

SUBMISSION ON A RESOURCE CONSENT APPLICATION THAT IS SUBJECT TO LIMITED NOTIFICATION BY THE KAPITI COAST DISTRICT COUNCIL

Pursuant to section 96 of the Resource Management Act 1991

Application Number:	RM220265
Applicant:	Far Fetched Ltd
Proposal:	To construct and operate a cohousing facility on a site containing an existing dwelling in the General Rural Zone and undertake associated earthworks not meeting permitted activity standards.at 189 Sims Road, Te Horo.
Legal Description(s):	Lot 9 DP 31319 Blk VIII Waitohu SD

DUE AT COUNCIL OFFICE NO LATER THAN 4.00pm Thursday 2th May 2024.

This is a submission on an application from Far Fetched Ltd to construct and operate a cohousing facility on a site containing an existing dwelling in the General Rural Zone and undertake associated earthworks not meeting permitted activity standards.at 189 Sims Road, Te Horo.

Please note: This form is only a guideline. If you don't wish to use this form please make sure your submission includes all the following details (see Resource Management (Forms, Fees, and Procedure) Regulations 2003, Form 13 for official submission content requirements):

Please send your Submission to:

To:	Or:
The Chief Executive Officer	Email: submissions@kapiticoast.govt.nz
Kāpiti Coast District Council	
Private Bag 60 601	
Paraparaumu 5254	

Note: You are required to send a copy of your submission to the applicant as soon as reasonably practicable after you have served your submission on the Kāpiti Coast District Council.

Please serve a copy of your submission to Far Fetched Ltd (c/- Land Matters) as below:

anna@landmatters.nz

Submitter/s Details:

Title:	<input type="checkbox"/> Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr Other:		
My/Our Full Name(s):	Constance Rose DENT		
Address for service:	1 Donald Crescent Karori Wellington	Post Code:	6012
Physical Address:	135 Sims Road Te Horo Beach	Post Code:	5581
Home Ph:	0274766532	Work Ph:	

Home Fax:		Work Fax:	
Cell:		Email:	barry.r.dent@gmail.com

Note: Correspondence will be via email unless otherwise requested.

Submitter/s Position:

Trade Competition

- I am a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
 I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Please use a clear tick in the appropriate box below (✓) to show whether you support the application in full or in part, or oppose the application in full or in part, or are neutral.

<input type="checkbox"/> I / We support the application in full	<input type="checkbox"/> I / We support part of the application *
<input checked="" type="checkbox"/> I / We oppose the application in full	<input type="checkbox"/> I / We oppose part of the application *
<input type="checkbox"/> I / We are neutral on all aspects of the application	<input type="checkbox"/> I / We are neutral on part of the application *

* If you indicate you support, oppose or are neutral for part of the application, please clearly set out the part(s) of the application you are submitting on (including reasons) in the 'My Submission Is' section of this form below.

Reasons for Submission:

The specific parts of the application that my submission relates to are:

Give details: The entire application

Please use additional pages if required.

My Submission Is:

Include further detail on whether you support, oppose or are neutral on the application or specific parts of it; and the reasons for your views:

I oppose the application in full because it adversely affects the intent and purpose of the district plan, reduces the amenity currently enjoyed by the district's residents, affects the rural character of the area, modifies the landscape well beyond what might be envisaged in the district plan, likewise changes the land use, creates a noise nuisance, creates a much larger risk of a bad safety outcome in a flood or the coming sea level rise, increases the risk of groundwater contamination, and strains the fragile communications infrastructure. I attach my reasoning in an additional document.

Please use additional pages if required.

Decision Sought:

I / we seek the following decision from the Kāpiti Coast District Council (provide precise details including the general nature of any conditions or changes sought):

The cumulative effects of compromising the intent and purpose of the district plan, amenity reduction, destruction of rural character, landscape modification, land use change, noise nuisance, safety issues with building in a flood zone and one likely to be affected by sea level rise, risk of groundwater contamination, and degradation of communications infrastructure are unable to be mitigated by any modifications to this proposal. Therefore I ask that council refuse the application.

Please use additional pages if required.

Wish to Speak at Hearing:

Please indicate below whether you would like to speak at the hearing for the application (if a hearing is required). Use a clear tick in the appropriate box below (✓).

I / we do not wish to be heard and hereby make my / our submission in writing only.
(This means that you will not be advised of the date of the hearing and cannot speak at the hearing)

OR

I / we wish to be heard in respect of my / our submission (to speak at the public hearing)
(This means you can speak at the hearing. If at a later date you decide you no longer wish to speak at the hearing you can withdraw from being heard)



Submission Form

I / we intend to call expert witness(es). Please indicate the disciplines of expected expert witnesses. Planning and legal.
(If you do not tick this box, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Hearing Panel might make)

Pursuant to Section 100 of the Resource Management Act 1991, I / we request that the Council delegates its functions, powers and duties required to hear and decide the application to one or more hearings commissioners who are not members of the Kapiti Coast District Council.

If you do wish to make a request for an Independent Commissioner pursuant to Section 100, please see notes below for potential cost implications to you.

I / we are aware that I / we are required to send a copy of my / our submission to the applicant as required under section 96(6)(b) of the Resource Management Act 1991 (please tick)

Barry Dent for Constance Rose Dent

1 May 2024

Signature

Date:

Signature

Date:

Please note: Signature of submitter, or person authorised to sign on their behalf is required. Signature is not required for electronic (email) submissions. If this is a joint submission by two or more individuals, each individual's signature is required.

Privacy Disclaimer

Please note: All submissions (including names and contact details) will be made publicly available at Council offices and public libraries. A summary of submissions including the name of the submitter may also be made publicly available and posted on the Kāpiti Coast District Council website. Personal information will also be used for administration relating to the subject matter of the submissions, including notifying submitters of subsequent steps and decisions. All information will be held by the Kāpiti Coast District Council, with submitters having the right to access and correct personal information.

Notes to Submitters:

- The Resource Management Act (RMA) 1991 prefers electronic methods of communication.
- The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.
- If you make a request for an independent commissioner(s) under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.
- You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.
- If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

Details of My Submission

I am concerned that there is a **major incorrect statement** in the material that I have been served:

The applicant states in document <https://www.kapiticoast.govt.nz/media/2o0bxt3z/rm220265-application-189-sims-road-te-horo.pdf>, Section 9, that

“the applicants have obtained the written approval of the two immediately adjoining landowners”.

The agent for the applicant states in her email of 21 February 2023 that

“At the time of writing/lodgement I was expecting those consents to come through but the landowner has not sought their written approval and instead they would prefer for Council to make a decision on affected parties first.”

I find this narrative Far-Fetched. I have never, and would never, give my consent to this proposal. The applicant company has very experienced property developers as its Directors and I do not accept that this was an honest mistake or some placeholder statement made in genuine anticipation of my giving consent. Council should decide what the applicant was instead trying to do. Council may decide the applicant was trying to get around the burden of Notification by making a statement to Council they knew to be untrue but subsequently got caught out on. If it does, Council surely has good reason to refuse the application on this point alone, let alone my other concerns detailed below.

Intent and Purpose of the District Plan

The property is in the Rural Dunes Precinct of the General Rural Zone.

Rule GRUZ-R3 states in part that “The maximum number of *residential buildings* on any *subject site* shall be one *residential unit* (excluding *visitor accommodation* which is not *temporary rental accommodation*) and one *minor residential unit* (except on Kāpiti Island and the outer islands which have specific requirements). The maximum total floor area for a *sleep out* shall be 30m².”

The proposed group of units and central kitchen is clearly not a minor residential unit. Further, the applicant I feel is being deliberately vague about the tenure of the units because they know that this is a *de facto* subdivision. To go from one house on a lifestyle block to 7 or more households on the same block is clearly not the intention of the rural zoning, and if this were to be treated as the subdivision application that I feel it is in all but name, then it clearly violates the minimum lot sizes required in the rural zone (Rule SUB-RUR-R51 states in part that “*subdivisions* must create *allotments* with a minimum average area of 1ha across the *subdivision* and a minimum individual *allotment* area of 4000m²”).

Amenity Reduction and Alteration of Rural Character; Modification of Landscape and Change of Land Use

The District Plan states “The amenity and character of the Rural *Zones* has value for the whole District. The Rural *Zones* provide a visual space between urban settlements and supports the part of the District’s identity related to the separation of distinct settlements by a more open landscape. The general openness of rural *land* and the presence of various types of *primary production* activities form part of the valued rural character.”

My late husband and I bought in this area because we valued the rural outlook, privacy and, we thought, ironclad rules against the type of intensification wanted by the applicant. Am I able to rely on the protection of the District Plan against the moneyed developers or not?

This application is being dressed up by references to cluster housing as might be appropriate for eco-hamlets, despite it not being in an eco-hamlet zone, papakainga despite it not being iwi land, and sustainable and affordable housing development, where the presumed lower income or retired residents would be plonked in a paddock nowhere near public transport, shops, schools and healthcare, with no means to access them except by car. This does not become sustainable planning by the addition of a token electric car charging point.

This is nothing more nor less than the cabin-and-central-kitchen part of a motor camp. Elsdon Camp in Porirua has become a place where people squeezed out of the rental market live. They have the dignity of being near to potential employment, services, doctor, hospital and are near a bus route. Residents at the applicant's proposed development would be isolated, and spending their time and money on private transport to get anything they might need to make their lives easier.

Despite the applicant's assertions that the land is of little value for farming or horticulture, my late husband was able to maintain a large vegetable garden at the same distance from Sims Rd as the proposed development, that fed us well for 30 years. We were even able to pay the rates by growing a large plot of tomatoes in the early days. The same land (between the last line of dunes and the road) remained the best land we had for cattle grazing and it is still used as such by the neighbours and for haymaking. I have a nice orchard there as well. The earlier owners of the applicant's property were able to graze stock there very successfully.

Noise

I am in my 90th year. My daughter has offered to let me live with her in the city but I want to stay in my own house, not least because I am frightened by unfamiliar noises. I like living here because of the familiar sights and sounds of the countryside and I value having stable, long-term neighbours who are somehow still prepared to get out at night and look for sources of unexplained noises for me. The huge intensification of this development would bring the noises of town to this rural area. Sound carries a long way across this flattish land at night and I do not like the prospect of noise from all those cars, all the likely visitors and all those residents trying to fit in one kitchen to make their meals.

Flood Risk to Safety of Residents

The applicant proposes adding multiple households to a known ponding area. They think they can mitigate this by altering the landscape with over 2000 m³ of sand as a building platform to get above the 1% AEP contour. Does Council think flooding from the Otaki and Mangaone, ponding from exceptional rain events and from sea level rise is going to get better or worse in the coming years? Does Council want to encourage intensification in an area where people will be put at risk in this way?

I'm not a hydrologist, but logic dictates that if the applicant protects its development from ponding and flooding by making a 2000 m³ island, then the floodwaters will end up somewhere else, I presume on my property.

Council may not know that some years ago a combination of a storm and king tides meant the sea crossed the coastal esplanade and onto the seaward part of my property, killing the

vegetation, which took a while to regrow. These threats are real, not abstract. I'll be dead before sea level rise gets me, but please don't put other people in the risk zone.

Groundwater Contamination, Fire Risk

The big increase in number of households results in a very large septic tank and discharge field. The applicant claims at one point that the residents will be renters. I don't think possibly short-term renters will appreciate or care about the consequences of failing to take care of the septic tank. One lot of bleach down one toilet will kill off the natural processes in the septic tank, the discharge field will become contaminated with *E. coli* and the groundwater will end up contaminated as a consequence. At the very least I would be constantly unsure whether my bore water is safe to use.

I have lived through several unsupervised fires getting away in the driftwood on the beach, which burned for many days, and we have had at least one grass fire on our property as a result. Again, renters will be unaware or uncaring about the consequences of a fire on the beach or a discarded cigarette butt in the dry grass. The fire brigade is not next door.

Infrastructure

The only services to the gate are power and copper-line phone. The ADSL/VDSL internet connection was unusable and is shortly to be phased out. I can get 4G wireless internet. Despite the recent addition of a new tower, my connection is badly degraded during holidays. It is already fragile enough that one of the telcos is selling only a basic, data-limited plan here. Extra residents will strain this further. There are no published plans for fibre along Sims Rd. Not everyone can afford Starlink.

Hearing

As noted on the submission form, I would want to speak at the Hearing. I am sufficiently frail that I cannot attend in person but I wish to be represented by my son and/or daughter, who hold Powers of Attorney for me. I wish to be helped at the hearing also by a planner and a lawyer.

Further, I reserve the right to make additional points about this application at the hearing, which will be served on the applicant prior to the hearing as required by law. I state this because enquiries on my behalf have not found a planner whom I have been able to formally engage in the timeframe of the 20-day notice period. Most of them have made themselves unavailable when they hear that Ian Cassels is involved with the application. I feel like I have been put at a disadvantage because of this. If it is within the Council's power, perhaps they can assist me with finding a planner.