

**BEFORE A HEARING COMMISSIONER
APPOINTED BY KĀPITI COAST DISTRICT COUNCIL**

Under the Resource Management Act 1991

In the matter of an application for resource consent by Gresham Trustee Limited under section 88 of the Act, to undertake a 302-lot fee simple subdivision, the construction of 135 dwellings, and associated earthworks at 240 Kāpiti Road, Paraparaumu.

CLOSING SUBMISSIONS ON BEHALF OF THE APPLICANT

Dated: 15 November 2022

Closing submissions for the applicant

These submissions are predominantly in the order that matters were raised during the hearing. They do not reflect any priority.

Notification

1. Submitters were critical of the council's decision to 'limited notify' the application. That is not a matter which, with respect, is relevant to the Commissioner's appointment, nor the task of determining the application and, assuming approval, the conditions which should apply.
2. The decision in *Wallace v Auckland Council* has no relevance. That decision related to a judicial review because the council had not undertaken limited notification. The development was significantly different as were the relevant plan's conditions.

Built form

3. There are several items that reduce the perception or impact of the built form. Two submitters described their proposal as a monolith. That is incorrect. The design features that ensure the design is not a monolith include:
 - a. its variable facade
 - b. the reduction of four units that enable separation between buildings
 - c. the addition of louvres
 - d. the provision of opaque windows (which Miriam Moore said was a commonly used mitigation feature in Auckland city)
 - e. the provision of generous open space
 - f. the variations in the roofline
 - g. the landscaping; and
 - h. some of the building platforms being stepped.

South-eastern boundary

4. Issues were raised concerning the retaining wall along this boundary. Approximately 40% of that boundary adjoins a church car park, and all residents along that boundary were notified, but none chose to submit.
5. Of significance, the retaining wall lowers the building line from the neighbours' viewpoint. The impact of the retaining wall will therefore only be for owners within the property, with no adverse visual impact for the immediate neighbours - it is entirely an internal feature.
6. The limited number of proposed dwellings which adjoin the highest portion of the retaining wall on the south-eastern side of the site have larger north facing front yards to provide them with suitable north facing outdoor living.

Landscaping and typography

7. The evidence on landscaping was that the landscaping treatment, including the boundary treatment was acceptable given what can be expected on the site.

8. Lauren White said that the site was not “over developed”. This was supported by Emma McRae.
9. It is ironic that the submitters raise the levelling of the site as an issue given that all of the former surrounding dunes, including to enable the development of their homes, have likewise been levelled. To facilitate the efficient development a substantially levelled site is necessary.
10. Emma McRae’s evidence was that the topography change was contained entirely within the site. Ms McRae also stated ever since the MDRS came into effect “the character [of the proposal] is consistent with what can now be expected”.
11. With the reduction in the number of dwellings there are view shafts through the site from primary outdoor living areas on adjoining properties, helpfully detailed in Lauren White’s ‘Interface Assessment and Proposed Design Amendments’ report, pages 7-10.

Parking

12. Submitters raised concerns about parking spilling over into the adjoining streets. First, there is the provision of generous on-site parking, including spare car parks for guest parking. Secondly, the most logical place for additional guest parking, if required, is on Kāpiti Road.
13. The three pedestrian and cycle egress and ingress points to and from Kāpiti Rd, and the lack of parking restrictions along that entire south-western boundary of the site make this the likely place for additional guest parking if there is ever a demand for it.
14. Additionally and relevantly, there is the KCDC operative district plan which eliminates any need for parking on the site.

Bike storage

15. Issues about bike storage were raised by submitters and as part of their written evidence. A bike shed has now been added. The responsibility for its operation is to be part of the responsibility of the residents’ association. While this issue is a modest matter, it can be dealt with in consent conditions.

Water reuse

16. Water is to be recycled within the development. There is an 80,000 litre tank capacity to enable this.
17. They recycled water is all for communal use. They provision of 80,000 litre capacity amounts to approximately 600 litres per household.
18. There are no external taps for private use on any of the buildings. The evidence from Nicola Todd is that toilet cistern use is calculated to be between 6% and 8% of the total potable water usage.

19. Again, this is a matter which can be dealt with appropriately in the conditions of consent.

Proximity to amenities

20. Mr Ward suggested in his evidence to the Commissioner that the development was inappropriate in part because it was “isolated from amenities”.
21. That is incorrect. Emma McLean’s evidence at paragraph 129 lists the amenities that are available immediately or nearby the proposed development site. Those amenities are numerous.

Changing environment and the NPS-UD

22. All submitters raised that they were not opposed to medium density housing. All submitters said however that it should not take place at this particular location.
23. Mr Ward and Mrs Bloemgarten asserted that the site was unsuitable because the character of what to them is known as the horse paddock would materially change.
24. The NPS-UD expressly states in its guidelines that environments will be expected to change overtime. This is set out in Emma McLean’s evidence at paragraph 123 and is not repeated here.
25. Sarah Banks noted that policy 1 of the NPS-UD is very strong. That policy is on all fours with supporting the development proposal applied for by the Gresham Trust.

Traffic and location of the vehicular entrance

26. KCDC from the outset sought that there be no entrance onto or from Kāpiti Rd. Colin Shields gave the explanation for this. Kāpiti Rd is a major community connector or arterial. The council therefore sought to restrict access onto this road which Gresham Trust accepted.
27. The expert traffic engineering was unanimous that all traffic issues had been appropriately catered for and that the site and the surrounding street network will function appropriately with this development proceeding.

Permitted height, site coverage and aviation height restrictions.

28. The MDRS permits 50% site coverage and up to three stories. The development would be 29% site coverage.
29. Mr Grout maintained that because of airport flight path restrictions only two stories would be permitted for any development on the site. This is incorrect.
30. Development of up to 9.4 metres in height is permitted and had been assessed as part of the development.

Residents' association

31. The evidence is that the Association would operate like a body corporate committee. The titles of all lots will contain a covenant ensuring that the matters that are reserved for the residents' association must be complied with. Its powers and jurisdiction can be covered by conditions.

Conditions

32. Following the Commissioner adjourning the hearing the applicant's and the Council's planners have met and their limited differences regarding conditions have been resolved. These agreed conditions are offered for the Commissioner's consideration assuming consent is granted.

Conclusion

33. It is respectfully submitted that nothing in the evidence presented to the Commissioner should be an impediment to consent being granted. The submitters brought no expert evidence to contradict the evidence of the applicant and the council.
34. The expert evidence which was presented was very substantially unanimous, and in its entirety supported that consent, on appropriate conditions, should be granted.



Craig Stevens