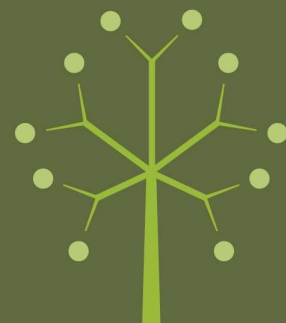


Kāpiti Coast District Council Gateway Project
- Review of Gateway Project against
Reserve Management Planning
Documents



Executive Summary

MacLean Park (the Park) has long been the access point to Kāpiti Island and Marine Reserve. Kāpiti Coast District Council (KCDC), the community and Iwi have set out in the MacLean Park Reserve Management Plan (the Management Plan) that they have aspirations to improve and enhance the role of the Park as a gateway for visitors to Kāpiti Island.

Ongoing work has taken place to develop this aspiration into a more formal concept and recently PWC presented a Kāpiti Gateway Options report which undertook to review and assess a range of possible designs for the proposed Gateway Project. As part of that review, PWC raised a potential risk that the Gateway Project and proposed activities may be misaligned to the Management Plan and subsequently the Reserves Act 1977.

Geoff Canham Consulting (GCC) has undertaken an assessment of that risk and found that:

- The Gateway Project is strongly supported in both the Management Plan and the Development Plan (the Plans) and there is a clear expectation from the community and Iwi that these activities will be enhanced and improved as the Park develops.
- A clear set of conditions and thresholds are outlined in Reserves Act 1977, the Plans that dictates how any future development or activity must support the Vision, Principles, Objectives and Values of the Park. They set out design guidelines, consultation requirements and direction on commercial activity and any proposed new activities must demonstrate that it can meet those thresholds.
- None of the proposed activities being a Café & Bar, Gallery/ Gift Shop or Office space are explicitly permitted on the Park, however, if to be considered then do need to be assessed against the thresholds and conditions set out in the Plans.

Therefore, GCC concludes that:

- a) The proposed Gateway Project is aligned to the Plans and there is a clear process and set of thresholds, which includes stakeholder engagement, for assessing which activities may be permissible on the Park and recommend that KCDC undertake an assessment of the specific activities against this process and thresholds, in this case at key development stages
- b) The current proposal meets the requirements of the MacLean Park Reserve Management Plan and Development Plan.

Background

The KCDC has been investigating the opportunity to develop a Gateway Visitor Centre (the Gateway Project) on MacLean Park to improve and enhance the Kāpiti Island as a

tourist destination. KCDC has undertaken feasibility work and identified a set of high-level concepts which are now being considered. The Kāpiti Gateway Options report by PWC identified a number of risks with the concepts in relation to the Management Plan. GCC has been asked to specifically assess and analyse any risk to the Park associated with the potential misalignment with the Management Plan values and management when considering the options for proposals presently before KCDC.

This report excludes certain Reserve Management Plan process steps on considering working with stakeholders to reach (any) agreement in respect to commercial activity on the reserve. It also excludes establishing market analysis to assess if any options meet a demonstrated demand and (as such) do not duplicate other facilities in the vicinity. Obviously, future proposals will carry details particular to logistical and design based criteria that would have to be assessed at that time against site values. This report has not undertaken a Recreation Assessment.

Key Documents Review

In undertaking this assessment, GCC has reviewed the relevant documents as provided by KCDC and relevant elements are outlined in the sections below.

Reserves Act 1977

MacLean Park is classified under the Reserves Act 1977 (the Act) as a Recreation Reserve with the land vested in KCDC under the provisions of section 26A of the Act. KCDC is therefore considered the Administering Body for this park.

The Act sets out the purpose of a Recreation Reserve in section 17 as to provide “*areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside*”.

The Act also stipulates that under section 17:

2) It is hereby further declared that, having regard to the general purposes specified in subsection (1), every recreation reserve shall be so administered under the appropriate provisions of this Act that—

(a) the public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54, to any bylaws under this Act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it:

All Recreation Reserves are required under section 41 to have a Management Plan that “*shall provide for and ensure the use, enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body’s resources permit, the development, as appropriate, of the reserve for the purposes for*

which it is classified, and shall incorporate and ensure compliance with the principles set out in [section 17](#), [section 18](#), [section 19](#), [section 20](#), [section 21](#), [section 22](#), or [section 23](#), as the case may be, for a reserve of that classification”.

Finally, the Act also sets out the Leasing Powers in respect of recreational reserve under section 54 where it sets out that:

- 1) With the prior consent of the Minister, the administering body, in the case of a recreation reserve that is vested in the administering body, may from time to time, in the exercise of its functions under [section 40](#), to the extent necessary to give effect to the principles set out in [section 17](#) –
 - d. grant leases or licences for the carrying on of any trade, business, or occupation on any specified site within the reserve, subject to the provisions set out in [Schedule 1](#) relating to leases or licences of recreation reserves issued pursuant to this paragraph:

provided that the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve:

provided also that the prior consent of the Minister shall not be required to a lease or licence under this paragraph where the trade, business, or occupation is to be carried on in the reserve only temporarily and the term of the lease or licence does not exceed 6 consecutive days.**

and that

- 2) Before granting any lease or licence under subsection (1) (other than a lease or licence to which the second proviso to paragraph (d) applies), the administering body shall give public notice in accordance with [section 119](#) specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with [section 120](#) to all objections and submissions in relation to the proposal received pursuant to the said section 120.*

In summarising the legislative requirements of the Act in relation to KCDC's management and administration of MacLean Park, the following applies.

- 1) KCDC must ensure the park is managed in a way that supports the defined purpose of a recreation reserve, being aligned to the purpose of a recreation reserve being .. “for the recreation and sporting activities and the physical welfare and enjoyment of the public...”.*
- 2) To enable that to occur KCDC can apply “such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it”.*
- 3) A tool to support that is the development of Management Plan which is a requirement under the Act and sets out to “provide for and ensure the use,*

enjoyment, maintenance, protection, and preservation, as the case may require, and, to the extent that the administering body's resources permit, the development, as appropriate, of the reserve for the purposes for which it is classified".

- 4) Finally, the Act allows for the granting of a lease or license on the park as long as *"the trade, business, or occupation must be necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve".*

Therefore the Act does not restrict any of the activities proposed by the Gateway Project including the ability to lease commercial space, as long as they can meet the condition of being necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve.

MacLean Park Reserve Management Plan

The Management Plan was developed following due process per the Reserves Act 1977 and generally accepted best practice for public consultation requirements under this Act and the Local Government Act, which included:

- Public advised via Public Notice of Council's intention to prepare a revised management plan and written suggestions are invited over a three-month period.
- Paraparaumu-Raumati Community Board and Council, together with its partners Te Ātiawa and Ngāti Toa, engaged with the local community via on-site consultation (opportunities for the community to stop by) and workshops with key stakeholder groups to provide an opportunity for the community to speak directly to Council staff. An online survey provided a way for the community to be involved and give feedback. The overall process was coordinated by a consultant.
- Three design concepts for development plan options, based on information from the community and key stakeholders, drafted and made available for community feedback via multiple channels.
- Draft management plan completed and presented for approval to Kāpiti Coast District Council. Three development plan concepts made into one development plan based on feedback from community and key stakeholders.
- Approved draft management plan published and public submissions invited over a two-month period; including a development plan.
- Submissions heard and reviewed by Kāpiti Coast District Council.
- Management Plan updated as appropriate; development plan finalised for presentation.
- Modified and presented to Kāpiti Coast District Council.
- Final plans published and publicly notified.

A total of 105 submissions were received and one of the key submission topics was to allow space for a gateway/ Kāpiti Island visitor centre on the south side of Titoku Stream.

Following the consultation and engagement process the Management Plan was adopted in 2017 and a vision for the park confirmed.

Maclean Park will be a destination for all; a place to meet, play, relax, and connect with Kāpiti Island, our heritage and environment.

It is clear by the vision for the park and within the Management Plan itself, that MacLean Park plays a critical role in accessing and supporting visitors to Kāpiti Island and the Kāpiti Marine Reserve and that the community say this an integral role of the park.

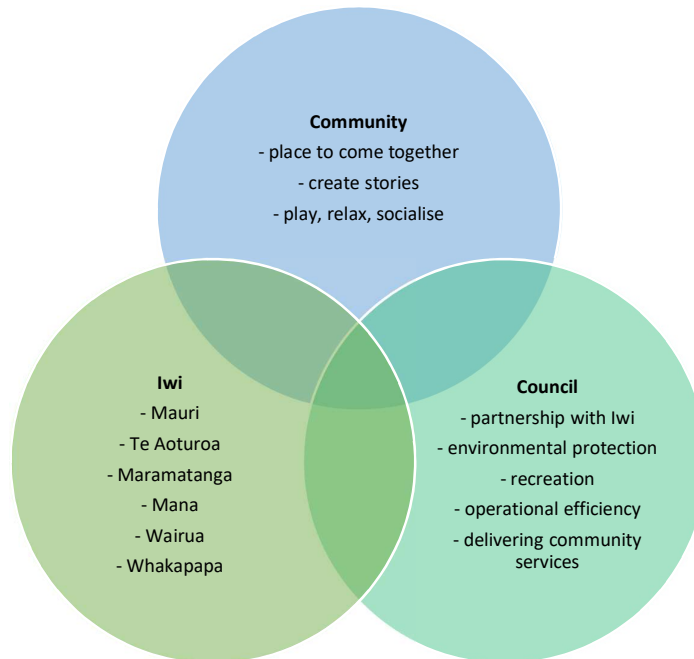
Within the Management Plan, it specifically makes references and allowance for a possible Gateway Project to be developed in the south side of Titoku stream in multiple places throughout the plan.

Specifically:

- 1) Section 6.7 Kāpiti Island Departure Point – reference the role of the park as a departure point to Kāpiti Island and notes that current facilities have the *“potential to be improved to provide improvements to visitor attraction, a formal biosecurity facility, safer access and to better reflect the significant relationship between the park and the island for local iwi”*. It also makes reference to the Development Plan and it provides *“a basis for discussion and is enabling of suitable visitor facilities to be developed with other partners as appropriate in the future. A project area has been defined to limit the potential effects of such a facility of the day to day recreational enjoyment of other areas in the reserve”*.
- 2) Section 6.10 Kāpiti Marine Reserve also recognises the Marine Reserve as a *“significant environmental asset”* and there are *“opportunities for enhancement of land-based activities at the park to complement the preservation and enjoyment of the reserve (Marine Reserve)”*. It goes on to say *“activities which enhance the visitation and enjoyment of the Marine Reserve should generally be encouraged provided they are not in conflict with the core recreational values of the park”*.
- 3) The Principles that outline the way in which the park should be managed also strongly support the development of a Gateway Project. Objective 8.3.3 state *“to provide leases, licences, and concessions which enhance MacLean Park and promote the use of the reserve, including connections to Kāpiti Island”*. When setting out ‘how we will achieve this’ the Management Plan makes the following references:
 - a. *Work with key partners and stakeholders to develop a ‘Gateway’ Visitor Attraction Centre.*

Core Values of the Reserve

The Management Plan also identifies a set of aligned values between key groups with an interest in the park, being the Community, Iwi and Council. Whilst these values are expressed in different ways they are not exclusive of one another and should be considered through the development and maintenance of the park.



The Management Plan identifies areas within the Park which supports or gives expression to these values and this provides context for activities and development on the Park.



Development Conditions

The Management Plan considers that the Park plays a crucial role in visitors being able to access Kāpiti Island the Marine Reserve and that based on community engagement there is a strong desire to improve and enhance that role.

It supports the potential development of 'Gateway' visitor attraction centre and sets through the Plan's Principles and Objectives, specific conditions for any future development (not just that of the Gateway Project) including conditions on design, commercial activity and consultation which are outlined below.

Design

- *Ensure new facilities are reflective of the Park's history and cultural aspects*
- *Ensure that the design and development of the reserve reflects best practice in terms of CPTED.*
- *Ensure the reserve and built facilities provide an accessible environment as far as is practicable*
- *Provide facilities to a high standard and of a style which are suited to the surrounding built and natural environment and intended use.*
- *Develop facilities in accordance with the development plan.*

Commercial Activity

- *Encourage use by community groups and approved commercial activities that are appropriate and compatible with the vision for the reserve and enhance the user experience.*
- *Work with stakeholders to reach an agreement in respect to commercial activity*
- *Council will consider granting leases for recreational or commercial activities that:*
 - *Enable the public to obtain the benefit and enjoyment of the Park or for the convenience of people using the Park (note this reflects the requirements of the Reserves Act 1977 as outlined earlier)*
 - *Will be compatible with other park users and do not impede public access or cause undue maintenance problems*
 - *Will not cause inappropriate visual or audible intrusion to the natural park environment or detract from conservation values*
 - *Meet a demonstrated demand and do not duplicate other facilities in the vicinity*
 - *Can be accommodated in terms of access, parking, services, support facilities and future expansion*
 - *Provide links to Kāpiti Island and the marine reserve*
 - *Are in keeping with the community's desire for how the Park is used.*

Consultation

- *Engage with stakeholders to ensure any proposed development will meet the needs of the community*

- *Work with key partners and stakeholders to develop a ‘Gateway’ Visitor Attraction Centre*
- *Detail final designs for different stages of the project, working with iwi and the community as appropriate.*

These principles and objectives as outlined through the Management Plan provide the “such conditions and restrictions as the administering body considers to be necessary for the protection and general well-being of the reserve and for the protection and control of the public using it” referenced in section 17.2.a in the Act.

MacLean Park Development Plan (the Development Plan)

The purpose of the Development Plan is to drive the implementation of the management plan and sets out specific development principles based on feedback from the Kāpiti community. These are:

- 1) Destination/ He Tauranga**
 - a. A welcoming place that is easy to find and navigate and provides unique and interesting experiences.
- 2) Play/Takaro**
 - a. A place to play and recreate for multi-generational groups and individuals of all ages and abilities.
- 3) Relax / Whakatā**
 - a. A place to relax and meet friends; a place that supports wairua.
- 4) Water / te Mauri o te Wai**
 - a. A place where clean water can be seen, touched and interacted with.
- 5) Movement / Pai te Haere**
 - a. A place that is easy and enjoyable to move through and around.
- 6) Ecology / Te Ao Tūroa**
 - a. A place where the processes and systems of the natural environment are supported and enhanced.

The Development Plan goes on to identify five specific site-based opportunities which includes the ‘development of a Gateway or Visitor Attraction Centre’ and maps these potential projects in the following map.



The Development Plan then provides further insights into what may be involved in this project and a set of guiding principles that provide further clarity as to the expectations and requirements of any future development. These include:

- *Provide a destination attraction for visitors to Kāpiti Island.*
- *Improve the sense of arrival to the park from Kāpiti Road and Kāpiti Island.*

Finally, the Development Plan sets out Potential Drivers and Issues relating to this proposed project:

- *In terms of the overall park and village, the development of a significant visitor facility on this site has the potential to compound emerging issues with parking and access for large vehicles. Parking and servicing for this facility needs to be provided and contained within the northern area of the site so as not to adversely affect the recreational values in other parts of the reserve. For this reason, it is recommended that the roundabout area be included within the project area*
- *A Kāpiti Island Gateway and improvement of the stream has been identified by iwi as the project of priority for MacLean Park*
- *The project is considered high priority for visitor attraction and economic development by Council's Economic Development Leadership Group*
- *Kāpiti Boating Club has a lease on the site until 2027, throughout the consultation on this project the boating club have indicated that they would support a partnership to develop a 'Gateway' if that were to occur*
- *The Department of Conservation are supportive of the concept to collaboratively develop a gateway to enhance visitor experience and preparedness*
- *Stakeholders Coastguard Kāpiti and Kāpiti Underwater Club have built facilities and needs in this project area*
- *General public access to the boat launching area must be protected*

- *Nurturing a joint venture project engaging all partners and stakeholders*
- *The proximity to the Kāpiti Marine Reserve.*

Whilst also noting that *‘this would be a major project and requires further detailed scoping beyond the scope of this plan. Consultation on this plan has revealed a good level of community support for such a project should adequate resources be identified to progress a project of this scale and complexity’.*

Summary of Management Plan and Development Plan

The Plans were developed following extensive community consultation and reflect the desires of the local community in relation to this park.

Improved and enhanced visitor services for those accessing Kāpiti Island and the Marine Reserve is well supported by the community and this is reflected consistently in these Plans.

It is also important to note that these Plans were adopted in 2017 and it is clearly stated that it is intended that the plan will be reviewed 10 years after the year of approval, so there should be confidence that these Plans reflect the views of the community.

Whilst neither plan outlines specific details of what may be included in a Gateway Visitor Centre, they do provide clear guidance on key elements such as Design requirements, acceptable Commercial Activity, and future Consultation requirements and these must be considered in any future development.

Kāpiti Gateway Options

The January 2021 Kāpiti Gateway Options report produce by PWC, undertakes an options review of a range of possible designs for the proposed Gateway Project. This report consolidates the options down to three feasible options for Council to consider:

- **Option K** – which includes:
 - Biosecurity
 - Visitor/Discovery Centre
 - Office
 - Gallery/ Gift Shop
 - Café & Bar/ Brasserie
- **Option J** – which includes:
 - Biosecurity
 - Visitor/Discovery Centre
 - Gallery/ Gift Shop
 - Café & Bar/ Brasserie
- **Option F** - which includes:
 - Biosecurity
 - Visitor/Discovery Centre

- Office
- Gallery/ Gift Shop.

As part of the report, PWC identify four key risks and specifically;

1) Potential misalignment with the MacLean Park Reserve Management Plan

- a. The management plan states no commercial activity will duplicate another facility in the vicinity.
 - i. This is unclear. It could mean food & beverage offerings of the same type and target market (i.e. a fine dining restaurant does not duplicate a fish and chip shop), or it could mean no food & beverage offerings in totality are permissible. This should be clarified.
 - ii. Public consultation is three to four years old. There could be a different view in the community now.

This risk is associated primarily with the potential inclusion of commercial activities within the Gateway Project, specifically the proposed.

- **Office Space** for boat operators,
- **Gallery/ Gift Shop** which would sell locally sourced and regional-made arts, crafts and souvenirs direct from the makers.
- **Café & Bar / Brasserie** which would provide food and beverage to visitors and those travelling to Kāpiti Island.

Review of risks

Rather than assess each activity, what the Reserves Act 1977 and the Plans provide is a framework and set of thresholds for assessing if these activities are permitted under the Act and expectations of the community. For any activity to be permitted on the reserve it must meet these thresholds:

1) Does the activity being proposed meet the purpose of a Recreation Reserve as set in the Reserves Act 1977?

In this case, the primary purpose of the Gateway Project is to provide a destination for those visitors going to and returning from the Kāpiti Island, which is a popular recreational activity, so meets this threshold. As outlined above it is strongly referenced and supported in the Management Plan and Development Plan demonstrating the community believe the Gateway Project is an important activity on this park.

2) Does the activity meet any specific conditions or restrictions adopted by the administering body for the necessary protection and general well-being of the reserve and for the protection and control of the public using it?

The Management Plan sets out those specific conditions and restrictions and they tend to relate to design, commercial activity and consultation. The design is likely to be assessed as part of the resource consent application and that process will dictate if the proposal complies but there is no reason to believe that a well-considered and

informed design will not be able to comply. The commercial activity and consultation elements are considered in more detail below.

3) Are there any commercial activities proposed and if so:

- A. Is it appropriate and compatible with the vision for the reserve and enhance the user experience?
- B. Does it enable the public to obtain the benefit and enjoyment of the Park or for the convenience of people using the Park?
- C. Will it be compatible with other park users and do not impede public access or cause undue maintenance problems?
- D. Will it not cause inappropriate visual or audible intrusion to the natural park environment or detract from conservation values?
- E. Will it meet a demonstrated demand and not duplicate other facilities in the vicinity?
- F. Can it be accommodated in terms of access, parking, services, support facilities and future expansion?
- G. Does it provide links to Kāpiti Island and the marine reserve?
- H. Is it in keeping with the community's desire for how the Park is used?

To determine if the proposed commercial activities which include the Gallery/ Gift Shop, Office and Café & Bar would meet these criteria, an independent assessment would need to be undertaken. It would appear a case could be made for these activities meeting conditions A/B/C/D/F/G/H based on the principles and objectives of the Management Plan. However more in-depth investigation would be required to fully assess and understand the impact of the proposed activities on condition E. In this case what is important to understand is firstly what are the needs of these visitor/users of the Park, particularly those using the Park to access Kāpiti Island and Marine Reserve and what makes for a quality experience for those users? Once that is understood then, what then is being assessed is not if another café or bar, Gallery/ Gift shop or office space exists in the vicinity but rather can other services in the vicinity meet these needs.

4) Has Council consulted on any planned development and or commercial activity?

Notwithstanding point 3 regarding the nature of any commercial activity permitted on the park, the Act and the Plans set out a clear requirement for Council to engage with key stakeholders, key partners, iwi and community before formalizing any decision in relation to future facilities and the granting of any lease or licence. In the case of granting a lease or licence the Act is clear that Council must *"before granting any lease or licence under subsection (1) (other than a lease or licence to which the second proviso to paragraph (d) applies), the administering body shall give public notice in accordance with [section 119](#) specifying the lease or licence proposed to be granted, and shall give full consideration in accordance with [section 120](#) to all objections and submissions in relation to the proposal received pursuant to the said section 120"*. This process, it could be argued, would form part of the process in determining if these

proposed activities meet the threshold of demand and duplication as set out in point 3 above.

5) Are there any leases or licenses being proposed and are they necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve?

Finally, outside of the conditions of demand and duplication, there is one final threshold that these activities must meet; are they necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve?

The Management Plan sets out the importance of enhancing the land-based activities to complement the preservation and enjoyment of the Marine Reserve, and of encouraging activities that enhance the visitation and enjoyment of the Marine Reserve. The Gateway proposal must meet the threshold that says having a Café & Bar, Gallery/ Gift Shop and or Office space will enable the public to obtain the benefit and enjoyment of the reserve and without those activities will the experience be poorer for it?

It is also important to ensure the 'Gallery/ Gift Shop' proposition and the brief for such a space in a Gateway context is fully understood. Potentially a regional destination in its own right, the gallery would add the 'higher end' proposition of lasting souvenirs to a quality experience to Kāpiti Island as locally sourced artisan and cultural works. MacLean Park already has a Destination Park category status and the quality of such art works would lead the Gallery/ Gift Shop to be a destination in its own right in support of this park category. Cultural and community artwork with a connection to the area would curate quality and meets the demand of visitors wanting their experience to linger.

Findings

In assessing the risk of whether the proposed Gateway Project and associated activities are potentially misaligned with the Management Plan, GCC's findings are these:

- a) The Vision, Principles, Objectives and Values of the Management Plan consistently acknowledge the role the Park plays as a destination and gateway to Kāpiti Island and consistently reinforces the Community and Iwi's expectations that developments are undertaken that enhance and improve the experience.
- b) Allowance has been made and considered in the Development Plan for a Gateway facility and the area it is proposed to be located is aligned to the area set out to 'give expression' to the values of Recreation and Play on the Park.

- c) A clear set of conditions and thresholds are outlined in the Plans that dictates how any future development or activity must support the Vision, Principles, Objectives and Values of the Park. They set out design guidelines, consultation requirements and direction on commercial activity. Fundamental to these conditions and thresholds is the importance of continuing to engage and consult with key stakeholders.
- d) The activities proposed as part of the Gateway Centre, specifically the Café & Bar, Gallery/ Gift Shop and or Office, are not misaligned to the Management Plan and there are examples of these activities being permissible on Recreation Reserves. These activities have the potential to enhance the experience which is an objective of the Management Plan and also can support values of being 'a place to come together' and enabling 'operational efficiency'.

Therefore, GCC concludes that the proposed Gateway Project is closely aligned to the Plans. The current proposal before KCDC meets the requirement of the Plans.