

Proposed Plan Change 3 (PC3)

Kārewarewa Urupā

Summary of Decisions Requested Report

Report subject:

Summary of Decisions Requested Report
for Proposed Plan Change 3 to the
Operative Kapiti Coast District Plan 2012

Report dated:

3 December 2024

Reader’s guide to the Summary of Decisions Requested Report

Proposed Plan Change 3 (‘PC3’) to the Operative Kapiti Coast District Plan 2021 (the ‘District Plan’) was publicly notified on 18 September 2024. The period for making submissions on PC3 closed on 1 November 2024. In total, 10 submissions were received.

Clause 7(1)(a) of Schedule 1 of the Resource Management Act 1991 (‘RMA’) requires the Council to make available a summary of decisions requested by persons who made submissions on PC3. This report is that summary.

Purpose of the Summary of Decisions Requested report

The purpose of this report is to provide concise summaries of the decisions requested by submitters in their submissions. This report is not intended to be a summary of submissions in their entirety, and the original submission should always be referred to if you are seeking to make a further submission, or fully understand the matters raised by a submitter.

This report also includes the list of submitters who made a submission on PC3 and provides their address for service. If you make a further submission, under clause 8A of Schedule 1 of the RMA you are required to provide this further submission to both the Council and the submitter on whose submission you are making a further submission. The address for service for submitters identified in this list can be used for this purpose.

Content of the Summary of Decisions Requested report

The summary of decisions requested is presented as a table, where each row in the table (also referred to as a ‘submission point’) represents a decision requested by a submitter. Submission numbers have been randomly assigned, and the order in which submissions have been presented in this report follows the submission numbering.

The Summary of Decisions Requested table includes the following information:

Column heading	Description
Sub #	Identifies a unique number given to each submission.
Sub. Point	Identifies the unique number given to each decision requested by a submitter in their submission.
Submitter name	Identifies the name of the submitter.
Address for Service	Submitter’s contact details. Clause 8A of Schedule 1 of the RMA requires you to provide your further submission to both the Council and the submitter on whose submission you made a further submission. Your further submission must be served to the submitter not later than 5 working days after you provided it to Council.
Position	Notes the position on the relevant matter or specific provision stated in the submission. Generally, this will be noted as “support”, “support in part”, “oppose in part” or “oppose”.
Reasons (this may be a summary only, refer to original submission for full reasoning)	Provides a summary of the reasons stated in the submission for the decision requested. This is intended to provide context to the reader about the decision requested only - it is generally not an exhaustive statement of the reasons given in the submission, and the original submission must be referred to for the full reasoning.
Decision requested	Provides a summary of the decision requested by the submitter in their submission.

Sub. #	Sub. Point	Submitter Name	Address for Service	Position	Reasons	Decision requested
S1	S1.1	Victor Hewson	vicandmaryann@gmail.com	Oppose	The submitter considers that the proposed change interferes with existing property rights, preventing the owners from any development involving land works and essentially makes the property of limited value without any compensation from Council.	Withdraw/reject PC3
S1	S1.2	Victor Hewson	vicandmaryann@gmail.com	Oppose	The submitter expresses concern regarding the past and ongoing management of the undeveloped part of the land, noting that the land is an “eyesore” and in summer is a fire hazard. He notes that efforts by owners of neighbouring properties to have this managed have been unsuccessful.	Alternatively, if submission S1.1 is not accepted, provide an ongoing management plan that ensures that the owners are compensated and that the land is managed in a manner that is respectful to the Urupā status.
S2	S2.1	Richard Grant Birkinshaw	grant.birkenshaw@gmail.com	Oppose	The submitter states the Urupā’s significance has been tainted by the following events: <ul style="list-style-type: none"> • Te Ātiawa selling the land to the Waikanae Land Company in 1968 • Horowhenua County Council removing the Māori cemetery designation in 1970 • subsequently, half of the land being developed for residential housing 	Withdraw/reject PC3, and instead: replace with appropriate residential zoning provisions reflecting the present land use and erect a monument.

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					<p>The submitter also notes that Council has imposed intensification provisions on other areas with “severe impacts”, including areas with important intrinsic values such as the Waikanae Garden Precinct.</p> <p>The submitter expresses a number of other concerns including:</p> <ul style="list-style-type: none"> • the proposed imposition of “broad brush” restrictions on home owners who will need to apply for resource consents for any projects that are “subterranean” • lack of any study on the long term effects on property sales or property values • that being a site of “battles and burials” is not sufficient reason to restrict land use (citing other examples where burial sites have been disturbed for developments), and that there should not be a greater value placed on burial sites from one culture to another <p>The submitter also makes suggestions regarding a monument as a preferred alternative to PC3.</p>	

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S3	S3.1	David Tawhai-Bodsworth (chair, Te Ātiawa ki Whakarongotai Charitable Trust)	taiao@teatiawakikapiti.co.nz	Support	<p>Following a description of the cultural, historical and spiritual significance of the site to Te Ātiawa ki Whakarongotai, the submitter provides the following reasons for supporting the inclusion of Kārewarewa Urupā in the District Plan:</p> <ul style="list-style-type: none"> • it formally recognises the critical events on the site which is vital for honouring the submitter's tupuna (ancestors) • it affirms its status as a site of significance to Māori, protecting it from inappropriate development and ensuring respect for its cultural integrity • it fosters greater awareness and respect for Māori heritage within the wider community, encouraging collaboration and understanding between Te Ātiawa and local residents 	Retain PC3 as notified
S4	S4.1	Jarom Hippolite (Ngāti Toa Rangatira)	Jarom.Hippolite@ngatitoea.iwi.nz	Support	<p>The submitter provides the following reasons for supporting the inclusion of Kārewarewa Urupā in the District Plan:</p> <ul style="list-style-type: none"> • Kārewarewa Urupā is the burial place of tūpuna of Te Ātiawa ki Whakarongotai, Ngāti Raukawa and Ngāti Toa Rangatira 	Retain PC3 as notified

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					<ul style="list-style-type: none"> multiple injustices have occurred on the site causing grievances for Te Ātiawa ki Whakarongotai, including through alienation, removal of the cemetery designation, desecration, dumping of dredged materials, inappropriate development of streets and houses, disturbance of the whenua, exposure of kōiwi, lack of protection, lack of appropriate consultation and the continued efforts being made to further develop on the urupā Kārewarewa needs urgent protection from further damage to the whenua and tapu as a result of development 	
S5	S5.1	Laurence Bruce Petherick (submission made on behalf of the following Waikanae residents: Rachel Salive Gary Collis Steve Hollett	rlpetherick@xtra.co.nz	Oppose	<p>Reasons cited by the submitter for opposing PC3 include that:</p> <ul style="list-style-type: none"> the submitter has not witnessed any formal use or maintenance of the area as a burial ground despite having been a residential property owner/occupier in Waikanae Beach for over 70 years having read a number of reports (cited), the submitter considers that apart from two relocated 	Withdraw/reject PC3, and instead retain as General Residential Zone and erect a monument.

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		Elspeth Preddey Clive Cameron Michael Peryer Craig Hardie Vic Hewson Brian Kouvelis)			<p>tombstones and reinterred remains, only minor evidence of buried remains have been found despite significant development works occurring across the area</p> <ul style="list-style-type: none"> • the undeveloped area is an overgrown eyesore of undesirable weeds, a dumping ground for rubbish, and a home to rats and stoats. The submitter is concerned about who would be responsible for maintaining the area; it is assumed Council, or adjacent property owners would be responsible • PC3 is “draconian and a gross violation of human rights” to affected landowners • there would be a loss of rates associated with the Wāhanga Tahī area of land <p>The submitter also provides commentary and suggestions in relation to:</p> <ul style="list-style-type: none"> • the management and use of the undeveloped land • the treatment of any human remains found (that they be 	

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					<p>reinterred in a grassed corner of Waimanu Lagoons reserve); and</p> <ul style="list-style-type: none"> • a monument to record the history of the area 	
S6	S6.1	Waikanae Land Company Limited (WLC)	m.rowe@fitzrowe.co.nz	Oppose	<p>The submitter's reasons for opposing PC3 include:</p> <ul style="list-style-type: none"> • inadequate consultation by Council with WLC • an inadequate section 32 report and failure by Council to consider all relevant facts objectively which is considered to have led to a wrong conclusion that the land is Kārewarewa Urupā • the “devastating impact” on WLC’s ability to use the land reasonably as intended by the residential zoning • even if the land is Kārewarewa Urupā, the inappropriateness of PC3 given Council’s historical lack of action to “preserve or protect the land” until very recently • that PC3 takes WLC’s land without compensation and may be considered a breach of natural justice and an abuse of process • that upcoming Environment Court proceedings will examine whether 	Withdraw/reject PC3

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					<p>part of the land is Kārewarewa Urupā</p> <ul style="list-style-type: none"> that the question of whether the land is Kārewarewa Urupā was addressed in the 1969/70 hearing to remove the cemetery designation 	
S7	S7.1	Kāpiti Coast District Council – Parks, Open Space and Environment Team	Parks.Planning@kapiticoast.govt.nz	Support	<p>The submitter explains that parts of the adjoining Council reserve known as Waimanu Lagoons are proposed to be included in the area referred to as Kārewarewa Urupā.</p> <p>The submitter notes that the Waimanu Lagoons Management Plans was prepared in July 2000, and it acknowledges the cultural and historical significance of this area to Māori.</p> <p>The submitter considers that PC3 is appropriate as it relates to the affected reserve lands and the values of that land.</p>	Retain PC3 as notified (to the extent it relates to the submitter's land)
S8	S8.1	Che Ray and Vanessa Blackmore	ryc@paraparamucollege.school.nz	Oppose	<p>Reasons cited by the submitter for opposing PC3 include that:</p> <ul style="list-style-type: none"> the submitter has not witnessed any formal use or maintenance of the area as a burial ground despite having been a residential property 	Withdraw/reject PC3, and instead retain as General Residential Zone and erect a monument.

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					<p>owner/occupier in Waikanae Beach for over 70 years</p> <ul style="list-style-type: none"> • having read a number of reports (cited), the submitter considers that apart from two relocated tombstones and reinterred remains, only minor evidence of buried remains have been found despite significant development works occurring across the area. • the undeveloped area is an overgrown eyesore of undesirable weeds, a dumping ground for rubbish, and a home to rats and stoats. The submitter is concerned about who would be responsible for maintaining the area; it is assumed Council, or adjacent property owners would be responsible • PC3 is “draconian and a gross violation of human rights” to affected landowners • there would be a loss of rates associated with the Wāhanga Tahī area of land <p>The submitter also provides commentary and suggestions in relation to:</p>	

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					<ul style="list-style-type: none"> the management and use of the undeveloped land the treatment of any human remains found (that they be reinterred in a grassed corner of Waimanu Lagoons reserve); and a monument to record the history of the area 	
S9	S9.1	Brett Osborne	bretto.osborne@gmail.com	Support in part	The submitter supports in principle the recognition of Kārewarewa Urupā being recognised within the District Plan. The submitter specifically supports the addition of Wāhanga Tahī because the undeveloped area has experienced far less disturbance and would assist council in achieving the objective of PC3.	Retain the addition of all parts of PC3 which relate to the Wāhanga Tahī listing.
S9	S9.2	Brett Osborne	bretto.osborne@gmail.com	Oppose in part	<p>The submitter is opposed to the proposed Wāhanga Rua overlay for the following reasons:</p> <ul style="list-style-type: none"> it applies to land that has been substantially modified for residential development already the effect of PC3 of removing permitted MDRS provisions and restricting permitted standards for development is unduly restrictive and goes beyond the objective of the plan change 	<p>Amend PC3 by:</p> <ul style="list-style-type: none"> removing all parts of PC3 which relate to the Wāhanga Rua listing; and instead, rely on a requirement for the application of the accidental discovery protocol under HH-Table 1

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					The submitter considers a requirement for the application of the accidental discovery protocol under HH-Table 1 suitably addresses potential adverse effects.	
S9	S9.3	Brett Osborne	bretto.osborne@gmail.com	Oppose in part	<p>The submitter has made a number of suggestions regarding rule SASM-R3, as set out in full (without alteration) below:</p> <p>SASM-R3 - Clarity is required on the exclusion of “minor buildings” within this provision as identified at 4., 6. and 7. It reads that “minor buildings” continue to be considered under the underlying zone provisions and are not captured by the SASM provisions. That approach is supported given the identified list of activities/buildings defined within ‘minor buildings’. In the case that it means ‘Minor Buildings’ are expressly excluded as permitted activities under the SASM provisions then that is opposed. If the intent is to exclude underground disturbance such as water tanks, then this should be specifically excluded or reliance on proposed standard 4 which requires application of the ADP. Additions and</p>	In addition to the relief sought in submission point 9.2, amend rule SASM-R3 (in relation to the Wāhanga Rua overlay in PC3) as described by the submitter in the “reasons” column.

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					alterations at 4. should include “minor buildings”. New residential buildings permitted under the MDRS provisions should be included within SASM-R3 and any potential effects through earthworks/disturbance of the ground addressed via the ADP requirements.	
S9	S9.4	Brett Osborne	bretto.osborne@gmail.com	Oppose	The submitter opposes rule SASM-R9 as he considers it is not necessary given the specific directions within SASM-R3 and SASM-R11.	In addition to the relief sought in submission point 9.2, delete SASM-R9 (in relation to the Wāhanga Rua overlay in PC3).
S9	S9.5	Brett Osborne	bretto.osborne@gmail.com	Oppose in part	<p>The submitter considers the matters of discretion 2, 3 and 4 of rule SASM-R11 are not relevant and should be deleted.</p> <p>The submitter also seeks that the note and activity escalation to SASM-R16 for land disturbance associated with gardening be deleted. No specific reasons for seeking this amendment are provided.</p>	<p>In addition to the relief sought in submission point 9.2, amend SASM-R11 (in relation to the Wāhanga Rua overlay in PC3) by:</p> <ul style="list-style-type: none"> removing matters of discretion 2, 3 and 4 removing the note associated with the rule.
S9	S9.6	Brett Osborne	bretto.osborne@gmail.com	Oppose in part	The submitter considers the reference to Wāhanga Rua in rule SASM-R19 is not relevant, because intensive grazing is not possible on the developed residential properties given	In addition to the relief sought in submission point 9.2, amend SASM-R19 (in relation to the Wāhanga Rua overlay in PC3) by removing the reference to Wāhanga Rua.

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					the lot area, individual ownership and existing development.	
S9	S9.7	Brett Osborne	bretto.osborne@gmail.com	Oppose in part	The submitter considers that restricted discretionary activity status (rather than discretionary activity status) would be appropriate for subdivision that creates additional lots, because the potential effects can be specifically identified and addressed through the matters of discretion.	In addition to the relief sought in submission point 9.2, in relation to the Wāhanga Rua overlay in PC3, ensure that subdivision that creates additional lots be treated as a restricted discretionary activity, with the matters of discretion including: <ul style="list-style-type: none"> • location of the building platform • requirement for an accidental discovery protocol • effects on historic heritage.
S10	S10.1	Ngā Hapū o Ōtaki	twok@nhoo.nz	Support	The submitter provides the following reasons for supporting PC3: <ul style="list-style-type: none"> • it is critical for the preservation and recognition of Kārewarewa Urupā as a wāhi tapu • Kārewarewa Urupā is not only of immense cultural and historical significance to Te Ātiawa ki Whakarongotai but also holds deep value for the wider iwi and 	Retain PC3 as notified

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					<p data-bbox="1305 316 1727 384">hapū of the region, including Ngā Hapū o Ōtaki</p> <ul data-bbox="1261 392 1738 820" style="list-style-type: none"> <li data-bbox="1261 392 1738 600">• it is a necessary step in ensuring that its sanctity is upheld and that development activities in the area are appropriately managed to protect this taonga for future generations <li data-bbox="1261 608 1738 711">• it will strengthen the partnership between Council and mana whenua <li data-bbox="1261 719 1738 820">• it ensures that the cultural landscape is respected and preserved 	