RMA, we consider the inclusion of “*social and physical*” is appropriate to recognise that infrastructure to support communities is more than the physical pipes and roads. This is also reflected by the inclusion of the section on Community Facilities in Chapter 11 Infrastructure and Services. Given the focus of the Objective we do however question inclusion of ecological resilience in Clause b) and recommend its deletion in order to keep the Objective tightly focused.
- 19.9 We agree with the changes sought by Chorus New Zealand Ltd [442.10] and Telecom New Zealand Ltd [444.8] to the explanation, to make it clear that the NES for Telecommunications Facilities also covers provision for streetlight solutions in road, and the application of the radio frequency provisions to all telecommunications. We agree this will ensure PDP users are aware of the National Environmental Standard for Telecommunications Facilities.

Findings

- 19.10 We recommend that Objective 2.13 is amended as shown in Appendix 1, including the following:
- (a) inclusion of the recognition of the importance and national, regional and local benefits of infrastructure;
 - (b) the Objective is split into two clauses to improve readability;
 - (c) Clause a) is amended to reflect the regional needs;

- (d) Clause b) is amended to better reflect the purpose of the RMA;
 - (e) italicise defined terms;
 - (f) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (g) minor wording changes to improve accuracy and readability.
- 19.11 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.13 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 19.12 The amended Objective is as follows:

Objective 2.13 – Infrastructure ~~and Services~~

To recognise the importance and national, regional and local benefits of *infrastructure* and ensure the efficient *development*, maintenance and operation of an adequate level of ~~social and physical infrastructure and services~~ throughout the District that:

- a) meets the needs of the community, and the region; and
- b) builds stronger community ~~and ecological~~ resilience, while minimising avoiding, remedying or mitigating potentially adverse ~~environmental effects~~ on the *environment*.

20 Issue 15: Objective 2.14 Access and Transport

Description of the Issue

- 20.1 Fourteen submission points were received regarding Objective 2.14.
- 20.2 The submissions seeking amendments were varied and covered a range of matters including:
- (a) providing for the efficient movement of freight;
 - (b) opposing restricting access;
 - (c) recognition of benefits needing to be greater than costs; and
 - (d) enabling efficient and effective functioning.
- 20.3 A number of submitters requested replacement of the word “*minimise*” with “*avoiding, remedying or mitigating any adverse effects on the environment*” to better reflect the RMA.

Evidence and Evaluation

20.4 We heard from Ms Penfold on behalf of the NZ Transport Agency [457] requesting that the word “*minimise*” be replaced with “*avoiding, remedying or mitigating*”. She outlined that the New Zealand Transport Agency is concerned that the use of minimise creates an unrealistic community expectation and imposes a high level of avoidance/mitigation on infrastructure providers that may not be consistent with RMA expectations. We note that the Director-General of Conservation [202.7] requested the same relief as the NZ Transport Agency [457.16], while KiwiRail Holdings [447.2] requested “*minimise*” be deleted. We agree that this amendment will more accurately reflect the RMA. In response to these submissions we recommend Clause d) of Objective 2.14 be amended to read:

d) minimises avoids, remedies or mitigates adverse effects on land uses ~~and vice versa; and...~~

20.5 We agree with KiwiRail Holdings Ltd [447] that the transport network needs to be able to operate and function efficiently. However, we consider 'protect and enable' as proposed by KiwiRail Holdings Ltd places too much emphasis on the transport system, when it needs to be integrated with landuse. As such, we see a new Clause e) as achieving this same outcome and agree with the New Zealand Transport Agency [457.18] that Clause d) be split to address effects on the transport system in a separate clause as follows:

e) does not have its function and operation unreasonably compromised by other activities;

20.6 We do acknowledge those submissions that suggest that some changes are necessary to reflect the integration of transport and land use. We therefore recommend adding reference to “*land use*” in Clause a) to refer to the interdependence of land use and transport.

20.7 Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] restated the submitter’s concern as to who and how the Objective was to be achieved. We consider delivery of Objectives can be through a number of means including those outside the PDP. In addition, we are aware Council only controls certain parts of the transport network and it is not appropriate or realistic for Council to overstate its areas of control or influence. We do not consider any amendments are necessary in response to this point of submission.

20.8 We agree with Winstone Aggregates Ltd. [92.28] that movement of freight is a key responsibility of the transport network, and that the Objective does not identify or highlight the importance of the transport system for freight, which is a critical aspect of the District's network. We agree that it can be addressed by the addition of Clause g) to recognise the role of movement people, goods and services. We therefore recommend including a new Clause as follows:

g) provides for the integrated movement of people, goods and services.

Findings

- 20.9 We recommend that Objective 2.14 is amended as shown in Appendix 1, including the following:
- (a) Clause a) is amended to recognise landuse;
 - (b) Clause d) is amended to better reflect the purpose of the RMA;
 - (c) a new Clause e) is inserted to avoid the function and operation being unreasonably compromised by other activities;
 - (d) a new Clause g) is inserted to provide for the integrated movement of people, goods and services;
 - (e) italicise defined terms;
 - (f) renumbering to accommodate the amendments;
 - (g) wording changes to the Explanation to rationalise and remove unnecessary information; and
 - (h) minor wording changes to improve accuracy and readability.
- 20.10 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.14 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 20.11 The amended Objective is as follows:

Objective 2.14 – Access and Transport

To ensure that the transport system in the ~~Kāpiti Coast~~ District:

- a) integrates with land use and urban form and maximises accessibility;
- b) improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;
- c) contributes to a strong economy;
- d) ~~minimises~~ avoids, remedies or mitigates adverse ~~effects~~ on land uses ~~and vice versa~~;
- e) does not have its function and operation unreasonably compromised by other activities;
- e) f) is safe, fit for purpose, cost effective and provides good connectivity for all communities; and
- g) provides for the integrated movement of people, goods and services.

21 Issue 16: Objective 2.15 Incentives

Description of the Issue

- 21.1 Nine submissions were received in relation to Objective 2.15, with two in support but seeking some amendments and the rest seeking specified amendments. The amendments sought can be summarised as follows:
- a) increased clarity of the Objective; and
 - b) expansion to cover public facilities and amenity outcomes.
- 21.2 Five of the nine submissions all sought the Objective be amended to read "*To facilitate development (including subdivision) that enables people and communities to provide for their social, economic and cultural well-being by improving the amenity value of the environment*".

Evidence and Evaluation

- 21.3 We heard evidence from Mr Hansen and Mr Copeland on behalf of Coastlands Shoppingtown Ltd [218.16] seeking to amend the Objective to cover public facilities and amenity outcomes. We note that Objectives can be achieved through a number of different ways including non-statutory methods outside the RMA. We consider that the intent of the Objective is to create environmental benefits in the areas of water quality, biodiversity, renewable energy and energy efficiency, all of which are matters listed in Sections 6 and 7 of the RMA.
- 21.4 We agree with the Director-General of Conservation [202.8] that it is valid to clarify what is meant by energy in the body of the objective so that it is consistent with the Explanation. This also ensures consistency with the National Policy Statement for Renewable Energy Generation (NPSREG). Policy E1 of the NPSREG states "*Regional policy statements and regional and District plans shall include objectives, policies and methods (including rules within plans) to provide for the development, operation, maintenance, and upgrading of new and existing renewable electricity generation*". For this reason, we recommend amending the Objective so that it specifically refers to "*renewable*" energy and "*energy efficiency*".
- 21.5 We do not agree with the five submissions seeking to change to direction of the Objective so that it is concerned with facilitating development - the purpose of the Objective is to achieve permanent net environmental benefit through supporting and encouraging development that achieves this outcome. The amendments as sought by submitters would significantly change the focus of the Objective.
- 21.6 Mr Jensen [275] presented evidence regarding Objective 2.15, and we agree that the Explanation relating to the environmental enhancement having to be four or more times the status quo is not very clear. However, and as we discuss below, as we are recommending that Objective 2.15 become a policy, the Explanations will largely not be retained.

- 21.7 In addition to our consideration of Objective 2.15 as part of the hearings for Chapter 2, we also considered it in terms of the hearings on Incentives and Appendix 3.1. We asked Ms Thomson whether she considered Objective 2.15 would be more appropriate as a District-wide policy, and whether there were submissions to provide scope in this regard. Ms Thomson advised us that as currently drafted Objective 2.15 is not expressing an outcome and is written in a form that is more of a policy. Objective 2.15 is currently implemented by Policy 3.6 and Policy 11.28 and associated rules in Chapters 5-7. Ms Thomson advised us these provisions in Chapters 5-7 also implement either Objective 2.2 (biodiversity) or Objective 2.20 (energy efficiency and renewable energy) and the cascade from objectives to rules does not rely on Objective 2.15 remaining as an objective. She concluded that if there is scope in submissions, such a change could be considered appropriate.
- 21.8 While the submissions specifically pertaining to Objective 2.15 did not request making the Objective a District-wide policy, Ms Thomson drew our attention to general District-wide submissions which may provide the scope for this change if we are considering a change will “*reduce Plan complexity*”.
- 21.9 We have given this matter careful consideration and conclude that Objective 2.15 would indeed be more appropriate as a District-wide policy. We therefore recommend Objective 2.15 be relocated into Chapter 2A as a District-wide policy with the wording changes described above.

Findings

- 21.10 We recommend that Objective 2.15 is amended as shown in Appendix 1, including the following:
- a) relocation to Chapter 2A District-wide Policies;
 - b) clarification of energy with the inclusion of “*renewable*” energy and “*energy efficiency*”;
 - c) italicise defined terms; and
 - d) wording changes to the Explanation to rationalise and remove unnecessary information.
- 21.11 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.15 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.
- 21.12 The amended Objective is as follows:

~~Objective 2.15~~ Policy DW18 – Incentives

To support and encourage development (including *subdivision*) that demonstrates a permanent net environmental benefit, in the areas of water quality, biodiversity, and renewable energy, and energy efficiency, significantly beyond the minimum levels required by this Plan.

22 Issue 17: Objective 2.16 Economic Vitality

Description of the Issue

- 22.1 Twenty one submissions were received on Objective 2.16; many of which requested amendments to improve the clarity of the Objective. Coastlands Shoppingtown Ltd [218.17] sought to clarify Clause a), ensure Clauses b), c) and f) can occur without imposing costs on existing local businesses; include a definition of Business Activity; and ensure the outcomes sought are in accordance with the RMA. St Heliers Capital Ltd [459] supported the submission.
- 22.2 The amendments sought by other submitters were wide ranging, including:
- (a) recognition of an aging population and their changing needs;
 - (b) revision of wording to be more consistent with the RMA;
 - (c) acknowledgement of the contribution of the rural sector to economic vitality and promoting a wide variety of use and development in the rural areas;
 - (d) recognising the amenity effects of business activities;
 - (e) encouraging business activities in Kāpiti;
 - (f) providing for primary production activities and their protection from reverse sensitivity effects;
 - (g) recognition of private property rights; and
 - (h) request to amend explanatory text to recognise difficulties in encouraging businesses to start, remain in or come to the District and the significant role of small businesses.

Evidence and Evaluation

- 22.3 We heard a significant amount of evidence on this Objective, particularly from Coastlands Shoppingtown Ltd [218], Kāpiti Coast Airport Holdings Ltd [276] and St Heliers Capital Ltd [459]. We heard from Mr Binney and Mr Donnelly representing Kāpiti Coast Airport Holdings Ltd [276] who considered that Objective 2.16 is largely appropriate but suggested minor changes to the Explanation.
- 22.4 Similarly, Mr Allan on behalf of St Heliers Capital Ltd [459] sought retention of the Objective insofar as it seeks to consolidate Paraparaumu Sub-Regional Centre.
- 22.5 Mr Hansen on behalf of Coastlands Shoppingtown Ltd [218] also outlined overall support for the Objective but outlined the amendments sought to Clause a) to remove references to differentiating and managing various types of business activities on the basis of the activity. Mr Miller providing economics and retail evidence on behalf of Coastlands Shoppingtown Ltd [218]

clarified his concerns by outlining the risk of sporadic retail development occurring in response to pressures for dispersal of retail across the District's industrial and mixed use zones.

- 22.6 In response to these submission points, we note that fundamental to the management of the business activities in the Plan is a centres hierarchy, which is reflected in zones and policies and rules to manage each area. Objective 2.16 (and also Objective 2.17) seeks to encourage business activities into appropriate locations, based on the activity and its effects. This Objective is principally delivered by Chapter 6 Working Zones which manages the establishment of business activities, both inside and outside identified centres. Given the fundamental relationship of Chapter 6 to Objective 2.16, we recommend retaining Clause a) of Objective 2.16 as notified.
- 22.7 Mr Hansen outlined his concerns with Clause c) of the Objective that the onus seems to be on the resource user/developer to bear the costs to achieve the stated outcomes. We agree with Ms Rushmere's closing statement that resource users and developers do have some responsibility for sustainable development under Section 5 of the RMA which includes managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.⁵⁵ Accordingly, we believe that Clause c) of the Objective will assist in achieving the economic component of the Purpose of the RMA and do not recommend any amendments to it in regards to this point of submission.
- 22.8 We heard from Ms Carter from Land Matters with regards to the recognition of the contribution of the rural sector to the District's economy. We recommend this is recognised with inclusion of reference to the rural sector in the Objective. Similarly, we agree with Horticulture New Zealand [219.30] and the Poultry Industry Association of New Zealand & the Egg Producers Federation of New Zealand [277.7] and their request for the Objective to consider primary productive activities in the Plan. We acknowledge that the rural sector has an important contribution to make to economic viability in the District, and recommend amendments to recognise the productive potential of the land and to align the Plan with terminology in Policy 59 of the RPS. We recommend this is inserted in three locations in the Objective as follows:
- (a) in the opening sentence:
- To promote sustainable and on-going economic development of the local economy, including the rural sector, with improved number and quality of jobs and investment through...;
- (b) again, in Clause e) with addition of "*primary production activities*". We consider this recognition of the productive potential of the land aligns with terminology in Policy 59 of the RPS; and

⁵⁵ Paragraph 3.55, Interim Response by Reporting Officer to Matters Raised During Chapter 2: Objectives Hearing 12-15 April 2016, Suzanne Rushmere.

(c) in Clause c) with the insertion of “*including primary production activities*”.

- 22.9 As part of their submission, Horticulture New Zealand also requested that primary production activities be protected from reverse sensitivity effects. We generally endorse the rationale behind this request and note that the Plan already has controls on the location of primary production activities in proximity to rural dwellings. It therefore seems logical to us that this “*protection*” is extended to cover reverse sensitivity effects and that the rules in Chapter 7 take a lead on this from Objective 2.16. However, rather than use the word “*protect*” which has a degree of absoluteness about it, we believe the emphasis should be on minimising the potential for reverse sensitivity effects on primary production activities and have amended Clause e) accordingly.
- 22.10 We agree with Winstone Aggregates that an enhanced level of amenity values for business activities is not appropriate given the wide range of those activities in the District and their effects. We recommend Clause e) of this Objective is amended to delete “*enhance the amenity of business activities*”. We also recommend Clause c) is amended to delete “*and requiring enhanced levels of amenity values as*” for the same reasons.
- 22.11 We recommend amending business environments to Working Zones in Clause f) for consistency with the zone approach throughout the Plan.
- 22.12 We note Ms Penfold’s comments on behalf of NZ Transport Agency with regards to intersections and received her supplementary evidence dated 13 April 2016. We recommend adopting Ms Penfold’s suggested amendments to the Explanation as outlined in Paragraph 7 of her supplementary evidence. We recommend the text suggested by Ms Penfold in her supplementary evidence is included in the Explanation:

In relation to State Highway 1, expressway interchanges tend to attract commercial, particularly retail activities to locate around them. The Council has a clear policy of consolidation of such activity around its town centres as a way of reducing adverse environmental, social and economic effects. Accordingly, commercial development is not envisaged at the base of interchanges. This is essential to prevent sporadic and unplanned commercial activity outside existing town centres.

Findings

- 22.13 We recommend that Objective 2.16 is amended as shown in Appendix 1, including the following:
- (a) inclusion of recognition of the rural sector;
 - (b) Clause e) changed from “protecting against” to “minimising” reverse sensitivity effects;
 - (c) Clause e) addresses reverse sensitivity effects on primary production activities;
 - (d) Clause f) is amended to Working Zones to be more specific;
 - (e) the clauses are re-numbered for clarity

- (f) Clause c) is amended to delete requiring enhanced levels of amenity values;
- (g) the Explanation is amended to address commercial activities around interchanges;
- (h) italicise defined terms;
- (i) renumbered clauses for clarity;
- (j) wording changes to the Explanation to rationalise and remove unnecessary information; and
- (k) minor wording changes to improve accuracy and readability.

22.14 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.16 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

22.15 The amended Objective is as follows:

Objective ~~2.16~~ 2.15 – Economic Vitality

To promote sustainable and on-going economic development of the local economy, including the rural sector, with improved number and quality of jobs and investment through:

- a) encouraging *business activities* in appropriate locations within the District, principally through differentiating and managing various types of *business activities* both on the basis of the activity, and the potential local and strategic *effects* of their operation;
- b) reinforcing a compact, well designed and sustainable regional form supported by an integrated *transport network*;
- c) enabling opportunities to make the economy more resilient and diverse;
- d) providing opportunities for the growth of a low carbon economy, including clean technology;
- e) ~~protecting~~ minimising reverse sensitivity effects on *business activities*, including *primary production activities* from reverse sensitivity effects and enhance the amenity of business activities; and
- f) enhancing the amenity of ~~business areas~~ Working Zones.

whilest:

- ~~a) g)~~ g) ensuring that economic growth and development is able to be efficiently serviced by *infrastructure*;
- ~~b) h)~~ h) encouraging commercial consolidation and the co-location of community services and facilities primarily within the *Paraparaumu Sub-Regional Centre* and *Town Centres*; and:

- ⇒ i) managing contamination, pollution, odour, noise and glare, ~~and requiring enhanced levels of amenity values as,~~ associated with *business activities*, including primary production activities.

23 Issue 18: Objective 2.17 Centres

Description of the Issue

- 23.1 Fourteen submissions were received in respect of Objective 2.17. Coastlands Shoppingtown Ltd [218.18] and St Heliers Capital Ltd [459] expressed support for the Objective.
- 23.2 The remaining submissions raised a number of points and sought a variety of amendments that can be summarised as follows:
- (a) details of how the District Centre should develop should be contained in policies and rules and only the overall vision should be identified as an objective;
 - (b) it is not possible for the PDP to create vibrancy, safety and economic viability through the management of land use, and that these matters rely heavily on external factors such as population demographics, law enforcement and macroeconomic trends;
 - (c) not all 'commercial' activities are suitable for the District's Centres, as some by their nature have requirements more akin to those of industrial activities;
 - (d) oppose protectionist Objectives that restrain the growth and potential of the Airport in order to protect the interests of the Paraparaumu Sub-Regional Centre;
 - (e) providing for growth of Airport Zone commercial and retail activities;
 - (f) private property rights and the freedom of private landowners to respond quickly to changes in community demand and preferences;
 - (g) recognition of increased demand for commercial development at the Expressway interchanges as a resource management issue;
 - (h) retention of Paraparaumu Sub-Regional Centre as a focal point for the region; and
 - (i) request to make the Objective shorter and clearer.

Evidence and Evaluation

- 23.3 The key matter in contention in respect to Objective 2.17 related to the role of the Paraparaumu sub regional centre and its contribution to a district that has a hierarchy of vibrant, safe and economically viable sustainable centres. To this extent, we also acknowledge a close fit with Objective 2.16 dealing with Economic Vitality.

- 23.4 Whilst some of the aforementioned submitters focused on the minor wordsmithing of the Objective (and to which we comment on towards the end of this evaluation), there were three key submitters who took a strong stance on the objective. They were:
- (a) Coastlands Shoppingtown Ltd [218.18];
 - (b) Kapiti Coast Airport Holdings Ltd [276]; and
 - (c) St Heliers Capital Ltd [459].
- 23.5 The first two submitters largely supported the Objective as notified, albeit that some wordsmithing changes were requested. In this respect, we heard from:
- (a) Mr Chris Hansen - on behalf of Coastlands Shoppingtown Ltd - who supported the intent of Objective 2.17 particularly with regards to controlling retail activities outside the current centres. Mr Hansen also made other points, including his opinion that economic viability is a commercial and business matter for individual enterprises - not the Council. His evidence also expressed concern about responsibilities being placed on land owners / resource users related to providing a focus for community activities, and meeting outcomes regarding visual appearance, convenience and safety of buildings and physical settings.
 - (b) Mr Andrew Collins⁵⁶ - on behalf of Kapiti Coast Airport Holdings Ltd [276] - who also expressed overall support for Objective 2.17 but outlined minor changes to the objective (which incidentally we do not believe are necessary for the reasons outlined in Ms Rushmere's closing statement). Mr Collins main focus came in Chapter 6 and in respect to Policies 6.1 and 6.2 which seek to implement Objective 2.17 and cover Consolidation of Business Activities and Business Distribution respectively.
- 23.6 Overall however, and subject to some minor fine-tuning (which we canvas shortly) both Mr Hansen and Mr Collins supported the status quo embodied in the notified version of Objective 2.17; namely an Objective which promotes an outcome whereby:
- (a) centres provide the primary focus for commercial, retail and community activities within the District;
 - (b) the Paraparaumu Sub-Regional Centre is the principal commercial, cultural, civic and tourist centre for Kāpiti Coast the District; and
 - (c) within the Sub-Regional Centre, commercial and community activities are consolidated within Precincts A and B.
- 23.7 The position of the above two submitters was in contrast to that of St Heliers Capital Ltd [459]. We heard from Mr Roberts⁵⁷ on behalf of that submitter. Mr Roberts sought retention of the Objective insofar as it seeks to consolidate the Paraparaumu Sub-Regional Centre, but sought

⁵⁶ Mr Collins, whilst not attending the Chapter 2 hearing, did comment on Objectives as part of his evidence presented in person on behalf of Kapiti Coast Airport Holdings Ltd in respect to the hearing for Chapter 6 Business Zones.

⁵⁷ Mr Roberts, whilst not attending the Chapter 2 hearing did comment on Objectives as part of his evidence presented in person on behalf of St Heliers Capital Ltd in respect to the hearing for Chapter 6 Business Zones.

alterations to the Objective which would result in an Objective which facilitated policies and rules in Chapter 6 which:

- (a) enables a wider range of activities - particular larger format and food and beverage activities - within Precinct C; and
- (b) establishes a consent process (preferably as restricted discretionary activities) for such activities within Precinct C whereby the impacts of a particular proposal on the sub-regional centre as a whole can be considered on a case by case basis.

23.8 Clearly the policy and rule relief sought by St Heliers is focused on Chapter 6, and to this end we evaluate that. However, and as Mr Roberts noted, St Heliers' relief to Chapter 6 is based on the Council's position on the Chapter 2 Objectives. Therefore, it is essential that the Objective framework is settled by the Panel before addressing the policy and rule framework.

23.9 In terms of the above, we turned our mind to the centres hierarchy that Objective 2.17 establishes in terms of the dominant activities and purpose of each of the District Centre's Precincts. The PDP establishes a hierarchy of centres that perform specific roles and functions. The hierarchy of centres, and their role within the hierarchy, can ensure that businesses are distributed in such a way that they integrate with strategic and community infrastructure, existing residential, town centre and industrial environments and, therefore, is more likely to secure desired outcomes and sustainably manage effects.

23.10 Our recommendation in Chapter 6 in terms of the spatial extent of Zones and Precincts around the District Centre caused us to reconsider Clause d) i) of Objective 2.17. As with all three submitters canvassed above, we support the hierarchy approach and consider it is within the function of the Council to control land uses and the integrated management of the effects associated with those land uses. We consider the centres hierarchy allows Council to achieve this function. However, our decisions on the zoning and activities in Chapter 6 Working Zones means that Precinct B consolidates community activities, while Precincts A1, A2, and C enable, to different degrees, commercial activities and retail activities. Precinct C however has some restrictions on retail activities. For this reason, we recommend the following amendments to Clause d) i):

d. consolidates ~~commercial and~~ community activities within Precincts 'A' and 'B';

e. enables commercial activities and retail activities in Precincts A1, A2 and C, with restrictions on retail activities in Precinct C;

23.11 Further to this change, we felt there was value in clarifying the intent of this part of Objective 2.17 by inserting explanatory text as follows:

A key opportunity provided for is the further development of the Paraparaumu Sub-Regional Centre as the District's principal commercial and retail centre. To guide this further development a Structure Plan has been prepared. The Structure Plan identifies four precincts (Precincts A1, A2, B and C) each of which provides

opportunities for a range of activities to establish, including *commercial* and *retail activities*, but with some limitations on the type and scale of *retail activities* within Precinct C. These limitations will ensure that *retail activities* that establish within Precinct C do not adversely affect the viability and vitality of Precincts A1 and A2.

Furthermore, outside identified centres, ~~c~~Commercial activities, in particular *retail activities*, are ~~largely restricted~~ limited outside identified centres. There are numerous adverse *effects* of dispersed and out of *centre* business development, including...

23.12 The above high level aspect of Objective 2.17 aside, we then turned our attention to the minor word-smithing of the Objective sought by some submitters.

23.13 Mr Hansen on behalf of Coastlands Shoppingtown Ltd outlined several minor amendments to Objective 2.17. He considered that the concept of “*sustainable*” rather than “*viable*” is more aligned with the RMA at the start of the Objective and we agree. We acknowledge that the PDP has only limited influence in making a place viable and it is subject to a number of other influences, not least of which is market forces. We therefore recommend the start of the Objective is amended to read:

To have vibrant, safe and economically ~~viable~~ sustainable centres....

23.14 Mr Hansen questioned whether providing employment opportunities is a matter the Plan should be addressing. While we recognise that Working Zones are a natural provider of employment opportunities, we agree that this aspect of commercial activities is inherent in Clause d) which encourages economic opportunities and business activities. We note that the concept of centres functioning as key employment and economic nodes is recognised in the first sentence of Objective 2.17. For this reason, we recommend deleting “*employment opportunities*” from Clause d) and Clause d) i) b) as follows:

d) encourage economic, ~~and employment~~ opportunities and business activities in a manner which promotes

...

i) b) provides for a broad range of mutually compatible activities ~~and employment opportunities~~ that are integrated with pedestrian and public transport.

23.15 Mr Hansen sought recognition of “*retail*” in Objective 2.17 in his evidence.⁵⁸ We considered whether retail activities were inherent in commercial but note they are specifically excluded from the definition of “*commercial activities*” in Chapter 1. It seemed to us that retail activities are a fundamental aspect of centres in terms of attracting activity and meeting the community’s needs, and that Objective 2.17 should recognise this. Under Clauses a) and d) i) we agree that adding the word “*retail*” will contribute to the clarity of the Objective and is consistent with the PDP policy framework. We recommend the Clauses are amended as follows:

⁵⁸ Attachment 2 - Objectives with Recommended Amendments, Chris Hansen.

a) provide the primary focus for *commercial, retail* and community activities within the District;

...

d) i) *the Paraparaumu Sub-Regional Centre* as the principal commercial, *retail*, cultural, civic and tourist ~~C~~centre for ~~Kapiti Coast~~ *the District*, to be developed in a manner that:

- 23.16 Mr Hansen also sought inclusion of “*pedestrian*” to Clauses d) i) a) and d) i) b) and we agree that this is appropriate recognition of alternative transport modes.
- 23.17 Kapiti Chamber of Commerce [132.6] sought additional explanatory text to recognise that not all commercial activities are suitable for the District’s centres and to enable flexibility for service and certain other businesses to be located in industrial and service designated zones. We agree that not all commercial activities are appropriate for the District’s centres, but consider that Objective 2.17 provides clear direction on the role of the centres and the activities that are appropriate in the Precincts. The rule framework enables consideration of activities not anticipated in particular Zones through the resource consent process.
- 23.18 Landlink [191.28] sought that the Objective is made shorter and clearer; however, we consider that the establishment of the centres hierarchy and the role and function of those is a critically important matter for the District and its economic development. We consider Objective 2.17 achieves this.
- 23.19 Ms Penfold presented evidence on behalf of the NZ Transport Agency [457] and while supporting the inclusion of “*a well-connected network offering a choice of direct routes*” in Clause d) i) a) she suggested changing “*direct*” to “*efficient*”. We agree that “*direct*” implies a linear approach, which may not always be the best route.
- 23.20 While considering Ms Penfold’s proposal, we also considered carefully the use of the words “*town centre*” in Clause d) i) a). After looking at the definitions, it seemed to us that “*district centre*” more accurately reflects the focus of this part of the Objective.
- 23.21 We therefore recommend Clause d) i) a) be amended to read:
- achieves an integrated and compact ~~town~~ *district centre*, linking all Precinct’s through a ~~permeable transport environment~~ *well connected pedestrian and transport networks offering a choice of efficient routes* and a ~~high-quality building built~~ environment;
- 23.22 Five submitters requested that the Objective is amended to acknowledge that the vitality of centres depends on security in private property and in the freedom of private landowners to respond quickly to changes in community demand and preferences. These submitters were Bryce Wilkinson [280.13], Christopher Ruthe [356.10], Salima Padamsey [358.11], Pascal Odijk [756.10] and Marianne Tavanier [757.10]. When considering the zoning and the higher level support of the centres approach through Objective 2.17, we have given no regard to land ownership. We consider the framework of policies and rules provides flexibility to respond to

changing pressures and conditions, whilst Objective 2.17 provides an overall strategic direction for the District's centres. Thus, we do not recommend any changes in response to these submissions.

Findings

23.23 As outlined in Appendix 1, we recommend that Objective 2.17 is amended as follows:

- (a) refers to "*sustainable*" centres rather than "*viable*";
- (b) inclusion of "*retail*" in Clauses a) and d) i);
- (c) Clauses d) and d) i) b) are amended to delete references to "*employment opportunities*";
- (d) Clauses d) i) a) is amended to include well connected pedestrian and transport networks;
- (e) Clause d) i) a) refers to "*district centre*" rather than "*town centre*";
- (f) Clause d) i) b) addresses pedestrian traffic;
- (g) Clause d) is revised to pertain only to Precinct B and consolidate community activities within Precinct B;
- (h) insertion of a new Clause d) i) e) to enable commercial activities and retail activities in Precincts A1, A2 and C, with restrictions on retail activities in Precinct C;
- (i) minor wording changes to use defined terms where appropriate;
- (j) insertion of additional explanatory text to clarify the role of a Structure Plan in the Sub-Regional Centre and the purpose of the Precincts; and
- (k) the Explanation is rationalised and refined.

23.24 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.17 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

23.25 The amended Objective is as follows:

Objective ~~2.17~~ 2.16 - Centres

To have vibrant, safe and economically ~~viable~~ sustainable *centres* that function as key employment and economic nodes and as a focus for social and community life, as public transport and local service hubs, and as places for living, entertainment and recreation that:

- a) provide the primary focus for *commercial*, *retail* and community activities within the District;
- b) support community cohesion and a sense of place;

-
- c) reinforce a compact, well designed and sustainable District and regional form, through promoting and reinforcing a close proximity and good accessibility between living, business and employment areas;
 - d) encourage economic, ~~and employment~~ opportunities and *business activities* in a manner which promotes:
 - i. the *Paraparaumu Sub-Regional Centre* as the principal commercial, cultural, civic and tourist ~~Centre for Kāpiti Coast~~ the District, to be developed in a manner that:
 - a. achieves an integrated and compact ~~town~~ district centre, linking all Precinct's through ~~permeable transport environment~~ well connected pedestrian and transport networks offering a choice of efficient routes and a ~~high quality building built~~ environment;
 - b. provides for a broad range of mutually compatible activities ~~and employment opportunities~~ that are integrated with pedestrian and public transport;
 - c. is supported by opportunities for ~~moderate~~ medium density residential living;
 - d. consolidates ~~commercial and~~ community activities within Precincts 'A' and 'B'; and
 - e. enables commercial activities and retail activities in Precincts A1, A2 and C, with restrictions on retail activities in Precinct C;
 - ii. the District's *town centres* at a scale and form that provides the urban focus for the commercial, tourism, education, entertainment, community and civic activities as well as opportunities for medium density residential living, where these meet the needs of the surrounding township community; and
 - iii. the District's *local centres* to provide for *commercial activities* and *retail activities*, within a residential context, to primarily serve the local convenience, community and commercial needs of the surrounding residential community.

24 Issue 19: Objective 2.18 Open Spaces / Active Communities

Description of the Issue

- 24.1 Seven submissions were received for Objective 2.18, including support from the Director-General of Conservation [202.9] and Regional Public Health [252.4]. The remaining five submissions sought amendments to recognise that land for open spaces should be secured in a manner that acknowledges and respects private property rights. The submitters contended that insecurity in property rights will undermine the achievement of the RMA's purpose.

Evidence and Evaluation

- 24.2 Mr Wilkinson addressed this matter in his written evidence, expressing his continued concern that the rights of individual property owners will be protected in the pursuit of the goal of more open spaces, including issues of compensation and falls in property values for residents.
- 24.3 Four other submitters also sought that the objective is amended to include the observation that land for open spaces should be secured in a manner that acknowledges and respects private property rights. Otherwise the submitters consider insecurity in property rights will undermine the achievement of the RMA's purpose. We consider this is a process that may sometimes be undertaken via processes outside the PDP. We do not consider the Objective requires amending in terms of this matter.
- 24.4 We agree with Director-General of Conservation [202.9] and Regional Public Health [252.4] that the objective provides a clear steer on the expectations relating to open space. We also agree with the Section 42A report that open space contributes significantly to the District's recreational and conservation values.⁵⁹ As the population in the District grows there is a need to review the provision and ensure that open space matches the needs of the community. In addition to the PDP, we recognise the role of Council's non-statutory policies and plans which guide Council decisions on form, function, size and location of open space such as Open Space Strategy (February 2012) and Kāpiti Coast: Choosing Futures - cycleways, walkways and bridleways Strategy 2009.
- 24.5 We note that Mr Ashby's closing statement for the Coastal Integration hearing recommended the inclusion of two additional clauses to Objective 2.18 pertaining to management of coastal hazards. Mr Ashby goes on to state that it may be better to consider his proposed amendments regarding coastal hazards as part of an integrated wider suite of approaches to addressing coastal hazards. We agree that the matter of coastal hazards should be addressed

⁵⁹ Paragraph 724, s42A Report: Part B - Objectives, Suzanne Rushmere.

comprehensively as a Schedule 1 process of the RMA, separately from our consideration of the PDP. For this reason, we do not recommend including the amendments to Objective 2.18 proposed by Mr Ashby.

Findings

24.6 We recommend that Objective 2.18 is amended as shown in Appendix 1, including the following:

- (a) all defined terms be italicised; and
- (b) the Explanation is rationalised and refined.

24.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.18 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

24.8 Objective 2.18 is as follows:

Objective ~~2.18~~ 2.17 – Open Spaces / Active Communities

To have a rich and diverse network of *open spaces* ~~areas~~ that:

- a) is developed, used and maintained in a manner that does not give rise to significant adverse *effects* on the natural and physical *environment*;
- b) protects the District's cultural, ecological and *amenity values*, while allowing for the enhancement of the quality of *open space* areas;
- c) supports the identity, health, cohesion and resilience of the District's communities; and
- d) ensures that the present and future recreational and *open space* needs of the District are met.

25 Issue 20: Objective 2.19 Urban Design

Description of the Issue

- 25.1 Fifteen submissions were received on Objective 2.19, five of which expressed support. Greater Wellington Regional Council [441.8] sought the inclusion of Low Impact Urban Development and Design in objective 2.19, but recommended that the Council moves beyond “avoiding barriers” to actively incorporating Low Impact Urban Development and Design principles in its decisions.
- 25.2 Those submissions seeking amendments addressed a variety of matters:
- (a) opposing the rules adhering to National Environment Standards as the submitter considers this will not result in good urban design outcomes, including a requirement for projects not meeting the urban design protocol 7C's assessment to be non-complying activities;
 - (b) inclusion of more realistic and measurable wording;
 - (c) alignment with the purposes and principles of the RMA;
 - (d) recognition that provisions impairing property rights must be demonstrated to be necessary in the public interest and that the question of compensation must be addressed;
 - (e) amendments to the Explanation; and
 - (f) need for a policy addressing disability issues to ensure these are addressed up front when any project is planned and not treated as an afterthought.

Evidence and Evaluation

- 25.3 We heard from Mr Lunday in terms of urban design on behalf of Coastlands Shoppingtown Ltd [218]. He supported the Objective and considered that good urban design reinforces the existing centres. He considered that this in turn protects and reinforces the community investment in these centres over decades (libraries, galleries, swimming pool, cinemas etc). He considered that stronger recognition should be given to the role of Rail as a Transit Centre, and reflected that the existing centres of Paraparaumu and Waikanae are based around the rail. He acknowledged that the concept of well-connected transport networks for the Town Centre in terms of economic and employment promotion is addressed in Objective 2.17, but considered that this should also be referred to specifically in respect of the urban design objective. We agree with the principles behind this requested change. We recognise transport is not limited to public transport, and other modes including pedestrian, cycle and car are also a factor to be considered. We recommend that Clause e) is changed to include “*by encouraging a well-connected and integrated transport network*”.

- 25.4 Ms Pope [547] sought that the Objective should remain as notified as the term “*high quality*” is meaningless. We agree that “*high quality*” is a highly subjective term and “*quality*” is a more appropriate description. We recommend the opening sentence is amended to read:

~~To promote high Quality urban design outcomes will be promoted so that have~~
liveable and safe public and private places and spaces are liveable and safe,
~~which~~

- 25.5 Landlink Ltd [191.29] was concerned that Objective 2.19 does not address the purpose and principles of the Resource Management Act 1991. While we consider that the objective is broadly consistent with sustainable management as outlined in section 5(2) of the RMA, and several Section 7 matters and the council's integrated management function, we agree that the opening sentence could include consideration of liveable and safe places, which more closely aligns it to RPS provisions.
- 25.6 With respect to the matters raised by Rob Crozier and Joan Allin [451], we agree the term “*vibrant*” is only appropriate to areas such as District Centres; however, the term a “*diversity of experiences*” is appropriate as the District is so diverse. We recommend deleting the term “*vibrant*” from Clause e).
- 25.7 We consider that Clause e) and its references to “*easy to move around*” will cover the issue of disability access as raised by Dale Evans [513.15] who sought that a policy is developed that ensures disability is considered up front in new development. We note that there is other legislation such as the Building Act and Health and Disability Act that covers this matter and do not consider amendments necessary to Objective 2.19 in regards to this matter.
- 25.8 We asked the reporting officers at the Integration hearing whether Objective 2.19 would be more appropriate as a policy, and whether there were any submissions which provide sufficient scope to effect that alteration. Ms Hinton considered that Objective 2.19 is one means of achieving Objective 2.1; rather than an outcome in itself. In her opinion it is also another means of achieving several other Plan objectives including Objective 2.8(a), Objective 2.12, Objective 2.14 and Objective 2.17. She therefore suggested that it was more appropriate as a District-wide Policy and be inserted before or after Policy 5.14 in Chapter 2A. We agree and have renumbered this as Policy DW16.
- 25.9 In terms of scope provided by submissions, Ms Hinton suggested that the Panel could rely on scope provided by a submission from Ngahina Developments [221.10] which sought:
- (a) that it be amended to revise the wording to be more realistic and measurable;
 - (b) that the Objective is not specific enough to be effective, is more like an urban design manifesto; and
 - (c) would be virtually impossible to make reasonable use of the objective in a resource management context.

- 25.10 In addition, Landlink [191.29] stated that the matter in Objective 2.19 should be taken into account during Plan preparation but should not be included as an objective in their own right.
- 25.11 We therefore recommend relocating Objective 2.19 into Chapter 2A and revising the wording to make it consistent with the wording used in other policies in Chapter 2A.

~~Objective 2.19~~ Policy DW16 - Urban Design

~~To promote high Quality urban design outcomes will be promoted so that have liveable and safe public and private places and spaces which:~~

- a) are liveable and safe;
- ~~a) b)~~ enhance the local economy, *environment* and community;
- ~~b) c)~~ are sustainable, enduring and resilient;
- ~~c) d)~~ provide a strong sense of place reflecting cultural values and distinct community identities;
- ~~d) e)~~ are enjoyable, comfortable, welcoming and provide a diversity of experiences; and
- ~~e) f)~~ ~~are vibrant and~~ are easy to move around and through, by encouraging a well-connected and integrated transport network;
- ~~f)~~ ~~have a positive relationship between public and private spaces.~~

at all levels of urban design, from macro (urban structure and *subdivision*) to micro (*building* details and materials) scale.

- 25.12 We consider the Objective provides appropriate direction for promoting high quality urban design, but is more appropriate as a policy. Quality urban design influences so many aspects of a place including character, ease of movement, legibility and safety. We consider all of these values support a sense of place and have positive impacts on the quality of life.

Findings

- 25.13 We recommend that Objective 2.19 is amended as shown in Appendix 1, including the following:
- (a) the Objective is relocated into Chapter 2A District-wide Policies;
 - (b) the Objective seeks to promote quality urban design;
 - (c) the Objective seeks liveable and safe places;
 - (d) Clause e) seeks to encourage a well-connected and integrated transport network;
 - (e) references to vibrant are deleted in Clause e)
 - (f) Clause f) is deleted; and
 - (g) defined terms are italicised.

25.14 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.19 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

25.15 The amended Objective is as follows:

Objective 2.19 Policy DW16 - Urban Design

~~To promote high Quality urban design outcomes will be promoted so that have liveable and safe~~ public and private places and spaces ~~which:~~

- a) ~~are liveable and safe;~~
- ~~a) b)~~ enhance the local economy, *environment* and community;
- ~~b) c)~~ are sustainable, enduring and resilient;
- ~~c) d)~~ provide a strong sense of place reflecting cultural values and distinct community identities;
- ~~d) e)~~ are enjoyable, comfortable, welcoming and provide a diversity of experiences; and
- ~~e) f)~~ ~~are vibrant and~~ are easy to move around and through, by encouraging a well-connected and integrated transport network;
- ~~f) have a positive relationship between public and private spaces.~~

at all levels of urban design, from macro (urban structure and *subdivision*) to micro (*building* details and materials) scale.

26 Issue 21: Objective 2.20 Renewable Energy, Energy Efficiency and Conservation

Description of the Issue

26.1 Eighteen submissions were received on Objective 2.20, of which one supported the Objective but sought amendments.

26.2 The bulk of the submissions sought amendments to the Objective including:

- (a) need for recognition that developing renewable electricity generation resources cannot always be carried out in a way that protects the natural environment and significant amenity values;
- (b) replacing key terms with more correct terms / descriptions;

- (c) recognition of the potential tensions between existing values of areas and their potential for renewable electricity generation;
- (d) need for recognition that inappropriate subdivision, land use and development in close proximity have the potential to adversely affect the safe and efficient operation of the renewable electricity generation activity due to the creation of reverse sensitivity effects;
- (e) recognition that infrastructure associated with commercial-scale renewable electricity generation will traverse land between the generation site and the area of demand; and
- (f) ensure the development and use of energy from renewable sources is consistent with the RMA's purpose (Section 5(2)), with particular emphasis on the natural environment and amenity values.

Evidence and Evaluation

26.3 We agree with Murray Williams [36.3 and 36.4] that the Objective and accompanying Explanation are a suitable basis to ensure the efficient generation and use of energy in the District. We therefore recommend retaining Objective 2.20 albeit with amendments in response to other submissions. We consider Kapiti Coast has the ability to achieve renewable energy generation from wind, solar, wave and hydro energy and this should be capitalised on. We note that the PDP can only manage structures associated with land-based energy generation activities and the surface of waterbodies, but not the sea.

26.4 We agree with NZ Wind Energy Association [136.14] that the effects of renewable electricity generation cannot always be avoided and therefore recommend that effects should be avoided, remedied or mitigated in accordance with Section 5 of the RMA (Section 5(2)(c)). The Objective ensures that not only the areas of significant amenity value and natural environments are afforded an appropriate level of protection. We note the other Objectives which seek to protect aspects of the natural environment and landscapes which this Objective will need to read in conjunction with. We therefore recommend the Objective be amended as follows:

...energy use while ~~protecting the natural environment and significant amenity values~~ avoiding, remedying or mitigating adverse effects on the environment.

26.5 We agree with many of the changes sought to the Explanatory text sought by submitters, including recognition that transmission infrastructure will traverse the land between the generation site and the demand, as sought by Transpower New Zealand Ltd [208.16]. We recommend paragraph seven of the Explanation be amended as follows:

Transmission ~~infrastructure~~ associated with *renewable electricity generation activities* will traverse land between the generation *site* and the area of demand. These facilities for the transmission of electricity to the ~~grid~~ areas of demand ~~are likely to may~~ have adverse environmental *effects*. ~~However, unless it is preferable~~

~~that the effects of construction and operation of renewable electricity generation facilities, including the effects relating to access and transmission, are be assessed as a single package of effects, the viability of renewable energy projects could be compromised.~~

Findings

26.6 We recommend that Objective 2.20 is amended as shown in Appendix 1, and includes the following:

- (a) delete references to protecting the natural environment and significant amenity values;
- (b) amend to avoid, remedy or mitigate adverse effects on the environment to better reflect purpose of the RMA;
- (c) amendments to the Explanation to accurately reflect the National Grid; and
- (d) italicise defined terms;
- (e) consequential renumbering;
- (f) wording changes to the Explanation to rationalise and remove unnecessary information; and
- (g) minor wording changes to improve accuracy and readability.

26.7 For the above reasons discussed in Evidence and Evaluation, those submissions relating to Objective 2.20 (including those submissions not specifically referred to above but which are relevant to this issue) are either accepted, rejected or accepted in part as outlined in Appendix 2.

26.8 The amended Objective is as follows:

Objective ~~2.20~~ 2.18 – Renewable Energy, Energy Efficiency and Conservation

Increase the development and use of energy from renewable sources, including on-site systems, and efficiency and conservation of energy use while ~~protecting the natural environment and significant amenity values~~ avoiding, remedying or mitigating adverse effects on the environment.

PART C – STATUTORY EVALUATION

27 Statutory Evaluation

27.1 This part of our report addresses the mandatory requirements as summarised in Part A of this report, and draws on our detailed evaluation of the issues in Part B. In this respect, most of our substantive evaluation of the matters below has already been addressed above.

27.2 We acknowledge the Section 32 analysis at notification of the PDP and the further analysis as part of the Section 42A reports in relation to the matters in Sections 32 (and 32AA for provisions notified after 2014). To avoid unnecessary duplication, we have therefore adopted a thematic approach to our evaluation here, and we have omitted from considering the general requirements which are not relevant.

Is the PDP designed to accord with, and assist KCDC to carry out its functions so as to achieve the Act's purpose?

27.3 The PDP contains Objectives to achieve integrated management of the effects of the use, development or protection of land and associated natural and physical resources in the District. Likewise, the PDP adopts measures to control actual and potential environment effects.

27.4 In considering the twenty Objectives notified as part of the PDP, and assessing the submissions lodged to them, it became clear to us that two of the Objectives were potentially redundant. They are:

- (a) Objective 2.15 - Incentives
- (b) Objective 2.19 - Urban Design

27.5 In terms of Objective 2.15, and in light of submissions received, we concluded that because the Objective is not expressing an outcome, but is more in the form of a policy, it should be 'relocated' to a new Chapter (Chapter 2A) as a District-wide policy (i.e. Policy DW18 - Incentives)

27.6 Similarly, our recommendation for Objective 2.19 is that it should be 'relocated' to Chapter 2A as a District-wide policy as it is more of a means to achieve outcomes rather than an outcome itself (i.e. DW16 - Urban Design)

27.7 Neither recommendation will lessen the ability of the KCDC to carry out its functions or for the PDP to achieve the purpose of the RMA. Both Objectives are adequately covered by other (retained) Objectives in the Plan; namely *Objective 2.2 - Ecology and Biodiversity* and *Objective 2.11 - Character and Amenity Values*. Furthermore, the implementation of those retained Objectives will be better serviced by the precise wording on the two new District-wide policies.

- 27.8 Finally, the reduction of the total number of the Objectives in Chapter 2 (along with identification of a select number of District-wide policies) makes the Plan less duplicative and more focused and streamlined, which was a major request of many submissions on the PDP.
- 27.9 Given the above, we find that the PDP, including the amendments that we have made to the Objectives will assist the Council to carry out its functions so as to achieve the sustainable management purposes of the RMA.

Does the PDP give effect to any NPS or the NZCPS?

- 27.10 The PDP was designed to give effect to the NPSs and NZCPS in effect at the time of notification. Since that time, the NPS on Urban Development Capacity has been gazetted.⁶⁰
- 27.11 We generally endorse the content of the various Section 32 reports (16 in total) which address the manner in which the Objectives in the notified PDP give effect to the various NPSs including the NZCPS. Since notification of the PDP, the Section 42A reports have continued this Section 32 evaluation, and again we are largely in agreement with the recommendations as they pertain to all 18 of the 20 Objectives. Accordingly, we have adopted those changes along with the recommended rewordings to better implement these higher order documents where enabled by submissions. This includes, for example:
- (a) alterations to Objective 2.9 (Landscapes), Objective 2.13 (Infrastructure and Services) and Objective 2.11 (Character and Amenity) to manage the effects of activities to ensure the operation, maintenance, development and upgrading of the National Grid are not compromised (as envisaged by the NPS on Electricity Transmission);
 - (b) alterations to Objective 2.9 (Landscapes), Objective 2.13 (Infrastructure and Services) and Objective 2.11 (Character and Amenity) to enable the activities and facilities associated with wind energy, whilst avoiding remedying and mitigation effects on the natural environment as envisaged by the NPS on Renewable Electricity Generation; and
 - (c) alterations to Objective 2.4 Coastal Management in order to make it more specific by replacing “*natural systems, natural landforms and natural processes*” with more specific and defined terms “*areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation and significant habitats of indigenous fauna*”. We have also added words to address the effects of inappropriate subdivision, use and development.

⁶⁰ We also note that Council has an obligation to continue to monitor housing needs and demands against supply - particularly given the NPS-UDC requirements - and is able to review and update the district plan provisions as appropriate through future RMA Schedule 1 processes.

- 27.12 For two of the Objectives, we have decided to relocate to the District-wide policies (as discussed earlier in this section of the report). We do not see any purpose in retaining them to give effect to any NPS (or RPS for that matter). As District-wide policies they will help implement other Objectives, which in turn give effect to the various NPSs.
- 27.13 Overall, we consider that the amended PDP gives effect to the various NPSs and the NZCPS. The relevance of the NPSs varies for each PDP Chapter.

Does the PDP give effect to the RPS?

- 27.14 As noted above, the current RPS was made operative after the PDP. To the extent that we have scope to make amendments through the relief of submissions received, we have amended the PDP in order to give effect to the RPS. Further, to the extent that the RPS gives effect to the relevant NPS, we adopt our earlier evaluation on those NPSs.

In relation to Regional Plans, is the PDP inconsistent with the operative Regional Plans, and has regard been given to the proposed Natural Resources Regional Plan?

- 27.15 In our evaluation, the PDP is not inconsistent with any operative Regional Plan. We have also had regard to the proposed Natural Resources Regional Plan, and do not consider any amendments to the PDP are necessary as a result.

Does the PDP satisfy the necessary requirements in relation to relevant plans and strategies under other acts, including the Heritage New Zealand Pouhere Taonga Act 2014, plans of adjacent territorial authorities and plans of iwi authorities?

- 27.16 We have applied appropriate consideration of these matters in amending the PDP Objectives, including (for example) in relation to historic heritage and matters of significance to iwi.
- 27.17 We consider these requirements are met by the PDP

Does the PDP state objectives, policies, rules and other methods?

- 27.18 This general requirement has been satisfied by the notified PDP and as amended by our evaluation and recommendations. The eighteen recommended Objectives achieve this.

Is each objective the most appropriate way to achieve the purpose of the RMA?

- 27.19 This has been the primary consideration for the purposes of this report. For the reasons we have stated in Part B above, and in terms of satisfying Section 32, we find that the PDP Objectives, as amended, are the most appropriate to achieve the purpose of the Act. Part B of this report gives a detailed and specific evaluation of how each Objective (in its recommended form) does this and we see no utility in repeating that here.

Do the policies implement the objectives, do the rules implement the policies, and are the policies and rules the most appropriate for achieving the objectives?

- 27.20 No policies or methods have been considered in this decision. We have found in Reports 1, and 3-16 that the amended PDP policies, rules and other methods, for the purposes of satisfying Section 32, are the most appropriate to implement the Objectives as amended in this report.

Do the PDP rules have sufficient regard to actual and potential environmental effects?

- 27.21 This Report is limited to the PDP Objectives, and does not provide an evaluation any of the proposed rules. We note, however, that the PDP Objectives include aims that relate to the management, avoidance, remedy or mitigation of effects. The policies, rules and other methods are the implementation measures for ensuring those aims are delivered by the PDP.

PART D - RECOMMENDATIONS

28 Recommendations

28.1 Based on our consideration of all the material before us, including the Kapiti Coast Proposed District Plan 2012 (PDP) as notified including the Section 32 reports, the submissions and further submissions, Section 42A report from the Council advisors, evidence and submissions presented at the hearing, and following consideration of the requirements of Clause 10(2)(a) and Section 32 and of other relevant statutory matters, we make the following statutory recommendations:

- (a) That Council adopt the recommendations of the Hearings Panel in respect of Chapter 2 (Objectives) of the PDP as outlined in the Hearings Panel Report dated 11 September 2017.
- (b) That Council approve Chapter 2 (Objectives) of the PDP as amended in Appendix 1 and for the reasons stated in the report and that accordingly all submissions and further submissions on Chapter 2 (Objectives) of the PDP be accepted, accepted in part or rejected to the extent set out above and summarised in Appendix 2.
- (c) That pursuant to Clause 10 of the First Schedule of the Resource Management Act 1991 Council give public notice of its decision on submissions and further submissions on Chapter 2 (Objectives) of the PDP.



.....
Alistair Aburn (Chair)
for and on behalf of the Kapiti Coast Proposed District Plan Hearings Panel

Commissioner Alistair Aburn
Commissioner Diane Ammundsen
Commissioner Miria Pomare
Commissioner David McMahon
Commissioner Mike Cardiff

11 September 2017

Appendix 1

Volume 1 - Plan

Volume 2 - Appendices

Volume 3 - Maps

Appendix 2

Recommendations on Submission and Further Submissions to Chapter 2 (Objectives)

Nicki Williams

From: Alistair Aburn <Alistair@urbanp.co.nz>
Sent: Monday, October 30, 2017 3:14 PM
To: Nicki Williams
Subject: FW: Sign Off

Hi Nicki

Commissioner Ammundsen's email.

Warm regards
Alistair

Alistair Aburn

ph: 04 474 4111
Level 5, 82 Willis Street
PO Box 9042, Wellington
New Zealand

-----Original Message-----

From: Diane Ammundsen [<mailto:diane.ammundsen@kapiti.govt.nz>]
Sent: Sunday, 30 July 2017 2:23 a.m.
To: Alistair Aburn
Subject: Sign Off

Hi Alistair,
I confirm that I have read all the Recommendation Reports 1-18 sent to me and I confirm that I am in agreement with the conclusions reached and the recommendations made. I do accept that there will be some final editing-type changes made.

Regards,
Diane Ammundsen
Commissioner
29 July 2017

Sent from my iPhone

Nicki Williams

From: Alistair Aburn <Alistair@urbanp.co.nz>
Sent: Monday, October 30, 2017 3:13 PM
To: Nicki Williams
Subject: FW: RE PDP Sign Off

Hi Nicki

Commissioner Cardiff's email.

Warm Regards
Alistair

Alistair Aburn

ph: 04 474 4111
Level 5, 82 Willis Street
PO Box 9042, Wellington
New Zealand

-----Original Message-----

From: Mike Cardiff [<mailto:cardiffcopartnership@clear.net.nz>]
Sent: Tuesday, 1 August 2017 12:41 p.m.
To: Alistair Aburn
Subject: RE PDP Sign Off

Hi Alistair.

I confirm that I have read the Recommendation Reports 1-18 sent to me and I confirm that I am in agreement with the conclusions reached and recommendations made.
I acknowledge that there will still be some final editing changes that will need to be made.

Regards.

Mike Cardiff
Commissioner
01 August 2017

_____ Information from ESET NOD32 Antivirus, version of detection engine 15839 (20170731) _____

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>