

APPLICATION FOR CLUB LICENCE OR RENEWAL OF CLUB LICENCE



Form 5, sections 100 and 127(2), Sale and Supply of Alcohol Act 2012

Send or deliver your application to:

The Secretary
District Licensing Committee
Kāpiti Coast District Council
Private Bag 60601, Paraparaumu 5254
175 Rimu Road, Paraparaumu 5032
Email: licence.application@kapiticoast.govt.nz
Telephone (04) 296 4700 Toll Free: 0800 486 486

For Council use

File #

Once this application is complete you may make an appointment for a pre-lodgement meeting with a Licensing Inspector at the numbers given above.

Application forms cannot be accepted by the District Licensing Committee (DLC) over the counter until they have been signed off as complete by the Inspector and a fee category has been calculated.

This application is made in accordance with the particulars set out below:

1. Application Type

If you are not filing this renewal application, including paying the fee, at least 20 working days before the licence expires, provide a reason for the late filing as an attachment.

- | | | |
|--|---|--|
| ☒ New Club Licence | ☐ Renewal of Club Licence
Licence number: | ☐ Renewal of Club Licence with variation of conditions
Licence number: |
|--|---|--|

2. Details of Applicant

Full legal name or names to be on licence:

Paekākāriki Surf Life Guards Incorporated

NZBN: 9429042791911

Whether licence already held for premises concerned: ☐ Yes ☒ No, and if 'Yes', state kind of licence

3. Applicant Status by reference to section 28 of Sale and Supply of Alcohol Act 2012

- | | |
|--|--|
| ☐ Natural person(s) | ☐ Private Company |
| ☐ Body Corporate | ☐ Public Company |
| ☐ Partnership | ☒ Incorporated Society |
| ☐ Other (please specify)..... | |

4. For Applicant that is a Natural Person(s)

Full legal name:

Any aliases (and/or maiden name):

Usual residential address: Number

Street:

Suburb:

City:

Postcode:

Sex:

Occupation:

Date of birth:

Place of birth:

Telephone:

Mobile:

Email:

5. For Applicant that is a Body Corporate, Authority under which Incorporated**6. For Applicant that is Not a Natural Person(s), Details of Contact Person****7. Postal Address for Service**

Number/Street/PO Box: Club House, 180 Queen Elizabeth Road

Suburb: Queen Elizabeth Park

City: Paekākāriki

Postcode: 5034

8. Business Details*Describe principal business, any other businesses*

Club associated with Surf Life Saving New Zealand to carry out Life Saving Activities

9. Criminal Convictions

Does the applicant(s) have any criminal convictions (other than convictions for offences against provisions of the Land Transport Act 1998 not contained in Part 6, and offences to which the Criminal Records (Clean Slate) Act 2004 applies). ☐ Yes ☒ No, and if "Yes", then please provide nature of the offence, details of conviction, and penalty imposed.

10. Details of Premises		
Address: 180	Street: Queen Elizabeth Road	
Suburb: Queen Elizabeth Park	City: Paekākāriki	Postcode: 5034
Any name of building: Club House		
Club Name: Paekākāriki Surf Lifeguards		
If not Owned by Applicant:		
Tenure: <i>(state whether to be held as leasehold, or under tenancy agreement or licence)</i>		
Full legal name of owner:		
Address: Number	Street:	
Suburb:	City:	Postcode:
Is the licence conditional on completion of building work: ☐ Yes ☐ No, and if "Yes", state details:		
11. Details of Duty Manager(s)/Proposed Manager(s) <i>If more than two certified managers please attach details separately</i>		
Full legal name: Fleur Laura Horstmann Bliss		
Number of manager's certificate: 49D/CERT/278/2025	Expiry Date: 23 June 2029	
Full legal name:		
Number of manager's certificate:	Expiry Date:	
12. Club Details		
State authority under which the club is incorporated: Charities Act 2005 Incorporated Societies Act 2022		
Membership: total number of members.....313..... how many are under 18 years of age.....193.....		
Contact details of club secretary - Name: Laura Taylor		
Address: 70	Street: Ames Street	
Suburb:	City: Paekākāriki	Postcode: 5034
Telephone:	Mobile: 0204 0800 686	
Email: admin@pslg.co.nz	Preferred mode of contact: Email	

Is the sale of alcohol intended to be the principal purpose of the club? ☐ Yes ☒ No, and if "No", advise the intended principal purpose of the club.

Life Saving Activities

Is the applicant engaged, or intending to be engaged, in the sale or supply of any goods other than alcohol, non-alcoholic refreshments and food, or in the provision of any services other than those directly related to the sale or supply of alcohol and non-alcoholic refreshments, and food: ☒ Yes ☐ No, and if "Yes", advise the nature of other goods or services. *This is to assess whether other goods and services provided are compatible with the sale of alcohol.*

Use of the community spaces as function rooms. The 'Pavilion' located on Level 1, is a mixed use space that can be used by both the surf club and the wider community for events and meetings. The buildings resource consent allows for up to 30 commercial activity events per year for up to 200 guests. These must end no later than midnight.

State the days and hours proposed for sale of alcohol (*this is licensed hours not trading hours*):

Tuesday to Thursday

Whole premises – 6:00 pm to 9:00 pm

Friday

Interior of the premises – 3:00 pm to 12:00 am (midnight)

Exterior of the premises – 3:00 pm to 10:00 pm

Saturday

Interior of the premises – 12:00 pm (midday) to 12:00 am (midnight)

Exterior of the premises – 12:00 pm (midday) to 10:00 pm

Sunday

Whole premises – 12:00 pm (midday) to 10:00 pm

Do you have, or require, a Trading in Public Place licence to permit consumption of alcohol on footpath: ☐ Yes ☒ No If 'Yes', please attach and number #.....

13. Conditions

- Write answer below or attach relevant documents that demonstrate compliance.
- When including attachments please number the hard copies, and in the first column circle 'Yes' and write the document number on '#.....'

**Doc
attached?
Number.**

Describe experience and training of applicant (<i>the applicant is the Club</i>) Staff training plan	Yes / No #.....Appendix L.....
Describe the type and range of food intended to be available for purchase: Food Menu	Yes / No # Appendix F

Describe the steps proposed to be taken to prevent the sale and supply of alcohol to prohibited people: Prohibited patrons are as follows: • Intoxicated • Minors • Non-members not signed in While the premises is open for the sale and supply of alcohol, bar staff will ID all patrons under the age of 30, as well as all non-members. Those who do not meet the requirements will be refused service and the event recorded in the incident log book. Staff will also carry out the intoxication assessment using the SCAB tool (speech, coordination, appearance, behaviour). Those who are defined as intoxicated according to the Act (fail on two or more characteristics) will be denied service. As it is an offense to allow someone intoxicated to remain on the premises, safe transport options will be arranged for them to make their way home and leave the premises.	Yes / No #Appendix L
Describe any other steps the applicant proposes to promote the responsible consumption of alcohol (<i>for instance host responsibility practices</i>): Host responsibility policy	Yes / No # Appendix H
Describe any other systems (including training systems), and staff in place (or to be in place) for compliance with the Act: Staff training plan The applicant is seeking the condition that reads as follows: "A properly appointed certificated, or Acting or Temporary Manager, or a responsible person who has completed the on-line ServeWise training, must be on duty at all times when the premises are open for the sale and supply of alcohol, and their full name must be on a sign prominently displayed in the premises"	Yes / No #Appendix L

The premises is currently undergoing the process for the CCC. Inspections with KCDC Building Compliance Inspector on 24 August 2026 for final sign off on the premises. Attached as appendix O is the buildings current CPU. The applicant politely requested the application is processed and the public notice displayed on this current basis. However any decision from the Committee or report from a warranted inspector be conditional on the CCC being granted. The following conditional statement is agreed by the applicant: <i>"Pursuant to section 100(f) of the Act, the new licence may not issue until this requirement is satisfied. If the requirement is not satisfied, the application is to be referred back to the Committee"</i>	
A scale floor plan showing the licensed area and, if applicable, each area to be designated as a supervised area or restricted area, and the principal entrance. <i>If this is a renewal application, include your existing 'approved alcohol licensed area' and check for any changes.</i>	Yes / No # Appendix N
Copy of any certificate of incorporation (or equivalent document). <i>Not required for renewal unless changes have occurred since the last issue or renewal.</i>	Yes / No # Appendix M
Names of other clubs with which club has reciprocal visiting rights for members:	Yes / No #.....
Please attach a photograph or artist's impression of the exterior of the proposed premises. <i>Not required for renewal unless major changes have been undertaken since the last issue or renewal.</i>	Yes / No # Appendix G
Please attach a map showing the location of the premises. <i>Not required for renewal.</i>	Yes / No # Appendix I
For the following documents, if they are already attached in response to a previous section you do not need to provide twice. Just circle the 'Yes' and repeat the document number you have given it.	
Please attach a copy of your Host Responsibility Policy.	Yes / No #Appendix H
Please attach a copy of a sample food menu.	Yes / No # Appendix F
If premises are owned by another party, please attach an owner's statement or copy of lease to show there is no objection from the owner to the issue of a licence for the proposed premises. <i>Not required for a renewal unless the lease or ownership arrangements have changed.</i>	Yes / No Premises is owned by the applicant

15. Signature of Applicant (this must be signed by applicant not their agent)

I authorise New Zealand Police to disclose any personal information it considers relevant to my application to the Medical Officer of Health and/or the Licensing Inspector for the purpose of assessing my suitability.

Date: 19 August 2026

Signature:



Dated at location: Level 6, 2 Harris Street, Wellington Central, Wellington, 6011

Privacy Statement

Information contained in your application and any supporting information will be held by Kapiti Coast District Council to enable your application to be processed under the Sale and Supply of Alcohol Act 2012. This information will be made available to the public on request. The information will be provided to the Kapiti Coast District Licensing Committee, the NZ Police, the Medical Officer of Health and Council's Licensing Inspectors. This information may form part of a public hearing of your application before the Kapiti Coast District Licensing Committee and may be used in the Committee's decision for your application. Decisions will be made publicly available.

Council is required to keep a statutory register of all applications and the District Licensing Committee's decisions on them. Council is required to report statistics about applications to the Alcohol Regulatory and Licensing Authority. Any member of the public may request access to this information under the Local Government Official Information and Meetings Act 1987. This information may also be used under the Privacy Act 2020. You have the right to see and correct personal information that Council holds about you.

Method of payment (must be made at time of application)

- ☐ I have paid at a Kāpiti Coast District Council Service Centre when I delivered this application.
- ☒ I have paid by electronic transfer (Council Bank Account Number: 03-0732-0306101-00) and quoted my name and "alcohol" in the reference fields; and
- ☐ I have included proof of electronic payment with this application.

How I would like to receive my alcohol licence (please select one only)

- ☐ I will collect the alcohol licence – please contact me when it is ready by ☐ Phone or ☐ Email
- OR
- ☒ Please email the alcohol licence to me.

Next Step: Once your application is complete, if you would like to make an appointment for an optional pre-lodgement meeting

with the Licensing Inspector then please Telephone (04) 296 4700 or Toll Free: 0800 486 486.

Public Notices

You are responsible for giving notice within 20 working days of the Council formally accepting your application (or 10 working days if it is an application for renewal) and the Council will send you a template to approve. The notice and application will be made available on the Public Notices page of Council's website for a period of 25 working days. A copy of this notice must also be displayed in a conspicuous place on the premises or conveyance to which this application relates for the period of public notification.



PAEKAKARIKI SURF LIFE GUARDS

CONSTITUTION

**Adopted at the Annual General Meeting
on 29 June 2025**

**Commencement Date
1 July 2025**

Incorporation Number - 215561

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PART 1 – DEFINITIONS AND INTERPRETATION

1 Definitions and Interpretation

1.1 **Definitions:** In this Constitution, unless the context otherwise requires, the words and phrases used have the following meanings:

Act means the Incorporated Societies Act 2022 or any Act which replaces it (including amendments to it from time to time), and the Regulations.

Active Member means a Member in accordance with Rule 27.2.1.

Annual General Meeting or **AGM** means a meeting of the Members of the Club held once per year in accordance with this Constitution, which, among other things, will receive and consider reports on the Club's activities and finances.

Applicant means a person applying for membership under Rule 28.

Associate Member means a Member in accordance with Rule 27.2.2.

Bylaws means any bylaws, policies, regulations or codes of conduct of the Club in place at the date of this Constitution or made under Rule 19.

Chair means the Officer responsible for chairing Committee meetings and who provides leadership for the Club.

Club Judicial Committee means a committee appointed by the Committee comprised of no fewer than three persons with experience in disciplinary matters and/or relevant subject-matter expertise, provided that:

- where the Club is not a party to a Complaint, one or more Committee Members may be appointed to the Club Judicial Committee; and
- where the Club is a party to a Complaint, the Club Judicial Committee must be independent of the Committee.

Committee means the Club's governing body as elected under Rule 12.

Committee Member means a member of the Committee.

Complaint means where either a Member, an Officer, or the Club starts a procedure for resolving a Dispute in accordance with this Constitution.

Complainant means a Member or Officer or the Club who makes a complaint in accordance with the Dispute Resolution Procedure described in Rules 53 to 60.

Contact Person means the contact person or persons described in Rule 5.

Constitution means the rules in this document.

Day means any day of the week and is not limited to working days, unless otherwise specified. Where an action is required to be done within a specified time (such as 30 Days) this means clear days, so it should be calculated by excluding the date of the notice (or other relevant action) and the date of the meeting (or other relevant action).

Dispute has the meaning set out in section 38 of the Act.

Event means any competition held by (or under the auspices of) the Club, and any other event, meeting, function, or activity held by (or under the auspices of) the Club.

General Meeting means either an Annual General Meeting or a Special General Meeting of the Members of the Club.

Interested Member means a Member who is interested in a Matter for any of the reasons set out in section 62 of the Act, being where that Member:

- (or the spouse, civil union partner, de facto partner, child, parent, grandparent, grandchild, sibling, nephew, niece, uncle, aunt, or first cousin of that Member) may obtain a financial benefit from the Matter;
- may have a financial interest in a person to whom the Matter relates;
- is a partner, director, Officer, Committee Member, or trustee of a person who may have a financial interest in a person to whom the Matter relates; or
- is interested in the Matter for any other reason specified in this Constitution, provided that a Member will not be deemed to be interested in a Matter where:
- the Member receives an indemnity, insurance cover, remuneration, or other benefits authorised under the Act;
- the Member's interest is the same or substantially the same as the benefit or interest of all or most other Members of the Club due to the membership of those Members; or
- if the Member's interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence the Member in carrying out their responsibilities under the Act or this Constitution.

Interests Register means the register of interests of Officers, kept under this Constitution and as required by section 73 of the Act.

Life Member means a person awarded Life Membership under Rule 30.

Matter means:

- the Club's performance of its activities or exercise of its powers; or
- an arrangement, agreement, or contract (a transaction) made or entered into, or proposed to be entered into, by the Club.

Member means a person who has consented to become a Member of the Club and has been properly admitted to the Club who has not ceased to be a Member of the Club.

Notice to Members includes any notice given by email, post, courier, or by other electronic means of communication with a Member or Group of Members.

Officer means a natural person who is:

- a member of the Committee; or
- occupying a position in the Club that allows them to exercise significant influence over the management or administration of the Club, including any employee.

Ordinary Resolution means a resolution passed by a majority of votes properly cast.

President means the person elected under Rule 10.2.

Register of Members means the register of Members kept under this Constitution by the Club and SLSNZ as required by section 79 of the Act.

Registrar means the Registrar of Incorporated Societies appointed in accordance with the Act.

Regulations means any regulations made under the Act, including the Incorporated Societies Regulations 2023.

Respondent means a Member or Officer or the Club who is the subject of a complaint made in accordance with the Dispute Resolution Procedure described in Rules 53 to 60.

SLSNZ means Surf Life Saving New Zealand Incorporated.

SLSNZ Constitution means the Constitution of Surf Life Saving New Zealand Incorporated.

SLSNZ Regulations means the regulations, policies, bylaws or codes of conduct of Surf Life Saving New Zealand.

Social Member means a Member in accordance with Rule 27.2.4.

Special General Meeting or **SGM** means a meeting of the Members, other than an Annual General Meeting, called for a specific purpose or purposes.

Special Resolution means a resolution passed by two thirds of the votes properly cast.

Surf lifesaving means the practice of surf lifeguards of preventing drowning and injury of those swimming and undertaking activities at or near beaches, coast, or sea and includes lifeguard patrol services, education and sports activities.

Working Day means a day which is not a Saturday, Sunday or public holiday in Wellington.

Written Notice means a notice in writing and delivered by email or post to the last known address of the individual or entity to whom it is directed. Notices given by email will be deemed to be received if they have not been returned as undeliverable within one Working Day, and Notices given by post will be deemed to be received five Working Days after they are sent.

1.2 **Construction:** In this Constitution:

- 1.2.1 a gender includes all other genders;
- 1.2.2 the singular includes the plural and vice-versa;
- 1.2.3 any reference to legislation includes any regulation, order-in-council, or other instrument issued or made under that legislation, and any modification or re-enactment of that legislation, or any legislation enacted in substitution of that legislation;
- 1.2.4 any agreement includes that agreement as modified, supplemented, innovated, or substituted from time to time;
- 1.2.5 a reference to persons includes bodies corporate;
- 1.2.6 a reference to a person includes the legal personal representatives, successors, and permitted assigns of that person; and
- 1.2.7 headings and the contents page are for reference only and are to be ignored in construing this Constitution.

PART 2 – DETAILS OF CLUB NAME

2 Name

- 2.1 **Name of Club:** The name of the Society is Paekakariki Surf Life Guards Incorporated (in this Constitution referred to as the 'Club').
- 2.2 **Māori name of Club:** The Māori name of the Club is Ngā Manapou Moana o Paekakariki.

3 Charitable Status

- 3.1 **Charitable Status:** The Club is registered as a charitable entity under the Charities Act 2005.

4 Registered Office

- 4.1 **Registered Office:** The registered office of the Club is at such place in New Zealand as the Committee from time to time decides.
- 4.2 **Change of Registered Office:** The Committee must notify changes to the registered office to the Registrar of Incorporated Societies at least five Working Days before the change of address for the registered office is due to take effect.

5 Contact Person

- 5.1 **Contact Persons:** The Committee will appoint at least one (1) but no more than three (3) Contact Person(s) whom the Registrar can contact when needed.
- 5.2 **Requirements:** Each Contact Person must be:
- 5.2.1 a Member or an employee of the Club;
 - 5.2.2 at least 18 years of age; and
 - 5.2.3 ordinarily resident in New Zealand.
- 5.3 **Registrar Notification:** Each Contact Person's name and contact details must be provided to the Registrar of Incorporated Societies in accordance with the Act.
- 5.4 **Contact Update:** Any change in that Contact Person or that person's name or contact details must be advised to the Registrar of Incorporated Societies within twenty (20) Working Days of that change occurring, or the Club becoming aware of the change.

PART 3 - PURPOSES AND POWERS

6 Purposes

- 6.1 **Charitable Purpose:** The Club is established and maintained exclusively for the charitable purpose of benefitting the community by saving lives and ensuring the safety of the community at the beach and on the water by providing lifesaving, patrol services, and other programmes and services on the Kapiti Coast, primarily at Paekakariki Beach and at other locations as determined by the Club. Any income, benefit or advantage must be used to advance the charitable purposes of the Club.
- 6.2 **Further Activities:** To facilitate the charitable purpose, the Club's key activities are to:

- 6.2.1 promote membership of the Club;
- 6.2.2 liaise, co-operate, and act in good faith with its Members, SLSNZ, and other member clubs of SLSNZ to promote, develop, and deliver Surf lifesaving services;
- 6.2.3 work collaboratively and co-operatively with the community, to develop, encourage, promote and deliver water safety messages and programmes;
- 6.2.4 be a member of SLSNZ and adhere to the SLSNZ Constitution and SLSNZ Regulations;
- 6.2.5 promote the health, safety and well-being of all participants in Surf Life Saving;
- 6.2.6 encourage participation and achievement in Surf Life Saving;
- 6.2.7 establish, promote, and stage Surf lifesaving competitions and Events that are safe, fair and inclusive;
- 6.2.8 maintain and enhance the reputation of the Club, SLSNZ, and Surf Life Saving through the implementation of standards and practices which fulfil these purposes and the purposes of SLSNZ;
- 6.2.9 give, and seek where appropriate, recognition for Members to obtain awards or public recognition for Surf lifesaving or other services to the Club or the community;
- 6.2.10 seek and obtain improved facilities and equipment for Surf lifesaving services;
- 6.2.11 provide information, assistance, and resources to its Members and the public;
- 6.2.12 develop, train, and educate surf lifeguards, instructors, examiners, competitors, officials, coaches, managers, and other personnel involved in Surf Life Saving;
- 6.2.13 represent the interests of its Members when engaging with SLSNZ; and
- 6.2.14 do anything conducive or incidental to the attainment of the above purposes.

7 Powers

- 7.1 **Club Capacity:** The Club has full capacity to carry on or undertake any activity, do any act, or enter into any transaction that the Committee may deem to be conducive or incidental to the attainment of the purposes of the Club.
- 7.2 **Club Restrictions:** For the purposes of Rule 7.1, the Club has full rights, powers, and privileges, provided that:
 - 7.2.1 the Club must not be carried on for the financial gain of any of its Members; and
 - 7.2.2 the Club's powers must be exercised in accordance with this Constitution, the SLSNZ Constitution and all applicable laws.

8 Tikanga, Kawa, Culture or Practice

- 8.1 **Tikanga:** The tikanga or culture of the Club is as follows:

- 8.1.1 The club has a people centric focus creating a whanau based philosophy and this Constitution must be interpreted having regard to that tikanga, kawa, culture or practice subject to the Act and all express provisions of this Constitution.

9 Act and Regulations

- 9.1 **Consistency with Law:** Nothing in this Constitution authorises the Club to do anything which contravenes or is inconsistent with the Act, the Regulations, or any other legislation.

PART 4 – GOVERNANCE

10 Honorary Positions

- 10.1 **Patron:** A Patron may be invited by the Committee to hold such position. The Patron is entitled to attend and speak at General Meetings but has no right to vote.
- 10.2 **President:** The President:
- 10.2.1 is elected by the Members of the Club. Nominations for the President are made in the same manner and at the same time as nominations for Committee Members under Rule 12.1 (Nominations);
- 10.2.2 holds office for two (2) years until the conclusion of the relevant AGM;
- 10.2.3 may attend Committee Meetings, if requested by the Committee, and is entitled to speak at such meetings, but has no right to vote; and
- 10.2.4 chairs General Meetings, unless the President is unavailable or unwilling to chair the meeting or any part of it, in which case the Chair of the Committee, or another suitable member will preside.
- 10.3 **Vacancy:** If there is a casual vacancy in the position of President, the Committee may appoint a person of their choice to fill the vacancy or leave the vacancy unfilled until the next AGM.

11 Committee Composition

- 11.1 **Committee Composition:** The Committee must consist of at least seven (7) Officers with a maximum of twelve (12) Officers. Officers will be nominated and elected to each of the following positions under clause 12 (Election of Officers).
- 11.1.1 Chairperson;
Finance Officer;
Building Officer;
Youth Captain (who must be under 30 years);
Membership & Wellbeing Coordinator;
Communications & Community Engagement Coordinator;
Lifeguarding Manager;
Member Education Coordinator;
IRB Officer;
Senior Sport Coordinator;
Boat Captain; and
Junior Surf Coordinator.
- 11.2 **Membership of Officers:** A majority of the Officers on the Committee must be Members of the Club.

12 Election of Officers

12.1 Nominations:

- 12.1.1 Nominations for Committee Members may be made by either two (2) Members, or by the Committee.
- 12.1.2 Nominations must be received by the Committee at least seven (7) Days before the date set for the General Meeting and must include confirmation of the nominee's written consent to nomination.

12.2 **Election:** The Committee Members are elected by the Members present and entitled to vote at a General Meeting.

12.3 **Voting:** If the number of nominees for a position on the Committee:

- 12.3.1 is equal to the number of vacancies for the position, the person chairing the General Meeting will declare the nominees elected.
- 12.3.2 is less than the number of vacancies for that position, further nominations may be received from the floor at the General Meeting and if no further nominations are received positions may be left vacant on the Committee; or
- 12.3.3 is greater than the number of vacancies for that position, an election must be conducted by secret ballot. Those nominees for the vacant positions which have the highest number of votes in favour will be declared elected.

13 Term

13.1 **Officer Tenure:** The term of office for all Officers elected to the Committee is one (1) year, expiring at the end of the Annual General Meeting in the year corresponding with the last year of each Officer's term of office.

13.2 **Re-election:** All Officers may be re-elected to the Committee.

14 Co-option

14.1 **Committee Appointment:** The Committee may co-opt up to two (2) further people as Committee Members as and when the Committee considers it desirable.

14.2 **Co-opted Member Rights:** Unless otherwise specified by the Committee any person co-opted as a Committee Member has full speaking and voting rights as an Officer of the Club, and their term of office expires at the conclusion of the Annual General Meeting following their appointment.

15 Removal of Officers

15.1 **Removal of Officers:** The Members in a Special General Meeting called for this purpose may, by Special Resolution remove any Committee Member before the expiration of their term of office as follows:

- 15.1.1 upon the Club receiving a request for a Special General Meeting for the purpose of removing a Committee Member, or the Committee as a whole, the Club must send the Notice of the Special General Meeting to the Committee Member concerned, or the Committee (as the case may be), in addition to the Members of the Club; and
- 15.1.2 before voting on the resolution to remove a Committee Member or the Committee as a whole, the Committee Member, or the Committee as a whole (as the case may be) affected by the proposed resolution must be given the

opportunity before, and at, the Special General Meeting to make submissions in writing and/or verbally to the persons entitled to be present at the General Meeting about the proposed resolution.

16 Ceasing to Hold Office

16.1 Cessation Circumstances: A Committee Member ceases to hold office on and from the date when the Committee Member:

16.1.1 dies, or in the opinion of the majority of the Committee, becomes so incapacitated that they are effectively incapable of performing the duties of a Committee Member;

16.1.2 resigns (by Written Notice to the Committee);

16.1.3 is absent from three (3) Committee meetings without leave of absence from the Committee;

16.1.4 the Committee passes a vote of no confidence in the Committee Member;

16.1.5 is disqualified from being an Officer under the Act or the Charities Act 2005; or

16.1.6 is removed from office as set out in Rule 15.

16.2 Resignation Obligations: Each Committee Member must within twenty (20) Days of submitting a resignation or ceasing to hold office, deliver to the Committee all books, papers and other property of the Club held by such former Committee Member.

17 Vacancies

17.1 Filling Vacancies: Where there is a vacancy on the Committee, the remaining Committee Members may appoint a person of their choice to fill the vacancy, or the Committee may leave the vacancy unfilled until the next Annual General Meeting.

17.2 Term Expiration: The term of office for a person appointed as a Committee Member to fill a vacancy under this rule expires at the conclusion of the Annual General Meeting following their appointment, or of any Special General Meeting called to fill the vacancy.

18 Functions and Powers of the Committee

18.1 Management of the Club: From the end of each Annual General Meeting until the end of the next, the Club must be managed by, or under the direction or supervision of, the Committee, in accordance with the Act, the Regulations, and this Constitution.

18.2 Powers and Limitations: The Committee has all the powers necessary for managing, and for directing and supervising the management of, the operation and affairs of the Club, subject to such modifications, exceptions, or limitations as are contained in the Act or in this Constitution.

18.3 Appointment of Sub-committees: The Committee may appoint sub-committees consisting of such persons (whether or not Members of the Club) and for such purposes as it sees fit.

19 Bylaws, Policies and Codes of Conduct

19.1 Implementation and amendment of Bylaws, Policies and Codes of Conduct: The Committee may make and amend Bylaws, and policies for the conduct and

control of Club activities and codes of conduct applicable to Members. All such Bylaws, policies, or codes of conduct applicable to Members must be consistent with this Constitution, the Act, the Regulations, or any other legislation.

20 Committee Meetings Procedure

- 20.1 **Frequency:** Committee meetings may be called at any time by the Chair or two (2) Committee Members but generally the Committee will meet at regular intervals agreed by the Committee.
- 20.2 **Procedure:** Other than as prescribed by the Act or this Constitution, the Committee may regulate its proceedings as it thinks fit.
- 20.3 **Notice:** The person convening the Committee meeting must give all Committee members at least five (5) Days' notice of Committee meetings, but in cases of urgency a shorter period of notice will suffice.
- 20.4 **Quorum:** The quorum for Committee meetings is at least five (5) members of the Committee.
- 20.5 **Form:** A meeting of the Committee may be held by a quorum of the Committee Members:
- 20.5.1 meeting together at the place, date and time appointed for the meeting; or
 - 20.5.2 participating in the meeting by means of audio, audio and visual, or electronic communication by which all members of the Committee can simultaneously hear each other throughout the meeting; or
 - 20.5.3 by a combination of methods described in Rules 20.5.1 and 20.5.2.
- 20.6 **Chair:** The role of the Chair is to chair Committee meetings. If the Chair is unavailable for any reason, then the Committee must appoint another person to chair the meeting.
- 20.7 **Voting:** Each Committee Member will have one (1) vote at Committee meetings except the Chair who will have a casting vote in the event of a deadlock. Voting is by voice, or upon the request of any Committee Member, by a show of hands or by a ballot. Proxy and postal voting are not permitted.
- 20.8 **Resolutions:** A resolution of the Committee is passed at any meeting of the Committee if a majority of the votes cast on it are in favour of the resolution.
- 20.9 **Resolution in lieu:** The Committee may make a decision by resolution in lieu of a meeting conducted by a written ballot by email, electronic voting system, or post, provided that:
- 20.9.1 the proposed resolution is sent to every Committee Member; and
 - 20.9.2 a majority of the Committee Members sign or consent to the resolution; and
 - 20.9.3 a copy of any such resolution is entered in the minute book of the Committee Meetings.
- 20.10 **Minutes:** The Committee must ensure that minutes of a Committee Meeting are recorded and incorporated in a minute book and that a copy of the minutes is forwarded to all Committee Members as soon as practicable after a Committee Meeting.

- 20.11 **Expenses:** The Committee may, by majority vote, pay an honoraria to and/or reimburse its Committee Members for their actual and reasonable expenses incurred in the conduct of the business of the Club. Before doing so the Committee must establish a policy to be applied to any question of reimbursement and the payment of the honoraria.
- 20.12 **Matters not Provided for:** If any matter arises that, in the opinion of the Committee, is not provided for in this Constitution then it may be determined by the Committee in such manner as the Committee deems fit. Every such determination is binding upon Members unless and until set aside by resolution at a General Meeting.

PART 5 - OFFICERS

21 Qualifications of Officers

- 21.1 **Qualifications:** Every Officer must be a natural person who:

21.1.1 has consented in writing to be an Officer of the Club; and

21.1.2 certifies that they are not disqualified from being elected or appointed or otherwise holding office as an Officer of the Club.

22 Officer Eligibility

- 22.1 **Eligibility:** Officers must not be disqualified under section 47(3) of the Act or section 36B of the Charities Act 2005 from being appointed or holding office as an Officer of the Club, namely:

22.1.1 a person who is under 16 years of age;

22.1.2 a person who is an undischarged bankrupt;

22.1.3 a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993, or any other similar legislation;

22.1.4 a person who is disqualified from being a member of the governing body of a charitable entity under section 36B of the Charities Amendment Act 2023;

22.1.5 a person who has been convicted of any of the following, and has been sentenced for the offence, within the last seven (7) years:

- (a) an offence under subpart 6 of Part 4 of the Act;
- (b) a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961);
- (c) an offence under section 143B of the Tax Administration Act 1994;
- (d) an offence under section 22(2) of the Act;
- (e) an offence, in a country other than New Zealand, that is substantially similar to an offence specified in Rule 22.1.5 (a) to (d); or
- (f) a money laundering offence or an offence relating to the financing of terrorism, whether in New Zealand or elsewhere,

22.1.6 a person subject to:

- (a) a banning order under subpart 7 of Part 4 of the Act;
- (b) an order under section 108 of the Credit Contracts and Consumer Finance Act 2003;
- (c) a forfeiture order under the Criminal Proceeds (Recovery) Act 2009; or
- (d) a property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act,

22.1.7 a person who is subject to an order that is substantially similar to an order referred to in Rule 22.1.6 under a law of a country, State, or territory outside New Zealand that is a country, State, or territory prescribed by the Regulations.

23 Officer's Duties

23.1 **Officer Duties:** At all times each Officer must:

- 23.1.1 act in good faith and in the best interests of the Club;
- 23.1.2 exercise their powers for proper purposes;
- 23.1.3 not act, or agree to the Club acting, in a manner that contravenes the Act or this Constitution;
- 23.1.4 not agree to, nor cause or allow, the activities of the Club to be carried on in a manner likely to create a substantial risk of serious loss to the Club or the Club's creditors;
- 23.1.5 not agree to the Club incurring any obligations unless the Officer believes at that time on reasonable grounds that the Club will be able to perform the obligation when it is required to do so; and
- 23.1.6 exercise the care, diligence and skill that a reasonable person with the same responsibilities would exercise in the same circumstances taking into account, but without limitation:
 - (a) the nature of the Club; and
 - (b) the nature of the decision, and
 - (c) the position of the Officer and the nature of the responsibilities undertaken by the Officer.

23.2 **Duties owed to Club:** The duties set out in Rule 23.1 are owed to the Club, rather than to Members.

24 Conflicts of Interest

24.1 **Interested Officer:** An Officer who is an Interested Member in respect of any Matter being considered by the Club, must disclose to the Committee details of the nature

and extent of the interest (including any monetary value of the interest if it can be quantified) as soon as practicable after the Officer becomes aware that they are interested in the Matter.

24.2 **Interests Register:** The Committee must maintain an up-to-date register of the interests disclosed by Officers.

24.3 **Obligations:** An Interested Officer:

24.3.1 must not vote or take part in the decision of the Committee relating to the Matter unless all members of the Committee who are not interested in the Matter consent; and

24.3.2 must not sign any document relating to the entry into a transaction or the initiation of the Matter unless all members of the Committee who are not interested in the Matter consent; but

24.3.3 may take part in any discussion of the Committee relating to the Matter and be present at the time of the decision of the Committee (unless the Committee decides otherwise).

however:

24.3.4 an Officer who is prevented from voting on a Matter under this rule may still be counted for the purpose of determining whether there is a quorum at any meeting at which the Matter is considered; and

24.3.5 where 50 per cent or more of the Officers are prevented from voting on a Matter because they are interested in that Matter, a Special General Meeting must be called to consider and determine the Matter.

25 Use of Information and Advice

25.1 **Reliance:** An Officer, when exercising powers or performing duties as an Officer, may rely on reports, statements, and financial data and other information prepared or supplied, and on professional or expert advice given, by any of the following persons:

25.1.1 an employee of the Club, or SLSNZ, whom the Officer believes on reasonable grounds to be reliable and competent in relation to the Matters concerned;

25.1.2 a professional adviser or expert in relation to Matters that the Officer believes on reasonable grounds to be within the person's professional or expert competence;

25.1.3 any other Committee Member, or subcommittee of Committee Members upon which the Officer did not serve in relation to Matters within the Committee Member's or subcommittee's designated authority.

25.2 **Limitation on Reliance:** However, Rule 25.1 applies to an Officer only if they:

25.2.1 act in good faith; and

25.2.2 make proper inquiry where the need for inquiry is indicated by the circumstances; and

25.2.3 have no knowledge that the reliance is unwarranted.

PART 6 - MEMBERSHIP

26 Minimum Number of Members

- 26.1 **Minimum number of members:** The Club must maintain a minimum of 10 Members, as required by the Act.

27 Membership Categories

- 27.1 **Membership Defined:** The Club will have as its Members such individuals as the Committee considers appropriate provided that the membership, and the method by which Members are admitted, is consistent with the SLSNZ Constitution and the SLSNZ Regulations.
- 27.2 **Membership Categories:** For the purposes of this Constitution, the categories of membership are as follows:
- 27.2.1 **Active Members:** An Active Member is a person who participates or is involved in Surf Life Saving through the Club and who has been accepted as an Active Member by the Club in accordance with Rule 28.
 - 27.2.2 **Associate Members:** An Associate Member is a person who has an interest in Surf Life Saving and in being part of the Club and who has been accepted as an Associate Member by the Club in accordance with Rule 28.
 - 27.2.3 **Life Members:** A Life Member is a person who has been granted membership of the Club for the duration of their lifetime in recognition and appreciation of long-term service to the Club in accordance with Rule 30.
 - 27.2.4 **Social Member:** A Social Member is a person who has an interest in supporting social and fundraising activities of the Club and who has been accepted as a Social Member by the Club in accordance with Rule 28.
- 27.3 **Sub-categories:** Active Members may be classified into sub-categories of membership by the Committee for the purposes of deciding membership fees or privileges and rights.
- 27.4 **Category Change:** A Member's membership category may change during the year. If this occurs, the Member agrees to pay any additional fee(s) (if required) to cover such change.

28 Becoming a Member

- 28.1 **Membership Application:** Any person wishing to apply to be a Member of the Club (Applicant) must:
- 28.1.1 complete the application for membership as prescribed by the Committee and SLSNZ; and
 - 28.1.2 supply any other information the Committee or SLSNZ requires.
- 28.2 **Committee Discretion:** The Committee (or such other person(s) as designated by the Committee) has complete discretion in deciding:
- 28.2.1 whether or not to allow the Applicant to become a Member: and
 - 28.2.2 the Applicant's membership category in accordance with any applicable SLSNZ Regulations or any policies or guidelines of the Club.
- 28.3 **Outcome Communicated:** The Committee must advise the Applicant of its decision but is not required to give the reasons should the Applicant be denied membership.

- 28.4 **Consent Records:** Every Applicant for Membership must consent in writing to becoming a Member, and applying to become a Member will be deemed to constitute such consent. The signed written consent of every Member to become a Club Member must be retained in the Club's membership records held and administered by SLSNZ and/or by the Club (as determined by the Committee in respect of each category of Member).

29 Transfers

- 29.1 **Transfer of Membership:** Transfers of membership between clubs must be done in accordance with any applicable SLSNZ Regulations or policies.

30 Life Members

- 30.1 **Nomination:** Nominations for Life Membership may be made by the Committee, or any Member other than the nominee in the manner prescribed by the Committee.
- 30.2 **Election:** Life Members are elected by Special Resolution of the Committee.

31 Consent to Becoming a Member

- 31.1 **Member Consent:** A person who has completed the application process set out in Rule 28 is deemed to have consented to becoming a Member of both the Club and SLSNZ, with the exception of Social Members.
- 31.2 **Life Member Consent:** A person who accepts Life Membership as set out in Rule 30 is deemed to have consented to becoming a Member of both the Club and SLSNZ.

32 Members' Rights and Privileges

- 32.1 **Active Member:** Each Active Member is entitled to:
- 32.1.1 compete for the Club in Surf lifesaving competitions and Events if chosen as a Club representative;
 - 32.1.2 use the Club's facilities and equipment as permitted by the Club;
 - 32.1.3 participate in programmes and activities offered by the Club;
 - 32.1.4 attend, speak and vote at all General Meetings of the Club (either directly or if under 16 years of age, through their parent or other legal guardian);
 - 32.1.5 if over 16 years of age be elected as a member of the Committee in accordance with Rule 12; and
 - 32.1.6 if over 18 years of age be elected or appointed as a Delegate to represent the Club at General Meetings of SLSNZ.
- 32.2 **Associate Members:** Each Associate Member is entitled to:
- 32.2.1 use the Club's facilities and equipment as permitted by the Club;
 - 32.2.2 participate in programmes and activities as permitted by the Club;
 - 32.2.3 attend, speak, but not vote, at all General Meetings of the Club;
 - 32.2.4 if over 16 years of age, be elected as a member of the Committee in accordance with Rule 12; and

32.2.5 if over 18 years of age be elected or appointed as a Delegate to represent the Club at General Meetings of SLSNZ.

32.3 **Life Members:** Each Life Member is entitled to:

32.3.1 compete for the Club in Surf lifesaving competitions and Events if chosen as a Club representative;

32.3.2 use the Club's facilities and equipment as permitted by the Club;

32.3.3 participate in programmes and activities offered by the Club;

32.3.4 attend, speak and vote at all General Meetings of the Club;

32.3.5 if over 16 years of age, be elected as a member of the Committee in accordance with Rule 12; and

32.3.6 be elected or appointed as a Delegate to represent the Club at General Meetings of SLSNZ.

32.4 **Social Member:** Each Social Member is entitled to:

32.4.1 use the Club's facilities and equipment as permitted by the Club;

32.4.2 participate in social and fundraising activities offered by the Club; and

32.4.3 attend and speak but not vote at General Meetings,

32.4.4 but is not entitled to be elected to the Committee, be elected or appointed as a Delegate, or participate in Surf lifesaving competitions and Events, and will not become a member of SLSNZ as contemplated in Rule 28 or Rule 33.1.

33 Members' Obligations

33.1 **Obligations:** Members acknowledge and agree that:

33.1.1 they must comply with and observe this Constitution, the Bylaws, the SLSNZ Constitution, the SLSNZ Regulations, and any policies and procedures of the Club, and SLSNZ, and any determination, resolution or decision which may be made or passed by the Club Committee;

33.1.2 they are only entitled to exercise the rights of membership (including attending and voting at General Meetings, accessing or using the Club's premises, facilities, equipment and other property, and participating in Club activities) if all subscriptions and any other fees have been paid to the Club by their respective due dates, but no Member or Life Member is liable for an obligation of the Club by reason only of being a Member;

33.1.3 the Committee may decide what access or use Members may have of or to any premises, facilities, equipment or other property owned, occupied, or otherwise used by the Club, and to participate in Club activities, including any conditions of and fees for such access, use or involvement;

33.1.4 membership does not confer on any Member any right, title, or interest (legal or equitable) in the property of the Club;

- 33.1.5 every Member must provide the Club in writing with that Member's name and contact details (namely physical or email address and a telephone number) and promptly advise the Club in writing of any changes to those details;
- 33.1.6 any Member that is a body corporate must provide the Committee, in writing, with the name and contact details of the person who is the organisation's authorised representative, and that person will be deemed to be the organisation's proxy for the purposes of voting at General Meetings;
- 33.1.7 they will promote the interests and purposes of the Club and must not do anything to bring the Club or SLSNZ into disrepute; and
- 33.1.8 they will be liable for all reasonable costs incurred by the Club in relation to recovery of Membership Fees, and any other sums owed to the Club by the Member, and/or reasonably necessary for the Club to enforce its legal rights under this rule in respect of that Member.

34 Subscriptions and Fees

- 34.1 **Setting Fees** The Committee will determine the fees payable by Members, and notify the fees to Members, including:
 - 34.1.1 the annual subscription fee(s) and any other fees;
 - 34.1.2 the due date for the fee(s);
 - 34.1.3 the manner of payment for the fee(s); and
 - 34.1.4 any discounts for prompt payment, or reasonable penalties for late payment.
- 34.2 **Consequences of non-payment:** Any Member failing to pay the annual subscription or other fee(s) by the due date specified by the Committee is considered as not in good standing and (without being released from the obligation of payment) will not be entitled to participate in any Club activity or to access or use the Club's premises, facilities, equipment and other property until all the arrears are paid.
- 34.3 **Termination:** If such arrears are not paid within sixty (60) Days of the due date for payment of the subscription, any other fees, or levy the Committee may terminate the Member's membership (without being required to give prior notice to that Member).

35 Ceasing to be a Member

- 35.1 **Ceasing to be a Member:** A Member ceases to be a Member with immediate effect:
 - 35.1.1 by resignation from that Member's class of membership by Written Notice by that Member to the Committee (or such person(s) as designated by the Committee). A resignation is effective when it is received by the Committee or at a later time specified in the notice;
 - 35.1.2 on termination of a Member's membership following a Dispute resolution process under this Constitution;
 - 35.1.3 on death;
 - 35.1.4 where the Club has been unable to establish contact with a Member for a period of at least ninety (90) Days. The Committee must give the Member seven (7) Days' Notice of the intention to terminate the Member's membership; or

- 35.1.5 by resolution of the Committee where the Member has failed to pay a subscription or other amount due to the Club as set out in Rule 34.

36 Obligations Once Membership Has Ceased

- 36.1 **Obligations once Membership has ceased:** A Member who has ceased to be a Member under this Constitution:
- 36.1.1 remains liable to pay all subscriptions and other fees owing to the Club at the time of termination, unless waived by the Committee;
 - 36.1.2 must cease to hold themselves out as a Member of the Club;
 - 36.1.3 must return to the Club all property provided to Members by the Club or SLSNZ;
 - 36.1.4 must not use any property (including Intellectual Property) of the Club or SLSNZ;
 - 36.1.5 ceases to be entitled to any of the rights of a Member;
 - 36.1.6 forfeits all claims upon the Club or SLSNZ; and
 - 36.1.7 is deemed to have also withdrawn or terminated their membership of SLSNZ.

37 Becoming a Member Again

- 37.1 **Re-admission Process:** Any former Member may apply for re-admission in the manner prescribed for new Applicants in accordance with Rule 28.
- 37.2 **Disciplinary Re-admission:** But, if a former Member's membership was terminated following a disciplinary or Dispute resolution process, the Applicant may be re-admitted only by a Special Resolution passed at a General Meeting on the recommendation of the Committee.
- 37.3 **Appeal:** A Member may only appeal a decision made under Rule 37.2 to SLSNZ in accordance with the SLSNZ Constitution and SLSNZ Regulations.

PART 7 - GENERAL MEETINGS

38 Annual General Meeting

- 38.1 **AGM:** An Annual General Meeting (AGM) must be held once a year at the time, date, place, and/or the manner as the Committee decides and be consistent with any requirements in the Act and the Constitution.
- 38.2 **Timing:** The Annual General Meeting must be held no later than the earlier of the following: 6 months after the balance date of the Club or 15 months after the previous annual meeting.
- 38.3 **Notice:** The Committee must give all Members at least thirty (30) Days' Notice of the Annual General Meeting. The Notice must set out:
- 38.3.1 the date, time, place, and manner for the Annual General Meeting;
 - 38.3.2 closing date(s) for nominations for any elections, proposed motions, and other items of business to be submitted to the Club; and
 - 38.3.3 the business to be conducted at that General Meeting.

- 38.4 **Business:** The business of an Annual General Meeting is to:
- 38.4.1 confirm the minutes of the last Annual General Meeting and any Special General Meeting(s) held since the last Annual General Meeting;
 - 38.4.2 adopt the annual report on the operations and affairs of the Club during the most recently completed accounting period;
 - 38.4.3 appoint, or reappoint, a reviewer for the next accounting period;
 - 38.4.4 adopt the Committee's report on the finances of the Club, and the reviewed annual financial statements for that period;
 - 38.4.5 receive a report of any disclosures of conflicts of interest made by Officers during that period (including a summary of the Matters, or categories of Matters, to which those disclosures relate);
 - 38.4.6 If required, elect Committee Members;
 - 38.4.7 consider any motion(s) of which prior notice has been given to Members with Notice of the Meeting; and
 - 38.4.8 consider any general business, including general business raised from the floor, if agreed by a Special Resolution of the Members present at the Meeting.

39 Special General Meeting

- 39.1 **SGM:** Any other General Meeting of the Members is a Special General Meeting (SGM).
- 39.2 **Calling of SGM:** Special General Meetings may be called at any time by the Committee by resolution.
- 39.3 **SGM on Member request:** The Committee must call a Special General Meeting if it receives a written request signed by at least 15 Members or 25% of Members whichever is the lowest number.
- 39.4 **Business of SGM:** Any resolution or written request must state the business that the Special General Meeting is to deal with.
- 39.5 **Notice:** The Committee must give all Members at least twenty one (21) Days' Written Notice of any Special General Meeting unless the Committee, in its discretion, decides that the nature of the SGM business is of such urgency that a shorter period of notice is given to Members. The Notice must set out the:
- 39.5.1 date, time, place and/or the manner for the Special General Meeting; and
 - 39.5.2 proposed motion(s) that have been properly submitted for consideration.
- 39.6 **No additional business:** A Special General Meeting must only consider and deal with the business specified in the Committee's resolution or the written request by Members for the Meeting.
- 39.7 **Process:** The rules in this Constitution relating to the procedure to be followed at General Meetings also apply to a Special General Meeting.

40 Notice of Meetings

- 40.1 **Notice of Meeting:** A Notice will be addressed to the Member at the contact address or email address notified to the Club and recorded in the Club's Register of Members. The General Meeting and its business will not be invalidated simply because one or more Members do not receive the Notice of the General Meeting.

41 Agenda

- 41.1 **Agenda:** An agenda must be sent to all Members no later than seven (7) Days before the date of any General Meeting. The agenda must include:

- 41.1.1 the date, time, location and/or manner of the General Meeting;
- 41.1.2 notice of any motions received;
- 41.1.3 any information provided by a Member, or the Committee, in support of the motions; and
- 41.1.4 for an Annual General Meeting, a list of the nominees for election and the documents and information set out in Rule 38.4.

42 General Meeting Procedure

- 42.1 **Attendance and Voting:** All Members may attend and speak at a General Meeting. Only Voting Members may vote at a General Meeting.

- 42.2 **Quorum:** No General Meeting may be held unless at least fifteen (15) Members entitled to vote attend throughout the meeting, and this will constitute a quorum. If, within thirty (30) minutes after the time appointed for a meeting a quorum is not present, the meeting:

- 42.2.1 if called upon request of Members under Rule 39 as a Special General Meeting is dissolved; and
- 42.2.2 in any other case, is adjourned to a day, time and place determined by the Committee, and if at such adjourned meeting a quorum is not present within thirty (30) minutes after the time appointed for the meeting, those Members present in person or otherwise participating in the meeting will be deemed to constitute a sufficient quorum.

- 42.3 **Form:** A General Meeting may be held by a quorum of the Members:

- 42.3.1 meeting together at the place, date and time appointed for the meeting;
- 42.3.2 participating in the meeting by means of audio, audio and visual, or electronic communication by which all Members can simultaneously hear each other throughout the meeting; or
- 42.3.3 by a combination of methods described in Rules 42.3.1 and 42.3.2.

- 42.4 **Minutes:** The Club must keep minutes of all General Meetings and make them available on request to any Member.

- 42.5 **Chair:** All General Meetings are chaired by the President. If the President is absent, the Committee may appoint a Committee Member or other suitable member to chair the meeting. Any person chairing a General Meeting has a deliberative and, in the event of a tied vote, a casting vote.

42.6 **Omissions and Irregularities:** A General Meeting and its business will not be invalidated by an irregularity, error or omission in Notices, agenda and relevant papers of the General Meeting or the omission to give notice within the required time frame to all Members, or any other error in the organisation of the General Meeting. These issues can be waived if:

42.6.1 the Chair in their discretion determines that it is still appropriate for the General Meeting to proceed despite the irregularity, error or omission; and

42.6.2 a motion to proceed is put to the General Meeting and is passed by Special Resolution.

43 Motions

43.1 **Committee Motions:** The Committee may propose motions for the Club to vote on ('Committee Motions'), which must be notified to Members with the Notice of the General Meeting.

43.2 **Member Motions:** Any Member may request that a motion be voted on ('Member's Motion') at a General Meeting, by giving notice to the Committee at least fourteen (14) Days before that meeting. The Member may also provide information in support of the motion.

44 Adjournment:

44.1 **Adjournment:** If necessary, the President or the person chairing a General Meeting can adjourn the meeting to another time and place, with the Members' consent. At any adjourned meeting, only the unfinished business from the original meeting can be transacted.

45 Voting

45.1 **Majority:** Unless otherwise required by this Constitution, all questions will be decided by a simple majority of those voting at a General Meeting.

45.2 **Voting:** Voting at a General Meeting is by voices or by show of hands as determined by the Chair unless a secret ballot is required under this Constitution or on demand of the Chair or a majority of the Members present.

45.3 **Secret Ballot:** If a secret ballot is called, 2 scrutineers must be appointed by the Chair to count the votes.

45.4 **Proxies:** Proxy voting is not permitted at a General Meeting.

45.5 **Written Resolutions:** Written resolutions may not be passed in lieu of a General Meeting.

PART 8 - RECORDS

46 Register of Members

46.1 **Register of Members:** The Club must keep an up-to-date Register of Members containing each Member's:

46.1.1 name and contact details;

46.1.2 membership category; and

- 46.1.3 date on which they became a Member (if there is no record of the date they joined, this date will be recorded as 'Unknown').
- 46.2 **Member Information:** Every current Member must provide the Club with that Member's details in 46.1 and promptly advise the Club of any change in the Member's contact details.
- 46.3 **Retention of Register of Members:** The Club must also keep a record of the name of each person who ceased to be a Member within the previous seven (7) years, and the date on which they ceased to be a Member.
- 47 Access to Information for Members**
- 47.1 **Privacy:** The collection, use, storage, and disclosure of any personal information in relation to the Register of Members must comply with the Privacy Act 2020. Any Member's entry on the Register of Members must be available for inspection by that Member and Committee Members upon reasonable request and in compliance with the Privacy Act 2020.
- 47.2 **Access to Information:** A Member may at any time make a written request to the Club for information held by the Club. The request must specify the information sought in sufficient detail to enable the information to be identified. The Club must, within a reasonable time after receiving a request:
- 47.2.1 provide the information;
 - 47.2.2 agree to provide the information within a specified period;
 - 47.2.3 agree to provide the information within a specified period if the Member pays a reasonable charge to the Club (which must be specified and explained) to meet the cost of providing the information; or
 - 47.2.4 refuse to provide the information, specifying the reasons for the refusal.
- 47.3 **Refusal to Provide Information:** Without limiting the reasons for which the Club may refuse to provide the information, the Club may refuse to provide the information if:
- 47.3.1 withholding the information is necessary to protect the privacy of natural persons, including that of deceased natural persons;
 - 47.3.2 the disclosure of the information would, or would be likely to, prejudice the commercial position of the Club or of any of its Members;
 - 47.3.3 the disclosure of the information would, or would be likely to, prejudice the financial or commercial position of any other person, whether or not that person supplied the information to the Club;
 - 47.3.4 the information is not relevant to the operation or affairs of the Club;
 - 47.3.5 withholding the information is necessary to maintain legal professional privilege;
 - 47.3.6 the disclosure of the information would, or would be likely to, breach an enactment;
 - 47.3.7 the burden to the Club in responding to the request is substantially disproportionate to any benefit that the Member (or any other person) will or may receive from the disclosure of the information;

- 47.3.8 the request for the information is frivolous or vexatious; or
- 47.3.9 the request seeks information about a Dispute or Complaint which is or has been the subject of the procedures for resolving such matters under this Constitution and the Act.
- 47.4 **Charges for Information:** If the Club requires the Member to pay a charge for the information, the Member may withdraw the request, and must be treated as having done so unless, within ten (10) Days after receiving notification of the charge, the Member informs the Club:
 - 47.4.1 that the Member will pay the charge; or
 - 47.4.2 that the Member considers the charge to be unreasonable.
- 47.5 **IPP 6 not Limited:** Nothing in this rule limits Information Privacy Principle 6 of the Privacy Act 2020 relating to access to personal information.

PART 9 - FINANCES

48 Control and Management

- 48.1 **Control and Management of Finances:** The funds and other assets of the Club must be:
 - 48.1.1 controlled, invested and disposed of by the Committee, subject to this Constitution; and
 - 48.1.2 devoted solely to the promotion of the Purposes of the Club.
- 48.2 **Bank Accounts:** The Committee must maintain and operate bank accounts in the name of the Club in accordance with the policy determined by the Committee. All money received on account of the Club must be banked in bank accounts in the name of the Club.
- 48.3 **Approval of Liabilities:** A liability in excess of the monies and other assets of the Club may only be undertaken by the Club in accordance with a Special Resolution passed at a General Meeting.

49 Accounting Records

- 49.1 **Accounting Records:** The Committee must ensure that accounting records are always kept that:
 - 49.1.1 correctly record the transactions of the Club;
 - 49.1.2 allow the Club to produce financial statements that comply with the requirements of the Act; and
 - 49.1.3 would enable the financial statements to be readily and properly audited or reviewed (if required under any legislation or the Club's Constitution).
- 49.2 **Accounting System:** The Committee must establish and maintain a satisfactory system of control of the Club's accounting records.
- 49.3 **Retention of records:** The accounting records must be kept in written form or in a form or manner that is easily accessible and convertible into written form. The accounting records must be kept for the current accounting period and for the last seven (7) completed accounting periods of the Club.

50 Balance Date

- 50.1 **Balance Date:** The balance date of the Club is 30 April of each year or on the date the Committee decides. The Club must file financial returns statements with the Registrar within six months of the Balance Date.

51 Audit/Review

- 51.1 **Review of Financial Statements:** The financial statements of the Club must be reviewed or audited by a qualified and independent auditor or suitably qualified person appointed by the Members at the Annual General Meeting. The financial statements may be audited if the Committee deem necessary.

52 Payments to Members

- 52.1 **No Personal Benefit:** The monies and other assets of the Club must not be used for personal or individual benefit of any Member or Officer, except in the circumstances described in section 24 of the Act.

- 52.2 **Permitted Benefits:** Nothing in Rule 52 prevents payment in good faith of, or to, any Member or Officer for any of the following provided that such payment does not exceed the amount ordinarily payable between ordinary commercial parties dealing at arm's length in a similar transaction:

- 52.2.1 any services actually rendered to the Club, whether as an employee or otherwise;
- 52.2.2 goods supplied to the Club in the ordinary and usual course of operation;
- 52.2.3 interest on money borrowed from any Member or Committee Member;
- 52.2.4 rent for premises demised or let by any Member or Committee Member to the Club;
- 52.2.5 any honoraria paid to any Committee Member in accordance with Rule 20.11; or
- 52.2.6 any out-of-pocket expenses incurred by a Member or Committee Member on behalf of the Club for any other reason,

and provided that no Officer or Member is allowed to influence any such decision made by the Club in respect of payments or transactions between it and them, their direct family or any associated entity.

PART 10 -DISPUTE RESOLUTION PROCEDURES

53 How a Complaint is Made

- 53.1 **Notice of Complaint:** A Member or an Officer (the 'Complainant') may make a Complaint by giving to the Committee a notice in writing that:

- 53.1.1 states that the Complainant is starting a procedure for resolving a Dispute in accordance with the Club's Constitution;
- 53.1.2 sets out the allegation to which the Dispute relates and whom the allegation is against; and
- 53.1.3 sets out any other information reasonably required by the Club.
- 53.2 **Club can initiate Complaint:** The Club may make a Complaint involving an allegation against a Member or an Officer (the 'Respondent') by giving to the Respondent a notice in writing that:
 - 53.2.1 states that the Club is starting a procedure for resolving a Dispute in accordance with the Club's Constitution; and
 - 53.2.2 sets out the allegation to which the Dispute relates.
- 53.3 **Respondent Information:** The information given to the Respondent under Rule 53.1 or 53.2 must be enough to ensure that a Respondent is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
- 54 Complainant's Right to be Heard**
 - 54.1 **Right to be Heard:** A Complainant has a right to be heard before the Complaint is resolved or any outcome is determined.
 - 54.2 **Officer may Exercise Right of Club:** If the Club makes a Complaint an Officer may exercise the right to be heard on behalf of the Club.
 - 54.3 **Method of Hearing:** Without limiting the manner in which the Complainant may be given the right to be heard, they must be taken to have been given the right if:
 - 54.3.1 they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held);
 - 54.3.2 an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing;
 - 54.3.3 an oral hearing (if any) is held before the decision maker; and
 - 54.3.4 the Complainant's written or verbal statement or submissions (if any) are considered by the decision maker.
- 55 Respondent's Right to be Heard**
 - 55.1 **Application:** This rule applies if a Complaint involves an allegation that a Member, an Officer, or the Club (the 'Respondent'):
 - 55.1.1 has engaged in misconduct;
 - 55.1.2 has breached, or is likely to breach, a duty under the Club's Constitution, Bylaws, code of conduct, policies or the Act; or
 - 55.1.3 has damaged the rights or interests of a Member or the rights or interests of Members generally.
 - 55.2 **Right to be Heard:** The Respondent has a right to be heard before the Complaint is resolved or any outcome is determined.

- 55.3 **Officer may Exercise Right of Club:** If the Respondent is the Club, an Officer may exercise the right to be heard on behalf of the Club.
- 55.4 **Method of Hearing:** Without limiting the manner in which a Respondent may be given a right to be heard, a Respondent must be taken to have been given the right if:
- 55.4.1 the Respondent is fairly advised of all allegations concerning the Respondent, with sufficient details and time given to enable the respondent to prepare a response;
 - 55.4.2 the Respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held);
 - 55.4.3 an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing;
 - 55.4.4 an oral hearing (if any) is held before the decision maker; and
 - 55.4.5 the Respondent's written statement or submissions (if any) are considered by the decision maker.

56 Investigating and Determining Dispute

- 56.1 **Investigation:** The Club must, as soon as is reasonably practicable after receiving or becoming aware of a Complaint made in accordance with the Constitution, ensure that the Dispute is investigated and determined.
- 56.2 **Fair Process:** Disputes must be dealt with under the Constitution in a fair, efficient, and effective manner and in accordance with the provisions of the Act.
- 56.3 **Cooperation:** All Members (including the Committee) must cooperate to resolve Disputes efficiently, fairly, and with minimum disruption to the Club's activities.

57 Club May Decide Not to Proceed Further

- 57.1 **Club may Decide not to Proceed:** Despite Rule 56, the Club may decide not to proceed further with a Complaint if:
- 57.1.1 the Complaint is considered to be trivial;
 - 57.1.2 the Complaint does not appear to disclose or involve any allegation of the following kind:
 - (a) that a Member or an Officer has engaged in material misconduct;
 - (b) that a Member, an Officer, or the Club has materially breached, or is likely to materially breach, a duty under the Club's Constitution or policies or the Act;
 - (c) that a Member's rights or interests or Members' rights or interests generally have been materially damaged;
 - 57.1.3 the Complaint appears to be without foundation or there is no apparent evidence to support it;
 - 57.1.4 the person who makes the Complaint has an insignificant interest in the matter;

57.1.5 the conduct, incident, event, or issue giving rise to the Complaint has already been investigated and dealt with under the Constitution; or

57.1.6 there has been an undue delay in making the Complaint.

58 Club May Refer Complaint

58.1 **Referral of Complaint:** The Club may refer a Complaint to:

58.1.1 a subcommittee, a Club Judicial Committee, or an external person or organisation to investigate and report; or

58.1.2 a subcommittee, a Club Judicial Committee, an arbitral tribunal, or an external person or organisation to investigate and make a decision.

58.2 **Referral to Dispute Resolution Service:** The Club may, with the consent of all parties to a Complaint, refer the Complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

58.3 **No Limitation on Referral to Authorities:** For the avoidance of doubt, this Rule 58 will not limit the Club's discretion to refer any matter to any appropriate regulatory authority or in the case of suspected criminal activity arising in relation to any Complaint, to the Police.

58.4 **Remedies:** The decision-maker may:

58.4.1 order the Complainant (if a Member) or the Member complained against, to meet any of the Club's reasonable costs in dealing with the Complaint; and

58.4.2 make such directions as the decision-maker thinks appropriate (with which the Club and Members will comply), including upholding a Complaint, and

(a) reprimanding the Member; and/or

(b) suspending the Member from membership for a specified period; and/or

(c) terminating the Member's membership.

58.5 **Procedure:** Before any decision under Rule 58.4 is made the Member concerned:

58.5.1 must be given fourteen (14) Days' Written Notice by the decision-maker of the proposed resolution to impose a sanction; and

58.5.2 have the right to be present, make submissions, and be heard at the meeting in which the proposed sanction is to be determined.

58.6 **Suspension pending investigation:** Where the Committee has reason to consider that a Member who is the subject of a Complaint may pose a material risk to the health, safety and wellbeing of any person, the Committee may suspend that Member from Club premises and Events and from entry into any SLSNZ events pending determination of the Complaint.

59 Decision Makers

59.1 **Impartiality of Decision Maker:** A person may not act as a decision maker in relation to a Complaint if two (2) or more members of the Committee or a Complaints subcommittee (if appointed) consider that there are reasonable grounds to believe that the person may not be:

59.1.1 impartial; or

59.1.2 able to consider the matter without a predetermined view.

60 Appeals

- 60.1 **Appeal to SLSNZ:** A Complainant or Respondent may appeal a decision made in accordance with this Constitution to SLSNZ in accordance with the rules and requirements for referring a Dispute set out in the SLSNZ Constitution.

PART 11 – ALTERATIONS TO THE CONSTITUTION

61 Amending this Constitution

- 61.1 **Special Resolution:** Subject to Rule 62.3, this Constitution may only be altered, added to, or repealed by a Special Resolution at a General Meeting in accordance with this Constitution.
- 61.2 **Notice:** Notice of an intention to alter this Constitution must be given by the Committee or any Member no later than fourteen (14) Days prior to a General Meeting.
- 61.3 **Limitation of Amendments:** No alteration, addition to or revision of this Constitution will be approved if it affects the not-for-profit purposes, personal benefit prohibition, or the winding up rules of the Club. This rule must not be removed from this Constitution and must be included in any alteration, addition to, or revision of this Constitution.
- 61.4 **Minor/technical Amendments:** Any minor or technical amendments may be notified to Members as outlined in section 31 of the Act.
- 61.5 **Notification to Registrar:** When an amendment is approved by a General Meeting it must be notified to the Registrar of Incorporated Societies in the form and manner specified in the Act for registration and will take effect from the date of registration.
- 61.6 **Notification to Charities Services:** If the Club is registered as a charity under the Charities Act 2005 the amendment must also be notified to Charities Services as required by section 40 of that Act.

PART 12 - LIQUIDATION AND REMOVAL FROM THE REGISTER

62 Voluntary Liquidation

- 62.1 **Voluntary Liquidation:** The Club may be voluntarily liquidated if:
- 62.1.1 a Special Resolution is passed at a General Meeting; and
- 62.1.2 such resolution is confirmed by Special Resolution in a subsequent General Meeting called for that purpose and held no later than thirty (30) Days after the date on which the resolution to be confirmed was passed.
- 62.2 **Notice of Liquidation Proposal:** The Committee must give thirty (30) Days Written Notice to all Members of the proposed resolution to put the Club into liquidation.
- 62.3 **Notice of Meeting:** The Committee must also give Written Notice to all Members of the General Meeting at which any such proposed resolution is to be considered. The Notice must include all information as required by section 228(4) of the Act.

63 Liquidation or removal in accordance with the Act

- 63.1 **Liquidation:** The Club may also be put into liquidation or removed from the Register of Incorporated Societies in accordance with the provisions of Part 5 of the Act.

64 Surplus Assets

- 64.1 **Surplus Assets:** If the Club is liquidated or removed from the Register of Incorporated Societies and there are surplus assets after settling all debts and liabilities, these assets must not be paid or distributed among the Club's Members. Instead, they must be given or transferred to some other not-for-profit entity, charitable organisation, or charitable body having purposes similar to the purposes of the Club or SLSNZ and used to further a charitable purpose or purposes as defined in section 5(1) of the Charities Act 2005.
- 64.2 **General Meeting:** The organisation or body in Rule 64.1 must be determined by Members in a General Meeting to be held with sufficient notice to satisfy the requirements of section 228 of the Act.
- 64.3 **Meeting following Liquidation:** If a General Meeting for the purposes of Rule 64.2 cannot be held before liquidation or removal from the Register of Incorporated Societies, the Club must apply to the Registrar in accordance with section 217 of the Act to be treated as being still in existence for the purposes of passing a resolution for disposal of surplus assets.
- 64.4 **Registrar may Decide:** If the Members are unable to reach agreement on the body or bodies to which surplus assets will be distributed, or the Club is otherwise unable to pass a resolution specifying the body or bodies, the surplus assets will be distributed in a manner determined by the Registrar, having regard for the purposes of the Club and other relevant matters provided for in this Constitution.

PART 13 - OTHER

65 Club Colours, Costumes and Uniforms:

- 65.1 **Colours:** The Club's colours are Gold and Black.
- 65.2 **Costumes & Uniforms:** The cut and style of swimming costumes and uniforms to be worn when undertaking Surf lifesaving for the Club will be as directed by SLSNZ and the Committee.

66 Surf Life Saving Rules

- 66.1 **Competition:** All competitions held by the Club must be carried out in accordance with the SLSNZ Regulations and any other manuals, policies and standard procedures issued by SLSNZ.

67 Indemnity and Insurance

- 67.1 **Indemnity:** The Club will indemnify all current and former Committee Members, Officers and employees in respect of:
- 67.1.1 liability to any person other than the Club or SLSNZ for any act or omission in their capacity as a Committee Member or employee; and
 - 67.1.2 costs (including legal costs) incurred by the Committee Member or employee in defending or settling any claim or proceeding relating to any such liability.
- 67.2 **Scope of indemnity:** The indemnity set out in Rule 67.1 does not extend to:
- 67.2.1 criminal liability; or

67.2.2 a liability that arises out of a failure to act in good faith and in the best interests of the Club when acting in capacity as a Committee Member or employee.

67.3 **Insurance:** the Club may, at the expense of the Club, obtain any appropriate insurance cover in respect of the indemnity provision in Rule 67.1.

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View Details

PAEKAKARIKI SURF LIFE GUARDS INCORPORATED (215561) (NZBN: 9429042791911) [Incorporated Society] Registered

If you want to maintain this entity you need to be [logged in](#) and have authority over the entity

[Request Extract or Certificate](#)[General Details](#)[Addresses](#)[Officers](#)[Filings](#)

Incorporated Society Name PAEKAKARIKI SURF LIFE GUARDS INCORPORATED

The number of members is more than 10 according to section 8(1) of Incorporated Societies Act 2022. Yes

[▶ Show Name History](#)

NZBN 9429042791911

Incorporation Number 215561

Incorporated Society Status Registered

Date of Incorporation 10-Feb-1927

Date of Reregistration 30-Jul-2025

Incorporated Societies Act 2022

Charities Services Registration Number CC10702

This incorporated society is registered as a charity on the Charities Register. To find out more click [here](#)

[Cancel](#)[Quick Links](#)[Search the registers](#)[About the Registers](#)[Incorporated Societies Register](#)[About](#)[f](#) [in](#)

CPTED checklist for licensed premises

		Yes	No	N/A
Bar Area	Bar staff have good visibility of entire premises			
	Area behind the bar is raised to improve visibility			
	Bar area is open with no obstructions affecting monitoring of premises			
	Cash registers are front facing If cash registers are not front facing, mirrors are installed for monitoring customers			
	Safe is out of public view			
Internal layout	Premises is laid out so staff can monitor all patrons at all times			
	There are no obstructions within the bar causing blind spots			
	Where there may be blind spots, mirrors or CCTV are installed			
	Bar is easily approached by customers			
	Sufficient seating is provided			
	Customers cannot climb on structures or fittings			
	A ventilation system is installed			
	Premises are maintained at a suitable temperature			
Crowding	The premises are not overcrowded			
	The maximum number of patrons for the premises is displayed and complied with			
Lighting	Internal lighting is suitable			
	Lighting allows door staff to check IDs etc.			
	Lighting allows staff to monitor patrons inside the premises			
	No areas are too dark inside the premises			
	Internal lighting can be raised in an emergency or incident and at closing time			
	External lighting is suitable			
	External security lighting is installed			

CPTED checklist for licensed premises continued...

		Yes	No	N/A
Outdoor drinking areas	The premises are maintained at a suitable temperature			
	Outdoor drinking areas are monitored by bar and/or security staff			
	Lighting allows staff to monitor patrons			
	Customers can move easily around the outdoor drinking areas			
	Outdoor drinking areas are well defined from surrounding external environment			
	Pavement creep is not evident			
	Outdoor drinking areas are not overcrowded			
	A street trading licence or equivalent is held and is current			
CCTV	CCTV is installed			
	CCTV is positioned to monitor vulnerable areas			
	Patrons are aware of the CCTV system			
	Staff understand its operation			
Entrances and exits	Entrances and exits are visible from behind the bar area			
	CCTV is installed to monitor blind entrances and exits			
	Door staff monitor entrances and exits			
	Where queuing occurs outside the premises, there is sufficient space			
Toilets	Toilet facility entrances are visible from the bar area			
	Toilets are inspected regularly			
Staff	There are sufficient numbers of staff to ensure control of the premises			
	Staff are visible to patrons			
	Staff monitor the premises for conflict and crime			
	Security staff are properly trained and certified			

PAEKAKARIKI

EST.1913

SURF LIFEGUARDS

ON TAP

ALL TAP \$10

DUNCAN'S PALE ALE 4.5%
DUNCAN'S YUZU LEMONADE 5%

CANS

DUNCAN'S PINK GRAPEFRUIT HAZY 6.5% 440ml	\$13
DUNCAN'S JUNIPER IPA 7% 440ml	\$11
DUNCAN'S PEACH & BASIL FRUITED SOUR 5.1% 440ml	\$13
DUNCAN'S PILSNER 4.9% 330ml	\$8
GARAGE PROJECT FUGAZI 2.2% 330ml	\$8

WINE *Old Coach Road*

ALL WINE \$8

WHITE

PINOT GRIS
SAUVIGNON BLANC

ROSÉ

RED

PINOT NOIR
MERLOT *Sileni*

SOFT DRINKS

ALL SOFT DRINKS \$2.50

COCA COLA
DIET COCA COLA
SPRITE
STOKE CLASSIC LEMON, LIME & BITTERS

Fire Evacuation Statement

This statement must be accompanied with all new or renewal applications for on-licence (including BYO licences), off-licence, special and club licences in accordance with section 100 and 127 of the Sale and Supply of Alcohol Act 2012.

1. Applicant details

Premises name:	Paekakariki Surf Life Saving Club House
Applicants name: (Individual or Company)	Paekakariki Surf Life Guards Incorporated, NZBN: 9429042791911
Premises address:	180 Queen Elizabeth Road, Queen Elizabeth Park, Paekakariki, 5034
Contact phone:	Home: Mobile: 021 241 7510
Contact email:	cecioni.nicolas@gmail.com

2. Fire evacuation scheme

Most commonly a building requires an evacuation scheme because it is used for the following purposes:

- The gathering together, for **any purpose of 100 or more persons**:
- Providing **employment facilities for 10 or more persons**:
- Providing **accommodation for more than 5 persons** (other than in 3 or fewer household units):
- **Storing or processing hazardous substances in quantities exceeding the minimum amounts** prescribed in Schedule 3 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018.

See Fire and Emergency New Zealand Act 2017 section 75 and 76 for further information.

*If you are unsure that the building has or requires an approved evacuation scheme, check with the **building owner**. For the requirements of an evacuation scheme or to apply for an evacuation scheme, refer to Fire and Emergency New Zealand web site. **www.fireandemergency.nz** or Contact Fire and Emergency New Zealand. wellingtondistrict-rteams@fireandemergency.nz.*

Statement

I hereby state that (tick one):

☒ the **owner** of the building in which the premises are situated provides and maintains an evacuation scheme as required by section 76 of the Fire and Emergency New Zealand Act 2017;

OR

☐ because of the building's current use, its owner is not required to provide and maintain such a scheme;

OR

☐ because of the nature of the building, its owner is exempt from the requirement to provide and maintain such a scheme.

NOTE:

If an approved evacuation scheme is not required, the building must have evacuation procedures that meet Part 1 of the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018 – this does not require approval by Fire and Emergency New Zealand.

Name:

Nicolas Cecioni

Signature:



Date:

27 August 2026

Submitting applications

Email completed forms to: licence.application@kapiticoast.govt.nz

Post to:

Alcohol Licensing Team
Kāpiti Coast District Council
Private Bag 60601
Paraparaumu 5254

or deliver to:

Kāpiti Coast District Council
175 Rimu Road
Paraparaumu



FOOD

STEAK N CHEESE PIE	\$5
CHEESE TOASTIE	\$4
CHEESE & CORN TOASTIE	\$4
CHEESE & ONION TOASTIE	\$4
HOT CHIPS	\$3
PORK BUNS	\$4

Appendix G





PAEKAKARIKI SURF LIFEGUARDS

HOST RESPONSIBILITY POLICY

The management and staff of Paekākāriki Surf Life Saving Club have a responsibility to provide an environment that is not only comfortable and welcoming, but where alcohol is served and consumed responsibly. Because of this, we have implemented the following Host Responsibility policy.

- We provide and actively promote a range of low-alcohol and non-alcoholic drinks, including (low alcohol beer, soft drinks, tea and coffee).
- We provide and actively promote a good range of food available for sale at all times. Menus are visible at all times.
- Water is obviously presented and available free of charge at all times.
- It is against the law to serve alcohol to minors. If we are in doubt about your age, we will ask for identification. Acceptable forms of proof of age are a current photo driver's licence, an 18+ Evidence of Age card or a current passport.
- Customers who are visibly intoxicated will not be served alcohol, will be asked to leave the premises and will be encouraged to take advantage of safe transport options.
- Our policy is zero tolerance for aggressive, coercive or violent behaviour.
- We promote a range of transport options to get you home safely. These include calling you a taxi, asking a friend to take you home, or ordering you an Uber.
- We encourage people to have a designated driver. We will make the driver's job more attractive by providing an interesting range of alcohol-free drinks.
- We make sure all of these services are well promoted - you won't have to go looking for them.
- We maintain a training and management policy to give our staff the skills and support they need to do their job responsibly.

Please be our guest and take advantage of the services we offer. We pride ourselves on being responsible hosts.



Paekakariki
Surf Lifeguards



Queen Elizabeth Rd

Paekakariki Holiday Park



The Parade
Henare St

Tarahama St



Street View

Kapiti Coast District
Wellington Region

-40.974773, 174.959813





PAEKAKARIKI SURF LIFEGUARDS NOISE MANAGEMENT PLAN

This Noise Management Plan applies to the Pavilion/Bar and clubrooms at the new Paekākāriki Surf Life Saving Club building, Queen Elizabeth Park, Paekākāriki. It has been prepared to satisfy Condition 42 of Resource Consent RM220195, and sits alongside Conditions 37–44 of that consent, which govern the use of the building for functions and events.

1. Purpose

- Set out the noise limits that apply to the building at different times of day, as required by RM220195.
- Identify who is responsible for compliance during day-to-day use, functions, and events.
- Set out the practical steps taken to keep noise within the consented limits.
- Support the Club's neighbours at Aperahama Street and the wider Paekākāriki community by managing noise from the Pavilion/Bar responsibly.

2. Scope of Use

- The building may be used for club activities and as a rescue centre 24/7, with no time restriction on rescue-centre use (Condition 38).
- Use of the building for any other activity (including the Pavilion/Bar) is limited to 7:00am–12:00 midnight (Condition 38).
- Private functions/events are limited to a maximum of 30 occasions per year, with no more than 200 guests and 25 staff (225 people total) in attendance (Condition 37).

3. Noise Limits

The following limits apply at all times the Pavilion/Bar is in use.

Period	Time	Maximum noise level	Condition
Daytime	7:00am – 7:00pm	65 dBA Leq (background music level, doors/windows may be open)	Cond. 39 / 42
Evening	7:00pm – 10:00pm	95 dBA Leq (all doors and windows closed)	Cond. 40 / 42
Night	10:00pm – 12:00 midnight	90 dBA Leq (all doors and windows closed)	Cond. 41 / 42
After midnight	12:00 midnight onward	No amplified music — building use for functions ends by midnight	Cond. 38

4. Building Controls

- Everyday operation with background music (at a level allowing normal conversation) may occur at any time up to 65 dBA, with doors/windows open or closed.
- For louder events, all sliding doors and windows to the exterior of the Pavilion/Bar must be closed from 7:00pm onward.

- Where amplified music (including DJs and live music) is played, volume must be reduced from 10:00pm to meet the 90 dBA night limit, and all amplified music must stop by 12:00 midnight.
- If a noise limiter is installed on the house sound system, performers and DJs are required to run through the house system so the limiter applies.

5. Responsibility

The Bar Manager on shift is responsible for compliance with this plan during any function or event. Their responsibilities include:

- Briefing bar volunteers and any hired sound/event staff on the applicable noise limits before the event starts.
- Ensuring doors and windows are closed at 7:00pm for any event using amplified sound.
- Monitoring noise levels through the evening, including a spot-check with a sound level meter or phone app for louder events.
- Reducing volume at 10:00pm and ensuring amplified music stops by midnight.
- Responding promptly to any noise complaint received during an event (see Section 7).

6. Communicating the Limits

- Noise limits and closing times are included in the booking terms provided to anyone hiring the building for a private function.
- Performers, DJs, and function hosts are briefed on the limits before their event as part of the booking confirmation.

7. Complaints and Incidents

- Any noise complaint received from a neighbour or member of the public during an event is logged, including the time, nature of the complaint, and the action taken in response.
- The Bar Manager has authority to reduce volume, close doors, or end amplified music early if needed to address a complaint or an exceedance.
- Noise complaints and incidents are reported to the Club Committee and reviewed alongside other incident records.

21 April 2023

**Notification and s104 report for resource consent(s) under the
Resource Management Act 1991 (RMA)**

Application no.	RM220195
Applicant	Paekākāriki Surf Lifesaving Club
Site address	Queen Elizabeth Park, Paekākāriki
Legal description	Section 3 SO 446259 held in Record of Title 702651
Site area	649 hectares
Applicant's address for service	C/- Cuttriss Consultants Ltd, PO Box 386, Paraparaumu 5254
Proposal	To construct and operate a new surf lifesaving club and undertake associated earthworks, and consent under the NESCS to disturb contaminated soil.
Operative District Plan Zone	Open Space Zone
Proposed District Plan Zone	Open Space Zone
Activity status	Land Use - Non-complying

Report prepared by	Megan Barr, Consultant Planner - Contractor
Report peer reviewed by	Sarah Banks, Principal Resource Consents Planner

Date consent application received	18 July 2022
Further Information Requested	2 August 2022
Further Information Received	3 March 2023

1 EXECUTIVE SUMMARY

This report provides an analysis of the resource management issues relating to notification status and the Council's Section 104 decision for the activity proposed under resource consent application RM220195. The decisions at sections 6 and 11 are to:

- Consider the proposed development on a non-notified basis (section 6); and
- Grant consent to the proposed activity to construct and operate a new surf lifesaving club and undertake associated earthworks, and consent under the NESCS to disturb contaminated soil (section 11), subject to a number of conditions as set out at the end of this report (section 10).

1.1 Application documents (plans and reference documents)

The following information has been provided with the application:

- Application form and Assessment of Environmental Effects (AEE) prepared by Cuttriss Consultants Limited and dated 7 July 2022. The AEE concludes that the effects on the environment will be less than minor.
- Records of Title 684101, 702651 and WN10C/591, and associated interests.
- *'Paekākāriki Surf Life Guards Feasibility Study: Pavilion Redevelopment'* (DRAFT) prepared by Lumin and dated July 2011.
- *'Erosion Hazard Assessment'* prepared by Urban Solutions Projects and dated April 2018.
- Letters of support from:
 - Surf Life Saving New Zealand dated 20 March 2020;
 - Paekākāriki Sports Club dated 11 March 2020;
 - Fire and Emergency New Zealand (Paekākāriki Volunteer Fire Brigade) dated 9 March 2020; and
 - Paekākāriki Table Tennis Club and Paekākāriki Informed Community Incorporated dated 9 March 2020.
- Architectural Plans prepared by HWA and dated 26 January 2022.
- Pre-application meeting minutes dated 20 February 2020.
- *'Stormwater Disposal Design Report for Proposed Surf Lifesaving Club – Queen Elizabeth Park, Paekākāriki'* prepared by Cuttriss Consultants Limited and dated 9 May 2022.
- *'Site Suitability Report for Onsite Effluent Disposal for Proposed Surf Lifesaving Club – Queen Elizabeth Park, Paekākāriki'* prepared by Cuttriss Consultants Limited and dated 12 December 2021.
- Contaminated Soils Assessment prepared by Montgomery Watson and dated April 2001.
- Acoustic Assessment prepared by Norman Disney & Young and dated 17 March 2022.
- Ecological Assessment prepared by Wildlands and dated December 2020.
- *'Archaeological Assessment of Earthworks associated with Proposed Building Redevelopment'* prepared by Subsurface Ltd and dated 14 September 2020.

Further information submitted by Cuttriss Consultants Limited on 3 March 2023 including:

- *'Paekākāriki Surf Lifeguards Feasibility Study: Pavilion Redevelopment'* (FINAL) prepared by Lumin and dated October 2011.
- Updated Acoustics Report prepared by Norman Disney & Young and dated 3 March 2023.
- *'Assessment of Landscape & Visual Effects Report'* prepared by Eco-Landscapes & Design Ltd and dated 30 November 2022.
- Letter regarding traffic components of Council's request for further information prepared by Traffic Concepts and dated 27 February 2023.
- Architectural Plans prepared by HWA and dated 3 March 2023.
- Written approval from Jeremy Paterson, Western Principal ranger on behalf of Greater Wellington Regional Council.
- Detailed Site Investigation prepared by Geo & Hydro – K8 Ltd and dated 23 December 2022.
- Cultural Impact Assessment prepared by Te Runanga o Toa Rangatira and dated 20 December 2022.

2 THE PROPOSAL

2.1 Description of Proposal

The following description of the proposal is taken from the application and is accepted for the purposes of this report:

Paekākāriki Surf Lifeguards Inc. is seeking resource consent under the Resource Management Act 1991 (RMA) to undertake the construction, operation and maintenance a new Surf Life Saving Club in the grounds of Queen Elizabeth Park. Consent is also required for the commercial use of the building for functions and events and building hire and earthworks associated with the building's construction.

The proposed Surf Life Saving Club (SLSC) facility, designed in partnership between Hamish Wakefield Architecture (HWA) and PLSG, has been created with the needs of the surf lifesaving club, and the needs of the wider community in mind. The ground floor of the facility has been designed to function as a surf lifesaving club, allowing its members to carry out their duties while patrolling the beach. In addition to patrolling the beach, it will allow members to carry out their associated training. The Pavilion and Watch Tower on the second floor have been split into separate sections. This allows the building to be used both as a surf club, and as a community space for the wider public.

Community Facility

The proposed development will comprise a two-storey building, with a footprint of 552m². The ground floor of the new building will be primarily used for the clubrooms by the surf lifesaving club and its members, to allow them to carry out their functions not only as a community volunteer organisation looking after beach patrons, but as a sports club training to compete at the national level. This includes areas separated out to specific functions including first aid, changing rooms, and boat storage, and a mixed used washdown space in the centre.

The second floor of the building has been split into two defined sections, the Pavilion and the Watch House. The Pavilion is a mixed-use space that can be used by both the surf club, and the wider community for events and meetings. There is separate outdoor access to this part of the building, so the public can access this pace without having to interfere with the lifesaving functions of the building. The Watch House is elevated to enable surf lifeguards on patrol to see the beach from the buildings removed location. This has access separate from the rest of this floor to enable its continued use if the pavilion is occupied.

The maximum height of the building will be approximately 8.6m, with three flag poles on the northern end extending approximately 2.5m above the roof line. The building has been designed as much as possible to sit within the dune system to shield the building from view of the surrounding neighbourhood. The Watch Tower, which sits out above this as a necessity of its function, has been architecturally designed to reflect the history of the area of the site as both a camp for the US Military, and early Māori who used the space.

To the north of the building, the proposal will provide for 15 sealed and marked carparks. There will also be an area to the east of the building reserved for overflow parking for up to 50 vehicles when required, this will not be sealed. The proposal will not comply with the required number of sealed car parks under the District Plan.

Landscaping will be undertaken around the proposed building and will be designed and completed in conjunction with GWRC and their plans for the dune restoration. The landscaping of the area will be designed to minimise disturbance to the wider environment, and to enhance the amenities of the area, both for people visiting the area, and for the ongoing protection of the receiving coastal environment.

As part of the proposal, the applicant will be demolishing the existing surf club building however it must remain in place to enable PSLG to continue to conduct their business until the new development has been complete. As such, we ask that a condition in respect to this be imposed on the consent, similar to the following:

Within six months of commencing operation of the new facility, the former building/s shall be demolished.

Commercial Activity

The existing surf lifesaving club building provided a space for a range of functions, events, whereby the venue gets hired. The new surf lifesaving club will also have a commercial purpose, providing a larger space for functions, events and general building hire. The surf club will continue to provide a space to facilitate an array of community activities which will in turn provide necessary financial support for the on-going maintenance and up-keep of the building.

During the pre-application meeting in February 2020, it was confirmed that any functions or hiring of the building for events are a commercial activity under the District Plan. As such, consent is also sought for the use of the new building for functions throughout the year. The maximum number of private functions/events will be capped at no more than 30 per year. Private functions would allow for no more than 200 guests and 25 staff (225 people total) and must end no later than midnight. The use of the building as a rescue centre will have no time restrictions, as it is required to be operational 24/7.

Subdivision

Resource consent is not required for the creation of the leasehold area. Subdivision consent is required for lease areas if it is, or could be, for a term of more than 35 years. The agreement is for 30 years and is unable to be renewed as the maximum lease period permitted under s61 of the Reserves Act 1977 is 33 years.

The application included the following information about proposed services:

Water Supply

Initial calculations show that there is adequate supply in the current reticulated water network in Paekākāriki to service the new building. It is proposed to connect a DN63mm pipe to the reticulation main in Aperahama St, with approximately 80m of new connection required. This is expected to supply the necessary internal uses. A 20,000L rainwater collection tank is also proposed which can be used for external water uses such as washing down gear and equipment.

Wastewater

Paekākāriki does not have a reticulated sewage network as such initial calculations have determined that the wastewater treatment would need to be capable of treating 7,530 litres/day. An example of a system that is sufficient is four Humes Oasis Clearwater Series 3000 that have an average capacity of 2400 litres/day. It is expected this will be finalised during detailed design, and there will not be any design difficulties. The subject site is considered to have considerable space to the southwest of the building to provide for the effluent disposal system taking into consideration overflow parking and general use of the Park.

Stormwater

This development will create 1,486m² of impervious surfaces, between the new proposed building and associated 2 impervious surfaces. Due to the proposed building location, and the surrounding topography, depression soakage alone cannot be relied upon to meet the stormwater management requirements generated by a 10% annual exceedance probability (AEP) storm event.

The installation of a 25,000L underground tank is required, with discharge from the tank limited to 20.1 l/s. This discharge will need to be sufficiently designed and managed so as not to cause any negative impacts on the receiving environment, or nuisance to neighbours. This design will be undertaken during detailed design.

Power and Telecommunications

Reticulated power is available and will be provided to the building.

Access

Access to the building will be from the Wellington Road entrance to Queen Elizabeth Park. Vehicles will use the existing internal road network and will access off the existing driveway access to Budge House (current Park Rangers' house).

For clarity I note that the proposed building will have a footprint of 583m², with an upper floor of 411m² plus decking. The gross floor area of the proposed building is 994m².

In addition to the above description of the proposal, I note that the proposal includes earthworks comprising 760m³ of cut with a maximum depth of 3.9m and 700m³ of fill with a maximum height of 0.5m. This equates to a total earthworks volume of 1,460m³. The earthworks will be undertaken over an area of 838m² for the building and associated car parking, and over an area of 17,708m² for dune reshaping with the excess cut material (total area 18,546m²).

The applicant provided the following additional information about the proposed use of the building in response to a request for further information from the Council:

- The commercial activity is only a space for hire as a function's venue. There is no other retail aspect to the proposal as part of this resource consent.
- The bar will generally be used on Friday nights and weekends, as events dictate, and will close at midnight. This will be a club member only bar, with the exception of functions. There will be provision for catering facilities.
- The maximum number of people at the venue will be 225, which allows for 200 function attendees, as well as 25 for catering etc.

The proposal is shown in **Figures 1 to 4** below.

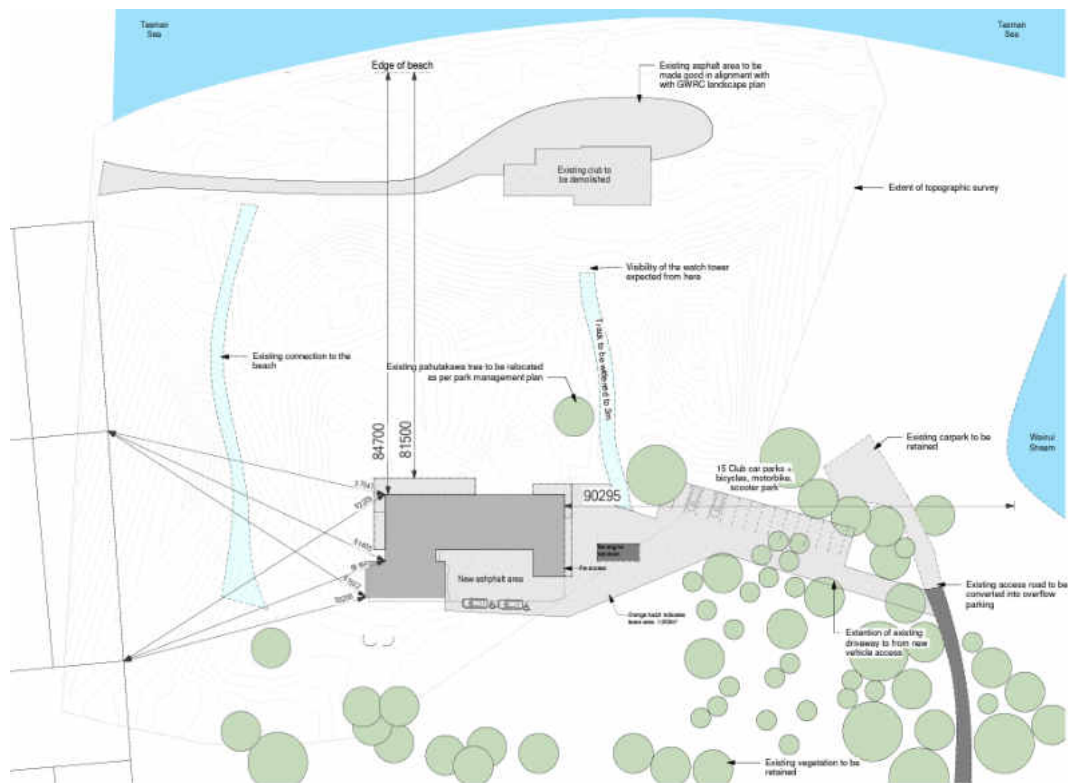


Figure 1: Proposed site setout plan

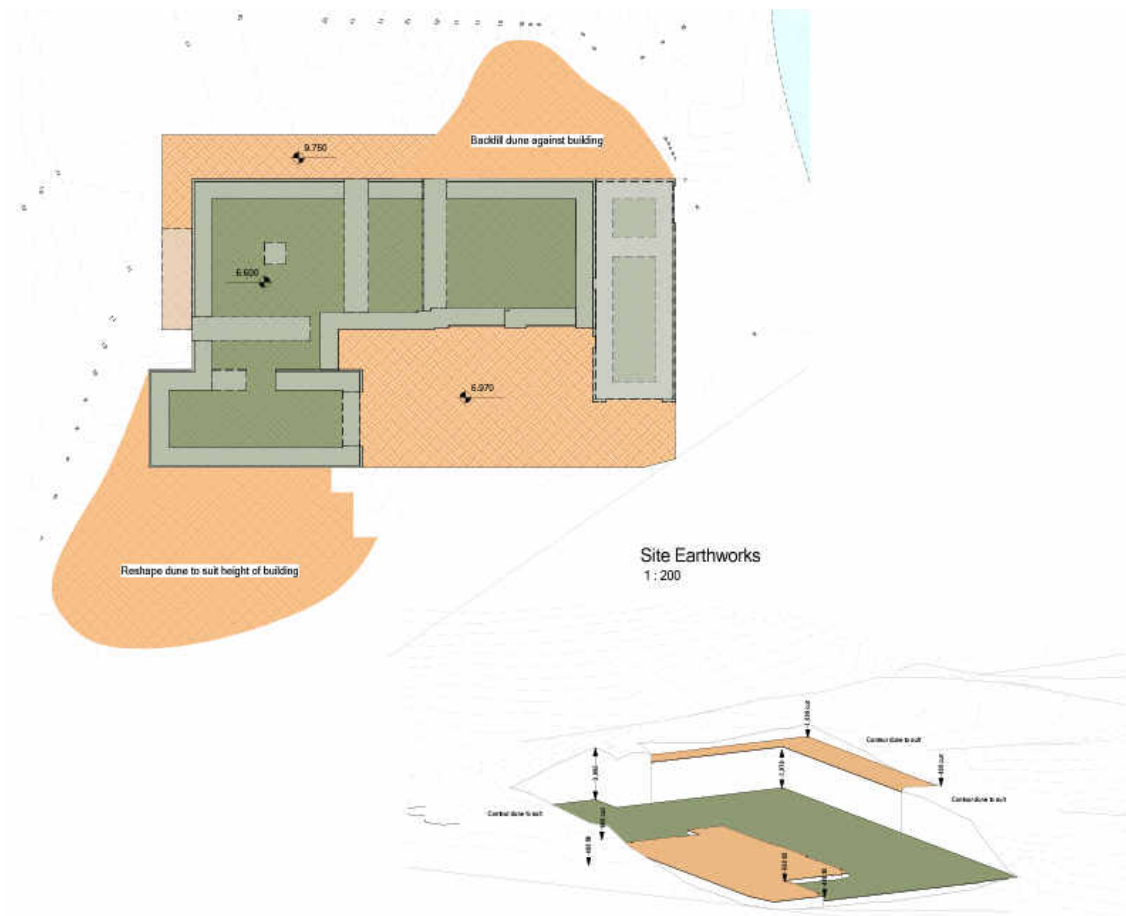


Figure 2: Proposed earthworks plan

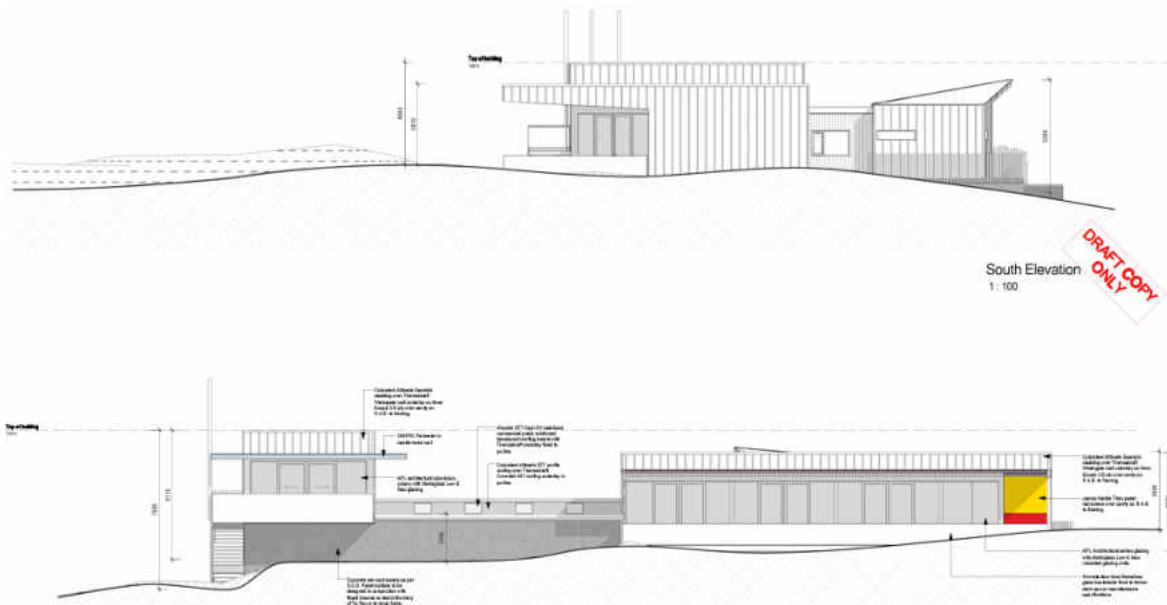


Figure 3: Proposed south and west elevation plans

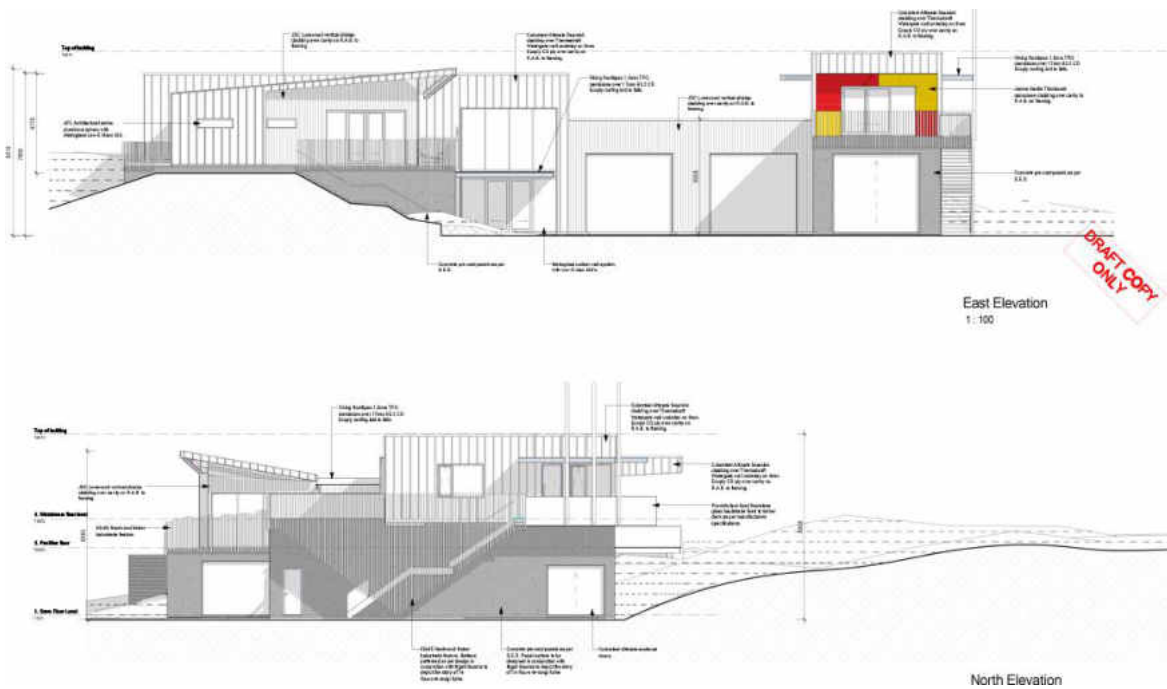


Figure 4: Proposed east and north elevation plans

3 SITE AND SURROUNDING ENVIRONMENT

3.1 Site Description

The 649 hectare subject site is a recreation reserve known as Queen Elizabeth Park, Paekākāriki, and is located to the west of State Highway 1 between Paekākāriki and Raumati South. The subject site comprises several allotments, which are held together in Record of Title 702651 as follows:

- Pt Sec 3 Blk II Paekākāriki SD
- Sec 99-100 Blk II Paekākāriki SD
- Pt Lot 15 DP 5751
- Sec 2-3 SO Plan 446259

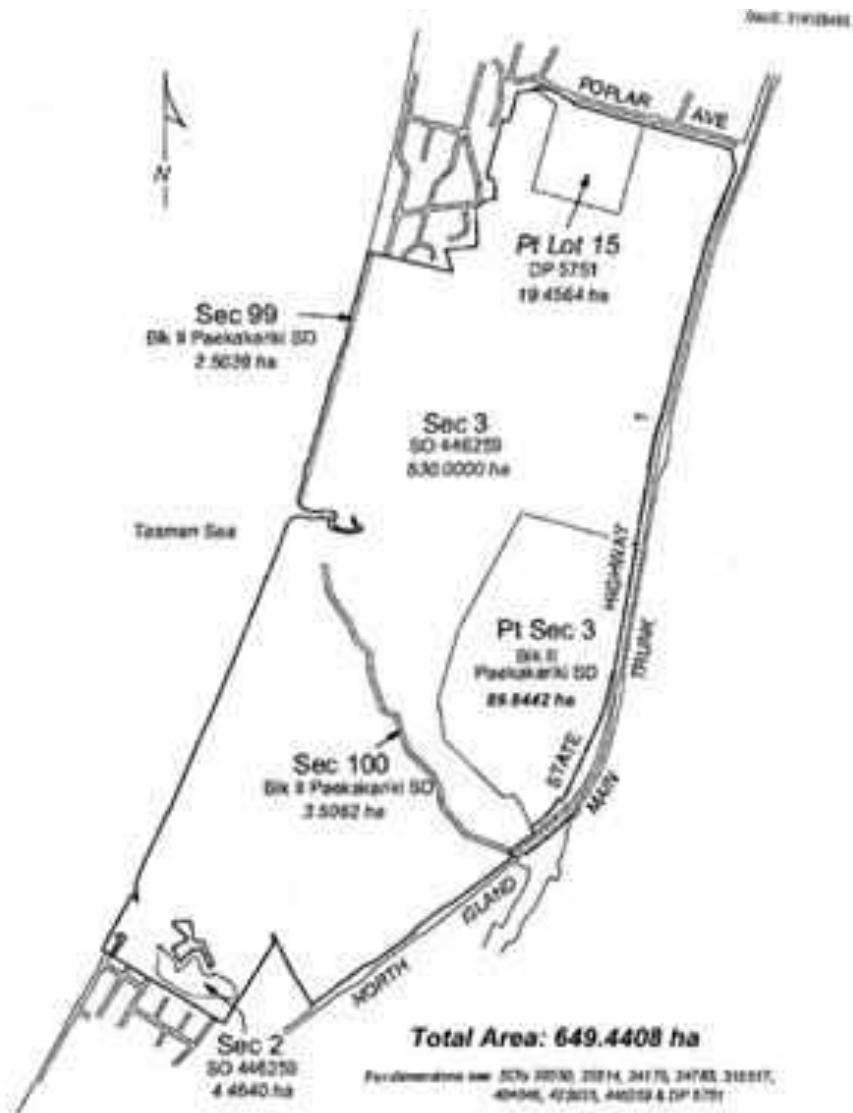


Figure 5: Record of Title 702651 Title Plan

The following interests are recorded on Record of Title 702651:

Interests

Subject to the Reserves Act 1977

826918 Gazette Notice declaring portion of State Highway No1 to be a limited access road - 21.5.1970 at 9:04 am

Subject to a gas pipeline easement in gross over Section 3 SO 446259 marked A and B on SO 446259 and over Section 100 and Part Section 3 Block II Paekākāriki Survey District marked Z on DP 61422 in favour of Natural Gas Corporation of New Zealand Limited created by Transfer 918443.1 - 4.5.1988 at 2:57 pm

Subject to an electricity easement in gross over Section 3 SO 446259 marked C and D on SO 446259 and over Section 100 Block II Paekākāriki Survey District marked B on DP 63124 in favour of Natural Gas Corporation of New Zealand Limited created by Transfer 943049.1 - 24.8.1988 at 2:58 pm

B801061.1 Compensation Certificate pursuant to Section 19 Public Works Act 1981 by Her Majesty the Queen - 8.9.2000 at 9:00 am (affects Sections 99-100, part Section 3 Blk II Paekākāriki SD and Sections 2-3 SO 446259)

8317187.1 Gazette Notice (2009/3079) Pursuant to the Reserves Act 1977 the Conservation Support Manager for the Wellington Conservancy of the Department of Conservation hereby classifies part Lot 15 DP 5751 (19.4564 ha) as a recreation reserve, appoints the Wellington Regional Council to control and manage the reserve for recreation purposes, and declares the said reserve to form part of the Queen Elizabeth Park recreation reserve - 16.10.2009 at 9:00 am

9861836.1 Certificate under section 211(1) of the Ngāti Toa Rangatira Claims Settlement Act 2014 that the within land is RFR land as defined in section 184 and is subject to Subpart 4 of Part 3 of the Act (which restricts disposal, including leasing, of the land) - 9.10.2014 at 7:00 am

9931888.1 Application pursuant to section 170(1) of the Ngāti Toa Rangatira Claims Settlement Act 2014 CT 684100 issued for Sections 1-2 SO 464319 - 17.12.2014 at 7:00 am

Subject to a right of way, right to convey electricity, telecommunications, computer media and gas and a right to convey and drain water, sewage and stormwater over part Section 3 SO 446259 marked A on SO 464319 and over part Section 2

SO 446259 (also known as Section 3 SO 464319) marked B on SO 464319 created by Deed of Easement 9931888.3 embodied in the register RT 648101 - 17.12.2014 at 7:00 am

10184458.1 Gazette Notice (2015 In3808) revoking the appointment of the Wellington Regional Council to control and manage the reserve over part Section 3 SO 446259 shown as Section 1 SO 481914 (2.2548 ha) and appointing the Kapiti District Council to control and manage the reserve - 10.9.2015 at 7:00 am

The following description of the subject site is taken from the application and is accepted for the purposes of this report:

Physical Description

The land is administered by Greater Wellington Regional Council (GWRC) under an agreement with Department of Conservation (D O C) who represent Her Majesty the Queen. The topography for the most part can be characterised as coastal dunes, which in turn can be described as younger more active foredunes closer to the coast on the western side of the park, and the older relic dunes comprising the farmland on the eastern side of the park. A number of tracks for recreation activities including walking, horse riding and mountain biking have been established in the western part of the park. Metalled roads provide access for farming operations and a sealed road (and tramway) link Mackays Crossing with the Whareroa Stream mouth.

The selected new site for the building is situated toward the southern boundary of the Park, Paekākāriki. The site is just behind the foredune and is a relatively flat grassy area. Near the intended building site are picnic tables and trees dotted around for public use. There are also public toilets situated in the Park near the proposed site.

Legal Description

The subject site is legally described as Sec 3 and Sec 99 & 100 Block II Paekākāriki SD Part Lot 15 Deposited Plan 5751 Secs 2 & 3 SO 446259 and held in Record of Title 702651. The existing Paekākāriki Life Saving and Surf Club leasehold area is legally described as Lot 1 DP 34143 and held in record of Title WN10C/591.

There are a number of interests registered on the Records of Title for the subject site (and leasehold area) and these include:

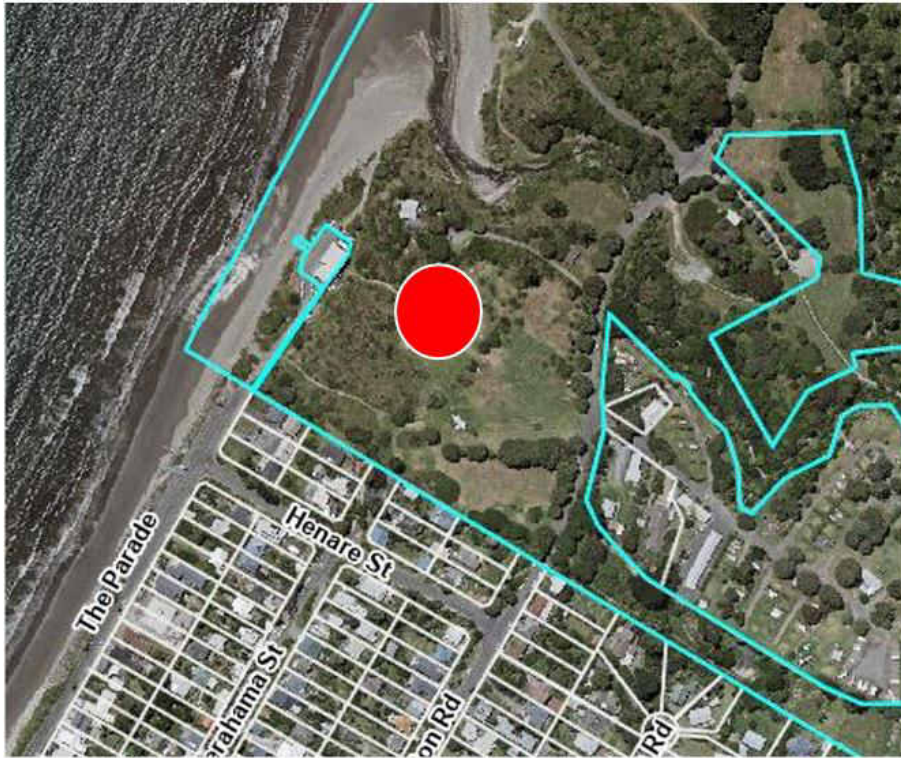
- *Subject to the Reserves Act 1977*
- *Gazette Notices (limited access road, recreation reserve control by Wellington Regional Council, and changing part control to Kāpiti Coast District Council)*
- *Easement documents (gas pipeline, electricity, rights of way, right to convey and drain water, sewage and stormwater)*
- *Public Works Act 1981 Compensation Certificate*
- *Certificate and application under the Ngāti Toa Rangatira Claims Settlement Act 2014*

These interests are not relevant to the assessment of the proposed development and do not impact on the ability for consent to be granted.

The subject site is shown in **Figures 6 to 9** below.



Figure 6: Aerial photograph of subject site (outlined in black and white dashed line)



**Figure 7: Aerial photograph of subject site with proposed building site marked with red dot
(taken from application)**



**Figure 8: Photograph taken from access road looking south west across building area
(taken from Landscape & Visual Assessment)**



**Figure 9: Photograph looking west (seaward) direction across building area
(taken from Landscape & Visual Assessment)**

3.2 Surrounding Environment

The environment immediately surrounding the site of the proposed building comprises the Queen Elizabeth Park recreation reserve, the coastal environment of Paekākāriki Beach and the northern extent of Paekākāriki's urban area.

The proposed building site is located approximately 60m to the north-east of the nearest residentially zoned land at Aperahama Street, Paekākāriki, and approximately 100m to the south-east of the coast at Paekākāriki Beach.

The following additional information about the surrounding environment is taken from the Assessment of Landscape & Visual Effects:

- The site is located within the southern coastal section of Queen Elizabeth Regional Park where the landscape character is varied consisting of a mix of open grassy areas connected by mature trees (predominantly Pōhutukawa) and the coastal back dunes along the seaward edge.
- The entrance to Queen Elizabeth Park from Wellington Road is located approximately 140 metres south of the building area and provides access into the wider park and Paekākāriki Holiday Park and campground.
- The holiday park and campground are located further inland approximately 130 metres east of the building area and are largely screened by foreground trees.
- Wainui Stream is located approximately 100 metres north, however it is not visible from the building area due to higher dunes and established trees.
- The existing surf lifesaving club building is located within the foredunes close to the beach.

3.3 Consent History

The following resource consents have been lodged for the subject site:

Application Number	Proposal	Status Date
RM960003	Land use consent – controlled. Constructing a single strand with a fibre optic communications cable attached.	Granted 13/03/1996
RM980081	Land use consent – controlled. Divert coastal track away from erosion area.	Granted 17/03/1998
RM980106	Land use consent – discretionary. Proposed trial embankment earthworks.	Granted 02/04/1998
RM020337	Land use consent – non-complying. Hold Whopper Chopper Seaside Extravaganza at Queen Elizabeth Park on February 9th, 2003.	Granted 21/01/2003
RM030139	Land use consent – non-complying. Earthworks & vegetation clearance to create areas of open water within wetlands at Queen Elizabeth Park and DOC reserve at Mackay's Crossing	Granted 21/07/2003
RM030141	Land use consent – discretionary.	Granted 15/08/2003

	Relocate Heritage Building (Barn - Stables) within Queen Elizabeth Park.	
RM030235	Land use consent – non-complying. Hold Whopper Chopper Seaside Extravaganza at Queen Elizabeth Park on February 8th 2004,	Granted 03/02/2004
RM050186	Land use consent – controlled. Proposed ranger's office greater than 30m ² .	Granted 05/08/2005
RM080017	Land use consent – discretionary. Proposed replacement of existing storage building with new storage building exceeding height and size requirements at QE Park, Mackay's Crossing, Paekākāriki.	Granted 08/02/2008
RM080091	Land use consent – non-complying. Proposed commercial earthwork activities QE11 Park, Poplar Ave, Raumati South.	Granted 08/05/2008
RM080236	Land use consent – non-complying. Proposed extension of the Seawall between Raumati South and Queen Elizabeth Park, Raumati South.	Granted 06/11/2008
RM080268	Land use consent – discretionary. Application to undertake earthworks at 90 Poplar Ave, Raumati South.	Granted 28/01/2009
RM090127	Land use consent – discretionary. Proposed earthworks for approximately 40,000m ³ of fill material at 90 Poplar Ave, Raumati South.	Granted 11/08/2009
RM100181	Land use consent – discretionary. Earthworks to install culvert - within 20 metres of a waterbody.	Withdrawn 29/10/2010
RM130011	Land use consent – controlled. Proposed one day event (Warrior Dash - Mud Run) at Queen Elizabeth Park, Whareroa Road, Paekākāriki.	Granted 12/03/2013
RM140117	Land use consent – non-complying. To undertake earthworks using cleanfill which includes the filling of an old stock effluent pond.	Granted 23/07/2014
RM140161	Ngati Toa Settlement - QEII Park Right to Drain Stormwater Easement at QEII Park Site, end of Wellington Road, Paekākāriki.	Granted 31/10/2014
RM140242	Land use consent – non-complying. Cleanfill extending the existing cleanfill activity on the site at Poplar Avenue Raumati South.	Granted 30/01/2015

RM150029	Outline Plan Approval. Outline plan approval for a Cycleway in Queen Elizabeth Park.	Granted 21/04/2015
RM160011	Land use consent – discretionary. Construct steel framed building as a clubhouse.	Granted 21/03/2016
RM190002	Land use consent – discretionary. To undertake earthworks to repair beach access ramps within an area of High Natural Character, not meeting the permitted activity standards.	Granted 08/04/2019
CE190021	Land use consent – discretionary. Marginal exemption for the extension of the start time of the XTERRA Wellington Festival.	Granted 07/01/2020
CE200001	Land use consent – discretionary. Marginal exemption for the extension of the start time of the XTERRA Wellington Festival.	Cancelled 06/01/2020
RM200095	Outline Plan Approval. Outline Plan approval for earthworks and vegetation clearance associated with the re-routing of the coastal track.	Granted 23/06/2020
CE210001	Land use consent - discretionary. Marginal exemption for the extension of the start time of the XTERRA Wellington Festival from 7.00am to 6.00am.	Granted 01/02/2021
CE220001	Land use consent – discretionary. Marginal exemption for the extension of the start time of the XTERRA Wellington Festival from 7.00am to 6.00am.	Cancelled 22/02/2022
RM220100	Outline Plan Approval. Outline Plan of Works for the installation of heritage signs at QEII Park.	Withdrawn 14/04/2022
RM230052	Outline Plan Approval. New track from GW RC.	In progress.

3.4 External Consultation

The following parties have provided comments on the proposal.

Local Iwi

The applicant has undertaken consultation with local iwi and hapu, Ngāti Toa Rangatira and Ngāti Haumia, and provided a Cultural Impact Assessment (CIA) prepared by Te Rūnanga o Toa Rangatira on behalf of Ngāti Toa and Ngāti Haumia hapu. This CIA included the following summary:

While we appreciate the time and funding dedicated to the new Surf Life Saving Club building, commitment is also required to realise our aspirations to return to Wainui and fulfil the original intention of the reserve – as a place for Ngāti Toa (especially Ngāti Haumia) to live as papakāinga.

Further, there must be progress on ways that Ngāti Toa can re-connect and maintain ahikā at the Queen Elizabeth Park, including marae, mahinga kai, kaimoana and protection of wāhi tapu. These matters are relevant to the statutory recognition under the Ngāti Toa Rangatira Claims Settlement Act 2014. Te Rūnanga is not opposed to the proposed new Surf Life Saving Club building. However, the archaeological authority and consent requirements will require appropriate tikanga, iwi monitoring, accidental discovery protocol and opportunities for iwi design and history. These requirements are outlined in the proposed consent conditions outlined below.

The conditions of consent recommended in the CIA are as follows:

Tīmatanga

Prior to the start of works, the consent holder will invite Te Rūnanga o Toa Rangatira and Ngāti Haumia to hold a tīmatanga ceremony on the site for Greater Wellington Regional Council (GWRC), club members, consultants and contractors (ie, machine operators). The tīmatanga ceremony will involve a karakia by kaumatua facilitated by the Te Rūnanga o Toa Rangatira/Ngāti Haumia and will occur at the very beginning of the project before any works occur on the site. The tīmatanga finishes with kai (morning tea). The consent holder will meet the cost of the tīmatanga ceremony as agreed with Te Rūnanga o Toa Rangatira/Ngāti Haumia.

Cultural monitoring

At the beginning and during the early stages of earthworks (including vegetation clearance, scraping of topsoil, digging for drainage and access), the consent holder will provide for on-site observation by iwi monitors as nominated and agreed with Te Rūnanga o Toa Rangatira/Ngāti Haumia. The consent holder will provide access for iwi monitors and meet all health and safety requirements. The consent holder will meet the cost of the iwi monitoring as agreed with Te Rūnanga o Toa Rangatira/Ngāti Haumia.

Accidental discovery

All works on the site will adhere to the provisions of the Accidental Discovery Protocol (ADP, as attached to this CIA). The ADP provides a protocol in the event of discovery of archaeological material and/or taonga (especially when iwi monitors are not present on the site). The ADP will need to be attached to the resource consent application and decision.

History and values

The applicant will ensure the recognition of Ngāti Toa/Ngāti Haumia history and values at the new Surf Life Saving Club building and the surrounding site in cooperation with GWRC. This will include opportunities for design, history publications and online information as agreed between Te Rūnanga o Toa Rangatira/Ngāti Haumia. The consent holder will meet the cost of any design work or publications.

The applicant has advised that they accept the conditions of consent recommended in the CIA and these are included in section 10 of this report below.

4 OPERATIVE DISTRICT PLAN PROVISIONS

4.1 Kāpiti Coast Operative District Plan

The Kāpiti Coast District Plan sets out the status of the activity within rules, that is whether they are permitted, controlled, restricted discretionary, discretionary, non-complying or prohibited. The Objectives and Policies contained in the District Plan are also important in decision making as they are to be taken into account in the evaluation of the activities.

Plan Change 2 (Intensification) was notified on 18 August 2022. As this application was lodged prior to the 18th of August 2022, both proposed and operative rules are to be considered as part of the application.

In this instance, none of the rules within Plan Change 2 are relevant for consideration in this application and the rules within the Operative District Plan 2021, prior to notification, are the relevant rules for consideration.

The Objectives and Policies of Plan Change 2 do have relevance in the consideration of this application, along with the Objectives and Policies that were in effect at the time the application was lodged.

An assessment of the relevant Objectives and Policies is presented below.

4.2 Operative District Plan Zoning and Overlays

The subject site is zoned Open Space Zone, Natural Open Space Zone and General Rural Zone under the Kāpiti Coast Operative District Plan. The 649 hectare subject site is affected by multiple District Planning features as per the District Planning maps, including:

- Natural gas main within 25m
- CWB Link Priority Connections
- State Highway 1
- Local Community Connector
- Major Community Connector – Walkway
- Major Community Connector
- Flood Hazards – Fill Control, Ponding and Stream Corridor
- Waahi Tapu – Whareroa Pā (Pā & urupā, ID: WTS0364), Wainui Pā (Pā, ID: WTS0578), Tipapa (Pā/Kāinga, ID: WTS0566) and Whareroa Kāinga (Kāinga, WTS0364A)
- Historic Heritage Places - Memorial Gates (ID: B26), Barn – Horse Stables (ID: B35), Sewage Plant built during American occupation WWII (ID: B89), Budge House – caretakers' residence (ID: B91)
- Notable Trees - Norfolk Pine Planted circa 1830. Located in urupā (ID: W003)
- Ecological Sites - QEII Park Bush and Wetlands (ID: K108), Queen Elizabeth Park dunes (ID: K109) and Poplar Ave Wetland (ID: K184)
- Outstanding Natural Features and Landscapes – ONFL9 Whareroa Dunelands
- Area of High Natural Character within 10m
- Key Indigenous Trees – Rewarewa (ID: 7125)
- Geological Features – G0012 Whareroa Dune Fields

- Transportation Noise Effects Route
- Coastal Environment
- Open Space Recreation Precinct – PREC33
- Designations – NZTA-001, NZTA-002, NZTA-005, KRH-001 (railway purposes) and WRC-001
- Airport Plan: Runways Height Surfaces

Because of the size of the subject site, not all the District Planning features identified above apply to the area of the site that this application relates to. The area of the site that the proposed building is to be constructed in is:

- Zoned Open Space Zone;
- Located within an Outstanding Natural Features and Landscapes overlay – ONFL9 Whareroa Dunelands;
- Located within the Coastal Environment overlay;
- Located within the Open Space Recreation Precinct – PREC33; and
- Subject to a Designation – WRC-001 (Purpose: Queen Elizabeth Park. Regional Park and recreation reserve for the purpose of active and passive recreation including a golf course, conservation, production farming, facilities and buildings, associated with recreational, and operational activities of the Park).

4.3 Operative District Plan Rules and Standards

The Rules and Standards that apply to this application are:

Part 2 – District-Wide Matters

Energy, Infrastructure and Transport

Transport

TR-R2 Permitted Activity

Vehicle movements

Standards

1. *Up to 200 vpd in the Working Zones, except:*
2. *In all other zones, any activity must not generate more than 100 vpd, except extractive industries that are provided for as a restricted discretionary activity under EW-EXT-R13.*

TR-R10 Restricted Discretionary Activity

Vehicle movements that do not meet the permitted activity standards under TR-R2 (therefore deemed a major traffic activity(ies)).

Standards

2. *A transport assessment and a travel plan must be prepared by a suitably qualified person and submitted to Council with the application for resource consent.*

TR-R11 Discretionary Activity

Any activity which is not a permitted, controlled, restricted discretionary or non-complying activity.

The application states that while the general surf lifesaving club operation will not exceed 100 vehicles per day (VPD), it is anticipated that commercial activities undertaken within the proposed building (including functions and events) will exceed 100 vpd. Therefore, the proposed development is classed as a major traffic activity. Major traffic activities are provided for as a restricted discretionary activity under Rule TR-R10 where all standards are complied with. Standard 2 of Rule TR-R10 requires a transport assessment and travel plan prepared by a suitably qualified person to be submitted to Council with the application for resource consent. The applicant has not provided a transport assessment or traffic plan. Therefore, the proposal is a **discretionary activity** under Rule TR-R11.

Natural Environment Values

Natural Features and Landscapes

NFL-R2 Permitted Activity

Buildings in outstanding natural features and landscapes.

Standards

1. *Buildings must have a gross floor area no greater than 60m².*
2. *Buildings must have a height no greater than 6 metres, as measured by the height measurement criteria.*
3. *Building colours and materials (excluding glazing) must be non-reflective and recessive.*

NFL-R3 Restricted Discretionary Activity

Buildings (excluding minor buildings) in outstanding natural features and landscapes which exceed one or more of the permitted activity standards in NFL-R2.

Matters of Discretion

1. *The location of any building area relative to the boundaries of outstanding natural features and landscapes listed in Natural Environment Schedule 4 and shown on the District Plan Maps of this Plan, and relative to existing buildings (excluding minor buildings) on the building area.*
2. *The design, scale, and location of the building, including associated earthworks.*
3. *Visual and amenity effects.*
4. *Effects on the values of outstanding natural features and landscapes areas identified in Natural Environment Schedule 4 of this Plan.*

Buildings within outstanding natural features and landscapes are provided for under Rule NFL-R2 where all standards are complied with. The proposed building will have a gross floor area of 964m², which exceeds the maximum gross floor area of 60m² permitted under the District Plan by 904m². The proposed building will be a maximum of 8.6m in height and will therefore exceed the 6m maximum height permitted under the District Plan by 2.6m. The building colours will be non-reflective and will generally be recessive. However, due to the use of the building as a surf lifesaving club, it is proposed to include the internationally recognised red and yellow colours on the building. Because the proposed building does not comply with any of the permitted activity standards of Rule NFL-R2, the proposal is a **restricted discretionary activity** under Rule NFL-R3.

General District-Wide Matters

Earthworks

EW-R3 Permitted Activity

Earthworks in all areas associated with:

1. road maintenance activities within the legal road.
2. maintenance of access ways, including walkways and cycle ways not within legal road.
3. activities permitted under NH-FLOOD-R4, NH-FLOOD-R6, and NH-FLOOD-R7 except within outstanding natural features and landscapes in the Coastal Environment.
4. the construction of telecommunication and radio communication facilities, and their maintenance, renewal and minor upgrading within the legal road.
5. maintenance of farm tracks permitted under GRUZ-R4, RPROZ-R5, RLZ-R5 and FUZ-R5.
6. approved building (excluding minor buildings) developments, subject to a building consent, where the earthworks do not extend more than 2 metres beyond the foundation line of the building.

EW-R4 Controlled Activity

Earthworks (excluding farm tracks for permitted farming activities) within outstanding natural features and landscapes not permitted under EW-R3 standards 1-4 or 6.

Standards

2. *Earthworks must not result in a vertical change (cut or fill) that exceeds 1 metre.*
3. *Volume of earthworks must not exceed 50m³ per site within a 5 year period in residential zones, the natural open space zone and open space zones (excluding the Private Recreation and Leisure Precinct), and 100m³ per site within a 5 year period in rural zones. This standard applies whether in relation to a particular earthwork or as a total of cumulative earthworks within the specified period.*

EW-R9 Discretionary Activity

Earthworks within outstanding natural features and landscapes that do not comply with one or more standards in EW-R4 or EW-R6.

The proposed earthworks are not permitted under standards 1-4 or 6 of Rule EW-R3 and must therefore be assessed under Rule EW-R4. The proposed earthworks do not comply with standard 2 of Rule EW-R4 because they will result in a vertical change of more than 1m, with a maximum cut depth of 3.9m. The proposed earthworks involve a total volume of 1,460m³, which exceeds the maximum volume permitted under standard 3 of Rule EW-R4 by 1,410m². Therefore, the proposal is a **discretionary activity** under Rule EW-R9.

Part 3 – Area Specific Matters

Zones

Open Space and Recreation Zone

Open Space Zone

OSZ-R1 Permitted Activity

Any activity that is a permitted activity under the rules in this chapter.

Standards

General

6. *The activity complies with all other relevant permitted activity rules and permitted activity standards in all other Chapters (unless otherwise specified).*

OSZ-R5 Permitted Activity

The erection of any new building or structure and any addition or alteration to any lawfully established building or structure.

Standards

2. Maximum gross floor area (expressed in square metres [m²]) of any building:
 - a. In the Recreation Precinct – 500m²
3. Maximum height of any building or structure (as measured by the height measurement criteria and expressed in metres [m]):
 - a. In the Recreation Precinct – 8m

OSZ-R12 Restricted Discretionary Activity

Any activity listed as a permitted activity or a controlled activity which does not comply with one or more of the associated standards, unless otherwise specified.

Matters of Discretion

1. The effects of non-compliance of the relevant standards.
2. Measures to avoid, remedy or mitigate adverse effects.
3. Cumulative effects.

OSZ-R17 – Non-Complying Activity

In the Recreation and Local Parks Precincts, any industrial or commercial activity, or any retailing activity that is not a permitted activity under OSZ-R3.

The proposal is not a permitted activity under Rule OSZ-R1 because it does not comply with standard 6 of Rule OSZ-R1, which requires compliance with all other relevant permitted activity rules and permitted activity standards in all other Chapters.

The proposed building will have a total gross floor area of 964m², which exceeds the maximum gross floor area of 500m² permitted under the District Plan by 464m². The proposed building will be a maximum of 8.6m in height and will therefore exceed the 8m maximum height permitted under the District Plan by 0.6m. Because the proposed building does not comply with standards 2 and 3 of Rule OSZ-R5 the proposal is a **restricted discretionary activity** under Rule OSZ-R12.

Commercial activities in the Open Space Zone are non-complying activities under Rule OSZ-R17. As the proposed involves the commercial use of the building (including for functions and events), it is a **non-complying activity** under Rule OSZ-R17.

4.4 Activity Status

The activity is a:

- a **discretionary activity** under Rule TR-R11.
- a **restricted discretionary activity** under Rule NFL-R3.
- a **discretionary activity** under Rule EW-R9.
- a **restricted discretionary activity** under Rule OSZ-R12.
- a **non-complying activity** under Rule OSZ-R17.

In this case, it is considered appropriate to apply the bundling principle and adopt the more restrictive activity classification. Therefore, the proposal will be considered as a **non-complying activity**.

5 NATIONAL ENVIRONMENTAL STANDARD FOR ASSESSING AND MANAGING CONTAMINANTS IN SOIL TO PROTECT HUMAN HEALTH REGULATIONS 2011 (NESCS)

While the Kāpiti Coast Operative District Plan includes policies relating to Contaminated Land it does not include any rules. Instead, the Plan states:

For areas containing contaminated and potentially contaminated land as defined under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (the 'NES'), the NES applies in its entirety.

The NES applies in addition to all other rules in any Chapter of this Plan, however no rule in any Chapter of this Plan that duplicates or conflicts with the NES shall apply.

Regulation 10 of the NESCS states:

10 Restricted discretionary activities

- (1) This regulation applies to an activity described in any of [regulation 5\(2\) to \(6\)](#) on a piece of land described in [regulation 5\(7\) or \(8\)](#) that is not a permitted activity or a controlled activity.
- (2) The activity is a restricted discretionary activity while the following requirements are met:
 - (a) a detailed site investigation of the piece of land must exist;
 - (b) the report on the detailed site investigation must state that the soil contamination exceeds the applicable standard in [regulation 7](#);
 - (c) the consent authority must have the report;
 - (d) conditions arising from the application of subclause (3), if there are any, must be complied with.
- (3) The matters over which discretion is restricted are as follows:
 - (a) the adequacy of the detailed site investigation, including—
 - (i) site sampling;
 - (ii) laboratory analysis;
 - (iii) risk assessment;
 - (b) the suitability of the piece of land for the proposed activity, given the amount and kind of soil contamination;
 - (c) the approach to the remediation or ongoing management of the piece of land, including—
 - (i) the remediation or management methods to address the risk posed by the contaminants to human health;
 - (ii) the timing of the remediation;
 - (iii) the standard of the remediation on completion;
 - (iv) the mitigation methods to address the risk posed by the contaminants to human health;
 - (v) the mitigation measures for the piece of land, including the frequency and location of monitoring of specified contaminants;
 - (d) the adequacy of the site management plan or the site validation report or both, as applicable;
 - (e) the transport, disposal, and tracking of soil and other materials taken away in the course of the activity;

The proposal involves both a change of use of the land and the disturbance of soil. The application states:

It is our understanding that the site was previously used as a camp for the United States Marines from 1942 to 1943 with the production, maintenance, dismantling, disposal, storage and use of explosives and ordinances. As such, the site is considered to be a 'piece of land' under the National Environmental Standard. The proposal does not involve a subdivision. It is considered that the proposal does involve a change of use to the land from open space for recreational use to a commercial activity.

The proposal also involves undertaking earthworks with a total volume of approximately 1,460m³ for the formation of a building platform and car parking area.

The applicant has provided a Detailed Site Investigation prepared by Geo and Hydro – K8 Ltd (Reference: PKWR-QEP DSI RECR, v2, dated 23 December 2022), which concludes that:

Historic land use of the site has revealed potential HAIL activities in the past; therefore, it was possible for the soil to contain contaminants exceeding the recreational SCS set by the NESCS.

The current DSI confirmed several potential HAIL activities onsite. Tests results of the samples collected during the intrusive site investigation established the following contaminants of potential concern to be at concentrations above the recreational SCS set by the NESCS:

- arsenic (As) near structures C, E and F (toilet block, viewing platform and Budge house)
- asbestos (ASB) near the old surf club building

Therefore, it can be concluded that use of this soil is likely to pose a risk to human health.

Since the soil contamination onsite exceeds the applicable standard reg. 10(2)(b), the activity is restricted discretionary under the NESCS.

Additionally, concentration of all metals in 174 of 185 soil samples analysed for the purpose of this report is above the GWRC background concentrations. 39 of 185 samples exceed the LINZ Upper Confidence Limit of 95% (UCL95%) of the predicted background concentrations.

Given the background concentration levels, soil disturbance is governed by the NESCS and soil should not be taken off-site without consent.

Given this conclusion, it is considered that the proposal is a **restricted discretionary activity** under Regulation 10 of the NESCS.

6 NOTIFICATION

In considering whether or not notification is required, Sections 95A to 95E of the Resource Management Act 1991 must be considered. Sections 95F and G are not relevant to this application. Sections 95 to 95E are referenced below:

95 Time limit for public notification or limited notification

95A Public notification of consent applications

95B Limited notification of consent applications

95C Public notification of consent application after request for further information or report

95D Consent authority decides if adverse effects likely to be more than minor

95E Consent authority decides if person is affected person

For the full text of the above provisions, please refer to the Resource Management Act 1991.

6.1 Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land must be disregarded with respect to public notification.

The adjacent land includes the following properties:

- 138 The Parade, Paekākāriki (Lot 1 DP 6673);
- 41 Aperahama Street, Paekākāriki (Lot 4 DP 6673);
- 42 Aperahama Street, Paekākāriki (Lot 43 DP 6673);
- 175 Wellington Road, Paekākāriki (Lot 46 DP 6673);

- 170 Wellington Road, Paekākāriki (Section 1 Paekākāriki SBRN);
- 11 Horomoana Road, Paekākāriki (Lot 41 DP 20916);
- 13 Horomoana Road, Paekākāriki (Lot 40 DP 20916);
- 14 Horomoana Road, Paekākāriki (Lot 39 DP 20916);
- 12 Horomoana Road, Paekākāriki (Lot 38 DP 20916);
- 13 Haumia Street, Paekākāriki (Lot 23 DP 20916);
- 15 Haumia Street, Paekākāriki (Lot 22 DP 20916);
- 17 Haumia Street, Paekākāriki (Lot 21 DP 20916);
- 14 Haumia Street, Paekākāriki (Lot 20 DP 20916);
- 12 Haumia Street, Paekākāriki (Lot 19 DP 20916);
- 143 Tilley Road, Paekākāriki (Lot 6 DP 20916);
- 160 Tilley Road, Paekākāriki (Lot 5 DP 20916);
- 306-325 State Highway 1, Paekākāriki (Lot 3 DP 368307);
- 541 State Highway 1, Paekākāriki (Part Section 3 Blk II Paekākāriki SD);
- Queen Elizabeth Park, Paekākāriki (Section 1 SO 446259);
- Section 3 SO 464319 (Balance of Recreation Reserve in Gaz 1979 p 396. The, Ngati Toa Rangitira Claims Settlement Act 2014);
- Section 1 SO 464319 (Fee Simple Title. The, Ngati Toa Rangitira Claims Settlement Act 2014 Application under Section 170(1)); and
- Section 2 SO 464319 (Fee Simple Title. The, Ngati Toa Rangitira Claims Settlement Act 2014 Application under Section 170(1)).

The subject site also adjoins a number of properties located at Raumati South. However, I have not individually listed these properties because of the considerable distance between the site of the proposal and these properties.

Any effect on a person who has given written approval to the application must also be disregarded. The following parties have provided their written approval:

Name of Person Providing Written Approval (Landowner/Occupier)	Address
Greater Wellington Regional Council (signed on behalf by Jeremy Paterson, Western Principal Ranger)	Queen Elizabeth Park, Wellington Road, Paekākāriki (Section 3 SO 446259)

6.2 Effects that may be disregarded – permitted baseline assessment

The permitted baseline refers to the adverse effects of permitted activities on the subject site.

The permitted baseline includes:

- Activities that generate up to 100 vehicle movements per day (vpd);
- Recreation, community and cultural activities, including ancillary retailing (10m² maximum per retail activity and 50m² total per site);
- New buildings with maximum site coverage of 5%, maximum gross floor area of 60m², maximum height of 6 metres, and non-reflective recessive building colours and materials; and
- Earthworks that disturb up to 50m³ of land per site within a 5 year period and do not alter original ground level by more than 1 metre.

Except for the commercial activity component of the proposal, which is a non-complying activity in the Open Space Zone, the activities that make up the proposal are provided for as permitted activities. However, the proposal does not comply with permitted activity standards for:

- the building's gross floor area, height and building colours and materials,
- earthworks (both volume and alteration of ground level), and
- vehicle movements.

Therefore, the effects associated with this proposal cannot be disregarded under the permitted baseline.

6.3 Receiving environment

The effects of the activity are also required to be assessed against the "existing environment". This includes existing use rights, existing activities carried out under existing consents and resource consents which have been granted where it appears those consents will be implemented. The concept of the existing environment refers to a state of affairs which a consent authority must determine and take into account when assessing the effects of allowing an activity; by contrast, the permitted baseline provide the authority with an optional means of measuring – or more appropriately excluding – adverse effects of that activity which would otherwise be inherent in the proposal.

The receiving environment is comprised of the surrounding area of Queen Elizabeth Park, which comprises coastal dune topography, mixed vegetation, and Budge House. It also includes residential development at the northern end of Paekākāriki urban area and the coastal environment of Paekākāriki Beach.

This is the reasonably foreseeable environment within which the adverse effects of the proposal are considered.

6.4 Adverse Effects

As a non-complying activity, Council is not restricted to any matters for assessment. In this case, the relevant matters for assessment are considered to be:

- Visual amenity effects;
- Ecological effects;
- Noise effects;
- Natural hazard effects;
- Archaeological and heritage effects;
- Earthworks effects;
- Contamination effects; and
- Traffic and transport effects.

These matters are addressed in turn below.

Visual amenity effects

The proposed building does not comply with permitted activity standards for maximum gross floor area, maximum height, and building colours and materials. As such, it has the potential to cause adverse visual effects. In addition, the proposal involves undertaking earthworks that exceed permitted activity standards for volume and alteration of ground level. The proposed earthworks exceed the maximum permitted volume of 50m³ by 1,410m³ and the maximum permitted alteration to ground level of 1m by 2.9m.

I note that the proposed building site is subject to an Outstanding Natural Features and Landscapes overlay, being ONFL09 Whareroa Dunelands. The District Plan includes the following information about the Perceptual Factors of ONFL09:

Coherence

Identifiable patterns of landform, landcover and land use are most evident along the foreshore, where the dunes are largely unmodified and patches of regenerating mahoe dominated bush occur.

Memorability

It is a memorable feature due to the undulating sequence of the dune landforms, the patterns of hydrology and the sequence of views this area affords of Kāpiti Island, the wider coastal environment (including the south island) and the landmark razor back ridge of Transmission Gully and Wainui in the Akatarawa region.

Aesthetic paradigm

Picturesque qualities of this feature are associated with the undulating topography, pastoral land use and the sequence of views experienced that vary in terms of openness and enclosure and feature known landmarks.

The following assessment of amenity effects is taken from the application:

The building has been designed to sit low within the dune system, to preserve and maintain the character and amenity of the area, enhance the experience for those visiting the park, and maximise the protection of the coastal environment. The bulk of the building is to sit low within the dune system, protecting the visual amenity of the coastal environment, and those who will access the beach. The only exception is the Watch Tower which extends above the dune as a necessity of its function. It has been architecturally designed to reflect the history of the area of the site as both a camp for the US Military, and early Māori who used the space. Due to these design characteristics, the surf club building will not distract from the current character of the environment and will provide a sense of safety to the public along the beach. The current environment comprises the existing surf club building which is experienced visually in its entirety from the beach. The relocation of the building will allow for the character of the foredunes to be returned to a naturalised state. The proposed activities within the building will not change as a result of this new building. 

The colour scheme of the building has been chosen to reflect its surroundings and the character of the receiving environment. This will ensure the character of the area is not negatively affected, while the red and yellow colours that can be seen immediately alert you to the use of the building as a surf lifesaving club, keeping the building consistent with its functional use.



Figure 8 Perspective of proposed Paekākāriki Surf Club. (Source: HWA plans)

The demolition of the existing building will also aid in managing the visual amenity effects of the Park. The old building is in a need of repair and stands prominently in the front dunes of Paekākāriki Beach. Demolition of the building will result in a more visually appropriate visual amenity from the beach and better natural character.

The applicant has provided an Assessment of Landscape & Visual Effects Report prepared by Eco-Landscapes & Design Ltd (dated 30 November 2022) in support of the application. This report concludes that:

The visual character associated with the building area will change, however visibility is localised to restricted viewpoints from the coast and the southern end of QEP. Change in character itself does not necessarily constitute an adverse landscape or visual effect. Landscape is dynamic and constantly changing over time both due to natural and human intervention.

Public access will be maintained and coastal and shoreline views from the park and for neighbouring residents will not be affected by the new building.

The proposed PSLC building will be set back from the coastal edge and in a location much less prominent than the existing building it replaces. The new building will appear low in profile from the seaward direction and has been carefully designed to avoid visual intrusion into the coastal environment.

Building colours will be recessive and of natural hues that reflect the surrounding dunes. Cultural expression of local iwi values will be integrated into the building design where pre-cast concrete panels designed with Ngāti Haumia will depict the story of Kahe Te Rau-o-te-rangi.

While QEP is subject to the ONFL overlay 'dune land outstanding natural feature', the southern coastal area of the park is best described as having moderate to low landscape values due to the degraded vegetation within the dunes and past human modifications. QEP has varied levels of modification throughout including protected remnant bush, restored wetland and riparian areas. These higher landscape value areas will not be affected and are not located close to the proposed building area.

Natural and landscape character values associated with the coastal environment will enhance over time, due to removal of the existing building and vehicle access, and restoration of the foredunes. Overtime indigenous vegetation and habitats will be restored in partnership with GWRC in accordance with the Dune Restoration Plan which includes removal of weed species and restoration of dunes with species endemic to the area.

*Adverse landscape effects will be **low** (less than minor) where there will be very little loss or modification to key features and characteristics of the coastal environment within the southern end of QEP. In my view, landscape values will be maintained and enhanced by the removal of the existing building and in time restoration of the dunes. The proposal will not change the broader landscape characteristics of the area.*

*Adverse visual effects for residents and the public will be **low to very low** (less than minor) where the new building will not appear prominent in views and where it can be readily absorbed within the receiving landscape.*

The Assessment of Landscape & Visual Effects Report also included the following recommendations:

- 1. Final building colours for exterior claddings must be recessive using natural hues that reflect the surrounding dune vegetation and assist integration of the building.*
- 2. Restoration and compensation planting of the dune associated with earthworks for the building be undertaken in accordance with Section 4 of the Dune Restoration Plan during the next planting season (May – September) following completion or during the construction process where practicable.*
- 3. Amenity planting within managed lawn areas surrounding the building to provide for additional shade trees and seating.*
- 4. All maintenance of planting within the dunes must be ongoing and in accordance with the Dune Restoration Plan*
- 5. Permeable surfacing such and gravel and/or reinforced grass is recommended for the driveway/parking areas.*

Council's Parks, Open Space and Environment team reviewed the application and further information, including the Assessment of Landscape & Visual Effects Report, and advised that they support the inclusion of the recommendations contained in the Eco-Landscapes & Design report as conditions of consent. Conditions of consent that reflect these recommendations are included in section 10 of this report below.

Based on the above advice from Eco-Landscapes & Design and Council's Parks, Open Space and Environment team, it is my opinion that, with the imposition of the recommended conditions, any adverse visual effects of the proposal will be less than minor.

Ecological effects

Although the wider subject site contains ecological sites, the site of the proposed works is located clear of these sites, with the closest ecological site (K109 – QEII Park Dunes) being located approximately 60m to the north. The site of the proposed works is currently grass covered and minimal vegetation clearance is required for construction. The application states that placement of onsite service areas has been well-considered to ensure they avoid areas of identified natural habitat or native vegetation.

The applicant provided an Assessment of Ecological Effects prepared by Wildlands (dated December 2020) in support of the application. The Wildlands report concludes:

Vegetation and habitats within the project area currently comprises a foredune dominated by exotic species, mixed indigenous-exotic shrubland on back dunes, amenity plantings, scrub islands, broadleaved forest, and managed areas, dominated by mowed grassland. Wainui Stream and estuary separate the two areas of the project and comprises a water body of high ecological importance. Sand dunes within the project area are active, and are relatively unmodified and are therefore of high ecological importance, due to the rarity of this ecosystem type along the Kāpiti Coast.

The works proposed will result in the formation of 5,893 m² of impermeable surfaces within the project area, however, this will be mitigated through the removal of 5,827 m² of impervious surfaces within the 40 metre erosion zone. Some indigenous vegetation will be removed as part of the work, but infill planting can compensate for this loss.

Restoration of the foredunes will require construction works and the loss of the current foredune vegetation. However, the resulting restoration of an indigenous-dominant foredune, which can naturally repair itself following storms, will have higher ecological value than the current environment.

Other opportunities to address the potential adverse effects of vegetation clearance include habitat enhancement, control of pest animals and weeds, and infill planting. Indigenous revegetation and the control of pest plants will need to be guided by an Ecological Management Plan (EMP). In addition, a Lizard Management Plan (LMP) will need to be prepared and implemented if indigenous lizards are detected during the lizard surveys.

If the measures described above implemented are properly then the overall adverse ecological effects of the proposed development will be addressed appropriately.

The Wildlands report includes opportunities to address effects, including:

- Avoid or minimise clearance of indigenous vegetation
- Avoid construction works on the foreshore
- Retention of indigenous vegetation and threatened plant species
- Compensation planting
- Control of pest animals
- Enhancement of vegetation to be retained
- Increased diversity of indigenous plant species
- Herpetofauna management
- Bird management
- Sediment and contamination controls
- Woody debris
- Monitoring and maintenance

Conditions of consent are included in section 10 of this report below to reflect the recommendations of the Wildlands report. These conditions include requirements for an ecological management plan and a lizard survey.

With the imposition of the recommended conditions of consent, it is my opinion that any adverse ecological effects of the proposal will be less than minor.

Noise effects

The proposal involves the use of the proposed building as a community facility. The ground floor of the building and the Watch House on the second floor of the building will primarily be used by the surf lifesaving club and its members. The use of the building as a rescue centre will have no time restrictions, as it is required to be operational 24/7.

The Pavilion on the second floor of the building is a mixed-use space that will be used for commercial activities, including community meetings, functions, events, and general building hire. The applicant is proposing to use the building for functions throughout the year. The maximum number of private functions/events will be capped at no more than 30 per year. Private functions would allow for no more than 225 people (comprising 200 guests and 25 staff) and must end no later than midnight.

The proposed use of the building has the potential to create adverse noise effects, particularly for occupants of the residential area adjoining the southern boundary of the site. To address these potential noise effects, the applicant provided an Acoustic Services report prepared by Norman Disney & Young (dated 3 March 2023). This report concludes:

Noise emissions from the proposed Paekākāriki Surf Lifesaving Club have been assessed to neighbouring properties, including noise from everyday operation, events, and HVAC.

Day-to-day activities, including background music in the Pavilion of up to 65 dBA may occur at any time, with doors/windows open. These activities are proposed to occur up to 10pm.

Events/celebrations in the Pavilion room which involve amplified music should be kept to below 95 dBA (with doors and windows closed) during the evening period, and kept below 90 dBA (with doors and windows closed) at night time after 10pm. These levels are at the upper end of what can be expected from the use of the space, and will be practical to achieve.

The building services design has been reviewed and is predicted to generate noise within all applicable limits, including at night, with typical design considerations/treatments.

The Norman Disney & Young report also included the following recommendations to mitigate activity noise:

- *Everyday operation with background music playing (at a level that allows normal conversation) can occur at any time of day, and the Pavilion sliding doors to the deck may be open or closed. The maximum music noise during this scenario is a Sound Pressure Level (SPL) of 65 dBA Leq within the room. Provided the music is kept to background levels, a noise limiting device would not be required.*
- *Louder events can only occur with all sliding doors to the deck closed. Music noise must be restricted to an SPL of 95 dBA Leq before 10pm, and to 90 dBA after 10pm.*
- *It may assist the Surf Lifesaving Club with achieving compliance if an electronic noise limiter is installed on the system for louder events. The Club should also have policies and procedures in place to ensure that music noise levels are reduced after 10pm.*
- *If any amplified live music is to be performed in the Pavilion, it will be required to comply with the same noise limits any other music. If a noise limiter is installed on the house system, it could be helpful to require performers to use the house system to ensure compliance.*
- *Sliding doors to the exterior of the Pavilion must be acoustically rated at not less than STC 27.*

I note that the Norman Disney & Young report has concluded that the building is predicted to generate noise within all applicable limits, including at night, but that this conclusion is based on typical design considerations/treatments being used and specific actions being taken, such as doors and windows being closed.

Conditions of consent are included in section 10 of this report below to reflect the recommendations of the Norman Disney & Young report, including a condition requiring a noise management plan and a review condition. The noise management plan will be required to address matters including maximum number of guests and staff for functions, hours of operation, actions required to be taken and responsibility for those actions.

With the imposition of the recommended conditions of consent, it is my opinion that any adverse noise effects of the proposal can be appropriately managed and will be less than minor.

Natural hazard effects

The wider subject site is subject to flood hazards (ponding and stream corridor) located to the north of the proposed works. However, the proposed building will be located over 70m from the closest flood hazard (stream corridor). Therefore, the proposed building and hard surfacing will not exacerbate the flood hazards.

Due to the location of the proposed site within close proximity to the coast at Paekākāriki Beach, coastal hazards associated with climate change and erosion are considered relevant to the proposal. The applicant provided an Erosion Hazard Assessment prepared by Urban Solutions Projects (dated April 2018) in support of the application. The Urban Solutions assessment concludes:

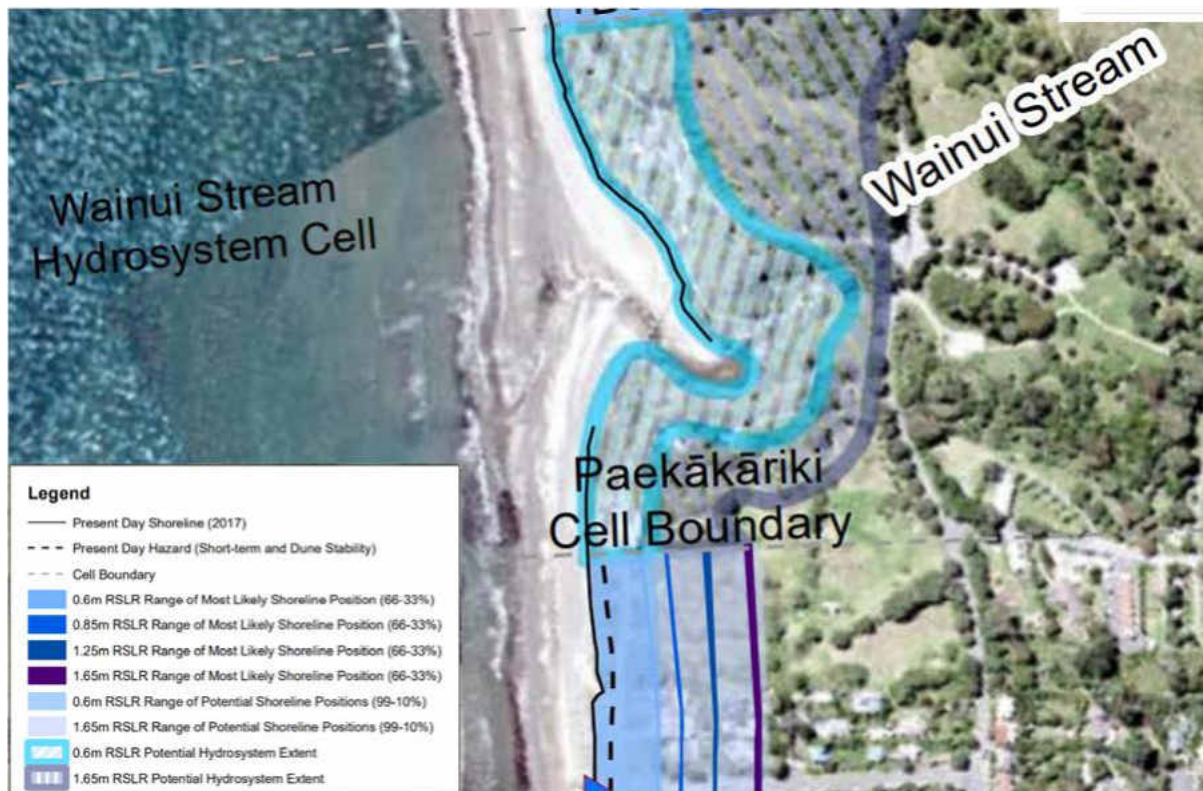
It is recommended that the proposed new clubrooms at Paekākāriki should be located away from the coastal edge to allow for the long-term trend of erosion at the site. However, it is important to consider the implications of taking an extremely conservative stance on the viable operation of the club as a community service. Therefore, it is recommended that the clubroom is located 40 metres from MHWS if the building is relocatable and 85m from MHWS if the building is constructed using more permeant construction methods.

The application included the following assessment of coastal hazards:

Kāpiti Coast District Council (KCDC) 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 KCDC shoreline involving the spatial extent of areas potentially susceptible to current and future coastal erosion and inundation hazards. The works site is located within the Paekākāriki Coastal Cell which is shown to have a projected coastal erosion distance of:

- Present-day erosion susceptibility
 - 8m
- Future coastal erosion susceptibility (worst case scenario)
 - 2050 – 8-12m
 - 2070 – 30m
 - 2120 – 96m

The proposed Surf Life Saving Club building will be located within the 2120 future coastal erosion susceptibility. In considering the potential effects, a typical building has a lifespan of approximately 50 years and therefore would likely require work again in approximately 2075. The lease on the land under the Reserves Act is for no longer than 33 years. Additionally, the purpose of a surf life saving club and associated building is to protect the public at beaches and therefore is essential to be located close to the coast.



I concur with the applicant's assessment that, given the term of the lease, it is not necessary for the building to be located clear of the 2120 coastal erosion susceptibility line. Further, given the building's intended purpose as a surf lifesaving club, the building has a functional need to be located within the coastal environment and within sight of the beach.

I note that the proposed building will be located further from the coast than the existing surf lifesaving club building that it replaces. As such, the proposal is consistent with the principles of managed retreat and will reduce the immediate risk to public safety.

On this basis, it is my opinion that any adverse natural hazard effects of the proposal will be less than minor.

Archaeological and heritage effects

The wider subject site contains both waahi tapu and historic heritage places. However, the site of the proposed works does not include any identified waahi tapu or historic heritage places. The applicant provided an Archaeological Assessment prepared by Subsurface Ltd (dated 14 September 2020) in support of the application. The conclusion and recommendations of the Subsurface Ltd assessment are as follows:

Queen Elizabeth Park has a long history of Māori occupation, and numerous archaeological sites pertaining to both Māori occupation and World War II camps have been recorded in the immediate area of the surf club. Archival plans and maps compiled by early nineteenth century ethnographers show the extent of Māori land holdings at Wainui post-1859, and archaeological site recording and excavation has provided additional physical evidence of occupation. The designs for the surf club redevelopment avoid known and recorded archaeological features, but because of their close proximity the likelihood of additional sites, particularly shell midden sites, being disturbed by earthworks remains.

Archaeological site records associated with Camp Paekakariki (R26/328) were updated and a new record for shell midden (R26/707) has been filed following a site visit carried out by the author for the purposes of this assessment. The recorded shell midden site and any unrecorded remains associated with pre-1900 Māori occupation (such as midden and burial sites) are protected archaeological sites as defined by the *Heritage New Zealand Pouhere Taonga Act 2014*, and an archaeological authority from Heritage New Zealand is legally required before they can be modified.

RECOMMENDATIONS

- That the Paekākāriki Surf Life Saving and Surf Club provides a copy of this assessment to affected iwi and consult with regards to the application for an archaeological authority.
- That the Paekākāriki Surf Life Saving and Surf Club applies to Heritage New Zealand for a general authority to modify unrecorded archaeological sites along the length of the cycleway. This application should be made under s.44 of the HPA.
- It is recommended that Heritage New Zealand grant that authority and include standard conditions for archaeological monitoring and notification of kōiwi tangata/human remains.
- That care is taken to avoid any impact on the visible remains of midden R26/707. It is recommended that earthworks contractors are made of its location and if necessary, the visible extent of the site is cordoned off prior to works to avoid unintentional damage by vehicles or machinery.
- That an archaeologist is present for any stripping back of topsoil or earthworks during initial earthworks.
- That following the completion of works records for any newly exposed or investigated sites should be submitted into the New Zealand Archaeological Association site recording scheme (Archsite).

The application states that the above recommendations have been adopted and are proffered as conditions of consent to this resource consent. Conditions of consent reflecting the recommendations of the Subsurface Ltd assessment are included in section 10 of this report below.

With the imposition of the recommended conditions of consent, it is my opinion that any adverse archaeological and heritage effects of the proposal will be less than minor.

Earthworks effects

The proposal involves undertaking earthworks comprising 760m³ of cut with a maximum depth of 3.9m and 700m³ of fill with a maximum height of 0.5m. This equates to a total earthworks volume of 1,460m³. The earthworks will be undertaken over an area of 838m² for the building and associated car parking, and over an area of 17,708m² for dune reshaping with the excess cut material.

The application included the following assessment of earthworks effects:

The purpose of the proposed earthworks is to provide a suitable building platform and access and parking areas associated with the new building, along with dune reshaping to maintain an undulating environment. The proposed earthworks will primarily involve cut to fill, which will result in the alteration to the dune topography. The extent of the works is to sit the building within the dune and reshape the contour to mirror a coastal dune environment.

With regards to visual amenity, any effects are likely to be temporary in nature. The surrounding environment is founded on sandy soils, with exposed sand dunes prominent along the immediate coastline. During the earthworks, exposed sandy soils will be highly visual, and while it may appear unnatural, the appearance of exposed sand in this environment is not highly unusual. Much of these exposed soils will be concealed post works by the proposed building and hard surface areas. Planting will be undertaken on the reshaped dunes which will be similar in natural character to the existing vegetation.

Earthworks-related effects such as dust/sand will likely be confined within the subject site due to the scale of work proposed. Erosion and sediment controls will be installed for the duration of the construction to ensure surface runoff remains within the subject site boundaries. The earthworks will be undertaken in accordance with stringent measures of a Construction Environmental Management Plan (CEMP) which is anticipated as a condition of consent. We anticipate Council to impose standard conditions similar to the following:

- No dust nuisance shall occur beyond the boundary of the subject site.
- The consent holder shall comply with the requirements of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements 2012, unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer.
- No nuisance effect may be caused by discharge of material beyond the boundary of the subject site.

All practical measures will be undertaken to control erosion and sediment in accordance with best practice – i.e. no earthworks on wet days and silt control fences and will be undertaken in accordance with the appropriate measures and procedures of the GWRC's booklet entitled "Small Earthworks, Erosion and Sediment Control for Small Sites" for the duration of the site works and until the site has been re-stabilised (i.e. through replanting or building/hard surfacing).

Accidental Discovery Protocol will be followed in the event of an accidental discovery during the construction works. As stated above, an archaeologist will be present onsite during the earthworks.

The subject site is not located in or near a Water Collection Area, nor is it subject to an Environmental Management Plan or Structure Plan. Additionally, there are no Environmental Management Plans or Structure Plans applicable within the vicinity of the subject site, and therefore it is considered that the proposed earthworks will not impact on any of these areas. The proposed earthworks will also not impact on the ability for the areas subject to structure plans to implement these.

There will be limited material removed from the subject site at the completion of the works. The closest ecological feature registered in the District Plan is ecological site K109 – QEII Park Dunes. This area is approximately 60 metres to the north-east of the extent of the proposed earthworks. While vegetation will be removed as part of this proposal, no native or key indigenous vegetation are required to be removed as part of this application.

I note that, in the context of the subject site, the proposed earthworks are of a relatively minor scale. The maximum cut depth of 3.9m is required to facilitate the siting of the proposed building, which is to be nestled into the side of a dune. This cut will be stabilised by the construction of the building. Upon completion of the proposed works, the earthworks will be screened from view by the proposed building, roading, car parking and landscaping.

Council's Development Engineer has reviewed the application and further information and recommended conditions of consent to be imposed in relation to the proposed earthworks. With the imposition of the recommended conditions of consent, I consider that any adverse effects associated with the proposed earthworks will be less than minor.

Contamination effects

The applicant supplied a Detailed Site Investigation prepared by Geo and Hydro – K8 Ltd (Reference: PKWR-QEP DSI RECR, v2, dated 23 December 2022) to assess risk of contamination on the subject site.

The Geo and Hydro – K8 Ltd report concludes that:

Historic land use of the site has revealed potential HAIL activities in the past; therefore, it was possible for the soil to contain contaminants exceeding the recreational SCS set by the NESCS.

The current DSI confirmed several potential HAIL activities onsite. Tests results of the samples collected during the intrusive site investigation established the following contaminants of potential concern to be at concentrations above the recreational SCS set by the NESCS:

- arsenic (As) near structures C, E and F (toilet block, viewing platform and Budge house)
- asbestos (ASB) near the old surf club building

Therefore, it can be concluded that use of this soil is likely to pose a risk to human health.

Since the soil contamination onsite exceeds the applicable standard reg. 10(2)(b), the activity is restricted discretionary under the NESCS.

Additionally, concentration of all metals in 174 of 185 soil samples analysed for the purpose of this report is above the GWRC background concentrations. 39 of 185 samples exceed the LINZ Upper Confidence Limit of 95% (UCL95%) of the predicted background concentrations.

Given the background concentration levels, soil disturbance is governed by the NESCS and soil should not be taken off-site without consent.

Given the above conclusion, it is considered that the proposal requires **restricted discretionary activity** consent under Regulation 10 of the NESCS.

Geo and Hydro – K8 Ltd made the following recommendations in the DSI report:

Prior to works commencing, a Remedial Action Plan (RAP) should be prepared and approved by Council. Further delineation testing may be required to confirm volumes however due to the extensive nature of the site, this may not be necessary. The RAP will specify the procedures for remediation which may include:

- Off-site disposal
- On-site soil blending
- Capping
- A combination of two or more options

It is recommended that should Council grant resource consent, that conditions are included to:

- Require a RAP to be submitted prior to the commencement of works, and
- Require a Site Validation Report (SVR) to be prepared following the completion of the remedial works.

Council's Development Engineer has reviewed the application and further information, including the DSI report, and recommended conditions of consent to reflect the recommendations of the DSI and mitigate any adverse contamination effects.

With the imposition of the recommended conditions of consent, I consider that any adverse contamination effects associated with the proposal will be less than minor.

Traffic and transport effects

The proposal includes 15 marked and sealed car parks, with an area to the east of the building reserved for overflow parking for up to 50 vehicles when required, which will not be sealed. Access to the building will be from the Wellington Road entrance to Queen Elizabeth Park. Vehicles will use the existing internal road network and will access off the existing driveway access to Budge House (current Park Rangers' house).

I note that the proposal does not comply with the permitted activity standard for vehicle movements and, as such, could generate adverse traffic and transport effects.

The following assessment of traffic and transport effects is taken from the application:

It is proposed that vehicular access would be provided from the existing Wellington Road access. The construction of the new building will not alter flows significantly. However, it will likely shift some traffic from The Parade to Wellington Road. This shift in traffic patterns is unlikely to have any adverse effects on the local roading network, due to the proposal not being deemed a high trip generator.

The proposed access road will run a length of 130m, providing for bi-directional traffic flows at a width of 5.5m. It will be sealed to reduce traffic noise and dust blowing beyond the application site. Onsite manoeuvring space is provided in the parking area at the SLSC.

All parking and access provided onsite will be designed in accordance with AS/NZS 2890.1:2004. For the reasons articulated above, effects on transport from the proposal are less than minor on all persons and the environment.

The applicant provided a letter from Traffic Concepts Ltd as part of their response to a further information request from Council. Relevant excerpts from this letter are set out below:

Parking for the new building will be primarily adjacent to the new structure with overflow parking provided on the adjacent grass area. The existing car park for the surf club will be removed and become a picnic area.

The formal car park for the new club will have 15 sealed car parks and space for cycles, motorbikes and scooters. The overflow informal grass parking area can accommodate around 50 vehicles and will mostly be used for the limited number of functions proposed at the club. The old surf club car park can accommodate around 16 vehicles currently and possibly around another 16 once the old surf club is demolished.

The formal car park will be set out to meet the requirements of AS/NZS 2890.1 with 2500mm wide by 5400mm long (overhang of 600mm) with an aisle width of 6200mm.

Since the lodging of the application changes have been made to the access to the proposed surf club to provide for two-way traffic along its driveway along with a short one lane section for traffic calming. This will address any potential conflicts that would have existed in the application.

Vehicles are able to use the current road network (mainly Wellington Road) into the Queen Elizabeth Park which is well designed and provides a safe and efficient route to and from the wider road network.

The access has excellent sight lines in both directions which will allow users of the driveway to enter and exit safely. It should be noted that the roadway within Queen Elizabeth Park is a slow speed road with speed humps installed.

The highest trip generation will be from the use of the surf club as a function facility. As noted above the maximum number of people at any function is 200 attendees. Based on a rule of thumb car occupancy rate of 2.5 persons per vehicle, this would suggest the number of vehicle movements will be around 200 trips if catering staff and other services are included. These flows are able to be accommodated within the surrounding road network safely and conveniently. The parking demand created by the attendees to the function is expected to be up to 80 vehicles. As part of holding a function there will be surf club staff on-site directing people into the parking areas. The nature of the function facility provides a high level of control for the management of the individual events which will allow traffic and parking controls to be put in place and managed. It is expected that on the larger events there could be some overspill of parking on to the adjacent road network. Based on the observations during the site visits, the parking demand on the adjacent streets is low and any effects or overspill are considered to be less than minor.

The existing pedestrian paths will remain providing a high level of connectivity between the new surf club and beach. Pedestrians are also able to walk across grassed areas to access other parts of Queen Elizabeth Park.

Traffic Concepts Ltd letter concludes that:

Overall, the impacts from the proposed development are able to be managed with any residual effects being less than minor.

Council's Team Leader Transport Planning and Safety has reviewed the application and further information and provided conditions of consent to be imposed with respect to access and parking.

Based on the advice from Traffic Concepts Ltd and Council's Roading team, and with the imposition of the recommended conditions of consent, I consider that any adverse traffic effects of the proposal will be less than minor.

6.5 Conclusion on Adverse Effects

The assessment above shows that there are unlikely to be any adverse effects of the activity on any adjoining properties, or the wider public, and any adverse environmental effects will be less than minor.

It is not considered that any adjoining properties, the environment, or the wider public would be affected by the proposal. The proposal will improve the existing situation by providing a new purpose-built surf lifesaving club and community facility located further from the coast than the existing building, consistent with the principles of managed retreat. There will be no increase in the risk from any of the natural hazards present at the site, and any effects associated with the proposed earthworks will be less than minor and will occur over a short term.

No parties are considered to be affected for the reasons set out below:

- Apart from the use of the proposed building for commercial activities, the proposed activities are all anticipated and provided for within the Open Space Zone.
- The proposal represents an improvement on the existing situation with the proposed building being set back further from the coast than the existing surf lifesaving club building.
- The proposed building site is well separated from adjoining residentially zoned and used properties at the northern end of Paekākāriki's urban area, with the closest residential property being approximately 60m to the south-west.
- The proposed building has been designed to fit into the surrounding environment and will be nestled into the side of an existing dune.
- The Assessment of Landscape & Visual Effects provided by the applicant concludes that:
*Adverse visual effects for residents and the public will be **low to very low** (less than minor) where the new building will not appear prominent in views and where it can be readily absorbed within the receiving landscape.*
- The Acoustic Services report provided by the applicant concludes that:
The building services design has been reviewed and is predicted to generate noise within all applicable limits, including at night, with typical design considerations/treatments.
- A condition of consent requiring a noise management plan has been imposed, together with a review condition. These measures are intended to provide additional methods to manage noise levels can and ensure they are kept within District Plan limits.
- Any adverse traffic and transport effects are anticipated to be less than minor, with only private functions generating offsite parking. Functions are limited to a maximum of 30 per year and the day-to-day use of the building is not expected to generate any offsite effects.

6.6 s95A Public Notification

Recommendation:

That the application need not be publicly notified in accordance with Sections 95A and 95C-95D of the Resource Management Act 1991 as although not precluded from public notification, the adverse effects are less than minor and there are no special circumstances.

**Reported and recommended
by**



Megan Barr
Consultant Planner - Contractor

Decision *"That the above recommendation be adopted."*

Delegated Officer
(Peer Reviewer)



Sarah Banks
Principal Resource Consents Planner

6.7 s95B Limited Notification

Recommendation:

That the application be processed on a non-notified basis in accordance with Sections 95B and 95E of the Resource Management Act 1991 as the adverse effects are considered to be less than minor and no special circumstances apply.

**Reported and recommended
by**



Megan Barr
Consultant Planner - Contractor

Decision *"That the above recommendation be adopted."*

Delegated Officer
(Peer Reviewer)



Sarah Banks
Principal Resource Consents Planner

7 SECTION 104 ASSESSMENT

In considering the merits of an application, Section 104 of the Resource Management Act 1991 must be considered. Section 104 is set out below:

104 Consideration of applications

- (1) *When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) *any actual and potential effects on the environment of allowing the activity; and*
 - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) *any relevant provisions of—*
 - (i) *a national environmental standard:*
 - (ii) *other regulations:*
 - (iii) *a national policy statement:*
 - (iv) *a New Zealand coastal policy statement:*
 - (v) *a regional policy statement or proposed regional policy statement:*
 - (vi) *a plan or proposed plan; and*
 - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- (2) *When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*
- (2A) *When considering an application affected by section 124 [or 165ZH(1)(c)], the consent authority must have regard to the value of the investment of the existing consent holder.*
- (2B) *When considering a resource consent application for an activity in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, a consent authority must have regard to any resource management matters set out in that planning document.*
- (2C) *Subsection (2B) applies until such time as the regional council, in the case of a consent authority that is a regional council, has completed its obligations in relation to its regional planning documents under section 93 of the Marine and Coastal Area (Takutai Moana) Act 2011.*
- (3) *A consent authority must not,—*
 - (a) *when considering an application, have regard to—*
 - (i) *trade competition or the effects of trade competition; or*
 - (ii) *any effect on a person who has given written approval to the application:*
 - (b) *[Repealed]*
 - (c) *grant a resource consent contrary to—*
 - (i) *section 107, 107A, or 217:*
 - (ii) *an Order in Council in force under section 152:*
 - (iii) *any regulations:*
 - (iv) *wāhi tapu conditions included in a customary marine title order or agreement:*
 - (v) *section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011:*
 - (d) *grant a resource consent if the application should have been notified and was not.*
- (4) *A consent authority considering an application must ignore subsection (3)(a)(ii) if the person withdraws the approval in a written notice received by the consent authority before the date of the hearing, if there is one, or, if there is not, before the application is determined.*

- (5) *A consent authority may grant a resource consent on the basis that the activity is a controlled activity, a restricted discretionary activity, a discretionary activity, or a non-complying activity, regardless of what type of activity the application was expressed to be for.*
- (6) *A consent authority may decline an application for a resource consent on the grounds that it has inadequate information to determine the application.*
- (7) *In making an assessment on the adequacy of the information, the consent authority must have regard to whether any request made of the applicant for further information or reports resulted in further information or any report being available.*

Sections 104A-104D set out particular restrictions on determining applications for controlled, restricted discretionary, discretionary, or non-complying activities. The relevant provisions are summarised below:

104B Determination of applications for discretionary or non-complying activities

Section 104B states that after considering an application for a resource consent for a discretionary or non-complying activity, a consent authority-

- (a) *May grant or refuse the application; and*
- (b) *if it grants the application, may impose conditions under section 108.*

104D Particular restrictions for non-complying activities

Section 104D(1) states that despite any decision made for the purpose of Section 93 in relation to minor effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either-

- (a) *The adverse effects of the activity on the environment (other than any effect to which 104(3)(b) applies) will be minor; or*
- (b) *The application is for an activity that will not be contrary to the objectives and policies of-*
 - (i) *The relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *The relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *Both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Section 104D(2) states that to avoid doubt, Section 104(2) applies to the determination of an application for a non-complying activity.

Section 104(6) allows the consent authority to decline a consent application if it has inadequate information to determine the application.

Adequate information was provided to process the application.

7.1 Internal Consultation

Development Engineer

Council's Development Engineer reviewed the application and further information and provided conditions to be imposed with respect to servicing, earthworks and Council's Subdivision and Development Principles and Requirements 2012. These are included in section 10 below.

Roading

Council's Team Leader Transport Planning and Safety reviewed the application and further information and provided conditions to be imposed with respect to access and car parking. These are included in section 10 below.

Parks, Open Space and Environment

Council's Parks, Open Space and Environment team reviewed the application and further information and advised that they support the inclusion of the recommendations contained in the Assessment of Landscape & Visual Effects as conditions of consent. These are included in section 10 below.

7.2 Actual or potential effects on the environment

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

Methods of analysis to determine the actual or potential environmental effects of the activity have focused on site visits, studies of Council held data and feedback from other relevant Council departments.

Almost all of the effects related to the proposed development have been discussed in detail above at section 6 of this report. Aspects which have not already been covered are discussed below.

7.3 Positive Effects

The proposal will result in positive effects for the consent holder, the Paekākāriki Surf Lifesaving Club and its members, and for the wider community of Paekākāriki.

The application lists the following specific positive effects:

The positive effects of this proposal include:

- Improve the natural character of the foredune and beach by removing the existing building and rehabilitating it so that it can be restored, increasing the protection of the dune system.
- Re-establishment of a key community facility that also provides surf-life saving services, that is:
 - o Fit for purpose.
 - o Meets current building standards resulting in a healthier and safer community building.
 - o Is more resilient to the effects of climate change and storm surge by setting the building further back from the foreshore and away from the erosion buffer zone.
- Removal of pest plant species and reduce ability for pest plant species to establish.
- Provide for improved habitat for indigenous plants and fauna.
- Provide for revenue to support surf-life saving services by enabling the hiring of the facility for commercial and community purposes.

I concur with this assessment of the positive effects of the proposal.

7.4 Summary of Actual and Potential Effects

The actual and potential effects of the proposal can be adequately avoided, remedied or mitigated by the imposition of the conditions outlined in the assessment above to ensure they are acceptable.

7.5 National Environmental Standards – s104(1)(b)(i)

There are currently nine operative National Environmental Standards, these relate to the Air Quality, Marine Aquaculture, Air Pollutants, Outdoor Storage of Tyres; Sources of Drinking Water, Telecommunication Facilities, Electricity Transmission Activities, Contaminants in Soil and Plantation Forestry.

Only the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS) is considered relevant to this application.

7.5.1 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NЕСS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary the land is remediated or the contaminants contained to make the land safe for human use.

The NЕСS came into effect on 1 January 2012.

The NЕСS applies to assessing and managing the actual or potential adverse effects of contaminants in soil on human health from five activities: subdivision, land-use change, soil disturbance, soil sampling, and removing fuel storage systems.

7.5.1.1 Activity Status

The activity is a restricted discretionary activity under Regulation 10 of the NЕСS. It has this status because the Detailed Site Investigation (DSI) concluded that the soil contamination exceeds the applicable standards in Regulation 7 of the NЕСS.

Land use consent is required for the change of use of land from vacant grassed recreation reserve to a surf lifesaving club building and associated facilities, and for the disturbance of a piece of land involving 1,460m³ over 18,546m², where a detailed site investigation confirms the soil contamination for arsenic (As) and asbestos (ASB) exceeds the recreational soil contaminant standard set by the NЕСS. Additionally, concentration of all metals in 174 of 185 soil samples analysed for the purpose of this report is above the GWRC background concentrations. 39 of 185 samples exceed the LINZ Upper Confidence Limit of 95% (UCL95%) of the predicted background concentrations.

7.5.1.2 Objectives and Policies

The following Objectives and Policies of the Operative District Plan 2021 are of particular relevance to this application:

Objective:

DO-O10 Contaminated Land

Policies:

CL-P3 Subject site Investigations

CL-P4 Management or Remediation

CL-P5 Ensure Fit for Use

7.5.1.3 Assessment

Council's Development Engineer has reviewed the application and further information, including the DSI report, and recommended conditions of consent to reflect the recommendations of the DSI and mitigate any adverse contamination effects. These conditions include requirements for a Remedial Action Plan (RAP) and a Site Validation Report (SVR).

With the imposition of the recommended conditions of consent, I consider that any adverse contamination effects associated with the proposal will be less than minor.

7.6 National Policy Statements – s104(1)(b)(iii)

There are currently six operative National Policy Statements, these relate to the Coastal Environment, Indigenous Biodiversity, Highly Productive Land, Urban Development, Freshwater Management, Renewable Electricity Generation and Electricity Generation.

Only the New Zealand Coastal Policy Statement (NZCPS) is considered relevant to the proposal.

7.6.1 New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

The Objectives of the New Zealand Coastal Policy Statement 2010 are:

- To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land;
- To preserve the natural character of the coastal environment and protect natural features and landscape values through:
- To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment:
- To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment:
- To ensure that coastal hazard risks taking account of climate change:
- To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development:
- To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

I consider that the proposal will be in keeping with the above objectives of the New Zealand Coastal Policy Statement. The risks associated with the proposal, being in close proximity to the coast, need to be balanced with enabling communities to still provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development. In this instance it is considered that proposal meets this balance. The proposed surf lifesaving club building will be located further from the coast than the building it is replacing consistent with the principles of managed retreat. As a surf lifesaving club building it has a functional need to be located within the coastal environment and within sight of the beach.

In areas potentially affected by coastal hazards over at least the next 100 years:

- a. avoid increasing the risk of social, environmental and economic harm from coastal hazards;

- b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;
- c. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;
- d. encourage the location of infrastructure away from areas of hazard risk where practicable;
- e. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and
- f. consider the potential effects of tsunamis and how to avoid or mitigate them

The proposed building is not affected by coastal building line restrictions. It is located within the 2120 coastal erosion susceptibility line identified in the Jacobs report but, given the maximum 33 year term of the lease, I consider that it is not necessary for the building to be located clear of this line. Further, given the building's intended purpose as a surf lifesaving club, the building has a functional need to be located within the coastal environment and within sight of the beach.

7.7 Wellington Regional Policy Statement – s104(1)(b)(v)

The Wellington Regional Policy Statement (RPS) sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Wellington region in an integrated and co-ordinated manner.

The RPS provides an overview of the resource management issues for the region (within the regional council's functions under s.30 of the RMA), and states the policies and methods required to achieve the integrated management of the region's natural and physical resources.

Objective 19 and Policy 29 of the RPS are relevant to this proposal, as follows:

- *Objective 19 - The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.*
- *Policy 29 - Avoiding inappropriate subdivision and development in areas at high risk from natural hazards – district and regional plans.*

Change 1 to the RPS was notified in August 2022. I consider that the changes proposed are not relevant to this proposal.

Natural hazards

The subject site is affected by ponding and stream corridor flood hazards and is located within the coastal environment but not within the coastal hazard area.

It is not anticipated that the proposal will increase the risk to people, the community or property from the flood hazards or coastal hazards.

With regards to Policy 29 it is not considered that the property is at "high" risk from natural hazard. The definition of areas of high risk are identified in the PNRP as:

"For the purposes of the Plan, all areas in the coastal marine area and the beds of lakes and rivers are high hazard areas."

The definition of high risk does not include land subject to stream corridor or ponding flood hazards, or land outside the coastal marine area such as the proposed building site.

For the above reasons, it is considered appropriate that the site can be developed as proposed without creating a high risk to users of the site.

7.8 Plan or Proposed Plan – s104(1)(b)(vi)

The following Objectives and Policies of the Operative District Plan 2021 are of particular relevance to this application:

District Objectives:

- DO-01 – Tāngata Whenua*
- DO-02 – Ecology and Biodiversity*
- DO-03 – Development Management*
- DO-04 – Coastal Environment*
- DO-05 – Natural Hazards*
- DO-07 – Historic Heritage*
- DO-08 – Strong Communities*
- DO-09 - Landscapes, Features and Landforms*
- DO-010 – Contaminated Land*
- DO-011 – Character and Amenity Values*
- DO-013 – Infrastructure*
- DO-014 – Access and Transport*
- DO-017 Open Spaces / Active Communities*

Financial Contributions Policies:

- FC-P1 – Provision of Reserves and Public Open Spaces*
- FC-P2 - Provision of Infrastructure*

Contaminated Land Policies:

- CL-P3 – Subject site Investigations*
- CL-P4 – Management or Remediation*
- CL-P5 – Ensure Fit For Use*

Natural Hazards Policies:

- NH-P2 – Risk Based Approach*
- NH-P3 – Managing Activities in Natural Hazard Prone Areas*
- NH-P4 – Precautionary Approach*
- NH-P5 – Protect via Natural Buffers*

Historical and Cultural Values Policies:

- HH-P7 – Unidentified Historic Heritage*
- SASM-P1 – Waahi Tapu*

Natural Environment Values Policies:

- ECO-P2 - Management Approach to Biodiversity Protection*
- ECO-P3 – Maintenance of indigenous biodiversity*
- ECO-P4 – Enhancement*
- ECO-P5 – Tāngata Whenua*

ECO-P6 - Monitoring

NFL-P1 - Protecting Outstanding Natural Features and Landscapes

Coastal Environment Policies:

CE-P3 – Preservation of Natural Character

CE-P4 – Restore Natural Character

CE-P5 – Amenity and Public Access

CE-P6 - Natural Coastal Processes

CE-P7 – Natural Dunes

Earthworks Policies:

EW-P1 - Earthworks

Noise Policies:

NOISE-P1 - Managing Amenity

Open Space Zone Policies:

OSZ-P2 – Recreational Activities

OSZ-P3 – Activities (General)

OSZ-P4 – Buildings and Structures

OSZ-P5 – Safety

OSZ-P6 - Indigenous Biodiversity

Infrastructure Policies:

INF-GEN-P4 – Managing Adverse Effects

INF-GEN-P7 – Infrastructure and Growth Management

INF-GEN-P11 – Quality of Infrastructure Design and Services

INF-MENU-P17 –Hydraulic Neutrality - Stormwater

INF-MENU-P18 – Stormwater Quantity and Quality

INF-MENU-P20 – Water Supply

INF-MENU-P21 – Wastewater

Transport Policies:

TR-P5 – Effects of Land Use on Transport

TR-P6 - Safety

For the full text of the above provisions, reference can be made to the Operative Kāpiti Coast District Plan.

As Proposed Plan Change 2 has been notified (18 August 2022), the following new/additional objectives and policies are also relevant to the consideration of this application:

Objectives:

DO-0x1 Well Functioning Environments

DO-11 – Character and Amenity Values (amended)

For the full text of the above provisions, reference can be made to Plan Change 2.

7.8.1 Assessment

Overall, I consider the proposal to be consistent with the relevant Objectives and Policies of the District Plan and Proposed Plan Change 2 (notified 18 August 2022). The proposal will not detract from the character and amenity of the area.

The application included a comprehensive assessment of the relevant Objectives and Policies and I concur with the conclusions of this assessment.

The primary purpose of the proposed building is for use as a surf lifesaving club. As such, the building has a functional need to be located within the coastal environment and within sight of the beach. The proposal is consistent with the principles of managed retreat and represents an improvement on the existing situation, with the proposed building being set back further from the coast than the existing surf lifesaving building it replaces.

The site of the proposed building within a primarily grassed area has been carefully selected to minimise effects on the surrounding environment, including visual effects and ecological effects. The proposal has been designed to minimise the removal of native vegetation and the modification of the natural coastal dunes. In addition, the applicant is proposing compensatory planting and the restoration of part of the foredune.

The proposed building has been designed to protect the integrity and values of the surrounding environment, which is subject to an outstanding natural features and landscapes overlay. The new building structure has been designed to sit within the natural character of the area. It is set back down below the back dune as much as possible, and the design of the building has taken inspiration of the surrounding environment to complement the natural character of the area.

I consider the primary use of the building as a surf lifesaving club to be appropriate within the Open Space Zone and Recreation Precinct. While the use of part of the building for commercial activities is classed as a non-complying activity in the Open Space Zone, I consider this to be complementary to the primary use of the building as a surf lifesaving club. The limited number of private functions proposed (a maximum of 30 per year) strikes an appropriate balance between providing a community facility, which generates revenue for the surf lifesaving club, and managing the effects of commercial activity.

The proposal will not impact on the ability of Queen Elizabeth Park to maintain its variety of open spaces and associated recreational uses. Public access to and within Queen Elizabeth Park will be maintained and the building will provide active surveillance of public areas.

Wellington Regional Proposed Natural Resources Plan

The Proposed Natural Resources Plan for the Wellington Region was notified on 31 July 2015 with decisions released on 31 July 2019.

Policy P27 of the PNRP refers to “high hazard areas” otherwise known as areas at high risk from natural hazards and states that the use and development, including hazard mitigation methods, in high hazard areas shall be avoided.

However, the definition of high hazard areas in the PNRP is as follows:

“For the purposes of the Plan, all areas in the coastal marine area and the beds of lakes and rivers are high hazard areas.”

The site is not located within the active beach (coastal marine area) or the bed of a lake or river as defined in the PNRP and therefore does not meet the definition of a “high hazard area”. Therefore, none of the provisions of the plan relating to natural hazards apply to this application.

7.9 Any Other Matters

Section 104(1)(c) provides that when considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to any other matter the consent authority considers relevant and reasonably necessary to determine the application.

There are no other matters that are relevant to this application that need to be considered.

8 OTHER RELEVANT RESOURCE MANAGEMENT ACT SECTIONS

8.1 Section 104D Assessment

Section 104D of the Act is a threshold test, and both limbs of the test must be considered when assessing applications for non-complying activities even if they are being processed on a limited or non-notified basis.

Consent may only be granted if at least one of the following tests is passed:

- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
- (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
 - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
 - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
 - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

I consider that the adverse effects of the activity on the environment (other than any effect to which Section 104(3)(a)(ii) applies) will be minor.

I consider that the application is for an activity that will not be contrary to the Objectives and Policies of the Kāpiti Coast Operative District Plan.

The application passes the 104D tests and consent may be granted under Section 104B.

8.2 Conditions of Resource Consents – s108 or s220

S.108AA Requirements of conditions of resource consents

(1) A consent authority must not include a condition in a resource consent for an activity unless—

- (a) *the applicant for the resource consent agrees to the condition; or*
- (b) *the condition is directly connected to 1 or both of the following:*
 - (i) *an adverse effect of the activity on the environment;*
 - (ii) *an applicable district or regional rule, or a national environmental standard; or*
- (c) *the condition relates to administrative matters that are essential for the efficient implementation of the relevant resource consent.*

(2) Subsection (1) does not limit this Act or regulations made under it.

(3) This section does not limit section 77A (power to make rules to apply to classes of activities and specify conditions), 106 (consent authority may refuse subdivision consent in certain circumstances), or 220 (condition of subdivision consents).

(4) For the purpose of this section, a district or regional rule or a national environmental standard is applicable if the application of that rule or standard to the activity is the reason, or one of the reasons, that a resource consent is required for the activity.

(5) Nothing in this section affects section 108(2)(a) (which enables a resource consent to include a condition requiring a financial contribution).

Draft conditions were circulated to the applicant's agent on 19 April 2023. The draft conditions were agreed to by return email on XX April 2023.

8.3 Review Condition – s128

A review condition as follows has been recommended:

The Council may determine it appropriate to review the conditions of this resource consent by giving notice of the intention to do so pursuant to section 128 of the Act, for the purposes specified below during the period of six months from the date of commencement of the activity until 12 months after commencement of the activity, for the following reasons:

- To determine whether the requirements of the noise management plan are being met;*
- To determine whether the requirements of the car parking management plan are being met; and*
- To determine whether any further requirements for noise mitigation under the noise management plan are necessary; and*
- To determine whether any further requirements for the mitigation of traffic effects under the car parking management plan are necessary; and*
- To ensure that any adverse noise and traffic effects associated with the use of the Pavilion/Bar are being appropriately managed.*

Note: *As a result of such a review, the Council may amend conditions 39 to 42 and 48 to address any adverse effects and improve monitoring of the conditions.*

The reasons for this are:

- Although the Norman Disney & Young report has concluded that the building is predicted to generate noise within all applicable limits, including at night, this conclusion is based on typical design considerations/treatments being used and specific actions being taken, such as doors and windows being closed.
- The review condition provides for Council to confirm that the noise management plan is operating as intended and mitigating noise effects such that they comply with all applicable limits.
- The Traffic Concepts Ltd letter notes that for functions and events there will be surf lifesaving club staff onsite directing people into the car parking areas. To ensure that car parking for functions and events is managed in accordance with the Traffic Concepts Ltd recommendations, a condition requiring a car parking management plan has been included in section 10 below.
- The review condition provides for Council to confirm that the car parking management plan is operating as intended and mitigating traffic effects associated with overspill parking.

8.4 Financial Contribution Conditions

The proposal triggers the requirement for a development contribution under the provisions of the Local Government Act 2002 and Council's Development Contributions Policy because the proposal includes the use of the building for commercial activities and the proposed building has a larger gross floor area at 994m² than the existing surf lifesaving club building at 482m². This development contribution is included as an advice note in section 10 below and is to be paid at the time of building consent.

9 PART 2 MATTERS

Any consideration under Section 104(1) is subject to Part 2 of the Act. Part 2 sets out the purpose and principles of the Act. In addition, Part 2 requires the Council to recognise and provide for matters of national importance (Section 6); have particular regard to other matters (Section 7); and to take into account the principles of the Treaty of Waitangi (Section 8).

Overall, the proposal is consistent with Part 2 matters because this proposal allows for the construction and operation of a new surf lifesaving club building without having a detrimental effect on the surrounding environment.

9.1 Section 5-Purpose

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources.

The proposal is in accordance with Section 5 of the Act as it allows for the construction and operation of a new surf lifesaving club building without having a detrimental impact on the surrounding environment or any neighbouring properties.

9.2 Section 6-Matters of National Importance

Section 6 establishes eight matters which must be recognised and provided for by all persons exercising functions and powers under the Act.

The following matters of national importance are considered relevant to the proposal:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (h) *the management of significant risks from natural hazards.*

It is my opinion that the proposal appropriately recognises and provides for the above matters of national importance, as follows:

- Although the development is located within the coastal environment, it is not inappropriate development because the building has a functional need to be located within this environment.

- The proposal has been designed with consideration and sensitivity to its location within an outstanding natural features and landscapes overlay.
- The proposal will not impede public access to the coastal marine area. Consideration has been given to cultural values and the applicant provided a Cultural Impact Assessment (CIA) prepared by Te Rūnanga o Toa Rangatira.
- Earthworks will be undertaken in accordance with the recommendations of the CIA and an archaeological assessment to protect any unidentified historic heritage.
- The proposal will not increase the risk from natural hazards. Instead it represents and improvement on the existing situation, with the proposed building being set back further from the coast than the existing surf lifesaving club building it replaces.

9.3 Section 7-Other Matters

Section 7 establishes eleven matters which all persons exercising functions and powers under the Act shall have particular regard to.

The proposal allows for the efficient use and development of a finite resource with reference to parts (b), (c) and (f) because this proposal allows for the construction and operation of a new surf lifesaving club building without having a detrimental impact on the surrounding environment.

9.4 Section 8-Treaty of Waitangi

The proposal is considered to be in accordance with the principles of te Tiriti o Waitangi, which are partnership, participation and protection. The proposal is considered to be in accordance with these because the applicant has consulted local iwi Ngāti Toa Rangatira and Ngāti Haumia hapū and provided a Cultural Impact Assessment (CIA) prepared by Te Rūnanga o Toa Rangatira to ensure any tangata whenua values were considered.

Conditions of consent recommended in the CIA have been included in section 10 below.

9.5 Conclusion on Part 2 matters

Overall, the proposal is consistent with Part 2 matters because this proposal allows for the construction and operation of a new surf lifesaving club building without having a detrimental impact on the surrounding environment.

10 RECOMMENDATION

That the undersigned officers, acting under authority delegated from the Council and pursuant to Sections 104 and 104B and with reference to Section 104D of the Resource Management Act 1991, hereby **grant** consent to construct and operate a new surf lifesaving club and undertake associated earthworks, and consent under the NESCS to disturb contaminated soil at Queen Elizabeth Park, Paekākāriki (Section 3 SO 446259 held in Record of Title 702651), subject to the following conditions which were imposed under Section 108 of the Resource Management Act 1991.

Conditions:

General

1. The proposed activity shall be completed in general accordance with the plans, information and specifications lodged with the application and the information and further information supplied by the consent holder and held on the file RM220195, except where modified by conditions of consent with reference to the following plans stamped as “Final Approved Plans” on 21 April 2023;
 - Plans prepared by HWA titled ‘*Project: Paekākāriki Surf Club; Location: Queen Elizabeth Park, Paekākāriki, Kāpiti Coast*’, Job No. 1804:
 - Site Plan, A102, dated 3 March 2023
 - Earthworks, A103, dated 3 March 2023
 - Ground Floor Plan, A107, dated 3 March 2023
 - First Floor Setout, A108, dated 3 March 2023
 - South and West Elevations, A201, dated 3 March 2023
 - East and North Elevations, A202, dated 3 March 2023
 - SD Section 2, A301, dated 3 March 2023
 - SD Section 3, A302, dated 3 March 2023
 - SD Section 6, A303, dated 3 March 2023
 - SD Section 10, A304, dated 3 March 2023
2. The consent holder shall comply with the requirements of the Kāpiti Coast District Council’s (KCDC’s) Subdivision and Development Principles and Requirements 2012 (SDPR: 2012), unless alternatives are proposed by the consent holder and accepted by the Council’s Development Engineer.

Engineering

3. Prior to works commencing, the consent holder shall submit copies of the plans and specifications for the engineering development for approval to the satisfaction of the Council’s Development Engineer. The engineering development must be in accordance with Paragraphs 1 to 5 of Schedule 1 contained in Part 4 of KCDC’s SDPR: 2012. No works shall commence until the plans are approved by KCDC’s Development Engineer.

Note: *Engineering drawings shall contain sufficient detail to clearly illustrate the proposal to enable assessment of compliance with the KCDC’s SDPR: 2012 and to enable accurate construction.*
4. Prior to commencement of the following stages of work, the consent holder shall notify Council’s Development Engineer so that the Council’s Development Engineer, or their authorised representative, are able to be present on site to inspect certain stages of the works. These stages are as follows:
 - a. Commencement of works or recommencement after a substantial lapse;
 - b. Water reticulation connections and services prior to back fill; and
 - c. Final inspection.

Earthworks

5. Prior to works commencing, the consent holder shall submit a Construction Environmental Management Plan (CEMP) for approval to the satisfaction of the Council's Development Engineer.
6. The approval of the CEMP required by condition 5 above shall be in accordance with the additional requirements of Schedule 2 contained in Part 2 of KCDC's SDPR: 2012 and shall address all potential adverse effects of the proposed earthworks including, but not limited to, the following:
 - Windblown sand or other material;
 - Sediment control and stormwater run-off;
 - Maintenance of local drainage paths from adjoining properties;
 - Any local conditions, such as areas that have previously slipped or been earthworked, where springs or under-runners may be present, or where seismic events are likely to affect earth-fills, slopes and liquefiable ground;
 - Progressive top soiling and re-vegetation immediately following completion of each stage of the works;
 - The monitoring program for effects of the earthworks on and off site (including transportation of material);
 - The control of noise and other construction related effects;
 - Traffic management including specific details relating to truck capacity, truck waiting areas and truck arrival/departure times;
 - Details of site access for contractor's vehicles not involved in transporting fill material;
 - The discovery of an unrecorded archaeological site; and
 - Review procedures.
7. The consent holder shall comply with the requirements of the approved Construction Environmental Management Plan (CEMP) required by condition 5 above. Any proposed amendments to the CEMP shall be submitted to the Council's Development Engineer for consideration and approval. No work shall commence until amendments to the CEMP have been approved by the Council's Development Engineer.
8. The consent holder shall undertake earthworks in accordance with Part 3C & Part 4 Schedule 2 of KCDC's SDPR: 2012 and Section 2 of NZS4404:2010 unless otherwise agreed with the Council's Development Engineer in writing.
9. The consent holder shall ensure that all vehicles exiting the site do not track material onto the road.
10. The consent holder shall ensure that all batter slopes shall be self-supporting.

Contaminated soil

11. Prior to works commencing, the consent holder shall submit a Remedial Action Plan (RAP) for approval to the satisfaction of the Council's Development Engineer. This RAP shall specify the procedures for remediation, which may include but are not limited to:
 - Off-site disposal;
 - On-site soil blending;
 - Capping;
 - A combination of two or more options.
12. All earthworks and remediation shall be undertaken in accordance with the approved Remedial Action Plan (RAP) required by condition 11.

13. In managing earthworks and the potential for the disturbance of contaminated soil to affect human health during and after excavation/construction, the consent holder shall achieve the following outcomes:
- Contaminated dust or sediment discharged is minimised;
 - All excavated contaminated soils are appropriately handled and disposed of at facilities registered for taking contaminated material; and
 - All soil that is to remain on the site will be suitable for the proposed future use of that site.
14. Within 3 months of the completion of earthworks on the site, the consent holder shall submit a Site Validation Report (SVR) to Council. The SVR shall be prepared by a suitably qualified contaminated land professional in accordance with the Ministry for the Environment Contaminated Land Management Guidelines, No. 1 Reporting and Contaminated Sites in New Zealand and No. 5 Site Investigation and Analysis of Soils. The person preparing the report shall also provide a statement certifying that all works have been carried out in accordance with the requirements of the consent.
- Note:** Any site validation report shall cover the matters outlined in the Ministry for the Environment's Contaminated Land Management Guidelines No. 1 Reporting on Contaminated Sites in New Zealand (Revised 2011).

Archaeological/Heritage

15. The consent holder shall provide a copy of the Subsurface Ltd Archaeological Assessment report (dated 14 September 2020) to affected iwi (Te Rūnanga o Toa Rangatira and Ngāti Haumia) and undertake consultation with iwi regarding an application for an archaeological authority.
16. The consent holder shall apply to Heritage New Zealand for a general authority to modify unrecorded archaeological sites within the area of the proposed works. This application should be made under s.44 of the HPA.
17. The consent holder shall ensure that care is taken to avoid any impact on the visible remains of midden R26/707, that earthworks contractors are made of its location and if necessary, the visible extent of the site is cordoned off prior to works to avoid unintentional damage by vehicles or machinery.
18. The consent holder shall ensure that an archaeologist is present for any stripping back of topsoil or earthworks during initial earthworks.
19. The consent holder shall ensure that following the completion of works records for any newly exposed or investigated sites should be submitted into the New Zealand Archaeological Association site recording scheme (Archsite).

Cultural

20. Prior to the start of works, the consent holder shall invite Te Rūnanga o Toa Rangatira and Ngāti Haumia to hold a tīmatanga ceremony on the site for Greater Wellington Regional Council (GWRC), club members, consultants and contractors (ie, machine operators). The tīmatanga ceremony will involve a karakia by kaumatua facilitated by the Te Rūnanga o Toa Rangatira/Ngāti Haumia and will occur at the very beginning of the project before any works occur on the site. The tīmatanga finishes with kai (morning tea). The consent holder shall meet the cost of the tīmatanga ceremony as agreed with Te Rūnanga o Toa Rangatira/Ngāti Haumia.

21. At the beginning and during the early stages of earthworks (including vegetation clearance, scraping of topsoil, digging for drainage and access), the consent holder shall provide for on-site observation by iwi monitors as nominated and agreed with Te Rūnanga o Toa Rangatira/Ngāti Haumia. The consent holder shall provide access for iwi monitors and meet all health and safety requirements. The consent holder shall meet the cost of the iwi monitoring as agreed with Te Rūnanga o Toa Rangatira/Ngāti Haumia.
22. The consent holder shall ensure that all works on the site adhere to the provisions of the Accidental Discovery Protocol specified by Te Rūnanga o Toa Rangatira/Ngāti Haumia. The ADP provides a protocol in the event of discovery of archaeological material and/or taonga (especially when iwi monitors are not present on the site). The ADP will need to be attached to the resource consent application and decision.
23. The consent holder shall ensure the recognition of Ngāti Toa/Ngāti Haumia history and values at the new Surf Life Saving Club building and the surrounding site in cooperation with GWRC. This will include opportunities for design, history publications and online information as agreed between Te Rūnanga o Toa Rangatira/Ngāti Haumia. The consent holder shall meet the cost of any design work or publications.

Landscape & Visual

24. The consent holder shall ensure that building materials are non-reflective.
25. The consent holder shall ensure that final building colours for exterior claddings are recessive using natural hues that reflect the surrounding dune vegetation and assist integration of the building, apart from where the international surf lifesaving colours are visible on the watchtower on the upper level.
26. The consent holder shall ensure that restoration and compensation planting of the dune associated with earthworks for the building be undertaken in accordance with Section 4 of the Dune Restoration Plan during the next planting season (May – September) following completion or during the construction process where practicable.
27. The consent holder shall provide amenity planting within managed lawn areas surrounding the building to provide for additional shade trees and seating.
28. The consent holder shall ensure all maintenance of planting within the dunes is ongoing and in accordance with the Dune Restoration Plan.
29. The consent holder shall ensure that permeable surfacing such as gravel and/or reinforced grass is utilised for the driveway/parking areas.

Ecological

30. Prior to works commencing, the consent holder shall submit an Ecological Management Plan (EMP) for approval to the satisfaction of the Council's Parks, Open Space and Environment team. This EMP shall take into account the conclusions and recommendations of the Wildlands '*Assessment of Ecological Effects*' (Reference: 5626, dated December 2020) and shall include, but is not limited to:
 - Salvaging indigenous species within the foredunes prior to the dune reshaping and replanting these species following the foredune restoration (focus on threatened plant species, including sand piripiri and pīngao); and
 - Species to be used for new, infill and compensation planting; and
 - The ratio for compensation planting - 3:1 for the loss of indigenous-dominant broadleaved forest and scrub 'islands', and 1:1 for the loss of mixed indigenous-exotic vegetation types; and

- Planting of the dunes as soon as possible following foredune shaping, with dune species planted deeply to minimise the risk of roots being exposed by wind erosion resulting in plant deaths; and
 - Timeframes and seasons for planting; and
 - Source of plants - all plants are to be planted shall be sourced from the Foxton Ecological District; and
 - Maintenance plans - all planting shall be regularly maintained; and
 - Pest control plans - pest animal species and pest plant species shall be controlled.
31. Prior to vegetation clearance and removal of existing infrastructure, the consent holder shall undertake a Lizard Survey and submit the results of this survey to the Council's Parks, Open Space and Environment team. This survey shall be prepared in accordance with section 11.8 of the Wildlands 'Assessment of Ecological Effects' (Reference: 5626, dated December 2020).
 32. If the Lizard Survey required by condition 31 above finds lizards are present, the consent holder shall submit a lizard management plan (LMP) prepared in accordance with section 11.8 of the Wildlands 'Assessment of Ecological Effects' (Reference: 5626, dated December 2020), accompanied by the required Wildlife Act Authority from the Department of Conservation, the Council's Parks, Open Space and Environment team.
 33. The consent holder shall endeavour and make all reasonable efforts to undertake vegetation clearance and dune reshaping works outside of the bird breeding season (September-February) to minimise the disturbance of resident birds.
 34. If vegetation clearance and dune shaping works are undertaken within the bird breeding season (September-February), the consent holder shall ensure that a suitably qualified ecologist undertakes a visual survey for active bird nesting within the 48 hours prior to the commencement of the works.
 35. Prior to works commencing, the consent holder shall undertake a survey for nesting shore birds and submit the results of this survey to the Council's Parks, Open Space and Environment team. This survey shall be prepared in accordance with section 11.9 of the Wildlands 'Assessment of Ecological Effects' (Reference: 5626, dated December 2020).
 36. If the nesting bird surveys required by conditions 34 and 35 above find active nests are present, the consent holder shall not undertake vegetation clearance and construction works until the chicks have fledged.

Noise

37. The consent holder shall ensure that the use of the Pavilion/Bar for private functions/events is limited to a maximum of 30 occasions per year, with a maximum of 200 guests and 25 staff in attendance.
38. The consent holder shall ensure that the use of the surf lifesaving club building for any activity other than as a rescue centre is limited to the hours of 7:00am to 12-midnight.
39. The consent holder shall ensure that the maximum noise levels during the daytime hours (between 7:00am and 7:00pm) do not exceed 65dBA, subject to the noise management plan required by condition 42.
40. The consent holder shall ensure that the maximum noise levels during the evening hours (between 7:00pm and 10:00pm) do not exceed 95 dBA Leq (with all windows and doors closed), subject to the noise management plan required by condition 42.

41. The consent holder shall ensure that the maximum noise levels during the night hours (between 10:00pm and 7:00am) do not exceed 90dBA Leq (with all windows and doors closed), subject to the noise management plan required by condition 42.
42. The consent holder shall submit a noise management plan to the Manager of Council's Resource Consents and Compliance team that details the following management measures:
 - Hours of operation.
 - Responsibility for compliance with the noise management plan.
 - Music noise must be restricted to a Sound Pressure Level (SPL) of 65 dBA Leq between 7:00am and 7:00pm.
 - Music noise must be restricted to an SPL of 95 dBA Leq (with all windows and doors closed) between 7:00pm and 10:00pm.
 - Music noise must be restricted to an SPL of 90 dBA Leq (with all windows and doors closed) between 10:00pm and 12:00midnight.
 - The Surf Lifesaving Club should have policies and procedures in place to ensure that music noise levels are reduced after 10:00pm.
 - If any amplified live music is to be performed in the Pavilion, it will be required to comply with the same noise limits any other music. If a noise limiter is installed on the house system, performers should use the house system to ensure compliance.
 - Between the hours of 7:00am and 7:00pm sliding doors and windows to the exterior of the Pavilion/Bar may be open or closed during everyday operation with background music playing (at a level that allows normal conversation).
 - Sliding doors to the exterior of the Pavilion/Bar must be acoustically rated at not less than STC 27.
 - All sliding doors and windows to the exterior of the Pavilion/Bar must be closed from 7:00pm for louder events.
 - When amplified music (including DJs and live music) is being played, noise levels must be reduced from 10:00pm to comply with the limit of 90dBA Leq (with all windows and doors closed) and the music must cease at 12:00midnight.
43. The consent holder shall be aware that compliance with the noise management plan is required at all times during the operation of the surf lifesaving club building.
44. The Council may determine it appropriate to review the conditions of this resource consent by giving notice of the intention to do so pursuant to section 128 of the Act, for the purposes specified below during the period of six months from the date of commencement of the activity until 12 months after commencement of the activity, for the following reasons:
 - To determine whether the requirements of the noise management plan are being met;
 - To determine whether the requirements of the car parking management plan are being met; and
 - To determine whether any further requirements for noise mitigation under the noise management plan are necessary; and
 - To determine whether any further requirements for the mitigation of traffic effects under the car parking management plan are necessary; and
 - To ensure that any adverse noise and traffic effects associated with the use of the Pavilion/Bar are being appropriately managed.

Note: As a result of such a review, the Council may amend conditions 39 to 42 and 48 to address any adverse effects and improve monitoring of the conditions.

Access & car parking

45. The consent holder shall submit to Council's Development Engineer engineering plans for the access and car parking areas for approval, which are in general accordance with approved Plan A102 including the following detail:
 - The driveway to the building and car parking area widened to allow for two-way flow and traffic calming at the entrance to the driveway.
 - The layout of the existing 'cottage' car parking area to be retained.
46. The consent holder shall ensure that the access and car parking are constructed in accordance with approved Plan A102.
47. The consent holder shall ensure all parking spaces are marked and constructed in accordance with the dimensions in AS/NZS2890.1:2004.
48. Prior to any function or event being held, the consent holder shall submit for approval and to the satisfaction of the Council's Access and Transport team a car parking management plan. This shall include the following:
 - a) Details of the car parking arrangement and layout for events within the identified grass overflow car parking area; and
 - b) Details on how car parking will be managed and who will be responsible for ensuring compliance with the car parking management plan; and
 - c) How car parking will be efficiently managed onsite including how marshals will manage parking; and
 - d) If there is not sufficient car parking within the grass overflow car parking area where will vehicles be directed to park; and
 - e) Any measures or information that will encourage people to attend events by means other than private cars; and
 - f) Any other matters as determined necessary by the Kāpiti Coast District Council.
49. The consent holder shall ensure compliance with the traffic management plan during all functions and events.

Stormwater

50. The stormwater disposal design for the surf lifesaving club building shall be in accordance with the requirements and intent of the Cuttriss Consultants Ltd '*Stormwater Disposal Design Report for Proposed Surf Lifesaving Club*' dated 9 May 2022 (Ref:20891), unless alternatives are proposed by the consent holder with the building consent application and accepted by the Council. An updated report must be provided for an alternative solution.

Note: *It will be the consent holder's responsibility to maintain the system on an on-going basis to meet the above performance standard as it applied at the time of approval.*

Wastewater

51. On-site wastewater disposal for the surf lifesaving club building shall be in general accordance with the findings, recommendations and constraints contained within the Cuttriss Consultants Ltd '*Site Suitability Report for Onsite Effluent Disposal for Proposed Surf Lifesaving Club*' dated 12 December 2021 (Ref: 20891), unless alternatives are proposed by the consent holder with the building consent application and accepted by the Council. An updated report must be provided for an alternative solution. The consent holder is responsible for maintaining and monitoring the wastewater disposal system so that any adverse effects on the environment are less than minor.

Water Supply

52. The consent holder shall provide the surf lifesaving club with a metered water supply which complies with the requirements of Part 3, section G & Part 4 Schedule 6 of KCDC's SDPR: 2012. Unless alternatives are proposed and accepted by Council's Development Engineer.

Note: *Detail of connection shall be included within the engineering drawings for review and approval from Council's Development Engineer.*

53. The consent holder shall undertake construction of water supply reticulation systems shall only be undertaken by an approved contractor as defined in Part 3, section G(vii) of KCDC's SDPR: 2012.
54. The consent holder shall ensure that the water supply for firefighting requirements shall comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.
55. The consent holder shall ensure that the existing water connection is disconnected from the Main.

Advice Notes:

- 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.
- All costs arising from any of the above conditions shall be borne by the consent holder.
- 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.
- 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.
- Please note that a resource consent is not a consent to build. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. A building consent must be issued prior to any building work being undertaken.
- A separate application is required for a building consent if any earth-retaining structure is intended as part of this work and the wall is higher than 1.5 metres or is subject to surcharging.

- 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.
- The consent holder shall notify the Council's RMA Compliance Officer 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@kapiticoast.govt.nz, or by fax to (04) 2964 830 or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder shall 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.

- Council regards the following persons as fulfilling the requirements for being "suitably qualified" with respect to the above:
 - Chartered Professional Engineers (CPEng);
 - Members of Engineering New Zealand;
 - Registered Architects who are currently listed by the New Zealand Registered Architects Board (NZRAB)
 - Registered Clerks of Works.
- 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 must be made 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 must be undertaken in accordance with Councils guides and standard drawings. Examples of forms, guides and standards drawings. An information sheet, application form and standard 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
- Any proposed buried water tank or soak pit should not be subject to surcharge from the building(s) and shall be designed and constructed to ensure that flotation does not occur.
- Should a waahi tapu or other cultural site be unearthed during earthworks the contractor and/or owner is required under the Heritage New Zealand Pouhere Taonga Act 2014:-
 - Cease operations;
 - Inform local Iwi (Te Rūnanga o Toa Rangatira and Ngāti Haumia);
 - Inform the Heritage New Zealand and apply for an appropriate authority if required;
 - Take appropriate action, after discussion with Heritage New Zealand, Council and Iwi to remedy damage and/or restore the site.

Note: *The specific accidental discovery protocol to be used in the event an archaeological site or materials are discovered is the accidental discovery protocol specified by Te Rūnanga o Toa Rangatira and Ngāti Haumia.*

- Development Contributions will be required pursuant to Section 198 of the Local Government Act 2002 and the Council's 2022/2023 Development Contribution Policy because the building is to be used for commercial activities and has a floor area that is 512m² larger than the floor area of the building it replaces.

The contributions have been calculated at a rate of 0.002 of a Residential Unit Equivalent (RUE) per square metre of the building's gross floor area (excluding the first 500m²). The fees are listed below:

Items	Fees including GST (NZD)
Roading & Transport - Districtwide	\$2,125.00
Stormwater – Districtwide	\$189.00
Stormwater collection & management – Paekākāriki	\$72.00
Community Infrastructure - Districtwide	\$1,832.00
Sub-Total	\$4,218.00
Total for 494m² gross floor area (0.988 RUE)	\$4,167.38

The proposed building has a gross floor area of 994m². Excluding the first 500m², this leaves a gross floor area of 494m² to be assessed. At a rate of 0.002 RUE per square metre this equates to 0.988 RUE.

The contributions must be paid at building consent stage.

Note: *If the final gross floor area of the building at building consent stage differs from 994m² the development contribution figure will be adjusted accordingly.*

Recommended and reported by:



Megan Barr

Consultant Planner - Contractor

11 DECISION

That the above recommendation be adopted under delegated authority.

Reasons for Decision:

In accordance with Sections 104, 104B and 104D of the Resource Management Act 1991, the actual and potential effects associated with the proposed activity have been assessed and are outlined above.

I consider that the adverse effects of the proposed activity on the environment will be less than minor and that the proposed activity is not contrary to the Objectives and Policies of the Kāpiti Coast Operative District Plan.



Sarah Banks

Principal Resource Consents Planner



PAEKAKARIKI SURF LIFEGUARDS

ALCOHOL SERVICE STAFF TRAINING PLAN

This plan sets out how Paekakariki Surf Lifeguards ('the Club') trains and certifies everyone involved in the sale and supply of alcohol at club functions, in support of the Club's Host Responsibility Policy and its obligations under the Sale and Supply of Alcohol Act 2012.

1. Purpose

- Ensure every person who sells or serves alcohol on behalf of the Club has a consistent, documented level of training.
- Use ServeWise — the free national e-learning tool developed by the Health Promotion Agency (now part of Health New Zealand) — as the Club's baseline training for all bar volunteers.
- Keep an accurate, up-to-date training register that can be produced to the Licensing Inspector on request.

2. Roles and Training Requirements

Training requirements scale with responsibility:

- Bar volunteers / servers — ServeWise (the 'serving alcohol' pathway) before working a bar shift, plus an in-person shadow shift with an experienced Manager.
- Committee members with oversight of the licence — encouraged to complete ServeWise for general awareness, though not required to serve.

3. About ServeWise

ServeWise is a free, interactive e-learning course covering the Sale and Supply of Alcohol Act 2012, with a focus on intoxication, minors, server intervention, and host responsibility. It takes approximately one hour to complete and issues a printable certificate of completion on finishing.

4. Onboarding Timeline

When	Training activity
Before first shift	Complete ServeWise e-learning (both 'selling' and 'serving' modules where relevant) at servewise.alcohol.org.nz . Print/save the completion certificate for the training register.
Before first shift	Read the Club's Host Responsibility Policy, this Training Plan, and the conditions on the Club's alcohol licence.
First shift	Shadow an experienced Manager or senior bar volunteer for a full shift before serving alcohol unsupervised.
First shift	Walk-through of the premises: location of the approved licensed areas, ID-check point, water station, food service point, and transport-information display.
Ongoing	Refresher briefing at the start of each season, covering any changes to licence conditions, incidents from the previous season, and a recap of ID/intoxication procedures.

5. Refresher and Ongoing Training

- All bar volunteers redo ServeWise, at least every two years, or sooner if the Sale and Supply of Alcohol Act or the Club's licence conditions change.
- A short refresher briefing is held at the start of each surf season for all returning bar volunteers, covering any incidents, near misses, or changes from the previous season.

6. Records

The Club Secretary maintains a Staff Training Register recording each person's ServeWise completion date, Manager's Certificate details (where applicable), and next refresher due date. Certificates are kept on file and made available to the Licensing Inspector on request. In addition, a training register for all aspects of service will be kept with the Club Licensed Toolkit provided by Te Whatu Ora.

[illegible]

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View Details

PAEKAKARIKI SURF LIFE GUARDS INCORPORATED (215561) (NZBN: 9429042791911) [Incorporated Society] Registered

If you want to maintain this entity you need to be [logged in](#) and have authority over the entity

[Request Extract or Certificate](#)[General Details](#)[Addresses](#)[Officers](#)[Filings](#)

Incorporated Society Name PAEKAKARIKI SURF LIFE GUARDS INCORPORATED

The number of members is more than 10 according to section 8(1) of Incorporated Societies Act 2022. Yes

[▶ Show Name History](#)

NZBN 9429042791911

Incorporation Number 215561

Incorporated Society Status Registered

Date of Incorporation 10-Feb-1927

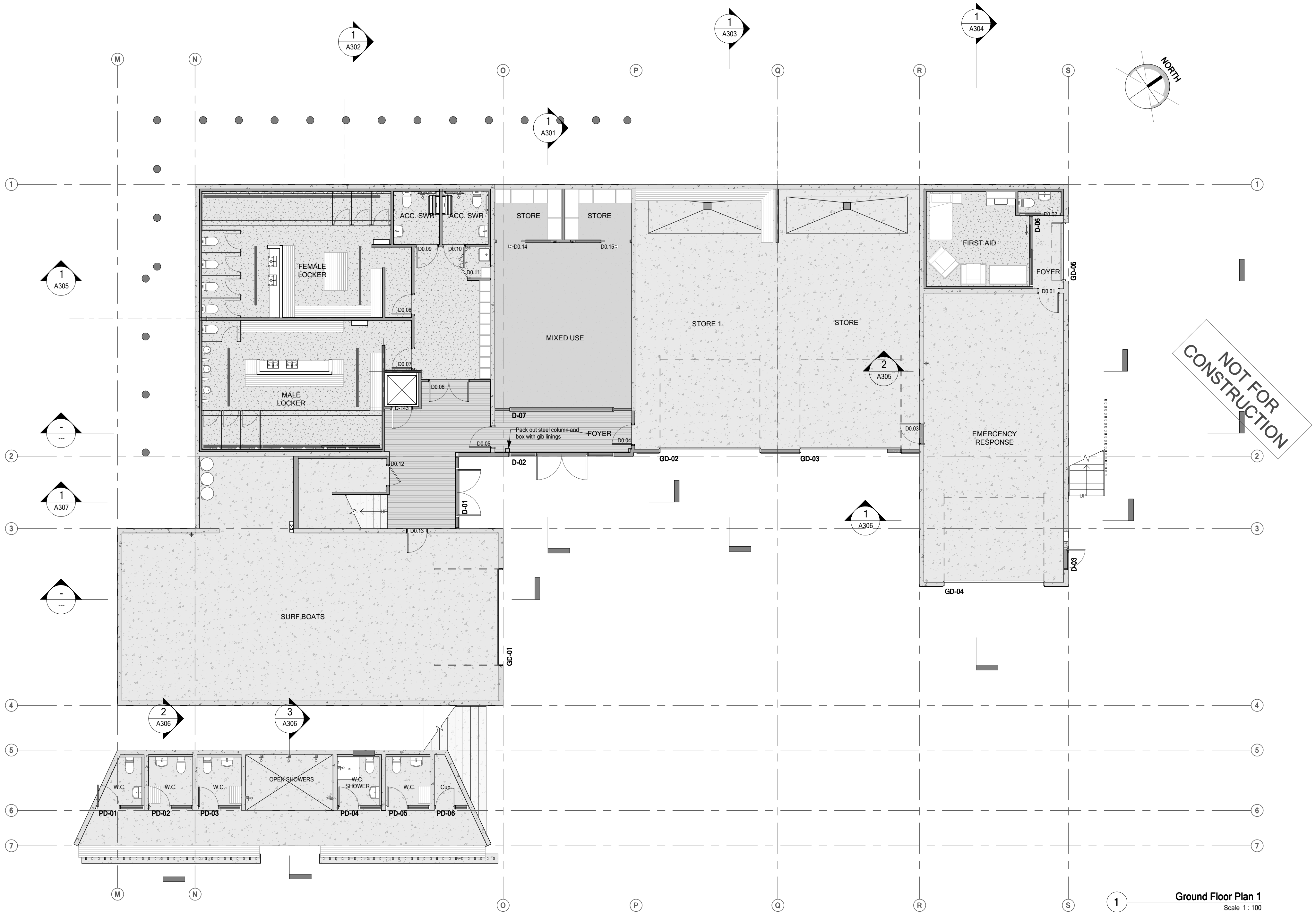
Date of Reregistration 30-Jul-2025

Incorporated Societies Act 2022

Charities Services Registration Number CC10702

This incorporated society is registered as a charity on the Charities Register. To find out more click [here](#)

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1 Ground Floor Plan 1
Scale 1 : 100



NOT FOR
CONSTRUCTION

Licensed Area

Outdoor Area

Norman Disney & Young
A SVP Group Company

Project: PAEKAKARIKI SLSC

Title: FIRST FLOOR FIREALARM LAYOUT

Document Number: 93794-F02

Project No: 93794-001	Drawn: A15	Date: 14.9.2023	Scale: 1:100	Rev: 2.0
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1 Pavilion and Watch House
Scale: 1:100

CERTIFICATE FOR PUBLIC USE

Section 99, Building Act 2004 [Form 16 – Building (forms) Regulations 2004]



CERTIFICATE FOR PUBLIC USE			
Building Consent Number/s:	PU0374, BC 230841	Issued By:	Kapiti Coast District Council
Issued:	22/12/2025	Valuation No:	1540000100J
PART OF PREMISES			
Description of premises/part of premises for which certificate is issued:		Public Bathroom, watch tower, all downstairs areas	
Building work affecting premises/part of premises: To use the new public toilets which are complete and form part of the overall project. The storage spaces and control tower is also now complete and will also be used but will only be accessed by club members. KCDC confirmed (verbally) that these areas don't need a CPU as no public will enter. The balance of the building is yet to be completed.			
Legal description of land where building is located:	PT SEC 3 SEC 99 100 BLK II PAEKAKARIKISD PT LOT 15 DP 5751 SECS 2 3 SO 446259- SURF LIFESAVING CLUB	Street address of building:	Queen Elizabeth Park, Paekakariki
Level/Unit number:	-	Building name:	Paekakariki Surf Lifesaving Club
APPLICANT			
(Person who owns, occupies, or controls the premises)			
Name of applicant:	Paekakariki Surf Lifesaving Club	Description of applicant:	The applicant controls the premises
Contact person:	Tristan McDonald	Street address/registered office	Queen Elizabeth Park, Paekakariki
Mailing address:	25 Newry Road Raumati Beach Paraparaumu 5032	Contact phone number:	-
Contact email address:	tristan@haarlem.co.nz	Contact mobile number:	021877592
PUBLIC USE OF PART OF PREMISES			
The territorial authority named below, being satisfied on reasonable grounds, in relation to the building work described above, that members of the public can safely use the part of premises described above, issues under Section 363A(2) of the Building Act 2004 this certificate for public use in respect of that part of the premises.			
THIS CERTIFICATE IS SUBJECT TO THE FOLLOWING CONDITIONS:			
- The work area is delineated and secured to avoid members of the public inadvertently entering the construction site. - Access routes to the areas to be occupied are safe, including for persons with disabilities. - Fire Safety specified systems remain operational in areas open to the public. - The inspection and maintenance procedures for Specified Systems within the building as per draft Compliance Schedule CS0633 are to commence immediately for any new system, and continue for any existing. - This certificate expires on 22/06/2026			
Nothing in this certificate limits the duty of the owner to apply for a code compliance certificate, nor does it relieve any person from compliance with any other legislative requirement.			
Michelle Salmon Building Inspections Team Leader			
On behalf of Kapiti Coast District Council		Date: 22 December 2025	

Ref: PB0082

11 September 2026

Paekakariki Surf Life Guards Incorporated
180 Queen Elizabeth Road
Paekakariki 5034

Dear Paekakariki Surf Life Guards Incorporated

Request for Building Certificate under Sale and Supply of Alcohol Act 2012

Business Name:	Paekakariki Surf Life Saving
Site Address:	Queen Elizabeth Park, Paekakariki
Legal Description:	PT SEC 3 SEC 99 100 BLK II PAEKAKARIKI SD PT LOT 15 DP 5751 SECS 2 3 SO 446259 - SURF LIFESAVING CLUB
Consent Description:	Building Certificate

This letter serves as a certificate for the purpose of Section 100(f) of the Sale and Supply of Alcohol Act 2012.

This letter is **not** a Code Compliance Certificate, Certificate of Acceptance or Compliance Schedule under Sections 91 to 107 of the Building Act 2004.

The Council has been advised by the applicant that this is a new building for an intended use as outlined in the building certificate application. Building Consent Numbers: BC230841 and BC230841A have been issued for the construction of the building.

The proposed use of the premises as a sports club/club meets the requirements of the New Zealand Building Code, to the extent required by the Building Act 2004 and **subject to the issue of a Code Compliance Certificate for Building Consent Number BC230841.**

The Council's records show that the building containing the proposed licensed premises is required to have a building warrant of fitness. **There is no current building warrant of fitness.** The building warrant of fitness is supplemented by a Certificate of Public Use (CPU) while building work is underway. **There is no current CPU in place for the first floor area of the premises.**

It is the building owner/s responsibility under the Building Act 2004 to ensure that the building warrant of fitness and CPU are current and remain operational. If you are not the building owner please remind them of this.

Please contact me on 04 296 4700 or 0800 486 486 if you would like to discuss any matters raised in this letter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jackie Adams', with a horizontal line underneath.

Jackie Adams
Consenting Manager