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Submission No: 204


Ngā Hapū o Ōtaki (NhoO) submission to KCDC on proposed changes to the District Plan PC2

27 o ngā rā o Mahuru 2022

Ka waihape atu ki te pūtake o Tararua

Ki Te Tuara o Te Rangihaeata

E kautere atu ana ngā wai o Ōtaki, o Waitohu

Ki ōna uri

Ko Huia, ko Maiotaki, ko Pare, ko Koroki, ko Kapumanawawhiti

E tau nei e!

At the northern end of the Kapiti District, Ōtaki sits in a varied and vibrant natural environment including the Tararua ranges, Te Tai-o-Rehua, rivers, streams and lakes and fertile land.

The five hapū of the area work together as Ngā Hapū o Ōtaki to advance the aspirations of the hapū, maintain the three marae and care for the environment.

Ngā Hapū o Ōtaki seeks to work with our partners to design growth and development in the area that prioritises restoration of mauri and mana of both te taiao and ngā tangata as a critical step towards repairing some of the damage of the past 200 years.

Getting the balance of enabling rules to provide for sufficient, affordable and healthy kāinga whilst caring for te taiao and our ability to connect to and grow our taonga is the current challenge. It is a critical step towards hauora and rangatiratanga.

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Introduction

The Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 requires the Council to change the District Plan to incorporate:

- the Government's Medium Density Residential Standards (MDRS), and
- give effect to policies 3 and 4 of the National Policy Statement on Urban Development 2020 (NPS-UD).

Under that law, Council can also make the following changes to the District Plan:

- changes to enable papakāinga housing
- changes to financial contributions provisions
- other changes that support or are consequential on incorporating the MDRS or giving effect to policies 3 and 4 of the NPS-UD.

The plan change is not allowed to include anything else.

This document is the Ngā Hapū o Ōtaki submission to Kapiti Coast District Council (KCDC) on the KCDC PPC2 to the Operative Kapiti Coast District Plan 2021 (District Plan).

After a brief summary, the first section of this document provides statements on the key areas of interest on the proposed changes to the Kapiti Coast District Council (KCDC) District Plan and recommends more meaningful partnership steps for each area of concern that would see us working together to care for our taonga.

Section two provides responses, in sequential order; to various changes in the district plan. Then closes with section three by providing comments and recommendations about the maps and design guides.

This document has been produced with input from the Ngā Hapū o Ōtaki Chairperson, Secretary, TWoK representative, and members of the NHoO Taiao team.

Ngā Hapū o Ōtaki recognises the mana of Ātiawa ki Whakarongotai and Ngāti Toa Rangatira and supports their mana moutuhake within their rohe.

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We request that NHoO is invited to speak to this submission.

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

Summary

The general submission points are:

1. Meaningful engagement with mana whenua has been limited, is inadequate and further engagement is required.
2. Kaupapa and Tikanga Māori have not been acknowledged or expressed adequately, Mana Whenua participation is requested to get this right.
3. Support the Papakāinga Provisions and recommend that it be applied in other zones.
4. Support the intent of the Marae Precinct and recommend it extend out over our broader 'marae' and land interests.
5. Oppose the designation of Ōtaki as Future Urban Zone.
6. Recommend that the District Plan seeks to nurture te taiao by way of an Infrastructure Qualifying Matter.
7. Support the designation of Karewarewa Urupa as a wāhi tapu.
8. Partially support the inclusion of coastal area qualifying precinct and recommend it is wider.
9. Oppose proposed amendments around the removal of character and amenity values.
10. Oppose intensification zoning over Sites and Areas of Significance to iwi and Māori.
11. Oppose that Taiao and its wellbeing is not considered as part of overall wellbeing.
12. Tangata Whenua is not provided for in provisions of residential intensification.
13. Tangata Whenua land development aspirations are not provided.
14. Oppose rules that allow reducing mauri of our taiao through financial contributions.
15. Note Ngāti Raukawa Treaty of Waitangi hearings process is underway; its rohe is therefore a pre-settlement area.

Section one

1. Meaningful engagement and timing

An important point Ngā Hapū o Ōtāki would like KCDC to note is that the timing of the full draft plan change being provided to us was not sufficient for us to get substantial iwi feedback and meaningful input into plans that will significantly impact our future. Our iwi, hapū and whānau members were not provided with adequate opportunity to be involved in some of the decisions made by KCDC.

NHoO request that:

KCDC change our Tangata Whenua consultation statement because we can now see that we were not appropriately involved in the broader design of the plan especially in the things that KCDC was able to make decisions on. Working together and co-designing district plans needs to be a priority. Papakāinga was an exception.

2. Kaupapa and Tikanga Māori

KCDC must be aware of their obligations to Tangata Whenua with regard to other legislation including Te Ture Whenua Māori Act 1993, the Local Government Act 2002, Treaty settlement legislation, iwi participation legislation and Te Tiriti o Waitangi. As defined in Policy 1 of the NPS-UD there is “a requirement for planning decisions to contribute to well-functioning urban environments”, which is at the core of all the policies in the NPS-UD. <https://environment.govt.nz/assets/Publications/Files/Treaty-of-Waitangi-fact-sheet.pdf>

Policy 1 requires planning decisions to contribute to urban environments that, at a minimum, have or enable a variety of homes **so Māori may express their cultural traditions and norms**. The intent of this policy is to ensure homes (including where they are located, the type of homes provided and the cost of the homes) **enable Māori to live in urban environments that meet their needs for cultural expression**. For example, enabling kaumātua and papakāinga housing, *housing located in relation to the whenua and sites of cultural significance, or housing that enables whānau to undertake cultural practices*.

We attach (appendix one) and refer you to a statement in the letter from Minister Parker to NHoO pointing out the role and ability of councils in this regard:

‘The Amendment Act provides for Māori input through requiring councils to consult with iwi authorities as they prepare their plan changes. The Amendment Act also enables councils to exempt areas from the requirements of the MDRS and NPS-UD through applying a qualifying matter to protect the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.’

Cultural values of Tangata Whenua should be included and more prominent than currently featured throughout the KCDC Plan. The proposed district plan changes sit under the Resource Management Act and Section 6(e) ensures: The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga. Thus whānau living close to our marae is important to the ongoing survival and maintenance of our marae and the cultural wellbeing of our hapū. A large number of our local whānau live very close to Raukawa Marae and Te Pou o Tainui Marae in existing traditional papakāinga areas of land and houses. The Raukawa Marae and homes border a town centre and are thus within the 400m walkable catchment which will be significantly impacted upon. Intensification within that area will have immediate effect on wellbeing. The township of Ōtaki has had an important Māori cultural identity since inception with the first land subdivision in 1895 sold for the township of 'New Ōtaki' referred to still today as Ōtaki Railway. Connection to maunga, awa, marae and other important places including Māori education facilities are also critical for our cultural wellbeing and for our health and safety, now and into the future.

The 'Marae Precinct' that KCDC have proposed goes a very small way towards protecting our relationship with our 'taonga'. In order to truly protect our taonga and express the intent of 'Te Tiriti' and 'Policy 1' and 'the Amendment Act' it is important to pause the intensification process in Ōtaki.

Ngā Hapū o Ōtaki are currently in Te Tiriti o Waitangi hearings processes and intensifying this region before we have negotiated any settlement could disadvantage the parcels of land available within our rohe creating prejudices.

Specific references in the district plans are required to relate to amenity values, climate change, housing affordability and Te Tiriti o Waitangi. We have noted that Tangata Whenua values and tikanga maybe captured within the definition of amenity values but it is not made clear. In one instance it is noted separately so implies it is not captured.

Ngā Hapū o Ōtaki recommend that:

1. KCDC seeks legal advice and advice from DIA about their obligations to mana whenua and to the Crown regarding breaches of Tiriti rights and protection of taonga including land parcels and waterways especially when the Tiriti hearings process is underway (pre- settlement).
2. KCDC seek to work with Ngā Hapū o Ōtaki to plan for development of Ōtaki in line with mana whenua aspirations for growth.
3. Intensification in Ōtaki is limited to current allowable building heights while 1. and 2. occurs.
4. Tangata whenua values and tikanga are given more significance and explicit wording throughout the District Plan.

3. Papakāinga Provisions

The provisions are an excellent product of co-design. As Ngāti Raukawa has not finalised our Treaty of Waitangi Settlement with the Crown it is inappropriate to exclude potential papakāinga locations from our rohe. Further, our relationship with our lands and waters is not limited by zoning boundaries. Therefore, in line with the purpose of this Chapter, which includes a range of activities including commercial activity, it is appropriate to enable papakāinga in all Zones.

We recommend that they are also provided for in the Metropolitan, Local Centres and Mixed Use Zones and is not restricted on Kapiti Island.

4. Karewarewa Urupa

NHoO supports the Te Ātiawa ki Whakarongotai submission on Karewarewa Urupā.

5. Ōtaki Future Urban Zone

In the proposed District Plan, Ōtaki has been designated as a Future Urban Zone. Ngā Hapū o Ōtaki and our community were not invited to be involved in that decision. Legally, urban development cannot occur at the expense of environmental, social and cultural values. Ngā Hapu o Ōtaki objects to the KCDC making major decisions of this nature without our involvement.

It is our recommendation that the KCDC does not designate Ōtaki as a future Urban Zone.

There is no robust population growth model for Ōtaki that takes in to account the expected growth South of here after MDRS is enabled and the likelihood that people will choose to live closer to Wellington therefore reducing the population growth in Ōtaki.

Nor does it consider the wishes of the community; many who choose to live here for the smaller community feel and connection to the natural environment.

Walkable catchment – Ōtaki town centres

The Assessment of Kapiti Coast Residential Intensification Area Feasibilities Report, May 2022, Project No. 51977, Page 12 states that 'What the feasibility modelling in essence indicates is that the intensified areas/Walkable Catchments around Waikanae (eastern half) and Ōtaki centres are unlikely to deliver a level of intensified residential development significantly more than what the MRDS would deliver'.

The Rapid Transport Station is no longer planned for Ōtaki and our small rural town does not have sufficient services or infrastructure for any future planning to intensify. Ngā

Hapū o Ōtaki have been providing advice and guidance to council on infrastructure matters such as stormwater, sewerage, water availability, education facilities, parks, public transport, roading, etc. All of these need to be well planned and put in place before intensification occurs and the responsibility of that resides with local council and the Crown. The stormwater system is already not suitable for the current population and buildings. The sewerage system is at maximum capacity. Any extra development could have a dangerous impact.

While there is a need for more housing in Ōtaki the planned intensification goes far beyond what is required; at great risk to our 'taonga' and wellbeing, all while the expected yield is minimal.

The risk and concerns are acknowledged by other Government policy and objectives. This includes Te Mana o te Wai and the objectives of the National Policy statement for Indigenous Biodiversity - Te Rito o Harakeke. The Proposed Change to the Greater Wellington Regional Policy Statement for the Wellington Region which includes the Kāpiti Coast District and the Regional Plans that will include Ōtaki and surrounding areas also acknowledge and seek to address some of the concerns. The timing will be out of sync with the District Plan changes so it has an important bearing on what is appropriate to enable or not enable.

Putting the urban zone on hold is a simple way of pausing the intensification for the Ōtaki area.

It is our recommendation that the designation of Ōtaki as a *Future Urban Zone* is put on hold until:

1. the population estimates are updated and
2. Meaningful participation and decision making with mana whenua occurs for this matter.

6. Nurturing te taiao = Infrastructure Qualifying Matter

The Ngā Hapū o Ōtaki criteria for growth is to ensure that our waterways and environment are nurtured always. Our aspiration is to grow in ways so we 'live with the land not on it'; this means a nurturing and restorative approach to growth and development rather than extractive, risky and likely damaging approaches. Taking the extra time and steps to ensure we 'grow well' is critical.

NHoO proposes that:

1. The important work of clearly defining what (population and development) our waterways and environment can safely sustain be completed before any further intensification.

2. A detailed development plan including infrastructure development and prescribed building rules be completed before further intensification.

We note this information was provided to KCDC in May. We regard these steps as critical to ensure we achieve well-functioning urban and rural environments in accordance with tikanga Māori that will enable people and the environment to flourish together.

Proceeding with intensification before these steps are taken is irresponsible and neglectful of our taonga. Ngā Hapū o Ōtaki has clearly stated our aspirations to KCDC who advise that they are not able to suitably assist us given the directives in the 'intensification' legislation.

Ngā Hapū o Ōtaki restate our wishes that:

1. The intensification required by recent legislation be scaled back to a maximum of three storeys in town centres and two storeys in residential areas in the Ōtaki area, for the interim.
2. More scope be provided for qualifying matters to better protect areas of importance to mana whenua.
3. Also, given that:
 1. the Amendment Act requires councils to consult with iwi authorities and enables councils to exempt areas from the requirements of the MDRS and NPS-UD through applying a qualifying matter to protect the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.'

and

2. provision of the infrastructure is not guaranteed by the District Plan nor is it in the power of the Council to ensure it is created in time.

NHoO request that an infrastructure qualifying matter be applied to Ōtaki.

Section two

Page 61.2 D0-03 6. 5. Development Management

“management of development in areas of special character or amenity ~~so as to maintain, and where practicable, enhance~~ **in a manner that has regard to** those special values;”

Oppose: We object to this change as it removes our ability to be kaitiaki of our taonga. We note that these provisions are being made without three waters infrastructure. These plans are premature.

We recommend that the original wording that has been deleted above is maintained to protect our environment and wellbeing. Notably tangata whenua values are not included and should feature here.

Page 7. Local issues new text: “enable more people to live within Kāpiti’s existing urban environments, particularly where these are well connected to transport, *infrastructure, commercial activities* and community services;”

Oppose: Ōtaki is not well connected to any of these things. Therefore we highlight that Ōtaki should not be considered to be a future urban environment at this time.

Another sensitivity statement: “**recognise that some parts of the urban environment contain aspects of valued character that may be sensitive to change, and where appropriate include provisions that seek to help** manage this change”

Ōtaki is a nationally important and distinctive ‘mātauranga Māori education zone’ that is particularly sensitive to this type of intensification. Seeking growth that will intensify this once normal and now quite unique ahua puts the care and nurture of our important taonga, cultural values and tikanga at risk. It also removes our ability to be kaitiaki of our taonga.

Recommend: Pause intensification and work with mana whenua to grow in ways that care for our taonga, cultural values and tikanga.

Page 7 1.7 D0-0x2 *Relevant residential zones* provide for a variety of housing types and sizes that respond to:

1. Housing needs and demand; and
2. The neighbourhood's planned urban built character, including 3-storey *buildings*.

Oppose: Blanket unplanned growth does not consider NHoO housing needs that nurture our enviro and maintain relationship with important cultural sites and practices

New Objective D0-0x3 Residential Intensification Precincts:

D0-0x3 purely gives effect to increased height and density within the parts of the General Residential Zone but fails to speak and link into Papakāinga and Tangata Whenua aspirations into the future. It does not account for the impacts on the Sites and Areas of Significance to Māori.

Oppose: includes the objective being unable to cater for changing land use for Tangata Whenua when they receive land back through Settlement arrangements; the objective will be simply overtaking the rights and interests of Tangata Whenua by overlaying a 'residential intensification precinct' without Tangata Whenua involvement.

In addition to amending this objective to ensure Tangata Whenua's role in the residential intensification precinct, 1.10 should also include Papakāinga.

Page 10 D0-0x3 2a Walkable catchments from Town Centres: and

Page 10 1.9 D0-0x3 4. The neighbourhood's planned urban built character, including:

- a. *buildings* up to 6-storeys within Residential Intensification Precinct A; and
- b. *buildings* up to 4-storeys within Residential Intensification Precinct B.

Oppose: There was a good opportunity to have our involvement in the decision around walkable catchment but that wasn't made clear to us, nor were we invited to. Rather, we were advised about it with all of the other required zones and walkable catchments along with statements about it needing to happen. As it came with all the other bits it felt like it was required. Through reading the full rules and the guidance from the Ministry for the Environment, Manatū mō te Taiao and the section 32 information that was made available when the plan was notified we can now see that it has been reported that the expected yield from the additional building heights of four storeys in Ōtaki is expected to be minimal and is therefore quite unnecessary.

There is not a good evidence base in the appendix for this rule. Building heights and densities should reflect the relative demand for use and the level of accessibility from planned or existing active and public transport. It doesn't make good sense to put additional stress in this already 'not well planned' area.

Recommend: this decision is reversed then reviewed with mana whenua involvement.

1.11 DO-011 ~~Maintain and enhance~~ **recognise** the unique character and *amenity values* of the District's distinct communities, while providing for character and *amenity values* to develop and change over time in response to the diverse and changing needs of people, communities and future generations, so that residents and visitors enjoy:

1. ~~relaxed, unique and distinct village identities and predominantly low-density~~ residential areas characterised by the presence of mature vegetation, a variety of built forms and *building densities*, the retention of landforms, and the recognition of unique community identities;

Oppose: Tangata whenua values are not being described here. Recognition is not enough to protect our taiao, marae, mahinga kai, awa, moana, etc, papakāinga areas and Ōtaki waka mātauranga (education facilities and areas).

Recommend: that the changes are not accepted then the wording is reviewed with mana whenua input. Stronger wording is required that actively protects *cultural values* and *tikanga Māori*.

Specific wording to ensure Tangata Whenua values are in place for protections for and around 'Sites and Areas of significance to Māori and iwi' is requested. Mana Whenua would like to co-write this.

Also throughout the document:

Amenity values: The RMA defines '*amenity values*' as 'those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes'. In general, the combined *amenity values* of an area go towards defining the character of that area. At the same time, Objective 4 of the National Policy Statement on Urban Development 2020 provides that the District's urban environments, including their *amenity values*, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

Oppose: This statement doesn't appropriately recognise tangata whenua values.

Request: work together with Mana Whenua to create appropriate wording.

Also 1.11 DO-011 point 5 **Request** Mahinga-kai be included.

Page 11 – Paragraph 5 on Ōtaki

Is particularly important to us. It begins with “Ōtaki has the role of a rural.....”

Note and recommend:

1. We have a strong preference to keep the use of the proposed deleted word ‘maintaining’ rather than ‘acknowledging’. Alternatively use both ‘maintaining and acknowledging’.
2. We also strongly suggest that ‘Tangata Whenua cultural expression’ is included alongside the proposed addition at the end of that same paragraph to read: “increased access to public transport, commercial activities, tangata whenua cultural expression, and community services.”

Also for Paragraphs 1 and 5

Note: There is much more to it than noted for Ōtaki. Māori area and people, taiao etc. marae, kohanga, kura, wananga – the desire is to grow the important and unique tikanga and Kaupapa expressions that are occurring in Ōtaki. They are nationally significant and play an important role in the cultural development of our country. The way it grows is important to maintaining and supporting Kaupapa, tikanga and taonga.

Request: work together with mana whenua to create appropriate wording.

Page 14 1.15 explanatory text for DO-016

Oppose: do not see a strong evidence base for the hierarchy applying in Ōtaki. Ōtaki is distinctly different that other areas in a number of ways so the inconsistency statement doesn't stack up.

Request: work with mana whenua to review this for Ōtaki

1.17 Ox5 *Papakāinga* – Kia ora te mauri o te Whānau (Māori living as Māori)

Oranga is central to a thriving whānau/hapū/iwi. *Tangata Whenua* are supported to ensure they can thrive as a Māori community living on and around their *papakāinga*.

To provide for *papakāinga* development that achieves:

1. a place where Kaupapa and *Tikanga Māori* are in the ascendant.

Support – fully. Excellent statement.

Page 20 3.1. last para: papakainga

Agree with new provisions. Some minor suggestions to amend.

Recommend: Provide for papakāinga in the Metropolitan, Local Centres and Mixed Use Zones

Reason: Ngāti Raukawa ki te Tonga have not finalised our Treaty of Waitangi Settlement with the Crown it is therefore inappropriate to exclude potential papakāinga locations from our rohe. Further, our relationship with our lands and waters is not limited by zoning boundaries. Therefore, in line with the purpose of this Chapter, which includes a range of activities including commercial activity, it is appropriate to enable papakāinga in all Zones.

Page 22 PC-Px1

allowed on *general title land* where it can be demonstrated that there is a *whakapapa* or ancestral connection to the *land*, and the *land* will remain in Māori ownership.

Recommend add: ‘tangata whenua’ before the word *whakapapa* (can we specify ART?)

Page 23. PK-Px6 and advice notes:

Support with suggestion. Specify NHoO or Te Ātiawa ki Whakarongotai or Ngati Toarangatira after iwi authority

Page 24 GRZ intro

“A mix of housing densities are provided for throughout the *Zone*, with higher densities enabled in areas that are well served by public transport or are close to a range of *commercial activities* and community services”

Note: Ōtaki is not well served in these respects

Recommend:

1. The important work of clearly defining what (population and development) our waterways and environment can safely sustain be completed before any further intensification.
2. A detailed development plan including infrastructure development and prescribed building rules be completed before further intensification.

3. The intensification required by recent legislation be scaled back to a maximum of three storeys in town centres and two storeys in residential areas in the Ōtaki area, for the interim.
4. More scope be provided for qualifying matters to better protect areas of importance to mana whenua.
5. Also, given that:
 1. the Amendment Act requires councils to consult with iwi authorities and enables councils to exempt areas from the requirements of the MDRS and NPS-UD through applying a qualifying matter to protect the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.’
and
 2. provision of the infrastructure is not guaranteed by the District Plan nor is it in the power of the Council to ensure it is created in time.NHoO request that **an infrastructure qualifying matter be applied to Ōtaki.**

Residential Intensification Precinct B

This precinct encompasses the part of the *Zone* that is adjacent to the *Town Centre Zone* and the *Local Centre Zone*. The precinct enables the *development* of buildings up to and including 4-storeys in height. This precinct gives effect to policy 3(d) of the NPSUD.

Oppose: not needed in Ōtaki and will put too much pressure on town centre that already has a few difficulties – stormwater, transport, street widths, traffic, drivability, parking etc.

Recommend:

It is our recommendation that the designation of Ōtaki as a *Future Urban Zone* is put on hold until:

1. the population estimates are updated
2. phased development is in place as per the approach as described in the introduction section that ensures taiao is cared for
3. Meaningful participation and decision making with mana whenua occurs for this matter.

Coastal Qualifying Matter Precinct

Note: Mana whenua were not invited to fully participate in this matter.

Recommend: that it be extended further

Beach Residential Precinct

Note: Mana whenua were not invited to fully participate in this matter.

Recommend: that it be extended further though note it doesn't appear to offer much protection

Waikanae Garden Precinct

Note: Mana whenua were not invited to fully participate in this matter.

Recommend: that it be extended further though note it doesn't appear to offer much protection

Page 27 Ōtaki Low Density Housing Precinct

This precinct is a very low density residential area in the vicinity of Lupin Road in northern Ōtaki. The density of *development* is limited because of the location of the area on the urban edge and surface water management constraints.

Oppose: query what were the constraints with surface water. Understand they still exist so it is not safe to chuck this out.

Request work together with mana whenua to amend.

Page 28 Beach residential ...

Deleted para: Given the distinctive qualities of these areas, it is important to ensure that new *development* is sensitive to its landscape setting and enhances the collective character, *amenity value* and public significance of each area.

Oppose: Tangata Whenua cultural values are not being considered by removing this.

Recommend: add *effects* on cultural values and *tikanga Māori* (after *amenity value*).

Page 29 GRZ-Px2 *Medium Density Residential Standards – Policy 2*

Apply the *MDRS* across all *relevant residential zones* in the district plan

Apply the *MDRS* across all *relevant residential zones* in the district plan except in circumstances where a qualifying matter is relevant (including matters of significance such as *historic heritage* and the relationship of Māori and their culture and traditions with their *ancestral lands, water, sites, wāhi tapu, and other taonga*).

Oppose: the way this has been interpreted and applied. The ability to apply qualifying matters with regard to our culture, traditions and taonga was limited in this process so is being done in a way that does not nurture and protect our taonga. We sought to have this respected but advised it wasn't possible. Regard this as a breach of our Tiriti rights.

Recommend: that the intensification is paused for Ōtaki. This could be achieved by the designation of Ōtaki as a Future Urban Zone not being applied or the Marae Takiwa Precinct being extended across the Ōtaki area and or an *infrastructure* qualifying matter being applied to Ōtaki. Or a combination of the above.

For privacy and safety measures it is recommended that building heights in close proximity to kohanga, kura and wānanga, including any childcare or education facilities are restricted and required to notify.

GRZ-Px6 Residential Intensification Precincts

Provide for higher-density housing within Residential Intensification Precincts, including:

1. within Residential Intensification Precinct A, residential *buildings* up to 6-storeys; and
 2. within Residential Intensification Precinct B, residential *buildings* up to 4-storeys;
- where *development* meets the requirements of the Residential Design Guide in Appendix x1.

Oppose: Not needed in Ōtaki. As robust tikanga Māori catchment assessment work has not been undertaken for the area there is no evidence to show that our taiao can cope with this level of intensification. With current infrastructure it is irresponsible to proceed in this way. Regards this as a breach of Tiriti rights.

Request to apply the 'infrastructure qualifying matter as noted in the introduction and above.

Page 30 **Add a new policy (after policy GRZ-Px6) as follows:**

GRZ-Px7 Coastal Qualifying Matter Precinct

Within the Coastal Qualifying Matter Precinct, the level of *subdivision* and *development* otherwise required by the *Medium Density Residential Standards* and policy 3 of the NPS-UD will not be enabled until the management of coastal hazards within the precinct is addressed through a future coastal environment plan change.

Support in part: This is a sensible approach to development. It is not clear why this can be applied but KCDC are ok to proceed with the rest when our infrastructure is already compromised and the water table is not accounted for. Again, Mana Whenua did not fully participate in this decision.

Request create infrastructure qualifying matter as noted in the intro.

GRZ-Px8 Marae Takiwā Precinct

Within the Marae Takiwā Precinct, *subdivision*, use and *development* will avoid, remedy or mitigate adverse *effects* on the cultural values and *tikanga Māori* associated with the marae, and the use and function of the marae, including by:

Tino pai! Support in part: NHoO asked for this to be over a wider area to protect a 'traditional' papakāinga area close to our marae.

Request: As that this be considered in line with the Amendment Act and Tiriti obligations. We believe we could be doing more.

GRZ-P1 Medium Density Housing

Medium density housing will be provided for in precinct areas identified on the District Plan Maps, which are in close proximity (i.e. approximately five minutes walk or 400m) to *centres*, *open spaces*, *public transport networks* and where existing *infrastructure* has sufficient capacity.

Oppose: infrastructure and transport are important. too much growth without this is irresponsible

Request: Remove the walkable catchment zones in Ōtaki

page 31 - **GRZ-P3** Special Character Areas

The distinct identity and special character of Ōtaki are integral aspects of its ahua. Tangata whenua value some of these aspects.

Oppose: Disagree with this in principle. It doesn't not recognise tangata whenua values and contravenes some of the policies and objectives of the legislation.

Request KCDC truly work with mana whenua to account for iwi aspirations. To date KCDC have advised they are unable to do that we can however see that there is some room and others councils are taking more steps.

GRZ-P4 Beach Residential Precincts

1. Maintaining, where practicable, the intactness of existing dune landforms;
2. Retaining, where practicable, existing mature *trees* and areas of extensive vegetation;

'**practicable**' feels a bit meaningless here. **Suggest** be clearer here and actually protect these important aspects.

GRZ-P9

deleted wording: new built development will relate to local built identity, character values and the density of the surrounding residential environment

Oppose: this removes our ability to be kaitiaki of our taonga.

Page 61 **Amend policy MCZ-P2 as follows:**

MCZ-P2 Metropolitan Centre Zone Precincts. Precinct c points b,c,d:

Query how are tangata whenua values being considered here? This is removing our ability to be kaitiaki of our taonga.

Request change of wording and resource consent required including creation or approval of CIA by tangata whenua.

MCZ-P5 Activities in the Working Zones

1. local and on-site *amenity values* are maintained and enhanced where practicable...

Change sought: Tangata whenua were not asked about this or invited to codesign. **Request** we work together to amend.

Page 73 **Add a new policy (after policy TCZ-P7) as follows:**

TCZ-Px1 Coastal Qualifying Matter Precinct at Raumati Beach

As noted in the introductory statements it would be appropriate to not enable level of intensification in Ōtāki until the infrastructure and care of taiao and taonga is addressed according to Kaupapa and tikanga Māori.

Page 83 **TCZ-Rx3** *Papakāinga* on land held under Te Ture Whenua Māori Act 1993 or on *general title*

Agree with a suggestion to consider specifying for A.R.T.

Page 84 **TCZ-Rx4**

Agree with this new rule. Support this statement under matters of discretion 2. *Effects on cultural values and tikanga Māori.*

Recommend that it is added after the wording of amenity value throughout the plan or we work together to ensure the plan appropriately incorporates statement to account for cultural values and tikanga Māori.

Pages 107 & 108 – 10.0 10.1 SUB-DW-Rx1 Standard 4. Bottom of the Page.

We **recommend** water tanks be included for all new allotments.

Pages 108 – 10.0 10.1 SUB-DW-Rx1 Standard 5.

Recommend To assist our infrastructure should this standard also include stand alone sewerage tanks.

Pages 110 & 111 – 10.5 SUB-RES-R26 Matters of Control 8.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 111 – 10.5 SUB-RES-R26 Note at the bottom of the table and page.

The notation reference refers to the Coastal Qualifying Matter Precinct at... Te Horo Beach and Ōtaki Beach..... are provided for under Rule SUB-RES-R27. However, on pages 114 & 115 that Standards 1 & 2 both state that “this standard does not apply to the subdivision of land in the Coastal Qualifying Matter Precinct.” **Recommend** Clarification sought.

Pages 112 – 10.5 SUB-RES-Rx1 Matters of Control 8.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 115 – SUB-RES-27 In addition to the point raised and referred to on page 111

Recommend We request Matters of Control 8. Similar inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 119 – 10.7 SUB-RES-27

Recommend Water to be included as a standard before Wastewater disposal and include water tanks.

Page 124 – 10.14 SUB-WORK-R36 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 125 – 10.15 SUB-WORK-R36 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 127 – 10.16 SUB-WORK-R39 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 128 – SUB-WORK-R40 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Pages 128 & 129 – SUB-WORK-R41 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 130 – SUB-WORK-R42 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 131 – SUB-WORK-R43 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 132 – SUB-WORK-R44 Matters of Control 5.

Recommend Inclusion of ‘natural wetlands’ and ‘tangata whenua sites of significance’. So that it reads “The location of any associated building area(s) relative to any identified *natural hazards, natural wetlands, historic heritage feature, tangata whenua sites of significance, notable tree,*”

Page 148 – 15.0 15.1 Bottom of the page.

Recommend An additional note to be included after the proposed new note at the bottom of the page to read as: Note: Council will consult with the relevant iwi authority/ies in relation to assessing financial and/or development contributions made under this Plan relevant to cultural values.

Page 149 15.2

Recommend Delete the last three words on the sentence within the table. “remedied or mitigated.” There should only be Financial contributions to offset or compensate for adverse effects to the environment if remedies or mitigation have not been effective first, thus unavoidable. Otherwise, this clause becomes a scape goat.

Page 150 15.3 FC-R5 Standard 3 (d.)(ii)

Recommend additional wording to include the option of also vesting the land to iwi. To read as ‘transferring to the Council and/or tangata whenua’. (iv)’... the Council, tangata whenua or other infrastructure provider.’

Page 151 15.3 Standard 3 (NOTE the second one on page 151, not the standard 3 on page 150.)

Query Does 3 (d) to include iwi authorities after local authorities.

Page 155 16.2 Potable water supply.

Query Has a requirement for all new residential buildings throughout the Kapiti Coast District to have water tanks installed on their properties included? Similar to the requirement seen here in INF-MENU-R29 with the new reference to General Residential Zone at Te Horo Beach. Due to the water shortages already being felt for a number of years.

Recommend this requirement is for all new residential buildings throughout the General Residential Zones in the District.

Page 159 16.10 Matters of Discretion.

Recommend Include 'and tangata whenua sites of significance' at the end of point 9 so that it reads: "Effects on historic heritage and tangata whenua sites of significance."

Page 162 18.1 Sites and Areas of Significance to Māori.

We **recommend** that Education facilities that teach Te Reo Māori and Mātauranga Māori are included in 18.1. (And thus include in the pages on page 163 Referred to in 19.5)

We **support** the submission by Ātiawa to extend the boundary of this wāhi tapu to be consistent with the original survey.

Page 163 19.4

We **strongly recommend** that you keep the Ōtaki Low Density Housing Precinct in 19.4 (PREC13).

Page 166 20.11 Qualifying Matter Area (d)

Recommend including 'A wetland' to the list suggest before 'A ponding area;'. A further recommendation is to include 'Infrastructure.'

Page 172 NH-FLOOD-R2

The standards 1 & 2 are **recommended** to be the same for Wetlands as a Qualifying matter.

Page 175 SUB-DW-R7

Recommend The same standards should apply to Wetlands also.

Page 189 SUB-DW-R6

Recommend Matters of Discretion Point 7 the addition of ‘tangata whenua cultural values’.

Page 191 NFL-R3

Recommend Matters of Discretion Point 4 the addition of effects on ‘tangata whenua cultural values’.

Page 191 SUB-DW-R6

Recommend Matters of Discretion Point 2 the addition of effects on ‘tangata whenua cultural values’.

Page 192 21.11 GIZ-R5

We note the first sentence within the table “ except in the Ōtaki South Precinct”. This table applies to Industrial zones and measurement criteria including height. We do not see on the following pages where “Ōtaki” has similar measurement restrictions. It is concerning that no restrictions appear to be in place for our industrial zone.

Recommend Measurements should be the same and apply to the Ōtaki Industrial Precinct.

Page 200 21.15 Bed of River, Lake or Coastal Marine Area.

We **Recommend** including the words ‘or tangata whenua’ to both sentences so that it reads “Where subdivision includes a river, stream or lake the bed of the river stream or lake shall vest in Council or Tangata whenua.” “Where subdivision includes the Coastal Marine Area, the bed of the Coastal Marine Area shall vest in the Crown or Tangata whenua.” Noting current Treaty of Waitangi Settlements and negotiations within this region it is pre-emptive to assume ownership only lies with the Kawanatanga Partners.

Review of pages 230-273 Design Guides

Residential and Centres Design Guide

We note the need to develop and include design criteria that are specific to NhoŌ and ART. Our taonga tuku iho and kōrero tuku iho is grounded in generations of mātauranga Māori – our knowledge systems – and histories which are bound by whakapapa to our environment and ecosystems. We have been tangata whenua in this district for over 200 years and tangata whenua for centuries earlier than that. Thus the inclusion of our tangata whenua cultural expressions in the proposed district plan design guidelines will only enhance this and benefit the entire community. NhoŌ want to see ourselves reflected in the district, not just in papakainga. Visibility throughout our district is in alignment with the RMA and as Te Tiriti o Waitangi partners with KCDC.

Street frontage as well in places should have a visual reflection of tangata whenua. Not specific to heirarchy of centres but relevant within each location in the environment and thus the local design should reflect tangata whenua.

In relation to references regarding the current form, pattern, character etc of Ōtaki that will be used as the foundation to maintain, NhoŌ can provide a portfolio of architectural and urban designs that we prefer and are current within Ōtaki. e.g Te Wānanga o Raukawa.

NhoŌ recommends that:

1. KCDC makes a comitment to set up a design panel with tangata whenua representatives included, and/or we help to make localised guidelines including the points noted above for each town centre/metropolitan area etc.
2. careful consideration to the design of new development and how each can or will impact sites and areas of significance to NhoŌ. This needs to be given more priority and be present in more criteria other than confined to *60. Responding to Context* section. Again we recommend a trigger is within the plan for the Design Panels to be consulted.

3. further awareness and acknowledgement of our context as NhoŌ and tangata whenua throughout this guideline and others is required. As in the majority of Ōtaki is a cultural precinct with many significant sites condensed into a reasonably small area meaning developers/council will need to put in more mahi than they anticipated in order to be considerate and 'respond to context' – that needs to include NHoŌ defined cultural context.

Review of Design Principles

- Mixed-use design is beneficial in med-high traffic areas/commercial zones however, how do we as a community and council ensure rent/lease costs are accessible to local businesses? (avoid Cuba Street scenario)
- Passive surveillance and any view over wāhi tapu sites need to be at the discretion of NHoŌ
 - *Public domain* shouldn't include tangata whenua sites of significance.
- For privacy and safety measures that building heights in close proximity to kohanga, kura and wānanga, including any childcare or education facilities are restricted.
- As new development is to consider *anticipated design patterns*, we request that KCDC provide for the inclusion of NHoŌ perspectives in guidelines, anticipated design patterns, and to identify anticipated growth areas.
- NHoŌ to provide preference/input for the design of the following:
 - Public design/landscaping: gate/fence/screening treatment, planting, paving design, public furniture, art etc
 - Façade design: Dependent on visual/physical dominance of structure, street fronting façade (materials, signage, form) should include 50% design led by NHoŌ
 - Connectivity: ensure existing pathways between our infrastructure are maintained or improved eg between kura, TWOR, marae – lighting, signage
 - Visual corridors: vegetation, lighting etc that frame views to Tararua and to the moana

Review of maps on pages 202-229 and pages 274 to 298

NHoO notes that the first set of maps included do not identify what area they relate to so are difficult to utilise.

We request that the recommendations made in this document are applied to the maps

Ōtaki Beach - Map 01 Zones & Precincts - Appendix A page 203

Ōtaki Beach - Map 02 Zones & Precincts - Appendix A page 204

Ōtaki Beach and Town - Map 01 and 02 Zones & Precincts - Appendix A page 203 - 204

Te Horo Beach - Map 04 Zones & Precincts - Appendix A page 206

Te Horo Beach and Rural area - Map 04 Zones & Precincts - Appendix A page 206

Ōtaki Town - Map 03 Zones & Precincts - Appendix A page 205

Ōtaki Rural Hills - Map 22 Zones & Precincts - Appendix A page 224

Ōtaki Beach - Map 06 Historical and Cultural Values - Appendix A page 227

Ōtaki River under the main road - Map 09 Historical and Cultural Value - Appendix A page 228

17 Jean Hing Place Ōtaki - Appendix D Page 2

234 - 254 Rangiuuru Road Ōtaki - Appendix D Page 1

End

Hon David Parker BCom, LLB

Attorney-General

Minister for the Environment

Minister for Oceans and Fisheries

Minister of Revenue

Associate Minister of Finance



19 September 2022

Denise Hapeta
Chairperson
Te Tari o Ngā Hapū o Ōtaki
office@ngahapuotaki.nz

Dear Denise Hapeta

Thank you for your email on the 30 August 2022 following up on Ngā Hapū o Ōtaki's letter about the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (the Amendment Act).

The Amendment Act was developed to address a critical housing need in our major urban centres and the surrounding urban areas through the medium density residential standards (MDRS) and the National Policy Statement on Urban Development (NPS-UD). The MDRS will provide opportunities to build additional units on current residential properties.

I am aware of Ngā Hapū o Ōtaki's concerns with the Amendment Act in relation to Te Tiriti o Waitangi. The impacts on Te Tiriti rights and obligations were assessed during the development of the Act to ensure Te Tiriti was provided for in this legislation and its implementation.

The Amendment Act provides for Māori input through requiring councils to consult with iwi authorities as they prepare their plan changes. The Amendment Act also enables councils to exempt areas from the requirements of the MDRS and NPS-UD through applying a qualifying matter to protect the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

I am advised that that Kāpiti Coast District Council have addressed Ngā Hapū o Ōtaki's concerns through the proposed Marae Takiwā Precinct qualifying matter which retains existing building heights in the areas around Raukawa Marae and Whakarongotai Marae.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Parker'.

Hon David Parker
Minister for the Environment

From: [Kirsten Hapeta](#)
To: [Mailbox - District Planning](#)
Cc: [Jason Holland](#)
Subject: RE: NHoO submission re DPPC2 2709/22
Date: Tuesday, 27 September 2022 4:35:59 pm
Attachments: [NHoO full submission to KCDC re DPPC2 270922 final.pdf](#)

Tena tatou

Please discard the earlier version and accept this one. Content is the same. Have just removed the form and instructions and added the info to the submission doc.

Nga mihi
Na Kirsten

From: Kirsten Hapeta
Sent: Tuesday, 27 September 2022 3:59 pm
To: district.planning@kapiticoast.govt.nz
Cc: Jason Holland <Jason.Holland@kapiticoast.govt.nz>
Subject: NHoO submission re DPPC2 2709/22

Tēnā tātou

Please find attached the Ngā Hapū o Ōtāki submission re the KCDC District Plan.

Please confirm receipt of the submission.

Ngā mihi
Nā Kirsten Hapeta
Ngā Hapū o Ōtāki
021647755