

**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

<b>Application Number:</b>	RM220265
<b>Applicant:</b>	Far Fetched Ltd
<b>Proposal:</b>	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.
<b>Legal Description(s):</b>	Lot 9 DP 31319 Blk VIII Waitohu SD

**DUE AT COUNCIL OFFICE NO LATER THAN 4.00pm Thursday 2<sup>th</sup> 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:

<b>To:</b>	<b>Or:</b>
The Chief Executive Officer	Email: <a href="mailto:submissions@kapiticoast.govt.nz">submissions@kapiticoast.govt.nz</a>
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](mailto:anna@landmatters.nz)

**Submitter/s Details:**

Title:	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr Other:		
My/Our Full Name(s):	Ms Andrea Denny and Mr Matthew Ineson		
Address for service:	195 Sims Road, Te Horo Beach	Post Code:	5581
Physical Address:	195 Sims Road, Te Horo Beach	Post Code:	5581
Home Ph:		Work Ph:	

Home Fax:		Work Fax:	
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	Matthew: 028 421 0509		Matthew: matthew_ineson@hotmail.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:

We oppose the proposal in full.

*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:

We oppose the proposal in full on the grounds of amenity, density, character, landscape, landform modification, land use capability, reverse sensitivity, natural hazards, resilience, infrastructure and the integrity of the District Plan.

Please see attached for further information.

*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):

On the grounds that it is considered that amenity, density, character, landscape, landform, land use capability, reverse sensitivity, natural hazard resilience, infrastructure and the integrity of the District Plan will be significantly impacted by this proposal, and we can see no conditions that will address all of these concerns, we seek that the application is refused.

*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)*

I / we intend to call expert witness(es). Please indicate the disciplines of expected expert witnesses.  
*(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 ).

Andrea Denny

Matthew Ineson

Signature

Date: 2 May 2024

Signature

Date: 2 May 2024

**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.

## **Submission on Resource Consent Application RM220265**

**From: Andrea Denny and Matthew Ineson**

**Dated: 2 May 2024**

### **1. Introduction**

Thank you for the opportunity to make a submission. This document should be read in conjunction with our completed submission form.

We oppose the proposal in full on the grounds outlined below. Namely that the amenity values, density, character, landscape, land use capability, reverse sensitivity, natural hazards and the integrity of the District Plan will be significantly impacted by this proposal, and we can see no conditions that will address all of these concerns, we seek that the application is refused.

This submission outlines the grounds of our opposition. The document begins with an overview of our environment and our background to add important context and perspective to our opposition.

### **2. Our environment**

The environment we live in, including the site of the proposal, is characterised by wide open spaces, with very few neighbouring buildings, and with distinct rural characteristics such as very quiet and private surroundings with large flat grassed paddocks that provide clear sweeping views across the undeveloped landscape to the foothills to the east.



View of the proposed site taken from our property

### 3. Our Background

We looked for a property to buy for many years in many different locations. We decided to buy this property - our first home that we intend to be our 'forever home' - because of its unique and special location, rural character and the amenities of both the site itself, its location within the environment (including lack of neighbouring properties), and of the wider area.

Specifically, the location of our home offers us the following:

- Wide-open spaces – mountains to the back, ocean to the front. There are virtually no manmade structures in sight. After living in cities surrounded by neighbours and manmade structures we deliberately bought in this rural environment – to be surrounded by nothing but nature and space.
- Quiet, calm, peaceful, noise free environment. Prior to buying this property we lived in large cities for over 2 decades listening to our neighbours, their pets, their music, their vacuum cleaners, their water pipes, their feet on floorboards above, their washing machines, their cars, their visitors. And of course, all the accompanying sounds of living in a city with sirens, traffic, planes, buses etc. We deliberately bought here - to reduce / lessen our exposure to other people's noise.
- Privacy. We cannot see any of our neighbours and nor can they see us. We currently enjoy significant amounts of privacy, virtually no manmade noise, no light pollution and wide-open spaces on all sides.
- Te Horo Beach itself still retains its 'special vibe' due to its holiday character and sparse population. Te Horo Beach is 'tucked away' enough not to be another built up beach town with increasing and extending urbanisation such as Waikanae or Raumati. The distance to town also enables us to continue working in the city while enjoying a rural home.
- Certainty / protection. We knew, when buying, that development was prohibited. It was a deal breaker to know that the key, critical characteristics mentioned above, and which we sought out for so many years, would not be at risk from being removed or degraded over time. And this was due to the protection afforded by the council and planning rules.

We feel this application is a clear and present threat to all of that and puts everything we have worked hard for (over decades) at risk – the enjoyment of our first home, the investment we have made in the land and our community, our peace, our privacy, our sense of space. The core reasons why we chose to live here.

The threat and ongoing uncertainty of this development has now been hanging over us for more than two years. There is nothing that can portray nor illustrate the personal toll this has – and continues to – take on us.

We hope this document assists with being able to understand why we are trying so hard to protect and preserve what is special about the area and why we chose to move here. The reasons for living here will probably not be too uncommon to many other Te Horo residents who live here for similar (if not identical) reasons we do and to this extent, many neighbours have expressed concern over the proposal.

Whilst other members of our community may not be formal parties to the application, we would hope that their voices could be heard through the contact that is known to have been made to the Council and / or Councillors.

#### 4. Impacts

We oppose the proposal in full due to the number, significance, and permanent nature of the impacts as listed below.

##### 4.1. The rural character and amenity

We moved here because of reasons such as privacy, virtually no manmade noise, no light pollution and wide-open spaces on all sides. We feel all of these would be materially compromised with the addition of a second dwelling.

Attempting to mitigate these impacts through the use of fences, trees etc is likely to have minimal effect given the extent of likely disruption due to the density and intensity of the proposal.

- Key characteristics we dearly value include:
  - Remote and rural character.
  - Private.
  - Peace, quietness, lack of noise.
  - Wide open spaces / surrounded by nature and openness,
  - A low density of people. I.e. not surrounded by people, specifically a sparse and spread-out population.
  - A low intensity of development and housing, visual lack of manmade structures.
  - Space (and distance from neighbours).
  - A sense of safety and security.
  - Lack of light pollution (seriously you should see the stars at night).
  - Views all around, particularly to the hills from our property and house.
  - We work from home a lot as the location is quiet.
  
- The combined amenity values of an area go towards defining the character of that area and this proposal does not adhere with current, combined amenity values of this area as:
  - We do not feel that screening with trees nor fences will mitigate these issues. It is likely to have minimal effect given the extent of likely disruption due to the density and intensity of the proposal. Their proposed planting will have consequential effects of reducing our current level of openness and views to the hills. Whilst this planting could be done as of right, the need for planting arises from this proposal so these effects are linked to the proposed activity.
  - We specifically bought this site knowing the strong limitations on development and therefore the expectations that the site (currently a paddock) would remain as-is.
  - The applicant bought the site knowing the limitations on development and therefore the expectations that the site (currently a paddock) would remain as-is.
  - Visual amenity is highly likely to be impacted by the built form due to us scale, density, appearance, and height – especially after significant earthworks to elevate the building platform; regardless of landscaping.
  - Visual and privacy amenities are highly likely to be impacted for adjoining properties due to the proposed development clearly overlooking (and being overlooked by) the adjoining neighbours.
  - Noise amenity is likely to be harmed by the density of residents and their ancillary needs and infrastructure, including a substantially increased number of people, cars etc...
  - The open space and the naturalness of an area will severely compromised.

- Light pollution from the size and intensity of the property is likely to affect the brightness and clarity of the night sky.

#### **4.2. Noise**

We enjoy living in a quiet rural, coastal environment and are very conscious that noise carries easily and far here.

We were recently surprised to learn that our neighbours (2 houses away – on the southern side of 135 Sims with two stands of very large macrocarpa trees in-between) can hear us working on the section with power tools. This clearly illustrates that no amount of extensive planting plans and schemes and flax bushes and totara trees will change the simple fact - noise travels easily and far in a quiet, rural zone.

- This application proposes having 6-12 occupants in extremely close proximity to one another other - and to neighbouring properties. If this proposal is approved, we will go from having a family of five next door to us to 17+ people across our fence line.
- As mentioned previously, we deliberately bought here - to reduce / lessen our exposure to other people's noise.
- Whilst the applicant suggests using plants as a mitigating factor for noise and visual amenity it should also be known that planting in a coastal zone can be risky business, with plants taking a long time to grow - in even the best conditions.
- From experience, we know there are a lot of factors that lead to plants not taking or suddenly dying, even after being established for a while. Salt laden winds, sandy 'soil', lack of water are just some of the elements thrown at any planting scheme here. Totara trees or otherwise. This site may also have to contend with plants experiencing fertiliser burn from the farm next door.
- Group accommodation is likely to have multiple visitors (more than could be expected currently or even with a family home). This could mean anywhere from 22 to 34+ people on the property at any one time. This is based on occupancy of 5 people in the current home, 12 residents in the group accommodation, each with a visitor. The noise alone associated with this could be significantly detrimental to neighbouring properties.

#### **4.3. Privacy**

- All six units will look directly over and down at least half of our section. The proposed placement of the co-housing building, with its 6 - 12+ residents, is facing down the length of our driveway and in the direction of our home – with an immediate loss of privacy for us.
- The owners of 189 Sims Rd, also own 180, 186, 196 and 198 Sims Rd. Extensive and largely vacant land holdings where an additional building, such as that proposed for 189 Sims Road, could potentially be established without impeding any neighbours.
- In this scenario where adverse effects on others (e.g. us) will be significant and permanent, consideration of whether there are any alternative locations for the activity must be a factor in the decision-making.

#### **4.4. Density and Intensity of development**

The nature and size of the proposal is much larger than could be reasonably expected. The number of people, the density, and their proximity are likely to significantly impede the privacy and enjoyment of our own land.

- We have major concerns, that this is not even a proposal for a family home but actually for a large number of people.



- Five people currently live in the brick house now, adding 12+ more onto the site would have up to 17+ people on the site next door to us.
- What assurances are there that it will be a maximum of two people / unit. What about children, pets etc.
- It is likely that the required supporting infrastructure (storage, parking, rubbish facilities, living quarters) will be extensive and much more.
- What impact will the development have on current or future tenants of the existing home on the site.

#### **4.5. Built Form**

This is not a typical second 'dwelling' i.e. your average family home. This is a multi-unit, multi-occupant building adding a large bulky form on the landscape presenting issues such as:

- We realise that KCDC do not consider decks etc, but in essence the proposal uses 'decking' instead of corridors. As they are an integral part of the design and useability of the building, they should be therefore considered as they do add to its bulk.
- We are concerned about the combined impact of raising the ground level plus the building height.
- The drawings do not make consideration of the gardens and outdoor living area for residents, car parking, sheds and storage areas, pet areas, rubbish stores, and onsite services (water, septic, gas tanks, etc). These items are likely to materially expand the footprint and bulk of the development and may add additional risk factors (such as multiple gas tanks).
- Proposal makes no provision for garaging of vehicles (likely to be necessary in this marine environment). The casual parking of six or more vehicles (excluding those of visitors) will be an unnecessary visual blot on the landscape.
- Proposal makes no mention of provision for residents' campervans, trailers, garden & outdoor equipment, bikes, motorbikes, boats, disused cars, broken appliances etc?
- Proposal makes no mention of provision for pets, horses and livestock? If approved, then where are they to be securely housed? If allowed, then there could be a minimum of a six-fold increase in animal numbers over the present number of none.
- Proposal makes no mention of provision for storage of rubbish on-site in condensed area for 6 households – increased rodent activity?
- Proposal does not show provision for the housing of water pumps, filtration equipment, gas cylinders and such like.
- There is risk of incremental additions happening on the site over time such as additional sleepouts or extensions.

The nature of the building also raises concerns:

- The applicant has made reference to 'trial' PIR panels. Problems with maintenance and aesthetic issues may occur. Regardless, how does having people living in the property facilitate research and development? There is therefore a risk that this becomes an isolated example, not reflective of other developments, with no long-term monitoring of success.
- If looking to prove PIR panels and house building then can be done without being sold or lived in.
- If this is the case, this is a test case for the applicants own building company.
- Is this co-housing a prototype to evaluate the financial robustness of building the applicant's prefabricated low-cost homes. How does this impact how the building will look or function.

#### 4.6. Type of development

Both ownership and tenancy models have been referred to by the applicant and therefore it is unclear what the ownership model will be – and the accountabilities that go with ownership. For example:

- Is it to be owner-occupied? If so, how is this to be managed, maintained etc. This raises concerns such as:
  - If there are to be six co-owners to agree on everything there is huge potential for the co-housing buildings to become a dysfunctional community with disgruntled residents and visual / noise nuisance in the future. That is due to disagreement between the six owners as to what needs to be done, when, by whom and what cost.
  - If owner-occupied likely that a subdivision will follow in due course.
  - If owner-occupied what effective controls are there over the occupiers.
  - If owner-occupied what prevents sub-letting.
  - Future selling of units and process / agreement / consensus around this.
  
- Is it to be tenanted? This raises concerns such as:
  - Transient populations
  - Lack of care for common areas.
  - Clear responsibilities for maintenance.
  - The proposal states “looking to trial this new affordable housing model”.
  - If tenanted what stops transient tenants, short term tenants, or even visitor accommodation (like the applicant’s neighbouring properties have consent for).
  
- Regardless, all options raise concerns such as:
  - Unclear on decision making. In this regard how is future maintenance to be agreed, arranged, and paid for.
  - Who will be responsible for the day-to-day management of the co-housing.
  - Who will issues be addressed to. What powers will this person have. Who will this person work for / be responsible to.
  - It is conceivable that problems could arise with people living so close together and that issues may “drift across the boundary” to be endured by neighbours and other nearby residents.

#### 4.7. Investment

- As we did when we purchased our house, other residents seek out privacy, lack of noise and neighbours etc. We feel that the amenity values associated with our property will decrease when these things are unforeseeably compromised. This in turns compromises our financial investment in this location.
- People looking to buy this type of property in this area will not want a large multi-unit building next door. We certainly wouldn’t if we were looking again.
- We bought on the basis subdivision and housing intensification was not allowed throughout the area and specifically next door to us (as we were aware of planning rules which influenced our decision to purchase this property).
- It is not unreasonable that the resale attractiveness and therefore value of our property and investment will be negatively impacted.

#### **4.8. Suitability of site for shared ownership**

- The location is relatively isolated. At the end of a country road, accessed by a one lane bridge.
- The location is 10km from the nearest doctors, pharmacies, supermarket and town, 7km from the nearest primary school, 11km from the nearest high school. 10kms from nearest towns for jobs.
- There is no public transport to and from Te Horo Beach. At this stage Metlink do not have plans to add any.
- As the area is not serviced by public transport, having a car and being able to drive is a necessity. We endeavoured (for a considerable period of time) to only have one car between two of us, but it quickly became apparent that due to safety and practical considerations, that a car each was necessary, not unlike many / most people living on Sims Road. It would therefore be reasonable to assume this would be the case next door i.e. 12+ cars onsite?
- This may be a 'community concept' but effectively it is isolated and stand alone. In essence, a group of people / 'community' stuck in the middle of a paddock.
- Proposal references "modules could be used for social housing developments" – what does this mean in context of this site? Is this the intention of this development and if so, is this isolated and vulnerable site a suitable location for such a development?

#### **4.9. Cooking facilities**

The applicant themselves refer to the units as 'living modules' and explains that 'residents will have their own living quarters which will include a private lounge space and small kitchenette facilities (a sink, bench and power points...)'.

- If, as the applicant suggests, occupants will have 'living modules' and / or occupants will be long term, then it is highly likely that occupants will install their own food preparation and cooking facilities in 'their own living quarters' [applicant's term] as in practice, people are likely to want to quickly and easily make toast, cook or reheat a simple meal, soup etc
- It can therefore be more than reasonably considered that a hob and some form of cooking facilities will be added by residents. Whilst the applicant has agreed to accept a 'condition that prohibits 'kitchens as defined by the District Plan'' in practice neither the applicant nor council, are likely to be able enforce this condition, making any such condition unenforceable, ineffective and redundant.

By virtue of the inability of enforcing this rule, Council may be considered to be tacitly accepting that it is likely or probable that some form of food preparation and cooking will take place within the units.

#### **4.10. Visitor accommodation**

With 6-12+ people onsite visitor accommodation is more than likely necessary.

Furthermore, the proposed structure lends itself (and in fact is identical to) short term, temporary, transient visitor accommodation such as a hostel.

- Whilst an additional consent is required for visitor accommodation, it is a foreseeable outcome that creating a built structure that lends itself to visitors, that visitor accommodation – using the planned building – is more than likely in the foreseeable future.
- Its potential use as visitor accommodation is not unlikely because unlike a traditional family home, the proposed design is identical to traditional visitor accommodation and so no modification would be required to the structure if built.
- Visitor accommodation could be provided outside of council jurisdiction, such as offered privately or via Airbnb and similar platforms.

- It is also a foreseeable outcome that the site may be used for visitor accommodation if (a) the unique and niche living / rental model has little uptake; (b) if the applicant chooses to expand their already approved commercial visitor and holiday accommodation at multiple sites .e.g. RM200246 at 196 Sims Road and RM150075 at 180 and 186 Sims Rd.

#### **4.11. Traffic**

We recognise the council has considered traffic. But in reality, traffic volumes are currently very low and due to the flat and open topography, traffic along Sims Rd is highly audible from our house.

Impacts due to the proposal include:

- Increased traffic volumes.
- Increased traffic noise. Especially relevant in this environment as noise travels far e.g. we can clearly hear cars travelling along Sims Road from our house – which is on the far side of the proposed development site.
- Compromised safety, including:
- Increased volumes of traffic on a road used by walkers, dogs, runners, horses and a few farm vehicles.
- Increased pedestrian usage on an 80km road with no footpath.
- The one-lane bridge required to enter Sims Road is already problematic to navigate. Additional traffic could also potentially cause additional wear and tear, traffic congestion and pose a heightened risk of additional people being trapped should the bridge fail.

#### **4.12. Future Use and Precedent**

Once built, future use of the proposed development is unclear, meaning:

- If the application is approved, there is nothing preventing additional similar development being developed over the site of the existing house. We consider this to be a likely scenario given that the applicant owns that dated building.
- A visitor accommodation precedent has already been set next door. The applicant already owning multiple neighbouring properties that already have visitor accommodation approvals (RM200246 at 196 Sims Road and RM150075 at 180 and 186 Sims Rd) it is possible that the intent or outcome of the proposal would result in adding more visitor accommodation to their already approved visitor units nearby.
- In effect, once approved, it would be a relatively minor step to add more units to the development. The applicant has previously indicated that expansion through addition of more units is a possible scenario.
- The applicant has not ruled out subdividing the property, especially if owner occupied. This would be relatively plausible as the house would be built, the people would be occupying it, and potentially owning the units.

#### **4.13. Commercial in Nature**

The application should be viewed in the light of a commercial transaction by an offsite landlord looking to maximise revenue and experiment with their prototype building materials.

- Despite some of the wording in the applicant's documents, on the evidence, this is a profit-seeking commercial property development transaction.
- The proposed hosing model allows the applicant to maximise the utility of the land and maximise revenue by adding as many tenants / owner-occupiers onto the site as possible.

## **5. Other Considerations**

The proposal raises broader questions which are causes for concern, including challenging the integrity of the District Plan. We do not feel that suitable weighting has been given to some of these matters.

### **5.1. Integrity of the District Plan**

- The application is not consistent with the objective of the Rural Dunes Precinct of the General Rural Zone as the natural character of the zone is likely to:
  - Adversely affect the rural character through by the presence of highly visible development and changes to dune landforms;
  - Will cause disturbance to the natural contours;
  - And therefore the overall density of development will no longer be very low;
  - And the area will not retain the area's sense of openness.
- 
- The points in Section 4 and have associated impacts on the integrity of the District Plan. As such, what is the point in having a District Plan with clear directives and limitations on development which others have relied on to invest in specific locations, if they are not upheld?
- 
- Questions may also be raised about equity – do the rules stand up for people who cannot afford to challenge them?

### **5.2. Landform Modification**

- A massive landform modification and infilling (earthworks) is proposed to meet flood / ponding requirements for this location. This is a clear indication that the proposed development is not a natural or good fit for this specific location.
- The substantial earthworks do not conform to the natural sand dune system topography and are not sympathetic to the current natural environment.
- In addition to the above, there will be consequential effects of the proposed infilling on the surrounding area (existing roadway, infrastructure and neighbouring properties e.g. overflow path).

### **5.3. Land Use Capability**

Whilst acknowledging the LUC categorisation of the site, in reality:

- The land has been used for pastoral grazing for 100+ years, including by the previous owner.
- The applicants themselves refers to the use of the land for grazing several times in their Oct 2022 application.
- This would be the first time that this land has been considered 'non arable' for the purpose of pastoral grazing etc. which many blocks on Sims Rd currently do (refer to applicant's own LVA).
- There is a productive dairy farm immediately across the road which also uses paddocks for cultivation of crops (refer below photo).
- The current owners have clearly utilised the land – for example in the making of hay for stock feed which remain in situ today (refer below photo).



#### **5.4. Reverse Sensitivity**

The intensity of the residential use proposed will give rise to adverse reverse sensitivity effects on the existing dairy farm located on the opposite side of Sims Road.

This existing dairy farm operates throughout the day and night, with impacts such as:

- Odour. Silage and effluent pits are nearby (a new storage pit has been built near Sims Rd). The farm regularly sprays effluent / silage onto the paddocks. There are various holding and silage pits nearby. These odours are strong and unpleasant and can be regularly smelt from inside our house, and other neighbouring houses which are located even further from the farm than the proposed site.
- Noise impacts from farm machinery and dairy yards that operate 24 hrs, including motorbikes very early in the morning (e.g. 2am), and the dairy milking yard a mere 340m away.
- Noise and dust from regular 'out of hours' traffic. This is made worse as the vehicles need to slow down / speed up and turn (into the farm from Sims Rd) right outside the proposed site. E.g. milk trucks that drive and turn very close to the site at very early and very late times. Farm bikes travelling up and down Sims Rd early in the morning have been mentioned as a disturbance to some locals.
- Light pollution. The farm has very bright floodlights, especially in the milking shed. These lights already cast strong light over our existing home in the very early hours (the proposed site is between us and the farm). Plus vehicle lights late at night and early in the morning.
- Dust and dirt. Sims Rd regularly has farm waste on the road.

#### **5.5. Shared and Group Accommodation**

Having carefully reviewed the relevant aspects of the Operative District Plan in respect of Shared and Group Accommodation – the intent expressed within the District Plan is quite different to what is proposed in this application.

- We note Council has recently thoroughly revised its housing strategy and despite this, Shared and Group Accommodation is not an activity that is anticipated or provided for within the General Rural Zone.

- We note Shared and Group Accommodation is explicitly mentioned in the General Residential Zone, the High Density Residential Zone, the Ngārara Development Area and the Waikanae North Development area. Not the General Rural Zone.
- With already limited and vulnerable infrastructure (e.g. one lane bridge, prone to flooding, single row of power poles, no broadband internet etc), and no additional capacity for roading nor public services etc planned (not even broadband on Sims Rd) it is likely that Te Horo Beach / Sims Rd will be unable to cater for a development of this size and intensity.

Furthermore, where Shared and Group Accommodation is provided for in the District Plan, it always specifies conditions for that type of accommodation. It would therefore be reasonable to expect that these conditions apply to Shared and Group Accommodation generally including any proposed to be located elsewhere within the district.

- The proposal is *not* in accordance with any of the five stated development principles in the ODP. <https://eplan.kapiticoast.govt.nz/eplan/rules/0/203/0/6912/0/213>
- GRZ-P17 refers to expectations around the development and placement of shared and group accommodation of which this proposal meets *none* of the criteria.
- The proposal is *not* at an 'intensity and scale compatible with other residential development within the locality'.

Additionally:

- GRZ-R4 requires No more than 6 residents to be accommodated at any time.
- With six living units proposed it is more than reasonable to anticipate that partners and/or children may be cohabitating within a single unit, meaning more than 6 residents will be accommodated at any time.

## 5.6. Precedent-setting

A number of precedents would be set if the application were to proceed:

- Allowing a second dwelling on one title in the GRUZ.
- Allowing shared / group accommodation in the GRUZ.
- Potentially subdivision of existing titles. The applicant has not ruled out subdividing: Oct 2022: *"While the applicant is not proposing to undertake a subdivision of the site at this stage..."*
- It is not inconceivable that the street facing frontages of other Sims Rd properties will seek a similar development in the near future.
- It is not inconceivable that if the proposal were to be consented, especially if the units were sold, that subdivision would subsequently follow. The effects associated with the land use would already be established so a subsequent subdivision would be difficult to refuse.
- It is not inconceivable that the existing dwelling on the site will also be similarly developed or enlarged. This has not been ruled out by the applicant.

## 5.7. Contrary to Takutai Kāpiti, Coastal Advisory Panel Shortlisted Recommendations

Whilst the Takutai Kāpiti, coastal advisory panel's final recommendations are still being formed, further to the Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment it is clear that action needs to be taken as coastal flooding in 1% AEP with 1.25m RSLR shows large swaths of 189 Sims Road under water.

Takutai Kāpiti's shortlist of approaches for 189 Sims Road are:

- Northern Adaptation Area Shortlisted Adaptation Pathways PW-4 and PW-5 identify an erosion threat and recommend Managed Retreat as a long-term option.
- Inundation PW-2 and PW-3 also recommend Managed Retreat as a long-term option

### 5.8. Contrary to New Zealand Coastal Policy Statement

The proposal seems to be contrary to New Zealand Coastal Policy Statements 3 and 25.

- Policy 3: Adopt a **precautionary approach** to use and management of coastal resources potentially vulnerable to effects from climate change, so that:
  - **avoidable social and economic loss** and harm to communities does not occur;
  - the **natural character, public access, amenity** and other values of the coastal environment meet the needs of future generations.
- Policy 25: In areas potentially affected by coastal hazards over at least the next 100 years:
  - **avoid increasing the risk of social, environmental and economic harm** from coastal hazards;
  - **avoid redevelopment, or change in land use**, that would increase the risk of adverse effects from coastal hazards;
  - encourage redevelopment, or change in land use, where that would **reduce the risk of adverse effects from coastal hazards**, including **managed retreat by relocation** or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;
  - encourage the location of infrastructure away from areas of hazard risk where practicable;
  - **discourage hard protection structures** and promote the use of alternatives to them, including natural defences; and
  - consider the potential effects of tsunamis and how to avoid or mitigate them.

### 5.9. Low Resilience to a Flooding / Ponding Event

- The applicant indicates that a response to a flood or ponding event may be to stay put. This is likely to be impractical, as using the example provided by the applicant, flooding in Te Horo in December 2021 lasted for days, completely cutting off Sims Rd and Te Horo Beach. The duration of this event means that a 'stay put' policy may not be practical.
- The applicant's plans only comply with NH-FLOOD-R3 by undertaking considerable earthworks and bringing in *a lot* of fill. This instinctively indicates that the site is not inherently suitable for a development of this nature and size.
- Furthermore, despite significant earthworks all other aspects of the site will be flooded / subject to ponding, including all infrastructure not built up, including the wastewater system and the driveway.
- There appears to be inadequate consideration for overflow and / or displacement as a result of the considerable earthworks and consequential impacts on onsite infrastructure, (such as wastewater), the public roadway (Sims Road) that will need to be used by other residents and the farm, and neighbouring properties.

Careful consideration should be given as to the potential impacts of flooding and ponding beyond the immediate building platform, and why, knowingly, would considerably more people be added into this dangerous and vulnerable mix risking people's lives, families, children and assets.

- It is clear from the Auckland 2023 flood event that building in known flood zones does not work.



- On 30 April 2024 The Insurance Council of New Zealand commented on a Reserve Bank report saying: “However, we know New Zealand needs to take a long-term view on the risks from flooding and other natural hazards on peoples’ homes as we face the prospect of more frequent and severe events due to climate change. “Building resilient communities is a New Zealand wide conversation and involves all of us – central government, councils, and others – working together to help find solutions to reduce the risks and continue to ensure insurance is affordable and accessible to help protect lives and property,”

#### 5.10. Low Resilience to a Natural Disaster

The site has an inherent low resilience to natural disasters due to a number of factors, including:

- The site is in a KCDC recognised orange-rated tsunami evacuation zone.
- Te Horo Beach, and Sims Rd in particular is very vulnerable to natural disasters due to:
- The single lane concrete bridge at the end of Sims Rd was built in 1968 and is the only way in and out.
- There is one main power source, along a series of power lines on the road. It would only take one to fail (or a tree to fall on one) to cut power to the whole road.
- The applicant’s suggestions (Oct 2022) that the neighbouring farm is an exit in an emergency are preposterous. The farm is fenced, often boggy, and at times is cropped making it impenetrable. Refer photo of ~8-foot-high corn / maize crops taken from directly across the road of the proposed development:



Careful consideration should be given as to the potential impacts of flooding and ponding beyond the immediate building platform, and why, knowingly, would considerably more people be added into this dangerous and vulnerable mix risking people’s lives, families, children and assets.

#### 5.11. Ecological Impacts

- The beach 160m from the site is a GWRC Key Native Ecosystem (KNE) and listed in the KCDC ODP as an Ecological Site (K231). This site is already ecologically vulnerable and subject to man-made pressures, not least intentional and unintentional environmental damage, anti-social behaviour, rubbish dumping. It is likely that additional residents living in such close proximity to the KNE are likely to add considerable pressure onto this already sensitive, and struggling environment.

- This area is a major fire risk in summer as evidence recently in the area. It is not appropriate to add more people and fire risks unnecessary into the environment. This proposal is considered unnecessary as it is a Non-Complying Activity and therefore not anticipated in this location by the District Plan.
- With such a large septic system and discharge, how can we be assured of our ground water quality.
- Why have mana whenua not been engaged to consult on this?

#### **5.12. Pressure on already stretched and limited services**

- Resilience is already a key issue in the area and additional development, such as cohousing will put pressure on existing services (such as the basic copper cable internet in the street), roading, bridges and during emergencies or natural events such as flooding which cut off the community for three days in December 2021.
- The nearest emergency services are 7km to the local volunteer fire bridge and 10km away for the nearest ambulance station.
- The site is not a 'typical' site in that there are no services to the gate except for power. Therefore the dwelling will require onsite water supply, sewage and bottled gas.
- Given the unique nature of cohousing, this living model is unlikely to attract sufficient residents to alleviate Kapiti's housing availability or affordability problems.

#### **6. Conclusion**

Taking the above points into account collectively, we oppose the proposal in full on the grounds of impact on amenity values, density, character, landscape, landform modification, and the integrity of the District Plan. These impacts will be adverse, significant and permanent for us personally. They are totally unacceptable. Our submission raises a range of broader questions, uncertainties, information gaps and concerns including in relation to land use capability, reverse sensitivity, natural hazards (resilience), and infrastructure. We have also expressed concern for neighbouring properties who will also be adversely impacted by this development.

On the grounds that it is considered that amenity values, density, character, landscape, land use capability, reverse sensitivity, natural hazards and the integrity of the District Plan will be significantly impacted by this proposal, and we can see no conditions that will address all of these concerns, we seek that the application is refused.