

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

Under the Resource Management Act 1991

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

SUBMISSIONS FOR APPLICANT IN REPLY

18 November 2022

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TABLE OF CONTENTS

INTRODUCTION	1
OMISSION OF THE CARPARK EXTENSION.....	3
OTHER ISSUES RAISED DURING THE HEARING.....	5
CONDITIONS	13
SECTION 104D GATEWAY TEST	14
CONCLUDING COMMENTS.....	16
APPENDIX 1: EVALUATION OF THE PROJECT AGAINST PROPOSED CHANGE 1	17
APPENDIX 2: PREVIOUS VERSION OF PHOTO VIEWPOINT 9.....	25
APPENDIX 3: FINAL RECOMMENDED CONSENT CONDITIONS	26

MAY IT PLEASE THE HEARING PANEL:

INTRODUCTION

1. At the hearing on 3 and 4 October 2022, counsel for Kāpiti Coast District Council (the **applicant**) presented detailed legal submissions to the Panel in support of Te Uruhi (the **Project**). In short, the applicant's case is that Te Uruhi is a high-quality, resilient and culturally appropriate development which, with only modest adverse effects on the environment, comfortably warrants consent being granted under the Resource Management Act 1991 (**RMA**) (and passes the section 104D 'gateways' for non-complying activities).
2. Counsel and the applicant's witnesses explained that the Project – developed with the applicant's mana whenua partners Ātiawa ki Whakarongotai Charitable Trust (**Ātiawa**) and Te Rūnanga o Toa Rangatira (**Ngāti Toa**), in conjunction with the Department of Conservation – will:
 - (a) celebrate, and increase visibility of, tangata whenua and their deep connection with the former pā site of Te Uruhi, the surrounding areas, and Kāpiti Island;
 - (b) help to protect the indigenous flora and fauna of the Island through a purpose-built biosecurity facility;
 - (c) promote the Kāpiti Coast as a tourist destination with a rich cultural history and unique natural landscape, through its inviting 'gateway' visitor centre and iwi-designed Whakairo;
 - (d) be accessible to all users, including through the installation of decking, ramps, sheltered seating areas, footpaths and bridges connecting Te Uruhi with Maclean Park and Paraparaumu Beach;
 - (e) through careful design, respond to its changing environment and the effects of climate change, including an ability to relocate from the site and be reconstructed elsewhere; and
 - (f) provide a central hub for both locals and visitors to come together and enjoy, socialise and learn about the history, wildlife and culture of the Kāpiti District, and, in particular, the Te Uruhi site.
3. This reply does not repeat the applicant's opening legal submissions, but instead responds to matters raised during the hearing (either by submitters or the Panel), including in light of the omission of the proposed extension to the

existing carpark opposite 54 Marine Parade (the **carpark extension**)¹, and matters raised in the Panel's recently issued Minute 6, dated 15 November 2022.

4. As requested by the Panel at paragraph [4] of Minute 6, a full set of landscape drawings for the amended proposal has been prepared. That full set (including both the Wraights Landscape Architects drawings and the Athfield Architects plans) is provided separately, via file share (due to size).
5. As an initial point, the applicant wishes again to acknowledge the submitters who have taken the time to participate in this resource consent process and thank them for their insightful comments and contributions.
6. While the applicant recognises that these types of processes can be unsettling, there is also considerable value in hearing directly from those most likely to be affected, and those voices are an important part of a project's development. In this case, the applicant listened carefully to concerns raised by submitters during the hearing and those concerns were influential in the applicant's decision to omit the carpark extension from the Project. The applicant also acknowledges the submitters' responses to its memorandum of 20 October 2022 (**October Memorandum**) and has taken those comments into account in this reply.
7. This reply briefly addresses the following topics in turn:
 - (a) The omission of the carpark extension;
 - (b) Other issues raised during the hearing, namely:
 - (i) consultation;
 - (ii) the Te Uruhi buildings, including their use, resilience, and their ability to relocate;
 - (iii) planning matters, in particular Proposed Plan Change 1L (**PC1L**) and Proposed Change 1 to the Wellington Regional Policy Statement (**Proposed Change 1**); and

¹ The applicant advised the Panel of this refinement to the Project in its memorandum of counsel dated 20 October 2022.

- (iv) the existing trees that will be retained, the photomontages, and landscaping in the southernmost carpark (noting these have been addressed previously in the October Memorandum);
- (c) Updates to the proposed consent conditions;
- (d) The 'gateway' test under section 104D; and
- (e) A concluding statement, including by reference to the RMA's sustainable management purpose under Part 2.

OMISSION OF THE CARPARK EXTENSION

Scope

8. As set out in the October Memorandum, the applicant has omitted the carpark extension from the Project, with the support of mana whenua. That this refinement is within the scope of the resource consent application is accepted by the section 42A reporting team,² who either support or take no issue with the change.³ It is therefore not necessary for this reply to address various matters raised by the Panel in relation to the carpark extension, such as in respect of coastal hazards, earthworks, and planting.
9. Counsel address briefly below, however, comments by submitters suggesting that the carpark extension was necessary to address the adverse effects of the Project (and, by implication, that the Project's adverse effects are now unacceptable).

Effects of the Project on parking in light of the refinement

10. As summarised in the October Memorandum, the Project will give rise to a net loss of eight carparks in the area. That loss is insignificant:
 - (a) in planning terms, given that the Council's District Plan does not have minimum car park requirements for new developments (aside from accessible spaces, which requirements are met by the Project), as required by the National Policy Statement for Urban Development 2020 (**NPS-UD**); and
 - (b) in factual terms, given that there are approximately 290 unrestricted parks in the vicinity of Te Uruhi.

² See [10] of the council officer's memorandum dated 11 November 2022.

³ [10] – [12] of the council officer's memorandum dated 11 November 2022.

11. The memoranda filed by Ms Knight and Mr Barnett dated 7 November 2022 consider the removal of carparks for Te Uruhi to be contrary to the Maclean Park Management Plan (**Management Plan**). While the planning context was quite different at the time the Management Plan was prepared (in 2017, well before the more recent version of the NPS-UD came into effect), the Council of course remains focused on ensuring that appropriate parking and other facilities are available so visitors (and residents) can continue to enjoy the Park and wider Paraparaumu Beach area. As explained in the October Memorandum, the Council will continue to monitor parking demand closely and has numerous common tools at its disposal – including wayfinding and other signage – to ensure this outcome.
12. Moreover, notwithstanding the submitters' concerns, the expert planning and traffic evidence before the Panel is that the carpark extension is not required to mitigate the Project's effects on the environment, for the reasons summarised in the October Memorandum.
13. The section 42A reporting officers' 11 November 2022 memorandum states that "*From a transport engineering perspective, Mr Rodenburg also has no issue with the removal of the car park*",⁴ but goes on to make two points of clarification arising from Mr Rodenburg's evidence relating to adverse effects of loss of parking, which counsel understand are in response to paragraphs [12] and [16] of the October Memorandum.
14. The points made at paragraph [12] were counsel's attempt to summarise the following exchange that took place between the Chair and Mr Rodenburg on day two of the hearing:⁵

Chair: Question for Mr Rodenburg. On page 4 of your report you talked about assessment of parking occupancy in the area. You described that as extensive. Is that still your view having sat through the hearing so far?

Mr Rodenburg: I think within the context of the [NPS-UD] it goes above and beyond the requirements that are set out in that, that they've assessed it against.

Chair: Right, and in your view, you're saying down here, the applicant's going well beyond the minimum required under planning rules to

⁴ [11] of the council officer's memorandum dated 11 November 2022.

⁵ The exchange commences at approximately 7.23 hours: [Kāpiti Coast District Council – Te Uruhi - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz/)

consider [parking] effects. Do you have a view on whether the proposed southern carpark, the numbers that are accommodated there, is that necessary to mitigate effects in your view, in line with the planning framework for this application?

Mr Rodenburg: No.

15. In respect of paragraph [16], Ms Taylor's evidence was that the existing spaces are more than sufficient to accommodate visitors to Kāpiti Island.

OTHER ISSUES RAISED DURING THE HEARING

Consultation

16. At the hearing there was detailed discussion about consultation and engagement, in respect of both:
 - (a) the overarching Management Plan, which listed a gateway project or visitor centre as one of the aims for Maclean Park; and
 - (b) the specific Project that is the subject of this proceeding.
17. Some assertions were made that the applicant has not spoken with or listened to any of the potentially affected residents or the wider public regarding Te Uruhi. With respect, those assertions are unfounded.
18. At a general level, Alison Law gave evidence about the fulsome engagement processes the applicant undertook in developing the Project, which included partnering with Ātiawa and Ngāti Toa, convening two governance groups to oversee the design and development of the Project, and holding multiple stakeholder meetings (which led to the TRC feasibility study), in addition to the three-stage public consultation process on the Management Plan commencing in 2016.
19. At a local level, Ms Law also noted that the applicant had separately engaged with potentially affected parties, including through mail drops providing Project information and offering to meet, and resulting telephone calls and face-to-face meetings.
20. At the hearing it became apparent that there was some confusion over whether affected parties had been involved in the Management Plan consultation process, consultation on this consent application, or both. For example, although Mr Hunter reiterated Ms Knight's submission that *"I have*

had NO meaningful consultation from any representative of the Applicant KCDC",⁶ it was subsequently clarified that Ms Law did meet with Ms Knight during the preparation of the Te Uruhi consent application, separately to the engagement that was undertaken on the broader Management Plan. Ms Law and other representatives of the applicant have also had individual discussions with a number of the other submitters, as became clear at the hearing.

21. In short, despite assertions to the contrary, the applicant undertook extensive engagement with the community and affected parties, both in relation to this particular Project and in relation to the broader Management Plan.
22. Mr Hunter also asserted that the applicant's engagement with mana whenua was inadequate because the views of certain individuals were not sought, and that it was a "*fundamental error*" for the applicant instead to have engaged with the representative bodies for Ātiawa and Ngāti Toa.
23. As the Panel heard from Ms Law, Naomi Solomon and John Barrett, the applicant's engagement with iwi on the Project was primarily undertaken through representatives of Ngāti Toa and Ātiawa, as the mandated authorities representing their respective iwi. This was an entirely appropriate and usual approach. As Ms Solomon pointed out during questioning from the Panel:

I sit here to give evidence on behalf of my people – we currently have an iwi registration of over 8,000 people, that's who I'm speaking for. I have a mandate to do that. Consultation with Ngāti Toa is essentially consultation with a significant number of people.

24. The applicant was clear in its opening submissions that Te Uruhi is a partnership project. Mana whenua support and input has been integral to the Project's development from its inception, including, in more recent years, through the governance groups. This will continue through the implementation and operation of Te Uruhi, with the role of iwi formalised through proposed '*Mana Whenua / Governance Board*' conditions.
25. Speaking on behalf of Ātiawa, Mr Barrett described the Project as one of the "*very rare opportunities that have come along for our whanaunga to demonstrate a meaningful presence in the district*". Ms Solomon,

⁶ Zena Knight's written submission (RM210149), p1.

representing Ngāti Toa, told the Panel that "*Mana whenua have wanted this project for a long, long time*".

Issues raised regarding the Te Uruhi buildings

Use of the buildings

26. Mr Hunter raised several issues during his presentation about the proposed design and use of the Te Uruhi buildings, including their resilience and ability to relocate, and the purposes they are intended to serve.
27. With regard to the retail aspect of the Project, Mr Hunter contended that the entirety of the buildings may be used for retail, food and beverages because the applicant has not provided a breakdown of how the space will be used for each component.
28. That contention is incorrect. Below is a concept image of the discovery centre that is publicly available on the applicant's website⁷ and represents a potential use of the space arrived at by the Council in discussions with mana whenua. The small sectioned-off space in the bottom right-hand corner represents the proposed coffee area / kiosk. The remaining space will be used for mana whenua storytelling and to provide information to visitors about the conservation, history and people of Kāpiti Island and the Kāpiti Coast district.



29. The applicant also proposes amendments to condition 4 to clarify the intended uses for the buildings. This includes specifying the limited proportion of buildings that will be used for the retail of tourism products ("*(...) not exceeding a gross floor area of 97m²*") and kiosk food and beverage ("*(...) not exceeding a gross floor area of 15m²*"), in addition to specifying the

⁷ [Building Te Uruhi - Kāpiti Coast District Council \(kapiticoast.govt.nz\)](https://www.kapiticoast.govt.nz)

visitor information, cultural expression, biosecurity and ancillary administrative uses.

30. A new condition 5 is also proposed following discussions at the hearing, clarifying that the hours during which the buildings will be open to the public will be limited to 7.00 am to 8.30 pm during daylight savings, and 7.00 am and 6.30 pm otherwise.

Resilience of the buildings to coastal hazards and flooding

31. Mr Hunter expressed doubt during the hearing that the buildings would be able to relocate, making unfounded assertions that they "*can't be picked up and moved on a truck*" and would need to be dismantled in order to be moved. In fact, the buildings will be fully relocatable, as described in the application documents. They will be of a modular design⁸ and will be largely constructed off-site and then brought in on a truck. They will also be able to be moved off-site on a truck, should the need arise.
32. Both Mr Guy and Mr Hunter referred to the Project being located in a flood ponding zone and, during questioning from the Panel, Mr Hunter confirmed that Ms Knight's house is also in that zone and had been subject to ponding in recent years. The applicant wishes to clarify that the ponding Mr Hunter was referring to was caused by a blocked sump, which was an issue addressed at the time.
33. Te Uruhi is obviously proposed to be located in close proximity to the current departure point for tours to Kāpiti Island. That proximity maximises the benefits of having a new, purpose-built biosecurity facility for screening visitors immediately prior to travel to the Island. The applicant acknowledges that this site is within an identified flood hazard area, and has deliberately designed the Project to reflect that, and to be resilient to flooding. In particular:
 - (a) the proposed floor level of the buildings will be 3.4m above mean sea level, which will ensure the buildings and deck area are above the 1% AEP event level for the site;⁹ and
 - (b) earthworks to widen the channel of Tikotu Stream have increased the Stream's ability to convey flood volumes and lessened flood risk.¹⁰

⁸ See, for example, [Niche Modular](#) which is based in Lower Hutt and specialises in this type of design.

⁹ McLean evidence at [74]; section 42A report at [129]

¹⁰ McLean evidence at [75]

34. In terms of the Project's location more generally, Ms Solomon and Mr Barrett have explained to the Panel why this particular location is so important to mana whenua. As Ms Solomon stated in her written evidence:¹¹

the proposed location of the Project (Maclean Park) is also a site of deep historical and cultural significance to Ngāti Toa, as well as to Ātiawa and Ngāti Raukawa (...) it is a former pā site (Te Uruhi pā), and was occupied by Ngāti Toa and Ātiawa as they migrated south from 1822.

Crucially, the Project site is also located near the coastline, with views of Kāpiti Island. Locating Te Uruhi on land at the beachside – and in particular at Maclean Park – enables us to maintain our connection to the former pā site of Te Uruhi, while also establishing a key connection from the landward side of the Kāpiti Coast to the island.

35. Emma McLean has assessed the flood hazard risk to be acceptable, and the effects to be no more than minor.¹² Mr Anderson agrees,¹³ and further has stated that *"Mr Kocher, Council's development engineer has reviewed these aspects and has not raised any concerns."*¹⁴
36. More than that, though, the location of Te Uruhi and its resilience to coastal hazards and flooding are key beneficial features of the Project that make perfect sense in cultural, engineering, planning, and wider environmental terms.

Planning matters

PC1L

37. The interaction between PC1L – which would see Maclean Park rezoned from Natural Open Space Zone to Open Space Zone (Recreation Precinct) – and Te Uruhi was a topic that arose throughout the hearing. Mr Anderson confirmed that the submission period has closed on PC1L and a number of submissions were received, including one from Dr Davey.
38. There was a suggestion made by Mr Hunter that the Council may have *"its own reasons"* for progressing PC1L, and cautioned the community to *"be mindful"*. The 7 November memoranda filed by Ms Knight, Mr Barnett and Ms Holden / Mr Wilson reiterate this point, claiming the Council has been *"disingenuous"* in presenting PC1L to the community. Counsel understand

¹¹ At [28] – [29].

¹² McLean evidence at [76].

¹³ Section 42A report at [133].

¹⁴ Section 42A report at [130].

the suggestion to be that PC1L is being advanced in order to provide some kind of advantage for Te Uruhi.

39. The applicant can confirm that there is no such underlying motive behind PC1L. It is a separate workstream to the Project that originated (well before the consent application for Te Uruhi was prepared) with the Council's Parks and Recreation department following the District Plan review. The rationale was that, in light of the nature of Maclean Park and the activities for which it is used, it was considered apt for it to be rezoned from Natural Open Space Zone to Open Space Zone (Recreation Precinct). As the section 32 report accompanying PC1L notes:

In addition, two sites found to be incorrectly categorised as Natural Open Space Zone in the review of the District Plan would be rezoned to Open Space Zone (Recreation Precinct) to reflect their actual community use. These are:

1. *Jim Cooke Memorial Park, Waikanae (...)*
2. *Maclean Park, Paraparaumu Beach (the public park area of Maclean Park). It is proposed to rezone this area from Natural Open Space Zone to Open Space Zone (Recreation Precinct) to better reflect the park's active and passive recreation use. The dunes area will remain a Natural Open Space Zone, which is consistent with how the District Plan manages natural open space zones along coastal margins.*

40. Te Uruhi was not a factor in the development of PC1L.
41. As those submitters correctly point out, PC1L is still progressing through the plan change process. This is why the section 42A report concludes, at the table following paragraph [32], that although PC1L is "*Relevant (...)* As decisions are yet to be made on Proposed Plan Change 1L, more legal weight must be placed on the operative provisions than the Proposed Plan Change provisions."
42. The applicant agrees, with Ms McLean stating at paragraph [9] of her evidence "*I concur with the conclusions reached by Mr Anderson in paragraph 32 of his section 42A report.*"

Proposed Change 1

43. At the close of the hearing the Panel asked the applicant to provide an evaluation of the Project against the provisions of Proposed Change 1. Ms McLean has prepared that evaluation, and it is attached as **Appendix 1**.

44. In summary, and as advised to the Panel at the hearing, Ms McLean agrees with the conclusions Mr Anderson reached at paragraphs [53] to [59] of the section 42A report, including that:¹⁵

In terms of how Proposed Change 1 affects the subject resource consent application, the hearing for the resource consent application will be held prior to Proposed Change 1 being heard. However, as Proposed Change 1 has been publicly notified in my view the relevant provisions outlined above need to be considered, albeit with limited legal weight.

Other matters addressed in the October Memorandum

45. Counsel do not repeat the October Memorandum, which has addressed the other matters queried by the Panel at the close of the hearing, namely in respect of:
- (a) the existing trees at the location of the Te Uruhi buildings and a methodology for their protection;
 - (b) the accuracy of the photomontages prepared by U6; and
 - (c) planting in the southernmost carpark.
46. However, it is briefly noted that the section 42A reporting officer, Mr Anderson, has endorsed the approach the applicant has proposed to the protection of the existing trees, at paragraph [6] of his 11 November memorandum. As foreshadowed in the October Memorandum, the applicant has amended condition 29 so that it refers to a methodology for the protection of existing trees, including minimum protection measures.
47. In response to the Panel's query at paragraph [3] of Minute 6, the applicant confirms that the new tree to the immediate north of the Te Uruhi entrance will be a pōhutukawa.
48. In terms of the photomontages, paragraph [7] of the 11 November memorandum confirms that Ms Williams is satisfied that the photomontage methodology is "*in accordance with the [NZILA] best practice guidelines*".
49. Ms Knight's, Mr Barnett's and Mr Wilson / Ms Holden's 7 November memoranda, and Dr Davey's 6 November memorandum, refer to the photomontages the applicant has provided. The 7 November memoranda

¹⁵ Section 42A report at [59].

claim, in respect of photo viewpoint 9,¹⁶ that the applicant has been disingenuous in adding a large tree to the image to soften the bulk and location of the proposed Te Uruhi buildings.¹⁷

50. As discussed at the hearing, photo viewpoint 9 is a digital representation showing (in the bottom half of the page) the proposed view of Te Uruhi, compared with the existing situation, which is shown in the top half of the page. The pōhutukawa tree shown in that proposed view reflects what it is anticipated to look like once the tree has matured.
51. Any suggestion that the applicant has been disingenuous or misleading during the consenting process is strongly refuted. The applicant has engaged with the community, and particularly those people identified as affected, fulsomely and in a transparent way throughout. This has included through the sharing of plans, images and photomontages, so that those affected parties are able to visualise the Project.
52. In particular, a previous version of photo viewpoint 9, showing a not-yet mature pōhutukawa tree in front of the buildings, was shared with Ms Knight as part of that process. That previous version is attached as **Appendix 2**.
53. Finally, in response to paragraph [4] of Minute 6, the applicant acknowledges that the revised L1.00 and L4.01 drawings that were appended to the October Memorandum were perhaps not as clear as they could have been. In fact, coastal planting is still proposed at the seaward edge of the existing carpark where the bollards are proposed to be removed.¹⁸ The "*dune planting*" list contained in the October version of L4.01 related to that area of the existing carpark. For clarity and better alignment, those drawings have been updated as follows:
 - (a) The cover page has been updated to reflect the refinement to the Project; it is now headed "*Marine Parade Car Park South of Ocean Road*";
 - (b) The numbering of the two drawings has been updated to LM1.00 and LM4.01, to avoid any confusion with the drawings L1.00 and L4.01 that relate to the Te Uruhi buildings; and

¹⁶ Included in the Landscape and Visual Effects Assessment (Appendix 8 to the application; PDF page reference 69 of 71)

¹⁷ Mr Davey's 7 November memorandum also raised this concern.

¹⁸ See the note on LM1.00 which reads "*Remove bollards and add new coastal planting*".

- (c) The heading on (what is now) LM4.01 has been changed from "*Dune Planting*" to "*Coastal Planting (where bollards are removed)*" in the updated full set of landscape drawings, to align with (what is now) LM1.00.¹⁹

CONDITIONS

54. Attached to this reply as **Appendix 3** is the applicant's final set of proposed conditions, amended in response to feedback received from submitters and the Panel. These have been shared with Mr Anderson in draft form, who has advised he is comfortable with the amendments.
55. **Appendix 3** uses the 29 September 2022 version (which was Annexure A to the joint statement of planning experts on conditions) as a base, with changes to the 29 September version shown in blue underline or strikethrough text.
56. The changes are proposed either in response to matters raised during (or after) the hearing, or as a result of the removal of the carpark extension. These are reasonably self-explanatory, and include:
- (a) updates to the list of plans contained in condition 1, in light of the removal of the carpark extension and the updated full set of landscape drawings;
 - (b) amendments to conditions 4 and 5 (proposed use of the buildings and hours of operation), discussed above;
 - (c) amendments to condition 9 (engineering plans), providing more detail about what must be included in those plans (including by bringing up condition wording that had previously been included later in the conditions);
 - (d) amendments to condition 10 (traffic and car parking plans) following discussion at the hearing, and to align with Mr Rodenburg's recommendations in his transport review;
 - (e) updates to the list of areas in which Suitably Qualified Persons are required (condition 12), to include landscaping, tree / vegetation protection and lighting;

¹⁹ Provided separately via file share.

- (f) an amendment to condition 13 to reflect that the Construction Management Plan will include dust controls, in line with discussion with the Panel;
- (g) a more fulsome set of Lizard Management Plan conditions (conditions 20 to 22), which include a pre-works survey and appropriate mitigation (as required);
- (h) amendments to the conditions 28 and 29 (landscape plans), including:
 - (i) cross-referring to Landscape Planting Plan L1.03 to show which pōhutukawa trees are to be retained;
 - (ii) reference to a methodology detailing how the existing vegetation to be retained will be protected; and
 - (iii) including minimum protection measures that must be incorporated in the methodology;
- (i) amendments to condition 30 (lighting) clarifying what the lighting restrictions are, at what times, and clarifying the purpose of the lighting plan (including through linking it back to conditions 28 and 29); and
- (j) a new condition 31 requiring a suitably qualified lighting design professional to certify that the lighting has been installed in accordance with the lighting plan.

SECTION 104D GATEWAY TEST

57. As counsel outlined in opening submissions, section 104D requires that the Panel may grant resource consent applications for non-complying activities if either the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan.
58. In opening submissions counsel explained why the Project meets both limbs of the section 104D gateway test (which is still the case, following the omission of the carpark extension, noting this refinement will reduce overall adverse effects).
59. Although both the planning experts agree that the Project passes the section 104D gateway test, there is one matter the applicant wishes to clarify. That

is, when the Chair was questioning Mr Anderson about section 104D, he advised that in his view:

- (a) in respect of 'limb 1', the Project's effects are acceptable, but that in one instance they are *more than minor*; and
- (b) in respect of 'limb 2', the Project passes through the gateway as it aligns with, and is not contrary to, the objectives and policies in the District Plan.

60. Mr Anderson was asked to explain his view on 'limb 1' and responded that this *more than minor* assessment related to visual effects at Ms Knight's property. When asked about District Plan guidance in support of that assessment, he took the Panel to Open Space Policy OSZ-P4 (Buildings and Structures), which relates to appropriateness of buildings and structures in the Open Space Zone, including a consideration of the extent to which buildings contribute to (or detract from) recreational and space amenity, and cultural, ecological and landscape values.
61. As set out in the section 42A report, OSZ-P4 is aimed at "*the preservation of the **natural character** of the coastal environment (...)*" (emphasis added). As identified in counsel's opening submissions at paragraphs [84] to [87], this is distinct from **visual effects**.
62. In this case, counsel understand Mr Anderson's conclusion in respect of Ms Knight's property to relate to effects on natural character, as perceived from Ms Knight's property. In any case, however, the correct approach is that an effects evaluation under section 104D must "*be undertaken on a "holistic basis, looking over the entire application and a range of effects", not individual effects.*"²⁰
63. Therefore, even if the Panel finds the specific visual effects on Ms Knight's property to be more than minor, this would not necessarily lead the Project, on the basis of an overall assessment of its adverse effects, not to pass the effects gateway.
64. Rather, a broader assessment is required, as set out by Ms McLean at paragraph [152] of her evidence. At the appropriate scale, the Project's effects, including in a visual sense, are properly understood to be small-scale and acceptable.

²⁰ *SKP Incorporated v Auckland Council* [2018] NZEnvC 81 at [49].

65. Again, however, this issue is moot given the agreement between the expert planners that the Project passes the 'objectives and policies' gateway in section 104D.

CONCLUDING COMMENTS

66. Again, the applicant is grateful to the Panel and submitters for a constructive hearing process. That process has served to improve the Project further and has underscored that Te Uruhi is an excellent proposal that will have significant benefits for people visiting Kāpiti and communities living here.

67. At the hearing Mr Hunter queried whether creating new buildings and placing them in a flood hazard area would be a sustainable use of resources, in terms of the purpose of the RMA.

68. A high-quality development devised and implemented in partnership with mana whenua, which gives fundamental recognition to their history and standing in this place of deep cultural significance, enhances access to the coast and the national treasure that is Kāpiti Island, unlocks important biosecurity and other benefits, and comprises relocatable and resilient buildings, represents a highly sustainable use of resources.

69. With respect, it is a partnership and a Project that the Panel should endorse. As such, the Panel is requested to grant consent on the conditions proposed.

DATED this 18th day of November 2022



David Randal / Esther Bennett
Counsel for the applicant

APPENDIX 1: EVALUATION OF THE PROJECT AGAINST PROPOSED CHANGE 1

Regional Policy Statement

1. At the conclusion of the hearing, the Panel requested an evaluation of the Project against the Regional Policy Statement (RPS) Proposed Change 1 (PC1).
2. The purpose of PC1 is for Greater Wellington Regional Council (GWRC) to implement the National Policy Statement on Urban Development (NPS-UD) and National Policy Statement for Freshwater Management (NPS-FM).
3. I concur with Mr. Anderson's list of relevant objectives and policies of the operative and proposed Regional Policy Statement at paragraphs 52 and 58 of his s42A report.
4. **Annexure A** records an assessment of the Project against the relevant objectives and policies as amended, or newly included, in PC1.

Conclusion

5. PC1 is also GWRC's freshwater planning instrument and is therefore subject to the freshwater planning process (FPP)²¹. Of the relevant objectives and policies above, objective 20, and policies 41, 42, IM.1 and IM.2 are going through the FPP, and recommendations from that process will then be decided upon by GWRC.
6. Submissions closed on PC1 on 14 October 2022, with a period for further submissions to open in late November 2022²². Given PC1 is still early in the process, I agree with Mr Anderson that the relevant provisions should be considered, but with limited legal weight.²³
7. In my view, the Project accords with the general strategic direction of the RPS and PC1 and is not contrary to any of the relevant objectives or policies.

Emma Courtney McLean

18 November 2022

²¹ s80A and Part 4 of Schedule 1 of the RMA.

²² [Greater Wellington Regional Council — Regional Policy Statement Plan Change 1 Submissions \(gw.govt.nz\)](https://www.gw.govt.nz/region/development/urban-development/urban-development-policy-statement/urban-development-policy-statement-change-1-submissions)

²³ S42A report at paragraph [59].

ANNEXURE A: ASSESSMENT OF PROPOSED CHANGE 1 TO THE REGIONAL POLICY STATEMENT

The relevant objectives and policies of the Proposed District Plan for this application are considered to be:

Objective / Policy	Assessment
<p>Objective 19 The risks and consequences to people, communities, their businesses, property, and infrastructure <u>and the environment</u> from natural hazards and <u>the effects of climate change effects</u> are reduced <i>minimised</i>.</p>	<p>The purpose of amending Objective 19 is to include consideration of impacts on the natural environment and the effects of climate change.</p> <p>I consider the Project has considered the impact of natural hazard risks and climate change and has been designed to be resilient to those risks, including its ability to relocate.</p>
<p>Objective 20 <u>Natural hazard and climate change mitigation and adaptation activities minimise the risks from natural hazards and impacts on Te Mana o te Wai, Te Rito o te Harakeke, natural processes, indigenous ecosystems and biodiversity.</u> Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.</p>	<p>Objective 20 has been amended to give clearer direction that natural hazard mitigation and adaption cannot have adverse environmental effects. The proposed amendments “acknowledge links between social and environmental values for better integrated management of natural hazard mitigation and adaptation activities”²⁴.</p> <p>This objective directly links to activities which impact freshwater quality and quantity. As such, in considering the Project, the proposed building takes into consideration the mapped flood hazard and is raised above this and is sufficiently setback from the Tikotu Stream to minimise any direct impact on the quality and quantity of freshwater flows. It has also considered climate change mitigation in its ability to be relocated, thereby not impacting on the natural processes. In my opinion, the proposed changes to Objective 20 weigh in support of the Project and therefore the ability for the Panel to grant the resource consent.</p>
<p>Policy 41 Minimising <u>Controlling</u> the effects of earthworks and vegetation disturbance – consideration When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district</p>	<p>The focus of the Policy 41 amendments is to give effect to the NPS-FM for target attribute states for earthworks and vegetation clearance. It seeks to minimise effects from erosion, silt and sedimentation from</p>

²⁴ [RPS Change 1 32 evaluation Final 18 August 2022 \(gw.govt.nz\)](#), page 103.

<p>plan, particular regard shall be given to controlling earthworks and vegetation disturbance <u>by to minimise:</u></p> <p>(a) erosion; and</p> <p><u>(a) considering whether the activity will achieve environmental outcomes and target attribute states; silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained; and</u></p> <p><u>(b) avoiding discharges to water bodies, and to land where it may enter a</u></p> <p><u>waterbody, where limits for suspended sediment are not met.</u></p>	<p>these activities. When considering an application for a resource consent, a matter of consideration will be whether the proposal is achieving the environmental outcomes and target attribute states. At paragraph 138 of the s32 report, it is stated that “<i>It is important that the vision objectives are in the RPS before further changes to the NRP are notified</i>”. As such, there are presently no target attribute states to assess the Project against.</p> <p>In saying this, the earthworks within 5m of the stream were assessed by GWRC in granting their resource consents and permits. In reaching their conclusion of the earthworks against the RPS, the processing officer (with advice from relevant experts in the areas of earthworks, sediment control, and freshwater) stated that the construction works will see minimal effects to the surrounding land and stream. Scouring and erosion is avoided through appropriate design. The works will also be short term. I concur with the conclusion reached and consider it appropriate in relation to this policy as amended.</p>
<p>Policy 42 <u>Effects on freshwater and the coastal marine area from urban development – consideration</u> Minimising contamination in stormwater from development – consideration</p> <p><u>When considering an application for a resource consent the regional council must give effect to <i>Te Mana o te Wai</i> and in doing so must have particular regard to:</u></p> <p><u>(a) Adopt an integrated approach, ki uta ki tai, that recognises the interconnectedness of the whole environment to determine the location and form of urban development;</u></p> <p><u>(b) Protect and enhance mana whenua /tangata whenua freshwater values, including mahinga kai;</u></p> <p><u>(c) Provide for mana whenua/tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;</u></p> <p><u>(d) Incorporate the use of mātauranga Māori to ensure the effects of urban</u></p>	<p>Policy 42 was amended to make the policy direction stronger. In the amended explanation, it clearly states that “<i>The policy only applies to regional consents</i>”. Therefore, in my opinion, the proposed amendment to Policy 42 provides clear direction that the Panel cannot consider this policy relevant when making a decision on this resource consent application.</p>

development are considered appropriately;

(e) The effects of use and development of land on water, including the effects on receiving environments (both freshwater and the coastal marine area);

(f) The target attribute states set for the catchment;

(g) Require that the development, including stormwater discharges, earthworks and vegetation clearance meets any limits set in a regional plan;

(h) Require that urban development is located and designed and constructed using the principles of Water Sensitive Urban Design;

(i) Require that urban development located and designed to minimise the extent and volume of earthworks and to follow, to the extent practicable, existing land contours;

(j) Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;

(k) Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;

(l) Require stormwater quality management that will minimise the generation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater;

(m) Require riparian buffers for all waterbodies and avoid piping of rivers;

(n) Daylighting of rivers, where practicable;

(o) Mapping of rivers and wetlands;

(p) Efficient end use of water and alternate water supplies for non-potable use;

(q) protecting drinking water sources from inappropriate use and development; and

(r) applying an integrated management approach to wastewater networks including partnering with mana whenua as kaitiaki and

allowance for appropriately designed overflow points where necessary to support growth and consideration of different approaches to wastewater management to resolve overflow.

~~When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district plan, the adverse effects of stormwater run-off from subdivision and development shall be reduced by having particular regard to:~~

- ~~(a) limiting the area of new impervious surfaces in the stormwater catchment;~~
- ~~(b) using water permeable surfaces to reduce the volume of stormwater leaving a site;~~
- ~~(c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;~~
- ~~(d) collecting water from roofs for domestic or garden use while protecting public health;~~
- ~~(e) using soakpits for the disposal of stormwater;~~
- ~~(f) using roadside swales, filter strips and rain gardens;~~
- ~~(g) using constructed wetland treatment areas;~~
- ~~(h) using in situ treatment devices;~~
- ~~(i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and~~
- ~~(j) using educational signs, as conditions on resource consents, that promote the values of water bodies and methods to protect them from the effects of stormwater discharges.~~

Policy 51 *Minimising* the risks and consequences of natural hazards – consideration

When considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan, the risk and consequences of natural hazards on people, communities, their property and infrastructure shall be minimised, and/or in determining whether an activity is inappropriate particular regard shall be given to:

The focus of the Policy 51 amendments is to link the policy to subdivision, in addition to land use, and use “more precise language”. It also amends the matters that shall be given particular regard to when considering an application for a resource consent, notice of requirement, or a change, variation or review to a district or regional plan for activities, which include (a), (c) – (j) in the lefthand column.

- ~~(a) the frequency and magnitude likelihood and consequences of the range of natural hazards that may adversely affect the proposal or development subdivision, use or development, including residual risk those that may be exacerbated by climate change and sea level rise;~~
- ~~(b) the potential for climate change and sea level rise to increase in the frequency or magnitude of a hazard event;~~
- (c) whether the location of the subdivision, use or development will foreseeably require hazard mitigation works in the future;
- (d) the potential for injury or loss of life, social and economic disruption and civil defence emergency management implications – such as access routes to and from the site;
- (e) whether the subdivision, use or development causes any change in the risk and consequences from natural hazards in areas beyond the application site;
- (f) minimising effects on the impact of the proposed subdivision, use or development on any natural features that may act as a buffer to or reduce the impacts of a from natural hazards event; and where development should not interfere with their ability to reduce the risks of natural hazards;
- (g) avoiding inappropriate subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme; in areas at high risk from natural hazards;
- (h) appropriate hazard risk management and/or adaptation and/or mitigation measures for subdivision, use or development in areas where the hazards and risks are assessed as low to moderate hazard areas; including an assessment of residual risk; and
- (i) the allowance for floodwater conveyancing in identified overland flow paths and stream corridors; and
- (j) the need to locate habitable floor areas levels of habitable buildings and buildings used as places of employment above the 1% AEP (1:100 year) flood level, in identified flood hazard areas.

The explanation to the amended Policy 51 specifies that this policy aims to minimise the risk and consequences of natural hazard events, taking into consideration the likelihood of the hazard and the vulnerability of the development.

I consider the Project suitably minimises the risk and consequences from natural hazards by having a floor level above the 1% AEP flood level which also reduces the change in risk beyond the application site. It is my understanding that a ponding flood hazard is not considered a high to extreme hazard.

As assessed in paragraphs 82 to 87 of my evidence, the buildings are within an area that has been accreting and therefore are in an area of lower risk of the effects of climate change (such as sea level rise and coastal erosion). However, the application acknowledges the potential for coastal hazards to change, and as such the proposed buildings are relocatable.

<p>Objective CC.7 <u>People and businesses understand what climate change means for their future and are actively involved in planning and implementing appropriate <i>mitigation</i> and <i>adaptation</i> responses.</u></p>	<p>The inclusion of Objective CC.7 is to recognise the critical importance of knowledge and information to support people and business to prepare for the changes to come and work to reduce the impact of their lifestyles on greenhouse gas emissions.</p> <p>In considering the Project against objective CC.7, I am of the opinion that the applicant has had regard to climate change in the design of the building through its ability to be relocated, if required.</p>
<p>Policy IM.1 <u>Integrated management - ki uta ki tai – consideration</u> <u>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan particular regard shall be given to:</u></p> <p><u>(a) partnering with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and</u></p> <p><u>(b) recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai; and</u></p> <p><u>(c) recognising the interrelationship between natural resources and the built environments; and</u></p> <p><u>(d) making decisions based on the best available information, improvements in technology and science, and mātauranga Māori; and</u></p> <p><u>(e) upholding Māori data sovereignty; and</u></p> <p><u>(f) requiring Māori data and mātauranga Māori to be interpreted within Te Ao Māori; and</u></p> <p><u>(g) recognising that the impacts of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries</u></p>	<p>The inclusion of Policy IM.1 seeks to protect freshwater quality and quantity by recognising the relationship between freshwater and other parts of the natural and built environment. It states that mana whenua / tangata whenua decision making and Mātauranga focus largely on freshwater matters. When considering an application for a resource consent, notice of requirement, or a change, variation or review of a regional or district plan particular regard shall be given to matters (a) – (g) in the lefthand column.</p> <p>I consider the Project to give effect to this policy, with the inclusion of both Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga o Toa Rangatira, being an integral part of the Project's development, and will continue to be a part of the Project through the proposed '<i>Mana Whenua / Governance Board</i>' conditions. The discovery centre will also be a place used for mana whenua storytelling, connecting the people, culture and history of the whenua (land).</p>
<p>Policy IM.2 <u>Equity and inclusiveness – consideration</u></p>	<p>The inclusion of Policy IM.1 seeks to ensure equity and inclusiveness are at the forefront of resource management and decision making.</p>

When considering an application for a notified resource consent, notice of requirement, or a change, variation or review of a regional and district plan particular regard shall be given to achieving the objectives and policy outcomes of this RPS in an equitable and inclusive way, by:

- (a) avoiding compounding historic grievances with iwi/Māori; and
- (b) not exacerbating existing inequities, in particular but not limited to, access to public transport, amenities and housing; and
- (c) not exacerbating environmental issues; and
- (d) not increasing the burden on future generations.

The implications of the inclusion of Policy IM.2 are the same as for Policy IM.1 above. In my opinion, the proposed inclusion of these policies provides important guidance to the Panel when making a decision on the resource consent application, and I consider this policy weighs strongly in support.

APPENDIX 2: PREVIOUS VERSION OF PHOTO VIEWPOINT 9

Attached separately.

APPENDIX 3: FINAL RECOMMENDED CONSENT CONDITIONS

Conditions as outlined in the joint witness statement dated 29 September 2022 with recommended changes shown as [blue underline](#) or ~~strikethrough~~ text.

General

1. The proposed activity shall be undertaken in general accordance with the following plans [to be] attached to the decision and all stamped as 'Final Approved Plans' [date to be inserted], including as to the signage on the Te Uruhi buildings, as set out in Te Uruhi/Kāpiti Gateway South Elevation, 20.11, Revision 05, dated 17 November 2021:

[\(a\) Wraight – Associates Landscape Architects Plan, entitled *Te Uruhi Kāpiti Gateway Whakairo Elements: Landscape Site Plan L1.00*, dated 16 November 2022;](#)

[\(b\) Wraight – Associates Landscape Architects Plans, entitled *Kāpiti Gateway Resource Consent*, ~~all~~ dated ~~15-16~~ November ~~2021~~\[2022\]\(#\), being:](#)

- Landscape Site Plan L1.00;
- Landscape [Finishes Site](#) Plan L1.01;
- Landscape [Levels Site](#) Plan L1.02;
- ~~Landscape Site Plan L1.03;~~
- Illustrative Landscape Sections [L2.01](#);
- Illustrative Landscape Sections [L2.02](#);
- Stream Sections L2.03;
- Planting Selection L4.01;
- Planting Selection L4.02; and
- Planting Selection L4.03.

[\(c\) Wraight – Associates Landscape Architects Plans, entitled *Maclean Park Marine Parade Car Park South of Ocean Road*, dated 16 November 2022, being:](#)

- [Landscape Site Plan LM1.00](#)
- [Planting Selection LM4.01](#)

[\(d\) Wraight – Associates Landscape Planting Plan L1.03, dated 16 November 2022;](#)

(e) Athfield Architects Limited Plans entitled *Te Uruhi*, being:

- Site Plan – Proposed, A0.0.12-, dated 1/02/2022;
- Floor Plan – Discovery Centre A1.02-, dated 1/02/2022;
- Floor Plan – Biosecurity A1.03-, dated 1/02/2022;
- Te Uruhi/Kāpiti Gateway South Elevation, 20.11, Revision 05, dated 17 November 2021; (which includes specific reference to the Te Uruhi signage)
- Te Uruhi/Kāpiti Gateway North Elevation, 20.11, Revision 05, dated 17 November 2021;
- Te Uruhi/Kāpiti Gateway West Elevation, 20.11, Revision 05, dated 17 November 2021;
- Te Uruhi/Kāpiti Gateway East Elevation, 20.11, Revision 05, dated 17 November 2021;
- ~~Te Uruhi/Kāpiti Gateway Whakairo Elements, 20.11, Revision 05, dated 01 November 2021;~~

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

2. The consent holder shall meet the requirements of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements 2012 (SDPR: 2012). Alternative acceptable solutions may be proposed: such must be to the satisfaction of the consent authority and accepted in writing before any works commence.
3. All buildings shall have a finished building floor level (as defined in the Operative District Plan 2021) of 3.4m above mean sea level Wellington Datum 1953.
4. The activities within the buildings authorised by this consent are limited to:
 - (a) ~~R~~etail activity ~~from within the buildings must not~~ exceeding a gross floor area of ~~41297.5m²~~, ~~and be~~ limited to the retail sale of tourism products;
 - (b) retail activity for kiosk food and beverages not exceeding a gross floor area of 15m²;
 - (c) discovery centre for the purposes of providing information on and about Kāpiti Island and the Kāpiti Coast District;
 - (d) cultural expression by mana whenua;
 - (e) check-in and biosecurity facilities for visitors to Kāpiti Island (including storage of associated equipment); and

(f) ancillary office / administrative activities.

5. The hours during which the buildings are open to the public for the activities specified in condition 4 shall be limited to 7:00am to 8:30pm during daylight savings, and 7:00am to 6:30pm at all other times. However, the buildings may open to the public earlier if in conjunction with cultural services (such as dawn karakia on special occasions).
6. Prior to the installation of any Whakairo (to be in general accordance with the approved Landscape Plans referenced in Condition 1), the consent holder must provide the consent authority a written statement from Ātiawa ki Whakarongotai Charitable Trust, Te Rūnanga o Toa Rangatira and Ngā Hapū o Ōtaki (on behalf of Ngāti Raukawa), that the artistic representations have been designed in conjunction with the appropriate mana whenua artists and experts.
7. Any signage approved under Condition 1, must not include any lightboxes, display any moving images, or any third-party advertising.

Prior to the Commencement of Works

8. Lighting plan - prior to building construction commencing on the site, the consent holder shall submit the external lighting plan to the General Manager Planning and Regulatory Services or delegate, Kāpiti Coast District Council, for certification that it achieves the requirements and purpose set out in conditions ~~24 28 and 25 to 30~~. Evidence of consultation and agreement, or in the event that agreement is not reached a summary of areas of disagreement, to the lighting plan shall be provided to the Kāpiti Coast District Council at the time of submission.
9. Engineering plans for water supply, wastewater and stormwater disposal required - before any works commence, a detailed engineering plans to the satisfaction of the consent authority shall be submitted to, and approved by, the consent authority. ~~When approved this engineering plan shall form part of this consent.~~ The engineering plans must be in accordance with Paragraphs 1 to 5 of Schedule 1 contained in Part 4 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012. For the avoidance of doubt, no works are authorised to commence until the plans are approved by the consent authority Development Engineer. These plans must include, at a minimum:
 - (a) a water supply with strainer meter and RPZ which complies with the requirements of OIML R49 (International Organization of Legal Metrology R49:2006 Water Meters Intended for the Metering of Cold Potable Water and Hot Water - Parts 1 to 3).
 - (b) wording to the effect that any unused existing water service and wastewater service connections being abandoned shall be capped at the main.

Note: The Consent Holder's attention is drawn to the 'Approved Water Supply Products & Materials List, WS-10: Water Meters' (<http://www.Kapiticoast.govt.nz/Planning/Resource-Consents/Standard->

Drawing/WaterStandard-Drawings). Installing an approved water meter is a means of compliance with this condition.

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

10. Car parking and traffic - before any works commence, a detailed traffic and car parking plan to the satisfaction of the consent authority shall be submitted to, and approved by, the consent authority. ~~When approved this plan shall form part of this consent.~~ The plan shall be prepared by a suitably-qualified and experienced traffic engineer. This plan must include, at a minimum:
 - a. detailed design drawings of the site layout, in particular traffic and transport related details and landscape planting/maintenance for driveway access visibility;
 - b. car park designs in compliance with the District Plan standards, in particular the requirements of the AS/NZS2890.1 Parking Facilities standard, unless an alternative is agreed to by the consent authority;
 - c. servicing of the drainage and maintenance of car parking areas; and
 - d. ~~the location of all areas on-and/or off-site to be used for staff and patron parking~~
d. the means by which the direction of traffic and pedestrian flows to and from car parking areas will be controlled both on- and off-site.
 - e. ~~specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site measures to preclude staff parking in designated patron car parking areas~~
 - f. ~~staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time~~
 - g. ~~servicing of the drainage and maintenance of car parking areas.~~
11. Representatives to be nominated - the consent holder shall provide the Council's Development Engineer with the names of the Developer's or Owner's Representative(s) appointed in terms of Clause B(ii) of Part 3 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements, 2012.
12. Suitably qualified persons to be nominated - the consent holder shall advise the Council's Development Engineer the names and professional qualifications of any Suitably Qualified Persons required in terms of Clause B(iii) of Part 3 of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements 2012.

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

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

• [Landscaping](#)

• [Tree / vegetation protection](#)

• [Lighting](#)

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

13. Construction management plan required - before any works commence, a construction management plan to the satisfaction of the consent authority shall be submitted to, and approved by, the consent authority. When approved this plan shall form part of this consent. The plan shall be provided to the consent authority at least twenty (20) working days prior to the intended day of commencement of works. The Construction Management Plan (CMP) shall include the following, at a minimum:
- a. Details of control of mud and detritus from the site onto the road – onsite wheel washing and offsite road sweeping.
 - b. Details of onsite turning for delivery vehicles.
 - c. Site compound location shown on a plan.
 - d. Identified areas for site offices and site operative parking.
 - e. Mitigation for the prevention of discharge of any material beyond the boundary of the subject site.
 - f. Noise controls and hours of construction.
 - g. Stormwater runoff.
 - h. [Dust controls.](#)
 - i. Protection of land in the adjacent Operative District Plan 2021 *Area of High Natural Character* from construction effects.

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

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

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

Contact details for iwi representatives are as follows:

Ātiawa ki Whakarongotai Charitable Trust

PO Box 509

Waikanae 5250

Te Rūnanga ō Toa Rangatira

24 Ngāti Toa St

Takapuwahia

Porirua 5022

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

Lizard management

20. Prior to site works commencing, the consent holder shall engage a Department of Conservation (DOC) permitted herpetologist to undertake a pre-works survey of lizard populations across all habitat types proposed to be cleared or disturbed by site works within the site in order to assess potential displacement.
21. A copy of the pre-works survey results shall be submitted to the Kāpiti Coast District Council Compliance Monitoring within one month of the survey being completed.
22. In the event that lizards are identified as part of the pre-works survey:
 - a. DOC will be notified and the consent holder will follow an appropriate mitigation process determined by the consent holder in consultation with DOC; and
 - b. the consent holder shall submit a report to the Kāpiti Coast District Council Compliance Monitoring detailing any discussions with DOC with regards to any lizard mitigation requirements and/or a completed lizard mitigation completion

report prior to works commencing, including to record any mitigation recommendations by DOC that have not been implemented by the consent holder (with reasons).

Mana Whenua / Governance Board

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

Landscape Plan

28. ~~A Landscape Plan required — a~~At least twenty (20) working days prior to the commencement of works authorised by this consent, a landscape plan ~~to the satisfaction of the consent authority~~ shall be submitted to, ~~and approved by,~~ the consent authority ~~for approval. When approved this plan shall form part of this consent.~~

29. The landscape plan shall be prepared by a suitably-qualified landscape professional, with advice from other experts, ~~where required~~ including a suitably-qualified arborist, and be implemented in the first planting season following completion of the building and civil works. The landscape plan shall be prepared in general accordance with ~~achieve the outcomes contained within~~ the approved Landscape Plans referenced in Condition 1 and as a minimum contain the following:

- Existing vegetation to be retained, including retention of all pōhutukawa trees shown on Landscape Planting Plan L1.03, ~~and~~
- provide A methodology detailing how the existing vegetation that is to be retained will be protected during construction, to be developed with mana whenua. This must cover, at a minimum, details of:
 - pre-construction surveys and delineation of the areas to be cleared and vegetation to be retained;
 - mana whenua's involvement in the vegetation protection;
 - monitoring of the vegetation to be retained;
- Any vegetation to be removed.
- The extent of planting, paved (impermeable) surfaces and other landscaping elements.
- Details of plant species that shall be native to the Ecological District.
- Location and species to be planted.
- Number of plants.
- Plant heights at maturity.
- An implementation plan describing the methods of soil preparation, details of drainage, fertilising, mulching, spraying, irrigation, staking tree pits, ongoing maintenance, replacing of dead/poorly performing plants and weed and pest management.
- Scheduling of work, including maintenance to ensure successful establishment. ~~and,~~
- The location, height, and type of fencing.
- Details of the ihuwaka structure.
- Details of any public seating proposed.
- Detailing of car park surfacing, noting that car parking should be permeable, or a mixed surface combination.

Lighting plan

30. The Lighting Plan prepared in accordance with condition 8 6 must:

- a. Bbe prepared in in consultation with the owners and occupiers of 3 and 5 Marine Parade, Te Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga o Toa Rangatira;
- b. Sshow the number, location, mounting height, tilt angle and specification including light distribution of all external lights; and
- c. Mmeet the following requirements:
 - i. All outside lighting for the vertical planes of building and art sculptures to be installed on site shall comply with the section 3 of AS/NZS 4282:2019.
 - ii. Between the hours of operation as stated in condition 5, Aall outside lighting for pedestrian/cycleways and the carpark on site shall comply with Tables 3.4 (subcategory PP4/23), 3.6 (subcategory PP3) and 3.7 (subcategory PC4/23 and PCD) of AS/NZS 1158.3.1:2020, and not exceed an average of 3.5lux except for designated accessible carparks which shall not exceed an average of 17.5lux.
 - iii. Between the hours of 10pm and 7am Outside the hours of operation as stated in condition 5, all outside lighting for pedestrian/cycleways external lighting shall be restricted to operate to the lower light output of subcategory of AS/NZS 1158.3.1:2022 standard and meet Table 3.4 (subcategory PP5), 3.6 (subcategory PE3), and 3.7 (subcategory PC3-) and not exceed an average of 0.85lux.

Note: The purpose of the lighting plan is to demonstrate that the outside external lighting for the building, art sculptures, pedestrian/cycleways, and the carpark on site will be designed:

- a. to minimise potential adverse effects on neighbouring dwellings existing at the time of this consent including:
 - i. light spill;
 - ii. direct glare from light sources; and
 - iii. secondary glare from vertical elements;
- b. to achieve the requirements of conditions 28 and 29 24;
- c. in accordance with Crime Prevention Through Environmental Design principles; and
- d. so that, where practical, the external lights shall be screened from the direct line of site of neighbouring dwellings existing at the time of this consent.

31. Prior to commencement of use, a suitably qualified independent lighting design professional shall certify that the lighting has been installed in accordance with the lighting plan certified in accordance with conditions 8 and 30, and that it achieves the purpose of the lighting plan set out in condition 30.

Note: A suitably qualified professional is generally considered a registered practitioner that is a member of the Illuminating Engineering Society of Australia and New Zealand.

Engineering

32. The consent holder shall notify Council's Development Engineer prior to commencement of the following stages of work, so that the Council's Development Engineer, or authorised representative, are present on site to inspect certain stages of the works. Notice must be provided, at a minimum, five (5) working days prior to each stage listed below. The stages are as follows:

- Commencement of works or recommencement after a substantial lapse;
- Water reticulation connections and services prior to back fill;
- Wastewater services and construction of new manholes prior to back fill;
- Completed earthworks and prepared subgrade (roading and footpaths, if any);
- Final inspection.

~~28. The development shall have water supply with strainer meter and RPZ which complies with the requirements of OIML R49 (International Organization of Legal Metrology R49:2006 Water Meters Intended for the Metering of Cold Potable Water and Hot Water — Parts 1 to 3.~~

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

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

~~30. Any unused existing wastewater service connections being abandoned shall be capped at the main.~~

Transport

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

Lizard management

~~34. In the event a lizard(s) example, community or species is discovered during the conduct of any works on the site, works shall cease and the consent holder shall provide a Lizard Management Plan to be prepared by a suitably qualified ecologist in accordance with the recommendation of the Cardno report (report no. NZ0119221, entitled 'Terrestrial and Stream Ecological Impact Assessment, Gateway Project', dated 23 September 2020 and held on file by Council). The Lizard Management Plan shall then be submitted to the consent authority, and must be certified as satisfactory by the Council prior to the resumption and/or commencement of works. This Plan shall include, but is not limited to:~~

- ~~• Identification of species discovered on the site, likely to be encountered in the habitat on the site and to which the management plan applies;~~
- ~~• A methodology for identifying and locating lizards on site;~~
- ~~• A methodology for the salvage and relocation of any lizards recovered; and~~
- ~~• All works must be undertaken in accordance with the approved Lizard Management Plan.~~

Advice Notes:

- The consent holder shall advise the Council of the start and completion dates of the works in writing 48 hours before the works are carried out. The consent holder shall fill out and return (by email to the duty compliance officer at compliance.dutyofficer@kapiticoast.govt.nz, or by post to Private Bag 60601, Paraparaumu) the form that is attached to the decision letter.
- The consent holder is required to pay to the Kāpiti Coast District Council the actual and reasonable costs associated with the monitoring of conditions (or review of consent conditions), or supervision of the resource consent as set in accordance with Section 36 of the Resource Management Act 1991. These costs* may include site visits, correspondence and the actual costs of materials or services which may have to be obtained.

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

- Under Section 125 of the Resource Management Act 1991, this resource consent will lapse in five years, unless it is given effect to within that time.
- It is the consent holder's responsibility to comply with any conditions imposed on this resource consent prior to and during (as applicable) exercising this resource consent.
- Please note that a resource consent is not a consent to build. A building consent must be issued prior to any building work being undertaken.
- If you disagree with any of the above conditions or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.

- The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
- Development Contributions pursuant to Section 198 of the Local Government Act 2002 and the Council's Development Contributions Policy 2021 are not required for this proposal as per the policy Council owned developments are exempt from contributions...
- Works within the legal road will only be approved where they comply with Council procedures and processes which are set out below:

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

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