

**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

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**JOINT STATEMENT OF PLANNING EXPERTS ON CONDITIONS**

Dated: 29 September 2022

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## **INTRODUCTION**

1. This joint witness statement relates to expert conferencing on the topic of conditions.
2. This joint witness statement relates to the hearing on the Te Uruhi to Kāpiti Island Gateway Project (**Project**).
3. The expert conferencing was held on 29 September 2022 via Microsoft Teams.
4. Attendees at the conference were:
  - (a) Emma McLean for Kāpiti Coast District Council in its applicant role (**applicant**); and
  - (b) Tom Anderson for Kāpiti Coast District Council in its consent authority role (**consent authority**).
5. There was no facilitator or recorder present.

## **CODE OF CONDUCT**

6. We confirm that we have read the Environment Court Practice Note 2014, and in particular Appendix 3 – Protocol for Expert Witness Conferences, and agree to abide by it.

## **PURPOSE AND SCOPE OF CONFERENCING**

7. The purpose and scope of conferencing was to identify, discuss, and highlight points of agreement and disagreement on the conditions proposed for the Project.
8. The section 42A report prepared by Mr Anderson dated 12 September 2022 and the evidence of Ms McLean dated 19 September 2022 are key background documents for the conferencing.

## **OUTCOMES**

9. Refer to Annexure A, which sets out the agreed conditions. We agree the conditions adequately avoid, remedy, or mitigate any potential residual environmental effects from the proposal and have regard to the decision-making framework under section 104 and section 108AA under the Act.

10. It was agreed Ms McLean would discuss hours of operation with the applicant and present the outcome of these discussions at the hearing. Mr Anderson may suggest an additional resource consent condition relating to this once he has heard the outcomes of this discussion at the hearing.

Date: 29 September 2022



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**E McLean**



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**T Anderson**

## ANNEXURE A: RECOMMENDED CONSENT CONDITIONS

[Note, the text shown below without any underline is text for the conditions included in Mr Anderson's Section 42A Report. The text shown in underline and ~~strikethrough~~ are the changes to the Section 42A Report conditions suggested by Ms McLean in her evidence. The text shown in underline and strikethrough in blue are the agreed suggested changes as a result of the Joint Witness Statement between Mr Anderson and Ms McLean.]

### 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:
  - Wraight – Associates Landscape Architects Plans, entitled *Kāpiti Gateway Resource Consent*, all dated 15 November 2021, being:
    - Landscape Site Plan L1.00;
    - Landscape Site Plan L1.01;
    - Landscape Site Plan L1.02;
    - Landscape Site Plan L1.03;
    - Illustrative Landscape Section L2.01;
    - Illustrative Landscape Section L2.02;
    - Stream Sections L2.03:
    - Planting Selection L4.01;
    - Planting Selection L4.02; and
    - Planting Selection L4.03.
  - 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;
- Wraight – Associates Landscape Architects Plans, entitled *MacLean Park Marine Parade Carpark Extension*, reference 2124 Mclean Park, March 2022, being:
  - Landscape Site Plan L1.00, dated March 2022;
  - Landscape Site Plan L1.01, dated March 2022;
  - Illustrative Landscape Section L2.01, dated March 2022; and
  - Planting Selection L4.01, dated March 2022.
- Beca Plans entitled Kāpiti Gateway Project, being:
  - Maclean Park Zone C6 Car Park Development, Drawing No. 3821650-TA-K001, Rev 4, dated 13.12.21; and
  - Vehicle Tracking and Sightlines, Drawing No. 3821650-TA-K002, Rev 4, dated 13.12.21

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. Retail activity from within the buildings must not exceed a gross floor area of 112.5m<sup>2</sup>, and be limited to the retail sale of tourism products, food and beverages.
5. Prior to the installation of any Whakairo (to be in general accordance with the approved Landscape Plans referenced in Condition 1) artwork, 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 Ātiawa artists and experts.

6. 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

~~Lighting plan — prior to the completion of the development hereby approved, a lighting plan for the entire site to the satisfaction of the consent authority shall be prepared, and submitted to the consent authority. When approved, the lighting plan shall be endorsed as part of this consent.~~

7. 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 and 25. 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.

8. Engineering plan required - before any works commence, a detailed engineering plan 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 plan 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.

**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.

9. 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. the location of all areas on-and/or off-site to be used for staff and patron parking
  - b. specification of staff numbers adequate to enable efficient operation of car parking areas both on- and off-site

- c. 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
  - d. measures to preclude staff parking in designated patron car parking areas
  - e. staffing and other measures to ensure the orderly departure and arrival of patrons especially any large groups departing at closing time
  - f. servicing of the drainage and maintenance of car parking areas.
10. 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.
11. 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.

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

**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.

12. 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. 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.

- 13. All earthworks and site investigations and remediation shall be undertaken in accordance with the approved CMP.
- 14. No works shall commence until the CMP required under condition 11 has been approved in writing by Council's Development Engineer.
- 15. 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.
- 16. The consent holder must provide the consent authority a written statement from Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira, prior to the submission of the engineering plans, that the Ātiawa ki Whakarongotai Charitable Trust and Te Rūnanga ō Toa Rangatira has been involved in the detailed design of the project.
- 17. 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 ō 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 ō 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 ō 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 ō 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 ō 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

- 18. 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.

## Mana Whenua / Governance Board

19. 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.
20. 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.
21. 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).
22. 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).
23. 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

24. A Landscape Plan required - 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. When approved this plan shall form part of this consent. The plan shall be prepared by a suitably-qualified landscape professional, with

advice from other experts where required, and be implemented in the first planting season following completion of the building and civil works. The landscape plan shall 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, and detail how existing vegetation to be retained will be protected during construction;
- 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

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

- a. Be prepared in in consultation with the owners and occupiers of 3 and 5 Marine Parade, Te Atiawa ki Whakarongotai Charitable Trust and Te Rūnanga o Toa Rangatira.
- b. Show the number, location, mounting height, tilt angle and specification including light distribution of all external lights.
- c. Meet 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. All outside lighting for pedestrian/cycleways and the carpark on site shall comply with Tables 3.4 (subcategory PP1/2/3), 3.6 (subcategory PE3) and 3.7 (subcategory PC1/2/3) of AS/NZS 1158.3.1:2020.
  - iii. Between the hours of 10pm and 7am all external lighting shall be restricted to operate to the lower light output subcategory of AS/NZS 1158.3.1:2022 standard and meet Tables 3.4 (subcategory PP5), 3.6 (subcategory PE3), and 3.7 (subcategory PC3).
26. The purpose of the lighting plan is to demonstrate that the 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 condition 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.

### Engineering

27. 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.Kāpiti.coast.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

31. 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

32. 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@kapiti.coast.govt.nz](mailto:compliance.dutyofficer@kapiti.coast.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.