

Further Submission on Late Submission
Further Submission number: FS5

From: rlpetherick@xtra.co.nz
Sent: Friday, 14 March 2025 3:00 pm
To: Mailbox - District Planning
Cc: rlpetherick@xtra.co.nz
Subject: FW: Karewarewa Urupa PC3
Attachments: RE: Re Plan Change 2 Kapiti Coast District Plan 2021 - Waahi Tapu - Wahanga Tahī

To Kapiti Coast District Council.

Submission on Proposed Plan Change 3 to the Operative Kapiti Coast District Plan – Waahi Tapu - Wahanga Tahī, Wahanga Rua.

Name of submitter: Laurence Bruce Petherick (Laurie). [REDACTED]
[REDACTED] Note: Address for service: rlpetherick@xtra.co.nz. Please withhold my address from being publicly available.

NOTE: This submission is also made on behalf of the following Waikanae Residents all of whom wish their addresses to be withheld from being publicly available.

Gary Collis, [REDACTED]
[REDACTED] refmor81@gmail.com. Ph 04 905 2596

Steve Hollett, [REDACTED]
[REDACTED] stevhollett@outlook.com. Ph 04 902 3694

Elsbeth Preddey, [REDACTED]
[REDACTED] elsbeth.preddey@extra.co.nz. 27 472 3369

Clive Cameron, [REDACTED]
[REDACTED] cameronclive687@gmail.com. 022 638 0880

Michael Peryer, [REDACTED]
[REDACTED] michaelperyer@gmail.com. 021 750 603

Craig.Hardie, [REDACTED]
[REDACTED] Craig.Hardie@xtra.co.nz. 0274 506 468

Vic Hewson, [REDACTED]
[REDACTED] vicandmaryann@gmail.com. 0274 416 123

Brian Kouvelis, [REDACTED]
[REDACTED] Brian.Kouvelis@outlook.com. 021 744 720

This is a further submission on the following proposed policy:

New qualifying matter: Proposed Plan Change 3, Karewarewa Urupa at Waikanae Beach.

No party named in this submission will gain an advantage in trade competition through this submission.

The specific details that my further submission relates to is solely related to the late submission made by Simon Leeming and as advised by Council on 28th February 2025.

The Plan Change 3 proposes to recognise an area of Waikanae Beach, described as Karewarewa Urupa which is in the General Residential Zone, as a Wahanga Tahī and Wahanga Rua site in Schedule 9 of the District Plan.

Brief details of the late submission:

The submitter Mr Leeming has firstly advised of his support for the proposed policy in its entirety. This would of course halt all further subdivision in the Wahanga Tahī area of the subdivision. (Please refer to the three emails attached, the first dated 28 March 2024 from myself to The Chief District Planner KCDC,

and two emails in reply from Alan Brunton, KCDC Planning Technical Support Officer, dated 2 April 2024, the first suggesting that residential development would require resource consent, followed soon after by a further email stating that any new buildings in the “Wahanga Tahi” area are non-complying and therefore not permitted!)

Mr Leeming then states that he “is not opposed to development in general” and recommends that if litigation is going to proceed that “....it is hoped that such would create an opportunity for the parties, IWI and including Tangata Whenua, WLC, KCDC and residents and ratepayers of the area and Kapiti Coast affected, to negotiate and reach a final settlement, satisfactory to all....avoiding expensive litigation.”

It is therefore confusing as to whether Mr Leeming is actually in support or opposition to the proposed zoning!

Although Mr Leeming’s submission was late and out of time, KCDC waived compliance with the submission timeframe in accordance with sections 37 and 37A of the RMA.

Comments on late submission compliance:

It is the opinion of the above-named objectors to this late submission, that there are no satisfactory or logical reasons for the late submission by Mr. Leeming to be accepted under sections 37 and 37A of the RMA.

Our submission is as follows commenting on the original late submission received:

We totally oppose the submission made, as amongst other things; we don’t believe that the 20 acre block “...is of immense cultural & historical significance to Te Atiawa and others.....,” otherwise as stated in our previous submission, significant opposition would have existed many years ago following the

sale of the land to the Waikanae Land Co (WLC) approximately 55 years ago.

We are clearly of the understanding that the sale of the 20 acre block of land to the WLC **was totally unconditional** and approved and signed by representatives of the original approximately 72 owners.

Our comments & recommendations:

We reiterate previous submissions that it has been stated in previous Court/Tribunal evidence that any suggestion of forced rezoning of the land, purchased in an open market transaction by the WLC around 1969, would be “ultra vires” and this would instantly halt any chance of a forced rezoning by KCDC. The Wahanga Rua area of land has been sensitively developed in residential properties and deserves to be allowed to continue as a normal residential subdivision without the restrictions imposed by the rezoned Urupa.

As has been recorded previously, there is no cogent evidence to establish that the 20 acre block is in fact the location of “Karewarewa”, or is an area which has been used as a Maori burial ground in the past.

The Wahanga Tahi area of land which has all underground services and road base foundation laid for the proposed residential subdivision, at considerable cost to WLC, is an eyesore to the community. At the time of purchase by WLC, the area of land was undeveloped waste land covered in noxious and other weeds, a haven for vermin, and a fire risk. It is currently in a similar condition and at no time has there been any evidence of care or responsibility shown by any IWI or other Maori parties or owners.

The area of reserve on the northwest corner which is being maintained and planted by KCDC and local residents, is more than sufficient representative land that can serve as a memorial to the original Urupa with suitable signboard notification.

In regard to the unlikely event that any further human remains are found in future subdivision development, these could be reinterred in the northern grassed corner of the adjacent Waimanu Lagoons reserve with an appropriate monument provided by the developer to record the history of Maori involvement in the Waikanae area associated with Karewarewa and the 1839 Battle of Kuititanga.

We must reiterate that there are immense costs involved in firstly Councils involvement in this unnecessary saga, secondly in the compensation owing to the WLC for the loss of the partially developed residential subdivision (who is going to pay this?), and finally the huge loss in rating of the proposed 37 residential sections (with Urupa land being zero rated). Kapiti Coast residents would be appalled if they had any inkling of the combined end cost to ratepayers.

Finally, who is going to take over the responsibility of maintaining the unkempt weed infested mess that will automatically result if the undeveloped subdivision is to remain. Why should Council and ratepayers be responsible as there has been absolutely no evidence presented that it will be tidily maintained by any Maori interests.

The restrictive planning on the Wahanga Rua area and the draconian planning restrictions on the Wahanga Tahī area must be removed and the land rezoned normal residential.

Signature of submitter:

Laurence Bruce Petherick.

Date: 13 March 2005

Electronic address for service of submitter:

rlpetherick@xra.co.nz

Telephone: 04 2932 304; 0274 477 439

Postal address:



Contact person: Laurie Petherick

Attention: The information on this e-mail is confidential and may be legally privileged. It is intended solely for the addressee. Access to this e-mail by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is strictly prohibited and may be unlawful. When addressed to our clients any opinions or advice contained in this message are subject to the terms and conditions expressed in the client engagement letter.

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast, a leader in email security and cyber resilience. Mimecast integrates email defenses with brand protection, security awareness training, web security, compliance and other essential capabilities. Mimecast helps protect large and small organizations from malicious activity, human error and technology failure; and to lead the movement toward building a more resilient world. To find out more, visit our website.