

Form 5

Submission on notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To **Kapiti Coast District Council**

Name of submitter: **Waikanae Land Company Limited (WLC)**

This is a submission on the following proposed district plan change:

Proposed Plan Change 3 - Kārewarewa Urupā

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

The specific provisions of the proposal that WLC's submission relates to are:

Plan Change 3 in its entirety.

WLC's submission is:

WLC opposes Plan Change 3 in its entirety.

The reasons for this submission are:

- **The Council's consultation with WLC (the landowner) over Plan Change 3 has been entirely inadequate, lacked objectivity and openness, and breaches the principles of best practice consultation. This particularly is so, given the significant and devastating impact Plan Change 3 will have on WLC's ability to use the land reasonably as intended by the Residential Zoning, which has been in place for more than 54 years. Furthermore, the Council has failed, and did not make an attempt, to work with WLC, to find an acceptable solution for the use of this land. This is a repetition of the Council's approach to consultation used for Plan Change 2 which was its first attempt to impose the same excessively restrictive rules over the land listed in Plan Change 3.**
- **In terms of the Council's Section 32 Report for Plan Change 3, it is inadequate, lacks objectivity, and fails to consider all the relevant facts.**
- **Plan Change 3 will have a devastating impact on WLC's ability to have any reasonable use of the land as intended by the Residential Zoning.**
- **The Council (and its Section 32 report) have failed objectively and adequately to consider all relevant facts in coming to its decision to implement Plan Change 3. The relevant facts include the extensive below ground works and installation of underground service lines throughout the Tamati Drive and Wi Kingi Place areas undertaken in the 1990's as part of the subdivision of this land, plus the results of three different ground penetrating radar tests and historical and archaeological research commissioned by WLC and available to the Council. Consequently, the Council has drawn the wrong conclusion that the subject land is the Kārewarewa Urupā. WLC submits that when all the relevant material is taken into account, there is a lack of cogent evidence that the subject land is Kārewarewa Urupā.**

- Even if the subject land were Kārewarewa Urupā (which WLC contests), given the long history of residential zoning, the significant development that has already taken place, Council’s decision to remove the former cemetery designation from the land, the lack of any action by Council to preserve or protect the land until very recently, and all the other relevant circumstances, it is naïve and improper for Council to respond by seeking to impose excessively restrictive planning rules over the subject land. That simplistic approach, in all the circumstances, amounts at least to a *de facto* ‘taking’ of WLC’s land, without compensation, and at worst to a breach of natural justice and an abuse of process.
- Plan Change 3 is premature, as there is already a consent application and an appeal before the Environment Court that will examine – in relation to part of the subject land – all the relevant evidence concerning the extent to which the subject land may be identifiable as the Kārewarewa Urupā.
- The question of whether the subject land is Kārewarewa Urupā was addressed in the 1969/70 hearing to remove the “Māori Cemetery” designation in the District Scheme of the day.

WLC seeks the following decision from the local authority:

That Plan Change 3 be withdrawn in its entirety.

WLC wishes to be heard in support of this submission.

If others make a similar submission, WLC will consider presenting a joint case with them at a hearing.

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Signature of submitter
(or person authorised to sign
on behalf of submitter)

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Date 1 November 2024
(A signature is not required if you make your submission by electronic means.)

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