

## **Resource Consent Application RM210149**

**Applicant: Kapiti Coast District Council**

**Proposal: Land use consent application to enable the construction and operation of new buildings and associated car parking. The activities within the building are primarily to facilitate visitors to Kapiti Island, with some retail use sought. Earthworks are required to facilitate structures.**

**Legal Description(s): SEC 2 SO 322370**

**Submission by Dr Frederick John Davey, 3 Golf Road, Paraparaumu Beach, 021595564, in Response to Memorandum of Counsel on behalf of Applicant dated 20 October 2022.**

### **Introduction**

I am responding to the Memorandum of Counsel (BuddleFindlay) on behalf of Applicant dated 20 October 2022, resulting from the Hearing on the Kapiti Gateway resource consent before the Panel of Independent Commissioners on 3 and 4 October 2022.

### **General**

My comments are referenced to the Points noted in the Memorandum of Counsel in which the Applicant (a) withdraws the “car park extension” (Point 2a) from the original application, (b) makes some comments on their rationale for this, and (c) comments on the Panel’s requests for additional information on the trees to be retained and the photomontage method used for the Gateway buildings and site.

### **Rationale for the withdrawal of the proposed Extension of the Car Park opposite 54 Marine Parade.**

Point 3. As usual, this point needs placing in context. There has been a large amount of objection to the fundamental proposal, particularly in the local community, and contrary to Counsel’s comment, submitters did not raise “relatively little objection to the fundamental proposal”. A discrete biosecurity facility, tucked under the pohutukawa trees along the southern bank of the stream, was envisaged during the Maclean Park management plan review. At the Hearing, submitters were constrained to addressing the flaws, errors and inconsistencies in the Evidence presented by the various Expert Witnesses and others, and in noting the lack of independence of these.

Point 4. Again, just Counsel's opinion. I was far more concerned about poor or incorrect information that could affect the conclusions about adverse effects, and I'm sure others were.

Point 5. Just Counsel's opinion. What is the evidence for "could be formed in a way....."? Not proven. Just an ad-hoc statement. If true, then why was it in the Application in the first place?

Point 7. Were no others in the community considered? Seems a bit exclusive.

Point 8. Interesting concept that should be challenged as Applicant and Consent Authority are the same entity. There is an element here of keep trying changes until the Submitters tire.

Point 11. Just opinion and contestable as the hoped-for increase Kapiti visitors both for the island tours and the "Discovery Centre" (see also the Ward "evidence") would put additional pressure on parking.

Point 12. This is only opinion and has been contested. It would be important to see what the opinion is based on. If point 15 refers, why was the additional car parking in the Application in the first place. I have, and others should have, a distinct lack of confidence in some of the "opinions" of the "Experts", often based on inadequate data.

Point 16. This was contested in the Submitters presentations and no evidence was produced to refute them.

Point 19. This is an imprecise statement, and, with Point 20, could suggest the Applicant will go ahead at a later time – presumably without consultation as has happened in the past. Another example of submitting the project for resource consent in small packages, each having a lower individual impact and thus easier to get approved.

Point 22a (i) **Protection of Existing Trees.** Several large trees along the northern and eastern margin of the site have already been removed ad-hoc by Council staff. Under the Wraight Associates document (appendix 5 of original application) the trees along the northern and eastern boundaries (see appendix 2 of the present Memorandum for site boundary) were to be retained as they "soften" the impact of the proposed building viewed from the north and east. This was used in the Landscape Architects "assessment" as mitigating the visual effect of the proposed building. In addition, in the Application submitted was a document (Appendix 15) about the uplift and retention of one mature pohutukawa on the eastern boundary to be re-sited at a later time on the northern project boundary. This, along with another tree, was cut down and chipped a few months ago as part of major earthworks along the eastern margin of project area. The latter work was to re-site a main stormwater pipe. This pipe relocation and the planned tree relocation (which

obviously can't occur now) were only necessary for the present project (Application) as the pipe formerly lay under the middle of the proposed building. These earthworks, and the major modification of the south bank of the stream (lowered by over 1 m according to project plans) that falls within the present project site (see site plan in appendix 2 of the present Memorandum), should have been part of the present Application. The revised plan (appendix 2) shows the last pohutukawa trees that remain standing within the project site with their location approximately correct. However, in view of what has happened with the pohutukawa trees in the park over the past couple of years, there should be a detailed list of the trees to be protected before any further action is taken. Furthermore, as the number of trees have changed since the start of consideration of this Application, both Landscape Architects assessments need to be revised.

Point 22 a(ii). **Photomontages.** In summary: from the viewpoint of visual impact at viewpoint 9, the photomontages are a major distortion of what the eye sees. The details and accuracy of the photomontages depends on what the photomontages are supposed to represent. The response by U6 (Appendix 2) is very detailed and presumably accurate and concentrates on the equipment used and the various digital manipulation software packages used to derive the final images, as would be expected. However, they are distorted images if they purport to represent what would be seen by eye from, for example, viewpoint 9. The stitched and manipulated base images have a different degree of parallax effect than what the eye sees. Taking viewpoint 9: for example, if you look at the trees on the left of photomontage, they decrease in apparent height the further they are towards the back of the site. If you stand at viewpoint 9 - the precise (within 10 cm) location is easily found, and your eye is about at the same height as the camera – then the height of these trees is approximately the same and the back of the site appears much closer. This is a result of the focal length of the lens used on the camera – a wide angle lens, for example, will give an apparently more stretched out image from the near to far items. The photomontage images give the false impression that a more distant object is smaller than a closer one. In addition, the foreground is extended – note the width of the road takes up almost the same vertical extent on the photomontage as the whole of the site and background trees. This is not what you see by eye from viewpoint 9. So, although the Gateway building seems relatively minor on the photomontage, to a person at viewpoint 9 it will appear to be about three to four times the height suggested by the photomontage and will thus be far more intrusive than the Application and the Landscape Architect's report suggests. Furthermore, from the site plan in appendix 1 and the photomontage for viewpoint 9, the position of the container in the upper image is sited at about where the edge of the Gateway building will be. A container is about 2.6m high, so the Gateway building will be at least twice that height in that position, and thus will have a major visual impact for the adjacent residents. This also suggests the height of the photomontage building needs checking. I have also checked the 1.75m high scale on the image contained in the Memorandum. The scale is within about 10 cm of true, but this is dependent on exactly how far from the observation point it is. This is

not clear as the height bar is floating in range from the viewpoint. Thus, the final proposed building will be very intrusive nature and the Application declined.

As noted to Ms Bean (4 October email), I was only able to attend the Hearing via a Zoom link (this was greatly appreciated, and I have thanked Ms Beam for facilitating it). Unfortunately, the audio channel was poor and I missed most of the last half hour of the second day. I requested permission to speak to find out what was happening, but this was not picked up at the time for some reason. I checked the Youtube recording of this part of the Hearing, but the audio is poor on that. What I could make out seemed to be about District Plan criteria with “opinion” and “I think” being discernible. I hope any comments about district plan objectives and conditions were precise and not just “opinion”.

Frederick Davey 6/11/2022