

# Submission on notified proposal for plan change



## About preparing a submission on a proposed plan change

### You must use the prescribed form

- [Clause 6](#), Schedule 1 of the Resource Management Act 1991 (RMA) requires submissions to be on the prescribed form.
- The prescribed form is set out in [Form 5](#), Schedule 1 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.
- This template is based on Form 5. While you do not have to use this template, your submission must be in accordance with Form 5.

### Your submission and contact details will be made publicly available

- In accordance with [clause 7](#) of Schedule 1 of the RMA, the Council will make a summary of your submission publicly available. The contact details you provide will also be made publicly available, because under [clause 8A](#) of Schedule 1 of the RMA any further submission supporting or opposing your submission must be forwarded to you by the submitter (as well as being sent to Council).
- [Section 352](#) of the RMA allows you to choose your email to be your address for service. If you select this option, you can also request your postal address be withheld from being publicly available. To choose this option please tick the relevant boxes below.

### Reasons why a submission may be struck out

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least one of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious
- it discloses no reasonable or relevant case
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further
- it contains offensive language
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

## To Kāpiti Coast District Council

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

### Submitter details

Full name of submitter: John Terry and Sarah Meads

Contact person (name and designation, if applicable): John Terry

Postal address (or alternative method of service under section 352 of the RMA):

Telephone:

Electronic address for service of submitter (i.e. email): john@terry.net.nz

**I would like my address for service to be my email** *[select box if applicable]*



**I have selected email as my address for service, and I would also like my postal address withheld from being publicly available** *[select box if applicable]*



**Scope of submission**

**The specific provisions of the proposed plan change that my submission relates to are:**  
*[give details]*

Re-zoning of land of properties between 155 to 205 Paetawa Road

*Continue on a separate sheet if necessary*

## **Submission**

**My submission is:** *[include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]*

[REDACTED]

*Continue on a separate sheet if necessary*

**I seek the following decision from the Kāpiti Coast District Council: [give precise details]**

**3. Natural environment and cultural amenities not suited to further sub-division**

The area has natural environment and cultural amenities not suited to further sub-division. Amongst other factors, these include:

- Waahi Tapu and Taonga - It was recognised in condition 37 of the consent to subdivision as an area considered Waahi Tapu and/or likely to contain Taonga.
- Biodiversity - subdivision would not result in increased biodiversity. We and a number of property owners have embarked on significant planting of native trees (in our case over 5000). If the land were subdivided large areas would be devoted to housing and hard surfaces and the available area for plants would be greatly diminished. This would greatly reduce the number of large native trees in the area. This area also provides an important flora and fauna corridor to the ponds and habitats behind for birdlife and other animals and plants.
- Natural dunes – The natural dunes at Peka Peka are an outstanding landscape. A key objective of the Environment Court Decision was to preserve the natural dunes without undue effect of human occupation. As a result building was only to be permitted on selected sites with height restrictions imposed. Allowing subdivision would completely destroy the features of the dunes the Environment Court decision sought to preserve.
- Water Supply – The area has had water shortages in previous years and the likelihood of drought is expected to increase with climate change.
- Sewerage – These properties are not connected to the sewerage system and use septic tanks. An increased number of septic tanks in the area could have undesirable consequences, especially with the periodic flooding of land in the area. Increased land use change and septic tanks have already been noted as a potential factor adversely affecting the water quality in Te Harakeke wetland by GWRC biodiversity experts and is a factor to be monitored.

**4. KCDC - Peka Peka Local Outcomes Statement**

Between 2003 and 2004, the Council undertook districtwide consultation to create 'Kāpiti Coast: Choosing Futures – Community Outcomes'. These Outcomes were reviewed again in 2008/09 and published as Kāpiti Coast Choosing Futures 2009 Community Vision. These processes aim to represent the community's aspirations for the District. Since 2003 a number of Local Outcome Statements were also developed by and for the various communities within the District. The Peka Peka Outcomes Statement is one of these, and sets out the local community's vision for the Peka Peka area. <https://www.kapiticoast.govt.nz/media/osdnnwba/local-outcomes-peka-peka.pdf>

While these documents don't dictate decision making, they underpin decisions in the area, acting as a touchstone for assessing the performance of agencies in supporting the community wellbeing.

Several sections of the Peka Peka Local Outcomes Statement refers to the high value the local community places on retaining the local character, natural environment and cultural amenity of the area. For example:

- Districtwide Outcome 2 (page5): Local character is retained within a cohesive District. This Outcome focuses on the uniqueness of each of the communities along the coast and concentrating on those things that link people together to create a cohesive whole. The role, nature and character of each of Kāpiti Coast's towns, villages, local and special areas, is respected and retained, and shapes the future form and quality of the District.
  - o Peka Peka maintains its current hamlet and semi-rural beach character and low density lifestyle. Further Local Outcomes for Peka Peka Built Character - future residential development is restricted to the defined area of the Peka Peka beach hamlet being the current residential zone. Rural parts of Peka Peka will achieve a range of section/lot sizes to accommodate rural residential and a mix of productive uses complying with the subdivision guidelines...
- Further Outcomes for Peka Peka (page 6): The development of Peka Peka is controlled by appropriate zoning in defined boundaries. These controls will ensure the low key residential character is achieved and retained, and that development is not driven by:
  - o further zone changes to residential; and
  - o private plan changes that increase demands on the natural resources and local infrastructure.

*Continue on a separate sheet if necessary*

**Hearing Submissions [select appropriate box]**

I wish to be heard in support of my submission.	<input type="checkbox"/>
I do not wish to be heard in support of my submission.	<input type="checkbox"/>
If others make a similar submission, I will consider presenting a joint case with them at a hearing.	<input checked="" type="checkbox"/>
If others make a similar submission, I will not consider presenting a joint case with them at a hearing.	<input type="checkbox"/>

15 September 2022

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

\_\_\_\_\_  
Date

*A signature is not required if you make your submission by electronic means.*

**Trade Competition [select the appropriate wording]**

If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by [clause 6\(4\)](#) of Part 1 of Schedule 1 of the Resource Management Act 1991.

I could ☐ / I could not ☒ gain an advantage in trade competition through this submission.

***If you could gain an advantage in trade competition through this submission, please complete the following:***

I am ☐ / I am not ☐ directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

Email your submission to [district.planning@kapiticoast.govt.nz](mailto:district.planning@kapiticoast.govt.nz) or post/deliver to:

Attn: District Planning Team  
Kāpiti Coast District Council  
175 Rimu Road  
Paraparaumu 5032

For office use only

Submission No:

99



# Submission on Plan Change 2 to the Kapiti Coast District Plan

**Submission by:**

John Terry and Sarah Meads

E: johnkterry@gmail.com

**Date:**

15 September 2022

## DECISION REQUESTED

Whilst no change is proposed in Plan Change 2 in relation to the area of the Pharazyn Estate sub-division at Peka Peka we are aware that submission(s) are being filed in support of a change to the District Plan for the area located between properties 155 to 205 Paetawa Road and write to oppose any change, and to maintain the existing zoning.

## BACKGROUND

The area of the Pharazyn Estate has been identified as environmentally and culturally significant in a variety of documents and contexts. Some of these include:

1. Environment Court Decision that placed conditions on sale of the Pharazyn Estate sub-division;
2. Pharazyn Reserve Management Plan prepared for KCDC by Boffa Miskell;
3. Natural environment and cultural amenities not suited to further sub-division;
4. KCDC - Peka Peka Local Outcomes Statement.

### 1. Environment Court Decision

The Pharazyn Estate sub-division was subject to an Environment Court decision. It was recognised that the area of the Pharazyn Estate was a special and unique area containing the last major natural sand dune formation in the area.

As a result the conditions of consent to subdivision (Consent No. 960090) included the following condition:

35. A consent notice pursuant to Section 221 of the Resource Management Act 1991 noting that Lots 1-30 inclusive (as amended) shall not be permitted to be further subdivided.

This Consent Notice is recorded as a covenant on all titles and all original and subsequent purchasers are well aware of this restriction and bought the land knowing this restriction applied.

This was also notified to all purchasers in Clause 6 of a Notice from KCDC to all purchasers:

6. Except for minor boundary adjustments as defined within the Proposed District Plan no further subdivision of lots 18 - 30 Land Transfer Plan 85460 shall be allowed.

Purchasers bought land in this subdivision with the knowledge of its restrictions and have invested large amounts developing the land knowing that a covenant against subdivision was in place. A change in zoning of this land would create uncertainty for any future area of land where restrictions are imposed for environmental reasons and deter the significant investment (as we have made) in restoring the land.

There has been no change to the factors motivating the Environment Court to impose conditions on the Pharazyn Estate subdivision and a change in the District Plan should not be used as a back door method to upset the decision of the Environment Court.

## **2. Pharazyn Reserve Management Plan prepared for KCDC by Boffa Miskell**

The Pharazyn Reserve Management Plan prepared for KCDC by Boffa Miskell in 2005 noted:

### **New Zealand Coastal Policy Statement**

The policies in the New Zealand Coastal Policy Statement (NZCPS) relate to the coastal environment of New Zealand. The Pharazyn Reserve lies within the coastal environment. The NZCPS states that *the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development is a national priority.*

Te Harakiki Swamp (E66, designated as an ecological site of significant indigenous vegetation and significant habitats of indigenous flora) adjoins the site on the north and south boundaries.

## Relevant District Plan Provisions

### C.10 LANDSCAPE

Objective 1. That the district's outstanding landscapes are identified and protected from the adverse environmental effects of subdivision, use and development.

#### C.11.1 ECOLOGY OBJECTIVES AND POLICIES

##### *A. Natural Environment*

Policy 8. Encourage planting of locally sourced indigenous species adjacent to water bodies and other areas that will restore linkages and ecological corridors.

Policy 9. Encourage restoration of degraded habitats with locally sourced (genetically appropriate) native vegetation.

Policy 10. Advocate for the protection of areas identified as suitable for providing linking corridors for fauna.

Policy 11. Maintain and enhance the natural landscape values of the district.

##### *B. Tangata Whenua*

Policy 1. Provide for Tangata Whenua input into the decision-making process, regarding proposals affecting policies and the natural resources of importance to Tangata Whenua.

Policy 3. Recognise and provide for Kaitiakitanga by Tangata Whenua in the management of the natural environment.

### 3. Natural environment and cultural amenities not suited to further subdivision

The area has natural environment and cultural amenities not suited to further subdivision. Amongst other factors, these include:

- **Waahi Tapu and Taonga** - It was recognised in condition 37 of the consent to subdivision as an area considered Waahi Tapu and/or likely to contain Taonga.
- **Biodiversity** - subdivision would not result in increased biodiversity. We and a number of property owners have embarked on significant planting of native trees (in our case over 5000). If the land were subdivided large areas would be devoted to housing and hard surfaces and the available area for plants would be greatly diminished. This would greatly reduce the number of large native trees in the area. This area also provides an important flora and fauna corridor to the ponds and habitats behind for birdlife and other animals and plants.
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**ensure the low key residential character** is achieved and retained, and that development is not driven by:

- further zone changes to residential; and
- private plan changes that increase demands on the natural resources and local infrastructure.

ENDS//

**From:** [John Terry](#)  
**To:** [Mailbox - District Planning](#)  
**Cc:** [Sarah Meads](#)  
**Subject:** Submission on Plan Change 2 to the Kapiti Coast District Plan  
**Date:** Thursday, 15 September 2022 2:15:52 pm  
**Attachments:** [proposed-plan-change-2-submission-form-form-5- John Terry and Sarah Meads.pdf](#)  
[KCDC District Plan Change 2 Submission J Terry 150922-1.docx](#)

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Please find attached our submission along with a Word version including images that would not copy to your form.

Best regards

John Terry and Sarah Meads