

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

Under the Resource Management Act 1991

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

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**MEMORANDUM OF COUNSEL ON BEHALF OF THE APPLICANT**

20 October 2022

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**BUDDLE FINDLAY**

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## **MAY IT PLEASE THE HEARING PANEL:**

### **Introduction**

1. Kāpiti Coast District Council, as the applicant for resource consent (**applicant**), greatly appreciated the opportunity to present its case in support of Te Uruhi at the hearing on 3 and 4 October 2022. The applicant expresses its sincere thanks to the submitters for their well-considered presentations, and to the Panel members for their insightful questioning of witnesses and submitters.
2. Minute 4 of the Panel, issued on 5 October 2022, listed additional information sought by the Panel and set out a timetable for the parties to provide further input. In response to Minute 4, this memorandum:
  - (a) advises the Panel of a refinement to the activities for which the applicant seeks resource consent, namely to omit the proposed extension to the existing carpark opposite 54 Marine Parade (the **carpark extension**);<sup>1</sup>
  - (b) summarises the other information provided by the applicant (together with this memorandum) in response to Minute 4; and
  - (c) proposes next steps, noting that the Panel may wish to shorten the timetable.

### **Refinement to omit the carpark extension**

3. While the submissions lodged in respect of Te Uruhi raised a range of concerns, at the hearing there seemed to be relatively little objection to the fundamental proposal for Te Uruhi to be a high-quality 'gateway' development that celebrates mana whenua connections with Kāpiti, provides a purpose-built biosecurity facility, and enhances the experience of visitors to Maclean Park and the wider area.
4. Of the concerns raised, the proposed carpark extension emerged as the main focus of the hearing. The submitters directly opposite – Ms Burgess, Mr Guy, Ms Holden, and Mr Wilson – understandably concentrated on that aspect of the project, but it was also criticized by Mr Hunter (speaking on behalf of Ms Knight, who lives well away from the relevant location) and was

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<sup>1</sup> This carpark is referred to as the "Zone 6 Carpark" in the Assessment of Environmental Effects and "Area 2" in the evidence of Megan Taylor and in the Beca report *Kāpiti Coast Gateway Transport Impact Assessment*, 15 December 2021. The extension would have been located opposite 55, 56, 57, and 58 Marine Parade.

the subject of many of the Panel's questions and requests for further information.

5. The applicant listened carefully to the points made by the submitters and has since discussed matters with its expert advisors. While the carpark extension could be formed in a way that avoids any material adverse effects on the submitters in terms of coastal hazards (and in a way that appropriately mitigates any other effects on the submitters and the wider environment), the applicant now considers that the carpark extension need not be developed as part of the Te Uruhi project.
6. As such, and in the interests of addressing the submitters' concerns, counsel advise the Panel that the applicant no longer seeks consent for the activities associated with developing the carpark extension (including the coastal planting intended to address the effects of those works).
7. The applicant has agreed this course with its iwi partners and has, as a courtesy, sought to make direct contact with the submitters opposite the carpark extension to inform them of this change.
8. As the Panel will be aware, changes to proposals to address submitters' concerns are commonplace in consenting processes. Refinements that do not change the fundamental nature of a project but serve to reduce adverse environmental effects are particularly encouraged, and can be approved by a consent authority because they fall within the scope of an application as lodged.<sup>2</sup>
9. Based on the evidence heard by the Panel, there are three main reasons that the applicant now considers that the carpark extension is not a necessary corollary to Te Uruhi.
10. First, the Panel heard that while the Te Uruhi buildings will occupy some existing carparks, there are sufficient spaces provided through other changes advanced as part of the project, and considerable parking capacity in the surrounding streets, such that removing the carpark extension does not have any material adverse effect on the environment (in terms of parking supply, or otherwise).
11. Put another way, Te Uruhi will have no material adverse effects on carparking, irrespective of the removal of the carpark extension.<sup>3</sup>

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<sup>2</sup> See for example *Re Waiheke Marinas Ltd* [2015] NZEnvC 66.

<sup>3</sup> As such, removing the carpark extension does not affect the notification decision made in respect of the application.

12. In response to questions from the Panel, Mr Rodenburg clearly expressed his expert opinion that:
  - (a) the carpark extension is not required to mitigate any adverse parking effects of Te Uruhi; and
  - (b) his overall conclusions regarding the lack of adverse parking effects would be unchanged if Te Uruhi instead brought about a net loss of parking in the area.
13. Overall, the proposal described at the hearing would have led to a net gain of two carparks, with the carparks lost to the Te Uruhi footprint more than fully offset by carparks proposed in the area next to the buildings, on the road shoulder nearby, in a remarked carpark to the south of Maclean Park, and in the carpark extension.
14. The carpark extension itself would have added (net) ten carparks to the area: the extension was proposed to contain 19 spaces, but required nine existing spaces to be removed along the shoulder of Marine Parade (to provide additional sight distances for the increased traffic using the existing entrance/exit point). Those nine existing spaces will no longer be removed.
15. Without the ten carparks provided by the carpark extension, there will now be a net loss of eight carparks associated with Te Uruhi (subject to the Panel granting consent). As the experts advised the Panel, however, that must be seen in the context of there being a large number of time-unrestricted parks within approximately the same distance (400-500m) of Te Uruhi as the carpark extension was proposed to be. There are approximately 290 such spaces, which explains why Mr Rodenburg considers the (net) 10 spaces provided by the carpark extension to be inconsequential.
16. The Panel also heard that the existing spaces are more than sufficient to accommodate customers of Kāpiti Island Tours on the approximately 233 days per year of operation.
17. Conversely, removing the carpark extension reduces the overall adverse environmental effects of the project, including in terms of the natural character of the dune area and visual effects on residents at 55, 56, 57, and 58 Marine Parade. While the expert evidence before the Panel was that those effects would have been relatively small-scale and acceptable in RMA terms – particularly in light of the proposed coastal restoration planting, which is no longer required – avoiding them altogether is nonetheless a positive outcome that can be endorsed by the Panel.

18. Second, the clear (and uncontested) expert planning evidence before the Panel is that the planning framework sets no carparking obligation for developments such as this. As Ms Burgess noted, the carpark extension was *"desired, but not required"* in planning terms; the District Plan, as amended in response to the National Policy Statement for Urban Development 2020,<sup>4</sup> does not set any minimum carparking rate requirements (other than for accessible carparks).
19. Third, if in future any issue does arise relating to a shortage of carparks at Paraparaumu Beach, the Council has wide-ranging powers to implement measures to address issues at that time.
20. The Council intends to carry out a further formal parking review of the area (including during peak times) in the coming 18 months, and Ms Taylor described for the Panel potential opportunities regarding education and wayfinding/signage, so visitors understand where unrestricted parking spaces might be found. The Traffic Impact Assessment also recommended that the Council *"review the timing restrictions within Maclean Park to encourage higher turnover of spaces closer to the retail area and further encourage longer term parking further away"*, although the information currently held by Council does not indicate that time restrictions are necessary at this stage.
21. The applicant therefore removes the carpark extension from the proposal (and the associated coastal planting), in order to address the concerns raised by submitters.

### **Other information requested by the Panel**

#### *Introduction*

22. Other than the information sought regarding the carpark extension, the Panel asked the applicant to provide:
  - (a) In respect of the site of the Te Uruhi buildings:
    - (i) clarification of the existing trees that will be retained and the methodology for their protection; and
    - (ii) confirmation of the method and accuracy of the photomontages produced (such as viewpoint 9 from in front of 5 Marine Parade);<sup>5</sup> and

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<sup>4</sup> Policy 11(a) and 3.38(1).

<sup>5</sup> The photomontages are in the Landscape and Visual Effects Assessment, appendix 8 to the Assessment of Environmental Effects.

- (b) In respect of the southernmost carpark (to the south of Maclean Park), which is proposed to be remarked, the landscape details for the 800mm landscape strip adjacent to road (including any proposed mitigation related to vehicle overhang and people movement).

*Te Uruhi buildings – existing trees*

- 23. **Appendix 1** to this memorandum is an updated drawing showing (with greater definition) which of the existing trees will be retained.
- 24. In terms of the methodology for their protection, the updated set of conditions submitted with the applicant's reply will provide for:
  - (a) certain minimum requirements for tree protection; and
  - (b) the Landscape Plan, prepared by suitably qualified and experienced professionals (including an arborist), to specify a more detailed methodology, to be submitted to the regulator for certification.

*Photomontages*

- 25. **Appendix 2** to this memorandum is a brief explanation from U6, the organisation that prepared the photomontages, as to the methodology used and confirming that the people appearing in the images are correctly scaled.

*Planting in southernmost carpark*

- 26. **Appendix 3** to this memorandum is an updated planting plan (and associated plant selections) for the southernmost carpark.
- 27. As advised at the hearing, the activities proposed in this location are mainly to reconfigure the existing carpark area (and do not involve any earthworks, for example).

**Proposed next steps and timetable**

- 28. The timetable in Minute 4 provided for:
  - (a) the information accompanying this memorandum to be provided by Tuesday, 25 October 2022;
  - (b) any submitter wishing to comment on the information to do so by Tuesday, 8 November;
  - (c) the section 42A officers to comment by Friday, 11 November; and
  - (d) the applicant's reply (and updated conditions) to be filed by Friday, 18 November.

29. The applicant hopes that providing this information early and removing the southern carpark from the project may streamline this process; the submitters indicated, for example, that they would need two weeks to take expert advice on coastal hazards to inform their comments, which is no longer necessary.
30. Counsel would therefore be grateful for the Panel to consider whether it may be possible to shorten the timetable, if to do so would not disadvantage the submitters. The Panel could, for example:
  - (a) ask the submitters and section 42A officers to advise if they intend to comment and, if so, how much time they need; and/or
  - (b) if appropriate, ask the hearing administrator to contact the submitters to seek that advice.
31. Depending on the views of the submitters and section 42A officers, the Panel could then update the timetable accordingly.
32. In any case, the applicant is preparing its reply and will await further direction from the Panel.

**DATED** this 20<sup>th</sup> day of October 2022



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**David Randal / Esther Bennett**  
Counsel for the applicant

## **APPENDIX ONE**





## **APPENDIX TWO**



## **Photomontage Methodology.**

**Project:** Proposed Te Uruhi Kāpiti Gateway and Southern Car park extension.

**Client:** Rebecca Cray, BECA Limited.

**Camera viewpoints:** x3

VPT5 - From Paraparaumu Beach.

VPT9 - On the pavement outside No.5 Marine Parade.

VPT13 - On the pavement corner of Ocean Road and Marine Parade.

**Photomontages issued:** 10 February 2022.

**Photomontages prepared by:** Patrick Dyer, U6 Photomontages Limited.

## **Photography and viewpoint data recording.**

A site visit was undertaken on the 17<sup>th</sup> December 2021. Photographs were taken from each viewpoint location in landscape fashion. The weather conditions were gusty and fine.

Equipment used for our photography:

- Canon EOS 5D Mark III FFDSLR
- Canon 50mm f/1.4 fixed lens & 35mm lens
- Viewfinder height was fixed at 1.65m above ground
- Tripod with panoramic rotating head
- Tripod mounted spirit level

After a series of panoramic shots were taken from each viewpoint location the ground was marked with survey paint. The surveyor then carried out his survey to record the easting and northing co-ordinates and elevation for each viewpoint location. Selected control point items in each scene (such as street furniture and building structural features) were also identified and surveyed for their coordinates.

## **Photomontage panorama preparation.**

13 individual 50mm shots were stitched together for VPT5 using a method of cylindrical projection to achieve a 93 degrees HFoV, and 15 individual 35mm shots were stitched together for VPT9/VPT13 using a method of rectilinear projection to achieve a 124 degrees HFoV. Additional Adobe Photoshop post production techniques were used to fine tune the final 300 dpi files to be used as the basis for each photomontage.

For each A3 pdf photomontage publication there is one panoramic image showing the existing landscape scene and a second showing the landscape scene containing the proposed development. This means that a comparison can be made between the existing and proposed situation.

## **Software setup.**

The processed survey data (supplied by Cuttriss Surveyors Limited) and the 3D model of the proposals were loaded into 3D design software where a virtual computer camera was created at each viewpoint location within the artificial 3D environment.

The correct camera specifications, time of day and date were entered into the program to simulate the precise conditions experienced at the time the photographs were taken on site.

An exact snapshot / render of the development was captured replicating the same camera height, location and direction as the photographer.

Continued:

Accurate placement of the proposals in each panoramic image was achieved by overlaying and matching-up the rendered development and control point items with the actual surveyed control point items in each view. Lower parts of the proposal were erased where it appeared to be behind foreground topography and vegetation etc.

**Design material provided to U6 used as a basis to create each photomontage scene:**

- Cuttriss Surveyors Limited 22642 CAM Aerial with positions
- 20-11 Te Uruhi Kapiti Gateway - Elevations 171121
- 20-11 Te Uruhi Kapiti Gateway - Height adjustment views
- 20-11 Te Uruhi Kapiti Gateway - Whakairo Ihuwaka Site Plan 011121
- KapitiGateway Landscape RC low res
- MacLean Park New Car Park Design 06.12.2021\_Option 1-3821650-TA-K001
- 2021.12.13 Beca Sth Topo AutoCAD .dwg

**VPT9 - No.5 Marine Parade. Street people scale issue.**

(Some submitters and Commissioners had queries regarding 'out of scale' people on the pavement within this photomontage).

There is slight lens distortion / barrel-effect at the edges in these scenes due to the extreme wide angle horizontal FoV. The close proximity from the viewpoint camera to the project site boundary also plays a role.

This may cause a small amount of distraction when comparing the parked car hood (at left) to the added people on the pavement. The small area of vehicle visible naturally appears slightly larger because it matches the perspective occurring within the panoramic scenes.

The street people added to the photomontage are to scale.



## **APPENDIX THREE**

## MACLEAN PARK



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## MACLEAN PARK MARINE PARADE CARPARK EXTENSION

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DATE	REVISION	NOTES
08 NOV 2021	B	UPDATE
16 DEC 2021	C	UPDATE
30 MAR 2022	D	UPDATE
04 APR 2022	E	UPDATE
17 OCT 2022	F	UPDATE

Wā contact: *NICOLE THOMPSON*

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# LANDSCAPE SITE PLAN

## MACLEAN PARK LANDSCAPE



This landscape proposal relates to the re-configuration of the existing car park on the seaward side of Marine Parade immediately south of Ocean Road at Paraparaumu Beach. The car park is reconfigured to accommodate parking at both beach and road sides of the existing asphalted space, increasing the total car parks from an existing 16no. to a total of 31no.

The re-configuration has been designed to retain the existing car park levels. Proposed planting comprises vegetated 'islands' incised into the roadside parking area and a planted strip along the roadside boundary which allows for a 600mm vehicle overhang as further defined on the following planting pages.

# PLANTING LIST

## ROAD EDGE GARDEN BEDS



RED BIDIBID  
*Acaena novae-zelandiae*



PINATORO  
*Pimelea prostrata*



TĀTARAHEKE  
*Coprosma acerosa*



WAIŪATUA  
*Euphorbia glauca*



MAUREA  
*Carex flagellifera*



MIKOIKOI  
*Libertia peregrinans*



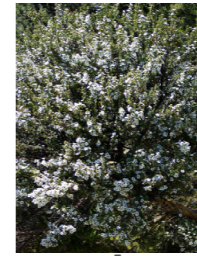
MINIATURE TOETOE  
*Chionochola flavicans*



DWARF FLAX  
*Phormium 'Emerald Gem' / 'Emerald Green'*



TAUPATA  
*Coprosma repens 'Poor Knights'*



DWARF MĀNUKA  
*Leptospermum 'Wiri Susan'*

**BAND 1: Overhang**

**BAND 2: between car parks**

**Island planting**

### INTERMEDIARY GARDEN BEDS

All of the above, plus:



TĪ KŌUKA  
*Cordyline australis*

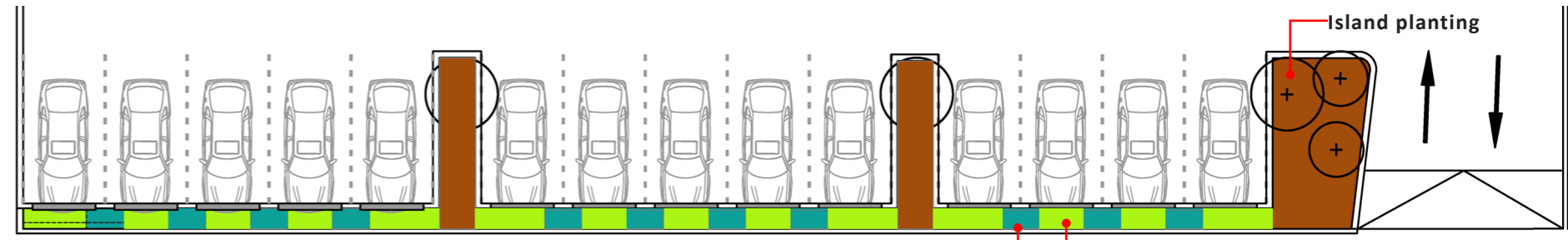


OIOI  
*Apodasmia similis*



TAUPATA  
*Coprosma repens*

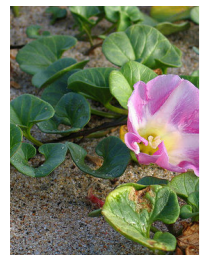
**Island planting**



Roadside Planting Reference Diagram | 1:200 @ A3

**BAND 1 600mm OVERHANG**  
**BAND 2**

## DUNE PLANTING



PANAHI  
*Calystegia soldanella*



HOROKAHA  
*Disphyma australe*



PĪNGAO  
*Ficinia spiralis*



SPINIFEX  
*Spinifex sericus*



KOKOHI (NZ SPINACH)  
*Tetragonia tetragonioides*



TĀTARAHEKE  
*Coprosma acerosa*



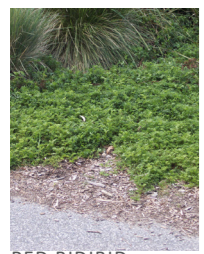
CAREX  
*Carex flagellifera*



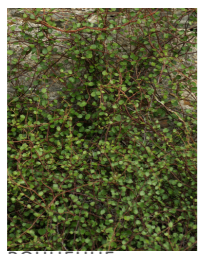
SAND SEDGE  
*Carex Pumila*



SAND TUSOCK  
*Poa billardiarei*



RED BIDIBID  
*Acaena novae-zelandiae*



POHUEHUE  
*Muehlenbeckia complexa*



AUTETARANGA  
*Pimelia villosa*



REMUREMU  
*Selliera radicans*



SHORE FUCHSIA  
*Fuchsia procumbens*



TAUHINU  
*Cassinia leptophylla*



COASTAL TREE DAISY  
*Olearia solandri*



TAUPATA  
*Coprosma repens*



MINGIMINGI  
*Coprosma propinqua*