

SUBMISSION OF WAIKANAĒ LAND COMPANY LIMITED ON A PROPOSED PLAN CHANGE

To: **Kapiti Coast District Council**

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

1. This is a submission on Kapiti Coast District Plan Proposed Plan Change 2 – Intensification (“PC2”).
2. WLC could not gain an advantage in trade competition through this submission.
3. WLC’s submission relates to the land at Waikanae Beach that is depicted as Wahanga Tahī and Wahanga Rua in Appendix E of PC2 (“**the Subject Land**”).
4. The specific parts of PC2 to which WLC’s submission relates are:
 - 4.1 The proposal in section 18.1 of PC2, to amend Schedule 9 – Sites and Areas of Significance to Māori;
 - 4.2 The proposal in section 19.5 of PC2, to make a corresponding amendment to the District Plan Maps;

(collectively referred to as “**the Wāhi Tapu listing**”);
 - 4.3 All other objectives, policies, rules or other methods under PC2 that apply to the Subject Land, or would apply to the Subject Land but for the Wāhi Tapu listing

(collectively referred to as “**the Enabling Provisions**”).
5. WLC opposes the Wāhi Tapu listing and supports the Enabling Provisions for the following reasons:
 - 5.1 The Wāhi Tapu listing is based on a view that the Subject Land is the Kārewarewa Urupā.
 - 5.2 The Subject Land is not the Kārewarewa Urupā.
 - 5.3 The listing is therefore unjustified, and unjustifiable.

- 5.4 The s 32 analysis on which the Wāhi Tapu listing is based is deficient and wrong to the extent that it proceeds on the basis that the Subject Land is the Kārewarewa Urupā.
 - 5.5 The s 32 analysis is also inaccurate or misleading in its description of WLC's opposition to the Wāhi Tapu listing, as it fails to acknowledge that WLC's opposition is based on independent, objective, expert assessments that refute the Subject Land is Kārewarewa Urupā.
 - 5.6 No other basis for the Wāhi Tapu listing (other than that the Subject Land is the Kārewarewa Urupā) has been provided. In the event that any party attempts to justify the listing on an alternative basis, WLC disputes that the listing is justified.
 - 5.7 Without limiting any of the foregoing, WLC acknowledges that a confined part of the Subject Land is known to have been the site of a small number of burials. These known burials do not support the view that the Subject Land is the Kārewarewa Urupā, and nor do they justify the Wāhi Tapu listing of the entire Subject Land.
 - 5.8 The Subject Land is zoned for residential use, and ought to be the subject of District Plan provisions that enable and encourage residential structures and activity on the Subject Land.
 - 5.9 WLC and Kapiti Coast District Council ("**Council**") are parties to existing Environment Court proceedings (ENV-2021-WLG-000034 and ENV-2022-WLG-000014, amalgamated) that may authoritatively determine whether the Subject Land (or at least part of it) is the Kārewarewa Urupā. It is inefficient and inappropriate for Council to notify the Wāhi Tapu listing pending the outcome of that litigation.
 - 5.10 The Wāhi Tapu listing is *ultra vires*. It is an improper use of an Intensification Planning Instrument to introduce provisions that have the effect of disabling the underlying residential zoning.
6. WLC seeks the following decision:
 - 6.1 The deletion of the Wāhi Tapu listing from PC2 entirely.
 - 6.2 Alternatively, or in combination with the deletion sought above, amending PC2 so that the District Plan provides some combination of objectives, policies, rules and/or other

methods that provide for residential development of the Subject Land in accordance with Medium Density Residential Standards.

6.3 Such further or consequential relief as may be necessary to address the matters raised in this submission.

7. WLC wishes to be heard in support of its submission.



M J Slyfield
Barrister

For and on behalf of Waikanae Land Company Limited

15 September 2022

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Attachments: [Submission of WLC on PC2 \(mis584\).pdf](#)

I attach for filing a submission by Waikanae Land Company on Proposed Plan Change 2.

Ngā mihi,

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