

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 policys.

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=0I7TctfxzbM&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.

It seems, from the documents provided, the iwi report/response were received by KCDC prior to this vastly expanded car parking area and associated earthworks. The date on the Iwi response is prior to this Resource Consent and is dated around the time of the first Resource Consent application which has since been abandoned.

KCDC have added a vastly increased scope of earthworks into this Resource Consent RC210149, but do not have supporting Iwi input. If Iwi are a true collaborator in this development where is the updated report / response around this culturally significant site?

The landscape buffer zone between the new car parking and marine parade does NOT comply with the operative district plan standard which requires a 2 metre landscaped separation zone. The proposed 800mm landscape strip will greatly effect the adjacent neighbours as 800 mm of width will greatly diminish any possible chance of substantial planting being established and screening off the parked vehicles and vehicle movements. The need to prune back the plants to be clear of the road and the parking spaces will render the garden useless and become a pedestrian access strip. The existing gardens, maintained by KCDC, clearly show the state of disrepair to gardens of this nature.

The proposed carpark encroachment into the open space is significant. To try to achieve full parking compliance will massively alter, further, the sand dune formations and pedestrian access via the walking track.

The 3D renders that council has submitted showing the before and afters of the proposed car parking area are misleading. The representation shows smaller type cars when in reality the existing car parking areas have cars constantly outnumbered by motor homes, some as tall as 3 metres. With the creation of this larger carpark directly across from 55- 58 marine parade, will in essence create the potential for a wall of mobile homes for large parts of the year.

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.

The proposed image shows low level cars and vegetation at a height that is not sustainable in an 800mm strip of landscape buffer zone. The reality in this part of the park is that there is a high concentration of mobile homes that park in this vicinity so this drawing is not representative of the actual use. In some instances mobile homes are as tall as 3 metres.

The proposed carpark will have a More Than Minor affect.

## **Building Height / Trees**

### **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.

These drawings were used by Cuttriss Consulting, the Applicant, to ascertain and establish their assessment of effects. Having scaled the drawings a number of Pohutukawa trees have been added and / or enlarged to diminish the impact of the bulk and location of the Gateway building.

Whilst the applicant may provide the reasoning that the trees will grow over time and hence the larger tree scale, this is not representative of the here and now of which the true impact must be measured to show an accurate impact on neighbouring properties. Given the slow growing nature of the Pohutukawa trees, and the coastal location, and the recent die back of some existing trees, it may be decades before the trees reach the height that is representative of what is shown on the Architectural Drawings. KCDC recently engaged a photographic company that had the technology to accurately scale site photos and proposed architectural drawings overlay – where is this accurate representation?

The applicant has specifically stated on page 40 of the assessment – “the proposed building is appropriately located nestled amongst the existing mature trees and ‘tucked behind the coastal dune”



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?

Within the application, and then again in the peer review report, the A3 elevations have been relied upon to analyse and make assumptions around how the neighbours will be effected by the bulk and location of the Gateway buildings – however we have determined through our consultant the information is incorrect and misleading. In some instances the trees are not 9-12 metres tall as shown. Is this an error or have they knowingly used this information to bolster their case or to minimise any negative effect on those surrounding neighbours? These tree heights and positions need to accurately scaled onto the Architectural set. The true scale of the building will cause negative effects far greater than Minor. There is inconsistency in the architectural drawings and the written submission the height and location of the carved Pou need to be accurately recorded in all documents.

Specifically on page 35 of the Cuttriss assessment of effects under the sub heading 1 Marine Parade / 391 Kapiti Road – “indirect views of the park and Te Uruhi roof will be blended through use of existing Pohutukawa canopies .....” “When viewed from 1 Marine Parade, the proposed building will sit nestled into the mature Pohutukawa trees surrounding the works site reducing the appearance of its bulk.” Again this assumption is based on incorrect scale on the A3 Athfield Architecture plans.

Under the Section 95 notification report they have used the misleading tree height to support their outcomes. They mention that the trees are used to screen and soften the building however they are drawing this conclusion from incorrect Athfield Architects A3 drawings. The out of scale tree canopy is misleading to the extent of cover and height and hence this has led to assumptions being made which are incorrect. We disagree with the assumption that the affects will be less than minor. Clearly the affects will be More Than Minor.

## **Iwi Consultation**

### **Te Runanga o Toa Rangatira and Ātiawa Ki Whakarongotai Charitable Trust**

Cultural Values Assessment dated September 2020 and July 2020 - KCDC have publically stated that they would work with and consult Iwi on any development of Maclean Park due to the location being culturally significant to Maori. However the last correspondence from Iwi was dated 14<sup>th</sup> September 2020. It seems this was consultation which applied to the first Resource Consent, which was withdrawn June/July 2021. The September 2020 assessment makes reference to Golf Course parking and shipping container pods – when clearly this has been abandoned and the project has changed significantly. We assume the application is correct now?

However now with the brand new Resource Consent dated July 2021 – it seems that Iwi have been ignored or not informed of the vastly altered new Resource Consent, specifically around the large amount of earthworks of approx. 550m<sup>3</sup> and the depth of excavation which clearly will exceed 1 metre in depth.

Whilst KCDC may have made an assumption that the September 2020 assessment may still be relevant, at what stage does a scheme alter enough to warrant a re-visit and the honouring of the partnership agreement when the work is occurring on culturally significant land which the affected Iwi know nothing about?

Is this showing them one thing and then undertaking something far more significant?

## **Atiawa ke Whakarongotai Charitable Trust**

No update included specifically around the new proposed carpark with excavation that exceeds 550m<sup>3</sup> and a depth exceeding 1 metre.

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** -

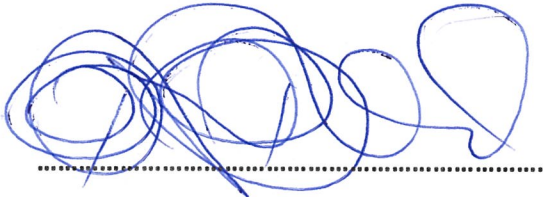
- 1 "natural justice and fair process" and should have been publically notified, given the level of public interest.
- 2 Sections of the RMA
- 3 NZ Coastal Policy statement
- 4 Policies and objectives of the District Plan
- 5 Maclean Park Reserve Management Plan.

**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**

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

**Bruce Barnett**

**Collie Properties Limited**

**3 Marine Parade**

**Paraparaumu Beach**