



ĀTIAWA KI WHAKARONGOTAI

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15th September 2022

Form 5: Submission on Proposed Plan Change 2 to the Operative Kapiti Coast District Plan 2021

Mai i Kūkūtauākī ki Whareroa, tatu atu ki Paripari
Rere whakauta ngā tinitapu ko Wainui, Ko Maunganui,
Pukemore, Kapakapanui, Pukeatua,
Ūngutu atu ki te pou whakararo ki Ngāwhakangutu
Ko Te Ātiawa ki Whakarongotai e

Our unique identity as indigenous mana whenua, as Ātiawa ki Whakarongotai (Ātiawa), arises from the land and water. As much as we influence the local land and waterscapes, they have shaped who we are as a people; our identities are inextricably linked. The pepeha outlines our rohe from the key waterways and peaks that mark the extent of our mana whenua. Whakapapa, or the genealogical lineage and connection to the land and water, is a fundamental value for the people of Ātiawa. It is through this whakapapa to Ātiawa that we inherit our birthright and responsibility as kaitiaki of all that is living and existing within our rohe.

Whakarongotai o te moana Whakarongotai o te wā (lodged with Kapiti Coast District Council (KCDC)) is the Ātiawa Kaitiakitanga Plan. This plan contains the kaupapa, tikanga

and huanga¹ we are striving to achieve. We can measure our success and health as an iwi based on our ability to achieve those huanga.

Planning for Growth

Te Tiriti o Waitangi is the founding document of Aotearoa. It guarantees the tino rangatiratanga of Ātiawa over the land, waterways and all other taonga in our rohe. This type of authority differs from other forms of authority, such as that from the kāwanatanga or the governance of local or central government, which is subject to the tino rangatiratanga of mana whenua. A Tiriti partnership recognises these two types of authorities functioning together. This is represented in the ‘Tiriti House Model’,² which shows that a Tiriti approach to decision-making ensures equal recognition of, protection of and input from each house.

The development of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and the National Policy Statement on Urban Development 2020, and the timeframes provided for their incorporation into the KCDC District Plan do not uphold the guarantee of tino rangatiratanga. Ātiawa therefore have fundamental concerns with the process and direction given by the Government requiring this Proposed Plan Change 2 (PPC2). This means that Ātiawa has had inadequate opportunities and insufficient time to contribute to the development of the PPC2. This process and the intensification provisions also predjudice the outcomes and potential outcomes of our Treaty of Waitangi Settlement.

Within the parameters provided, Ātiawa have welcomed the opportunity to work with KCDC planning staff, Ngā Hapū Ōtaki and Ngāti Toa in the development of PPC2 to meet the 20 August 2022 statutory deadline. We acknowledge the short timeframes and limited scope under which KCDC has had to deliver PPC2 and commend the planning staff on their openness and inclusion of mana whenua in this process.

Ātiawa seeks a mana enhancing partnership with KCDC to enable this work and engagement across KCDC’s remit. In 2020 we presented a Partnership Review to KCDC which includes recommendations on how to make the partnership more fit-for-purpose. We await resolution to all matters identified in our recommendations.

Summary of Requirements as provided by KCDC

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.

¹ Whakarongotai o te moana Whakarongotai o te wā pg 8

² Whakarongotai o te moana Whakarongotai o te wā pg 25

The plan change is not allowed to include anything else.

PPC2:

- incorporates the Government's Medium Density Residential Standards (MDRS), allowing the construction of up to three three-storey residential units on most sites in the General Residential Zone as a permitted activity where all the MDRS are complied with
- enables increased levels of development in and around Kāpiti's centres and around the train stations at Paekākāriki, Paraparaumu and Waikanae
- rezones some areas to General Residential Zone
- proposes new design guides to encourage high-quality design of residential and mixed use development
- replaces all references to the Council's Subdivision and Development Principles and Requirements 2012 document with references to the Land Development Minimum Requirements April 2022 document
- provides for qualifying matter areas where development is less enabled, including areas already identified in the District Plan, plus new areas including a Coastal Qualifying Matter Precinct, a Marae Takiwā Precinct, and Kārewarewa Urupā in Waikanae Beach.

PPC2 also proposes:

- providing for tangata whenua to develop papakāinga housing developments
- making improvements to the District Plan's financial contributions provisions.

Proposed Plan Change 2

This submission provides the Ātiawa response to the KCDC PPC2 to the Operative Kapiti Coast District Plan 2021 (District Plan).

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

Ātiawa seeks growth that both retains the ability for our people to live in their own rohe, and create housing opportunities that attract our own people home as part of the growing population. Housing should be supported by life sustaining infrastructure including improved public transport hubs. The tino rangatiratanga of hapū and iwi should be recognised in relation to their land and waterways, and how this can be exercised to better manage the sustainable use of these resources. The manaakitanga that iwi, hapū and ahi kā have provided over generations to share their home with Tangata Tiriti needs to be recognised in the way growth is managed. This includes recognising the significant role of Marae as a spiritual and cultural home for our people, a social hub and in civil emergencies. Proactive initiatives are required to ensure that our unique history, identity and culture is respected and given expression in the District.

Issue 1: Infrastructure, Urban form, Housing supply and Intensification

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

In May, KCDC updated the ‘Subdivision and Development Principles and Requirement 2012’, now referred to as the 'Land Development Minimum Requirements'. Ātiawa was not involved in the workshops to develop the amendments and submitted that the amendments have not adequately considered or addressed our perspectives. This includes taking into account *Whakarongotai o te moana Whakarongotai o te wā*.

Ātiawa seeks a mana enhancing partnership with KCDC to enable work and engagement across KCDC’s remit. In 2020 we presented a Partnership Review to KCDC which includes recommendations on how to make the partnership more fit-for-purpose. Specifically with regards to infrastructure and intensification, we are awaiting the opportunity to address our proposal on a District Services Forum, or some alternatively Council proposed mechanism that provides for the appropriate partnership and engagement on these matters. That agreement is relevant to the LDMR review as LDMR references processes and engagement that do not align with *Whakarongotai o te moana Whakarongotai o te wā*.

Ātiawa seeks to be involved in the substantive reviews of LDMR that KCDC has indicated will be undertaken in the next 12 months (We understand that will occur before this PPC2 is finalised) including the Transport, Stormwater and Landscape sections of the Requirements. Ātiawa also seeks a review of Parts 1 and 2 of LDMR to reflect our recommendations in the Partnership Review.

| Provision | Submission | Decision sought & Reason |
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| DO-O3 and “Local Issues” section of the explanatory text to objective DO-O3 | Support in part | <p>Decision sought: Retain the proposed objective</p> <p>"To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas, and to provide for the development of new urban areas where these can be efficiently serviced and integrated with existing townships, delivering:</p> <p>...</p> <p><u>3. an urban environment that enables more people to live in, and more businesses and community services to be located in, parts of the urban environment:</u></p> <p><u>a. that are in or near a Centre Zone or other area with many employment opportunities; or</u></p> <p><u>b. that are well serviced by existing or planned public transport; or</u></p> <p><u>c. where there is high demand for housing or for business land relative to other areas within the urban environment;</u></p> |

.....

10. urban environments that support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change."

Retain the approach to:

"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;"

Reason: Ātiawa supports the objective of urban development as we seek to retain the ability for our people to live in their own rohe, and create housing opportunities that attract our own people home as part of the growing population. We support the focus on existing centres where life sustaining infrastructure including improved public transport hubs are provided. We also support a proactive approach to responding to climate change including managed retreat and increased restrictions on development in high prone flood areas. In line with this, we also support the identification of future new town centres that are removed from flood and liquefaction risk.

Our concerns with the delivery of the proposed development are discussed below in relation to the respective objectives, policies and rules. In regards to Clause 10, we suggest instead of Council 'supporting reductions', development use should reduce greenhouse gas emissions and be resilient to the current and future effects of climate change by way of introducing Standards in the Plan.

Decision sought: Inclusion of Infrastructure as a new Qualifying Matter.

Reason: Ātiawa oppose the enabling of development on the basis of "planned" infrastructure. It is critical that the provision of infrastructure is proactively managed to support development, in conjunction with or in advance of housing development. The reliance on another entity (the Regional Council) to deliver that infrastructure provides significant opportunity for a misalignment between the development enabled and the infrastructure delivered. The effects of such development will therefore not be adequately managed.

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

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| | | <p>opposed to other forms of infrastructure that are not necessarily public good, but rather benefit very distinct parts of the community.</p> <p>Great care is therefore needed in defining infrastructure and considering how this aspect of a Plan would be implemented.</p> |
| DO-Ox1 | Support in part | <p>Decision sought: Add "environmental" to the matters to be provided for:</p> <p><i>"A well-functioning urban environment that enables all people and communities to provide for their social, economic, environmental and cultural wellbeing, and for their health and safety, now and into the future."</i></p> <p>Reason: The urban environment forms part of the broader, interconnected environment. Therefore, in developing a "well-functioning urban environment" the wellbeing of the environment must be provided for.</p> |
| DO-Ox2, DO-O16 Centres, UFD-Px, UFD-P1 Growth Management, UFD-P4, TCZ-P6 | Support in part | <p>Decision sought: Ensure that the policies and rules resulting from this objective adequately provide for the land and water and Ātiawa's relationship with our sites and areas of significance, papakāinga, and marae.</p> <p>Reason: Ātiawa supports the objective of urban development as we seek to retain the ability for our people to live in their own rohe, and create housing opportunities that attract our own people home as part of the growing population. We support development centred around public transport hubs and walkable catchments. However, the scale of that development needs to be planned and delivered in a way that recognises the rangatiratanga of hapū and iwi in relation to their land and waterways, and how this can be exercised to better manage the sustainable use of these resources. Any policy in relation to catchments and water also needs to be consistent with the hierarchy of obligations of Te Mana o te Wai, and ensure that the primary life-supporting values of rivers, and secondary values of human rights in relation to water is provided for before other tertiary economic and social values are provided for.</p> |
| SUB-DW-Rx1 | Support | <p>Decision sought: Retain the Matter of Control</p> <p><i>"Stormwater 3. The provision of grassed swales to direct road-run-off (instead of concrete kerb and channel) where grassed swales would be functional and in keeping with the surrounding environment."</i></p> |

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| | | Reason: Water is a taonga that must have its mana and wairua protected and enhanced. Ātiawa support the move away from the use of hard structures to provide storm and flood protection. |
| UFD-P13 | Support | Decision sought: Include the Coastal Qualifying Matter and Marae Takiwā Precincts in the General Residential Zone. Reasons: Discussed below in relation to those Precincts. |

Issue 2: Character and Amenity Values

Whakarongo o te moana Whakarongo o te wā clearly articulates the depth and breadth of Ātiawa kaitiaki responsibilities and our kaupapa tuku iho or enduring values. Having those values defined in section 2 of the Resource Management Act 1991 (RMA) under the umbrella of "amenity values" alongside "pleasantness, aesthetic coherence, ... and recreational attributes" obscures their depth and breath. It also requires careful consideration in policy making to ensure that the matters in section 6e of the RMA are recognised and provided for.

Further, the District Plan also includes tangata whenua in reference to "character". Despite our unique identity as indigenous mana whenua, enduring presence and ongoing relationship with our lands and waters, Ātiawa and our cultural landscape are not acknowledged within this PPC2 in the contributing to the character of our rohe.

| Provision | Submission | Reason |
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| DO-O3, DO-O11, UFD-P2 | Oppose | Oppose the amendment from "maintain, and where practicable, enhance" to "in a manner that has regard to", or "encouraging" Decision sought: Retain "maintain, and where practicable, enhance" Reason: The proposal to have "regard to" or "encouraging" amenity values, which under section 2 of the RMA includes cultural values, does not achieve section 6 of the RMA. Section 6 states that in "achieving the purpose of this Act, ...shall recognise and provide for ... (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga" Ātiawa cultural values, provided for in s6 of the RMA, should not be compromised through the provisions of PPC2. |

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| DO-O11 Explanation | Oppose | <p>Decision sought: Include adequate recognition of the whakapapa and connection of Ātiawa to the land and water and the contribution this makes to the character of our rohe.</p> |
| UFD-P3, UFD-P11 | Oppose | <p>Oppose the amendment from "Residential intensification will be managed to ensure that adverse effects on local amenity and character are avoided, remedied or mitigated ..." to "<u>Residential intensification will give consideration to the effects of subdivision and development on character and amenity values, where these are provided for in the District Plan</u>"</p> <p>Decision sought: Retain existing wording</p> <p>Reason: The proposal to "give consideration to" amenity values, which under section 2 of the RMA includes cultural values, does not achieve s6 of the RMA. Section 6 states that in "achieving the purpose of this Act, ...shall recognise and provide for ... (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga"</p> <p>Ātiawa cultural values, provided for in s6 of the RMA, should not be compromised through the provisions of PPC2.</p> |
| DO-O11, UFD-P11, 4.1 Introductory text to the General Residential Zone MUZ-P1, MUZ-P4, MCZ-P5, TCZ-P3, LCZ-P3, | Oppose | <p>Oppose the reference that amenity values "develop and change over time in response to the diverse and changing needs of people, communities and future generations"</p> <p>Decision sought: Add "except where those values are cultural values"</p> <p>"amenity values ...while recognising that these values develop and change over time in response to the diverse and changing needs of people, communities and future generations, <u>except where those values are cultural values</u>"</p> <p>Reason: Ātiawa has an enduring whakapapa relationship with the natural and physical environment. Our values, kaupapa and taonga are our enduring platform. The addition of the new text fails to recognise that relationship and our role as kaitiaki.</p> <p>The Residential and Centres Design Guidelines are proposed as a key mechanism for addressing amenity values. Ātiawa was not involved in the drafting of those documents and they do not recognise</p> |

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| | | and provide for Ātiawa as required by s6 of the RMA. Therefore, the addition of the proposed text is required. |
| SUB-RESR _{x1} | Support | <p>Decision sought: Retain the proposed provision for the imposition of conditions to manage visual, character and amenity effects.</p> <p>Reason: Management and provision for visual, character and amenity effects at this early, subdivision stage of development is likely to result in better outcomes than once subdivision has occurred.</p> |
| MCZ-P2 | Support in part | <p>The proposal for "Subdivision, use and development in the Metropolitan Centre Zone will be undertaken in accordance with the Metropolitan Centre Zone Structure Plan in Appendix 19 and the Centres Design Guide in Appendix x2, in a manner that reinforces the following specific management principles for each precinct:..." does not recognise and provide for Ātiawa as required by s6 of the RMA.</p> <p>Decision sought: Add "and Ātiawa cultural values" to the matters that subdivision, use and development in the Metropolitan Centre Zone will be undertaken in accordance with.</p> <p>Reason: Ātiawa supports subdivision, use and development in the Metropolitan Centre Zone being undertaken in accordance with our cultural values.</p> <p>The Centres Design Guidelines is proposed as a key mechanism for addressing amenity, including cultural, values. Ātiawa was not involved in the drafting of those documents and they do not recognise and provide for Ātiawa as required by s6 of the RMA. Therefore, the addition of the proposed text is required.</p> |
| MUZ-P6 MCZ-P7, TCZ-P5, LCZ-P5, | Support in part | <p>The proposal for "Mixed use development, including residential activities, will be enabled in centres to enhance the viability and vitality of the centre where a high level of amenity for residents, businesses and visitors is achieved in accordance with the Centres Design Guide in Appendix x2." does not recognise and provide for Ātiawa as required by s6 of the RMA.</p> <p>Decision sought: Add "and mana whenua cultural values" to the matters that a high level of amenity will be achieved in accordance with.</p> <p>Reason: Ātiawa supports mixed use development with high amenity values.</p> |

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| | | <p>The Centres Design Guidelines is proposed as a key mechanism for addressing amenity, including cultural, values. Ātiawa was not involved in the drafting of those documents and they do not recognise and provide for Ātiawa as required by s6 of the RMA. Therefore, the addition of the proposed text is required.</p> |
| <p>MUZ-P7 MCZ-P8, TCZ-P6, LCZ-P6,</p> | <p>Support in part</p> | <p>The proposal for "Subdivision, use and development in ... must be undertaken in a manner that achieves efficient integration with necessary infrastructure, reinforces the District's consolidated urban form and sense of place, and provides for a high quality interface between built form and public space." does not recognise and provide for Ātiawa as required by s6 of the RMA.</p> <p>Decision sought: Add "and mana whenua cultural values" to the matters that subdivision, use and development will be undertaken in accordance with.</p> <p>Reason: Ātiawa supports subdivision, use and development being undertaken in accordance with our cultural values.</p> <p>The Centres Design Guidelines is proposed as a key mechanism for addressing amenity, including cultural, values. Ātiawa was not involved in the drafting of those documents and they do not recognise and provide for Ātiawa as required by s6 of the RMA. Therefore, the addition of the proposed text is required.</p> |
| <p>15.1 Financial Contributions chapter introduction text</p> | <p>Support in part</p> | <p>Decision sought: Include cultural values as a matter under "Financial contributions under this Plan may be required in respect of avoiding, remedying, mitigating or off-setting any adverse environmental effects on any or all of the following: ..."</p> <p>Reason: The Financial Contributions chapter should provide for financial contributions in relation to the avoiding, remedying and mitigating of effects on cultural values.</p> <p>The current text refers to the cultural values chapter of the plan. As there is no cultural values chapter this provides a lack of clarity and provision for cultural values.</p> |
| <p>FC-Table x2 – Financial Contribution payable</p> | <p>Support in part</p> | <p>The consideration of additional connections to the existing water supply systems, stormwater disposal and wastewater disposal services should consider the effects on cultural values.</p> |

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| | | <p>The consideration of transport infrastructure and access should consider the effects on cultural values.</p> <p>Decision sought: Add "cultural values" as a matter to be considered in determining level and / or nature of financial contribution:</p> <p><i>"The effect any additional connections may have on the existing system, cultural values, its users and/or on the quality and quantity of the supply;"</i></p> <p><i>"The sensitivity and location of activities and cultural values adjoining the transport corridor and adjacent to the subject site;"</i></p> <p>Reason: Our vision is for our people to be able to live their lives in the rohe of Ātiawa ki Whakarongotai in harmony with te taiao. This means we need to ensure the sustainable use of taonga and te taiao and that there are minimal impacts to our taonga and community through decision-making around development. Managing the effects of water supply systems, stormwater and wastewater disposal services and transport infrastructure on our cultural values is critical. That cost should be part of the financial contribution payable by the developer.</p> |
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Issue 3: Papakāinga

Papakāinga are a taonga that enable tangata whenua to live on and be sustained by their ancestral land in accordance with tikanga Māori. Papakāinga development should enable Māori to live as Māori, and should support tangata whenua to thrive as a community. This includes the social, cultural and economic wellbeing of iwi, hapū and whānau.

Ātiawa therefore support the enabling of papakāinga development through this plan change.

| Provision | Submission | Reason |
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| Part 2: District Wide Matters – General District Wide Matters | Support | <p>Decision sought: Retain the Papakāinga Chapter introduction as drafted.</p> <p>Reason: Ātiawa support</p> |

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| Papakāinga Chapter introduction | | <ul style="list-style-type: none"> - the purpose of this Chapter to assist tangata whenua in the development and use of papakāinga on their ancestral land. - the recognition that papakāinga development provides a pathway to sustain the social, economic and cultural well-being of tangata whenua. - the acknowledgement of the barriers tangata whenua face to developing and using their land in the way that fits into the principle of Tino Rangatiranga, and that these barriers can be linked to the process of land alienation. |
| Objective | | |
| DO-Ox4 - DO-Ox10 | Support | <p>Decision sought: Retain the objectives as drafted.</p> <p>Reason: Ātiawa support the papakāinga objectives as they recognise papakāinga as a taonga and support our aspirations to strengthen our whakapapa connections to the rohe and to each other.</p> |
| Policy | | |
| PK-Px1 to PK-Px6 including advice notes | Support in part | <p>Decision sought: In the event that our decision sought regarding the inclusion of Infrastructure as a New Qualifying Matter, we seek the following amendment:</p> <p>"adequate provision of on-site or off-site infrastructure or planned infrastructure"</p> <p>Reason: It is critical that an appropriate level of equity is provided in the way that policies are implemented. It would therefore be inappropriate to exclude papakāinga from being developed on the basis of planned infrastructure.</p> |
| <p>Introduction</p> <p>4.1 The General Residential Zone; The General Rural Zone; The Rural Production Zone; The Rural Lifestyle Zone; The Future Urban Zone; The Town Centre Zone.</p> | Support in part | <p>Decision sought: Retain the provisions for papakāinga in the:</p> <ul style="list-style-type: none"> The General Residential Zone The General Rural Zone The Rural Production Zone The Rural Lifestyle Zone The Future Urban Zone The Town Centre Zone. <p>Decision sought: Provide for papakāinga in the Metropolitan, Local Centres and Mixed Use Zones</p> |

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| | | <p>Reason: Ātiawa 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.</p> |
| GRUZ-P9, RLZ-P8, RPROZ-P9, FUZ-P10 | Support | <p>Decision sought: Retain these policies excluding papakāinga from "limiting the number of residential units and minor residential units to one of each per subject site"</p> <p>Reason: This is in accordance with the objectives of the Papakāinga Chapter and tino rangatiratanga.</p> |
| GRUZ-P11 | Support in part | <p>Decision sought: Retain this policy excluding papakāinga from the requirement for a structure plan. State that papakāinga is excluded from consistency with the principles 1-16.</p> <p>Reason: It is implied, but unclear that papakāinga is excluded from consistency with the principles.</p> |
| CF-Px1 CF-R2 CF-Table 1 CF-R3 | Oppose | <p>Decision sought: Remove all references to <i>papakāinga</i> as part of Community Facilities Chapter.</p> <p>Reason: The Papakāinga Chapter recognises that papakāinga is inherently different from other development within the District. The inclusion of the community facilities policies and rules in relation to papakāinga is contrary to the intent of the Papakāinga Chapter. Provision is made in the Papakāinga Chapter for Papakāinga Design Guides and Development Plans.</p> |
| Rule | | |
| GRZ-R6, GRZ-Rx1 GRZ-Rx2, GRZ-Rx3, TCZ-R6, TCZ-R7, TCZ-R11 | Support | <p>Decision sought: Retain the exclusion of papakāinga from these rules for: New buildings, and any minor works, additions or alterations to any building or structure; within the Coastal Qualifying Matter Precinct; Marae Takiwā Precinct; Residential Intensification Precinct; Raumati Beach Town Centre Zone; where one or more of the permitted activity standards is not met.</p> <p>Reason: Excluding papakāinga from these rules is in line with the intent of the Papakāinga objectives DO-Ox4-DO-Ox10. Ātiawa support papakāinga development in accordance with those objectives.</p> |

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| <p>GRZ-Rx4, RLZ-R6, RPROZ-R6, GRUZ-R8, FUZ-R6</p> | <p>Support</p> | <p>Decision sought: Retain these rules enabling papakāinga, including commercial activities, on land held under Te Ture Whenua Māori Act 1993</p> <p>Retain the provision for "The gross floor area of all commercial activities must not exceed the lesser of 20% of the area of the subject site, or 500m2."</p> <p>Reason: Papakāinga include a wide range of activities that enable tino rangatiratanga. Commercial activity is therefore an integral part of papakāinga.</p> |
| <p>GRZ-Rx9, TCZ-Rx2, GRUZ-Rx1, GRUZ-Rx2 RLZ-Rx1, RLZ-Rx2, RPROZ-Rx1, RPROZ-Rx2, FUZ-Rx1, FUZ-Rx2</p> | <p>Support in part</p> | <p>Decision sought: For papakāinga on land held under Te Ture Whenua Māori Act 1993 or on general title land, retain:</p> <ul style="list-style-type: none"> - the Standards, Matters of Discretion and Notes - public notification of this Restricted Discretionary Activity being precluded <p>- papakāinga at Whakarongotai Marae (Schedule of Historic Heritage ID: WTS0361A) being excluded from these rules in TCZ-Rx2.</p> <p>Decision sought: Remove all reference to cumulative effects.</p> <p>Reason: The Standards, Matters of Discretion and Notes appropriately provide ensuring papakāinga is developed for those who whakapapa or have an ancestral connection to the land. It is appropriate that KCDC seeks advice from iwi authorities on matters related to tikanga Māori.</p> <p>Given the limited land held under Te Ture Whenua Māori Act 1993 and the limited general title land of sufficient size available for papakāinga development, this development should not be limited by the effects of existing adjacent development.</p> |
| <p>TCZ-R6</p> | <p>Support in part</p> | <p>Decision sought: Exclude papakāinga from these provisions</p> <p>Reason: Whakarongotai and papakāinga are integrally linked. The provision for papakāinga Design Guides and Development Plans.</p> |

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| <p>RPROZ-R6 GRUZ-R8</p> | <p>Support in part</p> | <p>These rules require compliance with RPROZ-R3 and GRUZ-R3. Those rules require that "No sensitive activities shall be located within 300 metres of a building or enclosure containing a lawfully established intensive farming activity, or within 300 metres of a lawfully established extractive industry"</p> <p>Decision sought: That no intensive farming activity shall be located within 300 metres of a lawfully established papakāinga or land held under Te Ture Whenua Māori Act 1993.</p> <p>Reason: As demonstrated by the requirement in RPROZ-R3, there are likely to be reverse sensitivity concerns between intensive farming and papakāinga. Where papakāinga are established, it is appropriate that adequate setbacks are also provided by intensive farming. Given the limited land held under Te Ture Whenua Māori Act 1993 it is appropriate to also require a 300 metre setback from this land so that future development potential is not prejudiced.</p> |
| <p>RLZ-R6, RPROZ-R6 GRUZ-R8</p> | <p>Support in part</p> | <p>These rules require compliance with RPROZ-R3 and GRUZ-R3. Those rules require that "3. No buildings or structures (excluding minor buildings) within 500 metres of the inland edge of a beach shall be visible from the beach when measured from 1.5 metres vertically above ground level at a point 20 metres seaward from the seaward toe of the foredune."</p> <p>Decision sought: Delete this requirement for setbacks as they relate to papakāinga.</p> <p>Reason: Effects will be managed through the papakāinga Design Guides and Development Plans.</p> |
| <p>GRZ-Rx10, TCZ-Rx3 GRUZ-Rx2, RLZ-Rx2, RPROZ-Rx2, FUZ-Rx2</p> | <p>Support in part</p> | <p>Decision sought: For papakāinga on land held under Te Ture Whenua Māori Act 1993 or on general title land retain:</p> <ul style="list-style-type: none"> - the Standards, Matters of Discretion and Notes - public notification of this Restricted Discretionary Activity being precluded <p>Decision sought: Remove cumulative effects from the matters of discretion.</p> <p>Reason: The purpose of the Papakāinga Chapter is to assist tangata whenua in the development and use of papakāinga on their ancestral land. It recognises that papakāinga development provides a pathway to sustain the social, economic and cultural well-being of tangata whenua. It also</p> |

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| | | <p>acknowledges the barriers tangata whenua face to developing and using their land in the way that fits into the principle of tino rangatiranga, and that these barriers can be linked to the process of land alienation.</p> <p>Given the limited land held under Te Ture Whenua Māori Act 1993 and the limited general title land of sufficient size available for papakāinga development, this development should not be limited by the effects of existing adjacent development.</p> |
| TCZ-Rx1 TCZ-Rx2 | Support in part | <p>Decision sought: Retain the provision for papakāinga to be developed on land held under Te Ture Whenua Māori Act 1993; and at Whakarongotai Marae (Schedule of Historic Heritage ID: WTS0361A).</p> <p>In the Town Centre Zone at Whakarongotai Marae (Schedule of Historic Heritage ID: WTS0361A), papakāinga should be enabled to the same extent as other Town Centre Zone development.</p> <p>Reason: the provision currently refers to Standards 1, 2, 3 and 13 under Rule TCZ-R6 which unnecessarily limits papakāinga development as the reverse sensitivity effects will be managed through the papakāinga Design Guides and Development Plans.</p> <p>Standard 13 requires buildings and structures in the Town Centre Zone to be setback 4metres from the boundary of any Residential Zone. As papakāinga can also be developed in the Residential Zone, applying this Town Centre Zone requirement is not consistent with the management of effects - It is unduly restricting papakāinga.</p> |
| GRUZ-R15 | Support | <p>Decision sought: Retain papakāinga development being excluded from the Visually Sensitive Areas of the Waikanae North and Ōtaki North Eco-Hamlet Precinct</p> <p>Reason: This is consistent with the objectives of papakāinga.</p> |
| GRUZ-R19, RLZ-R14, RPROZR16, FUZ-R14 | Support | <p>Decision sought: Retain papakāinga being excluded from second or subsequent residential units being a non-complying activity.</p> <p>Reason: This is consistent with the objectives of papakāinga.</p> |

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| GRUZ-R20, RLZ-R15, RPROZR17, FUZ-R15 | Support | <p>Decision sought: Retain papakāinga being excluded from industrial, retail and commercial activities being a non-complying activity.</p> <p>Reason: This is consistent with the objectives of papakāinga.</p> |
| RLZ-R15, RPROZR17, FUZ-R15 | Support | <p>Decision sought: Retain this rule enabling Industrial, retail or commercial activities ancillary to and located within a papakāinga.</p> <p>Reason: This is consistent with the objectives of papakāinga.</p> |
| TCZ - Rx3 | Support | Decision sought: Retain as drafted |
| TCZ-R11 | Support | Decision sought: Retain as drafted |
| LCZ-P1 | Support in part | <p>Decision sought: Papakāinga should be enabled in the Local Centres</p> <p>Reason: Ātiawa 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.</p> |
| MUZ-P1 | Support in part | <p>Decision sought: Papakāinga should be enabled in the Mixed Use Zone</p> <p>Reason: Ātiawa 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.</p> |
| NOISE-R22 | Support | Decision sought: Retain acoustic standard requirements for papakāinga |

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| Definition | | |
| Ancestral Land means land that belonged to tipuna/tupuna | Support in part | <p>Decision sought: Amend the proposed definition to "<i>Ancestral Land means land where tangata whenua have an undisturbed collective whakapapa relationship.</i>"</p> |

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| | | and any consequential amendments including reference to the definition in the Papakāinga Chapter introduction. Reason: This is consistent with the intent of papakāinga. |
| GENERAL TITLE LAND (IN RELATION TO PAKAKĀINGA) means land that is owned by Māori but which is not held under Te Ture Whenua Māori Act 1993 | Support | Decision sought: Retain as drafted |
| PAPAKĀINGA means housing and any ancillary activities (including social, cultural, educational, recreational, and commercial activities) for tangata whenua on their ancestral land | Support | Decision sought: Retain as drafted |
| QUALIFYING MATTER AREA | Support in part | Decision sought: List alphabetically or clearly state that the matters are not listed in order of priority Reason: The intent behind the listing order of qualifying matters is unclear. |
| TINO RANGATIRATANGA means self-determination, sovereignty, self-government, Māori governance by Māori over Māori affairs | Support | Decision sought: Retain as drafted |
| TIPUNA/TUPUNA means ancestors | Support | Decision sought: Retain as drafted |

Issue 4: Financial Contribution

| Provision | Submission | Decision sought and Reason |
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| Rule | | |

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| <p>FC-R5 3. Where a financial contribution is, or includes the payment of money, the Council may specify any one or more of the following in the conditions of the resource consent:</p> <p>d. Where a financial contribution is, or includes land, the Council may specify any one or more of the following in the conditions of the resource consent:</p> <p>i. The location and area of the land</p> | <p>Support in part</p> | <p>Decision sought: Add a Note for this rule that the location and area of land will be identified in consultation with tangata whenua.</p> <p>Reason: Identifying land to be provided to Council as a financial contribution provides a significant opportunity, in our role as kaitiaki, to enable our reconnection with sites or areas of significance that are not currently adequately provided for.</p> |
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New Qualifying Matters

Issue 5: Kārewarewa Urupā

| Provision | Submission | Decision sought |
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| <p>Schedule 9 – Sites and Areas of Significance to Māori</p> | <p>Support in part</p> | <p>Decision sought: Retain Kārewarewa urupā as Wāhanaga tahi and Wāhanga rua through amendments to Schedule 9 – Sites and Areas of Significance to Māori the “Historical, Cultural, Infrastructure and Districtwide” map series.</p> |
| <p>19.5 Amend the “Historical, Cultural, Infrastructure and Districtwide” map series to add the following wāhi tapu sites outlined in amendment 17.1 and identified in Appendix E of this IPI :</p> <ul style="list-style-type: none"> • WTSx1 – Kārewarewa Urupā (Wāhanga Tahi) • WTSx2 – Kārewarewa Urupā (Wāhanga Rua) | <p>Support in part</p> | <p>Decision sought: The boundary of WTSx1 – Kārewarewa Urupā (Wāhanga Tahi) is extended to include Lot 4 as per the Ngarara West A14B1 block surveyed boundary shown in Figure 3 below.</p> <p>Reason: See below</p> |

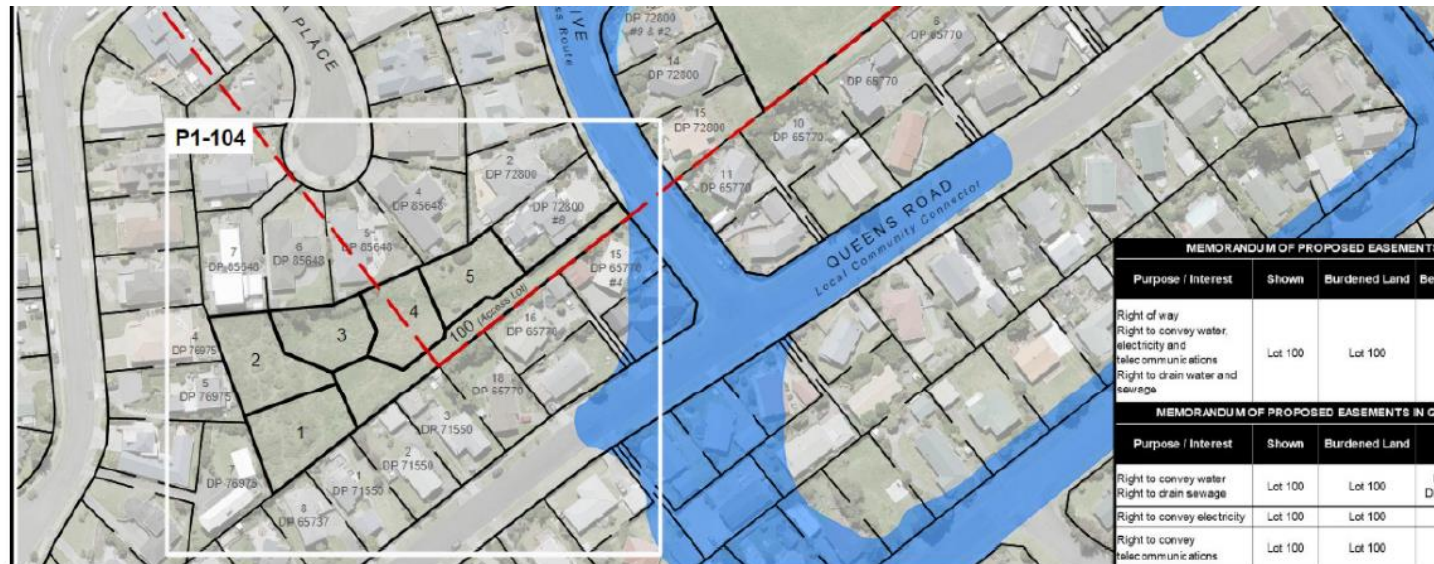


Figure 3: The scheme plan from the application with the red dashed lines showing the area previously known as Ngarara West A14B1, the location of Kārewarewa urupā

Reason: Kārewarewa urupā has been used for the interment of both members of Ātiawa ki Whakarongotai, Ngāti Raukawa ki te tonga, Ngāti Toarangatira, and the Pākehā settler community. Members of Ātiawa have been on record since 1896 consistently testifying that it is an urupā and a wāhi tapu.

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

Including Kārewarewa as a wāhi tapu in the District Plan provides for:

- The development of a management plan for Wāhanga Rua to provide further support and assistance to existing residents as to how to manage the impacts of a wāhi tapu designation on their properties, in order to minimise the ongoing effects to those land owners, iwi and those who have been interred.
- The protection of Wāhanga Tahī from further desecration, the prevention of further exposure of human remains and a mechanism to prevent the further effects to the community and future residents who may otherwise unknowingly find themselves living on a cemetery.

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

ĀKW wish to highlight the following points, which are expanded upon both in the Waitangi Tribunal's Urgent Report on the urupā, Heritage New Zealand Pouhere Taonga assessments and in the Cultural Impact Assessment and other planning reports that have been provided over recent years:

- The land was sold by the Māori Trustee, unbeknown to much of the iwi, to the Waikanae Land Company in 1969, who proceeded to develop part of the land into housing.
- The development that occurred in 1970 resulted in the uncovering and then destruction of some human remains through the use of a dredge.
- Further attempts to develop the remaining land in 1999-2000 resulted in further discovery of human remains of eleven individuals which were reinterred on site. This discovery was documented by an archaeologist and Heritage New Zealand and Waikanae Land Company has full knowledge that human remains have been repeatedly encountered on site.
- Residents, who through no fault of their own, have found themselves in the unfortunate circumstance of living on top of a cemetery, have contacted our iwi over the years for support when they have encountered remains themselves on their properties and felt deeply aggrieved that they've purchased a property with this history.
- Iwi groups have in recent years worked with Crown agencies to pursue purchasing the remaining land from the Company, such is the desire to have the remaining land returned to appropriate land use as a cemetery reserve. Despite the Waikanae Land Company already having capitalised on the land through the existing housing, the offer of purchase has been rejected.
- In September 2021 Heritage New Zealand Pouhere Taonga declined to grant an application for Archaeological Authority, by the Waikanae Land Company Limited. The application proposed earthworks for a subdivision on Barret Drive and was declined due to the significant Māori values that warrant protection.

Issue 6: Marae Takiwā Precinct

| Provision | Decision sought | Reason |
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| <p>General Residential Zone Chapter Introductory text</p> <p>Town Centre Zone Chapter Introductory text</p> | Support | <p>Decision sought: Retain the inclusion and purpose of the Marae Takiwā Precinct</p> <p>Reason: The purpose of the Marae Takiwā Precinct is to: "recognise that the cultural and traditional practices that occur at marae are likely to be sensitive to the effects of surrounding development. The precinct seeks to manage these effects by providing for a lower level of development to occur adjacent to marae as a permitted activity. Where development breaches permitted activity standards, it must 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." Marae are our taonga. Ātiawa support the recognition that our practices are sensitive to the effects of the surrounding development and that the objective is to manage these effects by providing for a lower level of development to occur adjacent to marae as a permitted activity.</p> |
| Policy | | |
| GRZ-Px8 Marae Takiwā Precinct | Support | <p>Decision sought: Retain the matters to be avoided, remedied and mitigated. Retain the policy providing for buildings up to 2-storeys.</p> <p>Reason: The development of two storey buildings within the General Residential Zone will support the purpose of the Precinct and manage impacts on Whakarongotai.</p> |
| TCZ-Px2 | Support in part | <p>Decision sought: The land surrounding Whakarongotai, in the ownership of KCDC managed entities, is restricted to the current developed height.</p> <p>Decision sought: For all other TCZ land within the Marae Takiwā Precinct, retain the policy providing for buildings up to 3-storeys.</p> <p>Reason: The wellbeing of Whakarongotai is currently impacted by the surrounding development. Any further development will intensify those impacts including on our ability to connect with Kapakapanui. In recognition of the partnership between KCDC and Ātiawa, and the process through which KCDC came to be in possession of that land, Ātiawa considers it</p> |

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| | | appropriate that no further height development occurs on TCZ land within the Marae Takiwā Precinct. |
| UFD-P13 | Support | Support the Marae Takiwā being included as a precinct in the General Residential Zone |
| Rule | | |
| GRZ-Rx1 | Support | <p>Decision sought: Retain the exclusion of the Marae Takiwā Precinct from these rules for: "New buildings, and any minor works, additions or alterations to any building or structure"</p> <p>Reason: The proposed rules provided in GRZ-Rx3 will more effectively manage the effects of development on Whakarongotai.</p> |
| TCZ-R6 | Support in part | <p>Decision sought:</p> <ul style="list-style-type: none"> -Retain the rule that buildings and structures in the Marae Takiwā Precinct to shall be no more than 3 storeys above the original ground level, except where the land is owned by a KCDC entity then no further development shall occur. -Retain the rules limiting the height to boundary envelope in the Marae Takiwā Precinct. <p>Reason: The wellbeing of Whakarongotai is currently impacted by the surrounding development. Any further development will intensify those impacts including on our ability to connect with maunga, including Kapakapanui. In recognition of the partnership between KCDC and Ātiawa, and the process through which KCDC came to be in possession of that land, Ātiawa considers it appropriate that no further height development occurs on TCZ land within the Marae Takiwā Precinct.</p> <p>Decision sought: Exclude papakāinga from these provisions.</p> <p>Reason: Whakarongotai and papakāinga are integrally linked. The provision for papakāinga Design Guides and Development Plans developed by tangata whenua will adequately address any potential reverse sensitivity.</p> |
| TCZ-R11 | Support | Decision sought: Retain the exclusion of buildings and structures within the Marae Takiwā Precinct from this provision. |

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| | | <p>Reason: Buildings and structures within the Marae Takiwā Precinct are better managed under TCZ-Rx4 as proposed.</p> |
| TCZ-R11 | Support | <p>Decision sought: Retain the exclusion of papakāinga from this provision</p> <p>Reason: Papakāinga are better managed under TCZ-Rx3 as proposed.</p> |
| GRZ-Rx8 | Support | <p>Decision sought: Retain the Matters of Discretion and Notes</p> <p>Reason: The effects on cultural values and tikanga Māori and the effects on the use and function of the marae should be considered for development within the Marae Takiwā Precinct.</p> <p>Ātiawa should be considered an affected person in accordance with section 95E of the RMA and notified of the application, where written approval is not provided. Council should seek advice from the relevant iwi authority and will rely on this advice.</p> |
| TCZ-Rx4 | Support | <p>Decision sought: Retain the matters of discretion including effects on cultural values and tikanga Māori and effects on the use and function of the marae.</p> <p>Retain the notes that for resource consent applications under this rule, "the owners and occupiers of the relevant marae will be considered an affected person in accordance with section 95E of the Act and notified of the application, where written approval is not provided." and</p> <p>"For resource consent applications under this rule, the Council will seek advice from the relevant iwi authority and will rely on this advice. The matters that Council will seek advice from iwi authorities on include the cultural values and tikanga Māori associated with the marae."</p> <p>Reason: Our Marae is our ancestral home. Its relationship within the wider landscape is critical to Ātiawa ki Whakarongotai. Therefore, Ātiawa are affected by development adjacent to Whakarongotai and it is only Ātiawa who can advise the nature and scale of those effects.</p> |
| • PRECx6 – Marae Takiwā Precinct (General Residential Zone) | Support the submission of Ngā Hapū Ōtaki | |

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| • PRECx7 – Marae Takiwā Precinct (Town Centre Zone) | Support in part | <p>Decision sought: Extend the extent of the Marae wāhi tapu as shown on Map 10 Historical, Cultural, Infrastructure, Districtwide to include Frater Place.</p> <p>Reason: Frater place forms an integral part of Whakarongotai.</p> |
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Issue 7: Coastal Qualifying Matter Precinct

| Provision | Decision sought | Reason |
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| 6.0 proposed amendments to the Town Centre Zone Chapter | Support | <p>Decision sought: Retain as drafted</p> <p>Reason: Ātiawa support the Takutai Kapiti process to ensure appropriate management of coastal hazards and the coastal environment. Until such time as that process has completed, Ātiawa supports the policy of not enabling further development in the Coastal Qualifying Matter Precinct.</p> |
| Policy | | |
| GRZ-Px7 TCZ-Px1 LCZ-Px1 | Support | <p>Decision sought: Retain policy as drafted and all consequential rules</p> <p>Reason: Ātiawa support the Takutai Kapiti process to ensure appropriate management of coastal hazards and the coastal environment. Until such time as that process has completed, Ātiawa supports the policy of not enabling further development in the Coastal Qualifying Matter Precinct.</p> |
| Rule | | |
| GRZ- R6 | Support | <p>Decision sought: Retain as drafted</p> <p>Reason: Support papakāinga being excluded from the Coastal Qualifying Matter Precinct rules which limits development. Provision is made in the Papakāinga Chapter for Papakāinga Design Guides and Development Plans to manage development on those sites.</p> |

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| SUB-RESTable x1 – Minimum allotment size and shape factor | Oppose | <p>Decision sought: The Coastal Qualifying Matter Precinct requirements should be extended to prevent any further subdivision in this Precinct.</p> <p>Reason: The effects of climate change are evident in the District. It is therefore inappropriate to enable intensification in this area.</p> |
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21.0 Existing Qualifying Matters:

Decision sought:

- Retain the Existing Qualifying Matters
- Further develop the provisions to ensure their appropriate management of effects

Reason:

The provisions in the existing Qualifying Matters are outdated and do not adequately provide for our relationship with our lands, water, sites, wāhi tapu, and other taonga. This is particularly concerning in the context of the proposed intensification where additional pressure will be exerted.

Design Guidance - Residential and Town Centre

Decision sought: Develop and include design criteria that reflect our values. Establish a design panel with tāngata whenua representation to adequately assess the design of development.

Reason: Ātiawa was not involved in the development of the Design Guides. Our approach to growth is grounded in and guided by our mātauranga, thus recognising the rangatiratanga of hapū and iwi, applying the enduring wisdom of kaupapa Māori and enhancing the unique identity and culture of this place. Proactive initiatives are required to ensure that our unique history, identity and culture is respected and given expression in the District. The Design Guides are a key mechanism in giving effect to our kaupapa (values), huanga (vision) through our tikanga (approach) as expressed in Whakarongotai o te moana, Whakarongotai o te wā.

Ātiawa wish to be heard in support of this submission.

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

From: [Mahina-a-rangi Baker](#)
To: [Mailbox - District Planning](#)
Cc: [Claire Gibb](#); [^Mahina-a-rangi Baker](#)
Subject: Submission on Proposed Plan Change 2
Date: Thursday, 15 September 2022 2:22:04 pm
Attachments: [Ātiawa ki Whakarongotai submission PC2 15th September 2022 - Final for Submission.docx](#)

Jason, Andrew, Tēnā kōrua

Please find attached the Ātiawa ki Whakarongotai submission on Proposed Plan Change 2.

Ātiawa appreciate your approach to working with us, Ngati Toa and Ngā Hapū Ōtaki. To achieve outcomes for Ātiawa it is critical that KCDC staff understand our aspirations when engaging with others including elected members. Thank you for prioritising working with us, taking the time to develop together provisions to support our aspirations and presenting those provisions to others.

Ngā mihi

Dr. Mahina-a-rangi Baker
Pou Takawaenga Taiao
Ātiawa ki Whakarongotai Charitable Trust

