

**BEFORE THE KĀPITI COAST DISTRICT COUNCIL
TE URUHI TO KĀPITI ISLAND GATEWAY PROJECT**

Under the Resource Management Act 1991

In the matter of a resource consent application by Kāpiti Coast District Council under section 88 of the Act, to carry out the Te Uruhi to Kāpiti Island Gateway Project

**STATEMENT OF EVIDENCE OF EMMA COURTNEY MCLEAN (PLANNING) ON
BEHALF OF THE APPLICANT**

Dated: 19 September 2022

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INTRODUCTION

1. My name is **Emma Courtney McLean**.
2. I am a Senior Planner at Cuttriss Consultants Ltd, with over five years' experience in planning on the Kāpiti Coast.
3. I prepared the application for resource consent and the accompanying Assessment of Effects on the Environment (**AEE**) lodged with Kāpiti Coast District Council (**Council**) in July 2021¹ in respect of Te Uruhi – Kāpiti Gateway Project (**Project**).
4. I hold a Bachelor of Regional and Urban Planning, with second class honours, from the University of the Sunshine Coast. I am currently an Intermediate member of the New Zealand Planning Institute.
5. I have been involved in the Project since March 2020. In drafting the AEE and preparing my evidence I have:
 - (a) been involved in the initial scoping of the proposal and identifying the resource consents and expert assessments required;
 - (b) coordinated the expert assessments required to support the resource consent applications;
 - (c) prepared the resource consent applications and associated AEE for regional and district resource consents;
 - (d) participated in meetings with representatives of Greater Wellington Regional Council (**GWRC**) and the Council;
 - (e) assisted the Council in its applicant role (**applicant**) to respond to further information requests by the Council (as consent authority) prior to the application being notified (in September 2021); and
 - (f) undertaken site visits on 9 April 2020, 30 April 2020, 19 May 2020 and, most recently, 9 September 2022.

Code of conduct

6. I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2014. This evidence has

¹ The resource consent application was originally lodged on 20 May 2020. However, it was withdrawn on 1 July 2021 and a new application was lodged. The date of the resource consent application and AEE to which my technical assessment was appended is 29 June 2021.

been prepared in compliance with that Code, as if it were evidence being given in Environment Court proceedings. Unless I state otherwise, this evidence is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Purpose and scope of the evidence

7. My evidence addresses planning matters, and proposed consent conditions.
8. The application materials (including the AEE and Schedule 16, which considers relevant objectives and policies) and the section 42A report prepared by Mr Anderson contain detailed evaluation of the Project against the relevant planning instruments, including the Kāpiti Coast District Plan (**District Plan**), the Regional Policy Statement for Wellington (**RPS**), the New Zealand Coastal Policy Statement (**NZCPS**), the National Policy Statement for Urban Development 2020 (**NPS-UD**), and the Resource Management Act 1991 (the **Act** or **RMA**).
9. Since the AEE was lodged there have been eight proposed plan changes to the District Plan. I concur with the conclusions reached by Mr Anderson in paragraph 32 of his section 42A report. Namely, that proposed plan changes 1A – Accessible Car Parking, 1B Liquefaction Risk Management, 1C Cycle Parking and 1L Council Site Rezoning are all relevant to the application. The park forms part of PC1L, to be rezoned from Natural Open Space Zone to Open Space Zone (Recreation Precinct) to better align with the use of the site.
10. My evidence does not step through that evaluation in great detail, particularly given the high degree of agreement between me and Mr Anderson on the relevant planning provisions and how they apply to this proposal. Rather, in this evidence I briefly highlight a number of key aspects of note, adopting the following structure:
 - (a) an executive summary, highlighting the key parts of my evidence;
 - (b) an overview of the proposal, the site, the consent sought, and the relevant planning framework;
 - (c) a summary of the Project's actual and potential effects on the environment, including a brief overview of the existing environment and the relevance of a permitted baseline to the analysis;

- (d) an overview of the evaluation of the Project against the planning framework and relevant other matters;
- (e) section 104D of the Act;
- (f) part 2 of the Act;
- (g) comments on issues raised in submissions relevant to planning matters and conditions; and
- (h) comments on the section 42A report.

EXECUTIVE SUMMARY

11. The applicant is seeking resource consent for the construction of new buildings, carparks, associated earthworks and retail use of part of the buildings to facilitate activities associated with visiting Kāpiti Island.
12. The Council's consultant planning officer, consultant landscape architect, consultant traffic engineer and council development engineer have all reviewed the proposal and consider that the environmental effects associated with the proposal are acceptable, no more than minor and can be mitigated by the recommended conditions of consent.
13. It is my opinion that given the design of the development, and the suggested conditions of consent, any potential environmental effects associated with the proposal are acceptable and no more than minor, and, particularly when considering the positive effects, the proposed development is appropriate for the site.
14. The proposed development is consistent with the objectives and policies of the relevant planning mechanisms, in particular the RPS, NZCPS and NPS-UD.
15. Based on my assessment of the proposal, I consider that the proposal is consistent with the objectives and policies of the District Plan.
16. The Project therefore successfully meets both of the two section 104 'gateway tests' and can be considered under the requirements of section 104 of the RMA.
17. I also consider that the proposal is in keeping with the purpose and principles of the Act as set out with Part 2.

18. I, therefore, consider resource consent can be granted subject to the imposition of appropriate consent conditions.

OVERVIEW OF THE PROPOSAL, THE SITE, THE CONSENT SOUGHT, AND THE RELEVANT PLANNING FRAMEWORK

The Site

19. The application site, 2 Marine Parade, represents a 3.03ha parcel on the western side of the road. As described in the section 42A report, the site contains a number of uses, including the Kāpiti Boating Club building, beach access and car park in the north, recreational facilities (skate park, playground, BBQ area and public toilets, as well as two separate car parking areas north and south of these facilities), additional car parking areas, and picnic tables, as the site extends south.
20. The topography of the site is reflective of the natural dune system, rising to a 'peak' in the foredunes to the west. The Tikotu Stream also transects the site to the north of the proposed buildings and has recently undergone construction of debris arrestors and new retaining walls.
21. The southern carpark area is a gently sloped largely mown grass area running parallel to Marine Parade and its associated shoulder – parking to the east. To the west the site includes existing dune vegetation which extends north to south in a strip running parallel to Paraparaumu Beach and Maclean Park and abuts a long narrowing extent of mown grass included as part of Maclean Park.
22. The site is legally described as Part Section 2 SO322370 held in Record of Title 239464. The parcel is vested in the Council as Recreation Reserve.² There is one interest on the title which relates to a building consent being issued pursuant to section 72 of the Building Act 2004, being susceptible to a natural hazard. This notification relates to a building consent issued for 'fire re-instatement', which the applicant has confirmed relates to Kāpiti Underwater Club (located adjacent to the Kāpiti Boating Club building). I understand the notification arose due to a fire at the Kāpiti Underwater Club, following which the building was rebuilt.
23. The existing environment is outlined at paragraph 7 of the section 42A report, and I generally concur with the matters considered to make up the existing

² New Zealand Gazette 2055 p 2837.

environment. In addition, it is relevant to note that the Department of Conservation (**DOC**) concession for visitors to Kāpiti Island allows for 160 visitors per day, which equates to 58,000 visitors per year (on a theoretical basis, because current demand is considerably less and weather conditions do not allow sailings every day). At present, there are approximately 16,000 visitors to Kāpiti Island per year. It is therefore reasonable to expect that these visitor numbers could increase as of right without any other infrastructure changes.

The Project

24. The proposal is described in the AEE and is summarised in the section 42A report. I do not propose to repeat in detail the description of the application, however I outline some key points below.
- (a) In response to the further information request, the proposal was altered to remove carparking at the Paraparaumu Beach Golf Course and on Maclean Street. Instead, the Project includes an extension to an existing carpark and upgrade of another section of existing carpark in the southern end of Maclean Park.
 - (b) Since the application was lodged, a number of submitters (and the landscape architect advising the consent authority, Ms Williams) have commented on the potential for lighting to spill beyond the site or have adverse effects on amenity values. As discussed further below, the applicant now proposes conditions that expressly limit lighting in the parking areas to less than the standard of 10 lux, in order to minimise the potential for light spill and adverse effects on neighbours.
 - (c) In response to questions from submitters about the level of detail provided regarding signage on the building, the applicant now proposes to restrict signage to accord generally with that indicatively shown in the application documents. This consists of signage of 6.4m² in area ('Te Uruhi'), which will be located on the extent of building within legal road. As discussed further below, the Council proposes to link the 'in general accordance' condition to the relevant drawings showing this signage.
 - (d) The intent of the proposed retail activity (which is one reason for the non-complying status overall of the proposal) is to have a coffee and cabinet food style kiosk within the Discovery Centre, with the ability to buy tickets for the tours to Kāpiti Island. There is also potential for this

area to sell artwork or gifts associated with the eco-tourism. There is no intention to have general retail activity, which I understand is not lawful within a recreation reserve in any event.

25. The Council is seeking resource consent for the construction of new buildings, carparks, associated earthworks and retail activity (in part of the buildings) to facilitate activities associated with visiting Kāpiti Island.

The relevant planning framework

26. The RMA restricts any person from using land in a manner that contravenes a district rule unless a resource consent expressly allows the activity, or it is allowed under the existing use rights provisions.³

27. The site is zoned Natural Open Space in the District Plan and is within the Open Space Recreation Precinct. There are four notations identified in the District Plan that are relevant to this proposal. The site itself is subject to three of them, namely:

- (a) Flood Hazard – Ponding;
- (b) Flood Hazard – Stream Corridor; and
- (c) Special Amenity Landscape (**SAL**) – Southern Beaches (SAL29).

28. While the entire site is mapped as a SAL, the description provided in the District Plan⁴ predominantly relates to the beach, public areas of the foredunes and streams, including the Tikotu Stream.

29. As a non-complying activity, the application must be assessed in accordance with the provisions of section 104D of the Act, where a consent authority may grant consent if it is satisfied that either the adverse effects on the environment will be no more than minor or the activity will not be contrary to the objectives and policies of relevant plans. These are commonly referred to as the 'gateway tests'.

30. The application materials and section 42A report contain a detailed analysis of the Project against the relevant planning instruments, as relevant to determining the resource consent application under section 104 of the RMA. Later in this evidence I summarise key points of that analysis. As noted

³ RMA s9(3)

⁴ The description identified in Schedule 5 of the District Plan for Special Amenity 29 states "*Beach and public areas of the foredunes extending from the settlement of Paekākāriki through to the northern edge of the Waikanae Beach settlement including the Wharemauku Stream, Tikotu Creek [...]*"

above, the main instruments are the District Plan, the RPS, the NZCPS, and the NPS-UD.

31. I concur with the conclusions reached by Mr Anderson in paragraphs 63 and 64 of his section 42A report, to the effect that the National Policy Statement for Freshwater Management 2020 is not relevant to this resource consent application.

Consents applied for

32. The resource consent application identifies the District Plan consent rules triggered by the proposal at the time of lodgement,⁵ and therefore I will not repeat that detail in my evidence. However, I note that Mr Anderson has not identified any further non-compliances associated with the rules and standards at the time of lodgement.
33. The application materials show signage on the proposed buildings and discuss lighting of various elements of the Project. However, as outlined earlier, in response to concerns raised by submitters the applicant is now being more specific about the proposed lighting and signage, which has clarified that additional District Plan rules are triggered by the proposal, as outlined below:
- (a) Where lighting for pedestrian/cycleways and carparks are not lit to a minimum of 10 lux (in this case, to minimise any visual effects on neighbours), this requires resource consent under rule NOSZ-R11 as a restricted discretionary activity.
 - (b) Signage located within legal road, requires resource consent under rule SIGN-R17 as a non-complying activity.
34. Overall, the proposal is a non-complying activity. This status is triggered by the proposed retail activity being provided for in the Te Uruhi buildings, which are in the Natural Open Space Zone and the associated building signage, which is within the legal road. The establishment of the buildings would otherwise be a discretionary activity.
35. Regional consents have been granted by GWRC for the following:
- (a) [36918] Land use – streamworks (expires 3 December 2055);

⁵ In table 1 and on pages 28 and 29 of the AEE.

- (b) [37316] Coastal permit – general structure (expires 3 December 2055);
- (c) [36919] Discharge permit – discharge to water (expires 3 December 2025);
- (d) [37221] Land use – soil disturbance (expires 3 December 2025); and
- (e) [37292] Water permit – surface water diversion (expires 3 December 2025).

THE PROJECT'S ENVIRONMENTAL EFFECTS

Existing environment and permitted baseline

- 36. I concur with the conclusion reached by Mr Anderson in that there is no permitted baseline for the site, but that the District Plan does permit buildings within the Natural Open Space Zone. My analysis of the Project does not rely on a permitted baseline.
- 37. While the proposed zoning under proposed Plan Change 1L is not yet applicable to the site, it is important to understand the anticipated change in development rights for the site. In summary:
 - (a) maximum building coverage increases to 5% from 2%;
 - (b) maximum gross floor area of any building increases to 500m² from 350m²; and
 - (c) maximum height increases to 8m from 6m.
- 38. There are no differences in the yard setback requirements or measurement requirements for height envelopes.
- 39. By my calculation, 5% site coverage on the net site area of 30,337m² is 1,516m². In considering the existing buildings on the site (as per paragraph 76 of the section 42A report), the total site coverage including the Project would be approximately 3% (or 912.6m²).

Assessment of Environmental Effects

- 40. The potential environmental effects of the Project are addressed in the AEE. My evidence below concentrates on the key environmental effects associated with the Project, following the order in which they are addressed in the section 42A report.

Traffic effects

41. Traffic effects associated with the Project have been identified and assessed in the Kāpiti Gateway Transport Impact Assessment (**TIA**) appended as Appendix 9 to the AEE and summarised in Section 4.2.3 of the AEE. Additional information on traffic matters have been provided in response to both the section 92(1) request for further information and in **Ms Taylor's** expert evidence.
42. **Ms Taylor** concludes in her expert evidence that the Project itself does not worsen or create any additional traffic or transport effects, nor compromise existing safety or use of the road.
43. Mr Rodenburg, consultant for the Council, agrees with the view of **Ms Taylor** as noted in the section 42A report by Mr Anderson.
44. Having considered **Ms Taylor's** assessment and Mr Rodenburg's advice, I concur with their finding and consider the traffic effects to be acceptable and, in section 104D terms, no more than minor.

Effects on natural character

45. I refer to the evidence provided by **Rebecca Cray**, advice by Julia Williams (the consultant landscape architect who inputted to the section 42A report) and Mr Anderson in his section 42A report with regard to effects on natural character.
46. I agree with those witnesses that the degree of naturalness at the southern carpark – while higher than where the Te Uruhi buildings are to be located – is significantly lower than nearby areas, and that it is primarily limited to a transitional area between Maclean Park and the higher area of naturalness to the south and west. I acknowledge that the location of the Te Uruhi buildings is highly modified and will be located on an existing carpark with very little naturalness.
47. In considering the stepped approach to considering adverse effects when looking at the southern carpark extension I take into account the following:
 - (a) the carpark is proposed to be located at the southern end of Maclean Park, which adjoins the coast, and therefore the effects on natural character of the coastal margin cannot be avoided;

- (b) remedying effects relates to 'fixing' something – for example hydroseeding exposed earth after earthworks – and because the carpark will be a permanent structure, many of the effects cannot be remedied;
 - (c) planting has been considered as an appropriate way to mitigate the effects on the natural character of the coastal environment. However, as detailed by **Ms Cray** and Ms Williams, and as agreed by Mr Anderson, the level of change proposed by the southern carpark is such that more than mitigation of effects is required; and
 - (d) as such, the last consideration is offsetting. The Project includes planting of approximately 1,107m² of coastal back dune to offset the effects on the natural character of the immediate coastal environment.
48. In my opinion, there is a minor effect on the (immediate, although modified) natural character of the southern carpark as perceived from the properties at 55-58 Marine Parade, and generally. With regard to the natural character of the wider environment, this is highly modified on the western (back) side of the dunes and as such I consider the effects to be less than minor. Overall, I agree with the conclusion reached by Mr Anderson, that the effects on natural character are acceptable.

Coastal environment

49. The District Plan defines the coastal environment as "*the area mapped in the District Plan Maps*". Within Paraparaumu, the coastal environment extends from the Beach in the west to the old State Highway 1 in the east, and therefore covers a variety of developed and undeveloped areas including the Kāpiti Airport, General Residential Zone and the Paraparaumu Metropolitan Centre.
50. I concur with Mr Anderson at paragraph 102 where he states: "*providing the proposed facility in the coastal environment is necessary.*" As stated in **Mr Hulme-Moir's** evidence, there are a number of key threats to the pest-free status of Kāpiti Island and therefore to ensure best practice requirements are adhered to, the building must be located on the coast. The further the building is from the coast, the greater risk there is for contamination between transfer from the building to the boat across to the island. As such, the location of the building reduces the ecological effects on Kāpiti Island.

51. It is acknowledged that there are different characteristics within the coastal environment and that at the building location it is a highly modified recreational area with carparking, playgrounds, amenity blocks and seating areas. **Ms Cray's** evidence addresses the appropriateness of the Project in the coastal environment, and concludes that it is appropriate, including because the proposed site for the Visitor Centre (and others for the rest of the Project) does not elicit a high degree of protection based on the identified physical attributes and relative degree of naturalness.
52. Based on the evidence of **Ms Cray** and **Mr Hulme-Moir**, and for the reasons noted by Mr Anderson, in my view the Project is an appropriate use of the coastal environment, and its effects on the natural coastal environment will be no more than minor.
53. With regard to the southern carpark, it is a modified area of Maclean Park but to a lesser degree than the northern end by the Tikotu Stream. It is a modified state in that it is a gently sloping back dune covered in mown grass and some vegetation near the public walkway along the crest. The proposed planting will provide a transitional area between the recreational use of Maclean Park to the north and the naturalised area of the coastal dunes to the south.
54. Overall, I consider the effects on the coastal environment to be acceptable and no more than minor.

Effects from the retail activity

55. As outlined in section 4.2.2 of the AEE, the retail floor space will provide an ancillary activity to the operation of the gateway centre. This building will comprise an area for ticket sales, coffee and cabinet food sales, display and provide an exhibition of information relating to the area and Kāpiti Island, as well as provide space for mana whenua to share their stories.
56. There is a functional need for the buildings to be located within Maclean Park, close to the boating club for launching to Kāpiti Island. The retail activity will be ancillary to the primary purpose of the building, being a space to share information and stories, and providing for the biosecurity needs for visitors to Kāpiti Island. It is considered appropriate that activities associated with the Kāpiti Island and Te Uruhi 'experience' are located in the one place. I concur with Mr Anderson at paragraph 107 of his section 42A report that the

Project will meet the recreational needs of the community, and that currently the needs of visitors to Kāpiti Island are not sufficiently met.

57. Given the relatively small size of the retail activity, I consider that this Project will not result in the expansion of the district's working zones, and will have minimal impact on the viability of the Centres to continue to function.
58. Whilst the retail activity will be located within the building, the proposal does not include signage relating to the sale of ancillary goods. In saying this, I consider that the scale of the retail activity is not uncommon within open spaces, such as Maclean Park. Retail activities such as coffee carts or ice cream vendors are commonplace at recreation reserves where there are a number of users involved in various recreational uses.
59. Overall, I agree with the conclusion reached by Mr Anderson, and consider any effects resulting from the ancillary retail activity are acceptable and no more than minor.

Amenity / landscape and visual effects

60. The landscape and visual effects have been well identified and documented in the Landscape and Visual Effects Assessment (**LVEA**) prepared by **Ms Cray**, and in her evidence. The LVEA assessed the level of change the landscape can absorb, and the level of effects of the Project on the landscape (factoring in the mitigation measures proposed). This assessment has been undertaken in accordance with industry best practice, using a seven-point scale.
61. As outlined in **Ms Cray's** evidence, the advice by Ms Williams, and in paragraphs 116 to 121 of the section 42A report, there will be changes to the visual outlook for the adjacent properties along Marine Parade.
62. I concur with the conclusion reached by Mr Anderson with regard to the guidance offered by Objective 4 of the NPS-UD. That is, I consider change in amenity values must be anticipated to a degree. I have elaborated on this later in my evidence. In this regard, there is not an expectation that the environment will remain the same; it is subject to change over time and those changes may reasonably include the establishment of the Project, (including the southern carpark extension). Therefore, I agree with Mr Anderson that any changes in amenity resulting from the Project will be acceptable.

63. I also note that the District Plan does not seek to protect views from private property.
64. The proposed building signage is not considered to adversely affect the amenity or landscape values of the adjacent properties. The signage will be located on the building façade, and does not further impede the landscape as viewed from these adjacent properties. It is considered that no specific condition is required to mitigate any potential visual effects and that it can be appropriately dealt with under the 'in general accordance with the approved plans' condition.
65. As referred to in the evidence of **Ms Cray**, one amenity consideration that has been raised (with respect to adjacent residential properties) is the potential of light spill associated with the Project. This is potentially relevant to:
- (a) lights throughout the carpark and pedestrian walkways;
 - (b) internal building lighting;
 - (c) security lighting; and
 - (d) external building, signage and sculpture lighting.
66. The applicant has engaged a lighting specialist to consider the lighting design of the building, signage, carparks, and artwork. As noted by Mr Anderson at paragraph 173 of his section 42A report, the District Plan permits lighting as a permitted activity in the Natural Open Space Zone subject to standards.
67. In consultation with the lighting expert, the applicant now proposes the following design measures and constraints to deliver on these parameters:
- (a) orientating carpark lighting away from residents' properties, meaning lighting will generally be directed west;
 - (b) to avoid glare: direct glare 'luminous intensity' from light sources will be controlled by selecting luminaires that minimise direct sight line from the nearby residences, and in general aiming fittings away from nearby residences; and
 - (c) to control the extent of lighting effects, outside of the proposed operational hours of between 7am – 10pm⁶, low or 'minimum' lights and

⁶ I understand it is possible the buildings may not operate until 10pm every night.

lighting levels (i.e. lux levels) are to be implemented. This has been confirmed to be technically and practically achievable within the site and the relevant lighting standards.

68. Following the professional advice to further reduce the potential for lighting effects, the lighting of the building and landscaping will comply with Rule NOSZ-R1 for the Natural Open Space Zone, except for:

5. "Light levels for pedestrian/cycleways and carparks must be lit at a minimum of 10 lux."

69. The levels provided for under the AUS/NZ Standard 1158.3.1 appropriately allow for the carpark and footpath lighting to be reduced to an average of 3.5 - 7 lux within the identified fully-lit operational hours (until 10pm and from 7am each morning). The resulting lux levels are required to manage 'fear of crime' and 'night time vehicle movement.'
70. A detailed lighting plan will be prepared for the Project in accordance with these standards, if consent is granted. In the meantime, the applicant has devised amended lighting conditions that require the Council to consult with the two submitters closest to the Te Uruhi buildings (and with iwi) about the lighting plan, and for the plan to demonstrate that effects on neighbours are minimised (while achieving Crime Prevention Through Environmental Design outcomes), as well as compliance with relevant lighting standards. I developed those proposed conditions – which are in the updated proposed conditions set in **Appendix 1** to my evidence – in discussion with relevant lighting specialists.
71. In respect of the potential effect on amenity of additional visitors to the site, I concur with Mr Anderson's assessment regarding these effects and emphasise the intent of the building is to provide a gateway to Kāpiti Island and provide a space to share and educate biodiversity and cultural stories important to the Island and Te Uruhi. Maclean Park as a recreation area attracts a multitude of different users, but is not anticipated to increase the number of visitors to the Park at so great a level as to have any material effect on amenity values.
72. Overall, I consider that the effects on amenity and landscape values will be acceptable and no more than minor.

Natural hazard effects

Flood hazard

73. Flood hazard effects of the new buildings and associated earthworks have been identified and assessed in section 4.2.6 of the AEE.
74. The majority of the site where the buildings will be located is situated within an identified flood hazard area, related to the Tikotu Stream which forms part of Kāpiti Coast District Council's stormwater network. To address the risks associated with this hazard, the proposed building has a floor level of 3.4m above mean sea level (**AMSL**) to the underside of the floor joists (which is 1.3m above finished ground level). This floor level will ensure that the proposed buildings and associated deck area is above the 1% AEP event level for the site, being RL 3.2. As noted by policy NH-FLOOD-P8, these flood event levels include projected climate change and precautionary freeboard.
75. The proposed earthworks within the identified stream corridor flood hazard involve cut works only. These earthworks will widen the channel, increasing the stream's ability to convey flood water volumes, therefore not exacerbating the flood risk.
76. I consider the flood hazard risk to be acceptable and the effects to be no more than minor. The Te Uruhi buildings will be more resilient to floods than much of the surrounding area, which would be inundated during 1% AEP flood events.
77. The southern carpark area is predominantly flood free. The 1% AEP event level for this area is RL 3.7, and the carpark has been designed with a finished ground level of RL 4.0. Therefore, I consider the creation of this carpark will not exacerbate the ponding risk.
78. It is my view that the proposed conditions (including the 'in general accordance' condition, which will attach to the Te Uruhi building floor levels) are appropriate and ensure the potential risk to human health is appropriately addressed during high rainfall events. The mapped flood levels are such that the depth will not result in too much risk to material damage to adjacent properties. The likely use of the Project in bad weather is considered to be low, and therefore the risk to users of the site is considered acceptable and no more than minor.

Earthquake hazards

79. The geotechnical properties of the land on which the proposed new buildings will be situated have been assessed in the Miyamoto International New Zealand Limited assessment accompanying the application.
80. The findings of the geotechnical assessment indicated there is risk for liquefaction in an Ultimate Limit State event, and that suitable foundation options are geotechnically feasible for the site.
81. Mr Anderson's section 42A report advises the proposal has been reviewed by Council's Development Engineer and there is no reason to question the conclusions of the report prepared by Miyamoto International New Zealand Limited. I concur with Mr Anderson's conclusion that the relevant earthquake rule is considered inoperative, and the proposal is acceptable with regard to earthquake hazard risk.

Coastal hazards

82. The site is subject to the District Plan 1999 overlay – Coastal Building Line Restriction, which restricts the construction of buildings west of this line. The proposed buildings are not located on, or over, the building restriction line.
83. As stated at paragraph 136 of the section 42A report, the Council engaged Jacobs New Zealand Limited to undertake an assessment of coastal hazards for the district, which "*identifies areas susceptible to current and future coastal erosion and inundation under various potential magnitudes of sea-level rise over 30, 50, and 100 years*". The purpose of this assessment is to update previous coastal hazard assessments undertaken along the shoreline within the district involving the spatial extent of areas potentially susceptible to current and future coastal erosion and inundation hazards. The works site is located within the Tikotu Stream Hydrosystem Cell.
84. I interpret the conclusions reached in the Jacobs report somewhat differently to Mr Anderson, in that while the historically the shoreline within the Cell has been accreting in this area, the authors of the report have given an indication of the spatial limits of where the hydrosystem have been in the past (illustrated in the below figure)

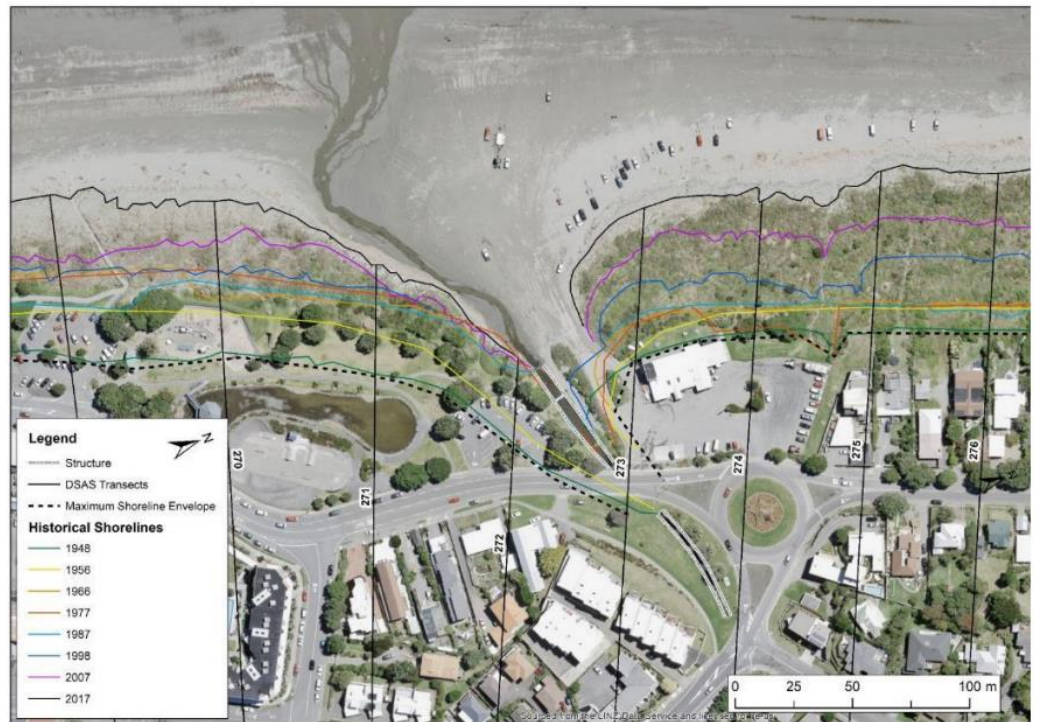


Figure 7.7: Historical shorelines and maximum shoreline envelope at Tikotu Stream.

85. The conclusions reached state that no *private land parcels intersect with the potential hydrosystem extent, but two public land parcels could be affected.* (emphasis added).
86. The proposed buildings will be located within the potential hydrosystem extent. In considering the potential effects, a typical building has a lifespan of approximately 50 years and therefore would likely require work again in approximately 2073. Additionally, the purpose of these buildings are to provide biosecurity checking prior to departing for Kāpiti Island. Therefore, it is essential for them to be located close to the boating club and departure point.
87. The applicant acknowledged the potential for coastal hazards, such as erosion, on the site and therefore has designed the proposed buildings be relocatable, should the effects of coastal hazards require the building to be moved off-site.
88. The southern carpark is located within the Paraparaumu Coastal Cell (approximately transect 263) which is shown to have a projected coastal erosion distance of:
 - (a) Present-day erosion susceptibility: 8m
 - (b) Future coastal erosion susceptibility (worst case scenario)

- (i) 2050 – 15.6m;
- (ii) 2070 – 23m; and
- (iii) 2120 – 53m.

89. It is considered that this carpark is not critical infrastructure, and therefore, could be abandoned if required. However, is not predicted to be impacted by coastal erosion until the 2120 worst-case scenario.
90. In considering the above factors, any potential natural hazard effects associated with this proposal are acceptable and less than minor.

Iwi matters

91. As outlined in the AEE and the section 42A report by Mr Anderson, the Project has been devised in partnership with Ātiawa ki Whakarongotai (**Ātiawa**) and Te Rūnanga o Toa Rangatira (**Ngāti Toa**). This is an ongoing process, as explained in the evidence of **Ms Law, Mr Barrett, and Ms Solomon**.
92. In taking into consideration the evidence of **Mr Barrett and Ms Solomon**, I consider the Project strongly reflects the principles of the Treaty of Waitangi, in embodying a partnership with tāngata whenua. To give the Panel comfort that this partnership will continue into the future, I have devised a number of conditions to this effect that are contained in the set in **Appendix 1**.
93. Overall, I consider that the Project appropriately addresses cultural values and therefore effects of cultural values are acceptable and less than minor.

Earthworks effects

94. The area over which earthworks will be undertaken is a relatively small proportion of the site and is predominantly in cut. The earthworks have been designed to tie into the existing ground level where possible and replicate a similar undulating topography to the existing environment.
95. No engineered retaining structures are required to support the earthworks. Regarding visual amenity, works will be temporary in nature and will be screened by the proposed building, carparking, or planting.
96. Other effects associated with undertaking earthworks relate to erosion, dust and sediment. The applicant proposes, and accepts the proposed condition, to undertake the work in accordance with a construction management plan

which includes relevant erosion and sediment control measures. In my opinion, these will suitably reduce the potential for sediment and wind-blown sand to leave the works area.

97. Both the reporting officer and I have reached the same conclusion that subject to the imposition of suitable conditions of consent addressing erosion and sediment control and stability, any effects from the proposed earthworks will be acceptable and less than minor.

Infrastructure effects

98. As outlined in the AEE and the section 42A report, the site is able to be adequately serviced by water supply, wastewater and stormwater disposal, and electricity and telecommunications connections.
99. Water supply, wastewater disposal and stormwater disposal networks are all located at the site boundary. No issues have been raised with the capacity of the water supply or wastewater disposal networks by the Council's Development Engineer.
100. Mr Anderson's report identifies a number of conditions pertaining to servicing that would need to be imposed on the resource consent, if it was to be granted. It is considered that these suggested engineering conditions are appropriate and will address any potential engineering-related effects associate with the proposal.
101. Overall, I consider that the buildings can be adequately serviced to an acceptable level, with an acceptable effect on existing infrastructure.

Ecology and biodiversity effects

102. The site is not situated within, nor does it contain part of, an ecological site as identified in the District Plan. However, a terrestrial and stream ecological impact assessment (**EIA**) was carried out by Cardno, which is included among the application materials.
103. Overall, the EIA found the effects on the aquatic ecosystem, terrestrial habitat, and the avian community to be low (less than minor). It considered the long-term effects on the stream works and planting within the riparian zone to have a positive effect.
104. Despite no ecological protections afforded under the District Plan on the site, the proposal is to be undertaken on an already highly modified site and the

proposed stream works are considered to improve the instream and stream edge habitat and ecological functioning of the stream and riparian zone.

105. I therefore consider the conditions offered are more than adequate to offset any limited ecological effect, and therefore effects on ecology and biodiversity are acceptable and less than minor.

Positive effects

106. Positive effects are an important consideration in evaluating resource consent applications and the evidence of **Ms Law, Mr Barrett, Ms Solomon, Mr Holme-Moir, and Mr Ward** speaks to the significant benefits that the Project will bring about.

107. **Mr Barrett and Ms Solomon**, in particular, highlight the large opportunity that the Project presents for iwi. The other various positive effects of the proposal include:

- (a) facilitation of a new destination, improving the departure point for Kāpiti Island Tours;
- (b) providing a dedicated biosecurity facility, protecting the natural reserve and some of New Zealand's native (and in some cases endangered) flora and fauna species on Kāpiti Island;
- (c) enhancing Maclean Park and people's experience of this important recreational space, providing safety and passive surveillance for users of the Park, bringing together the community, cultural history and values of the site and the Island, and conveying information and knowledge about the natural reserve and the native flora and fauna on Kāpiti Island;
- (d) incorporating water sensitive urban design through rain gardens; and
- (e) enhancing the ecological values present adjacent to the Tikotu Stream by riparian zone planting.

OVERVIEW OF EVALUATION AGAINST THE RELEVANT PLANNING INSTRUMENTS

National Policy Statements

108. I consider the NZCPS to be of relevance due to the proposed development being undertaken on a site within the Coastal Environment overlay of the District Plan and immediately adjacent to Paraparaumu Beach.
109. In my view the biosecurity element of the Project has a functional need to be located in the coastal environment. Biosecurity plays a crucial role in maintaining Kāpiti Island's pest-free status, as outlined in the evidence of **Mr Hulme-Moir**. In this coastal location, the building and biosecurity features are within close proximity to the boat launching area to depart to Kāpiti Island.
110. The Project generally aligns with the outcomes sought by the NZCPS as outlined below:
- (a) The Project is consistent with Objective 1 by enhancing natural biological processes in the coastal environment by re-introducing native planting along the Tikotu Stream bank and the back dune at the southern end of Maclean Park. In providing for a biosecurity facility, the Project will ensure the significant natural ecosystem of Kāpiti Island is safeguarded.
 - (b) The proposal recognises the importance native planting within a dune system plays, and as such, to offset the carpark extension, extensive offset planting is to be undertaken along the back dune. As noted at paragraph 102 of the section 42A report, and earlier in my evidence, there is a functional need for this proposal to be located within the coastal environment, therefore not considered to be inappropriate in its location and not contrary to Objective 2.
 - (c) The Project has been devised in partnership with local iwi and is strongly reflective of the principles of Te Tiriti o Waitangi (Objective 3 and Policy 2).
 - (d) The Project strongly aligns with Objective 4, which seeks to maintain and enhance the public open space qualities and recreation opportunities.
 - (e) As noted above, the Project is resilient to coastal hazards, in line with Objective 5.
 - (f) The proposal will not compromise the coastal marine area and will provide for the social, economic and cultural wellbeing of the applicant

and its constituents, tour operators, local iwi, and the wider community (Objective 6 and Policy 6).

111. In addition to these, Policies 1, 2, 3, 6, 13, 14, 15, 18 and 25 are relevant to this proposal.
112. Policy 13(2) allows for the recognition that natural character is not the same as natural features and landscapes. The proposal will change the existing natural character in the immediate vicinity of the works, however, has been designed to follow existing development patterns along the western side of Maclean Park.
113. Planting is proposed as mitigation that will ensure the experience of this additional carpark is in keeping with the current experience between the two adjacent carparks to the north and south. The works area site is not identified as an area of high natural character and physical walking connections will continue to be provided between the top of dune and built development.
114. Policy 14 advocates for the restoration of natural character, and I consider the proposed mitigation planting makes a contribution in this regard, in terms of extending the natural features of the coastal environment. Variation in vegetation will aid in visually creating rolling dune areas between the carparks and the general Maclean Park transition along the coastal walkway to the south.
115. Policy 15(a) refers to outstanding natural features and outstanding natural landscapes. The Project is not located within an identified outstanding natural feature or landscapes. However, the building and southern carpark areas do sit within natural features and landscapes of the coastal environment, being the Paraparaumu Beach area, the Tikotu Stream and dune landforms.
116. The Project site is located in an area that is highly accessible to the public (being Maclean Park), who also use the adjacent coastal environment (Paraparaumu Beach). The reshaping of the southern stream bank will be the greatest change in the existing landform. However, this change is considered to achieve a positive outcome by returning the stream to a more naturalised state and introducing coastal species back to the area.
117. The southern carpark will sit behind the vegetated back dune, with mitigation offset planting contributing positively to the wider coastal environment. It will

provide for a vegetated connection along the back dune environment in the southern part of Maclean Park, providing a transition between the recreational use of Maclean Park and the natural dune landscape to the south.

118. The proposal effectively results in the conversion of an existing carpark into the Te Uruhi to Kāpiti Island Gateway buildings, and the redevelopment of the surrounding area. Regarding Policy 18, the treatment of this proposal within Maclean Park is compatible with the site's existing character and use of public open space. This development takes into account for the usability of this building as a public space while also serving its purpose as a gateway and biosecurity needs for visitors to Kāpiti Island.
119. As further addressed below, natural processes of the coastal environment and the impacts of climate change have been used to inform the design of the buildings, including finished floor levels. It, therefore, is not considered to compromise the ability for public access to this public open space or the adjacent coastal marine area (and indeed the Project will promote such access).
120. Policies 3 and 25 promote the avoidance of development where it may increase the risk of social, environmental, or economic harm from coastal hazards. While located in the coastal environment, the design of the buildings and earthworks for the carpark has taken into consideration the coastal hazard risk. The life of the building is 30-50 years, and is relocatable, should it be required to move.
121. The risks associated with the proposal, being in close proximity to the coast, are to be considered alongside the benefits associated with enabling communities to provide for their social, economic, and cultural wellbeing. In this instance I consider that the Project meets this balance as the effects of the works will not unduly impact on the form and function of the coastal environment and will not materially adversely affect the character of the coastal area, due to the building design and location and proposed mitigation planting, among other factors.
122. Overall, in my view the proposed buildings and southern carpark are well aligned with the NZCPS.
123. In respect of the NPS-UD, in my view Policy 6 is somewhat relevant to this proposal insofar as it states that within urban environments, the planned

urban built form may involve significant changes which "*may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations...*".

124. In my opinion, the concerns raised by some submitters regarding amenity values should be considered in light of this direction. Moreover, while I acknowledge that the proposal will detract from current amenity values experienced at some of the properties along Marine Parade, I consider that the Project will improve amenity values appreciated by others users of Maclean Park, visitors to the District and future generations.

125. There are no other relevant National Policy Statements.

Regional Policy Statement

126. The policies of the Wellington RPS have been taken into consideration and are addressed in section 4.5 of the AEE.

127. In my view the Project accords with the general strategic direction of the RPS and is not contrary to any of the relevant objectives or policies, noting that these are generally reflected in the objectives and policies of the District Plan.

District Plan

Objectives and Policies

128. I have had regard to the objectives and policies of the District Plan. I do not consider the proposal to be contrary to any of the District Plan objectives or policies. Further, the section 42A report prepared by Mr Anderson identifies the relevant objectives and policies that apply to this proposal. Mr Anderson considers that the proposal is generally consistent with the objectives and policies that he has identified.

129. While I agree with the conclusions reached by Mr Anderson, I would like to draw attention to the following objectives and policies:

130. The Project has included a partnership model with Ātiawa and Ngāti Toa, and proposes to continue this partnership with this Project, should consent be granted. It recognises the outcomes sought by DO-O1 Tāngata whenua, in ensuring the principles of Te Tiriti o Waitangi are upheld.

131. While the EIA did not note any significant indigenous vegetation or habitats of indigenous fauna, the biosecurity process has a functional importance in this location for protecting the significant indigenous vegetation or habitats of indigenous fauna of Kāpiti Island (DO-O2 Ecology and Biodiversity).
132. It is acknowledged that much of the Kāpiti Coast District is located within the mapped coastal environment of the District Plan. Situated near the coastal edge, DO-O4 is even more relevant. In my opinion, the Project is consistent with points 1 and 2 of the objective as it is not located in, nor does it contain an area of outstanding natural character and high natural character, outstanding natural features and landscapes, significant indigenous vegetation, and significant habitats of indigenous fauna.
133. The explanation provided within the District Plan for DO-O4 explicitly states that "*the economic value of the coast is clear in terms of tourism...*" (emphasis added). The intent of the Project is to bring people to the Kāpiti Coast, creating a destination by the beach, which is a popular destination for active recreation. The Project does not interfere with existing public access along the coast, and in places, such as the southern carpark, will improve connections to the coast.
134. As outlined earlier in my evidence, the Project appropriately mitigates natural character effects on the coastal environment such that they will be no more than minor. Planting along the stream corridor and coastal dunes restores coastal characteristics.
135. The risk to people, communities and the built environment have been appropriately mitigated through design of the building being above the mapped flood hazard and to be relocatable, and as above I consider that any potential natural hazard effects will be less than minor. Earthworks are limited to cut only, which will not exacerbate the flood risk. (DO-O5)
136. It is considered that the proposed planting at the southern carpark and the streams bank will remedy these natural landforms, enhancing the landscape values of the special amenity landscape. (DO-O9)
137. Policy DO-O11 recognises character as the distinct, recognisable, and consistent pattern of natural or human elements. As such, the extension of the southern carpark will continue an existing character trait of the southern end of Maclean Park, therefore consistent with the recreational use of the area. The mitigation planting will provide for an appropriate transition

between differing land uses (road, residential, and recreational). Additionally, the proposed buildings will help create a vibrancy in the Paraparaumu Beach centre through tourism and visitors to the District.

138. Neither Mr Anderson nor any of the submitters have suggested that significant adverse effects arise from the application. It is my opinion that the Project enhances the quality of the existing open space by providing present and future recreational users with passive activities. It recognises the identity and history of the District through the visitor centre (which will include exhibition space for mana whenua 'story telling', the conservation story, and visitor information for the Kāpiti District), through the incorporation of significant Whakairo artworks (to be designed by mana whenua) and through the promotion of the District's distinct island and coastal beaches. (DO-O17 and NFL-P2).
139. Tours to Kāpiti Island are an eco-tourism activity well known on the Kāpiti Coast (NE-P6). The Project will provide a much needed biosecurity function, connecting people with Kāpiti Island and further enhancing the protection of significant vegetation and habitats.
140. In our letter addressing the southern carpark, dated 31 April 2022, we addressed policies CE-P2, CE-P3, and CE-P4. In summary, I consider the District Plan clearly outlines the identifying features of the areas of outstanding natural character and areas of high natural character within the District, noting the back dune within Maclean Park has been modified for recreational open space purposes and associated vehicular and pedestrian accesses. The southern carpark is primarily to be constructed within a modified area of mown grass, which forms part of the natural character of the back dunes in the immediate area Maclean Park. The overall proposal is geared towards remedying any adverse effects from natural and human induced effects within the coastal environment.
141. The Project provides for the recreational needs of the community, and visitors to the District. In meeting the current needs, and those of future generations (in particular through its biosecurity and conservation functions), the Project will enable an activity which is currently underprovided for (that is, a purpose-built biosecurity facility and visitor centre) and enhances the indigenous biodiversity of Kāpiti Island. (NOSZ-P2, NOSZ-P3 and NOSZ-P6)
142. Located on an existing carpark, in a highly modified landscape, the new buildings will not reduce the quality of the wider National Open Space Zone

as outlined through NOSZ-P4. The design of the buildings will take into consideration the recreational use of Maclean Park, and acknowledge the cultural values of Te Uruhi and Kāpiti Island.

143. It is also important to consider Policy SIGN-P5 for the proposed signage. In its design, the Project's signage aptly describes the purpose of the building as a gateway to Kāpiti Island. The placement of the sign at the road frontage is suitable and will not further detract from the outlooks of the properties at 3 and 5 Marine Parade, nor will it impact on the safe operation of Marine Parade.

Plan Change 1L

144. While the proposed zoning is not yet applicable to the site, it is important to understand the anticipated change in development rights for the site that Plan Change 1L will bring in. In summary:

- (a) maximum building coverage increases to 5% from 2%;
- (b) maximum gross floor area of any building increases to 500m² from 350m²; and
- (c) maximum height increases to 8m from 6m.

145. There are no differences in the yard setback requirements or measurement requirements for height envelopes.
146. No changes are proposed to the objectives and policies which are the same in both the Natural Open Space and Open Space Zones.
147. Retailing activities are also a non-complying activity in the Open Space Zone, and therefore the overall activity status under Plan Change 1L and the operative District Plan are the same.

Other Matters

148. The Maclean Park Reserve Management Plan 2017 (**Management Plan**) was approved to set a "*framework for the long term future use, management and development of Maclean Park*"⁷. The Project will contribute towards the desired development outcome for a gateway/Kāpiti Island visitor centre within Maclean Park.

⁷ Maclean Park Reserve Management Plan, p. 5: [MacLean Park Management Plan 2017.pdf \(dropbox.com\)](#)

149. In November 2016, community consultation began on the Maclean Park development and management plans following the reserve management plan process as set out in sections 41⁸ and 119⁹ of the Reserves Act 1977. The process of developing the Management Plan, including consultation, is set out in section 5 of the Management Plan. This process includes the full notification of the 'plans', which have always included a gateway project. The Management Plan process is discussed in more detail in the evidence of **Ms Law**.

150. The Project is consistent with within the Management Plan in that it:

- (a) is a partnership project with Ātiawa and Ngāti Toa, who have been closely involved in the development and design of the Project (and will continue to be) to ensure it recognises and celebrates their history, culture and tikanga (and that of Raukawa) in a meaningful and respectful way;
- (b) will provide a destination for visitors to Kāpiti Island, with educational information on the historical and cultural significance of the area available to not only visitors to the island but also users of Maclean Park (including through iwi-designed Whakairo artworks);
- (c) will improve the Tikotu Stream margins by increasing the native plant species providing more habitat for native wildlife;
- (d) will incorporate water sensitive urban design through the implementation of rain gardens;
- (e) will improve connections and accessibility to the coast and Paraparaumu Beach.

SECTION 104D OF THE ACT

151. As a non-complying activity, the application must be assessed in accordance with section 104D of the Act. This enables a consent authority to grant consent where it is satisfied either that the adverse effects on the environment will be no more than minor, or that the activity will not be contrary to the objectives and policies of relevant plans. This is commonly referred to as the 'gateway test'.

⁸ s41(5) and (6)

⁹ s119(1)

152. As explained above in my evidence, in my assessment the adverse effects of the Project on the environment will be no more than minor. In particular:
- (a) traffic effects will be acceptable and no more than minor;
 - (b) effects on natural character will be acceptable and no more than minor;
 - (c) effects on the coastal environment will be acceptable and no more than minor;
 - (d) amenity and landscape effects will be acceptable and no more than minor;
 - (e) any potential natural hazard effects (including flood, earthquake and coastal hazards) will be acceptable and less than minor;
 - (f) effects on cultural values will be acceptable and less than minor;
 - (g) effects resulting from earthworks will be acceptable and less than minor;
 - (h) effects on existing infrastructure will be acceptable; and
 - (i) effects on ecology and biodiversity will be acceptable and less than minor.
153. The overall intent of the District Plan objectives and policies is to avoid, remedy or mitigate adverse environmental effects. There are a number of provisions contained in the operative District Plan of relevance to this application and these have been referred to in Mr Anderson's report, the AEE and above in my evidence.
154. Taking a broad perspective on how the application sits with regard to the objectives and policies of the relevant planning instruments, I consider the application to be consistent with these provisions.
155. It is, therefore, my view that the Project satisfies both tests of section 104D and there is no reason to refuse consent under this section of the Act.

PART 2 OF THE ACT

156. As detailed above, there is clear direction provided by the higher order planning documents, and the District Plan with regard to development for the site. The operative District Plan is recent (it became operative on 30 June 2021) and appropriately takes into consideration the matters of Part 2.

157. For completeness, I consider the Project meets Part 2 of the Act in that:

- (a) it represents sustainable management of a physical resource by providing education on the natural and cultural environment of Maclean Park and Kāpiti Island, drawing visitors to the District, and in doing so, the Project enables people and the community to meet their social, cultural and economic needs;
- (b) the site is a known site of significance to Ātiawa and Ngāti Toa, as is Kāpiti Island. Connections to the site will be incorporated in the design and protocol for the Project;
- (c) it will not increase the risk to the health and wellbeing of people, or the risk of damage to property;
- (d) it adequately protects natural and physical resources above what is enabled by the District Plan by providing for planting in the riparian zone and existing backdune; and
- (e) it will have no more than minor effects, as outlined above.

158. In considering section 6, the site has features within five matters of national importance being:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area) (...) and the protection of them from inappropriate subdivision, use, and development;

(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;

(d) the maintenance and enhancement of public access to and along the coastal marine area (...);

(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;

(h) the management of significant risks from natural hazards.

159. The proposed works will largely be undertaken outside of any waterbody and largely in keeping with the predominant character of the wider Paraparaumu Beach coastal environment.

160. A detailed ecological assessment has been undertaken, as noted above, and the conclusions drawn are also considered relevant here. Most notably,

there is no significant indigenous vegetation or significant habitats to indigenous fauna affected by the Project. The proposed biosecurity features will continue to protect significant indigenous vegetation and habitats on Kāpiti Island.

161. Local iwi have a relationship to Te Uruhi and Kāpiti Island and have been engaged throughout the design process and have provided cultural values assessments / mana whenua assessments. Should resource consent be granted, the applicant will continue to work in partnership with Ātiawa and Ngāti Toa through the detailed design and implementation stages of Te Uruhi to Kāpiti Island Gateway Project (and the conditions proposed are aimed at formalising this partnership approach).
162. The Project has taken into consideration the risk of natural hazards on the site and appropriately mitigated adverse effects through building design and positioning.
163. The Project has considered section 7 in that it provides an efficient use and amenity of a land resource being supply of a biosecurity and educational facility, enhancing the environment through ongoing protections.
164. In terms of climate change effects, the Project acknowledges the potential effects of coastal erosion by incorporating dune and riparian planting to support natural ecosystems and built elements being designed to be relocated should coastal hazards as a result of climate change require it to be moved off-site.

PROPOSED CONSENT CONDITIONS

165. I note that the other expert witnesses for the applicant (**Ms Cray** and **Ms Taylor**) have stated that they are comfortable with the conditions provided by Mr Anderson in his section 42A report, subject to some additional comments **Ms Cray** makes in respect of lighting and signage, which I address below.
166. A revised set of conditions, incorporating changes discussed above in my evidence, and in the evidence of the applicant's other witnesses, is included as **Appendix 1** to my evidence. My recommended changes to Mr Anderson's condition set are shown in manual tracking (strike-through and underlined text).
167. Most of my recommended changes are minor and self-explanatory, however I wish to draw particular attention to:

- (a) Condition 1 (General): I have included some additional text referencing signage of the Te Uruhi buildings, to ensure the activity is carried out in general accordance with the signage as shown on the plans that have been submitted along with the application
- (b) Condition 6 (lighting plan): This is a consequential change intended to ensure consistency with the other lighting conditions proffered;
- (c) Conditions 18 – 22 (Mana Whenua / Governance Board): As discussed in the evidence of **Ms Law**, **Ms Solomon** and **Mr Barrett**, these are new conditions aimed at formalising the partnership approach to the Project through the Governance Board; and
- (d) Conditions 24 – 25 (lighting plan): These conditions are discussed in the evidence of **Ms Cray**, and respond to concerns raised through submissions (discussed in more detail below).

RESPONSE TO SUBMISSIONS

168. As stated in Mr Anderson's section 42A report, the application was limited notified to the owners and occupiers of the following properties on 27 May 2022:
- (a) 3, 5, 55, 56, 57 and 58 Marine Parade, Paraparaumu;
 - (b) 1, 2, 4 and 6 Manly Street, Paraparaumu;
 - (c) 2 and 3 Golf Road, Paraparaumu; and
 - (d) 386 and 388 Kāpiti Road, Paraparaumu.
169. The deadline for these submissions was 28 June 2022. A total of seven submission were received following the limited notification of the application from the owners at properties 1 Manly Street, 3 Golf Road, and 3, 5, 55, 56, and 58 Marine Parade were received. Six submissions were in opposition to the proposal, and one was partly in opposition, partly neutral. Issues raised in the submissions were also summarised in section 42 of the section 42A report by Mr Anderson.
170. I also note that individual witnesses have addressed specific matters raised in submissions in their evidence, and in particular I defer to the expert evidence of **Ms Cray** and **Ms Taylor**, as well as to the evidence of **Mr Barrett**, **Ms Solomon** and **Ms Law**.

171. I make the following comments in response to the issues raised in the submissions relating to matters of planning:

Compliance with the NZCPS (Mr and Mrs Burgess, Ms Holden / Mr Wilson)

172. The submissions received from Mr and Mrs Burgess, and Ms Holden and Mr Wilson, raise compliance with the NZCPS as a concern.

173. An assessment has been carried out of the proposal against the outcomes sought through the objectives and policies of the NZCPS above in my evidence. I have concluded that overall, the proposed buildings and southern carpark are well aligned with the NZCPS.

Consideration of alternatives (Ms Holden / Mr Wilson)

174. Ms Holden / Mr Wilson's submission asserts that the applicant failed to adequately consider alternatives, including the use of the Boating Club or land owned by the Council on the eastern side of the road.

175. Section 6(1) of Schedule 4 in the RMA requires an assessment of an activity's effects on the environment to include: "*(a) if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity.*"

176. An assessment of alternative locations was considered in the public consultation process of the Management Plan, which is discussed above.

177. In determining the actual or potential effects, I concur with the notification decision by Mr Anderson which concludes that the adverse effects on the environment are no more than minor.

178. As such, an assessment of alternatives under the RMA is not required for this proposal.

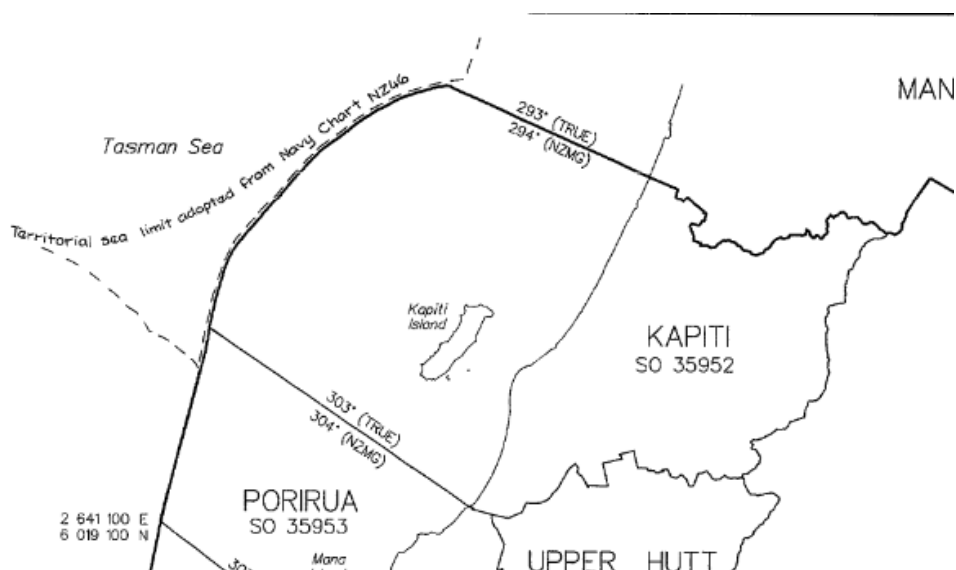
Contrary to Relevant Planning Mechanisms (Mr and Mrs Burgess, Ms Holden / Mr Wilson, Mr Barnett, Ms Knight, Mr Guy)

179. Submissions were received on a number of statutory and non-statutory planning mechanisms from Mr and Mrs Burgess, Ms Holden / Mr Wilson, Mr Barnett, Ms Knight and Mr Guy.

180. My assessment of the Project against Part 2 of the RMA is set out above, as is my assessment against the NZCPS, District Plan, Management Plan

and other relevant planning instruments. As above, I agree with Mr Anderson's conclusions that the Project is generally consistent with the objectives and policies in the District Plan, I consider the Project is well-aligned with the NZCPS, and I also consider there is consistency between the Project and the Management Plan.

181. Two submissions (from Ms Holden / Mr Wilson and from Mr and Mrs Burgess) commented on the development being contrary to the Wellington Regional Coastal Plan (**RCP**). The RCP applies to the coastal marine area, which extends to the seaward boundary as defined on SO35951 and the landward boundary being the mean high-water springs.



182. The applicant required, and obtained, resource consent under the RCP as a discretionary activity for the installation of debris arrestors and the discharge of potentially sediment-laden water into the Tikotu Stream.
183. I concur with the conclusions reached in the section 42A report, that the application is consistent with the RCP with the imposition of appropriate conditions of consent.
184. Resource consent is not required for the works at the southern carpark under the RCP as this area is outside of the coastal marine area.
185. The view that the Project must comply with all Natural Open Space Zone rules is immaterial. This application is applied for under the Natural Open Space Zone rules, and other relevant chapters, which allows for a resource consent of this nature to be lodged as a non-complying activity.

Limited notification decision (Mr Barnett and Ms Knight)

186. Mr Barnett and Ms Knight both raised the decision for the application to be limited notified. These submitters state that the application should have been more widely notified, and section 104(3)(d) of the RMA states that a consent authority must not grant a resource consent if the application should have been notified and was not.
187. Section 95A of the Act requires the consent authority to decide whether the activity will have or is likely to have adverse effects on the environment. While the Act does not explicitly state these are to be considered on the wider environment, section 95D prescribes that a consent authority must disregard persons who own or occupy, the land in, on, or over which the activity will occur, or any adjacent land to that land.
188. The term adjacent has a common meaning of "*close to, but not necessarily adjoining another site*". It can include land that is near or next to the subject site, such as land with a common boundary, or land close enough to be considered to form part of the context of the project site (ie separated by a road or watercourse). In terms of adjacent properties to the works site, it is considered that the following are included; the coastal marine area to the west, and persons at 53 to 60 Marine Parade, whilst the applicant owns and has responsibility for 2 Marine Parade (Maclean Park) and the surrounding road network.
189. Therefore, when considering effects on the environment it is section 95D which directs that these effects are to be considered on the wider environment given that consideration must be disregarded to the subject site and all adjacent persons.
190. It was concluded by Council, Council's landscape architect, and the applicant's Planner and landscape architect that the effects on the wider environment were no more than minor, at worst. As such, the application passed Step 3 of section 95A.
191. In accordance with Step 4 of section 95A, there were no special circumstances that warranted public notification under the Act.
192. Consideration was had to limited notification under section 95B, and it was concluded that effects upon all persons were less than minor, with the exception of persons who were notified. No special circumstances were found to warrant a wider limited notification process. I consider that

notification to those specified persons of this report remains valid, and that section 104(3)(d) does not apply.

RESPONSE TO COUNCIL OFFICER'S SECTION 42A REPORT

193. I have reviewed the section 42A Report and have already identified above where I concur with the findings of the report and have also identified where I think additional matters are relevant to these topics.
194. Mr. Anderson's report correctly identifies the environmental effects associated with the proposal. My evidence also identifies the appropriate objectives and policies of the District Plan, and we agree that consent should be granted for the Project.
195. Mr Anderson has recommended several conditions be imposed on the resource consent as part of his section 42A Report. Unless otherwise identified in my evidence (or in **Appendix 1**), I consider that the wording of the recommended conditions of consent is appropriate.

Emma Courtney McLean

19 September 2022

APPENDIX 1: APPLICANT'S RECOMMENDED CONSENT CONDITIONS

General

1. The proposed activity shall be undertaken in general accordance with the following plans [to be] attached to the decision and all stamped as 'Final Approved Plans' [date to be inserted], including as to the signage on the Te Uruhi buildings, as set out in Te Uruhi/Kāpiti Gateway South Elevation, 20.11, Revision 05, dated 17 November 2021:
 - Wraight – Associates Landscape Architects Plans, entitled *Kāpiti Gateway Resource Consent*, all dated 15 November 2021, being:
 - Landscape Site Plan L1.00;
 - Landscape Site Plan L1.01;
 - Landscape Site Plan L1.02;
 - Landscape Site Plan L1.03;
 - Illustrative Landscape Section L2.01;
 - Illustrative Landscape Section L2.02;
 - Stream Sections L2.03;
 - Planting Selection L4.01;
 - Planting Selection L4.02; and
 - Planting Selection L4.03.
 - Athfield Architects Limited Plans entitled *Te Uruhi*, being:
 - Site Plan – Proposed, A0.0.12-, dated 1/02/2022;
 - Floor Plan – Discovery Centre A1.02-, dated 1/02/2022;
 - Floor Plan – Biosecurity A1.03-, dated 1/02/2022;
 - Te Uruhi/Kāpiti Gateway South Elevation, 20.11, Revision 05, dated 17 November 2021; (which includes specific reference to the Te Uruhi signage)
 - Te Uruhi/Kāpiti Gateway North Elevation, 20.11, Revision 05, dated 17 November 2021;
 - Te Uruhi/Kāpiti Gateway West Elevation, 20.11, Revision 05, dated 17 November 2021;
 - Te Uruhi/Kāpiti Gateway East Elevation, 20.11, Revision 05, dated 17 November 2021;

- Te Uruhi/Kāpiti Gateway Whakairo Elements, 20.11, Revision 05, dated 01 November 2021;
- Wraight – Associates Landscape Architects Plans, entitled *MacLean Park Marine Parade Carpark Extension*, reference 2124 Mclean Park, March 2022, being:
 - Landscape Site Plan L1.00, dated March 2022;
 - Landscape Site Plan L1.01, dated March 2022;
 - Illustrative Landscape Section L2.01, dated March 2022; and
 - Planting Selection L4.01, dated March 2022.
- Beca Plans entitled Kāpiti Gateway Project, being:
 - Maclean Park Zone C6 Car Park Development, Drawing No. 3821650-TA-K001, Rev 4, dated 13.12.21; and
 - Vehicle Tracking and Sightlines, Drawing No. 3821650-TA-K002, Rev 4, dated 13.12.21

And the information lodged with the application RM210149, and the further information request responses provided by Cuttriss Consultants Limited on 15 February 2022 and 13 April 2022 and held on file by Council

2. The consent holder shall meet the requirements of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements 2012 (SDPR: 2012). Alternative acceptable solutions may be proposed: such must be to the satisfaction of the consent authority and accepted in writing before any works commence.
3. All buildings shall have a finished building floor level (as defined in the Operative District Plan 2021) of 3.4m above mean sea level Wellington Datum 1953.
4. Retail activity from within the buildings must not exceed a gross floor area of 112.5m², and be limited to the retail sale of tourism products, food and beverages.
5. Prior to the installation of any Whakairo (to be in general accordance with the approved Landscape Plans referenced in Condition 1) artwork, the consent holder must provide the consent authority a written statement from Ātiawa ki Whakarongotai Charitable Trust, Te Rūnanga o Toa Rangatira and Ngā Hapū o Ōtaki (on behalf of Ngāti Raukawa), that the artistic representations have been designed in conjunction with the appropriate mana whenua ~~Ātiawa~~ artists and experts.

Prior to the Commencement of Works

~~Lighting plan — prior to the completion of the development hereby approved, a lighting plan for the entire site to the satisfaction of the consent authority shall be prepared, and submitted to the consent authority. When approved, the lighting plan shall be endorsed as part of this consent.~~

6. Lighting plan - prior to building construction commencing on the site, the consent holder shall submit the external lighting plan to the General Manager Planning and Regulatory Services or delegate, Kāpiti Coast District Council, for certification that it achieves the requirements and purpose set out in conditions 24 and 25. Evidence of consultation and agreement, or in the event that agreement is not reached a summary of areas of disagreement, to the lighting plan shall be provided to the Kāpiti Coast District Council at the time of submission.

7. Engineering plan required - before any works commence, a detailed engineering plan to the satisfaction of the consent authority shall be submitted to, and approved by, the consent authority. When approved this engineering plan shall form part of this consent. The engineering plan must be in accordance with Paragraphs 1 to 5 of Schedule 1 contained in Part 4 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012. For the avoidance of doubt, no works are authorised to commence until the plans are approved by the consent authority Development Engineer.

Note: Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012, to enable accurate construction and show service connections.

8. Car parking and traffic - before any works commence, a detailed traffic and car parking plan to the satisfaction of the consent authority shall be submitted to, and approved by, the consent authority. When approved this plan shall form part of this consent. The plan shall be prepared by a suitably-qualified and experienced traffic engineer. This plan must include, at a minimum:

- a. the location of all areas on-and/or off-site to be used for staff and patron parking
- b. specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site
- c. the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site
- d. measures to preclude staff parking in designated patron car parking areas
- e. staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time
- f. servicing of the drainage and maintenance of car parking areas.

9. Representatives to be nominated - the consent holder shall provide the Council's Development Engineer with the names of the Developer's or Owner's Representative(s) appointed in terms of Clause B(ii) of Part 3 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.
10. Suitably qualified persons to be nominated - the consent holder shall advise the Council's Development Engineer the names and professional qualifications of any Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements 2012.

Suitably Qualified Persons are required for, but not necessarily limited to, the following areas:

- Civil engineering
- Stormwater design and construction
- Water and wastewater design & construction
- Traffic and vehicular management

Note: If the consent authority does not accept any of the nominated persons, then the consent holder shall nominate alternative persons, or the Council may require the consent holder to employ a specified Suitably Qualified Person or Persons at the consent holder's cost.

11. Construction management plan required - before any works commence, a construction management plan to the satisfaction of the consent authority shall be submitted to, and approved by, the consent authority. When approved this plan shall form part of this consent. The plan shall be provided to the consent authority at least twenty (20) working days prior to the intended day of commencement of works. The Construction Management Plan (CMP) shall include the following, at a minimum:
 - a. Details of control of mud and detritus from the site onto the road – onsite wheel washing and offsite road sweeping.
 - b. Details of onsite turning for delivery vehicles.
 - c. Site compound location shown on a plan.
 - d. Identified areas for site offices and site operative parking.
 - e. Mitigation for the prevention of discharge of any material beyond the boundary of the subject site.
 - f. Noise controls and hours of construction.
 - g. Stormwater runoff.

h. Protection of land in the adjacent Operative District Plan 2021 *Area of High Natural Character* from construction effects

Note: For the avoidance of doubt, material includes but is not limited to silt, sediment, vegetation and aggregate.

12. All earthworks and site investigations and remediation shall be undertaken in accordance with the approved CMP.
13. No works shall commence until the CMP required under condition 11 has been approved in writing by Council's Development Engineer.
14. The consent holder shall comply with the requirements of the approved CMP. Any proposed amendments to the CMP shall be submitted to the Council's Development Engineer for consideration and approval. No work shall commence until amendments to the CMP have been approved by the Council's Development Engineer in writing.
15. The consent holder must provide the consent authority a written statement from Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira, prior to the submission of the engineering plans, that the Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira have been involved in the detailed design of the project.
16. The consent holder must include in their CMP, the following Accidental Discovery Protocol, for the accidental discovery of any evidence of archaeological sites. Evidence of archaeological sites may include kōiwi (human skeletal remains), taonga Māori (Māori artefacts), oven stones, charcoal, shell middens, ditches, banks, pits and old building foundations. If any archaeological site(s) are uncovered during physical works, Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira, will require the contractor to adopt the following protocols:
 - a. Work shall cease immediately within 100 metres of the site of discovery.
 - b. The contractor and subcontractor(s) must shut down all machinery, isolate and secure the site, and advise the project manager.
 - c. No materials relating to the artefacts or site shall be removed.
 - d. The project manager shall promptly advise Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira.
 - e. If skeletal remains are uncovered, the project manager will also advise New Zealand Police.
 - f. An archaeologist approved by Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira shall be employed at the expense of the contractor to examine and record the site.
 - g. Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira will at their discretion contact other iwi groups and organise a

site inspection by appropriate tangata whenua advisors and the archaeologist.

- h. If as a result of the site inspection and investigation there is a need for an appropriate ceremony, Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira will arrange such at the contractor's expense.
- i. Materials discovered will be handled and removed by the Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira representatives responsible for the tikanga appropriate to their removal and preservation, or re-interment.
- j. Works affecting the archaeological site shall not resume until Ātiawa ki Whakarongotai Charitable Trust, Te Rūnanga ō Toa Rangatira, and the New Zealand Police in the case of skeletal remains, have given the appropriate consent, approval or authority for work to continue. The contractor and subcontractor(s) will allow representatives of Ātiawa ki Whakarongotai Charitable Trust, Te Rūnanga ō Toa Rangatira and the archaeologist all reasonable access to the site to carry out their respective responsibilities or activities under this protocol.

Contact details for iwi representatives are as follows:

Ātiawa ki Whakarongotai Charitable Trust

PO Box 509

Waikanae 5250

Te Rūnanga ō Toa Rangatira

24 Ngāti Toa St

Takapuwahia

Porirua 5022

- 17. The CMP must include a section outlining how Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira will be involved in monitoring works from a mātauranga Māori perspective.

Mana Whenua / Governance Board

- 18. The consent holder shall invite the following parties to continue being represented on the Governance Board for the project:
 - a. Ātiawa ki Whakarongotai Charitable Trust on behalf of Te Āti Awa ki Whakarongotai; and
 - b. Te Rūnanga o Toa Rangatira Incorporated on behalf of Ngāti Toa Rangatira.

- 19. The purpose of the Governance Board is to:

- a. facilitate ongoing engagement with mana whenua in respect of the activities authorised by this resource consent;
 - b. provide an opportunity for mana whenua to provide kaitiaki inputs into the project as set out in condition 22; and
 - c. ensure appropriate tikanga and kawa (customary practices and protocols) are being applied throughout the development and implementation of the project.
20. The Governance Board shall continue to be invited to hold regular meetings (six-weekly) throughout the construction works until at least the opening of the project (at which point the Governance Board will discuss how long the arrangement will continue in place).
21. Without limiting the matters that the Governance Board may wish to discuss, the consent holder shall invite the Governance Board to participate in the following:
- a. Development of the project design to incorporate cultural values into its elements including (but not limited to) proposed Whakairo elements and signage.
 - b. Development and implementation of agreed cultural protocols / tikanga appropriate to stages of the works or activities (for example: blessings, accidental discoveries, and vegetation clearance).
22. The consent holder shall seek the views of the Governance Board on appropriate ways for the consent holder to continue engaging more widely with mana whenua regarding the inclusion of cultural values and Whakairo elements in the project.

Landscape Plan

23. A Landscape Plan required - at least twenty (20) working days prior to the commencement of works authorised by this consent, a landscape plan to the satisfaction of the consent authority shall be submitted to, and approved by, the consent authority. When approved this plan shall form part of this consent. The plan shall be prepared by a suitably-qualified landscape professional, with advice from other experts where required, and be implemented in the first planting season following completion of the building and civil works. The landscape plan shall achieve the outcomes contained within the approved Landscape Plans referenced in Condition 1 and as a minimum contain the following:
- Existing vegetation to be retained, including retention of all pōhutukawa trees, and detail how existing vegetation to be retained will be protected during construction;
 - Any vegetation to be removed;

- The extent of planting, paved (impermeable) surfaces and other landscaping elements;
- Details of plant species that shall be native to the Ecological District;
- Location and species to be planted;
- Number of plants;
- Plant heights at maturity ;
- An implementation plan describing the methods of soil preparation, details of drainage, fertilising, mulching, spraying, irrigation, staking tree pits, ongoing maintenance, replacing of dead/poorly performing plants and weed and pest management;
- Scheduling of work, including maintenance to ensure successful establishment; and,
- The location, height, and type of fencing.
- Details of the ihuwaka structure;
- Details of any public seating proposed;'
- Detailing of car park surfacing, noting that car parking should be permeable, or a mixed surface combination

Lighting plan

24. The Lighting Plan prepared in accordance with condition 6 must:

- a. Be prepared in in consultation with the owners and occupiers of 3 and 5 Marine Parade, Te Atiawa ki Whakarongotai Charitable Trust and Te Rūnanga o Toa Rangatira.
- b. Show the number, location, mounting height, tilt angle and specification including light distribution of all external lights.
- c. Meet the following requirements:
 - i. All outside lighting for the vertical planes of building and art sculptures to be installed on site shall comply with the section 3 of AS/NZS 4282:2019.
 - ii. All outside lighting for pedestrian/cycleways and the carpark on site shall comply with Tables 3.4 (subcategory PP1/2/3), 3.6 (subcategory PE3) and 3.7 (subcategory PC1/2/3) of AS/NZS 1158.3.1:2020.
 - iii. Between the hours of 10pm and 7am all external lighting shall be restricted to operate to the lower light output subcategory

of AS/NZS 1158.3.1:2022 standard and meet Tables 3.4 (subcategory PP5), 3.6 (subcategory PE3), and 3.7 (subcategory PC3).

25. The purpose of the lighting plan is to demonstrate that the external lighting for the building, art sculptures, pedestrian/cycleways, and the carpark on site will be designed:
- a. to minimise potential adverse effects on neighbouring dwellings existing at the time of this consent including:
 - i. light spill;
 - ii. direct glare from light sources; and
 - iii. secondary glare from vertical elements;
 - b. to achieve the requirements of condition 24;
 - c. in accordance with Crime Prevention Through Environmental Design principles; and
 - d. so that, where practical, the external lights shall be screened from the direct line of sight of neighbouring dwellings existing at the time of this consent.

Engineering

26. The consent holder shall notify Council's Development Engineer prior to commencement of the following stages of work, so that the Council's Development Engineer, or authorised representative, are present on site to inspect certain stages of the works. Notice must be provided, at a minimum, five (5) working days prior to each stage listed below. The stages are as follows:
- Commencement of works or recommencement after a substantial lapse;
 - Water reticulation connections and services prior to back fill;
 - Wastewater services and construction of new manholes prior to back fill;
 - Completed earthworks and prepared subgrade (roading and footpaths, if any);
 - Final inspection.
27. The development shall have water supply with strainer meter and RPZ which complies with the requirements of OIML R49 (International Organization of Legal Metrology R49:2006 Water Meters Intended for the Metering of Cold Potable Water and Hot Water - Parts 1 to 3).

Note: The Consent Holder's attention is drawn to the 'Approved Water Supply Products & Materials List, WS-10: Water Meters' (<http://www.Kapiti.coast.govt.nz/Planning/Resource-Consents/Standard-Drawing/WaterStandard-Drawings>). Installing an approved water meter is a means of compliance with this condition.

28. Any unused existing water service connections being abandoned shall be capped at the main.
29. Any unused existing wastewater service connections being abandoned shall be capped at the main.

Transport

30. Any required signage/road markings must be provided in accordance with TCD's, The Manual for Traffic Signs and Signals: 2010 and Traffic Control Devices Manual: 2008.

Lizard Management

31. In the event a lizard(s) example, community or species is discovered during the conduct of any works on the site, works shall cease and the consent holder shall provide a Lizard Management Plan to be prepared by a suitably qualified ecologist in accordance with the recommendation of the Cardno report (report no. NZ0119221, entitled 'Terrestrial and Stream Ecological Impact Assessment, Gateway Project', dated 23 September 2020 and held on file by Council). The Lizard Management Plan shall then be submitted to the consent authority, and must be certified as satisfactory by the Council prior to the resumption and/or commencement of works. This Plan shall include, but is not limited to:
 - Identification of species discovered on the site, likely to be encountered in the habitat on the site and to which the management plan applies;
 - A methodology for identifying and locating lizards on site;
 - A methodology for the salvage and relocation of any lizards recovered; and
 - All works must be undertaken in accordance with the approved Lizard Management Plan.

Advice Notes:

- The consent holder shall advise the Council of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by email to the duty compliance officer at compliance.dutyofficer@kapiti.coast.govt.nz, or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder is required to pay to the Kāpiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or

review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

*Please refer to Kāpiti Coast District Council's current schedule of Resource Management fees for guidance on the current hourly rate chargeable for Council's staff.

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- If you disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
- The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- Development Contributions pursuant to Section 198 of the Local Government Act 2002 and the Council's Development Contributions Policy 2021 are not required for this proposal as per the policy Council owned developments are exempt from contributions...
- Works within the legal road will only be approved where they comply with Council procedures and processes which are set out below:

Before undertaking work in the legal road you must make a Corridor Access Request (CAR) and receive a Works Access Permit (WAP) from us. Some examples of activities requiring a permit are:

- trenching works;
- footpaths and entranceways;
- work within the berm or shoulder of the road; and

- tree work scaffolding and crane work.
- Before any excavations are undertaken a "Before U Dig" inquiry is required to check for locations of any underground services. This is a web based service that you or your contractor use to get plans and information emailed out to you. This also provides the mechanism for you to make a Corridor Access Request and provide us with a Traffic Management Plan to protect your site, contractors, and the public during operations. Corridor Access Requests require 5 working days' notice before work can commence and Traffic Management Plans for road closures and events must be received 42 working days in advance of the closure or event. Please note: The "Before U Dig" service has no information on council's buried water, wastewater or stormwater assets. Our mapping tools show the location of the buried council assets.
- Work is required to be undertaken in accordance with Council's guides and standard drawings. Examples of forms, guides and standards drawings (engineering plans) are available for download or print from the Council website and examples include:
 - Vehicle Installation Information;
 - Vehicle Crossing Application Form;
 - Roading Standard Drawings; and
 - Vehicle Crossing Guidelines.