

**OFFICER'S REPORT FOR:**

**Hearing Commissioners**

**IN THE MATTER OF:**

**A land use consent application to enable the construction and operation of new buildings (including a biosecurity function, a discovery centre function and a retail activity), and associated car parking and earthworks at 2 Marine Parade, Paraparaumu Beach.**

**PREPARED BY:**

**Tom Anderson  
Consultant Planner  
Incite**

**REVIEWED BY:**

**Yolanda Morgan  
Team Leader Resource Consents**

**REPORT DATED:**

**12 September 2022**

**DATE OF HEARING:**

**3, 4 and 5 October 2022**

**Limited Notified Application**

<b>Site Address</b>	2 Marine Parade, Paraparaumu Beach
<b>Legal Description</b>	Part Section 2 SO Plan 322370 in Record of Title 239464 (Recreation reserve under New Zealand Gazette 2005 p2837, vested in Kāpiti Coast District Council), and Legal Road (Marine Parade)
<b>Applicant</b>	Kāpiti Coast District Council
<b>Proposal</b>	To construct and operate new buildings and associated car parking. The activities within the building are primarily to facilitate visitors to Kāpiti Island, with some retail use sought. Earthworks are required to facilitate structures.
<b>District Plan Zoning and Notations</b>	Zones – Natural Open Space, General Residential Overlays – Coastal Environment, Special Amenity Landscape 29 (Southern Beaches), Flood Hazard – Ponding, Flood Hazard – Stream Corridor Transport Network Hierarchy – Major Community Collector Road
<b>Owners</b>	Kāpiti Coast District Council
<b>Activity Status</b>	Non-Complying
<b>Recommendation</b>	That consent be granted

## **APPENDICES**

Appendix A	Submissions
Appendix B	Relevant provisions of Statutory Documents
Appendix C	Traffic Engineering Advice
Appendix D	Landscape Architect Advice
Appendix E	Recommended Conditions

## **1. STATEMENT OF EXPERIENCE**

- 1) My name is Tom Anderson. I am a Principal Planner at and a Director of Incite, a resource management consulting firm. I hold a Bachelor of Science and a Master of Planning (with Distinction), both from the University of Otago. I am a full member of the New Zealand Planning Institute, and a member of the Resource Management Law Association. I am an Independent Commissioner, certified under the Ministry for the Environment's Making Good Decisions programme.
- 2) I have 15 years professional experience. Throughout my career I have processed resource consent applications on behalf of a number of territorial local authorities, prepared land use, subdivision and regional resource consent applications on behalf of infrastructure providers, territorial local authorities and private land developers, and have participated as either an advisor to a submitter or an advisor to a territorial local authority or Regional Council on regional, district and unitary plan reviews and plan changes. I also have experience in notice of requirement processes, have appeared in the Environment Court and participated in Court directed mediation.
- 3) I am very familiar with the planning framework in the Kāpiti Coast district and have strong familiarity with the practical application of a number of Policy Statements and Plans and strategic documents throughout New Zealand but in particular those in the Wellington region.
- 4) I have read and am familiar with the Code of Conduct for Expert Witnesses (section 5 of the Environment Court Consolidated Practice Note 2006). I have prepared this s42A Report in compliance with that code. In particular, unless I state otherwise, this s42A Report is within my area of expertise and I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

## **2. INTRODUCTION**

- 5) In this report I discuss and makes recommendations on the proposal and submissions received in relation to an application by Kāpiti Coast District Council (the Applicant) for resource consent to construct and operate new buildings and associated car parking and earthworks at 2 Marine Parade, Paraparaumu Beach.

## **3. RELEVANT BACKGROUND**

### **3.1. The Site and Locality**

- 6) The application site is located on the western (seaward) side of Marine Parade, extending from approximately opposite the intersection of Kāpiti Road and Marine Parade in the north, to approximately opposite the intersection Ocean Road and Marine Parade in the south. The site is shown on Figure 1, below.
- 7) The coastal marine area and intervening sand dunes exist on the western side of the site. On the opposite side of Marine Parade are a mix of residential dwellings (including standalone houses, townhouses and apartments) and commercial premises at the northern portion of the site, and residential dwellings, (typically standalone houses) at the southern portion. The underlying topography is flat with undulations as a result of sand dunes.
- 8) The site contains a number of uses, including the Kāpiti Boating Club building, beach access and car park in the north, recreational facilities (skate park, playground, BBQ area and public toilets, as well as two separate car parking areas north and south of these facilities), and additional car parking areas, along with picnic tables, as the site extends south. An existing paved walkway extends along the length of the site. The site is bisected by Tikotu Stream, between the Kāpiti Boating Club and the car park area north of the recreational facilities.
- 9) The application site is legally described as Part Section 2 SO Plan 322370 in Record of Title 239464 (Recreation reserve under New Zealand Gazette 2005 p2837, vested in Kāpiti Coast District Council), with a registered area of 3.0337 hectares more or less, and Legal Road.
- 10) There are a number of interests registered on the Record of Title, resulting in the title being subject to the Reserves Act 1977 and a notification that a building consent which has been issued identified coastal erosion as a natural hazard.

- 11) The following image provides an aerial view of the site (with the cadastral boundaries of Part Section 2 SO Plan 322370 shown in blue), and surrounding area. Note, the image does not show the land within legal road that the proposal seeks to use. That land is shown in Appendix 2 to the resource consent application.



Figure 1 – Aerial View of Part Section 2 SO Plan 322370 (blue outline) and surrounding area, sourced from <https://maps.kapiticoast.govt.nz/LocalMaps/Gallery/>

- 12) Part Section 2 SO Plan 322370 is zoned Natural Open Space in the Operative Kāpiti Coast District Plan 2021 (the District Plan). The legal road area in which structures are proposed is partly zoned Natural Open Space and partly zoned General Residential.
- 13) In terms of applicable District Plan overlays, the entire site is within Special Amenity Landscape 29 (Southern Beaches) and the Coastal Environment, parts of the site are subject to Stream Corridor and Ponding Flood Hazards, and the District Plan 1999 20m Building Line Restriction<sup>1</sup>.
- 14) There are no other overlays that are applicable to the site, and no designations that apply. It is noted that on its western boundary, the site adjoins an Area of High Natural Character.
- 15) In terms of its physical features, the site is characterised by publicly accessible open space and an existing car park, with the topography being reflective of the natural dune system, which rises to a 'peak' in the foredunes to the west, before sloping down toward the beach.
- 16) The site is described in Section 2.2 of the resource consent application. This is focussed on the area where the proposal seeks buildings to be constructed. The site, including the proposed building area and car parking areas to the south of the proposed building, are also, in my view,

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<sup>1</sup> The District Plan 1999 20m Building Line Restriction remains operative, until such time Kāpiti Coast District Council includes updated coastal building line information in the Operative District Plan 2021.

accurately described in Section 3.2 of the Landscape and Visual Assessment dated 11 April 2022.

### 3.2. The Proposal

17) A land use resource consent is sought to construct new buildings and car parks on the site to facilitate activities associated with visiting Kāpiti Island, and ancillary activities. The application is described in detail in Section 2.3 of the Application, as well as in Section 2.1 of the Council's notification report. By way of a summary, resource consent is sought is for:

- Two proposed buildings (referred to in the application as 'Pod A' and 'Pod B'), to be located immediately south of Tikotu Stream. Pod A has a proposed footprint of 112.5m<sup>2</sup> and a maximum height of 5.3m. Pod B has a proposed footprint of 102m<sup>2</sup> and a maximum height of 5.3m. The proposed finished floor level of each building is 3.4m above sea level Wellington Datum 1953, which is above the Q100 flood level for the site. The buildings are designed to be relocatable. Artwork and landscaping is proposed around the buildings;
- The proposed use of the two proposed buildings is to provide information about Kāpiti Island, biosecurity measures for visitors to Kāpiti Island, and a retail space (of up to 112.5m<sup>2</sup>);
- 324m<sup>2</sup> of decking is proposed to link the two proposed buildings as well as providing for circulation. A new footbridge is proposed to be constructed over the Tikotu Stream. The footbridge will have a proposed area of approximately 32m<sup>2</sup>;
- A new car parking area is proposed immediately south of the proposed buildings. Further, the modification of two existing car parking areas, further south but within the site, is proposed to provide for additional car parking;
- The re-routing of existing Council stormwater pipe infrastructure within the site;
- The removal of existing trees; and
- Earthworks to facilitate the proposal, with a proposed cut volume of approximately 797.95m<sup>3</sup> and a maximum height of 1.4m.

### 3.3. Application Documentation

18) The Application consists of:

- a) An Assessment of Environmental Effects prepared by Cuttriss Consultants Ltd and received by Kāpiti Coast District Council (the Council) on 1 July 2021<sup>2</sup>. This includes 16 Appendices, being:
- b) Records of Title (Appendix 1);
- c) Building Encroachment Plan (Appendix 2);
- d) Structural Engineer Letter (Appendix 3);
- e) Cultural Impact/Values Assessments, prepared by Te Āti Awa ki Whakarongotai and Ngāti Toa (Appendix 4);
- f) Architectural and Landscape Plans (Appendix 5);
- g) Parking and Associated Earthworks Plans (Appendix 6);
- h) Stormwater Disposal Report (Appendix 7);
- i) Landscape and Visual Effects Assessment (Appendix 8);
- j) Transport Impact Assessment (Appendix 9);

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<sup>2</sup> A resource consent application was received by Kāpiti Coast District Council on 20 May 2020. That application was withdrawn by the Applicant on 1 July 2021, and the application which is the subject of this s42A Report was lodged.

- k) Geotechnical Assessment and Liquefaction Analysis Report (Appendix 10);
  - l) District Plan Overlay Plans (Appendix 11);
  - m) Letter of Support provided by Hon. Eugenie Sage (Appendix 12);
  - n) Design of Re-routed Stormwater Pipes (Appendix 13);
  - o) Terrestrial and Stream Ecological Impact Assessment (Appendix 14);
  - p) Tree Removal Methodology (Appendix 15); and
  - q) District Plan Objectives and Policies Assessment Table (Appendix 16).
- 19) The application also proffered the following as the basis for conditions of consent<sup>3</sup>:
- That the landscape plans prepared by Wraight and Associates be implemented as part of the proposed development.
  - That a lighting plan for the Te Uruhi building and associated outdoor carpark and new landscaping be developed in sympathy to the coastal urban park context and with consideration to residential neighbours.
  - That the important screening and softening capabilities offered by the pōhutukawa trees surrounding the site be acknowledged and these attributes protected. A condition should be provided to protect the existing pōhutukawa trees during construction and should be developed with arboricultural input from the Council Parks Team. Such a condition should include (but not be limited to): cordoning - off of trees, permitted proximity of excavations and earthworks, restrictions in level changes to trunk soil heights and limitations on pruning for machinery and vehicle access.
  - That further detail and methodology for the replacement of stream retaining structures, and the ihuwaka structure, materiality and finishes be submitted to Council in due course.
  - That at detailed design stage the potential passive recreational uses in association with the Zone 6 carpark be further enhanced through additional seating along the existing walkway that provides views out across and to the coastal environment in proximity to this location. Similarly, that the back (dune abutting) edge be softened from straight to 'uneven' to lightly mimic dune slope undulation.
  - Strongly recommend consideration of permeable carparking surfaces or mixed surface combination which would allow the site to be more easily restored in future and lessen its sense of permanence.
  - That protection of existing dune land at both sites be integrated into their respective Construction Management Plans.
  - The consent holder shall comply with the requirements of the Kāpiti Coast District Council's Subdivision and Development Principles and Requirements 2012, unless alternatives are proposed by the consent holder and accepted by the Council's Development Engineer.
  - No nuisance effect (including dust) may be caused by discharge of material beyond the boundary of the subject site.
  - The consent holder shall make adequate provision for the control of stormwater runoff during the construction period and shall apply the appropriate recommendations found in Greater Wellington Regional Council's Erosion and Sediment Control Guidelines for the Wellington Region" and "Small earthworks – Erosion and sediment control for small sites to the satisfaction of the Council's Development Engineer. Silt retaining structures or ponding areas where required shall be constructed and maintained throughout the duration of the works to the satisfaction of the Council's Development Engineer.
  - All batters shall be self-supporting.

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<sup>3</sup> Pages 45, 46, 51 and 58 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

- Where the existing land or vegetative cover is disturbed along the Tikotu Stream banks, the consent holder shall establish suitable ground cover as soon as practicable following earthworks, or within 5 days of completion of any earthworks, whichever occurs first. For the purposes of this condition, “suitable ground cover” means the application of basecourse, topsoil grassing or mulch or other type of application to the satisfaction of the Council’s Enforcement Officer.
- The consent holder shall provide fish rescue data, including the number, length, and species of each captured fish, to Council’s Enforcement Officer within 10 working days of completion of the works.
- That in the event a lizard(s) is found, the consent holder shall submit a Lizard Management Plan 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 be submitted to Council’s Compliance Officer, and must be certified by the Team Leader, Resource Consents prior to the commencement of works. This Lizard Management Plan shall include, but is not limited to:
  - Identification of lizard species 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.

### **3.4. Further Information**

- 20) In accordance with s92(1) RMA, the Council requested further information on 26 July 2021. This request sought additional information regarding planning, transportation, development engineering and landscape and visual matters. This was responded to by the Applicant on 15 February 2022. The Applicant subsequently suspended processing of the application on 1 March 2022, and submitted a revised landscape assessment, landscape plans and planning assessment on 13 April 2022.

### **3.5. Council Technical Reviews**

- 21) I have assessed the application documentation in my role as Council’s contracted Planning Consultant. The application documentation has also been assessed, on a specialist basis, by Ms Julia Williams as Council’s contracted Landscape Architect, Mr Billy Rodenburg as Council’s contracted Traffic Engineer, and Amit Kochar, a now former Council Development Engineer.

## **4. RULE FRAMEWORK AND ACTIVITY STATUS**

### **4.1. National Environmental Standards**

- 22) The only National Environment Standard considered to be relevant to this proposal is the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC). The NESC is intended to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.
- 23) The application states that the allotment on which the proposal is located is identified in on the Greater Wellington Regional Council (GWRC) Selected Land Use Register (SLUR) as being contaminated or potentially contaminated<sup>4</sup>. On reviewing the SLUR, I agree with the statements

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<sup>4</sup> Page 30 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

made in the application that the area identified as contaminated or potentially contaminated is to the north of Tikotu Stream, being SLUR area SN/01/085/02 and registered as an area where storage tanks or drums for fuel, chemicals or liquid waste were located, that were associated with the Kāpiti Boating Club.

- 24) As the SLUR area is north of the stream, the identified piece of land is outside of the parameters associated with the proposed land disturbance. Further, there is no known history of uses of activities on the subject piece of land which could cause it to be potentially contaminated.
- 25) As such, the NESCS does not require any further assessment.

## **4.2. Kāpiti Coast District Plan**

- 26) The Kāpiti Coast District Plan was made operative on 30 June 2021. As the resource consent application was lodged on 1 July 2021, it is the only Council statutory planning document which requires consideration<sup>5</sup>.

### **4.2.1 Zoning, Overlays and Designations**

- 27) As stated, the land in which works are proposed is partly zoned Natural Open Space and partly zoned General Residential. Works are proposed within the Special Amenity Landscape 29 (Southern Beaches), Coastal Environment, Flood Hazard – Ponding and Flood Hazard – Stream Corridor overlays. Marine Parade where it passes the site is shown as a Major Community Collector Road in the Transport Network Hierarchy.

### **4.2.2 Plan Changes**

- 28) Since the District Plan was made operative, there have been eight proposed plan changes.
- 29) Proposed Plan Changes 1A (Accessible Car Parking), 1B (Liquefaction Risk Management for New Buildings), 1C (Cycle Parking) were all notified on 17 February 2022. Submissions closed on 17 March 2022, and hearings are yet to be held.
- 30) Proposed Plan Changes 1D (reclassification of three roads), 1F (modification of indigenous vegetation and update to key indigenous tree species list), 1K (electoral signage) and 1L (Council site rezoning) were all notified on 14 July 2022. Submissions closed on 11 August 2022, and hearings are yet to be held.
- 31) Proposed Plan Change 2 (intensification) was notified on 18 August 2022, and submissions will close on 15 September 2022.
- 32) In the following table I provide an assessment how each Proposed Plan Change is or is not relevant to the application.

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<sup>5</sup> Note, while the aforementioned 1999 District Plan 20m building line restriction remains operative, the proposed works avoid this area, and as such the remaining operative provisions of the 1999 District Plan do not require consideration.

Proposed Plan Change	Relevance	Legal Effect as at 12 September 2022
1A – Accessible Car Parking	<b>Relevant.</b> The Proposed Plan Change seeks a minimum number of accessible car parks for different activities. This includes retail and non-retail commercial activities (1 space for 100m <sup>2</sup> to 350m <sup>2</sup> of ground floor area).	The car parking rate has immediate legal effect from notification. To meet permitted standards, the proposal requires 2 accessible parking spaces. These are proposed as part of the application, in the car parking area immediately south of the proposed buildings.
1B – Liquefaction Risk Management	<b>Relevant.</b> The Proposed Plan Change seeks changes to Policy NH-EQ-P17, the deletion of Rule NH-EQ-R23 and amendment of Rule NH-EQ-R24. Resource consent was sought under Rule NH-EQ-R23; however, this no longer has legal effect.	No submissions were made on Proposed Plan Change 1B, and therefore Rule NH-EQ-R23 no longer has legal effect.
1C – Cycle Parking	<b>Somewhat relevant.</b> The Proposed Plan Change seeks a minimum number of cycle parking spaces car parks for different activities. This includes retail and non-retail commercial activities (1 space for up to 125m <sup>2</sup> of gross floor area plus 1 additional space for every additional 125m <sup>2</sup> of gross floor area or part thereof).	As decisions are yet to be made on Proposed Plan Change 1C, more legal weight must be placed on the operative provisions, which do not set a minimum cycle parking rate, than the Proposed Plan Change provisions.
1D – Road Reclassification	<b>Not relevant.</b> The Proposed Plan Change seeks to reclassify three roads, which are not located in proximity to or affected by the subject resource consent application.	As decisions are yet to be made on Proposed Plan Change 1D, more legal weight must be placed on the operative provisions than the Proposed Plan Change provisions.
1F – Indigenous Vegetation	<b>Not relevant.</b> The Proposed Plan Change seeks changes to the wording of Rule ECO-R6 and ECO-Table 1, both of which only apply to ecological sites listed in Schedule 1 to the District Plan. The subject site is not listed in this schedule.	The changes have immediate legal effect from notification; however, do not affect this resource consent application.
1K – Electoral Signage	<b>Not relevant.</b> The Proposed Plan Change provides parameters for the use of electoral signage.	As decisions are yet to be made on Proposed Plan Change 1K, more legal weight must be placed on the operative provisions than the Proposed Plan Change provisions.
1L – Council site rezoning	<b>Relevant.</b> The Proposed Plan Change seeks to rezone a number of Kāpiti Coast District Council owned sites. This includes the subject site, Part Section 2 SO Plan 322370, to be rezoned from Natural Open Space to Open Space Zone (Recreation Precinct). The reasoning provided for this in the s32 Report is <i>to better reflect the</i>	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.

Proposed Plan Change	Relevance	Legal Effect as at 12 September 2022
	<p><i>park's active and passive recreation use</i><sup>6</sup>. The s32 Report also notes that <i>Natural Open Space Zones comprises sites which are generally in a highly natural state</i> and that the Open Space Zone (Recreation Precinct) <i>comprises the District's sportsgrounds and destination parks and allows for active and passive recreation</i>.<sup>7</sup></p> <p>There are no changes proposed to the Natural Open Space Zone or Open Space Zone provisions in the District Plan.</p>	
2 – Intensification	<p><b>Not relevant.</b> The Proposed Plan Change responds to Government requirements to change the District Plan to accommodate more residents, businesses, and community services, and does not concern the resource consent application. I note that the Proposed Plan Change includes the creation of a <i>Coastal Qualifying Matter Precinct</i>, which covers parts of residentially zoned near to the coast which are identified as being potentially susceptible to coastal erosion hazard. As the subject site has an underlying zoning of Natural Open Space, the <i>Coastal Qualifying Matter Precinct</i>. It is also not applicable to Open Space Zones should Proposed Plan Change 1L be made operative.</p>	<p>There are some aspects of the Proposed Plan Change which have immediate legal effect, in regard to housing density in residential zones, and others which must proceed through a standard Plan Change process.</p>

#### 4.2.3 Activity Status

33) Resource consent is required under the following District Plan rules:

- GRZ-R18 as a Discretionary Activity, as the building does not comply with the Residential Zone standards for height envelope and yards where it adjoins the boundary with the legal road;
- NOSZ-R11 as a Restricted Discretionary Activity, as the buildings do not comply with the Natural Open Space Zone standards for building coverage, height, yard setbacks, and height in relation to boundary;
- NOSZ-R14 as a Non-Complying Activity due to the proposed retail activity being provided for under this activity status in the Natural Open Space Zone;
- NH-FLOOD-R9 as a Restricted Discretionary Activity, as the deck associated with the building is within 10m of a stream corridor overlay;
- NH-FLOOD-R11 as a Restricted Discretionary Activity, as the earthworks in the ponding overlay do not comply with the permitted volume and change in height of the ground level standards;
- TR-R11 as a Discretionary Activity, as the permitted number of vehicles per day will be exceeded and a traffic plan was not provided with the application;

<sup>6</sup> Page 4 of Kāpiti Coast District Plan Proposed Plan Change 1L (Council Site Rezoning) and Section 32 Evaluation Report, June 2022

<sup>7</sup> Ibid Pages 4 and 5

- TR-R13 as a Discretionary Activity, as the proposed parking areas do not comply with the permitted access widths and required landscaping.
- 34) Overall, resource consent is required from Kāpiti Coast District Council as a **Non-Complying Activity** under the District Plan.

## 5. NOTIFICATION AND SUBMISSIONS

### 5.1. Written Approvals

- 35) No written approvals were provided for the application.

### 5.2. Notification

- 36) The application was limited notified to the owners and occupiers of the following 14 properties:
- 3, 5, 55, 56, 57 and 58 Marine Parade, Paraparaumu;
  - 1, 2, 4 and 6 Manly Street, Paraparaumu;
  - 2 and 3 Golf Road, Paraparaumu; and
  - 386 and 388 Kāpiti Road, Paraparaumu.
- 37) Notification of these properties occurred on 27 May 2022 in accordance with s95 of the RMA and closed on 28 June 2022.

### 5.3. Submissions

- 38) A total of seven submissions were received by the close of the submission period. No late submissions were received.
- 39) Submissions were received from the following parties:

Submitter No	Name	Address	Position	Decision Requested
1	Barbara and Gary Ashton	1 Manly Street, Paraparaumu Beach	Oppose in Part/ Neutral in Part	Not stated
2	Frederick Davey	3 Golf Road, Paraparaumu Beach	Oppose	Decline
3	Bruce Barnett Collie Properties Limited	3 Marine Parade, Paraparaumu Beach	Oppose	Decline
4	Zena Knight	5 Marine Parade, Paraparaumu Beach	Oppose	Decline
5	Clare Holden, Michael Wilson and Mikclare Investments Limited	55 Marine Parade, Paraparaumu Beach	Oppose	Decline
6	Murray Guy	56 Marine Parade, Paraparaumu Beach	Oppose	Decline
7	Andrew and Leeana Burgess	57/58 Marine Parade, Paraparaumu Beach	Oppose	Decline

- 40) The following figure identifies the location of the submitter's properties along with the application site.

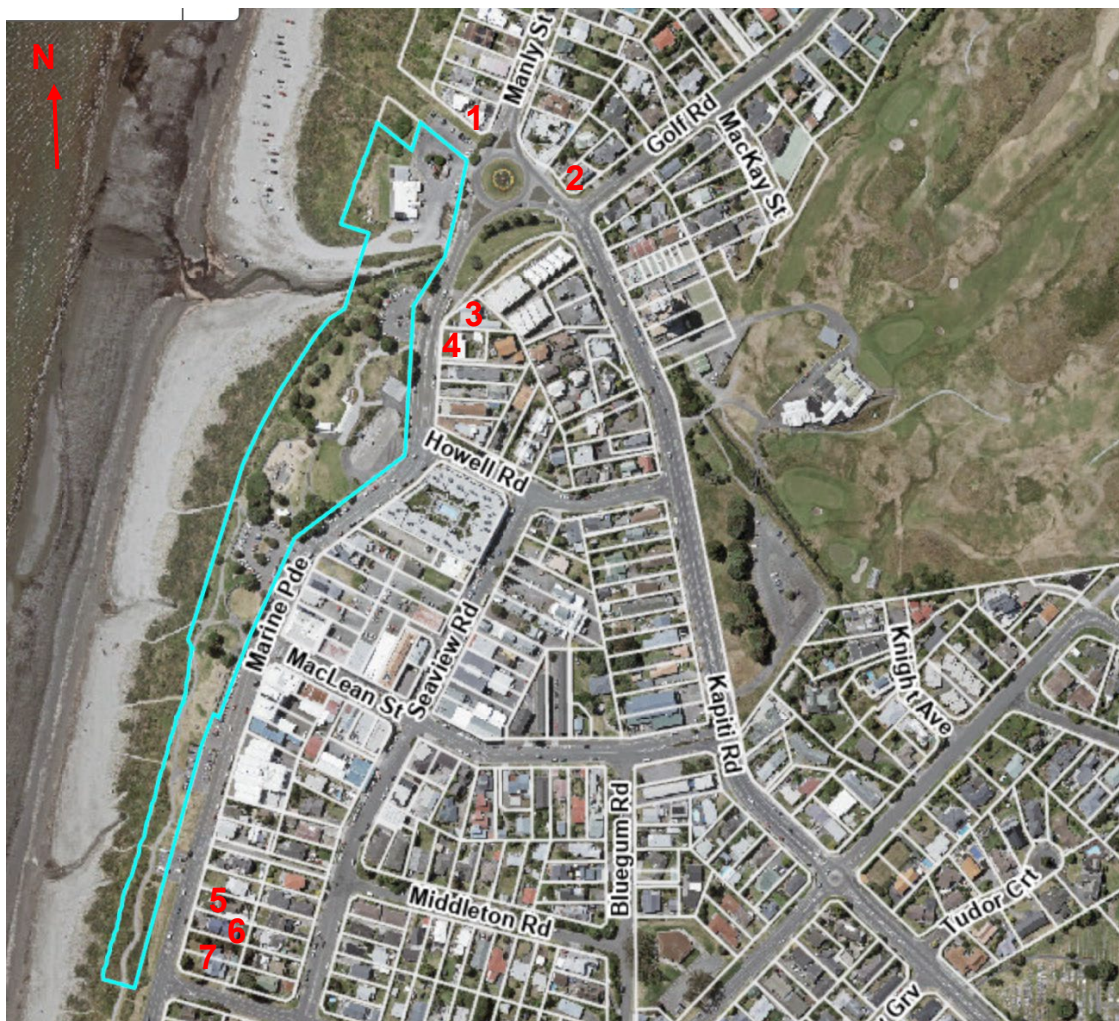


Figure 2 – Aerial View of Part Section 2 SO Plan 322370 (blue outline) and Submitters Properties (red number on their property), sourced from <https://maps.kapiticoast.govt.nz/LocalMaps/Gallery>

- 41) All seven submissions received opposed the application. A full copy of each submission is provided in Appendix A of this report.
- 42) While each of the submissions speak for themselves, the table below summarises the content of the submissions received.

Issue	Submitters
Traffic and car parking effects	1, 2, 3, 4, 6, 7
Effects on natural character	2, 5, 6, 7
Effects on the coastal environment	2
Effects resulting from the proposed retail use	2
Project Economics	2, 3, 4, 5, 6, 7
Resource consent process concerns	2, 3, 4, 5, 6, 7
Amenity effects	2, 3, 4, 5, 6
Documentation concerns	2, 3, 4, 5
Natural Hazards	2, 3, 4, 5, 6
Iwi matters	3, 4, 7

- 43) I have evaluated these matters in my assessments below.

## 6. STATUTORY CRITERIA

- 44) Under s9(3) of the RMA:

*No person may use land in a manner that contravenes a district rule unless the use-*

- (a) is expressly allowed by a resource consent; or*
- (b) is allowed by s10; or*
- (c) is an activity allowed by s10A.*

- 45) In this instance, the proposed activity is not permitted under the District Plan and is not allowed by s10 or s10A (relating to existing use rights). As such, a resource consent has been sought by the applicant.

### 6.1. s104

- 46) S104 of the RMA sets out matters a consent authority shall have regard to in considering an application for resource consent and any submissions received. The s104 matters relevant to this proposal are:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2 and section 77M, have regard to—*

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of—*
  - (i) a national environmental standard:*
  - (ii) other regulations:*
  - (iii) a national policy statement:*
  - (iv) a New Zealand coastal policy statement:*
  - (v) a regional policy statement or proposed regional policy statement:*
  - (vi) a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

- (2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.*

- 47) As discussed in Paragraph 34 above, the resource consent application is for a Non-Complying Activity under the District Plan. s104B of the RMA sets out the determination of applications for Non-Complying Activities, and states that:

*After considering an application for a resource consent for a... non-complying activity, a consent authority—*

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

- 48) S104D of the RMA sets out particular restrictions for Non-Complying Activities, being:

- (1) Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*

- (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*

- (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
- (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
  - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
  - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

## 6.2. s104(1)(b) Relevant Provisions

49) I consider that the following documents and provisions are relevant to the proposal under s104(1)(b). The full text of each relevant provision is attached in Appendix B.

### 50) **New Zealand Coastal Policy Statement 2010 (NZCPS):**

- Objective 1 – Safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems;
- Objective 2 – Preserve the natural character, and protect natural features and landscape values;
- Objective 3 – take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment;
- Objective 4 – maintain and enhance the public open space qualities and recreation opportunities;
- Objective 5 – ensure that coastal hazard risks taking account of climate change, are managed;
- Objective 6 – Enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:... the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; and functionally some uses and developments can only be located on the coast or in the coastal marine area;
- Policy 1: Extent and characteristics of the coastal environment;
- Policy 2: The Treaty of Waitangi, tangata whenua and Māori;
- Policy 3: Precautionary approach;
- Policy 6: Activities in the coastal environment;
- Policy 13: Preservation of natural character;
- Policy 14: Restoration of natural character;
- Policy 15: Natural features and natural landscapes;
- Policy 18: Public open space; and
- Policy 25: Subdivision, use, and development in areas of coastal hazard risk.

51) **National Policy Statement on Urban Development 2020 (NPSUD):**

- Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.<sup>8</sup>

52) **Operative Regional Policy Statement for the Wellington Region 2013 (RPS):**

- Objective 3: Protection of significant features from inappropriate subdivision, use and development;
- Objective 4: Protect the natural character of the coastal environment from the adverse effects of inappropriate subdivision, use and development;
- Objective 7: Protect ecological processes in the coastal environment from the adverse effects of inappropriate subdivision, use and development;
- Objective 8: Public access to and along the coastal marine area is enhanced;
- Objective 12: Quantity and quality of freshwater;
- Objective 18: Maintenance and enhancement of special amenity landscapes;
- Objective 19: The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced;
- Objective 24: Take into account the principles of the Treaty of Waitangi;
- Objective 25; Kaitiakitanga is integrated into sustainable management;
- Objective 26: Mauri is sustained, particularly in relation to coastal and fresh water;
- Policy 35: Preserving the natural character of the coastal environment;
- Policy 36: Managing effects on natural character in the coastal environment;
- Policy 37: Safeguarding life supporting capacity of coastal ecosystems;
- Policy 41: Minimising the effects of earthworks and vegetation disturbance;
- Policy 42: Minimising contamination in stormwater from development;
- Policy 48: Principles of the Treaty of Waitangi; and
- Policy 51: Minimising the risks and consequences of natural hazards.

53) On 19 August 2022, GWRC notified Proposed RPS Change 1. Submissions on Proposed Change 1 close on 14 October 2022.

54) I have reviewed the content of this change, and it proposes some minor changes to the Objective 19 and Policies 41, 42 and 51 of the relevant provisions identified above.

55) The changes sought to Objective 19 are to recognise that the natural environment is also impacted by natural hazards and the effects of climate change, and to strengthen the desired outcome to minimise risks.

56) The changes sought to Policies 41 and 42 are to make the policy direction stronger.

57) The changes sought to Policy 51 are to link the policy to subdivision as well as land use, and to use more precise language.

58) Proposed Change 1 also introduces new policies regarding climate change, and enhancement of iwi resource management. I consider the following to be relevant to the resource consent application:

- Objective CC.7: Awareness of climate change;

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<sup>8</sup> The District Plan has also given effect to Policy 11 of the NPSUD, which relates to car parking, and states that *the district plans of tier 1, 2 and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks*. Kāpiti Coast District Council is a Tier 1 territorial authority under the NPSUD.

- Policy IM.1: Integrated management – ki uta ki tai; and
  - Policy IM.2: Equity and inclusiveness.
- 59) 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<sup>9</sup>.
- 60) **Operative District Plan 2021:**
- District Objective DO-O1: Tāngata Whenua;
  - District Objective DO-O3: Development Management;
  - District Objective DO-O4: Coastal Environment;
  - District Objective DO-O5: Natural Hazards;
  - District Objective DO-O9: Landscapes, Features and Landforms;
  - District Objective DO-O11: Character and Amenity Values;
  - District Objective DO-O14: Access and Transport;
  - District Objective DO-O15: Economic Vitality;
  - District Objective DO-O17: Open Spaces/Active Communities;
  - Business Activities Policy BA-P2: Retail, Commercial and Industrial Activities not within Centres or Other Working Zones;
  - Earthworks Policy EW-P1: Earthworks;
  - Natural Open Space Zone Policy NOSZ-P2: Recreational Activities;
  - Natural Open Space Zone Policy NOSZ-P3: Activities (General);
  - Natural Open Space Zone Policy NOSZ-P4: Buildings and Structures;
  - Natural Open Space Zone Policy NOSZ-P5: Safety;
  - Natural Open Space Zone Policy NOSZ-P6: Indigenous Biodiversity;
  - General Residential Zone Policy GRZ-P7: Development and Landforms;
  - General Residential Zone Policy GRZ-P10: Residential Amenity;
  - General Residential Zone Policy GRZ-P11: Residential Streetscape;
  - General Residential Zone Policy GRZ-P12: Landscaping;
  - General Residential Zone Policy GRZ-P19: Non-Residential Activities;
  - Coastal Environment Policy CE-P3: Preservation of Natural Character;
  - Coastal Environment Policy CE-P4: Restore Natural Character;
  - Coastal Environment Policy CE-P5: Amenity and Public Access;
  - Coastal Environment Policy CE-P6: Natural Coastal Processes;
  - Coastal Environment Policy CE-P7: Natural Dunes;
  - Natural Hazards Policy NH-P3 Managing Activities in Natural Hazard Prone Areas;
  - Natural Hazards Policy NH-P4 Precautionary Approach;
  - Natural Hazards Policy NH-P6 Public Open Space;

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<sup>9</sup> Some of the provisions of Proposed RPS Change 1 will be subject to a Freshwater Planning Process, however it is my understanding that the provisions relevant to this resource consent application are subject to a Schedule 1 process under the RMA.

- Natural Hazards Policy NH-FLOOD-P11 Flood Risk Levels;
  - Natural Hazards Policy NH-FLOOD-P12 High Hazard Flood Areas;
  - Natural Hazards Policy NH-FLOOD-P13 Ponding, Residual Ponding, Shallow Surface Flow, Flood Storage and Fill Control Areas
  - Transport Policy TR-P2 Sustainable Transport and Maximising Mode Choice;
  - Transport Policy TR-P5 Effects of Land Use on Transport;
  - Transport Policy TR-P6 Safety; and
  - Natural Features and Landscapes Policy NFL-P2 Special Amenity Landscapes.
- 61) The following provisions are also relevant, although do not carry as much legal weight, as a result of Proposed Plan Changes 1C and 1L:
- Transport Policy TR-PARK-P8A Cycle Parking;
  - Open Space Policy OSZ-P3 Activities (General); and
  - Open Space Policy OSZ-P4 Buildings and Structures.
- 62) Further, Proposed Plan Change 2 includes changes to District Wide Objectives DO-O3: Development Management and District Objective DO-O11: Character and Amenity Values, which have legal weight. In my evaluation of the resource consent application I consider these objectives as changed by Proposed Plan Change 2, and I have included in Appendix B both Operative District Plan text for these objectives, as well as the text as changed through Proposed Plan Change 2.
- 63) I do not consider that there are any provisions in any other statutory document which require consideration. In forming this opinion, I specifically considered the National Policy Statement for Freshwater Management 2020 (NPSFM), National Environmental Standards for Freshwater 2020 (NESF) and the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS).
- 64) In regard to the NPSFM and NESF, these contain provisions relevant to regional council functions. I note the applicant holds resource consents from GWRC relevant to works in and in close proximity to Tikotu Stream. I understand that no other regional resource consents are required.
- 65) In regard to the NESCS, I have outlined at Paragraphs 22 to 25 why I do not consider this document to be relevant to the application.

### 6.3. Part 2

- 66) Part 2 of the Act sets out the purpose and principles of the RMA, which, as stated in s5, is “to promote the sustainable management of natural and physical resources”. In addition, Part 2 of the RMA requires the Council to recognise and provide for matters of national importance (s6); have particular regard to other matters (s7); and to take into account the principles of the Treaty of Waitangi (s8). I consider the following matters in Part 2 are relevant to the application:
- s6(a): *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
  - s6(d): *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
  - s6(e): *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
  - s6(h): *the management of significant risks from natural hazards;*
  - s7(a): *kaitiakitanga;*
  - s7(b): *the efficient use and development of natural and physical resources;*
  - s7(c): *the maintenance and enhancement of amenity values;*

- s7(f): *maintenance and enhancement of the quality of the environment*;
- s7(g): *any finite characteristics of natural and physical resources*;
- s7(i): *the effects of climate change*; and
- s8: *take into account the principles of the Treaty of Waitangi*.

## 7. STATUTORY ASSESSMENT – s104(1)(a), (ab) and s104(2)

- 67) In the following subsections I provide my assessment of the actual and potential effects on the environment of the proposal under s104(1)(a), (ab) and s104(2), which is informed by the relevant provisions under s104(1)(b).
- 68) As a non-complying activity, there is no restriction as to what effects can be considered. In this case, the relevant effects for assessment have been informed by the contents of the application, submissions and guidance from the objectives and policies of the District Plan.
- 69) In my view, the effects that may arise from the proposal relate to:
- Traffic;
  - Natural Character;
  - Coastal Environment;
  - Retail Use;
  - Amenity;
  - Natural Hazards;
  - Iwi Matters;
  - Earthworks;
  - Infrastructure;
  - Ecology and Biodiversity;
  - Positive effects.
- 70) Of these effects, the submissions received on the application relate to traffic, natural character, coastal environment, retail use, amenity effects, natural hazards and iwi matters. I address the matters raised in submissions on each of these topic areas in the subsections below.

### 7.1. Permitted Baseline

- 71) S104(2) of the RMA allows a consent authority to disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect. This is commonly referred to as the permitted baseline and can be a useful tool to understand the degree of built environment effects relating to the application.
- 72) In the Natural Open Space Zone and within the Coastal Environment, Special Amenity Landscape 29 (Southern Beaches) and Flood Hazard – Ponding Overlays, the District Plan allows for the construction of new buildings up to 6m in height, with a footprint which does not exceed a building coverage on the site of 2% and a maximum gross floor area of 350m<sup>2</sup>, and a finished floor level above the 1 in 100-year flood extent. Limited earthworks (cut/fill of no more than 1m from original ground level and a volume of 20m<sup>3</sup> are permitted within the Flood Hazard – Ponding Overlay, and a cut volume of 10m<sup>3</sup> are permitted in the Flood Hazard – Stream Corridor Overlay (but no fill)).
- 73) Likewise, open ground level car parking areas can be constructed on the site, as Rule NOSZ-R6 permits the erection of any new structure, provided standards are met. The only relevant standard is that the car park must be setback 3m from any boundary. There are technical requirements relating to vehicle movements per day, car park sizes, aisle widths and crossing widths in the Transport Chapter which also must be complied with.

- 74) On this basis of the above, I acknowledge that buildings and open ground level car parking areas that meet the relevant standards can be constructed on the site without resource consent.
- 75) When considering the permitted standards above, the proposed buildings meet the permitted height limit and maximum gross floor area. However, building coverage<sup>10</sup> cannot be met.
- 76) By my calculation, 2% site coverage on the net site area of 30,337m<sup>2</sup> is 606.74m<sup>2</sup>. Based on the Kāpiti Coast District Council GIS and site visits, in my view existing buildings<sup>11</sup> on the site are limited to:
- The public toilets south of the playground (35.3m<sup>2</sup>);
  - Skate part shade area (9.4m<sup>2</sup>);
  - Covered BBQ kiosk (56.3m<sup>2</sup>);
  - Kāpiti Boating Club building (597.1m<sup>2</sup>)<sup>12</sup>.
- 77) As such the permitted building coverage is exceeded and therefore there is no permitted baseline for the proposed buildings.
- 78) However, in my view, while there is no permitted baseline, it should be recognised that the District Plan does permit buildings and ground level car parks in the Natural Open Space Zone, and as such buildings and car parks should be an anticipated part of the Natural Open Space zone environment.

## 7.2. Traffic Effects

- 79) The applicant provided a Traffic Impact Assessment (TIA) prepared by suitably qualified and experienced traffic engineers as part of their resource consent application.
- 80) This report was assessed by Council's traffic engineering consultant, Mr Rodenburg, who considered initially that further information was required, and once that information was provided, advised that *the application can be supported from a traffic and transport planning and safety perspective*. It should be noted that there are qualifying statements to this support, primarily relating to detailed design matters. A copy of Mr Rodenburg's advice is attached as Appendix C.
- 81) However, submissions 1, 2, 3, 4, 6 and 7 all raised concerns regarding traffic. The concerns included:
- Public parking is proposed on an unformed legal road on the submitters southern boundary, and as such could affect development of the submitters site.
  - Traffic movements and parking will be a major impact and have not been dealt with adequately in the proposal – no analysis of traffic movements at busy times in summer and holidays, nor of parking during ferry boat operations or events in MacLean Park has been provided.
  - Transport report is selective in what it considers, including where ferries currently load from, where ferry users park their cars.
  - Better information could be provided, including crash and traffic flow data.

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<sup>10</sup> Building Coverage and is defined as the percentage of the net site area covered by the building footprint. Net site area is defined as the total area of the site, but excludes (a) any part of the site that provides legal access to another site; (b) any part of a rear site that provides legal access to that site; and (c) any part of the site subject to a designation that may be taken or acquired under the Public Works Act 1981. Building footprint is defined as the total area of buildings at ground floor level together with the area of any section of any of those buildings that extends out beyond the ground floor level limits of the building and overhangs the ground.

<sup>11</sup> A building is defined in the District Plan as a temporary or permanent movable or immovable physical construction that is: (a) partially or fully roofed; and (b) is fixed or located on or in land; but excludes any motorised vehicle or other mode of transport that could be moved under its own power.

<sup>12</sup> Note, this calculation differs from that which was included as footnote 4 to the s95 Report, which in error excluded the Kāpiti Boating Club building from the building coverage calculation.

- The boat club car park will continue to be used for ferry passenger parking, and the route to the biosecurity pod is potentially hazardous and a safety issue.
  - The traffic modelling is inaccurate.
  - The proposal results in 18 car parks being removed, which need to be replaced.
  - Alternative transport modes have not been fully investigated.
  - The application has not demonstrated ample parking for the multiple activities that will run concurrently from the proposal.
  - Traffic and parking effects will negatively affect nearby residential properties to a more than minor extent.
  - There will be increased traffic congestion and greater vehicle movements.
  - Other future developments may impact on car parking.
  - Car parks may be used by freedom campers.
  - The need for a new car park in area C6, MacLean Park, has not been demonstrated, given the existing carparking capacity available (demonstrated by studies), the increase in parking spaces from the reconfiguration of the southern car park and the low statutory requirements.
- 82) In terms of the statutory framework, I consider that District Plan Objective DO-O14 and policies TR-P2, TR-P5, TR-P4 and TR-PARK-P8A are applicable. These provisions seek integrated transport and land use, an efficient and safe transport network, and connectivity for all communities.
- 83) In considering the above matters, I note that Mr Rodenburg has not raised any concerns about the accuracy of the traffic modelling and safety data that the applicant has provided. In terms of potential congestion, he considers that *“the assessment undertaken sufficient to demonstrate that the increased traffic movements should not result in a noticeable increase in congestion or unreasonable delays for road users. The traffic levels are within the thresholds for these roads in the District Plan, and are not expected to exceed that which could be reasonably expected around an urban town centre”*<sup>13</sup>.
- 84) In terms of car parking, the number and location of car parks has been determined by the applicant. The application includes an assessment of the District Plan for car and cycle parking requirements for the proposed activity. Mr Rodenburg has advised that the parking surveys and assessment undertaken by the applicant demonstrably show that sufficient parking will remain within Maclean Park and surrounding areas to accommodate the existing and assessed parking demand.
- 85) Finally, with regard to other future developments which may impact on car parking, and the use of proposed car parks by freedom campers, these are operational matters which I understand can be appropriately dealt with through enforcement action should they prove to be an issue (not just for the proposed car parking spaces, but also all existing spaces should the proposal not be constructed). Further, any future development is required to undertake an assessment against the District Plan requirements.
- 86) I consider that, on the basis of the expert opinions received and the statutory framework in which the matters have been assessed, the traffic effects are no more than minor.

### 7.3. Natural Character Effects

- 87) Submissions 2, 5, 6 and 7 all raised concerns about the effect that the proposal could have on natural character. The concerns included:

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<sup>13</sup> Section 4.6 of the Tonkin and Taylor Report entitled “Te Uruhi | Kāpiti Gateway Visitor Centre, Independent Peer Review of Traffic Impact Assessment for Resource Consent” dated 23 February 2022 and attached in Appendix C of this s42A Report.

- The proposed building will not preserve the natural character of the coastal environment – the biosecurity function of the building could be undertaken less intrusively and at less expense using a “trailer system”.
- The park should be kept as an open park in tune with the environment and with buildings and decks kept to a minimum.
- High natural character is poorly defined.
- Screening is relied on in the application from Pohutukawa trees, but those trees have been trimmed and removed.
- Need to better understand what is planned on the western margin of the gateway into the beach area.
- Landscape impact assessment rating appear subjective and want to understand criteria used.

88) In terms of the statutory framework, I consider the following provisions to be applicable:

- NZCPS Objective 2 and Policies 13, 14 and 15;
- RPS Objectives 3, 4 and 18, and Policies 35 and 36
- District Plan Objective DO-O9 and Policies NOSZ-P2, NOSZ-P3, NOSZ-P4, CE-P3, CE-P4, CE-P6, CE-P7 and NFL-P2.

89) These provisions seek the preservation of the natural character of the coastal environment, protection of areas from inappropriate subdivision use and development, the restoration of natural character in identified areas, maintenance and enhancement of the quality of the environment and values of the landscape.

90) In determining whether an activity is inappropriate, RPS Policy 36 states that particular regard shall be given to:

(a) *the nature and intensity of the proposed activity including:*

- (i) *the functional need or operational requirement to locate within the coastal environment*
- (ii) *the opportunity to mitigate anticipated adverse effects of the activity*

(b) *the degree to which the natural character will be modified, damaged or destroyed including:*

- (i) *the duration and frequency of any effect, and/or*
- (ii) *the magnitude or scale of any effect;*
- (iii) *the irreversibility of adverse effects on natural character values;*
- (iv) *whether the activity will lead to cumulative adverse effects on the natural character of the site/area.*

(c) *the resilience of the site or area to change;*

(d) *the opportunities to remedy or mitigate previous damage to the natural character;*

(e) *the existing land uses on the site.*

91) District Plan Policy NOSZ-P4 provides guidance as to when buildings and structures are appropriate in the Natural Open Space Zone. It states that<sup>14</sup>:

*New buildings and structures will be designed, located and constructed in a manner which does not reduce the overall quality of the District's Natural Open Space Zone, while recognising that some buildings and structures can enhance recreational and open space values. Where new buildings or structures are proposed in the Natural Open Space Zone, specific consideration will be given to:*

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<sup>14</sup> It should be noted that District Plan Policy OSZ-P4 provides similar guidance to NOSZ-P4, and has some legal weight given the intentions of Proposed Plan Change 1L to rezone the site to Open Space as opposed to Natural Open Space.

1. *the appropriateness – including the relationship to the surrounding environment – of the purpose, number, size and location of new buildings and structures;*
  2. *the extent to which any building or structure – including its design and appearance – positively contributes to, or detracts from, recreational and open space amenity, and cultural, ecological and landscape values;*
  3. *whether any proposed building or structure unduly precludes or limits public access; and*
  4. *any cumulative effects, including from proliferation of buildings and structures in a given open space area.*
- 92) The applicant's landscape architect has assessed the degree of natural character within the project area (as per the definition of Natural Character in the District Plan) and has determined that the land where the southern carpark is proposed has a significantly lower degree of naturalness and its value of natural character is primarily limited to providing a transition between a higher area of naturalness further south and the more built-up environment around MacLean Park. They also note that the effect on natural character resulting from the proposal is highly localised.
- 93) The Council's landscape architect, Ms Williams, agrees with the applicant landscape architect's assessment. Ms Williams notes that the proposal will have minimal effects on what they consider to be an area of High Natural Character to the west, and the effects from the proposal are localised. A copy of Ms Williams' advice is attached in Appendix D.
- 94) Both landscape architects are in agreement that the effect on natural character from a localised perspective (defined as being 55, 56, 57 and 58 Marine Parade) is moderate, and that on the wider environment, the natural character effects are low-moderate. The proposed offset mitigation planting proposed by the applicant is an important element in coming to these conclusions.
- 95) Based on this advice, there is at least a minor adverse natural character effect on 55, 56, 57 and 58 Marine Parade, as well as a minor natural character effect on the wider environment.
- 96) Further, consideration needs to be given to the fact that construction of buildings and car parks to a certain level can be undertaken as a permitted activity in the Natural Open Space Zone and Special Amenity Landscape 29 – Southern Beaches and Coastal Environment overlays (as discussed in paragraphs 70 to 78 above).
- 97) Given this context, I consider that, based on my interpretation of the relevant statutory provisions, the location of the proposal being outside the District Plan identified area of high natural character, and the advice from both the applicant's and the Council's landscape architects, that the effects from the proposal on natural character are acceptable.

#### **7.4. Effects on the Coastal Environment**

- 98) Submission 2 raised concerns about the effect that the proposal could have on the coastal environment. The submission considered that the proposal is an inappropriate use and development of the coastal environment. As has been established, the site is within the Coastal Environment overlay of the District Plan.
- 99) In terms of the statutory framework, I consider the following provisions to be applicable:
- NZCPS Objectives 1,4 and 6 and Policies 1, 3, 6 and 18;
  - RPS Objective 8;
  - District Plan Objectives DO-O4 and DO-O17 and Policies CE-P5, CE-P6 and CE-P7.
- 100) These provisions seek:
- to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land;
  - maintain and enhance public open space;
  - recognise that some activities can be undertaken in the coastal environment;

- the adoption of a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse; and
  - the effects of inappropriate subdivision, use and development are avoided, remedied or mitigated; and allow for natural coastal processes.
- 101) NZCPS Objective 6 is clear in that protecting the *values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits* and that *functionally some uses and developments can only be located on the coast or in the coastal marine area*.
- 102) While the site is located in the coastal environment, it is also in an area where, as mentioned, buildings and structures are permitted subject to standards being met and is outside of the District Plan identified area of high natural character. Further, the proposal is, for the most part, to undertake an activity that facilitates an existing activity, being Kāpiti Island tours, which must use the Coastal Marine Area. In my view, providing the proposed facility in the coastal environment is necessary. Placing the facility outside of the coastal environment could result in a disconnection with Kāpiti Island, which is the focus of the proposal.
- 103) As such, I consider that the proposal is suited to the coastal environment, and any actual and potential adverse effects on the coastal environment are acceptable.

## 7.5. Effects Resulting from Retail Use

- 104) Submission 2 raised a concern about the proposed retail use aspect in the application, stating that such a use was only necessary for funding. This is something the applicant may wish to comment on. Regardless, the proposed retail use in the Natural Open Space Zone of the District Plan is a non-complying activity.
- 105) Therefore, to consider the effects resulting from this proposed use, I have considered the relevant objectives and policies. These are specific to the District Plan, and in my view are Objective DO-O15 and Policies BA-P2, NOSZ-P3 and OSZ-P3.
- 106) Objective DO-O15 encourages business activities in appropriate locations. Policy BA-P2 seeks to protect the function of centres and other working zones, and ensuring effects are mitigated. Policies NOSZ-P3 and OSZ-P3 are essentially the same, and state that activities in these zones *that may result in adverse environmental effects will be avoided unless (1) the activities will meet the recreational or open space needs of the community; and (2) the associated effects will be remedied or mitigated*. Further, the policy states that:
- Where such activities are proposed in the Natural Open Space Zone, specific consideration will be given to:*
1. *the extent to which the activity provides a recreational or open space value (including cultural values) that is not available, or which is underprovided, within the identified catchment area for the activity;*
  2. *the appropriateness and effectiveness of any mitigation or remediation measures proposed, including the need (if any) for ongoing or regular management;*
  3. *the appropriateness of the particular open space in which the activity is proposed, including whether it is better suited to an alternative location;*
  4. *whether or not the activity would preclude future adaptive uses of the open space area; and*
  5. *whether or not the activity would unduly limit or preclude public access.*
- 107) In considering Policy NOSZ-P3, the only activities considered by the policy in the Natural Open Space Zone are those that will meet the recreational or open space needs of the community. In my view, the proposal overall is to facilitate a recreational need of the community, being facilitating visits to Kāpiti Island. The retail use is ancillary to this use and could additionally provide a potential service to users of the wider MacLean Park area and surrounds, providing opportunities for the purchase of drinks and snacks for people undertaking recreational activities in the park.

- 108) Therefore, in my view, a retail activity will meet a need of the community. However, the type of retail activity needs to be limited to those which are ancillary to recreational activities, which is the sale of products associated with visits to Kāpiti Island, and food and drinks for people both visiting the island and using the park and its surrounds<sup>15</sup>. This can be achieved via a condition of consent.
- 109) As I consider that the retail use will assist the community in their recreational activities, the specific considerations in Policy NOSZ-P3 and OSZ-P3 require assessment.
- 110) In my view, the retail use does not provide for a recreational value that is otherwise unavailable (although the primary use of the proposal as a biosecurity and information facility for Kāpiti Island does not otherwise exist), however the size and limits as to what can be sold from any retail use provides appropriate mitigation. The size and limits also do not undermine Centres or other commercial areas of the Kāpiti Coast District.
- 111) Therefore, I consider that the proposed retail use is appropriate, subject to conditions.

## 7.6. Amenity Effects

- 112) As stated, the application site is within Special Amenity Landscape<sup>16</sup> 29 – Southern Beaches overlay of the District Plan.
- 113) Submissions 2, 3, 4, 5 and 6 all raised concerns about the effect that the proposal could have on amenity. The concerns included:
- Effects on views;
  - Events on the proposed decks could project noise and light directly towards properties on the opposite side of the road;
  - Sun, peace and tranquillity will be adversely affected. Cumulative effects are negatively life changing.
  - Proposed bulk and location will have a negative effect in the immediate vicinity of the affected neighbours. The proposed building will be of a size and scale that is out of character with the area.
  - The proposed car parks and associated earthworks fail to maintain and enhance the amenity values of the area, including the reserve.
- 114) In terms of the statutory framework, I consider the following provisions to be applicable:
- NPSUD Objective 4;
  - District Plan Objective DO-O11 and Policies NFL-P2, GRZ-P7, GRZ-P10, GRZ-P11, GRZ-P12 and GRZ-P19
- 115) NPSUD Objective 4 states that *urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities and future generations*. District Plan Objective DO-O11 as changed through Proposed Plan Change 2 reiterates NPSUD Objective 4.
- 116) The other relevant District Plan objectives and policies seek the maintenance and enhancement of amenity values; integration with landform; requirements for landscaping; and consideration of the appropriateness of the scale, size and intensity of proposed buildings, and hours of operation. In terms of Special Amenity Landscape 29, the only relevant provision in the District Plan is NFL-P2, which states:
- Subdivision, use and development in special amenity landscapes will be located, designed and of scale and character that maintains or enhances the values of the landscape areas identified*

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<sup>15</sup> The definition of *Retail Activity* in the District Plan means the use of land or buildings where goods and services are offered or exposed to the general public for sale, hire or utilisation, and includes but is not limited to food and beverage outlets, drive-through restaurants, trade supply retail, yard based retail activity and service stations.

<sup>16</sup> The definition of *Special Amenity Landscape* in the District Plan means areas of land that are distinctive, widely recognised and highly valued by the community for their contribution to the amenity and quality of the environment of the district.

*in Schedule 5 of this Plan and taking into account existing land uses including primary production.<sup>17</sup>*

- 117) In considering amenity effects, I have also considered the permitted baseline scenario outlined in Paragraphs 57 to 62 and consider that decisions made on this application should be in the context that both buildings and car parking areas can be constructed without resource consent on the subject site, and while I consider there to be no permitted baseline for this application, the presence of both the buildings and the car parking areas in this zone can be reasonably expected, and the mitigation included within the application, primarily relating to landscaping, but also proposing buildings with a footprint and height smaller than the permitted standards, is appropriate in my view to mitigate any actual and potential adverse amenity effect.
- 118) Given this, as well as the guidance offered by NPSUD Objective 4 and District Plan Objective DO-O11 (as changed through Proposed Plan Change 2), both which requires recognition that amenity values are not a fixed proposition, the proposed changes to the site and their resulting effect on amenity of nearby residences, to some degree must be anticipated. In coming to this conclusion, I consider that the site forms part of an urban environment, as it provides part of the transition from the urban area on the eastern side of MacLean Park, and the coast.
- 119) Further, the proposal has proposed a building footprint and height which is smaller than what the District Plan permits, has stated their design intent to *nestle* the proposed building *amongst existing mature trees*, and have it *'tucked' behind the coastal dune*<sup>18</sup>.
- 120) In terms of noise and light, which form part of amenity, there are permitted standards for noise and light in the District Plan which the resource consent holder must meet.
- 121) Intensity of use can also be considered an amenity effect. However, the application makes it clear that the primary intention of the proposal is to better facilitate and provide an improved experience for an existing activity that occurs on the site, being a departure point for Kāpiti Island tours, and notes that the Department of Conservation limit the number of visitors per day to Kāpiti Island, and this control remains whether or not the proposed buildings are constructed. As such, I consider the intensity of use, and its resulting effect on amenity, to be appropriate. Other users of the proposed buildings and potentially car park areas are those that intend to visit the McLean Park area and beach (but not necessarily go to Kāpiti Island. In my view these people will not necessarily be attracted to the area due to the proposed buildings and car parks, but that these are an additional experience for people who would otherwise visit the area anyway.
- 122) Given this, I consider that any actual and potential adverse effects on amenity resulting from the resource consent application are acceptable.

## **7.7. Natural Hazards Effects**

- 123) Submissions 2, 3, 4, 5 and 6 all raised concerns about the effect that the proposal could with regards to increasing the risk associated with natural hazards at the site. The concerns included:
- The site is prone to flooding and is adjacent to building line restrictions in a coastal environment. Questions as to life expectancy of the project, given buildings are designed to be relocatable.
  - Earthworks are proposed in an area which the Council's coastal hazard consultants have provisionally identified as an area which is likely to be subject to erosion and inundation.

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<sup>17</sup> The values identified in Schedule 5 of the District Plan for Special Amenity Landscape 29 is included in Appendix B. By way of a brief summary, the values include a physical values including *patterns of landform are influenced by greater levels of use by residents and visitors and ease of access and development on or near the foredunes. Naturalised indigenous vegetation patterns are limited, due to the impact of coastal erosion, colonising exotic weeds, the proximity of development to the coastal edge and the effects of vehicular and pedestrian traffic;* perceptual values including *built development along the majority extent adds further complexity to this landscape, although distinct patterns of residential character can be recognised, that are broadly aligned with the patterns of landform and relative prominence of the inland dunes,* and associative values including *Paraparaumu is also the starting point for day/ overnight trips to Kāpiti Island... Designed/managed esplanade areas at... Paraparaumu... are also valued for public amenities; walkways, boat ramps, car parks, changing rooms etc.*

<sup>18</sup> Page 40 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

- Within the context of climate change and sea level rise, the proposal will increase the risk of inundation to properties (including the submitters) on the east side of Marine Parade during storm surges. The proposal will increase the level of erosion.
- The proposed car park is in an identified flooding area and the increased asphalt area will increase the level of flooding to the road during storm surges and high intensity rainfall when the stormwater capacity is exceeded.
- While the proposed building may be relocatable, the reality is that the Council will in the future come under pressure to protect the building and the site. If approved, this development will create an unfortunate precedent.

124) In terms of the statutory framework, I consider the following provisions to be applicable:

- NZCPS Objective 5 and Policies 3 and 25;
- RPS Objectives 19 and CC.7 and Policy 51; and
- District Plan Objective DO-O5 and Policies NH-P3, NH-P4, NH-P6, NH-FLOOD-P11, NH-FLOOD-P12 and NH-FLOOD-P13.

125) These provisions require coastal hazards to be accounted for, including locating new development away from areas prone to such risks; avoiding land uses that would increase the risk of adverse effects of coastal hazards; reduce the risk and consequences from natural hazards and climate change effects' avoiding exposure to increased levels of risk from natural hazards; using the precautionary approach when there is uncertainty; having a higher level of control for development in stream corridors than in ponding areas.

126) In particular, RPS Policy 51 states:

*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 frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;*
- the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;*
- whether the location of the development will foreseeably require hazard mitigation works in the future;*
- the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;*
- any risks and consequences beyond the development site;*
- the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;*
- avoiding inappropriate subdivision and development in areas at high risk from natural hazards;*
- the potential need for hazard adaptation and mitigation measures in moderate risk areas; and*
- the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.*

127) Further District Plan Policy NH-P3 states that *subdivision, use and development will be allowed only where it can be shown that any potential increase in risk exposure on or beyond the land itself has been avoided, remedied or mitigated.*

128) There are three natural hazard facets of the proposal which must be considered, being flood, earthquake, and coastal hazards. I consider each of these in turn below.

### 7.7.1 Flood Hazards

- 129) In terms of flooding and ponding effects, the proposed building will be located in a Flood Hazard – Ponding overlay. To mitigate this, the applicant has stated that the proposed buildings will be located on piles, resulting in a finished floor level of RL 3.4. This is above the predicted 1% Annual Exceedance Period (1 in 100 year) flood level of RL 3.2. In terms of potential displacement of flood water resulting from the proposal, the application states that the piles on which the buildings will be placed equate to an area of less than 1% of the direct catchment area, and therefore considers any effect resulting from the potential displacement of the flood water to be negligible.
- 130) Mr Kocher, Council's development engineer has reviewed these aspects and has not raised any concerns. In my view, the proposed mitigation is acceptable in terms of the relevant statutory planning provisions. I note that proposed amendments in Proposed Change 1 to Policy 51 of the RPS specifically state the need to *locate floor levels of habitable buildings and buildings used as places of employment above the 1% AEP (1:100 year) flood level, in identified flood hazards*.
- 131) The application also proposes earthworks in the Flood Hazard – Stream Corridor overlay. District Plan Policy NH-FLOOD-P12 is specific that *development in the...stream corridor...will be avoided unless the 1% AEP hazard can be mitigated on-site to avoid damage to property or harm to people, and the following criteria area met:*
1. *no increase in flood flow or level on adjoining sites or other parts of the floodplain;*
  2. *no reduction in storage capacity on-site; and*
  3. *all flow corridors or overflow paths are kept clear to allow flood waters to flow freely at all times.*
- 132) In my view, NH-FLOOD-P12 sets a high threshold, in terms of it stating that development will be avoided unless mitigation is undertaken and criteria are met
- 133) The application states that the works within the Flood Hazard – Stream Corridor overlay are required to *naturalise the stream banks and are widening the stream corridor, and therefore allowing flood waters to flow with greater ease*<sup>19</sup>. Mr Kocher has reviewed this and has not raised any concerns. I also note that GWRC have granted resource consent for these works. Given this, I consider that the policy has been met, and that the effects of the works in the Flood Hazard – Stream Corridor overlay are acceptable.

### 7.7.2 Earthquake Hazards

- 134) At the time the application was made, Rule NH-EQ-R23 of the District Plan had legal effect. The rule applied to the application, as the site is located on sand or peat soils, and therefore considered to be at greater risk of liquefaction. The application included a report from a geotechnical engineer concerning the liquefaction risk and design and location risk that such soil gives rise to. The geotechnical engineer concluded that these risks can be managed through specific foundation design, with the applicant proffering a resource consent condition that final building plans should incorporate the findings of the geotechnical engineering report. Mr Kocher has reviewed this and has not raised any concerns. Given this, and the fact the rule is considered *inoperative*<sup>20</sup> in the District Plan, I consider that the proposal is acceptable in terms of earthquake hazard risk.

### 7.7.3 Coastal Hazards

- 135) The applicant, whilst acknowledging that the site is outside of the operative building restriction line of the District Plan 1999, considers that the site will be exposed to coastal hazards. Consequently, the proposed buildings have been intentionally designed to be relocatable<sup>21</sup>.

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<sup>19</sup> Page 55 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

<sup>20</sup> As at September 12, 2002, a statement remains included in the Natural Hazards chapter of the District Plan, which states *This chapter is affected by... Proposed Plan Change 1B...No submissions were made on Plan Change 1B. Accordingly, section 86F of the RMA requires that the amendments to [Rule NH-EQ-23] in Plan Change 1B must be treated as operative, and the former versions of the rules must be treated as inoperative.*

<sup>21</sup> Page 56 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

- 136) In the time since the application was lodged, Kāpiti Coast District Council have received and published *Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment*. The report was prepared by Jacobs New Zealand Limited, peer reviewed by Beca and GWRC. It was published in February 2022. Kāpiti Coast District Council commissioned the report to update previous coastal hazard assessments of the Kāpiti Coast District shoreline. It identifies areas susceptible to current and future coastal erosion and inundation under various potential magnitudes of sea-level rise over 30, 50, and 100 years and identifies infrastructure, community services and private property vulnerable to those hazards.
- 137) In terms of the application site, my reading of the report is that the proposed buildings are located within the *Tikotu Stream Hydrosystem Cell* and historically the shoreline has been accreting in this area<sup>22</sup>. The report states that, over all timeframes measured in the report, no public parcels of land within the *Tikotu Stream Hydrosystem Cell* intersect with the most likely projected future shoreline positions.
- 138) However, this does not mean that the site is 'safe' from coastal hazards and designing the building to be relocatable should it be susceptible to coastal hazards in the future (and presumably any other natural hazard) in my view is prudent mitigation and aligns with the relevant precautionary approach provisions in the NZCPS and District Plan.

## 7.8. Iwi Matters

- 139) Submissions 3, 4 and 7 all raised a concern relating to iwi matters, specifically that the iwi input into the application pre-dated the proposal for the car parks to the south opposite 55, 56 and 57 Marine Parade.
- 140) In terms of the statutory framework, I consider the following provisions to be applicable:
- NZCPS Objective 3 and Policy 2;
  - RPS Objectives 24, 25 and 26 and Policies 48, 49 IM.1 and IM.2; and
  - District Plan Objective DO-O1.
- 141) These provisions require that the principles of the Treaty of Waitangi are taken into account; recognise the role of tāngata whenua as kaitiaki; provide for tāngata whenua involvement; and provide for Mauri.
- 142) The applicant has undertaken consultation with Ātiawa ki Whakarongotai and Ngāti Toa and included Cultural Impact/Values Assessments prepared by these iwi. Neither assessment identifies any reason why the proposal should not proceed.
- 143) The applicant may wish to reiterate through their evidence or at the hearing that both Ātiawa ki Whakarongotai and Ngāti Toa confirm that the amendments that have been made, in the time since the Cultural Impact/Values Assessments have been completed, are acceptable to them.

## 7.9. Earthworks Effects

- 144) The proposal includes facilitatory earthworks for both the building and car park areas. There were no submission points directly relating to proposed earthworks.
- 145) In terms of the statutory framework, I consider that RPS Policy 41, and District Plan Objective DO-O9 and EW-P1 are applicable. The RPS policy seeks to minimise the effects of earthworks and vegetation disturbance, and the District Plan objective seeks, in part, to *avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms*.
- 146) There are other provisions which are in part applicable to earthworks, such as Natural Character, Coastal Environment, Amenity and Natural Hazard effects. I have considered the effect of earthworks in regard to these matters in those relevant sections.
- 147) The primary earthworks effects associated with the proposal are visual effects, erosion, dust and sediment control effects (including consideration of the adjacent Tikotu Stream and Coastal

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<sup>22</sup> Figure 7.7 of the Kāpiti Coast Coastal Hazards Susceptibility and Vulnerability Assessment, Jacobs, February 2022

Marine Area), and stability effects. I note some of these effects, particularly relating to discharge, formed part of the consideration of GWRC when they granted resource consents to the proposal, albeit from a regional council functions perspective.

- 148) In my opinion, the effects resulting from earthworks are temporary, as exposed areas will be covered by structures on their completion.
- 149) The applicant has stated that earthworks would be undertaken in accordance with Kāpiti Coast District Council's *Subdivision and Development Principles and Requirements 2012*. They also state that erosion and sediment effects will be managed in accordance with *GWRC's Erosion and Sediment Control Guidelines 2021*. They also state that they anticipate conditions of resource consent regarding these matters<sup>23</sup>.
- 150) The visual effects have been considered by the landscape architects, neither of whom have raised any concern from an earthworks perspective. The proposed earthworks have also been reviewed by Council's development engineer, who has not raised any concern with erosion, dust and sediment control measures, or stability.
- 151) As such, I am of the opinion that the effects relating to the proposed earthworks are acceptable and mitigated by the proffered and recommended conditions of consent.

### 7.10. Infrastructure and Servicing Effects

- 152) The application includes details of stormwater and wastewater disposal, water supply, electricity connections and access. There were no submission points directly relating to proposed infrastructure, although I note that one submission was concerned with stormwater runoff from an increase in impervious area associated with the proposed car parks.
- 153) In terms of the statutory framework, I consider that RPS Objective 12, relating to the quantity and quality of freshwater, and RPS Policy 42, regarding minimising contamination in stormwater from development, are applicable.
- 154) The infrastructure and servicing details included in the application have been reviewed by Mr Kocher, Council's development engineer, who has not raised any concerns.
- 155) It is noted that the proposal has been designed to be hydraulically neutral (through the provision of soak pits and rain gardens). It is also noted that the application includes the re-laying of a Council stormwater main. Again, no concerns have been raised by Mr Kocher.
- 156) The application proposes to attach solar panels to the building roof, in a manner which is compliant with the permitted activity rules in the District Plan.
- 157) As such, I am of the opinion that, the effects relating to the proposed infrastructure and servicing are acceptable.

### 7.11. Ecology and Biodiversity Effects

- 158) No submissions were received with respect to ecology and biodiversity effects; however, the application included *Terrestrial and Stream Ecological Impact Assessment* prepared by Cardno (NZ) Limited.
- 159) In terms of the statutory framework, I consider the following provisions to be applicable:
- NZCPS Objective 1;
  - RPS Objective 7; and
  - District Plan Policy NOSZ-P6.
- 160) These provisions require that the coastal environment can sustain its ecosystems, and that opportunities to enhance indigenous biodiversity will be identified and implemented through the development of the Natural Open Space Zone.

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<sup>23</sup> Page 51 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

- 161) It is also noted that the site is not located within any area identified for its ecological features in the District Plan.
- 162) The applicant's *Terrestrial and Stream Ecological Impact Assessment* concluded that the proposed works would likely benefit the instream habitat, ecological functioning and surrounding riparian zone of the Tikotu Stream, and have a less than minor adverse effect on the terrestrial habitat.
- 163) I have relied on this assessment, and on the basis of the conclusions reached in it, consider that the ecology and biodiversity effects of the proposal are acceptable.

#### **7.12. Positive Effects**

- 164) The definition of effect in the RMA includes positive effects. In my opinion, the proposal will assist visitors to Kāpiti Island in a manner which is currently not available, will improve the amenities offered to those visitors, and will provide opportunities for public education regarding Kāpiti Island that are not currently available. I consider these to be positive effects.

#### **7.13. Conclusions as to Statutory Assessment – s104(1)(a), (ab) and s104(2)**

- 165) The application results in both positive and adverse actual and potential effects on the environment. When considering these effects, particularly in the context of the applicable statutory provisions under s104(1)(a), (ab) and s104(2), I consider that overall, the proposal will be acceptable.

### **8. STATUTORY ASSESSMENT – s104(1)(c)**

- 166) I have considered the other matters raised in submissions relating to project economics, resource consent process concerns, documentation concerns, reserve matters and encroachment matters under s104(1)(c) of the RMA. This section requires the consent authority, when considering an application for a resource consent and any submissions received, to have regard to “*any other matter the consent authority considers relevant and reasonably necessary to determine the application*”.
- 167) I address these matters in turn below. I also consider the Toitū Kāpiti - Kāpiti Coast District Council Open Space Strategy to be relevant.
- 168) There are no other matters considered relevant that would assist in determining the application.

#### **8.1. Project Economics**

- 169) One submitter raised concerns regarding the cost of the proposal, seeking financial justification of the proposed retail activity, considering it to be buried by cost over-run, and that the cost of servicing the funding for the proposal will impact ratepayers. Submitters 2, 3, 4, 5 and 6 all stated that the resource consent application did not include any economic justification and viability.
- 170) While these concerns can be held by submitters, they are not matters for the determination of the resource consent application. I have evaluated the proposed retail activity on its merits under the statutory framework and consider it to be acceptable from a resource management perspective.
- 171) In any case, I understand that the applicant has provided economic justification through Council decisions that have been made, and these decisions are available on public record.

#### **8.2. Resource Consent Process**

- 172) Submissions 2, 3, 4, 5 and 6 all raised concerns about resource consent process. The concerns included:

- All of the resource consents should have been sought together. Lighting and signage plans need to be approved within the resource consent process;
  - Is a further resource consent needed for the modification of the fore dune north of the stream to “improve” beach access for cars and boats?
  - S95 of the RMA has not been satisfied – a number of objections have been made and ignored;
  - The proposal does not comply with 11 District Plan standards and policies. Councils are meant to monitor and enforce compliance with the policies and standards, not propose to exceed them;
  - Consider that construction has been initiated, and that this predetermines the resource consent decision;
  - The proposal is contrary to natural justice and fair process, sections of the RMA, the NZCPS, District Plan and the MacLean Park Reserve Management Plan;
  - The resource consent application fails to adequately consider appropriate alternatives; and
  - The building where it extends into the residential zone does not comply with permitted standards.
- 173) In terms of lighting and signage plans, I note that the District Plan permits these as an activity in the Natural Open Space Zone (and in the Open Space Zone – Recreation), subject to standards. As such, the applicant is within their rights to include these without resource consent, should the standards be met. The applicant may wish to comment further on this.
- 174) The application does not include any modification of the fore dune north of the stream. Again, the applicant may wish to comment further on this.
- 175) The Kāpiti Coast District Council notification report was prepared in accordance with s95 of the RMA. Likewise, this report has been prepared in accordance with s42A of the RMA and assesses the application against the relevant provisions of the RMA, NZCPS and the District Plan. I have made comments on the MacLean Park Reserve Management Plan below at Paragraphs 183 to 186.
- 176) s6(1)(a) of Schedule 4 to the RMA states that *if it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity* is to be included in the resource consent applications assessment of environmental effects. After evaluating the information relevant to this application, both from the applicant and from the Council advisors, I do not consider that the application gives rise to any significant adverse effects on the environment, and therefore an analysis of alternatives is not required.
- 177) The effect resulting from the non-compliances with the General Residential Zone permitted standards have been included in the application and both Ms Williams and I have assessed these as part of the s42A process. The application seeks resource consent for these aspects, and I consider that the effects resulting from breaching the permitted standards are acceptable under the applicable statutory framework.

### 8.3. Documentation Concerns

- 178) Submissions 2, 3, 4 and 5 all raised concerns about documentation. The concerns included:
- Accuracy of the plans (including road alignment and vegetation matters);
  - Consultation that has occurred;
  - Building Act matters; and
  - Site coverage calculation.
- 179) I have assessed the information included in the application and have no reason to consider the plans to be inaccurate. They are from an experienced architect and landscape architect who are qualified to produce such plans.

- 180) Any consultation that has occurred has been done in parallel with and not required by the resource consent process. The applicant may wish to provide a summary of the consultation that has been undertaken.
- 181) Building Act requirements are not for consideration as part of the resource consent process.
- 182) In terms of site coverage, I have addressed this in Paragraph 72 above.

#### 8.4. Reserves Act 1977 Matters

- 183) Part Section 2 SO Plan 322370, which forms part of the subject site, is vested Recreation Reserve and as such is subject to the Reserves Act 1977. As a result, Kāpiti Coast District Council has prepared the *MacLean Park Te Uruhi Reserve Management Plan 2017* (the Management Plan). The 2017 version of the Management Plan replaced earlier iterations and was a publicly notified document.
- 184) The application describes the Management Plan as *presenting a framework for the long-term future use, management and development of Maclean Park... [it] supports the development of a Gateway Facility and it is clearly provided for in the plan. Within the management plan, there are several references to a Gateway, including within the management plan process, the Maclean Park Vision to provide for a 'Gateway' or Visitor Attraction Centre, and provides specific details of a 'Gateway Building' under Part D, Project Area A: The Gateway on pages 41 and 42. These specific details include potential actions, guiding principles and potential drivers and issues. It is noted that any 'Gateway' would be a major project and would require further detailed scoping beyond the management plan.*<sup>24</sup>
- 185) I have reviewed the Management Plan and agree with this description. In particular I note that the Management Plan lists a *Gateway/Visitor Attraction* as a project for the park, with the potential actions, guiding principles and potential drivers and issues for the project identified as being<sup>25</sup>:

##### 1. Potential Actions

- *Support a collaboratively developed visitor centre / Kāpiti Island Gateway Building in this project area*
- *Provide a high quality access over the stream for pedestrians including interpretation of the natural and cultural environment.*
- *Restore the margins of the Tikotu Stream*
- *Consider the Kāpiti Road round-about as part of the project area*
- *Improve the boat launching access in the current location, unless an alternative location enabling more extensive restoration of the stream can be technically achieved.*

##### 2. Guiding Principles

- *Provide a destination attraction for visitors to Kāpiti Island*
- *Improve the sense of arrival to the park from Kāpiti Road and Kāpiti Island*
- *Recognise and support the Tikotu Stream as a 'destination' for wildlife*
- *Improve the stream margins*
- *Manage drainage and runoff with integrated water sensitive design*
- *Consider education as part of the natural experience of the stream environment*
- *Contribute to improved knowledge, water quality, and natural values of the stream*

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<sup>24</sup> Page 51 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

<sup>25</sup> Page 41 of the Management Plan. Note, A copy of the Management Plan can be found at <https://www.kapiticoast.govt.nz/media/27933/maclean-park-management-plan-2017.pdf>

- *Improve land to sea and sea to land linkages including direct engagement with the boating community*
- *Provide excellent views to Kāpiti Island which are unobstructed by vehicles and parking*

### 3. *Potential Drives and Issues*

- *In terms of the overall park and village, the development of a significant visitor facility on this site has the potential to compound emerging issues with parking and access for large vehicles. Parking and servicing for this facility needs to be provided and contained within the northern area of the site so as not to adversely affect the recreational values in other parts of the reserve. For this reason, it is recommended that the roundabout area be included within the project area.*
- *A Kāpiti Island Gateway and improvement of the stream has been identified by iwi as the project of priority for Maclean Park.*
- *The project is considered high priority for visitor attraction and economic development by Councils Economic Development Leadership Group.*
- *Kāpiti Boating Club has a lease on the site until 2027, throughout the consultation on this project the boating club have indicated that they would support a partnership to develop a 'Gateway' if that were to occur.*
- *The Department of Conservation are supportive of the concept to collaboratively develop a gateway to enhance visitor experience and preparedness.*
- *Stakeholders Coastguard Kāpiti and Kāpiti Underwater Club have built facilities and needs in this project area*
- *General public access to the boat launching area must be protected*
- *Nurturing a joint venture project engaging all partners and stakeholders*
- *The proximity to the Kāpiti Marine Reserve*

*Note: this would be a major project and requires further detailed scoping beyond the scope of this plan. Consultation on this plan has revealed a good level of community support for such a project should adequate resources be identified to progress a project of this scale and complexity.*

- 186) Overall, I am satisfied that the proposal is consistent with the *MacLean Park Te Uruhi Reserve Management Plan 2017*. There may be additional processes under the Reserves Act 1977 which the project may be subject to, which the applicant may choose to elaborate upon.

## **8.5. Toitū Kāpiti - Kāpiti Coast District Council Open Space Strategy 2022**

- 187) The Toitū Kāpiti - Kāpiti Coast District Council Open Space Strategy was formally adopted by Council in March 2022. The strategy's vision is for Kāpiti to have a vibrant, diverse, thriving and interconnected open space network that supports the connection of the community to the environment, enhancing the mauri of both.
- 188) The Toitū Kāpiti - Open Space Strategy sets the direction for how the Council provide and manage the district's open spaces network. It has a 30 year horizon, and considers the challenges and opportunities that could occur over that time, including climate change, population growth and change, and advances in technology.
- 189) It does not directly provide for the proposal, nor does it guide the erection of buildings or car parks within Maclean Park. However, it does seek that open spaces are protected, restored, connected and provides *enhanced use and visitor experience*<sup>26</sup>.

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<sup>26</sup> Page 13 of the Toitū Kāpiti - Kāpiti Coast District Council Open Space Strategy 2022

- 190) In my view, the proposal aligns with the Toitū Kāpiti - Kāpiti Coast District Council Open Space Strategy 2022 as it does not impede public access, and is intended to enhance visitor experiences.

## 8.6. Encroachment into Legal Road

- 191) Part of the proposal (approximately 13m<sup>2</sup>) encroaches into legal road. The reason given for this in the application is *due to the irregular shape of the road reserve*. Encroachments are not issued under the RMA. It is stated in the application that permission will be sought from Kāpiti Coast District Council's Roading Team for the encroachment into legal road<sup>27</sup>. It is appropriate for this process to run separately to the resource consent application, given decisions are made under a separate framework.

## 9. ASSESSMENT UNDER PART 2 OF THE RMA 1991

- 192) As can be seen by the objectives and policies analysis above, there is clear guidance given by the District Plan, RPS, NPSUD and NZCPS in respect to the development of a site in the Natural Open Space and General Residential Zones, that are subject to Coastal Environment, Flooding and Special Amenity Overlays.
- 193) I consider those objectives and policies to be coherent and have been prepared having regard to Part 2. I therefore do not consider that a detailed evaluation of Part 2 matters, as they apply to the proposal, would add anything to my evaluative exercise or to my final recommendation.
- 194) However, for completeness I have assessed the proposal against Part 2 and consider that the proposal:
- a. Under s5, provides for the sustainable management of natural and physical resources, enabling people, appropriately avoids, remedies and mitigates actual and potential adverse effects on the environment, particularly through improving biosecurity for Kāpiti Island visitors.
  - b. Under s6, is consistent with the matters of national importance to be recognised and provided for as the proposal is not an inappropriate use of the coastal environment or rivers and their margins, and the natural character of the surrounding area is provided for. Further the site is not within an outstanding natural feature or landscape, or an identified ecological area of significance, public access to and along the coastal marine area and river is provided for, iwi have been consulted, there are no known matters of historic heritage, and measures have been proposed to manage significant risks from natural hazards.
  - c. Under s7, is not inconsistent with other matters, in particular the maintenance and enhancement of amenity values and quality of the environment, the efficient use and development of natural and physical resources and the effects of climate change.
  - d. Under s8, is not inconsistent with the principles of the Treaty of Waitangi.
- 195) Overall, I consider the proposal is consistent with the purpose of the RMA as set out in Part 2.

## 10. RECOMMENDATION

- 196) It is my recommendation that the Commissioners acting under delegated authority from the Kāpiti Coast District Council and pursuant to Sections 104 and 104B and with reference to 104D of the Resource Management Act 1991, **grant** land use resource consent to construct new buildings and car parks on 2 Marine Parade, Paraparaumu Beach (being Part Section 2 SO Plan 322370 in Record of Title 239464) and adjoining legal road to facilitate activities associated with visiting Kāpiti Island, and ancillary activities.
- 197) I have included a draft set of recommended conditions, included in Appendix E of this report, should the Commissioners agree with my recommendation.

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<sup>27</sup> Pages 5, 14, 35, 42, 50 and 75 of Cuttriss Land Use Consent and Application and Assessment of Effects for Te Uruhi

## **APPENDIX A**

### **Submissions**

Submitter's Details:

Title:	<input checked="" type="checkbox"/> Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr Other:		
My/Our Full Name(s):	Barbara and Garry Ashton		
Address for service:	1 Manly St	Post Code:	5032
Physical Address:	Paraparaumu	Post Code:	
Home Ph:	29 82841	Work Ph:	
Home Fax:		Work Fax:	
Cell:	0274 421 835	Email:	

**Note:** Correspondence will be via email unless otherwise requested.

Submitter's Position:

**Trade Competition**

- ☐ I am a trade competitor for the purposes of section 308B of the Resource Management Act 1991.  
☒ I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

Please use a clear tick in the appropriate box below (✓) to show whether you support the application in full or in part, or oppose the application in full or in part, or are neutral.

<input type="checkbox"/> I / We support the application in full	<input type="checkbox"/> I / We support part of the application *
<input type="checkbox"/> I / We oppose the application in full	<input checked="" type="checkbox"/> I / We oppose part of the application *
<input type="checkbox"/> I / We are neutral on all aspects of the application	<input checked="" type="checkbox"/> I / We are neutral on part of the application *

\* If you indicate you support, oppose or are neutral for part of the application, please clearly set out the part(s) of the application you are submitting on (including reasons) in the 'My Submission Is' section of this form below.

our concern is that we have a corner property and that the "public parking" could affect our future development plans. The "parking" is on an unformed legal road on our southern boundary.

**SUBMISSION ON A RESOURCE CONSENT APPLICATION THAT IS SUBJECT TO LIMITED NOTIFICATION BY THE KAPITI COAST DISTRICT COUNCIL**

Pursuant to section 96 of the Resource Management Act 1991

<b>Application Number:</b>	RM210149
<b>Applicant:</b>	Kāpiti Coast District Council
<b>Proposal:</b>	Land use consent application to enable the construction and operation of new buildings and associated car parking. The activities within the building are primarily to facilitate visitors to Kapiti Island, with some retail use sought. Earthworks are required to facilitate structures.
<b>Legal Description(s):</b>	SEC 2 SO 322370

**DUE AT COUNCIL OFFICE NO LATER THAN 5:00PM ON TUESDAY 28 JUNE 2022**

This is a submission on an application from Kāpiti Coast District Council to undertake construction and operation of Te Uruhi as a commercial activity and associated retail activity and earthworks.

**Please note:** This form is only a guideline. If you do not wish to use this form please make sure your submission includes all the following details (see Resource Management (Forms, Fees, and Procedure) Regulations 2003, Form 13 for official submission content requirements):

Please send your Submission to:

<b>To:</b>	<b>Or:</b>
The Chief Executive Officer	Email: <a href="mailto:submissions@kapiticoast.govt.nz">submissions@kapiticoast.govt.nz</a>
Kāpiti Coast District Council	
Private Bag 60 601	
Paraparaumu 5254	

**Note:** You are required to send a copy of your submission to the applicant as soon as reasonably practicable after you have served your submission on the Kāpiti Coast District Council.

Please serve a copy of your submission to Kāpiti Coast District Council (the Applicant) as below:

C/- Cuttriss Consultant Limited  
PO Box 386  
Paraparaumu 5254  
Attn: Emma McLean  
Email: [emma.mclean@cuttriss.co.nz](mailto:emma.mclean@cuttriss.co.nz)

# Cuttriss

Surveyors. Engineers. Planners.



**Figure 1** The proposed new site layout as recommended within the 2020 Gateway Feasibility Report.  
(TRC Ltd, page 22)

To ensure a consistent process and buy-in, a governance group has been established to work at pace and collaboratively with partners and the community to provide feedback on the development of the project. The project has now secured funding from the Provincial Growth

**Resource Consent Application RM210149****Applicant: Kapiti Coast District Council**

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

**Legal Description(s): SEC 2 SO 322370****Submission by Dr Frederick John Davey, 3 Golf Road, Paraparaumu Beach****Introduction**

My name is Frederick John Davey and, with Brenda Farrell and Alex Fechny, have owned 3 Golf Road for 6 years. We have lived in the Kapiti district since the mid-90s. I am a retired research scientist (doctorate in geophysics).

**General**

I have been interested in the proposed Gateway project for about 5 years. Since KCDC put a proposal to the PGF just over 3 years ago, I have been trying to find out what was proposed as I would have liked to contribute to it. KCDC staff consistently refused to let me know what options were being considered until after decisions had been made. Other, so-called stakeholders (e.g. Victoria University of Wellington), were consulted. As far as I can find out, no local residents, who will be impacted by the proposal, have been consulted before the Council meeting (25/2/21) that approved the planned Gateway. The present “Note to affected parties” is the second – but very limited - consultation.

I do not support the Gateway project in its present form. The proposed building will not preserve the natural character of the coastal environment. The only requirement, and justification, for another building in Maclean Park is for biosecurity checking for the two tour ferries to Kapiti Island. As noted at the presentations by concerned residents at the Council meeting that decided on a Gateway, this could be carried out far easier, less intrusively, and at less expense using a trailer system (this had apparently been approved by DoC). The building is an inappropriate use and development of the coastal environment. A “Discovery Centre” does not need to be in the park or where biosecurity clearance is carried out, it could be better placed nearer the centre of Paraparaumu Beach and the main activities in the park. The “retail” activities were only needed to support the “business plan” (see PWC report) that was used to justify the large investment by the ratepayers. Any financial

justification has now been totally buried by the latest excessive cost over-run. The cost of servicing the funding will be a millstone around the neck of the ratepayers for a long time. The park should be kept as an open park in tune with the environment and with buildings and decks kept to a minimum.

I note that work on re-lining and modifying the margins of the Tikotu Stream has been progressed under a separate Resource Consent and there appears to be some overlap between that and the present Application. Although not mentioned in the present Application, is another resource consent being considered for modifying the fore dune north of the stream to “improve” beach access for cars and boats? Should they not all have been considered together?

The Application has several errors and flaws in its arguments. These should be corrected. The Application, and the documentation that was made available to us, acknowledge that the application is non-complying in several areas. We think that the rationale presented for ignoring this is not robust. We recommend that the Application should be **declined**.

### **Impact on 3 Golf Road**

Our prime view is to the southwest. The Gateway and possible/probably earthworks on the fore dune associated with ferry access (presumably another resource consent will be needed?) would lie conspicuously in the middle of our view, were the Gateway not partially concealed (west end only) behind the trunks of a row of phoenix palms. From this perspective the “amenity impact” could be considered “minor” to “more than minor”, were the trees to remain. However, KCDC Council staff have cut down several mature trees recently at the north end of Maclean Park – 3 mature pohutukawas and one phoenix palm in the last year and one poisoned pohutukawa about 2 years ago (and many others at the transport hub in Paraparaumu). Another mature pohutukawa by the stream had a major trim only a few weeks ago. I would not be sanguine about the retention of these phoenix palms in the medium term.

A major impact will be the traffic movements and parking in the area. Neither of these have been dealt with adequately in the proposal, its appendices, and later responses by consultants. From the documentation presented there has been no adequate analysis of traffic movements at busy times in summer and holiday periods. Neither has there been any adequate analysis of parking during the ferry boat operations or during “events” in Maclean Park and environs. As an example, at times and with some events the roundabout and local berms are used for parking, creating hazards such as obstructing views of traffic etc. See later section. The proposed buildings and associated planned increases in visitors – not just for the Kapiti ferries but also for general activities (a major intent for the Gateway) - and traffic movements will exacerbate and impact road safety. “Events” are proposed as an activity for the north deck of the biosecurity pod and will project noise and light directly towards us. All these will impact negatively on our situation.

Lighting and Signage at the Gateway could have a major impact on our life. Detailed lighting and signage plans need to be approved within the Resource Consent Application process, not left to later, to ensure that they are to an acceptable standard.

All these issues will lead to a more than minor impact on our property and the application should be **declined**.

### **The Application**

A “clean” copy of the Application with all the revisions included and adequate plans would have been very useful.

“The architectural and landscape plans are indicative” (Applicant response 15/2/22). How much flexibility is possible? else what’s the point?

In the introduction (p8, and 32 and 33) the Governance Group did **not** consult with local affected community. Likewise, in “Applicant’s Response 15/2/22” on “process” as noted above, consultation by Council staff with local residents has been appalling.

On page 9, only one pohutukawa died (2 years ago), five others were poisoned and partially affected, the Council arborist has assured me that pohutukawas are very resilient trees and they should survive. Was the pohutukawa (referred to on page 60) transferred, if so, to where? It’s definitely gone. Was this part of the Resource Consent Application (acceptance still pending)

On page 13 – what is the arrangement for the biosecurity pod? – in one place it is 2 biosecurity rooms in another it is 3 biosecurity rooms.

On page 14 – a possible realignment of the roundabout is noted but the adverse implications are not noted. I would be concerned that if the Application is accepted, Council will assume this realignment option was also accepted.

On page 19 et seq. the buildings will not meet residential building code but will extend into a “residential” area.

Several items contained in the Application have already been done (e.g. earthworks (non-complying) and stormwater pipe rerouting – on what authority? Or is the Application just “pro-forma” for these activities?

Plans – there appears to be an inconsistency as to where the cycle rack will be: east of pod B as in the text or south of pod A (as appears in the plans)?

### **Parking and Transport**

This is an issue on which the Application is very selective in what it considers. Firstly, if you go and look, the ferries do not all load in the boat club car park, one initially does (in the

“wash-down” area), the other loads on the beach. The Application ignores the parking needed for present operations “as it works”, however the Application (Final Traffic Review – 23/2/22) plans for over twice the number of passengers by assuming twice the number of sailing days – unlikely in view of weather. Increasing the number of ferry trips per day will lead to increase in parking needs. At present about 25-30 cars park in the boat club car park, the rest probably in the car park where the Gateway is planned – which will be reduced from 32 to 14. These are long term parking (6 – 7 hours for the trip). The result will be more parking on the adjacent roads and berm - such as occurs outside 3 Marine Parade at present. During some events, parking occurs on the berm outside our house and along Golf Road. People won’t walk the 400+m from the proposed South Carpark, as stated in the Application, if they can park in closer streets.

Appendix 9 has several issues including mistakes and omissions in the text. The “load zones” in Figure 8 are rarely if ever used for loading. Table on p22 should total 2 not 20

Better information is needed. For example, with the crash data, the limited data indicates that the roundabout and end of Golf Road could be a focus. This is discounted by the consultant. However, we are aware of four crashes that have occurred at the end of Golf Road in the past 4 years. From observation, the traffic volumes around the roundabout need to be reassessed. Traffic flow data (7.1) is 4 years out of date.

A better, realistic, analysis and solution is needed.

A major issue is mixing of pedestrians walking from the boat club car park, across the car park and beach boat access track (with cars and boat trailer moving along it) and the bridge to the biosecurity pod. This aspect should be addressed. It is highly likely that the boat club car park will continue to be used for ferry parking. Passengers from cars parked, particularly on the western end of the car park, will take the direct route past the boat club to the bridge and the biosecurity pod. This is potentially hazardous and a safety issue and should be discussed fully.

The Final Traffic Peer Review item 4.6 re traffic increase modelling is questionable. Item 7.2 assumes no new traffic generated; incidentally which park is “the public car park” referred to in the text? A basic tenet of the original Gateway requirement is to attract tourists and others to the beach and particularly to and via the Gateway. Thus, an increase in people at the Gateway. This must imply more people in the area, and given that alternate transport has not been considered, this will probably increase cars and hence parking needs. The Review considers that “the proposal will improve safety by removing conflict between boats and pedestrians in the boat club car park”. As long as ferry passengers park in the boat club car park, we think this is, perhaps, a bit over optimistic.

### **Zoning, Objectives and Policies (appendix 16)**

DO-015: where is the economic justification and viability case?

BA-P2B: is there a light, glare and signage analysis plan?

The documentation notes several Non-complying issues.

### **Effects on Natural Character**

Issues are poorly defined – define what you mean by “high natural character” - and the assessment methodology needs explaining (appendix 8, p 35).

The Final Notification Report notes under “basis for conditions” point 3 “the important screening and softening capabilities offered by the Pohutukawa trees – be acknowledged... and protected” However, as noted earlier, Council have already cut down several pohutukawa trees in the park. Another was severely pruned when Council had to bring in sheet piling to separate the stream to carry out the stream work when their original plan didn’t work. Was the pohutukawa tree by road moved or cut down? This condition does not seem to have been met

under “basis for conditions” point 13 “disturbed of vegetation or land cover along Tikotu stream” – suitable ground cover should be re-established within 5 days. Lowering the southern wall has led to the sea at high tide topping the wall by 10-20cm. The existing cover on the north bank appears to have started eroding.

Another issue is exactly what is planned on the western margin of the Gateway into the beach area? A major impact on the approach from the west (sea), could be where the natural change from beach to coastal dunes into trees and grassed areas will apparently be replaced by sand direct to decking (see images in the Application and go and have a look at what is there at present). The images suggest transfer direct from beach to built-up area (broad decking). However other images suggest that there will be retention of some of the present dune area between the two. What is really planned?

Landscape impact assessments reports – it is not clear how the ratings were derived as they seem to be very subjective, i.e. my opinion could be very different to yours. What were some well-defined quantitative criteria that were used and how were they scored?

The artwork, the 6 m high Ihuwaka, is intended to be visible from all directions - is it 4 to 4.5 m or 6m tall – both heights appear in different places – appendix 8 and Plans. Or some other height? The trees are about 12 m high.

### **Natural Hazard**

Buildings should have a lifetime of at least 50 years. Besides earthquake shaking and ground liquefaction, and retreat due to coastal erosion, the treatment of the effects of and changes in flooding and climate change (storms etc.) is superficial. All need to be dealt with adequately in the Application and not deferred to a later time.

I would like to speak at any Hearing.

Frederick Davey 27/6/2022

Bruce Barnett Collie Properties Limited 3 Marine Parade Paraparaumu Beach  
For correspondence please email [bruce@personneltouch.co.nz](mailto:bruce@personneltouch.co.nz) or phone 021 2786824.

My name is Bruce Barnett and I own the property at 3 Marine Parade Paraparaumu Beach since 2018 (four years).

I submitted a letter of objection to KCDC addressing both Resource Consent applications, about the effects of the Gateway. In both instances I had no response from the Applicant KCDC about my concerns. I have had NO meaningful consultation from any representative of the Applicant KCDC.

KCDC has a role of stewardship yet went to great lengths over two years of actively seeking Resource Consent approval to avoid consultation and involvement with the Kapiti Community for a clearly NON complying and contentious project on reserve land.

- a) I am not trade competitors for the purposes of section 308B of the Resource Management Act 1991.
- b) I oppose the application in full.
- c) I seek that the application be declined.
- d) I wish to be heard at the hearing and will be represented by Counsel / representative
- e) I may call expert witnesses in the areas of planning and/or landscape values.

The reasons for our submission are as follows:

- Inappropriate use and development of the coastal environment
- Failure to protect the natural character of the coastal environment
- Failure to maintain and enhance amenity values
- Contrary to relevant objectives and policies of the NZCPS The Wellington Coastal Plan and the District Plan
- Adverse effect of the project are more than minor
- Does not pass the threshold requirements for a non-complying activity.

## **The Natural Open Space Zone**

The application includes 11 non complying activities.

The application RM210149 has no less than 3 NON complying activities under NOSZ (Natural Open Space Zone). I believe (3 & 5 Marine Parade) this non-compliance will greatly effect my quality of life and the impact is More Than Minor. We have enjoyed uninterrupted views across this Open Space Zone for many years. This application seeks to remove all possible views to Kapiti Island and the uninterrupted green space and natural character.

### **Site Coverage in Natural Open Space Zone**

The original application by Cuttriss Consulting stated that the Gateway would increase building coverage to 2.7% of the 30337sq metres that is Maclean Park including the addition of the Gateway building at 222sqm. However in the notification report the site coverage has been greatly diminished down to less than 2%. There is a huge discrepancy between the application and the footnote no. 4 on page 15 Notification Report a year later. This new analysis of site coverage is incorrect and misleading.

We refute the footnote in the notification report written by Tom Anderson. I have engaged a consultant of my own and we have undertaken our own calculation. The boating club building being 478.78 sqm, the toilet block in Maclean Park is 15.66sqm and the BBQ shelter is 25.11 sqm. This is using the definition of "building" under the district plan this gives a total of 519.64 sqm of existing building. This massively contradicts the 112sqm stated in Tom Andersons Notification Report 18 May 2022. Even if you remove some of the square meterage due to a more conservative KCDC interpretation of a building and its footprint, the Gateway at 222sqm pushes the site coverage over 2%. At our calculation it is 2.43%. This is a NON complying activity.

This large Gateway building contributes negatively to the bulk and location in the immediate vicinity of the affected neighbours.

### **Building in Residential Zone**

The building does NOT comply with the minimum yard setback and a portion of the building encroaches over the legal boundary of the Maclean Park reserve. 13sqm of the building encroaches into the legal road & residential zone, this triggers two non-complying issues. The building is built across the boundary and does NOT achieve a minimum yard setback – this is one NON complying activity. The positioning of the building encroaches the height recession plane and therefore does not comply with NOSZ-R6. I strongly refute the recommendation of the applicant when they say "the proposed Te Uruhi building will be of a size and scale that will not be out of character within this area and the existing built environment to the East" noted on page 40 and on page 41 again I strongly refute "the Te Uruhi building is of a size and scale that is anticipated by the district plan in this Zone, is in keeping with neighbouring large buildings....". With all its non-compliance with the District plan this building in its current form will adversely affect me as a neighbouring property. The applicant has not demonstrated compliance with the district plan and breaches its own standards and policies.

Given the vast Open Space nature of Maclean Park at 30337sqm, why is it that the Gateway size and location cannot fit within its designated boundary's and achieve its offsets and height recession plane?

### **Out of scale drawings (TREES)**

One other item of great concern is the incorrect representation of the trees, as shown on the Athfield Architecture plans 17 November 2021. They have used these images to incorrectly diminish the visual impact and to mask the non-compliance of the buildings. The bulk and location of this building is squarely in the visual path of 3 & 5 Marine Parade.

By squarely positioning the Gateway in its current location with its 5.3 metre height, which is essentially and visually a two story building, and it's non-compliance is directly and negatively impacting the most adjacent neighbours.

Having enjoyed the view across Open Reserve space, for many years, is it fair to assume that my entire view should be removed, and my quality of life compromised by the activity of the Gateway? When there are policy's, procedures and standards in place to protect me and my neighbours from such an intrusive development.

My outlook, views, sun, peace and tranquillity will be adversely affected by this proposed development. The accumulative effect of more than 11 non complying activities is negatively life changing for me.

There are no absolutes but plenty of unknowns within the application.

The passages pertaining to lighting and signage raise other concerns as the proposed solution is a wait and see approach or possibly a new Resource Consent at a later date. This has NOT demonstrated compliance and is NON complying

### **Lighting and Signage**

Just as I have mentioned, is it fair and reasonable that I should lose my entire natural view that I have enjoyed due to the proposed bulk and location of the Gateway?

There will be additional disruption at night. I currently enjoy an outlook onto a dark open natural environment, but with the Gateway proposal I will be confronted with artificial lighting. This lighting will illuminate the entire Gateway facility, in excess of 300sqm of decking, landscaping and pathways, with such things as exterior security lighting, architectural lighting to illuminate Pou and other carvings, interior security lighting, pedestrian pathway lighting and finally signage lighting. None of this lighting has been quantified within the Notification Report, or the Resource Consent application. To simply and flippantly suggest this can be covered off in another Resource Consent is disingenuous if the sincerity of the application is to be believed. The KCDC Landscape Architect has raised concern that lighting and signage cannot be quantified due to the lack of detail. So compliance or non-compliance can NOT be established based on the submission. The outcome could therefore mean more NON compliance in addition to the eleven that already exist.

The Landscape Architect has raised concerns in the Notification Report page 18 - "highlighted that this aspect of the project could prove controversial for local residents"

### **Bulk and Location**

By the very nature of the non-compliance mentioned above, the size and location of the proposed Gateway will greatly and negatively impact on the natural environment which ultimately significantly impacts on mine and all my neighbours' quality of life. After a year of processing this Resource Consent, only now a handful of immediate neighbours have been identified as Affected Parties. KCDC and Tom Anderson have in their possession approximately 80 signed letters of objection from

concerned surrounding property owners, and 3000 general objections by ratepayers and local residents.

This Resource Consent Application does NOT meet the statutory provisions under the RMA. With the misleading and contradictory information within the documentation, section 95 of the RMA has NOT been satisfied.

### **Position of Gateway Building**

The main building is to be located in a natural hazard flood/ponding zone, and to be adjacent to a build line restrictions (1999) in a coastal environment. The buildings in such coastal locations, impacts from climate change, coastal retreat, and new build line restrictions have been prominent concerns for at least the last 10 years, and promoted by KCDC. Deputy Mayor Janet Holborow has acknowledged that the gateway building is vulnerable to climate change and sea level rise and stated on social media 2<sup>nd</sup> June 2022 "by the time the building needs to be relocated it will have provided significant cultural and economic benefit"



Janet Holborow

Leea a Burgess you're entitled to your opinion but I personally wouldn't ever use words like idiot or imbecile on social media. Even at this level the steam is way lower than the building. By the time the building needs to be relocated it will have provided significant cultural and economic benefit. I guess I'm on a hiding to nothing posting on a page which is set up to stop the building!

Like Reply Hide 1w

What does the Deputy Mayor see as an acceptable timeframe for us the wider public to enjoy the benefits (if any) before we have the huge expenditure and the unsustainable process of relocating the entire complex?

Given a building consent is for a life expectancy of 50 years minimum, what life expectancy has this project got.

Is the Gateway in tune with the objectives of the Takutai Kāpiti, a community-led coastal adaption project, chaired by Jim Bolger?

Is the Gateway there for five or 50 years?

## **Kapiti Gateway Resource Consent RM210149**

The Resource Consent RM210149 for the Gateway and associated earthworks does not comply with no less than 11 operative district plan standards and policies.

Ratepayers entrust KCDC to monitor and enforce compliance with these policies and standards. What is the purpose of policy and standards if the very gate keepers of these policies and standards wish to trample on the very principles of what the community sees as a baseline minimum? This application has NOT demonstrated a level of guardianship or Kaitiaki that our community expects.

With over 30,000 m2 of land that forms Maclean Park why has KCDC proposed such a contentious building position that completely disregards at least 11 non complying activities?

Why do 13 property owners have the burden of dealing with such a controversial public funded scheme, when the wider community should have an opportunity to be consulted and given a voice?

How prudent is it that KCDC has already initiated construction on the physical structure? The building of the two pods is happening off site and was confirmed by Councillor Martin Halliday in the Paraparaumu - Raumati Community Board Meeting of 12 April 2022 at 33 minutes "KCDC have the two pods being manufactured off site in Lower Hutt" – Sean Mallon Group Manager – Infrastructure Services KCDC confirmed this as correct. Surely this is KCDC assuming they will get the Resource Consent? This is predetermining the outcome, does this put unreasonable pressure on the selected commissioner?

Link to youtube meeting <https://www.youtube.com/watch?v=0l7TCtfxbM&list=PPSV>

## **Parking – Gateway Vicinity**

**The Application will see the removal of 18 carparks to make way for the gateway building.**

**The effects on the Park users and ratepayers at large is more than minor.**

**If the Gateway project is given approval the community asset of 18 carparks is removed. KCDC need to replace 18 carparks before they consider the parking requirements of the new project and activities. The physical resource of the existing carpark has been paid for by the ratepayers and will essentially be ripped out to then pay for its replacement in another location. This is a resource not being well managed.**

**The applicant has suggested an array of solutions and arguments to justify the diminished parking provision. They have not demonstrated compliance with their own policy's and standards under the district plan. KCDC have not fully investigated, and provided evidence of a suitable alternative solution for modes of alternative transport.**

Marine Parade is identified as a main traffic route. Yet the application says the gateway will contribute over 100 VDP (100 traffic movements a day) this is a non-complying activity. There is a lot of different activity proposed for the gateway including bio-security checks for tourists to the island, shoppers for retail, takeaway coffee customers, school groups for educational events, private functions etc. The application has not demonstrated ample parking for the multiple activities that will run concurrently. Compliance has not been demonstrated for the full activity of the proposed Gateway.

The applicant nor the Beca Assessment has established the minimum baseline for what KCDC has accepted as suitable & sustainable parking for the 160 people per day maximum concession set by DOC in 2012. There is no Resource consent data provided from 2010-2012 period to allow for the increase from 50 people per day to the island, to a maximum of 160 people per day. This is a private business operation run by two operators that essentially uses public parking to provide ALL of its vehicle parking requirements. The data quoted in the Becca TIA dated Dec Assessment Page 12 section 3.7 Kapiti Island Trips heavily identifies the reliance on public parking for the tourist visitors.

"86% of visitors drove a private car and parked in the area."

"81 % of visitors parked in an off road carpark area near the beach."

The increased need for parking and extra vehicle movement will have a negative effect on the neighbouring residential properties not limited to 3 and 5, 55 -58 Marine Parade. There will be more than minor effects on the surrounding properties.

There will be increased Traffic congestion and greater vehicle movements directly resulting from the Gateway as it has multiple functions. The very nature of the Gateway is to attract larger numbers of people to the distinct and specifically the Gateway building.

The expectation of more visitor numbers is evident in Full page features in the local newspapers, paid for by KCDC. KCDC has repeatedly promoted the gateway and its pulling power to justify the huge expense in the public domain. However everything to do with the non-compliance and possible negative impact of the Gateway seems to be diminished when represented in this Resource Consent application.

There will be significantly larger numbers of extra people, if KCDC's PR is to be believed, over and above the existing visitors to the island using the biosecurity facilities. People will be encouraged to visit the "Visitor Information Centre" and experience the Educational "Discovery centre "that tells our story. To simply use retail category m2 under the district plan as a way to determine sustainable parking is flawed in that the Gateway serves multiple functions at the same time. Where is the transient movement of coffee cart customer's traffic movements?

Beca has acknowledged that they do not have a true understanding of the current occupancy of the car parking around Maclean Park. Beca have undertaken very limited relevant onsite analysis. It is noted they undertook site visits in the covid fallout period of March 2020 and again later in the winter months, critically and more importantly they did not undertake site visits in the busiest time of year from Dec thru Feb.

At the peak time of year, the tour operators are at their busiest and the weekend market is in full flight.

With the lack of onsite analysis, the Beca team tried to bolster their assessment by using Google Earth images from undetermined times and dates to form some sort of pseudo conclusion.

It is my opinion that this application does not demonstrate in a quantified way how compliance and parking will be managed.

In recent months the KCDC PR team has announced the sale of a nearby commercial site between the proposed gateway and the Marine Parade carparks to a hotel developer for a new 46 room hotel. This is a development deal developed by and marketed by KCDC staff for a KCDC owned site. They have been working towards this goal for the last two years.

Where is the impact and analysis of this additional parking within this TIA by Beca?

KCDC surely cannot pursue a gateway development in isolation, when the KCDC knowingly, are selling land to developers at the same time with the proviso that a hotel does not require onsite parking under the proposed Central Government Urban strategy.

The provision for hotel car parking for customers and staff will fall squarely on road side parking.

Is this a conflicted situation where the interests of KCDC are not in the best interests of the ratepayers facilities such as park parking and traffic safety?

First and foremost is it not imperative that KCDC are enforcing and implementing district plan policies and standards before anything else. Is their pursuit of commercial enterprise the front runner for its own decisions?

### **Parking – Marine Parade Vicinity**

The Parking proposal on Marine Parade is a NON complying activity due to the large amounts of earthworks. The parking proposed here is largely in part to replace the 18 carparks that will be demolished to accommodate the Gateway building. Over and above the 18 carparks needed to replace the additional carparks do not appear satisfactory for the multiple functionality of the building and the pending 46 room hotel development. Both projects are facilitated by KCDC.

On page 3 of the notification report states that a less than 1 metre cut is required. This information has been taken from the Resource Consent application document. This is NON complying in relation to the 1 metre cut and incorrect. The level of cut is far in excess of 1 metre and requires more scrutiny and consultation.

If this was a private submission for earthworks consent detailed cut and fill analysis would be requested by the local council, as part of a Resource Consent submission. None of this data and topographical survey work has been provided by the applicant in this application. This topographical survey work is imperative to provide a true and accurate picture of the proposed scope of earthworks.

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KCDC does not have a robust freedom camping policy in place and the neighbouring properties will essentially endure negative effects from car manoeuvres, mobile home manoeuvres, people will be living in the carpark potentially on a daily basis as the mobile homes rotate in and out. With further negative impact being a blocked view from what is currently an open space and reserve land.

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### **Out of scale and misleading**

Athfield Architects created A3 plans showing the bulk and location of the new Gateway. There are four elevations provided as part of those drawings which clearly show the building and the maximum permitted building height of 6 metres. A number of existing Pohutukawa trees are surrounding the site.

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However how can the Gateway be tucked behind the coastal dunes when the floor level is set at 1.2 metres above the ground level to mitigate expected flood levels?

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To honour the partnership agreement surely this would be updated to include this?

## **Lighting and Signage**

### **Lack of Information and clarity for all areas of the proposed project**

#### **Potentially two NON complying activities**

Within the application the applicant has made a suggestion that the future lighting be addressed at a later stage.

The effects of the lighting has been noted by the peer review as having a more than minor effect.

The owners of 3 and 5 Marine parade (also other neighbours) will be adversely effected by the development and the already identified level of non-compliance. In regards to signage and lighting there is no detail design around these areas.

With the lack of detail the negative effect on neighbouring properties may be more far reaching than has been indicated in the application. The applicant must demonstrate the levels on NON compliance / scope of work they intend to undertake.

The home owners of affected parties at 3 & 5 Marine Parade have enjoyed the natural character and environment across the recreational reserve that is Maclean Park.

The Gateway proposal will have extensive artificial lighting. There will need to be illumination for security and safety of the entire Gateway facility including the large 300sqm decking and paved areas. Detailing and Consideration of the impact of such things as exterior security lighting, architectural lighting to illuminate Pou and other carvings, interior security lighting, pedestrian pathway lighting and finally signage lighting, is non-existent. None of this has been quantified within the Notification Report, or the Resource Consent. To simply and flippantly suggest this can be covered off in another Resource Consent is disingenuous. The KCDC Landscape Architect has raised concern that lighting and signage cannot be quantified due to the lack of detail. So compliance or non-compliance can NOT be established based on the submission. The outcome could therefore mean more NON compliance in addition to the eleven non complying activities that already exist.

The Landscape Architect has raised concerns in the Notification Report page 18.... "highlighted that this aspect of the project could prove controversial for local residents"

## Conclusions-

This consent application is **contrary to** -

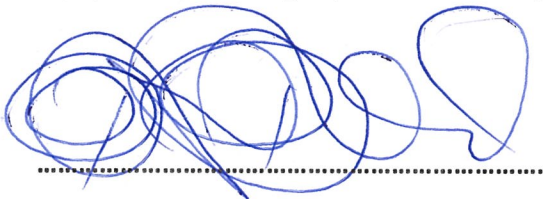
- 1 "natural justice and fair process" and should have been publically notified, given the level of public interest.
- 2 Sections of the RMA
- 3 NZ Coastal Policy statement
- 4 Policies and objectives of the District Plan
- 5 Maclean Park Reserve Management Plan.

**and** the adverse environmental effects are cumulative and are deemed to be **"more than minor"**

Therefore the required gateway test of a non -complying consent application against RMA s104(d), with adverse environmental effects "more than minor" supports our request for this consent to be **Declined**

I wish to be heard or my appointed representative at any forthcoming hearings.

I may choose to bring expert consultants / speakers to support my submission to the hearings



**Bruce Barnett**

**Collie Properties Limited**

**3 Marine Parade**

**Paraparaumu Beach**

Zena Knight 5 Marine Parade Paraparaumu Beach

For correspondence I do not have an email address so all correspondence must be by postal or courier delivery to 5 Marine Parade Paraparaumu Beach. My contact phone number is 04 9024995

My name is Zena Knight and I own the property at 5 Marine Parade Paraparaumu Beach.

My family has owned this property since 1977. I have enjoyed the natural character, and surrounds for 45 years.

I attended the protest against the gateway and signed the petition with 3000 other people. I was one of the 80 surrounding property owners who lodged a letter of objection to KCDC expressing my concern about the adverse effects this Gateway project would have. I submitted a letter of objection to KCDC addressing both Resource Consent applications, about the effects of the Gateway. In both instances I had no response from the Applicant KCDC about my concerns. I have had NO meaningful consultation from any representative of the Applicant KCDC.

KCDC has a role of stewardship yet went to great lengths over two years of actively seeking Resource Consent approval to avoid consultation and involvement with the Kapiti Community for a clearly NON complying and contentious project on reserve land.

I oppose the application in full.

I seek that the application be declined.

I wish to be heard at the hearing and will be represented by Counsel

I may call expert witnesses in the areas of planning and/or landscape values.

The reasons for our submission are as follows:

- Inappropriate use and development of the coastal environment
- Failure to protect the natural character of the coastal environment
- Failure to maintain and enhance amenity values
- Contrary to relevant objectives and policies of the NZCPS The Wellington Coastal Plan and the District Plan
- Adverse effect of the project are more than minor
- Does not pass the threshold requirements for a non-complying activity.

### **The Natural Open Space Zone**

The application includes 11 non complying activities.

The application RM210149 has no less than 3 NON complying activities under NOSZ (Natural Open Space Zone). I believe (3 & 5 Marine Parade) this non-compliance will greatly affect my quality of life and the impact is More Than Minor. We have enjoyed uninterrupted views across this Open Space Zone and in some cases more than 40 years of enjoyment. This application seeks to remove all possible views to Kapiti Island and the uninterrupted green space.

#### **Site Coverage in Natural Open Space Zone**

The original application by Cuttriss Consulting stated that the Gateway would increase building coverage to 2.7% of the 30337sq metres that is Maclean Park including the addition of the Gateway building at 222sqm. However in the notification report the site coverage has been greatly diminished down to less than 2%. There is a huge discrepancy between the application and the footnote no. 4 on page 15 Notification Report a year later. This new analysis of site coverage is incorrect and misleading.

We refute the footnote in the notification report written by Tom Anderson. I have engaged a consultant of my own and we have undertaken our own calculation. The boating club building being 478.78 sqm, the toilet block in Maclean Park is 15.66sqm and the BBQ shelter is 25.11 sqm. This is using the definition of "building" under the district plan this gives a total of 519.64 sqm of existing building. This massively contradicts the 112sqm stated in Tom Andersons Notification Report 18 May 2022. Even if you remove some of the square meterage due to a more conservative KCDC interpretation of a building and its footprint, the Gateway at 222sqm pushes the site coverage over 2%. At our calculation it is 2.43%. This is a NON complying activity.

This large Gateway building contributes negatively to the bulk and location in the immediate vicinity of the affected neighbours.

#### **Building in Residential Zone**

The building does NOT comply with the minimum yard setback and a portion of the building encroaches over the legal boundary of the Maclean Park reserve. 13sqm of the building encroaches into the legal road & residential zone, this triggers two non-complying issues. The building is built across the boundary and does NOT achieve a minimum yard setback – this is one NON complying

activity. The positioning of the building encroaches the height recession plane and therefore does not comply with NOSZ-R6. I strongly refute the recommendation of the applicant when they say "the proposed Te Uruhi building will be of a size and scale that will not be out of character within this area and the existing built environment to the East" noted on page 40 and on page 41 again I strongly refute "the Te Uruhi building is of a size and scale that is anticipated by the district plan in this Zone, is in keeping with neighbouring large buildings....". With all its non-compliance with the District plan this building in its current form will adversely affect me as a neighbouring property. The applicant has not demonstrated compliance with the district plan and breaches its own standards and policies.

Given the vast Open Space nature of Maclean Park at 30337sqm, why is it that the Gateway size and location cannot fit within its designated boundary's and achieve its offsets and height recession plane?

### **Out of scale drawings (TREES)**

One other item of great concern is the incorrect representation of the trees, as shown on the Athfield Architecture plans 17 November 2021. They have used these images to incorrectly diminish the visual impact and to mask the non-compliance of the buildings. The bulk and location of this building is squarely in the visual path of 3 & 5 Marine Parade.

By squarely positioning the Gateway in its current location with its 5.3 metre height, which is essentially and visually a two story building, and its non-compliance is directly and negatively impacting the most adjacent neighbours.

Having enjoyed the natural character across Open Reserve space, for 45 years, is it fair to assume that the natural character and view should be removed?

Is it fair to assume my quality of life can be compromised by the activity of the Gateway? When there are policy's, procedures and standards in place to protect me and my neighbours from such an intrusive development.

My outlook onto the natural environment, peace and tranquillity will be adversely affected by this proposed development.

The accumulative effect of more than 11 non complying activities is negatively life changing for me.

### **Lighting and Signage**

Just as I have mentioned, is it fair and reasonable that I should lose my entire view of the existing natural surroundings that I have enjoyed for 45 years due to the proposed bulk and location of the Gateway?

There will be additional disruption at night. I currently enjoy an outlook onto a dark open natural environment, but with the Gateway proposal I will be confronted with artificial lighting. This lighting will illuminate the entire Gateway facility, including in excess of 300sqm of decking, landscaping and pathways, with such things as exterior security lighting, architectural lighting to illuminate Pou and other carvings, interior security lighting, pedestrian pathway lighting and finally signage lighting. None of this lighting has been quantified within the Notification Report, or the Resource Consent application. To simply and flippantly suggest this can be covered off in another Resource Consent is disingenuous. The KCDC Landscape Architect has raised concern that lighting and signage cannot be

quantified due to the lack of detail. So compliance or non-compliance can NOT be established based on the submission. The outcome could therefore mean more NON compliance in addition to the eleven that already exist.

The Landscape Architect has raised concerns in the Notification Report page 18 - "highlighted that this aspect of the project could prove controversial for local residents"

### **Bulk and Location**

By the very nature of the non-compliance mentioned above, the size and location of the proposed Gateway will greatly and negatively impact on the natural environment which ultimately significantly impacts on mine and all my neighbours' quality of life. After a year of processing this Resource Consent, only now a handful of immediate neighbours have been identified as Affected Parties. KCDC and Tom Anderson have in their possession approximately 80 signed letters of objection from concerned surrounding property owners, and 3000 general objections by ratepayers and local residents.

This Resource Consent Application does NOT meet the statutory provisions under the RMA. With the misleading and contradictory information within the documentation, section 95 of the RMA has NOT been satisfied.

### **Position of Gateway Building**

The main building is to be located in a natural hazard flood/ponding zone, and to be adjacent to a build line restrictions (1999) in a coastal environment. The buildings in such coastal locations, impacts from climate change, coastal retreat, and new build line restrictions have been prominent concerns for at least the last 10 years, and promoted by KCDC. Deputy Mayor Janet Holborow has acknowledged that the gateway building is vulnerable to climate change and sea level rise and stated on social media 2<sup>nd</sup> June 2022 "by the time the building needs to be relocated it will have provided significant cultural and economic benefit"



**Janet Holborow**

Leea a Burgess you're entitled to your opinion but I personally wouldn't ever use words like idiot or imbecile on social media. Even at this level the steam is way lower than the building. By the time the building needs to be relocated it will have provided significant cultural and economic benefit. I guess I'm on a hiding to nothing posting on a page which is set up to stop the building!

Like Reply Hide 1 w

What does the Deputy Mayor see as an acceptable timeframe for us the wider public to enjoy the benefits (if any) before we have the huge expenditure and the unsustainable process of relocating the entire complex?

Given a building consent is for a life expectancy of 50 years minimum, what life expectancy has this project got.

Is the Gateway in tune with the objectives of the Takutai Kāpiti, a community-led coastal adaption project, chaired by Jim Bolger?

Is the Gateway there for five or 50 years?

## **Kapiti Gateway Resource Consent RM210149**

The Resource Consent RM210149 for the Gateway and associated earthworks does not comply with no less than 11 operative district plan standards and policies.

Ratepayers entrust KCDC to monitor and enforce compliance with these policies and standards. What is the purpose of policy and standards if the very gate keepers of these policies and standards wish to trample on the very principles of what the community sees as a baseline minimum? This application has NOT demonstrated a level of guardianship or Kaitiaki that our community expects.

With over 30,000 m2 of land that forms Maclean Park why has KCDC proposed such a contentious building position that completely disregards at least 11 non complying activities?

Why do 13 property owners have the burden of dealing with such a controversial public funded scheme, when the wider community should have an opportunity to be consulted and given a voice?

How prudent is it that KCDC has already initiated construction on the physical structure? The building of the two pods is happening off site and was confirmed by Councillor Martin Halliday in the Paraparaumu - Raumati Community Board Meeting of 12 April 2022 at 33 minutes "KCDC have the two pods being manufactured off site in Lower Hutt" – Sean Mallon Group Manager – Infrastructure Services KCDC confirmed this as correct. Surely this is KCDC assuming they will get the Resource Consent? This is predetermining the outcome, does this put unreasonable pressure on the selected commissioner?

Link to youtube meeting <https://www.youtube.com/watch?v=0I7TCtfxbM&list=PPSV>

## **Parking – Gateway Vicinity**

**The Application will see the removal of 18 carparks to make way for the gateway building.**

**The affects on the Park users and ratepayers at large is more than minor.**

**If the Gateway project is given approval the community asset of 18 carparks is removed. KCDC need to replace 18 carparks before they consider the parking requirements of the new project and activities. The physical resource of the existing carpark has been paid for by the ratepayers and will essentially be ripped out to then pay for its replacement in another location. This is a resource not being well managed.**

**The applicant has suggested an array of solutions and arguments to justify the diminished parking provision. They have not demonstrated compliance with their own policy's and standards under the district plan. KCDC have not fully investigated, and provided evidence of a suitable alternative solution for modes of alternative transport.**

Marine Parade is identified as a main traffic route. Yet the application says the gateway will contribute over 100 VDP (100 traffic movements a day) this is a non-complying activity. There is a

lot of different activity proposed for the gateway including bio-security checks for tourists to the island, shoppers for retail, takeaway coffee customers, school groups for educational events, private functions etc. The application has not demonstrated ample parking for the multiple activities that will run concurrently. Compliance has not been demonstrated for the full activity of the proposed Gateway.

The applicant nor the Beca Assessment has established the minimum baseline for what KCDC has accepted as suitable & sustainable parking for the 160 people per day maximum concession set by DOC in 2012. There is no Resource consent data provided from 2010-2012 period to allow for the increase from 50 people per day to the island, to a maximum of 160 people per day. This is a private business operation run by two operators that essentially uses public parking to provide ALL of its vehicle parking requirements. The data quoted in the Becca TIA dated Dec Assessment Page 12 section 3.7 Kapiti Island Trips heavily identifies the reliance on public parking for the tourist visitors.

"86% of visitors drove a private car and parked in the area."

"81 % of visitors parked in an off road carpark area near the beach."

The increased need for parking and extra vehicle movement will have a negative effect on the neighbouring residential properties not limited to 3 and 5, 55 -58 Marine Parade. There will be more than minor effects on the surrounding properties.

There will be increased Traffic congestion and greater vehicle movements directly resulting from the Gateway as it has multiple functions. The very nature of the Gateway is to attract larger numbers of people to the distinct and specifically the Gateway building.

The expectation of more visitor numbers is evident in Full page features in the local newspapers, paid for by KCDC. KCDC has repeatedly promoted the gateway and its pulling power to justify the huge expense in the public domain. However everything to do with the non-compliance and possible negative impact of the Gateway seems to be diminished when represented in this Resource Consent application.

There will be significantly larger numbers of extra people, if KCDC's PR is to be believed, over and above the existing visitors to the island using the biosecurity facilities. People will be encouraged to visit the "Visitor Information Centre" and experience the Educational "Discovery centre" that tells our story. To simply use retail category m2 under the district plan as a way to determine sustainable parking is flawed in that the Gateway serves multiple functions at the same time. Where is the transient movement of coffee cart customer's traffic movements?

Beca has acknowledged that they do not have a true understanding of the current occupancy of the car parking around Maclean Park. Beca have undertaken very limited relevant onsite analysis. It is noted they undertook site visits in the covid fallout period of March 2020 and again later in the winter months, critically and more importantly they did not undertake site visits in the busiest time of year from Dec thru Feb.

At the peak time of year, the tour operators are at their busiest and the weekend market is in full flight.

With the lack of onsite analysis, the Beca team tried to bolster their assessment by using Google Earth images from undetermined times and dates to form some sort of pseudo conclusion.

It is my opinion that this application does not demonstrate in a quantified way how compliance and parking will be managed.

In recent months the KCDC PR team has announced the sale of a nearby commercial site between the proposed gateway and the Marine Parade carparks to a hotel developer for a new 46 room hotel. This is a development deal developed by and marketed by KCDC staff for a KCDC owned site. They have been working towards this goal for the last two years.

Where is the impact and analysis of this additional parking within this TIA by Beca?

KCDC surely cannot pursue a gateway development in isolation, when the KCDC knowingly, are selling land to developers at the same time with the proviso that a hotel does not require onsite parking under the proposed Central Government Urban strategy.

The provision for hotel car parking for customers and staff will fall squarely on road side parking.

Is this a conflicted situation where the interests of KCDC are not in the best interests of the ratepayers facilities such as park parking and traffic safety?

First and foremost is it not imperative that KCDC are enforcing and implementing district plan policies and standards before anything else. Is their pursuit of commercial enterprise the front runner for its own decisions?

## **Parking – Marine Parade Vicinity**

The Parking proposal on Marine Parade is a NON complying activity due to the large amounts of earthworks. The parking proposed here is largely in part to replace the 18 carparks that will be demolished to accommodate the Gateway building. Over and above the 18 carparks needed to replace the additional carparks do not appear satisfactory for the multiple functionality of the building and the pending 46 room hotel development. Both projects are facilitated by KCDC.

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### **Lack of Information and clarity for all areas of the proposed project**

#### **Potentially two NON complying activities**

Within the application the applicant has made a suggestion that the future lighting be addressed at a later stage.

The effects of the lighting has been noted by the peer review as having a more than minor effect.

The owners of 3 and 5 Marine parade (also other neighbours) will be adversely affected by the development and the already identified level of non-compliance. In regards to signage and lighting there is no detail design around these areas.

With the lack of detail the negative effect on neighbouring properties may be more far reaching than has been indicated in the application. The applicant must demonstrate the levels on NON compliance / scope of work they intend to undertake.

The home owners of affected parties at 3 & 5 Marine Parade have enjoyed the natural character and environment across the recreational reserve that is Maclean Park.

The Gateway proposal will have extensive artificial lighting. There will need to be illumination for security and safety of the entire Gateway facility including the large 300sqm decking and paved areas. Detailing and Consideration of the impact of such things as exterior security lighting, architectural lighting to illuminate Pou and other carvings, interior security lighting, pedestrian pathway lighting and finally signage lighting, is non-existent. None of this has been quantified within the Notification Report, or the Resource Consent. To simply and flippantly suggest this can be covered off in another Resource Consent is disingenuous. The KCDC Landscape Architect has raised concern that lighting and signage cannot be quantified due to the lack of detail. So compliance or non-compliance can NOT be established based on the submission. The outcome could therefore mean more NON compliance in addition to the eleven non complying activities that already exist.

The Landscape Architect has raised concerns in the Notification Report page 18.... "highlighted that this aspect of the project could prove controversial for local residents"

## Conclusions-

This consent application is **contrary to** -

- 1 "natural justice and fair process" and should have been publically notified, given the level of public interest.
- 2 Sections of the RMA
- 3 NZ Coastal Policy statement
- 4 Policies and objectives of the District Plan
- 5 Maclean Park Reserve Management Plan.

**and** the adverse environmental effects are cumulative and are deemed to be "**more than minor**"

Therefore the required gateway test of a non -complying consent application against RMA s104(d), with adverse environmental effects "more than minor" supports our request for this consent to be **Declined**

I wish to be heard or my appointed representative at any forthcoming hearings.

I may choose to bring expert consultants / speakers to support my submission to the hearings

  
.....  
Zena Knight

5 Marine Parade

Paraparaumu Beach

**Submission in relation to application RM 210149  
(Kapiti Gateway Project and associated new carpark areas)**

By Clare Holden, Michael Wilson and Mikclare Investments Limited.  
Address for Service 55 Marine Parade, Paraparaumu Beach 5032  
Physical Address As above  
Phone 027 266 7250  
Email [micknclareqt@gmail.com](mailto:micknclareqt@gmail.com)

We are not trade competitors for the purposes of section 308B of the Resource Management Act 1991.

We oppose the application in full.

We seek that the application be declined.

We wish to be heard at the hearing and will be represented by Counsel.

We may call expert witnesses in the areas of planning and/or landscape values.

We are aware of the requirement to send a copy of our submission to the Applicant.

The reasons for our submission are as follows:

**The overall proposal**

- a) The overall proposal does not comply with section 104D of the Resource Management Act because the combined adverse effects of the proposal will be more than minor and the overall proposal is contrary to the objectives and policies of the District Plan.
- b) The overall proposal is contrary to section 6(a) of the Resource Management Act and contrary to the New Zealand Coastal Policy Statement and the objectives and policies of the Wellington Regional Coastal Plan and the Kapiti District Plan.
- c) The proposal fails to preserve the natural character of the coastal environment and would be an inappropriate use and development of the coastal environment.
- d) The gateway structure does not need to be located in the reserve and could instead have been located over the road in an appropriate environment.
- e) The Application material contains material inaccuracies.
- f) The Application should have been publicly notified since the adverse effects on the environment would clearly be more than minor.
- g) The Council has failed to properly consult with the community and tangata whenua.

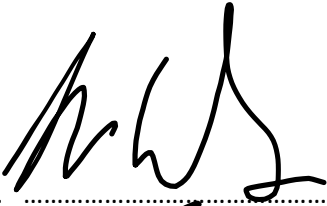
**We oppose the carparking part of the proposal for the following reasons:**


- h) The proposed removal of most of the width of a large section of the grassed foredune reserve, to create a car park is contrary to section 6(a) of the Resource Management Act and contrary to the New Zealand Coastal Policy Statement and the objectives and policies of the Wellington Regional Coastal Plan and the Kapiti District Plan.
- i) The proposed destruction of the foredune is an inappropriate (and unnecessary) use and development of the coastal environment and fails to preserve the natural character of the coastal environment.
- j) This part of the proposal fails to preserve the natural character of the foredune reserve area.
- k) The proposal will detract from the current high landscape values of the fore dune.
- l) We are directly impacted by the proposed work because our outlook over the beach and sea will no longer be over a grassed dune but will instead be over a car park and rock wall. This is a significant reduction to the natural character of the coastal environment which we currently enjoy.
- m) The proposed earthworks will significantly reduce the level of protection provided by the foredune from storm surges.
- n) These earthworks are proposed in an area which the District Council's coastal hazard consultants have provisionally identified as an area which is likely to be subject to erosion and inundation.
- o) Within the context of climate change and sea level rise, the proposal will increase the risk of inundation to properties (including ours) on the east side of Marine Parade during storm surges. (Unlike residential areas along Manly Street, Marine Parade is not protected by an extensive area of dunes, nor is there a sea wall of any type).
- p) The proposal will increase the level of erosion and inundation risk to Marine Parade Road.
- q) The proposed car park is in an identified flooding area and the increased asphalt area will increase the level of flooding to the road during storm surges and high intensity rainfall when the stormwater capacity is exceeded.
- r) The proposed car park and associated earthworks fail to maintain and enhance the amenity values of the area.
- s) The nearby car parks are heavily used by campervans and this car park will be the same. This increase in overnight use will detract from amenity values.

**We oppose the gateway building proposal for the following reasons:**

- a) The proposed removal of a grassed reserve area to be occupied by large building is contrary to section 6(a) of the Resource Management Act and contrary to the New Zealand Coastal Policy Statement and the objectives and policies of the Wellington Regional Coastal Plan and the Kapiti District Plan.
- b) The proposed building is an inappropriate (and unnecessary) use and development of the coastal environment and fails to preserve the natural character of the coastal environment.
- c) This part of the proposal will detract from the natural character of the foredune reserve area.

- d) The proposal will significantly detract from the current high landscape values of this residual foredune and reserve.
- e) The proposal fails to maintain or enhance the amenity values of this part of the reserve.
- f) The Council has failed to adequately consider appropriate alternatives including the use of the existing boating club or the use of land which was owned by the Council on the eastern side of the road.
- g) The Council has not demonstrated any economic or community necessity for this project.
- h) The proposed building would be located in an area of the coastal environment which the Council has provisionally identified as being at risk of coastal erosion and inundation within the context of projected sea level rise. The Council is intending to restrict development in such areas by way of amendments to the District Plan, yet is seeking to allow a high value development on this site for its own purposes. While the proposed building may be relocatable, the reality is that the Council will in the future come under pressure to protect the building and the site. If approved, this development will create an unfortunate precedent.

  
Michael Wilson ... 28 June 2022

  
Clare Holden ..... 28 June 2022

As occupiers and for an on behalf of Mikclare Investments Limited as owner

## Submission RM210149 Kapiti Gateway

### Introduction

My name is Murray Guy and I am a trustee of two family trusts that own the residential property at 56 Marine Parade, Paraparaumu Beach, used as our second family home. I hold a Masters degree in Agricultural Science, and I am a retired Regional Councillor (Horizons) and a retired Hearing Commissioner (RMA). Whilst I have a good general knowledge of environmental, planning and RMA issues, I am not giving evidence as an expert in these subject areas.

We have owned 56 Marine Parade since 2002.

### Application RM210149

I am generally in favour of a Gateway project, but consider this application to be flawed in a number of major areas, and should therefore be **Declined**. There are many aspects of this proposal that are non-complying, and many adverse effects that are more than minor. The decision to limit notification and appeals to only a few residents is wrong when there is large public interest and the application is **non-complying**. It is a huge burden for those few of us identified as affected parties to be the only scrutineers of this public asset consent application. This is against "natural justice and fair process".

### Building site

I restrict my comments to the irrational decision to propose the main building to be located in a natural hazard flood/ponding zone, and to be adjacent to a build line restriction(1999) in a coastal environment. This beggars belief given that the applicant is KCDC, and the vulnerability of buildings in such locations, climate change, coastal retreat, and new build line restrictions have been prominent concerns for the last 10 years, and promoted by KCDC (2012).

### Car Parking-General

There is a wide range of opinion as to the need and requirement for car parking in relation to this application. "Only new carparking demand generated by the new buildings needs to be considered by the proposal, Parking demand for the Island Tours is an existing consented activity and parking associated with this( up to the existing concession limit) is permitted within the existing environment. The National Policy Statement for Urban Development 2020(NPS-UD) which does not require carparking for development" Tomkin & Taylor Traffic Impact Assessment (TIA) pg3 Review Scope. Cuttriss in their application pg 48 state " In

simplistic terms if the activity that the building represents was to be built on a green field site with no existing activities it would be required to provide 4 parking spaces, based on Gross Floor Area"...."A more formal carparking study was undertaken in August 2020 and found that during the week that Marine Parade was at a maximum 34% occupied and 50% occupied during the weekend"

My point is that the case for the need of a new carpark in area C6, Maclean park, has not been demonstrated, given the existing carparking capacity available( demonstrated by the studies), and the increase in parking spaces from the reconfiguration of the southern carpark , and the low statutory requirements. Also the lack of alternatives fully investigated, lack of reporting, and a review of the excessive parking removal from the extensive proposed building features/entrance/decking at the Gateway.

### **Carparking – Specific**

We are an adversely affected party due to the proposed new Carpark directly opposite our house at 56 Marine Parade, front and centre of our main north-western view out to Kapiti Island and the setting sun. This coastal foredune strip is afforded environmental protection by the Resource Management Act(RMA), NZ Coastal Policy Statement, , and the Kapiti Coast District Plan.

In 2002, when we bought, the District Plan (1999) zoned the coastal foredune strip on the western seaward side of the street as 'Outstanding Landscape', and we personally have always viewed it as an outstanding landscape. The current Operative District Plan ( 2021) now has this foredune strip zoned in 2 parts, as 'General Residential' adjacent the street, and 'Natural Open Space' to the seaward.

This proposed carpark with its adverse effects are contrary to-

**1 RMA s6(a)** "the preservation of the natural character of the coastal environment.." The proposed carpark will adversely affect the natural character of the Natural Open Space, with proposed earthworks affects being more than minor.

s6(b) "the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development" The foredune has highly valued natural features which will be impacted by the proposed physical earthworks, the new tarseal "built" environment, and the adverse effects of the visual imposition of vehicles of all sizes, freedom campers and associated noise. These adverse effects are more than minor.

s7 "In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources shall have regard to....

7(aa)" the ethic of stewardship" KCDC is conflicted as applicant and by its

regulatory function to which it is severely lacking in stewardship, by proposing this application which is **non-complying** in multiple aspects. The most significant lack of stewardship by KCDC would arguably be the decision to propose to build a Gateway centre, and a new carpark to the south, both in flood zones, and adjacent to build line restrictions set in 1999, while currently and for the last 15 years, been promoting new build setback lines and discussing managed retreat.

7(b) “the efficient use and development of natural and physical resources”. Proposing a new carpark, that is arguably not required, located in this Natural and highly valued public space is contrary to this section of the RMA.

7(i) “the effects of climate change”. There is no commentary in the application with respect to the impending effects of climate change, with increasing frequencies and intensities of storm events, and sea level rises. The foredune is our front line of physical defence and should be preserved and encouraged to grow in physical size naturally and with good vegetative cover. Earthworks associated with the carpark, and the cutting/battering of dune slopes increases the vulnerability of the foredune to withstand the future adverse effects of climate change and foredune erosion.

## **2 District Plan (2021)**

This consent application is contrary to some of the District plan’s objectives, in particular, DO-04 Coastal Environment “To have a coastal environment where:

1. “areas of outstanding natural character and high natural character, outstanding natural features and landscapes...are identified and protected” The construction of a carpark with associated earthworks is not protecting this natural dune landscape feature.
- 3 “the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated” The adverse effects of this new carpark construction could be avoided as it is arguably not necessary, or it could be located in a less environmentally sensitive area.

DO-05 Natural Hazards “To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of risk from natural hazards, while recognising the importance of natural processes and systems” Building a carpark (and a gateway building) in an identified flood zone ,and at the same time damaging the foredune during construction is contrary to this objective.

DO-09 Landscapes, Features and Landforms “To protect the District’s identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and

1 maintain or enhance the landscape values of special amenity landscapes and identified significant landforms: and

2 avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms” The foredune area is a natural feature and landscape and warrants protection from the proposed new carpark.

### **Maclean Park Te Uruhi Reserve Management Plan 2017**

The location of the proposed new carpark is a significant deviation from the Reserve Management Plan which was publicly consulted on, and ratified by KCDC. In particular the proposed new carpark location is now in the Residential zone as opposed to the Town Centre zone, where one would naturally expect a public carpark to be located, given that it primarily services the Town centre needs. The result is that we will now have a greater adverse visual effect, from carparks in the residential zone, of what now appears to be almost a continuous strip of carparks along this residential zone of Marine Parade, in a natural environment. The cumulative adverse effects of this are more than minor. This new addition is not required for general public beach access, as the existing carparks more than adequately fill that function. The general public have been excluded from having a voice, in this consent application, on this matter.

### **Conclusions-**

This consent application is **contrary to** -

- 1 “natural justice and fair process” and should have been publically notified, given the level of public interest.
- 2 Sections of the RMA
- 3 NZ Coastal Policy statement
- 4 Policies and objectives of the District Plan
- 5 Maclean Park Reserve Management Plan.

**and** the adverse environmental effects are cumulative and are deemed to be “**more than minor**”

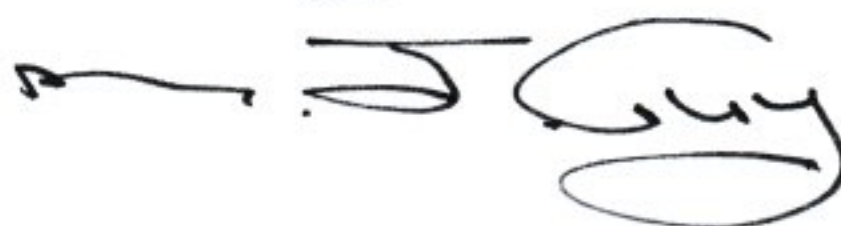
Therefore the required gateway test of a non -complying consent application against RMA s104(d), with adverse environmental effects “more than minor” supports our request for this consent to be **Declined**

Murray Guy (Trustee)



27 June 2022

Michelle Guy (Trustee)



27 June 2022

**Submission in Relation to Application RM 210149  
(Kapiti Gateway Project and Associated New Carpark Areas)**

**Name of Applicant:** Kapiti Coast District Council  
**Address for Service:** C/- Cuttriss Consultants Limited  
**FAO:** Emma McLean  
**Email:** [emma.mclean@cuttriss.co.nz](mailto:emma.mclean@cuttriss.co.nz)

**By:** Andrew Burgess and Leeana Burgess  
**Address for Service:** 58 Marine Parade, Paraparaumu Beach 5032  
**Physical Address:** As above  
**Phone:** 027 2813194 or 021 02353691  
**Email:** [leeanaab@hotmail.com](mailto:leeanaab@hotmail.com)>

**Confirmation of Position:**

- a. We are not trade competitors for the purposes of section 308 B of the Resource Management Act 1991.
- b. We oppose the application in full.
- c. We seek that the application be declined.
- d. We wish to be heard at the hearing.
- e. We may call expert witnesses in the areas of planning and/or landscape values.
- f. We are aware of the requirement to send a copy of our submission to the Applicant.

The reasons for our submission are as follows:

**Outline of submission:**

1. We, Andrew Burgess and Leeana Burgess (**Owners**) of **57/58 Marine Parade, Paraparaumu Beach** wish to record our objection with respect to the proposed Kapiti Gateway Project and Carparking (Zone 6) under the Limited Notification process of the Resource Management Act (**RMA**) 1991.
2. As the Owners, we object to the Limited Notification of submission RM210149 (the **Application**) and the consultant's finding that the effects are 'less than minor'.
3. We contest the findings contained within the Land Use Consent Application and Assessment of Effects for Te Uruhi (the **Assessment**) and the associated appendices submitted as part of the Application. We also disagree with the Commissioner's decision not to publicly notify the application, since the effect on the wider environment are clearly more than minor.
4. We are of the view that as a non-complying activity this proposal should be rejected since it is clearly contrary to relevant objectives and policies and its effects will be more than minor.

**Basis of Objections:**

5. In respect of the Assessment prepared by Cuttriss, we as Owners of 57/58 Marine Parade refute the determination that the effects of the proposed carparking in Zone 6 within the proposal are 'less than minor'. The assessment records that *"These dwellings all have views directly over the coast and towards Kapiti Island. Zone 6 carparking will change the present dune landform and visual appearance"* (p.37). This statement is inconsistent with determining the effect is 'less than minor'.

6. This conclusion is also inconsistent with the requirements of section 6 of the RMA as reflected in the New Zealand Coastal Policy Statement (the **NZCPS**) to avoid inappropriate development of the coastal environment and to preserve the natural character of the coastal environment. Excavation of the grassed fore dune is entirely inappropriate and unnecessary.
7. The Assessment notes that the Gateway building in isolation would, *"In simplistic terms if the activity that the building represents was to be built on a green field site with no existing activities it would be required to provide 4 parking spaces, based on Gross Floor Area"* (p.48). In recognition of this fact, we contest the need for the additional parking proposed to be provided in Zone 6, particularly construction of the proposed new carpark.
8. We refer the commissioner(s) hearing this matter to the RMA, the National Policy Statement for Urban Development, the NZCPS and the Regional Policy Statement and Coastal Plan for Wellington to determine whether the Act and Policies have in fact been considered appropriately and whether the documentation that forms the Application is mis-leading. As evidence as to the accuracy or mis-leading nature of the Application, we refer to:
  - a. The Mana Whenua Assessment dated 30 July 2020 and submitted as **Appendix 4 Cultural Impact/Values Assessment** of the overall Assessment makes no reference to the proposed new carparking in Zone 6. Specifically, Part A 9.g refers to '14 carparks to be provided to the south-east and extra parking at the Paraparaumu Beach Golf Club'. The 14 carparks are taken to mean the remarking of the existing carpark, not to the construction of the proposed new carpark through the removal of the dune as there is simply no reference to earthworks or construction of the carpark. Accordingly, Mana Whenua have not been consulted on this aspect.
  - b. Paragraph 7 of section 2.1 Background (p.8) of the Assessment prepared by Cuttriss makes specific reference to permitted and likely visitor numbers. This is of considerable importance given that the likely numbers are assessed on average likely sailings (that consider physical sea/weather conditions that impact sailings and that operators close for the winter months), whereas maximum numbers assume fully occupancy of all permitted sailings.
  - c. For the purposes of the Application, maximum numbers are used to justify the need for car-parking in Zone 6. This contradicts Section 6 of the RMA in that:
    - i. **s.6 (a)** "the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development". The proposed construction of the new carpark in Zone 6 will adversely affect the natural character of the natural open space, with proposed earthworks affects being more than minor and fail to protect the dunes from inappropriate use and development.
    - ii. The dune has highly valued natural character that will be adversely impacted by the proposed physical earthworks, paved new carpark forming a 'built' environment, and the operational and ongoing adverse visual effects arising from the unrestricted use of the carpark by campervans (or similar converted large vehicles) and associated noise. These adverse effects would be more than minor
    - iii. The proposal will detract from the amenity values which we and others enjoy. Replacing natural and reserve amenity with car parks.

9. Upon previous complaints by the Owners regarding flagrant disregard of posted restrictions pertaining to the number of campervans parking overnight, the Applicants representative who responded has confirmed that there are no powers or abilities to enforce compliance with any posted restrictions. The concerns regarding the overnight use of the proposed car parks are validated by the continued over-subscribed overnight parking by campervans in the existing parking facilities along Marine Parade and within the vicinity of Zone 6, including where occupants are known to be living in the vehicle (on these carparks).
10. We believe the visual impact assessment completed as part of the Application fails to address the operational constraints that already exist with respect to enforcement of parking of campervans. Accordingly, the Applicant has not demonstrated how the negative visual impacts arising from un-restricted parking of campervans in the proposed carpark will be mitigated.
11. We consider that this application should have been fully notified since the adverse effects are clearly more than minor.
12. We seek that the application be **Declined**.

Andrew James Burgess:



Dated: 27/06/2022

Leeana Kay Burgess:



Dated: 27/06/2022

## **APPENDIX B**

### **Relevant Provisions of Statutory Planning Documents**

# **RELEVANT PROVISIONS OF RELEVANT STATUTORY DOCUMENTS UNDER S104(1)(B) OF THE RMA**

## **New Zealand Coastal Policy Statement 2010**

Objective 1	<p><i>To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</i></p> <ul style="list-style-type: none"> <li><i>• maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;</i></li> <li><i>• protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and</i></li> <li><i>• maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.</i></li> </ul>
Objective 2	<p><i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i></p> <ul style="list-style-type: none"> <li><i>• recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</i></li> <li><i>• identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and</i></li> <li><i>• encouraging restoration of the coastal environment.</i></li> </ul>
Objective 3	<p><i>To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</i></p> <ul style="list-style-type: none"> <li><i>• recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;</i></li> <li><i>• promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;</i></li> <li><i>• incorporating mātauranga Māori into sustainable management practices; and</i></li> <li><i>• recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.</i></li> </ul>
Objective 4	<p><i>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</i></p> <ul style="list-style-type: none"> <li><i>• recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;</i></li> <li><i>• maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and</i></li> <li><i>• recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.</i></li> </ul>
Objective 5	<p><i>To ensure that coastal hazard risks taking account of climate change, are managed by:</i></p> <ul style="list-style-type: none"> <li><i>• locating new development away from areas prone to such risks;</i></li> <li><i>• considering responses, including managed retreat, for existing development in this situation; and</i></li> <li><i>• protecting or restoring natural defences to coastal hazards.</i></li> </ul>
Objective 6	<p><i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</i></p> <ul style="list-style-type: none"> <li><i>• the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;</i></li> </ul>

	<ul style="list-style-type: none"> <li>• some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;</li> <li>• functionally some uses and developments can only be located on the coast or in the coastal marine area;</li> <li>• the coastal environment contains renewable energy resources of significant value;</li> <li>• the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;</li> <li>• the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;</li> <li>• the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and</li> <li>• historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.</li> </ul>
Policy 1	<p><i>Extent and characteristics of the coastal environment</i></p> <ol style="list-style-type: none"> <li>1. Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.</li> <li>2. Recognise that the coastal environment includes: <ol style="list-style-type: none"> <li>a. the coastal marine area;</li> <li>b. islands within the coastal marine area;</li> <li>c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;</li> <li>d. areas at risk from coastal hazards;</li> <li>e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;</li> <li>f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;</li> <li>g. items of cultural and historic heritage in the coastal marine area or on the coast;</li> <li>h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and</li> <li>i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.</li> </ol> </li> </ol>
Policy 2	<p><i>The Treaty of Waitangi, tangata whenua and Māori</i></p> <p><i>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</i></p> <ol style="list-style-type: none"> <li>a. recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;</li> <li>b. involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;</li> <li>c. with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori<sup>1</sup> in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;</li> <li>d. provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga<sup>2</sup>, may have knowledge not otherwise available;</li> <li>e. take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū</li> </ol>

	<p>and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and</p> <ul style="list-style-type: none"> <li>i. where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and</li> <li>ii. consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;</li> </ul> <p>f. provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:</p> <ul style="list-style-type: none"> <li>i. bringing cultural understanding to monitoring of natural resources;</li> <li>ii. providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;</li> <li>iii. having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaītai or other non commercial Māori customary fishing;</li> </ul> <p>g. in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:</p> <ul style="list-style-type: none"> <li>i. recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and</li> <li>ii. provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.</li> </ul>
Policy 3	<p><i>Precautionary approach</i></p> <ol style="list-style-type: none"> <li>1. Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.</li> <li>2. In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that: <ol style="list-style-type: none"> <li>a. avoidable social and economic loss and harm to communities does not occur;</li> <li>b. natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and</li> <li>c. the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.</li> </ol> </li> </ol>
Policy 6	<p><i>Activities in the coastal environment</i></p> <ol style="list-style-type: none"> <li>1. In relation to the coastal environment: <ol style="list-style-type: none"> <li>a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;</li> <li>b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;</li> <li>c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;</li> <li>d. recognise tangata whenua needs for papakāinga<sup>3</sup>, marae and associated developments and make appropriate provision for them;</li> <li>e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;</li> <li>f. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;</li> <li>h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;</li> <li>i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and</li> <li>j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</li> </ul> <p>2. Additionally, in relation to the coastal marine area:</p> <ul style="list-style-type: none"> <li>a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;</li> <li>b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</li> <li>c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;</li> <li>d. recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and</li> <li>e. promote the efficient use of occupied space, including by: <ul style="list-style-type: none"> <li>i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;</li> <li>ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and</li> <li>iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.</li> </ul> </li> </ul>
Policy 13	<p><b>Preservation of natural character</b></p> <ol style="list-style-type: none"> <li>1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: <ul style="list-style-type: none"> <li>a. avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and</li> <li>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:</li> <li>c. assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and</li> <li>d. ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.</li> </ul> </li> <li>2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as: <ul style="list-style-type: none"> <li>a. natural elements, processes and patterns;</li> <li>b. biophysical, ecological, geological and geomorphological aspects;</li> <li>c. natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</li> <li>d. the natural movement of water and sediment;</li> <li>e. the natural darkness of the night sky;</li> <li>f. places or areas that are wild or scenic;</li> <li>g. a range of natural character from pristine to modified; and</li> <li>h. experiential attributes, including the sounds and smell of the sea; and their context or setting.</li> </ul> </li> </ol>
Policy 14	<p><b>Restoration of natural character</b></p> <ul style="list-style-type: none"> <li>a. identifying areas and opportunities for restoration or rehabilitation;</li> </ul>

	<ul style="list-style-type: none"> <li>b. <i>providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans;</i></li> <li>c. <i>where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include:</i> <ul style="list-style-type: none"> <li>i. <i>restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or</i></li> <li>ii. <i>encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or</i></li> <li>iii. <i>creating or enhancing habitat for indigenous species; or</i></li> <li>iv. <i>rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or</i></li> <li>v. <i>restoring and protecting riparian and intertidal margins; or</i></li> <li>vi. <i>reducing or eliminating discharges of contaminants; or</i></li> <li>vii. <i>removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or</i></li> <li>viii. <i>restoring cultural landscape features; or</i></li> <li>ix. <i>redesign of structures that interfere with ecosystem processes; or</i></li> <li>x. <i>decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.</i></li> </ul> </li> </ul>
Policy 15	<p><i>Natural features and natural landscapes</i></p> <p><i>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</i></p> <ul style="list-style-type: none"> <li>a. <i>avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and</i></li> <li>b. <i>avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:</i></li> <li>c. <i>identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:</i> <ul style="list-style-type: none"> <li>i. <i>natural science factors, including geological, topographical, ecological and dynamic components;</i></li> <li>ii. <i>the presence of water including in seas, lakes, rivers and streams;</i></li> <li>iii. <i>legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;</i></li> <li>iv. <i>aesthetic values including memorability and naturalness;</i></li> <li>v. <i>vegetation (native and exotic);</i></li> <li>vi. <i>transient values, including presence of wildlife or other values at certain times of the day or year;</i></li> <li>vii. <i>whether the values are shared and recognised;</i></li> <li>viii. <i>cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;</i></li> <li>ix. <i>historical and heritage associations; and</i></li> <li>x. <i>wild or scenic values;</i></li> </ul> </li> <li>d. <i>ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and</i></li> <li>e. <i>including the objectives, policies and rules required by (d) in plans.</i></li> </ul>
Policy 18	<p><i>Public open space</i></p> <p><i>Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:</i></p> <ul style="list-style-type: none"> <li>a. <i>ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;</i></li> </ul>

	<ul style="list-style-type: none"> <li><i>b. taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;</i></li> <li><i>c. maintaining and enhancing walking access linkages between public open space areas in the coastal environment;</i></li> <li><i>d. considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and</i></li> <li><i>e. recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.</i></li> </ul>
<b>Policy 25</b>	<p><i>Subdivision, use, and development in areas of coastal hazard risk</i></p> <p><i>In areas potentially affected by coastal hazards over at least the next 100 years:</i></p> <ul style="list-style-type: none"> <li><i>a. avoid increasing the risk<sup>10</sup> of social, environmental and economic harm from coastal hazards;</i></li> <li><i>b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;</i></li> <li><i>c. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;</i></li> <li><i>d. encourage the location of infrastructure away from areas of hazard risk where practicable;</i></li> <li><i>e. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and</i></li> <li><i>f. consider the potential effects of tsunamis and how to avoid or mitigate them.</i></li> </ul>

## **National Policy Statement on Urban Development 2020**

<b>Objective 4</b>	<i>New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.</i>
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## **Operative Regional Policy Statement for the Wellington Region 2013**

<b>Objective 3</b>	<i>Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.</i>
<b>Objective 4</b>	<i>The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.</i>
<b>Objective 7</b>	<i>The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.</i>
<b>Objective 8</b>	<i>Public access to and along the coastal marine area, lakes and rivers is enhanced.</i>
<b>Objective 12</b>	<i>The quantity and quality of fresh water:</i> <ul style="list-style-type: none"> <li><i>(a) meet the range of uses and values for which water is required;</i></li> <li><i>(b) safeguard the life supporting capacity of water bodies; and</i></li> <li><i>(c) meet the reasonably foreseeable needs of future generations.</i></li> </ul>
<b>Objective 18</b>	<i>The region's special amenity landscapes are identified and those landscape values that contribute to amenity and the quality of the environment are maintained or enhanced.</i>
<b>Objective 19</b>	<i>The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.</i>
<b>Objective 24</b>	<i>The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.</i>
<b>Objective 25</b>	<i>The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.</i>

<i>Objective 26</i>	<i>Mauri is sustained, particularly in relation to coastal and fresh waters.</i>
<i>Policy 35</i>	<p><i>Preserving the natural character of the coastal environment – consideration</i>  <i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to preserving the natural character of the coastal environment by:</i></p> <ul style="list-style-type: none"> <li><i>(a) minimising any adverse effects from point source and non-point source discharges, so that aquatic ecosystem health is safeguarded;</i></li> <li><i>(b) protecting the values associated with estuaries and bays, beaches and dune systems, including the unique physical processes that occur within and between them from inappropriate subdivision, use and development, so that healthy ecosystems are maintained;</i></li> <li><i>(c) maintaining or enhancing amenity – such as, open space and scenic values – and opportunities for recreation and the enjoyment of the coast by the public;</i></li> <li><i>(d) minimising any significant adverse effects from use and enjoyment of the coast by the public;</i></li> <li><i>(e) safeguarding the life supporting capacity of coastal and marine ecosystems;</i></li> <li><i>(f) maintaining or enhancing biodiversity and the functioning of ecosystems; and</i></li> <li><i>(g) protecting scientific and geological features from inappropriate subdivision, use and development.</i></li> </ul>
<i>Policy 36</i>	<p><i>Managing effects on natural character in the coastal environment – consideration</i>  <i>When considering an application for a resource consent, notice of requirement or a change, variation or review of a district or regional plan, a determination shall be made as to whether an activity may affect natural character in the coastal environment, and in determining whether an activity is inappropriate particular regard shall be given to:</i></p> <ul style="list-style-type: none"> <li><i>(a) the nature and intensity of the proposed activity including:</i> <ul style="list-style-type: none"> <li><i>(i) the functional need or operational requirement to locate within the coastal environment</i></li> <li><i>(ii) the opportunity to mitigate anticipated adverse effects of the activity</i></li> </ul> </li> <li><i>(b) the degree to which the natural character will be modified, damaged or destroyed including:</i> <ul style="list-style-type: none"> <li><i>(i) the duration and frequency of any effect, and/or</i></li> <li><i>(ii) the magnitude or scale of any effect;</i></li> <li><i>(iii) the irreversibility of adverse effects on natural character values;</i></li> <li><i>(iv) whether the activity will lead to cumulative adverse effects on the natural character of the site/area.</i></li> </ul> </li> <li><i>(c) the resilience of the site or area to change;</i></li> <li><i>(d) the opportunities to remedy or mitigate previous damage to the natural character;</i></li> <li><i>(e) the existing land uses on the site.</i></li> </ul>
<i>Policy 37</i>	<p><i>Safeguarding life-supporting capacity of coastal ecosystems – consideration</i>  <i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to safeguarding the life-supporting capacity of coastal and marine ecosystems by maintaining or enhancing:</i></p> <ul style="list-style-type: none"> <li><i>(a) any area within the intertidal or subtidal zone that contains unique, rare, distinctive or representative marine life or habitats;</i></li> <li><i>(b) areas used by marine mammals as breeding, feeding or haul out sites;</i></li> <li><i>(c) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;</i></li> <li><i>(d) habitats, corridors and routes important for preserving the range, abundance, and diversity of indigenous and migratory species;</i></li> <li><i>(e) any area that contain indigenous coastal ecosystems and habitats that are particularly vulnerable to modification – such as, estuaries, lagoons, coastal wetlands, dunelands, rocky reef systems and salt marshes; and</i></li> <li><i>(f) the integrity, functioning and resilience of physical and ecological processes.</i></li> </ul>
<i>Policy 41</i>	<p><i>Minimising the effects of earthworks and vegetation disturbance – consideration</i>  <i>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 controlling earthworks and vegetation disturbance to minimise:</i></p>

	<p>(a) erosion; and</p> <p>(b) silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.</p>
Policy 42	<p><i>Minimising contamination in stormwater from development – consideration</i></p> <p><i>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:</i></p> <p><i>(a) limiting the area of new impervious surfaces in the stormwater catchment;</i></p> <p><i>(b) using water permeable surfaces to reduce the volume of stormwater leaving a site;</i></p> <p><i>(c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;</i></p> <p><i>(d) collecting water from roofs for domestic or garden use while protecting public health;</i></p> <p><i>(e) using soakpits for the disposal of stormwater;</i></p> <p><i>(f) using roadside swales, filter strips and rain gardens;</i></p> <p><i>(g) using constructed wetland treatment areas;</i></p> <p><i>(h) using in situ treatment devices;</i></p> <p><i>(i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and</i></p> <p><i>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.</i></p>
Policy 48	<p><i>Principles of the Treaty of Waitangi – consideration</i></p> <p><i>When considering an application for a resource consent, notice of requirement, or a change, variation or review of a district or regional plan, particular regard shall be given to:</i></p> <p><i>(a) the principles of the Treaty of Waitangi; and</i></p> <p><i>(b) Waitangi Tribunal reports and settlement decisions relating to the Wellington region.</i></p>
Policy 51	<p><i>Minimising the risks and consequences of natural hazards – consideration</i></p> <p><i>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:</i></p> <p><i>(a) the frequency and magnitude of the range of natural hazards that may adversely affect the proposal or development, including residual risk;</i></p> <p><i>(b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;</i></p> <p><i>(c) whether the location of the development will foreseeably require hazard mitigation works in the future;</i></p> <p><i>(d) the potential for injury or loss of life, social disruption and emergency management and civil defence implications – such as access routes to and from the site;</i></p> <p><i>(e) any risks and consequences beyond the development site;</i></p> <p><i>(f) the impact of the proposed development on any natural features that act as a buffer, and where development should not interfere with their ability to reduce the risks of natural hazards;</i></p> <p><i>(g) avoiding inappropriate subdivision and development in areas at high risk from natural hazards;</i></p> <p><i>(h) the potential need for hazard adaptation and mitigation measures in moderate risk areas; and</i></p> <p><i>(i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.</i></p>

## Proposed Change 1 to the Operative Regional Policy Statement for the Wellington Region 2013

Amendments to operative objectives and policies are shown with additional text underlined, and deleted text as ~~strikethrough~~.

Objective 19	The risks and consequences to people, communities, <del>their businesses</del> , property <del>and infrastructure and the environment from natural hazards and the effects of climate change effects are minimised</del> <u>reduced</u> .
Policy 41	<del>Minimising</del> <u>Controlling</u> the effects of earthworks and vegetation disturbance – consideration When considering an application for a resource consent, <del>notice of requirement, or a change, variation or review of a regional or district plan</del> , particular regard shall be given to controlling earthworks and vegetation disturbance <u>by to minimise</u> : (a) <del>erosion; and</del> (b) <u>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> (c) <u>avoiding discharges to water bodies, and to land where it may enter a waterbody, where limits for suspended sediment are not met</u>
Policy 42	<u>Effects on freshwater and the coastal marine area from urban development – consideration</u> <del>Minimising contamination in stormwater from development – Consideration</del> <u>When considering an application for a resource consent the regional council must give effect to Te Mana o te Wai and in doing so must have particular regard to:</u> (a) <u>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> (b) <u>Protect and enhance mana whenua /tangata whenua freshwater values, including mahinga kai;</u> (c) <u>Provide for mana whenua/tangata whenua and their relationship with their culture, land, water, wāhi tapu and other taonga;</u> (d) <u>Incorporate the use of mātauranga Māori to ensure the effects of urban development are considered appropriately;</u> (e) <u>The effects of use and development of land on water, including the effects on receiving environments (both freshwater and the coastal marine area);</u> (f) <u>The target attribute states set for the catchment;</u> (g) <u>Require that the development, including stormwater discharges, earthworks and vegetation clearance meets any limits set in a regional plan;</u> (h) <u>Require that urban development is located and designed and constructed using the principles of Water Sensitive Urban Design;</u> (i) <u>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;</u> (j) <u>Require that urban development is located and designed to protect and enhance gully heads, rivers, lakes, wetlands, springs, riparian margins and estuaries;</u> (k) <u>Require hydrological controls to avoid adverse effects of runoff quantity (flows and volumes) and maintain, to the extent practicable, natural stream flows;</u> (l) <u>Require stormwater quality management that will minimise the generation of contaminants, and maximise, to the extent practicable, the removal of contaminants from stormwater;</u> (m) <u>Require riparian buffers for all waterbodies and avoid piping of rivers;</u> (n) <u>Daylighting of rivers, where practicable;</u> (o) <u>Mapping of rivers and wetlands;</u> (p) <u>Efficient end use of water and alternate water supplies for non- potable use;</u> (q) <u>protecting drinking water sources from inappropriate use and development; and</u> (r) <u>applying an integrated management approach to wastewater networks including partnering with mana whenua as kaitiaki and allowance for appropriately</u>

	<p><u>designed overflow points where necessary to support growth and consideration of different approaches to wastewater management to resolve overflow.</u></p> <p><del>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:</del></p> <p><del>(a) limiting the area of new impervious surfaces in the stormwater catchment;</del></p> <p><del>(b) using water permeable surfaces to reduce the volume of stormwater leaving a site;</del></p> <p><del>(c) restricting zinc or copper roofing materials, or requiring their effects to be mitigated;</del></p> <p><del>(d) collecting water from roofs for domestic or garden use while protecting public health;</del></p> <p><del>(e) using soakpits for the disposal of stormwater;</del></p> <p><del>(f) using roadside swales, filter strips and rain gardens;</del></p> <p><del>(g) using constructed wetland treatment areas;</del></p> <p><del>(h) using in situ treatment devices;</del></p> <p><del>(i) using stormwater attenuation techniques that reduce the velocity and quantity of stormwater discharges; and</del></p> <p><del>(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.</del></p>
Policy 51	<p>Minimising the risks and consequences of natural hazards – consideration</p> <p>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:</p> <p><del>(a) the frequency and magnitude</del> <u>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;</u></p> <p><del>(b) the potential for climate change and sea level rise to increase the frequency or magnitude of a hazard event;</del></p> <p>(c) whether the location of the <u>subdivision, use or development</u> will foreseeably require hazard mitigation works in the future;</p> <p>(d) the potential for injury or loss of life, <u>social and economic</u> disruption and emergency management and civil defence implications – such as access routes to and from the site;</p> <p><del>(e) any</del> <u>whether the subdivision, use or development causes any change in the risks and consequences from natural hazards in areas beyond the application site;</u></p> <p><del>(f) minimising effects the impact of the proposed subdivision, use or development on any natural features that may act as a buffer to or reduce the impacts from natural hazards, and where development should not interfere with their ability to reduce the risks of natural hazards;</del></p> <p>(g) avoiding <u>inappropriate subdivision, use or development and hazard sensitive activities where the hazards and risks are assessed as high to extreme and development in areas at high risk from natural hazards;</u></p> <p><del>(h) the potential need for appropriate hazard risk management and/or adaptation and mitigation measures for subdivision, use or development in areas where the hazards and risks are assessed as low to moderate, including residual risk in moderate risk areas; and</del></p> <p><del>(i) the need to locate habitable floor areas and access routes above the 1:100 year flood level, in identified flood hazard areas.</del></p> <p><del>(j) The need to locate floor levels of habitable buildings and buildings used as places of employment above the 1% AEP (1:100 year) flood level, in identified flood hazards.</del></p>
<u>Objective CC.7</u>	<p><u>People and businesses understand what climate change means for their future and are actively involved in planning and implementing appropriate mitigation and adaptation responses.</u></p>

<u>Policy IM.1</u>	<p><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>  <u>(a) partnering with mana whenua / tangata whenua to provide for mana whenua / tangata whenua involvement in resource management and decision making; and</u>  <u>(b) recognising the interconnectedness between air, freshwater, land, coastal marine areas, ecosystems and all living things – ki uta ki tai; and</u>  <u>(c) recognising the interrelationship between natural resources and the built environments; and</u>  <u>(d) making decisions based on the best available information, improvements in technology and science, and mātauranga Māori; and</u>  <u>(e) upholding Māori data sovereignty; and</u>  <u>(f) requiring Māori data and mātauranga Māori to be interpreted within Te Ao Māori; and</u>  <u>(g) recognising that the impacts of activities may extend beyond immediate and directly adjacent area, and beyond organisational or administrative boundaries</u></p>
<u>Policy IM.2</u>	<p><u>Equity and inclusiveness – consideration</u>  <u>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:</u>  <u>(a) avoiding compounding historic grievances with iwi/Māori; and</u>  <u>(b) not exacerbating existing inequities, in particular but not limited to, access to public transport, amenities and housing; and</u>  <u>(c) not exacerbating environmental issues; and</u>  <u>(d) not increasing the burden on future generations.</u></p>

## Operative District Plan 2021

DO-01	<p><i>Tāngata Whenua</i>  <i>To work in partnership with the tāngata whenua of the District in order to maintain kaitiakitanga of the District's resources and ensure that decisions affecting the natural environment in the District are made in accordance with the principles of Te Tiriti o Waitangi (Treaty of Waitangi).</i></p>
DO-03	<p><i>Development Management</i>  <i>To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas which can be efficiently serviced and integrated with existing townships, delivering:</i>  <i>1. urban areas which maximise the efficient end use of energy and integration with infrastructure;</i>  <i>2. a variety of living and working areas in a manner which reinforces the function and vitality of centres;</i>  <i>3. resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;</i>  <i>4. higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;</i>  <i>5. management of development in areas of special character or amenity so as to maintain, and where practicable, enhance those special values;</i>  <i>6. sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;</i>  <i>7. an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and</i>  <i>8. management of the location and effects of potentially incompatible land uses including any interface between such uses.</i></p>
DO-04	<p><i>Coastal Environment</i></p>

	<p>To have a coastal environment where:</p> <ol style="list-style-type: none"> <li>1. areas of outstanding natural character and high natural character, outstanding natural features and landscapes, areas of significant indigenous vegetation, and significant habitats of indigenous fauna are identified and protected;</li> <li>2. areas of outstanding natural character and high natural character are restored where degraded;</li> <li>3. the effects of inappropriate subdivision, use and development are avoided, remedied, or mitigated;</li> <li>4. public access to and along the coast to facilitate active and passive recreational use is maintained and enhanced while managing inappropriate vehicle access; and</li> <li>5. inappropriate development does not result in further loss of coastal dunes in the area mapped as the coastal environment.</li> </ol>
DO-O5	<p><b>Natural Hazards</b></p> <p>To ensure the safety and resilience of people and communities by avoiding exposure to increased levels of risk from natural hazards, while recognising the importance of natural processes and systems.</p>
DO-O9	<p><b>Landscapes, Features and Landforms</b></p> <p>To protect the District's identified outstanding natural features and landscapes from inappropriate subdivision, use and development; and</p> <ol style="list-style-type: none"> <li>1. maintain or enhance the landscape values of special amenity landscapes and identified significant landforms; and</li> <li>2. avoid, remedy or mitigate adverse effects of earthworks on natural features and landforms.</li> </ol>
DO-O11	<p><b>Character and Amenity Values</b></p> <p>To maintain and enhance the unique character and amenity values of the District's distinct communities so that residents and visitors enjoy:</p> <ol style="list-style-type: none"> <li>1. relaxed, unique and distinct village identities and predominantly low-density residential areas characterised by the presence of mature vegetation, a variety of built forms, the retention of landforms and unique community identities;</li> <li>2. vibrant, lively town centres supported by higher density residential and mixed use areas;</li> <li>3. neighbourhood centres, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;</li> <li>4. productive rural areas, characterised by openness, natural landforms, areas and corridors of indigenous vegetation, and primary production activities; and</li> <li>5. well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses, so as to minimise adverse effects.</li> </ol>
DO-O14	<p><b>Access and Transport</b></p> <p>To ensure that the transport system in the District:</p> <ol style="list-style-type: none"> <li>1. integrates with land use and urban form and maximises accessibility;</li> <li>2. improves the efficiency of travel and maximises mode choice to enable people to act sustainably as well as improving the resilience and health of communities;</li> <li>3. contributes to a strong economy;</li> <li>4. avoids, remedies or mitigates adverse effects on land uses;</li> <li>5. does not have its function and operation unreasonably compromised by other activities;</li> <li>6. is safe, fit for purpose, cost effective and provides good connectivity for all communities; and</li> <li>7. provides for the integrated movement of people, goods and services.</li> </ol>
DO-O15	<p><b>Economic Vitality</b></p> <ol style="list-style-type: none"> <li>1. To promote sustainable and on-going economic development of the local economy, including the rural sector, with improved number and quality of jobs and investment through: <ol style="list-style-type: none"> <li>a. encouraging business activities in appropriate locations within the District, principally through differentiating and managing various types of business activities both on the basis of the activity, and the potential local and strategic effects of their operation;</li> <li>b. reinforcing a compact, well designed and sustainable regional form supported by an integrated transport network;</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>c. <i>enabling opportunities to make the economy more resilient and diverse;</i></li> <li>d. <i>providing opportunities for the growth of a low carbon economy, including clean technology;</i></li> <li>e. <i>minimising reverse sensitivity effects on business activities, including primary production activities ; and</i></li> <li>f. <i>enhancing the amenity of Working Zones;</i></li> </ul> <p><i>while:</i></p> <p>2.</p> <ul style="list-style-type: none"> <li>a. <i>ensuring that economic growth and development is able to be efficiently serviced by infrastructure;</i></li> <li>b. <i>encouraging commercial consolidation and the co-location of community services and facilities primarily within the Paraparaumu Sub-Regional Centre and Town Centres; and</i></li> <li>c. <i>managing contamination, pollution, odour, noise and glare, associated with business activities, including primary production activities.</i></li> </ul>
DO-O17	<p><i>Open Spaces / Active Communities</i></p> <p><i>To have a rich and diverse network of open space areas that:</i></p> <ul style="list-style-type: none"> <li>1.<i>is developed, used and maintained in a manner that does not give rise to significant adverse effects on the natural and physical environment;</i></li> <li>2.<i>protects the District's cultural, ecological and amenity values, while allowing for the enhancement of the quality of open space areas;</i></li> <li>3.<i>supports the identity, health, cohesion and resilience of the District's communities; and</i></li> <li>4.<i>ensures that the present and future recreational and open space needs of the District are met.</i></li> </ul>
BA-P2	<p><i>Retail, Commercial and Industrial Activities not within Centres or Other Working Zones</i></p> <ul style="list-style-type: none"> <li>1.<i>Retail activities located outside of the Metropolitan Centre Zone, Town Centre and Local Centre Zones; commercial activities located outside of the Working Zones; and industrial activities located outside of the Working Zones, will be avoided where:</i> <ul style="list-style-type: none"> <li>a. <i>they may, either individually or cumulatively, disperse retail and commercial activity (excluding industrial activities) to the detriment of the efficient operation, function, viability and sustainability of the District's centres, especially the Metropolitan Centre Zone;</i></li> <li>b. <i>the proposed retail activity serves a market beyond the daily convenience needs of the immediate local residential neighbourhood;</i></li> <li>c. <i>they are an inefficient use of existing infrastructure;</i></li> <li>d. <i>there are more than minor actual or potential adverse effects on amenity values, local environmental quality or infrastructure capacity;</i></li> <li>e. <i>the proposed activity compromises the efficient operation of infrastructure; or</i></li> <li>f. <i>the activity has the potential to generate adverse reverse sensitivity effects on permitted activities.</i></li> </ul> </li> <li>2.<i>In determining whether or not retail, industrial or commercial activities outside of these zones are appropriate, particular regard will be given to the following considerations:</i> <ul style="list-style-type: none"> <li>a. <i>whether or not the activities adversely affect the function, role, viability and vitality of the centres and other Working Zones;</i></li> <li>b. <i>whether or not the activities are an efficient use of infrastructure;</i></li> <li>c. <i>the location, scale and intensity of the proposed activities;</i></li> <li>d. <i>the location, size and design of the proposed buildings (excluding minor buildings), and any visual or landscape mitigation proposed;</i></li> <li>e. <i>the effects on the safety of and access to the local transport network;</i></li> <li>f. <i>the design and capacity of proposed access and car parking for staff, customers, visitors and service/delivery vehicles;</i></li> <li>g. <i>the hours of operation, including the timing and frequency of delivery/service vehicles;</i></li> <li>h. <i>the effects on local character and amenity values;</i></li> <li>i. <i>the effects of nuisance effects (including noise, odour, light, glare and dust); and</i></li> </ul> </li> </ul>

	<p>j. whether or not any proposed signage would be distracting to motorists, or dominating or detracting from the amenity of the surrounding environment; and</p> <p>k. whether the industrial activity requires a rural location or depends on the location of a natural resource.</p>
EW-P1	<p><b>Earthworks</b>  Earthworks activities excluding extractive industries, the removal and replacement of underground storage tanks, and earthworks defined in and regulated by the NESPF will:</p> <ol style="list-style-type: none"> <li>1.be managed to protect geological features identified in Schedule 6 from disturbance; and</li> <li>2.be sympathetically located and of a scale that protects the values of outstanding natural features and landscapes identified in Schedule 4; and</li> <li>3.avoid or mitigate erosion and off-site silt and sediment runoff to the Council's reticulated stormwater system and waterbodies; and</li> <li>4.be managed to ensure adverse effects on natural landforms, residential amenity values and rural character values are remedied or mitigated.</li> </ol> <p>This policy does not apply to extractive industries, the removal and replacement of underground storage tanks, and earthworks defined in and regulated by the NESPF.</p>
NOSZ-P2	<p><b>Recreational Activities</b>  Subdivision, use and development of land in the Natural Open Space Zone will recognise and provide for the community's wide range of recreational needs.</p>
NOSZ-P3	<p><b>Activities (General)</b>  Activities in the Natural Open Space Zone that may result in adverse environmental effects will be avoided unless:</p> <ol style="list-style-type: none"> <li>1.the activities meet the recreational or open space needs of the community; and</li> <li>2.the associated effects will be remedied or mitigated.</li> </ol> <p>Where such activities are proposed in the Natural Open Space Zone, specific consideration will be given to:</p> <ol style="list-style-type: none"> <li>1.the extent to which the activity provides a recreational or open space value (including cultural values) that is not available or which is underprovided within the identified catchment area for the activity;</li> <li>2.the appropriateness and effectiveness of any mitigation or remediation measures proposed, including the need (if any) for ongoing or regular management;</li> <li>3.the appropriateness of the particular open space in which the activity is proposed, including whether it is better suited to an alternative location;</li> <li>4.whether or not the activity would preclude future adaptive uses of the open space area; and</li> <li>5.whether or not the activity would unduly limit or preclude public access.</li> </ol>
NOSZ-P4	<p><b>Buildings and Structures</b>  New buildings and structures will be designed, located and constructed in a manner which does not reduce the overall quality of the District's Natural Open Space Zone, while recognising that some buildings and structures can enhance recreational and open space values.  Where new buildings or structures are proposed in the Natural Open Space Zone, specific consideration will be given to:</p> <ol style="list-style-type: none"> <li>1.the appropriateness – including the relationship to the surrounding environment – of the purpose, number, size and location of new buildings and structures;</li> <li>2.the extent to which any building or structure – including its design and appearance – positively contributes to, or detracts from, recreational and open space amenity, and cultural, ecological and landscape values;</li> <li>3.whether any proposed building or structure unduly precludes or limits public access; and</li> <li>4.any cumulative effects, including from proliferation of buildings and structures in a given open space area.</li> </ol>
NOSZ-P5	<p><b>Safety</b>  Subdivision, use and development in the Natural Open Space Zone will provide for the safety of users and neighbouring communities, including through consideration of the principles in Appendix 6 - Crime Prevention Through Environmental Design (CPTED) Guidelines.</p>

NOSZ-P6	<p><i>Indigenous Biodiversity</i>  Opportunities to enhance indigenous biodiversity will be identified and implemented through the subdivision, use and development of the Natural Open Space Zone.</p>
GRZ-P7	<p><i>Development and Landforms</i>  Subdivision, use and development (including associated driveways) should be sited, designed and undertaken to integrate with the natural topography and landform of the land and to minimise:</p> <ol style="list-style-type: none"> <li>1.the visual impact, bulk and scale of buildings and structures on identified landscape values, ecological sites, geological features or areas of high natural character;</li> <li>2.the extent of cut and fill;</li> <li>3.the need for and the height of retaining walls; and</li> <li>4.the mass of buildings on sloping land, by variations in wall and roof lines and by floor plans which complement the contours of the land.</li> </ol>
GRZ-P10	<p><i>Residential Amenity</i>  Subdivision, use and development in the Residential Zones will be required to achieve a high level of on-site amenity for residents and neighbours in accordance with the following principles:</p> <ol style="list-style-type: none"> <li>1.building size and footprint will be proportional to the size of the allotment;</li> <li>2.usable and easily accessible private outdoor living spaces will be provided;</li> <li>3.buildings and structures will be designed and located to maximise sunlight access, privacy and amenity for the site and adjoining allotments;</li> <li>4.buildings and structures will be designed and located to minimise visual impact and to ensure they are of a scale which is consistent with the area's urban form;</li> <li>5.appropriate separation distances will be maintained between buildings;</li> <li>6.yards will be provided to achieve appropriate building setbacks from neighbouring areas, the street and the coast;</li> <li>7.hard and impermeable surfaces will be offset by permeable areas on individual allotments;</li> <li>8.unreasonable and excessive noise, odour, smoke, dust, light, glare and vibration will be avoided;</li> <li>9.non-residential buildings will be of a form and scale which is compatible with the surrounding residential environment; and</li> <li>10. service areas for non-residential activities will be screened, and planting and landscaping will be provided.</li> </ol>
GRZ-P11	<p><i>Residential Streetscape</i>  Development, use and subdivision will enhance the amenity, functionality and safety of the streetscape in the Residential Zones. To achieve a positive relationship between development and the street, development will be undertaken in accordance with the Council's Streetscape Strategy and Guideline:</p> <ol style="list-style-type: none"> <li>1.direct pedestrian access will be provided from the street to the front entrance of the primary residential building, where practicable;</li> <li>2.where practicable, at least one habitable room will be orientated towards the street;</li> <li>3.the safety of road users, including pedestrians and cyclists, will not be adversely affected; and</li> <li>4.on-site vehicle manoeuvring will be provided for rear allotments, allotments with significant sloping driveways and on strategic arterial routes.</li> </ol>
GRZ-P12	<p><i>Landscaping</i>  Landscaping will be required for non-residential activities and intensive residential development in the Residential Zones to enhance residential amenity, while promoting water conservation and biodiversity and allowing for the natural infiltration of surface waters through permeable treatments. Landscaping will be located and designed in accordance with the following principles:</p> <ol style="list-style-type: none"> <li>1.the visual impact of large buildings will be reduced by appropriate screening and planting;</li> <li>2.service areas, loading areas and outdoor storage areas will be screened;</li> <li>3.on-site outdoor living spaces will be defined and enhanced by landscaping;</li> <li>4.sunlight access and passive surveillance to adjoining areas will not be unreasonably restricted;</li> <li>5.public infrastructure and services will not be damaged or blocked;</li> <li>6.planting of locally indigenous vegetation will be encouraged; and</li> </ol>

	<i>7. permeable surfaces will be provided for the natural infiltration of surface waters.</i>
<i>GRZ-P19</i>	<p><i>Non-Residential Activities</i></p> <p><i>1. Non-residential activities other than activities managed under the Community Facilities Chapter will be allowed in the Residential Zones only if the activities are compatible with residential activities and the amenity values of residential areas, and if they provide a function which:</i></p> <ul style="list-style-type: none"> <li><i>a. minimises the need to travel for daily goods and services;</i></li> <li><i>b. supports the resilience of the local neighbourhood;</i></li> <li><i>c. provides a service or function to the local neighbourhood; and</i></li> <li><i>d. does not detract from the vitality of centres and other Working Zones.</i></li> </ul> <p><i>2. In determining whether or not the scale of effects of non-residential activities is appropriate, particular regard shall be given to:</i></p> <ul style="list-style-type: none"> <li><i>a. the appropriateness of the scale, size and intensity of the proposed buildings and activities and visual or landscape mitigation proposed;</i></li> <li><i>b. the effects generated by the buildings and activities on the safety and efficiency of the local transport network, including the extent to which the activities make efficient use of the transport network by minimising the need to travel;</i></li> <li><i>c. the appropriateness – in the design and amount – of proposed access and car parking for staff, customers, visitors and service/delivery vehicles;</i></li> <li><i>d. the hours of operation, including the timing and frequency of delivery/service vehicles;</i></li> <li><i>e. the effects on residential character and amenity values of the surrounding environment generated by the proposed building or activity;</i></li> <li><i>f. nuisance effects (including noise, odour, light, glare, smoke and dust) produced on-site;</i></li> <li><i>g. whether or not any proposed signage on the subject site is associated with the activity, visually distracting to motorists or dominating or detracting from the amenity of the surrounding environment;</i></li> <li><i>h. whether the activities adversely affect the vitality of centres;</i></li> <li><i>i. whether the activity provides goods and services to meet the daily needs of the local neighbourhood; and</i></li> <li><i>j. any cumulative effects.</i></li> </ul>
<i>CE-P3</i>	<p><i>Preservation of Natural Character</i></p> <p><i>Preserve natural character in the coastal environment, and protect it from inappropriate subdivision, use and development, including by:</i></p> <ul style="list-style-type: none"> <li><i>1. avoiding adverse effects of activities on natural character in areas of outstanding natural character;</i></li> <li><i>2. avoiding significant adverse effects, and avoiding, remedying or mitigating other adverse effects of activities on natural character in all other areas of the coastal environment;</i></li> <li><i>3. reinstating dunes which function as natural buffers where practicable;</i></li> <li><i>4. providing managed public access ways to the beach and foreshore and limiting damage to dunes from unmanaged access;</i></li> <li><i>5. regulating encroachment of permanent structures and private uses onto the beach or public land;</i></li> <li><i>6. removing existing unnecessary structures and associated waste materials from the beach; and</i></li> <li><i>7. retaining a natural beach and foreshore including a dry sand beach where practicable.</i></li> </ul>
<i>CE-P4</i>	<p><i>Restore Natural Character</i></p> <p><i>Promote restoration of the natural character of the coastal environment where practicable, by:</i></p> <ul style="list-style-type: none"> <li><i>1. creating or enhancing indigenous habitats and ecosystems, using local genetic stock;</i></li> <li><i>2. encouraging natural regeneration of indigenous species, while effectively managing weed and animal pests;</i></li> <li><i>3. rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarshes;</i></li> <li><i>4. restoring and protecting riparian and intertidal margins;</i></li> </ul>

	<p>5.removing redundant coastal structures and materials that do not have heritage or amenity values; or</p> <p>6.redesign of structures that interfere with ecosystem processes.</p>
CE-P5	<p><i>Amenity and Public Access</i></p> <p>Maintain and enhance amenity values in the coastal environment, such as open space and scenic values, and provide opportunities for recreation and the enjoyment of the coast, including the enjoyment of a high tide dry beach by the public. Public access to and along the coast will be maintained and enhanced while minimising any significant adverse effects on the public's use and enjoyment of the coast.</p>
CE-P6	<p><i>Natural Coastal Processes</i></p> <p>Natural shoreline movement will be accommodated where practicable and the resilience of coastal communities will be increased by using best practice coastal management options, including:</p> <ol style="list-style-type: none"> <li>1.dune management;</li> <li>2.inlet management; and</li> <li>3.engineering measures.</li> </ol>
CE-P7	<p><i>Natural Dunes</i></p> <p>Natural dune systems will be protected and enhanced (including through restoration) and natural dune function will be enabled where practicable.</p>
NH-P3	<p><i>Managing Activities in Natural Hazard Prone Areas</i></p> <p>In areas identified on the District Plan Maps, new subdivision, use and development will be managed in a way that avoids increasing risks from natural hazards. Subdivision, use and development will be allowed only where it can be shown that any potential increase in risk exposure on or beyond the land itself has been avoided, remedied or mitigated.</p>
NH-P4	<p><i>Precautionary Approach</i></p> <p>A precautionary approach will be taken to the management of risks from hazards that may impact on subdivision, use and development, where there is uncertainty about the potential effects and where the effects are potentially significantly adverse.</p>
NH-P6	<p><i>Public Open Space</i></p> <p>The potential to mitigate natural hazards and climate change impacts will be considered in relation to the provision, acquisition and development of new land for public open spaces and reserves.</p>
NH-FLOOD-P11	<p><i>Flood Risk Levels</i></p> <p>A higher level of control on subdivision, use and development will be applied within river corridors, stream corridors, overflow paths and residual overflow paths areas. A generally lesser level of restriction on subdivision, use and development will be applied in ponding, residual ponding, shallow surface flow, flood storage and fill control areas.</p>
NH-FLOOD-P12	<p><i>High Hazard Flood Areas</i></p> <p>Development in the river corridor, stream corridor, overflow path, and residual overflow path areas will be avoided unless the 1% AEP hazard can be mitigated on-site to avoid damage to property or harm to people, and the following criteria are met:</p> <ol style="list-style-type: none"> <li>1.no increase in flood flow or level on adjoining sites or other parts of the floodplain;</li> <li>2.no reduction in storage capacity on-site; and</li> <li>3.all flow corridors or overflow paths are kept clear to allow flood waters to flow freely at all times.</li> </ol>
NH-FLOOD-P13	<p><i>Ponding, Residual Ponding, Shallow Surface Flow, Flood Storage and Fill Control Areas</i></p> <p>When assessing applications for subdivision, use or development within a ponding, residual ponding, shallow surface flow, flood storage or fill control area, consider the following:</p> <ol style="list-style-type: none"> <li>1.the effects of the development on existing flood mitigation structures;</li> <li>2.the effects of the development on the flood hazard – in particular flood levels and flow;</li> <li>3.whether the development redirects floodwater onto adjoining sites or other parts of the floodplain;</li> </ol>

	<p>4. whether access to the subject site will adversely affect the flood hazard;</p> <p>5. the extent to which buildings (excluding minor buildings) can be located on areas of the site not subject to flooding; and</p> <p>6. whether any subdivision or development will or may result in damage to property or harm to people.</p>
TR-P2	<p><b>Sustainable Transport and Maximising Mode Choice</b></p> <p>Development and subdivision will be integrated with a transport system that offers a wide range of travel mode choices, which connects residents to essential community services, centres and social infrastructure, through:</p> <ol style="list-style-type: none"> <li>1. well-integrated and connected communities;</li> <li>2. development that is conducive to active modes of travel, particularly walkable communities which reduce demand for vehicular travel, particularly by private vehicle;</li> <li>3. land use that is integrated with the transport network;</li> <li>4. improved public transport services to the District;</li> <li>5. travel plans and transport assessments for major traffic activities as part of an application for consent for new developments;</li> <li>6. consistency with the Council's Subdivision and Development Principles and Requirements 2012; and</li> <li>7. development that ensures adequate access and space for all modes, including pedestrians, people with mobility problems, cyclists, public transport and private car travel.</li> </ol>
TR-P5	<p><b>Effects of Land use on Transport</b></p> <p>The potential adverse effects on the transport network from development and subdivision will be avoided, remedied or mitigated by identifying both the key existing transport routes and proposed transport routes likely to be required long term as part of the District's transport network and having regard to these when considering applications for subdivision or development.</p>
TR-P6	<p><b>Safety</b></p> <p>The safety of all transport users will be enhanced during the development, operation, maintenance and upgrading of the transport network, by:</p> <ol style="list-style-type: none"> <li>1. implementing the principles set out in Appendix 6 - Crime Prevention Through Environmental Design (CPTED) Guidelines;</li> <li>2. requiring that all developments provide for safe vehicular and pedestrian access, and have adequate visibility (sight lines);</li> <li>3. requiring all developments to have safe connections to the wider transport network; and</li> <li>4. requiring adequate visibility and sight lines for level crossings.</li> </ol>
NFL-P2	<p><b>Special Amenity Landscapes</b></p> <p>Subdivision, use and development in special amenity landscapes will be located, designed and of scale and character that maintains or enhances the values of the landscape areas identified in Schedule 5 of this Plan and taking into account existing land uses including primary production.</p>

### Proposed Plan Change 1C to the Operative District Plan 2021

<u>TR-PARK-P8A</u>	<p><u>Cycle Parking</u></p> <p><u>Subdivision and development shall provide for safe, sufficient, and appropriately located on-site cycle parking facilities.</u></p>
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### Proposed Plan Change 1L to the Operative District Plan 2021

OSZ-P3	<p><b>Cycle Parking</b></p> <p>Activities in the Open Space Zone, excluding the Open Space Private Recreation and Leisure Precinct (PREC35), that may result in adverse environmental effects will be avoided unless:</p> <ol style="list-style-type: none"> <li>1. the activities meet the recreational or open space needs of the community; and</li> <li>2. the associated effects will be remedied or mitigated.</li> </ol>
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	<p>Where such activities are proposed in Open Space Zone, (excluding the Open Space Private Recreation and Leisure Precinct (PREC35)), specific consideration will be given to:</p> <ol style="list-style-type: none"> <li>1.the extent to which the activity provides a recreational or open space value (including cultural values) that is not available or which is underprovided within the identified catchment area for the activity;</li> <li>2.the appropriateness and effectiveness of any mitigation or remediation measures proposed, including the need (if any) for ongoing or regular management;</li> <li>3.the appropriateness of the particular open space in which the activity is proposed, including whether it is better suited to an alternative location;</li> <li>4.whether or not the activity would preclude future adaptive uses of the open space area; and</li> <li>5.whether or not the activity would unduly limit or preclude public access.</li> </ol>
OSZ-P4	<p><b>Buildings and Structures</b></p> <p>New buildings and structures will be designed, located and constructed in a manner which does not reduce the overall quality of the District's Open Space Zone (excluding the Open Space Private Recreation and Leisure Precinct (PREC35)), while recognising that some buildings and structures can enhance recreational and open space values.</p> <p>Where new buildings or structures are proposed in Open Space Zones (excluding the Open Space Private Recreation and Leisure Precinct (PREC35)), specific consideration will be given to:</p> <ol style="list-style-type: none"> <li>1.the appropriateness – including the relationship to the surrounding environment – of the purpose, number, size and location of new buildings and structures;</li> <li>2.the extent to which any building or structure – including its design and appearance – positively contributes to, or detracts from, recreational and open space amenity, and cultural, ecological and landscape values;</li> <li>3.whether any proposed building or structure unduly precludes or limits public access; and</li> <li>4.any cumulative effects, including from proliferation of buildings and structures in a given open space area.</li> </ol>

## Proposed Plan Change 2 to the Operative District Plan 2021

DO-O3	<p><b>Development Management</b></p> <p>To maintain a consolidated urban form within existing urban areas and a limited number of identified growth areas, <del>which</del> <u>and to provide for the development of new urban areas where these can be efficiently serviced and integrated with existing townships, delivering:</u></p> <ol style="list-style-type: none"> <li>1.urban areas which maximise the efficient end use of energy and integration with infrastructure;</li> <li>2.a variety of living and working areas in a manner which reinforces the function and vitality of centres;</li> <li>3.resilient communities where development does not result in an increase in risk to life or severity of damage to property from natural hazard events;</li> <li>4.<u>an urban environment that enables more people to live in, and more businesses and community services to be located in, parts of the urban environment:</u> <ol style="list-style-type: none"> <li>a. <u>that are in or near a Centre Zone or other area with many employment opportunities' or</u></li> <li>b. <u>that are well serviced by existing or planned public transport; or</u></li> <li>c. <u>where there is high demand for housing or for business land relative to other areas within the urban environment.</u></li> </ol> </li> <li>5.higher residential densities in locations that are close to centres and public open spaces, with good access to public transport;</li> <li>6.management of development in areas of special character or amenity <del>so as to maintain, and where practicable, enhance</del> <u>in a manner that has regard to those special values;</u></li> </ol>
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	<p>7. sustainable natural processes including freshwater systems, areas characterised by the productive potential of the land, ecological integrity, identified landscapes and features, and other places of significant natural amenity;</p> <p>8. an adequate supply of housing and areas for business/employment to meet the needs of the District's anticipated population which is provided at a rate and in a manner that can be sustained within the finite carrying capacity of the District; and</p> <p>9. management of the location and effects of potentially incompatible land uses including any interface between such uses; and</p> <p>10. Urban environments that support reductions in greenhouse gas emissions and are resilient to the current and future effects of climate change.</p>
DO-O11	<p><b>Character and Amenity Values</b></p> <p><del>To maintain and enhance</del> recognise the unique character and amenity values of the District's distinct communities, while providing for character and amenity values to develop and change over time in response to the diverse and changing needs of people, communities and future generations, so that residents and visitors enjoy:</p> <p>1. <del>relaxed, unique and distinct village identities and predominantly low density</del> residential areas characterised by the presence of mature vegetation, a variety of built forms and building densities, the retention of landforms and the recognition of unique community identities;</p> <p>2. vibrant, lively metropolitan and town centres supported by higher density residential and mixed use areas;</p> <p>3. <del>neighbourhood</del> local centres, village communities and employment areas characterised by high levels of amenity, accessibility and convenience;</p> <p>4. productive rural areas, characterised by openness, natural landforms, areas and corridors of indigenous vegetation, and primary production activities; and</p> <p>5. well managed interfaces between different types of land use areas (e.g. between living, working and rural areas and between potentially conflicting land uses), so as to minimise adverse effects.</p>

## Schedule 5 to the Operative District Plan 2021 – Special Amenity Landscapes

Physical, perceptual and associated factors contributing to landscape values for each area were identified as part of a District wide and whole landscape assessment. Where more detailed assessment is required to determine the effects of a particular consent application, factors relevant to the site and the proposal will be confirmed. This may include the identification of additional factors and landscape values, unique to a particular site, that are relevant to section 6(b) of the Resource Management Act 1991 and Policy 25 of the Wellington Regional Policy Statement; as determined through a finer grain assessment.

SAL29	Southern Beaches	
	Beach and public areas of the foredunes extending from the settlement of Paekākāriki through to the northern edge of the Waikanae Beach settlement including the Wharemauku Stream, Tikotu Creek and Waimeha Stream mouths (excluding the Paekākāriki escarpment, Whareroa Dunes and Waikanae River Mouth beach and foredune areas that have been assessed separately).	
Map Location	NZ Topo Map BN32 & BP32	
Factor	Criteria*RS	Factor/Criteria Description
Physical	Representativeness (mh)	Beach and foredune areas are expressive of both coastal aggregation and erosion processes, with the distinct foreland at Paraparaumu linked to the sheltering effects of Kapiti Island and contrasting with the retreating shoreline to the south. Landforms are also influenced by alluvial processes; mainly as a result of the outflow from the Waikanae River. In contrast to the Northern Beach landscape, natural patterns of landform are influenced by greater levels of use by residents and visitors and ease of access and development on or near the foredunes. Naturalised indigenous vegetation patterns are limited, due to the impact of coastal erosion, colonising exotic weeds, the proximity of development to the coastal edge and the effects of vehicular and pedestrian traffic.
	Research and education (mh)	Related to coastal deposition, erosion and the effects of river and stream outflow.
	Rarity (mh)	The land formation processes contrast markedly with those of the Northern Beaches. The extent of the Paraparaumu foreland is unique to this area of the coast and expressive of the sheltering effects of Kapiti Island. Beyond the island's influence, an eroding coastline features exposing sandstone and greywacke that underlies much of the District.
	Ecosystem functioning (mh)	Minor areas of colonising indigenous vegetation such as spinifex are located around stream mouths and at Paraparaumu beach are associated with community/Council restoration projects. Stream mouths provide spawning habitat for fish e.g. whitebait but fresh water values are compromised by runoff and loss of riparian vegetation

		<i>inland. Sea and wading bird populations are greater around stream mouths and the less accessible sections of the beach.</i>
<i>Perceptual</i>	<i>Coherence (mh)</i>	<i>The Southern beaches extend over more than 20km, in a distinct arc from the edge of Paekākāriki, through to the Paraparaumu foreland; as can be seen on a clear day. Patterns of landform on the beach areas, although influenced by the construction of structures to reduce coastal erosion and stormwater flows, are clearly expressive of coastal processes with marked variations relating to the effects of river and stream mouths. Similarly, patterns of landform on the foredunes mark the extent of Kapiti Island's effects on mainland coastal processes and river and stream outflow. Patterns of vegetation are more diverse, with untended areas of foredune featuring colonising exotic and minor indigenous patterns that contrast strongly with deliberately designed esplanade areas and amenity planting in residential properties on the foredunes. Built development along the majority extent adds further complexity to this landscape, although distinct patterns of residential character can be recognised, that are broadly aligned with the patterns of landform and relative prominence of the inland dunes.</i>
	<i>Memorability (mh)</i>	<i>This is a highly memorable landscape, due to the extent of the beach areas, the dynamic qualities of the coastal environment and the views the area affords of important landmarks such as Kapiti Island, the inland ranges and the south island.</i>
	<i>Aesthetic paradigm (mh)</i>	<i>Picturesque qualities relate to the sequence of views experienced in this landscape, the framing effects of the foredunes and the way that these views vary as a result of changing weather conditions and aspect. For example, views from Paraparaumu feature Kapiti Island at its closest to the mainland and are in marked contrast to those from Paekākāriki Beach. The Southern Beach landscape also forms part of the highly valued view from the Centennial Highway and Paekākāriki lookout.</i>
	<i>Naturalness (mh)</i>	<i>The beach and fore dune areas in this landscape can be associated with a moderate and moderate-high degree of natural character. Landforms and landcover have been modified by coastal erosion management strategies, such as groynes and timber and rock walls, vehicle and pedestrian access, exotic weed species and by the direct effects of development. Perceptions of natural character are also influenced by the proximity, density and typology of [residential] development in the wider context; e.g. natural character values are greater to the north of Paraparaumu Beach where the houses are set back and partially obscured from the beach.</i>
	<i>Expressiveness / legibility (h)</i>	<i>Expressive of coastal and alluvial processes. This landscape forms a distinct edge and navigable path through the District and obvious source of the inland dunes. Foreland expressive of the sheltering effects of Kapiti Island.</i>
	<i>Transient values (h)</i>	<i>Transient values are an important feature of this landscape and relate to coastal processes, daily/seasonal weather conditions and patterns of wildlife.</i>
<i>Associative</i>	<i>Shared or recognised values (h)</i>	<i>Foredunes areas along much of this landscape are recognised as part of the District's Open Space zone, excluding the Raumati and Raumati South areas (most active erosion areas). Bylaws limit vehicle and horse riding access along the beach; however road ends provide boat launching access with more formal access/boat carparks provided at Raumati Beach, Paraparaumu Beach and Waikanae Beach. Paraparaumu is also the starting point for day/ overnight trips to Kapiti Island. Use of the foredunes associated with private residential access and a range of beach activities including swimming, walking, fishing, shell fish gathering and community events. Surf life saving club activities have spanned more than 50 years. Designed/managed esplanade areas at Paekākāriki, Raumati South, Paraparaumu and Waikanae are also valued for public amenities; walkways, boat ramps, car parks, changing rooms etc. Paekākāriki, Raumati South, Raumati, Paraparaumu and Waikanae beach and fore dune areas are valued as a popular holiday destination over summer and linked with adjacent holiday homes/ camp grounds.</i>
	<i>Values to tangata whenua (h)</i>	<i>These are associated with coastal pa sites, important food gathering areas and transportation routes, as supported by historical accounts and archaeological records of midden and oven sites (particularly around the Waimeha and Waimanu lagoons). <b>Additional values recorded in the #ART Confederation consultation documents:</b> The southern beaches are of particular historical, cultural, spiritual and traditional significance to Ngati Toa. These beaches abut areas of land at Paekākāriki and QE II Park that were traditionally important to Ngati Toa for occupation, the creation of waahi tapu such as urupā (particularly at Wainui and sand dunes north of Fisherman's Table) and important food and other resources. This area was favoured by Ngati Toa for settlement largely on account of its proximity to the sea, enabling access to kaimoana and other fish species. The beaches themselves also provide valuable resources that wash ashore such as seaweed and drift wood. The retention of much of the adjacent land as a park (i.e. QEII Park) has reduced the adverse effects of development on the southern beaches which heightens the value of these beaches today from a cultural perspective and the need to protect them into the future.</i>
	<i>Historical associations (h)</i>	<i>The Southern Beaches formed part of the Old Coach Road that extended through the District, prior to the construction of the inland transportation routes. Historical associations linked with the traditions of both local resident and visitor beach activities including valued whitebaiting and fishing spots and holiday season events including community group competitions.</i>
<i>Potential threats</i>		<i>pest/weed populations, water catchment management/fresh water values, vehicle/pedestrian access levels/alignment, coastal hazard management strategies, [residential] edge development typologies, location, height etc. including effects on the degree of natural character, design/management of amenity esplanade areas.</i>

## **APPENDIX C**

### **Traffic Engineering Advice**

**From:** [Billy Rodenburg](#)  
**To:** [Tom Anderson](#); [Yolanda.Morgan@kapiticoast.govt.nz](mailto:Yolanda.Morgan@kapiticoast.govt.nz)  
**Cc:** [Ryan Dunn](#); [Neil Trotter](#); [Hannah McCashin](#)  
**Subject:** RE: RM210149 2 Marine Parade, Paraparaumu - Information for Transport Review  
**Date:** Tuesday, 20 July 2021 4:34:09 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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Hi Tom,

We have been through the documents and identified a number of questions. Planning questions;

- The Maclean Street carpark is zoned open space. Could there be a scenario where this site is developed in the future without any consideration of the parking provision for the beach?
- Is there any potential for future land use intensification within the Beach Town Centre that KCDC are looking at that should also be considered in the context of this application?
- Given the Island tours are an existing activity, how much should we be considering the impact of parking from the island tours as part of this application for a visitors centre?

We also identified the following questions for the applicant. Hopefully the format is relatively easy for you to consolidate. Happy to discuss if you have any comments or thoughts on any of our questions.

#### Planning

- 1 The Objectives contained within Chapter 2.14 Access and Transport of the DP outline the requirement to improve the efficiency of travel and maximise mode choice to enable people to act sustainably. The TIA has identified public transport services and stops in close proximity to the visitor centre, concluding that public transport accessibility to the site is good. However the report has assumed that all travel to the site will be via private vehicle and not identified the likely proportion of visitors that may choose public transport access to the visitor centre, how that may be increased, and the likely resulting effect on parking demand that will result.
- 2 Please comment on the potential linkages or impacts of the proposal on the cycling routes/facilities identified in the KCDC CWB strategy and Wellington Regional Trails site.

#### Safety

- 3 Crash data is reported in Section 3.2 of the TIA up to 2019 only. Have any further crashes been reported during 2020 and 2021 and do these change the assessment?
- 4 Please provide comment on the crash history adjacent to the proposed Golf Course and Maclean Street carpark entrances.
- 5 The application notes that the existing golf club access is only 5.5m wide. Please provide additional information that shows provision for pedestrian access, two way vehicle traffic and shy line offset from the adjacent wall within the 5.5m wide access.
- 6 Page 30 in the consent application states that there are no minimum sight distance requirements. However, this is a non-complying activity and as such enables us to consider any appropriate effects, including safety effects. The Council has adopted NZS4404 as minimum engineering standards it will accept. Paragraph 3.3.2 of NZS4404 identifies that on "collector/connector and arterial roads, sight distance criteria at intersections, as well

as stopping, overtaking, on curves, and to avoid obstructions should be applied in accordance with Austroads or NZTA guidelines". This assessment has been undertaken in the TIA and should be assessed accordingly in Table 1.

- 7 What is the design speed for the parking areas, and how will this be reinforced through design elements?
- 8 Figure 4.1 in the TIA shows the existing pedestrian refuge island on Marine Parade is relocated, however Drawing RC-L1.01 in Appendix 8 of the AEE shows the pedestrian refuge as new. Please confirm what is planned for the existing pedestrian refuge.
- 9 Section 6.1.1 of the TIA suggests safety improvements for the Golf Course parking area entry/exit, specifically removing an on-street parking space and providing a small speed hump. Please confirm whether or not these improvements are included in the proposal. Specifically;
  - i The provision of compliant sight distance from the golf club car park accesses rely on the removal of on-street car park spaces that require approval of a resolution through Council. Can the applicant rely on this separate process to mitigate an effect?
  - ii Is a speed hump to be provided at the driveway access, where is it located and how does it interact with the existing speed hump
  - iii How will pedestrians be provided for through the carparks in the golf course parking?
  - iv Is signage proposed, not shown on plans.

#### Marine Parade carpark

- 10 The parking assessment provided in the TIA does not provide actual parking demand during peak summer periods. Please provide further information to demonstrate what the peak parking demand is during peak summer periods.
- 11 Section 2.2 of the consent application describes that there are 31 spaces in the 'Marine Parade' carpark'. Appendix C in the TIA shows 32 parking spaces, and our own assessment shows 33 spaces (31 plus two accessible). Please confirm the actual number of carparks currently available.
- 12 The parking demand assessment has arrived at a number of 47 additional parking spaces in the peak season, derived from the Feb 2019 visitor numbers (average of 94 visitors per day). This is below the maximum concession limit of 160 per day. Please confirm the effects of parking for the maximum visitor numbers that could be permitted by existing concessions.
- 13 Please confirm if existing rules or this application will permit new tour operators and/or an increase in visitor numbers above 160 per day?
- 14 The design shows the proposed entry to the Marine Parade car park between existing trees. Please identify what limbs on each tree are required to be removed to achieve the required 2.8m unobstructed height described in Table 1 of the District Plan.
- 15 Cycle parking racks east of Pod B is along the edge of the path. Please confirm what the available path width will be when bicycles are parked in these racks.
- 16 Please confirm the cycle rack spacing is suitable to park a bicycle on each side of each rack.
- 17 Please provide further detail of the rain garden surface. If this is not traversable then adjacent parking spaces would require an additional 300mm width to be compliant with ASNZS2890.1

- 18 Section 4.2.3 in the AEE suggests time restricted parking in public off-road carparks in Maclean Park. Please confirm whether or not this is included in the proposal and the details proposed.

#### Golf Course carpark

- 19 Section 4.2.3 in the consent application advises that the spaces associated with the golf course will be charged for and available for visitors to the island only. Given the availability of free, unrestricted parking on surrounding streets, how will the applicant encourage customers to park in the paid parking spaces to ensure that on-street parking spaces are available for the public?
- 20 Section 5.3.2 in the TIA identifies 20 spaces at the northern end of the Golf Course car park and 10 spaces at the southern end. Please provide a dimensioned plan showing the location of the southern carparks.
- 21 We are concerned about there being no connection between the northern and southern car parks at the golf course meaning the vehicles may be moving between carparks. This presents safety concerns when compounded with the non-compliant access width and sight visibility issues identified above in Questions 5 and 9. Please comment on this and how this is expected to work.
- 22 Please provide a dimensioned plan of the existing Golf Course parking area and confirm it is compliant with ASNZS2890.1.
- 23 Please provide swept paths to demonstrate that the proposed shuttle bus can manoeuvre within the Golf Course carpark to exit in a forward direction.
- 24 The Golf Course carpark extension shown in Appendix 6 of the consent application is a blind aisle 17 parking spaces long with no turn around area. Please provide further detail on how this is considered to comply with ASNZS2890.1 Section 2.4.2 (c).
- 25 Parking Space 17 in the Golf Course carpark extension shown in Appendix 6 of the consent application is at the end of a blind aisle. No extension has been provided for manoeuvring in and out of this parking space. Please provide further detail on how this is considered to comply with ASNZS2890.1 Section 2.4.2 (c).
- 26 Please confirm how the spaces associated with this activity can be demarcated from the golf course and enforced to ensure they are available in perpetuity for the intended use.

#### Carpark corner of Maclean Street and Kapiti Road

- 27 Drawing 1 in Appendix 6 of the consent application shows the proposed carpark layout at the corner of Maclean Street and Kapiti Road. This is different to that shown in Figure 5.2 of the TIA. Please confirm the layout proposed.

#### Traffic

- 28 Section 4.2.3 in the consent application states that “if the activity that the building represents was to be built on a green field site with no existing activities it would be required to provide 3 parking spaces, based on the GFA”. However the TIA appears to only assess for 2 additional parking spaces and associated trips. Does this difference result in any change to the conclusions with regard to parking provision and intersection modelling?
- 29 Section 5.1.2 refers to retail businesses in proposed shipping containers. Please confirm if this is included in the 75 m<sup>2</sup> GFA assessed for parking demand and trip generation.
- 30 The golf course carpark extension will mean that this carpark entrance services 44 parking spaces. Please provide an assessment of the operation of this access on Kapiti Road.

- 31 For completeness, please provide the SIDRA analysis outputs referenced in the TIA.
- 32 Please advise the expected traffic related effects from construction and how these will be managed.

#### Servicing

- 33 Please provide tracking curves of the shuttle bus entering and exiting the designated parking space and confirm that a suitable aisle width is maintained for access past the shuttle and into adjacent carparks while the shuttle is parked.
- 34 Please confirm how the visitor centre will be serviced (such as delivery of merchandise and removal of refuse).
- 35 Page 16 in the TIA notes a space is provided in the visitor centre carpark to accommodate drop off/pick up vehicles including taxis and ubers etc. This is not currently shown on the plans, please confirm where this is.

#### Accessibility

- 36 Please confirm the proposed width of the path around the western edge of the carpark and how this route will be promoted to path users (including cyclists) to ensure that they use the route rather than proceeding into the carpark to access Marine Parade.
- 37 TR-P7 in Appendix 11 of the consent application describes that walkway connections through the development area are improved by provision of a new bridge. How will the new bridge be better than what is currently provided for pedestrians?
- 38 The consent application describes a moveable post and rope barrier at the beach entrance to separate pedestrian and boat launches. Please provide further detail on how vehicles and pedestrians will be made aware of their responsibilities and how members of the public are not discouraged from travelling along the path and over the bridge.
- 39 Appendix 6 Image 7 in the consent application shows the proposed accessible route between the accessible parking space and the visitor centre (10m for an able-bodied person) is approximately 80m long. NZS4121 requires that accessible parking spaces are provided as close as practicable to the accessible entrance to the facility. Please detail why a shorter accessible route is not able to be provided.
- 40 Two accessible parking spaces are shown in the carpark at the corner of Maclean Street and Kapiti Road. Accessible parking spaces should be provided as close as practicable to the accessible entrance to a facility. As this parking area is to provide parking for the town centre and beach these would not be considered as close as practicable to the town centre. Please advise if the accessible parking requirement could instead be provided at a closer location.
- 41 Please confirm the spaces provided in the Golf Club parking area that would be suitable for designation as accessible parking if required.

Thanks,

Billy

**Billy Rodenburg | Civil & Transport Engineer**

BE (Hons), CPEng, CMEngNZ

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**From:** Tom Anderson <Tom@incite.co.nz>

**Sent:** Tuesday, 13 July 2021 2:20 pm

**To:** Billy Rodenburg <BRodenburg@tonkintaylor.co.nz>; Yolanda.Morgan@kapiticoast.govt.nz

**Cc:** Ryan Dunn <RDunn@tonkintaylor.co.nz>; Neil Trotter <Neil.Trotter@kapiticoast.govt.nz>

**Subject:** RE: RM210149 2 Marine Parade, Paraparaumu - Information for Transport Review

Hi Billy

Thanks for the email.

The sooner you can get this to us the better please – we need to analyse what additional info you may require, as well as other advisors who are looking at the proposal, and then consolidate that all into an RFI to go back to the applicant.

Happy to chat.

**Tom Anderson**

Director/Principal Planner



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**From:** Billy Rodenburg <BRodenburg@tonkintaylor.co.nz>

**Sent:** Tuesday, 13 July 2021 9:41 AM

**To:** Yolanda.Morgan@kapiticoast.govt.nz; Tom Anderson <Tom@incite.co.nz>

**Cc:** Ryan Dunn <RDunn@tonkintaylor.co.nz>; Neil Trotter <Neil.Trotter@kapiticoast.govt.nz>

**Subject:** RM210149 2 Marine Parade, Paraparaumu - Information for Transport Review

Hi Yolanda and Tom,

We are providing an independent review of the transport related aspects of the consent submission. Neil sent through the full AEE on Thursday which we are currently reviewing.

Are there any other consent related documents available? This could include reports and notes from the previous consent application, any pre-application meeting minutes, and any community or council feedback received for this or the previous proposal. If you could send these through it would be much appreciated.

Based on the submission on Wednesday 7 July we understand that we need to advise you of any further information required (Section 92) before 21 July (within 10 working days). Is this correct?

Thanks,

Billy

**Billy Rodenburg | Civil & Transport Engineer**

BE (Hons), CPEng, CMEngNZ

**Tonkin + Taylor - *Exceptional thinking together***

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Incite Resource & Environmental Management  
PO Box 2058  
Wellington

Attention: Tom Anderson

Dear Tom

**Te Uruhi | Kāpiti Gateway Visitor Centre**  
**Independent Peer Review of Traffic Impact Assessment for Resource Consent**

## **1 Introduction**

This review relates to the development of a gateway building known as Te Uruhi to Kāpiti Island on Marine Parade in Paraparaumu. Te Uruhi will be a visitor centre, bio security area and arrival/departure point for visitors to Kāpiti Island.

This review should be read in conjunction with the Resource Consent Application and Assessment of Environmental Effects report ("the application") compiled by Cuttriss Consultants Ltd (Cuttriss), dated 29 June 2021 and Response to Section 92 Further Information Request (S92 Response) dated 15 February 2022. The documents considered as the current application for this review are listed in Section 3 below.

This review does not consider design details such as sign locations or cycle rack shape. These should be subject to a detailed design process if consent is awarded with appropriate review by the Kāpiti Coast District Council's Access and Transport Team for Engineering Plan Approval (EPA) at that stage.

This review has been completed in accordance with our proposal dated 11 June 2021.

## **2 The application**

A Transport Impact Assessment (TIA) was prepared by Beca for this application for development of the Kāpiti Gateway (Te Uruhi) within the Marine Park Reserve. The assessment is appended to the AEE report as Appendix 9. As described in Section 4 of the assessment, Te Uruhi includes;

- Visitor Centre to provide information for visitors to Kapiti Island and to the district.
- A modern biosecurity facility to improve the protection for the island.
- Building areas of 214.5m<sup>2</sup> and approximately 385m<sup>2</sup> of deck.
- Facilities allow for future increase by tour operators (although approval for an increase in visitor numbers would require additional application).
- Extension of the Marine Parade car park south and reconfiguration of the layout including access points.

- Consideration of increasing parking provision in the area with the loss of some spaces within the Marine Parade Car Park.

The transportation assessment and associated effects are discussed and reviewed in more detail in the following section.

### 3 Review scope

The Resource Consent Application and Assessment of Environmental Effects report (“the application”) compiled by Cuttriss Consultants Ltd (Cuttriss), dated 29 June 2021 was received and reviewed in July 2021. Following this review we submitted a request for further information to better understand the proposal, including its effect on the environment and the ways any adverse effects might be mitigated.

A Response to Section 92 Further Information Request (S92 Response) was received in February 2022. This included changes to the proposal to address concerns raised in the further information request and external discussions with the Department of Conservation and tour operators. From a traffic perspective a number of recommendations/concerns have been mitigated by the new proposal including;

- The proposed additional carparking at the Paraparaumu Beach Golf Course and the corner of MacLean Street and Kapiti Road have been removed from the proposal. The Golf Course carparking has been removed from the proposal as a result of some of the safety concerns raised in the further information request letter. We have not provided further comment on these as they no longer make up part of the application.
- Additional carparking is proposed at the south end of Maclean Park to offset the loss of parking at the Te Uruhi carpark.

The S92 Response included an updated TIA reflecting the changes to the proposal. Specifically this review considered the following as the current application;

- RM210149 – Response To Section 92 Further Information Request, Cuttriss Consultants Ltd, 15 February 2022
- Further information Request Cover Letter, Cuttriss Consultants Ltd, received 15 February 2022
- Land Use Consent Application and Assessment of Effects for Te Uruhi, Cuttriss Consultants Ltd, received 15 February 2022 (including revised appendices)
- Kāpiti Gateway Transport Impact Assessment, Beca, 15 December 2021 (as appended to the Land Use Consent application)

We have been made aware that parking is one of the key concerns raised in resident feedback to KCDC. Section 5.1.1 in the TIA describes the parking standards against which this proposal is assessed. This is;

- Only new carparking demand generated by the new buildings needs to be considered by the proposal. Parking demand for the Island Tours is an existing consented activity and parking associated with this (up to the existing concession limit) is permitted within the existing environment.
- The National Policy Statement for Urban Development 2020 (NPS-UD) Car Parking which does not require carparking for development. The project has had verbal confirmation that the NPS-UD will be supported for this application however comment on current District Plan requirements has been completed for the assessment.

Our review has been completed in accordance with this. Further detail is provided below in Section 4.

## 4 Appraisal of transport effects

### 4.1 Safety

The TIA describes the crash history along Marine Parade, at the existing roundabout and in the car parking areas within the study area. For the review period, a total of 19 crashes were recorded. The report states that no meaningful crash trends were identified within the crash data. T+T agrees with this assessment.

Sight distance at the proposed carpark entrances has been assessed against the Austroads guidelines. T+T agree that these guidelines are appropriately referred to through the District Plan and that the proposal achieves compliance with these requirements.

T+T acknowledge the positive contribution the proposal will make in improving the safety by removing the conflict between boats and pedestrians in the boat club carpark

Detailed design is still to be completed, with some details such as the pedestrian refuge island across Marine Parade outside Te Uruhi still to be completed. T+T recommend that detailed design drawings of the site layout, in particular traffic and transport related details are submitted to Kāpiti Coast District Council's Access and Transport Team for Engineering Plan Approval (EPA).

T+T also recommend the applicant is required to undertake detailed design and post-construction road safety audits to provide independent assessment of the safety of the design.

The transport assessment has not addressed the safety of a pedestrian in Carparks Areas 1 and 2 crossing to the footpath along Marine Parade which is on the opposite (eastern) side of the road. While assessment of this would be of benefit to the application, the scope of the recommended detailed design and post-construction road safety audits as described in the Waka Kotahi NZ Transport Agency guidelines will consider pedestrians safety. T+T consider that the road safety audit process recommend above will address this.

### 4.2 Accessibility

The applicant notes that this will continue to be a public space with no loss of public walking access following construction. Wayfinding signage will be important to show this is a public space. In Section 4.2.3 of the Assessment of Environmental Effects (AEE) the applicant offers a condition that a signage plan is to be submitted to Kāpiti Coast District Council's Access and Transport Team and approval received prior to installation.

Cycle parking provided exceeds the requirements of the District Plan. Wayfinding signage as proposed for pedestrians will also provide for cyclists.

Four accessible parking spaces are proposed. The dimensions of these spaces comply with AS/NZS4121.2001 Design for Access and Mobility. The proposal also demonstrates a safe, obvious and step free accessible route between two of the accessible parking spaces and the new centre.

### 4.3 Layout

The parking area layouts, access spacing, and widths have been assessed within the TIA. T+T considers that the TIA correctly identifies the relevant standards in the District Plan, Austroads and Australia/New Zealand Standards.

The transport assessment states that the new car parking areas meet the District Plan Requirements and have been designed to mitigate any anticipated safety and amenity issues associated with site access. However, T+T observed the following departures from the ASNZS2890.1 Parking Facilities standard;

- Space 18 in Area 1 is at the end of a blind aisle. It needs to be an additional 1m wide to be compliant with ASNZS2890.1. This is also required to allow a vehicle to turn around using the yellow hatched area when the carpark is full. T+T recommend that this is required to be included as a condition of consent.
- The Te Uruhi carpark has a blind aisle the equivalent of seven parking spaces long. Section 2.4.2 (c) recommends that the maximum length shall be equal to the width of six spaces plus 1m unless provision is made for cars to turn around. T+T consider this to be a minor departure from the standard and is unlikely to impact the safe operation of the carpark.

Detailed design is still to be completed. As above in Section 4.1, T+T recommend that detailed design drawings of the site layout, in particular traffic and transport related details are submitted to Kāpiti Coast District Council's Access and Transport Team for Engineering Plan Approval (EPA).

#### **4.4 Servicing**

A pick-up/drop off zone is provided for a shuttle bus. The applicant has also confirmed that deliveries or refuse collection vehicles would be able to use this space. The 8.3m parking space servicing the building is sufficient to accommodate typical vehicles we would expect for a building of this size.

The applicant has confirmed that an aisle width of 3.5m has been maintained for exiting vehicles to pass a vehicle parked in the pick-up/drop-off zone.

#### **4.5 Parking**

The TIA includes extensive assessment of parking occupancy of the parking area and surrounding areas. Section 5.1.1 in the Transport Assessment describes the parking standards against which this proposal is assessed. This is;

- Only new carparking demand generated by the new buildings needs to be considered by the proposal. Parking demand for the Island Tours is an existing consented activity and parking associated with this (up to the existing concession limit) is permitted within the existing environment.
- The National Policy Statement for Urban Development 2020 (NPS-UD) Car Parking which does not require carparking for development. The project has had verbal confirmation that the NPS-UD will be supported for this application however comment on current District Plan requirements has been completed for the assessment.

T+T reinforce the effect of the National Policy Statement for Urban Development 2020 (NPS-UD) Car Parking which does not require carparking for development. In our opinion the applicant is going well beyond the minimum required under planning rules to consider parking effects in response to community concerns.

T+T agree that the distance between the proposed carparks at the south end of Maclean Park and the parking spaces which will be removed is still reasonably convenient for visitors to the area.

The applicant demonstrates a net increase in parking provision as a result of this project, although the assessed demand of four additional spaces is only partially accommodated. However, T+T consider the parking surveys and assessment undertaken by the applicant demonstrably show that sufficient parking will remain within the Maclean Park and surrounding areas to accommodate the existing and assessed parking demand.

## 4.6 Traffic

Industry standard modelling software, recorded traffic volumes and growth estimates are used in the TIA to assess intersection capacity. The assessed Level of Service (LOS) of A indicates free-flow traffic with individual users virtually unaffected by the presence of others in the traffic stream.

T+T consider the assessment undertaken sufficient to demonstrate that the increased traffic movements should not result in a noticeable increase in congestion or unreasonable delays for road users. The traffic levels are within the thresholds for these roads in the District Plan, and are not expected to exceed that which could be reasonably expected around an urban town centre

## 4.7 Construction

In the S92 Response the applicant has commented that delivery of machinery and materials to site during construction will utilise existing vehicle crossings. The applicant has also volunteered a consent condition requiring a Construction Traffic Management Plan prior to the commencement of works.

T+T consider a Construction Traffic Management Plan sufficient to identify and manage construction effects for this project and environment. We do however recommend that this condition is amended to explicitly state that approval from the road controlling authority (Kāpiti Coast District Council) is required prior to commencing construction.

## 5 Conclusion

T+T agrees the application can be supported from a traffic and transport planning and safety perspective on the proviso that the following recommendations be implemented:

- A signage plan is to be submitted to Kāpiti Coast District Council's Access and Transport Team for approval prior to installation;
- Detailed design drawings of the site layout, in particular traffic and transport related details and landscape planting/maintenance for driveway access visibility, are submitted to Kāpiti Coast District Council's Access and Transport Team for Engineering Plan Approval (EPA)
- Car park designs are reviewed to ensure compliance with the District Plan standards, in particular the requirements of the ASNZS2890.1 Parking Facilities standard. Any departures shall require approval through the EPA approvals process above
- Detailed design and post-construction road safety audits in accordance with Waka Kotahi NZ Transport Agency guidelines are completed for the project
- A Construction Traffic Management Plan is approved by Kāpiti Coast District Council prior to the commencement of works

We welcome any clarification on our transport planning and safety review.

## 6 Applicability

This report has been prepared for the exclusive use of our client Incite Resource & Environmental Management, with respect to the particular brief given to us. We understand and agree that this report will be used by Kāpiti Coast District Council in undertaking its regulatory functions in connection with resource consent application. It may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

Tonkin & Taylor Ltd

Environmental and Engineering Consultants

Report prepared by:

Reviewed by:



Billy Rodenburg  
Civil & Transport Engineer



Ryan Dunn  
Discipline Manager - Transport

Authorised for Tonkin & Taylor Ltd by:



Ed Breese  
Project Director

BLR

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## **APPENDIX D**

### **Landscape Architect Advice**

Attention:	Tom Anderson
Company:	Kāpiti Coast District Council
Date:	17 February 2022
From:	Julia Williams
Message Ref:	Kāpiti Gateway Project, Marine Parade, Mclean Park, Paraparaumu Beach. Landscape feedback Revised Application received 16-02-22
Project No:	DWL Reference 20007,008

Further information required/questions.

## 1. Effects

Effects have been rated on the following scale, with 'minor' established at **Low-Moderate**.

Very Low	Low	Low – Moderate	Moderate	High – Moderate	High	Very High
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### 'Minor' Test

For the purposes of notification determination, an adverse effects rating of Moderate - Low corresponds to a 'minor' adverse effects rating.

However page 45 of the Application states:

*The effects ranking table in this report sets out that effects are measured also in terms of Adverse, Neutral and Beneficial. The worst effect rating in the report was moderate. Due to the neutral component of this assessment, it is concluded that the effects as identified in the landscape and visual assessment are considered to be no more than minor.*

This is patently untrue with several landscape and visual effects rated adverse Moderate.

## 2. Signage

The Application notes:

*Three fixed advertising banners will sit below this alongside the pedestrian entrance path and will display images advertising the natural attractions of Kapiti Island.*

I can find none of the detail I would expect in the application wrt size of the signs, controls on content and the potential effect of the signs on Visual Amenity.

In this location I don't have concerns with their impact on Natural Character, but I would be concerned if any signage is anticipated in the southern carpark.

3. Lighting  
The LVA recommends

*That a lighting plan for the Te Uruhi building and associated outdoor carpark and new landscaping be developed in sympathy to the coastal urban park context and with consideration to residential neighbours.*

I don't know what existing lighting is in Maclean Park but feel uncomfortable that an indicative lighting layout and parameters have not been provided, as this aspect of the project could prove controversial for local residents.

4. Notification

The LVA lists the following adverse effects

	LVA Effects	Julia comment
<b>Visual effects</b>		
<b>Public</b>		
Maclean Park Users	Moderate -Low	I feel comfortable with this evaluation
<b>Private</b>		
Manly Street, Kapiti Road and Golf Road	Moderate-Low	I think the evaluation has been very conservative, given the viewing distances for these properties.  However based on the above and for notification, I would look at dwellings within a viewing distance of 150m (which by my quick calculation takes in the multistorey building by the golf club) and the closest houses in Manly, Kapiti and Golf roads
3 Marine Parade	Moderate	
5 Marine Parade	Moderate	Julia Comment. Using this calibration I would rate effects for this resident as Moderate-High
55, 56, 57 and 58 Marine Parade	Moderate -Low	
<b>Natural Character</b>		
Southern Carpark, Zone 6	Moderate	
<b>Landscape Character</b>		
Southern Carpark, Zone 6	Moderate-Low	

Attention:	Tom Anderson
Company:	Kāpiti Coast District Council
Date:	13 April 2022
From:	Julia Williams
Message Ref:	Kāpiti Gateway Project, Marine Parade, Mclean Park, Paraparaumu Beach. Landscape feedback Revised Application received 16-02-22
Project No:	DWL Reference 20007,012

Further information required/questions.

### 1. Effects

Effects have been rated on the following scale, with 'minor' established at **Low-Moderate**.

Very Low	Low	Low – Moderate	Moderate	High – Moderate	High	Very High
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#### 'Minor' Test

For the purposes of notification determination, an adverse effects rating of Moderate - Low corresponds to a 'minor' adverse effects rating.

This rating scale is consistent with the current best practice set out in the NZILA Aotearoa Landscape Assessment Guidelines.

### 2. Signage

The Application notes:

*Three fixed advertising banners will sit below this alongside the pedestrian entrance path and will display images advertising the natural attractions of Kapiti Island.*

I can find none of the detail I would expect in the application re the size of the signs, controls on content and the potential effect of the signs on Visual Amenity.

In this location I don't have concerns with their impact on Natural Character, but I would be concerned if any signage is anticipated in the southern carpark.

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I don't know what existing lighting is in Maclean Park but feel uncomfortable that an

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	LVA Effects	Julia comment
<b>Visual effects</b>		
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3 Marine Parade	Moderate	Agreed
5 Marine Parade	Moderate	Julia Comment. Using this effects calibration I would rate effects for this resident as Moderate-High.
55, 56, 57 and 58 Marine Parade	Moderate -Low	Agreed
<b>Natural Character</b>		
Southern Carpark, Zone 6	Moderate (localized) in the vicinity of the carpark. Moderate-Low effects on the wider coastal environment	I agree that effects are localized. I agree that the proposal has minimal effects on the area of High Natural Character to the west. I support the planting around carparks and the additional 1000sqm+ of off-set coastal planting
<b>Landscape Character</b>		
Southern Carpark, Zone 6	Moderate-Low	Agreed

## **APPENDIX E**

### **Recommended Conditions**

## 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]:
  - Wright – 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;
    - 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;
  - Wright – 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 Gayeway 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 artwork, the consent holder must provide the consent authority a written statement from Ātiawa ki Whakarongotai Charitable Trust, that the artistic representations have been designed in conjunction with Ātiawa artists and experts.

#### Prior to the Commencement of Works

6. 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. 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.

8. 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.
9. 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.
10. 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.

11. 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.

- 12. All earthworks and site investigations and remediation shall be undertaken in accordance with the approved CMP.
- 13. No works shall commence until the CMP required under condition 11 has been approved in writing by Council's Development Engineer.
- 14. 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.
- 15. The consent holder must provide the consent authority a written statement from Ātiawa ki Whakarongotai Charitable Trust, prior to the submission of the engineering plans, that the Ātiawa ki Whakarongotai Charitable Trust has been involved in the detailed design of the project.
- 16. 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 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.
  - 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 shall be employed at the expense of the contractor to examine and record the site.
  - g. Ātiawa ki Whakarongotai Charitable Trust 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 will arrange such at the contractor's expense.
- i. Materials discovered will be handled and removed by the Ātiawa ki Whakarongotai Charitable Trust 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, 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 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

17. The CMP must include a section outlining how Ātiawa ki Whakarongotai Charitable Trust will be involved in monitoring works from a mātauranga Māori perspective.

#### Landscape Plan

18. 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

### Engineering

19. 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.

20. 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](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.

21. Any unused existing water service connections being abandoned shall be capped at the main.
22. Any unused existing wastewater service connections being abandoned shall be capped at the main.

### Transport

23. 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

24. 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;
  - Rooding Standard Drawings; and
  - Vehicle Crossing Guidelines.