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# Kāpiti Island Nature Tours

*Resource Consent Application and Assessment of Effects on the Environment*




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Prepared by Ben Farrell  
Andrew Stewart Ltd

9 June 2013

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## 1 EXECUTIVE SUMMARY

John Barrett and Amo Clarke - trading as Kapiti Island Nature Tours ("**the applicants**") own and operate an existing ecotourism business at the north end of Kāpiti Island ("**the existing activity**"). The applicants (and their family) share mana whenua status over Kāpiti Island.

The existing activity is subject to a resource consent that expires on 10 September 2013. Under s124 of the Resource Management Act 1991 ("**the RMA**") the applicant is required to apply for a new resource consent to allow the activity to continue. This report provides a Resource Consent Application and an Assessment of Effects on the Environment ("**AEE**"), set out in accordance with section 88 and the Fourth Schedule of the RMA, as well as a summary of the relevant statutory assessment matters that the Council must consider under section 104 and Part 2 of the RMA when determining the consent application.

The land subject to this application is *all the Rural Zoned land on Kāpiti Island*, as shown on the Operative Kāpiti Coast District Plan Map 24.

An overview of the key matters for consideration and corresponding assessment are summarised below and outlined in detail in the following sections of this report:

- Kāpiti Island is iconic to the Kāpiti Coast District. It is a significant natural resource that is a special place to many people. The Island is one of New Zealand's most valuable nature reserves, and it is the only large island sanctuary for birds between the Hauraki Gulf in the north and New Zealand's southern outlying islands. The Island is one of a few relatively accessible island nature reserves. It provides an opportunity for people to observe birds that are either very rare or absent from the mainland, and to see the recovery of vegetation after intensive modification during last century. The Island is of immense importance to the families who retain private ownership rights on the Island (mana whenua). These families retain strong ancestral links to the Island and have a long history of hosting visitors on the Island for a variety of recreation/tourism activities, including overnight stays.
- The existing activity has been in operating in accordance with an existing resource consent which was granted on 10 September 2003. The existing activity has proved to be highly popular, hosting about 15,000 visitors who have typically enjoyed positive outdoor recreation and 'biocultural conservation' experiences. There have been no significant concerns raised about the effects of the existing activity on the environment, including effects on the amenity values of the neighbouring land owners and effects on the Island's significant flora and fauna.
- The existing activity operates under a high degree of scrutiny, including stringent resource consent conditions, independent auditing, a Department of Conservation ("**DOC**") concession, and the watchful eye of various interested parties represented on the Kāpiti Island Monitoring Committee.
- The proposed ecotourism activity subject to this application ("**the proposed activity**") is the same as the existing activity. However, variations to the resource consent conditions are being sought. These variations include:
  1. allowing the name of the consent holder to be transferred;
  2. allowing the activity to operate without an expiry date;
  3. increasing the maximum number of daytime visitors from 24 to 60;
  4. changing the definition of "daytime hours" from between 9am to 4pm to between "one hour after sunrise to one hour before sunset";
  5. changing the definition of "night time" hours from between 4pm to 9am to between "one hour before sunset to one hour after sunrise";
  6. capping the total number of "paying visitors" to 60 people and remove the restriction on staff numbers, family, and family guests (i.e. so that there could be more than 60 people on the site at any point in time);
  7. removing the restriction on drinking alcohol;
  8. removing the requirement for alternate night kiwi spotting tours (i.e. so that the proposed night tours can occur night after night);
  9. removing the requirement that prevents helicopter transportation between October and March (nesting season);
  10. reducing the level of public liability insurance under the Forest and Rural Fires Act from \$1,000,000.00 to \$250,000.00 (to be consistent with the DOC concession); and
  11. modifying the monitoring and compliance requirements.
- Under the Operative Kāpiti Coast District Plan (the "**District Plan**") components of the proposed activity are 'permitted' while other components are 'non-complying', as summarised in Table 1. This resource consent application is for the non-complying components of the proposed activity.

Table 1 Summary of proposed activities and activity status

Proposed Activity	Land	District Plan Zone	Activity Status	Resource Consent Required?
Private accommodation and private outdoor recreation activities, on private land	Waiorua Kāpiti 6 (informal partition C), being private land at the north end of Kāpiti Island (ML 5553, CT47D/208)	Rural	Permitted	No
Homestay and commercial outdoor recreation, on private land		Rural	Non-complying	Yes
Private access across Waiorua Kāpiti 6 (10m wide roadway), on private land	Waiorua Kāpiti 6 (10m wide roadway), being private land at the north end of Kāpiti Island (ML 5553, CT47D/208)	Rural	Permitted	No
Commercial access across Waiorua Kāpiti 6 (10m wide roadway), on private land		Rural	Non-complying	Yes
Commercial outdoor recreation, on Crown land (Kāpiti Island North Nature Reserve, including balance land)	Waiorua Kāpiti 5 and 7, being Crown Land at the north end of Kāpiti Island administered by Land Information New Zealand (ML 5553, CT 48C/227 and CT 119/153), and Kāpiti Island North Nature Reserve, administered by the Department of Conservation (Gazette 1973 p.1381).	Rural	Non-complying	Yes
Outdoor recreation (unguided), on Crown land (Kāpiti Island North Nature Reserve, including balance land)		Rural	Permitted	No
Commercial outdoor recreation (guided), on Crown Land (Kāpiti Island Nature Reserve)	Kāpiti Island Nature Reserve, administered by the Department of Conservation.	Conservation	Permitted	No
Outdoor recreation (unguided), on Crown Land (Kāpiti Island Nature Reserve)		Conservation	Permitted	No

- In accordance with s104 the Council has a high level of discretion when determining whether or not to grant or decline the resource consent application and, if consent is granted, what conditions may be imposed.
- Upon assessment of the relevant s104 and Part 2 matters, it is considered the proposed activity will result in:
  - effects that are of the same scale, intensity and character as the existing activity;
  - positive effects including direct tourism benefits to the land owners; direct recreation experiences for visitors; indirect educational and transformational benefits for "*biocultural conservation*"; and far reaching indirect tourism benefits;
  - indiscernible adverse effects on the natural environment: the proposed activity includes robust operational management procedures to ensure the actual and potential environmental effects of the proposal can be suitably avoided, remedied, and mitigated; and
  - potential adverse effects on the amenity values of neighbouring land owners: the privacy of neighbouring residents at Waiorua Kāpiti 6 informal partitions 6A, 6B, 6D, and 6E may be affected.
- When determining whether or not to grant or decline the application the Council must first consider what parties may be potentially adversely affected by the proposed activity. In this case, it is submitted the following parties may be potentially adversely affected:
  1. "*Other Trustees*" (being representatives of the owners and occupiers of Waiorua Kāpiti 6 informal partitions 6A, 6B, 6D, and 6E)
  2. *Ngāti Toa*;
  3. *Rūnanga of Te Āti Awa*;
  4. *Ngāti Raukawa*; and
  5. *DOC*.
- The applicant has discussed the proposed activity with these potentially affected parties. DOC has provided a letter of support for the proposed activity (refer Appendix 4). The written support (or at least non-objection) to the proposed activity from the other parties is expected to be forthcoming.
- Upon an overall assessment of the relevant statutory matters under the RMA (namely sections Part 2, 104, and 104D(1)), it is considered the proposed activity will have significant positive effects, is consistent with the purpose of the RMA and the relevant provisions of relevant policy statements and plans, and will have indiscernible adverse effects on the environment. Accordingly, it is recommended the resource consent application can, and should, be granted subject to conditions proposed as part of this resource consent application.

## 2 RESOURCE CONSENT APPLICATION

### 2.1 Application

Pursuant to section 88 of the RMA, John Barrett and Amo Clarke - trading as *Kapiti Island Nature Tours* ("the applicant") applies to the Kāpiti Coast District Council<sup>1</sup> ("the Council") for land use consent to continue the operation of the existing ecotourism activity on Kāpiti Island.

The proposal is described in section 3.4 of the AEE.

### 2.2 Legal description of the land subject to this application

The land subject to this application is all the land on Kāpiti Island zoned Rural as shown on District Plan Map 24 in the Operative District Plan, including land legally described as: Waiorua Kāpiti 6 (informal partition C and the 10m wide roadway), being private land at the north end of Kāpiti Island (ML 5553, CT47D/208); Waiorua Kāpiti 5 and 7, being Crown Land at the north end of Kāpiti Island administered by Land Information New Zealand (ML 5553, CT 48C/227 and CT 119/153), and Kāpiti Island North Nature Reserve, administered by the Department of Conservation (Gazette 1973 p.1381).

Further details about the site and the receiving environment are provided in section 3.2 of the AEE.

### 2.3 Resource consents required

Under the Operative Kāpiti Coast District Plan (the '*District Plan*');

- the land subject this application<sup>2</sup> is zoned rural on District Plan Map 24;
- the proposed activity subject to this resource consent application is defined in Part Q of the District Plan as a "commercial activity"; and
- the proposed activity is classified as a **Non-Complying Activity** under rule D.2.1.4(x).

No other resource consents are required for the proposed activity.

### 2.4 Supporting Information

All information contained in, and appended to, this report forms part of this resource consent application.

### 2.5 Address for Service

Address for service:

Kapiti Island Nature Tours  
C/- Ben Farrell  
Andrew Stewart Limited  
Courier: Unit 1.04 Waterloo Quay  
Post: Po Box 1935 Wellington 6140  
Phone: 021 767622  
Email: [benf@andrewstewart.co.nz](mailto:benf@andrewstewart.co.nz)

Address for fees:

Kapiti Island Nature Tours  
Attention: John Barrett  
Address: 46 Dunstan Street Otaki 5512  
Phone: 06 3626606  
Email: [john@Kapitiislandnaturetours.co.nz](mailto:john@Kapitiislandnaturetours.co.nz)

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<sup>1</sup> Address: 175 Rimu Road, Private Bag 60 601, Paraparaumu 5254

<sup>2</sup> It is noted that Rule D.8.1.1(v) permits commercial recreation activities in the Conservation Zone. Therefore resource consent is not required for any of the proposed activity that will be carried out in the Conservation Zone.



### 3 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

#### 3.1 Background

##### 3.1.1 Purpose of this report

John Barrett and Amo Clarke (being joint owners of Kāpiti Island Nature Tours) obtained resource consent to operate the existing activity in September 2003. The resource consent expires on 10 September 2013.

This report accompanies the resource consent application by the applicant required for the continuation of the existing activity at the north end of Kāpiti Island.

This report has been prepared on behalf of the applicant in accordance with the requirements of Section 88 and the Fourth Schedule of the RMA. It is intended to provide the information necessary for a full understanding of the proposal and provide an assessment of the applicable actual or potential effects that the proposed activity may have on the environment. This report also provides a summary of the relevant statutory assessment matters that the Council must consider under section 104 and Part 2 of the RMA when determining the consent application.

#### 3.2 SITE DESCRIPTION

##### 3.2.1 Location

The existing and proposed activities are located at the North End of Kāpiti Island, refer Figure 1 and Figure 2. All land subject to this application is; all the land on Kāpiti Island zoned Rural as shown on District Plan Map 24 (refer Figure 3).

Kāpiti Island, as a whole, is recognised nationally as a significant natural resource. This is well documented as discussed in the s42A Report and was acknowledged by the Hearings Committee in granting the existing resource consent (refer Appendix 8).

Kāpiti Island is iconic to the Kāpiti Coast District. It is a significant natural resource that is a special place to many people. The Island is one of New Zealand's most valuable nature reserves, and it is the only large island sanctuary for birds between the Hauraki Gulf in the north and New Zealand's southern outlying islands. The Island is one of a few relatively accessible island nature reserves. It provides an opportunity for people to observe birds that are either very rare or absent from the mainland, and to see the recovery of vegetation after intensive modification during last century. The Island is of immense importance to the families who retain private ownership rights on the Island (mana whenua). These families retain strong ancestral links to the Island and have a long history of hosting visitors on the Island for a variety of recreation/tourism activities, including overnight stays.

Numerous reference materials exist that describes the history and significance of Kāpiti Island. This information can be made available upon request<sup>3</sup>.

Kāpiti Island contains numerous sensitive ecological areas and historic sites including waahi tapu sites. Plan 3 and Plan 4 in Appendix 1 identifies the location of these sites at the North End of Kāpiti Island.

The majority of the proposed activity will occur on the Private Property (Waiorua Kāpiti 6) with guided and unguided walks carried out on marked tracks on Crown Land<sup>4</sup>.

<sup>3</sup> For example refer: Section 42A Report; Deed of Settlement of Historical Claims between Ngati Toa Rangatira and Toa Rangatira Trust and the Crown; "Kāpiti" (a book by Chris Maclean); [www.doc.govt.nz](http://www.doc.govt.nz); <http://www.Kapitiislandnaturetours.co.nz>; <http://www.Kapititours.co.nz>; [http://en.wikipedia.org/wiki/Kapiti\\_Island](http://en.wikipedia.org/wiki/Kapiti_Island); <http://www.teara.govt.nz/en/1966/Kapiti-Island>

<sup>4</sup> Refer Plan 2 in Appendix 1

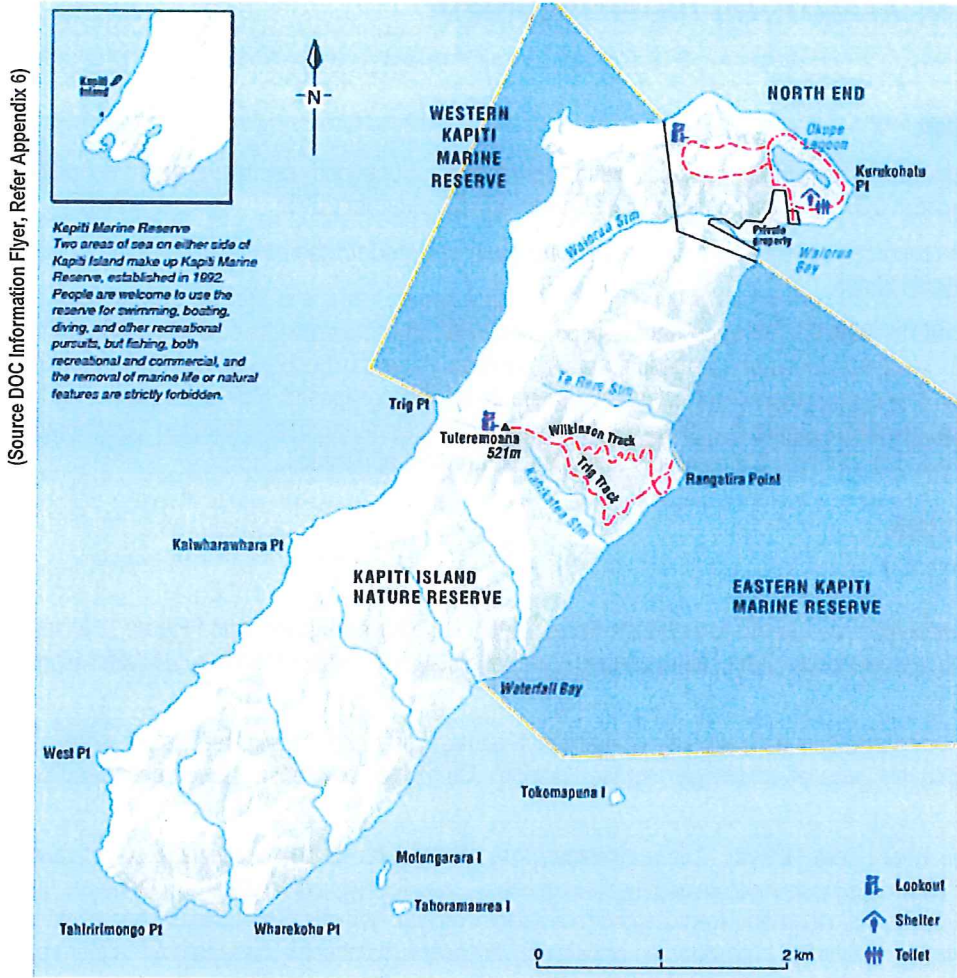


Figure 1 Map of Kāpiti Island

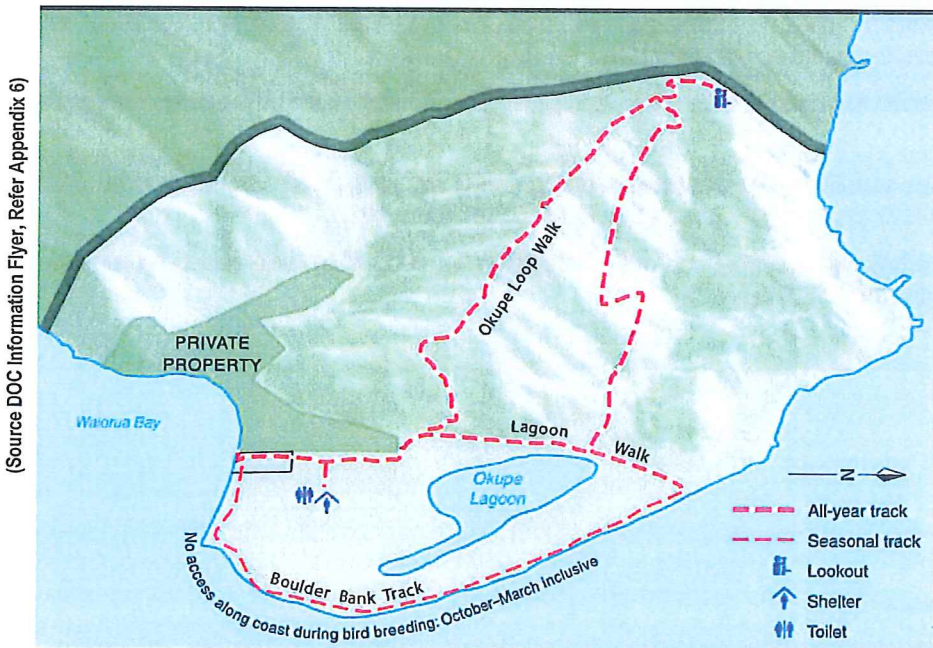


Figure 2 Oblique view of Kāpiti Island North End

**3.2.2 District Plan Zoning and features**

Under the District Plan the land subject to this application:

- is zoned Rural, refer District Plan Map 24 (Figure 3);
- is recognised as an Outstanding Landscape Area (Figure 4);
- includes access to the Okupe Lagoon, which is recorded a significant Ecological Heritage Site (Ref K116); and
- includes beach ridges, which are recorded as a significant Geological Heritage Site (Ref G0002).

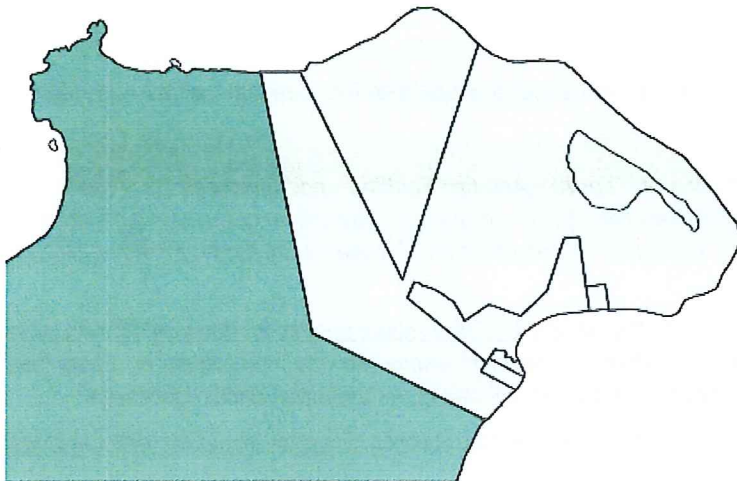


Figure 3 Extract of District Plan Map 24

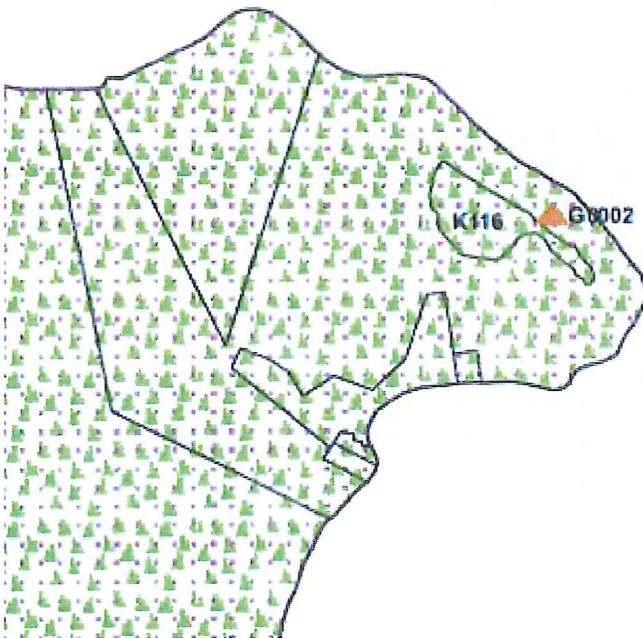
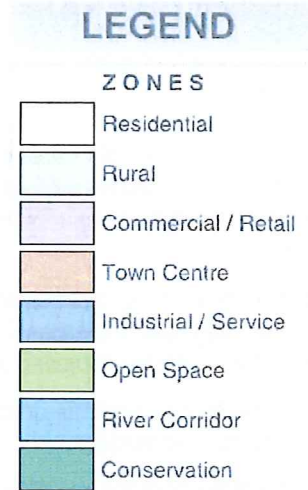


Figure 4 Extract of District Plan Map 24



### 3.3 The existing activity and other ecotourism activities on Kāpiti Island

#### 3.3.1 The existing activity (resource consent: RM980426)

An overview of the existing resource consent and the resource consent application process is provided in Appendix 2.

A copy of the existing resource consent and related documents is provided in Appendix 8.

The resource consent allows the consent holders (John Barrett and Amo Clarke) to carry out the following ecotourism activities on the private land:

1. The provision of overnight accommodation and catering; and
2. The provision of guided and unguided recreational and educational activities for overnight visitors and day trip visitors.

The resource consent also allowed the construction of **Tourist Activity Facilities and Services**<sup>5</sup> on private land, specifically the construction of facilities for overnight accommodation including a quarantine room, a sewage treatment system and conversion of an existing bach into a bunkroom (a wharenuī and 16 person bunkroom already existed on the site).

In addition to the ecotourism activities carried out on the private land, the resource consent allows KINT to provide guided and unguided recreational and education activities for overnight visitors and day trip visitors on Crown land provided the necessary approvals are obtained by DOC and/or the Commissioner for Crown Land respectively<sup>6</sup>.

Detailed information about the ecotourism operations on Kāpiti Island is publicly available, including dedicated web sites as listed in Appendix 6.

#### 3.3.2 Existing consent conditions

In summary, the conditions:

- Tie the resource consent to John Barrett and Amo Clarke (condition 1);
- Include a 10 year duration (condition 2);
- Include an ability to review all conditions (condition 2);
- Confine visitors to informal partition Waiorua Kāpiti 6C unless; written approval is provided by the Crown (DOC) to enter Crown land; or written approval is provided by the relevant land owners and the Māori Land Court granting access to informal partitions Waiorua Kāpiti 6A and 6B respectively (condition 3);
- Require the boundary of informal partition Waiorua Kāpiti 6C to be clearly demarcated (condition 4);
- Restricts the maximum number of day time visitors to 24 and defines a day time visitor to those on the island between the hours of 9am to 4pm (condition 5).
- Restricts the maximum number of overnight visitors to 16 provided access to carry out night time tours on Crown land is obtained. If access to the Crown land is not obtained the maximum number of overnight visitors is 10. Overnight visitors are defined as visitors on the island between the hours of 4pm to 9am (condition 6);
- Restricts the maximum number of people on the consent holders land to 50 people at any one time (condition 7);
- Stringent management protocols to minimise risks of fire and the introduction of pests animals and pest weeds (conditions 9, 10, 11, 12,13, 14, 15, 16, 17, 18, 19, 20, 21);
- Restricts the number of times helicopters can be used to transport visitors to and from the Island (condition 9);

<sup>5</sup> Under the District Plan **Tourist Activity Facilities and Services** includes recreational, educational and conference facilities, restaurants, travellers' accommodation, retail outlets associated with tourist, educational, promotional or entertainment activities, , museums, theatres, art galleries, places of assembly, cabarets, halls, buildings and land for or connected with indoor or outdoor recreations (excluding motor sports), craft industry (including cottage and heritage activities), workshops and storage for the assembly and restoration of items for display, outdoor static displays, picnic and playground facilities, including miniature railway and campervan/caravan facilities.

<sup>6</sup> All activities carried out by consent holder on Crown Land are subject to the Concession approval process required under the Conservation Act.

- Restricts the consumption of alcohol to the immediate vicinity of the main building of the nature lodge (condition 22);
- Requires all non-compostable rubbish to be removed from the Island (condition 23);
- Stringent management protocols to minimise potential disturbance to Little Spotted Kiwi (condition 24);
- A requirement for the installation of a sewage treatment system (condition 25) and potable water supply (condition 26);
- A requirement for the consent holder to have insurance cover over the term of the consent (condition 27);
- A requirement for the consent holder to contribute towards any monitoring carried out by DOC to evaluate the effects of the resource consent on little spotted kiwi or other species (condition 29);
- A requirement for a stringent monitoring programme to measure the social and environmental impacts of the resource consent, confirm that the conditions of consent are adequate and workable, and check that the conditions of consent are being complied with (condition 30); and
- A requirement for the consent holder to report annually to the Monitoring Committee on the conservation activities relating to Kaitiaki O Kāpiti "Friends of Kāpiti Island" Inc.

### 3.3.3 Activities on land administered by DOC – the DOC concessions

The consent holder has a Concession from DOC to transport clients to and from the Kāpiti Island Nature Reserve and the Kāpiti Island North Public Reserve and provide guided walks and themed events (i.e. cultural/environmental/conservation/history/art) on this land (refer Appendix 5). The Concession expires on 30 November 2022 (ten years after the concession was granted) and is subject to 60 conditions. The conditions include various requirements on the concessionaire to ensure;

- guided walks are carried out on existing tracks approved by DOC;
- all clients to undergo a biosecurity check and briefing prior to being allowed access to the Island;
- staff from DOC can accompany any of the activities subject to the concession for the purpose of assessing the impact on conservation values, the standard of service offered and compliance with the terms and conditions of the Concession, at no expense to DOC;
- no permanent camp sites are created nor stores of cache of any equipment is left on the land or in any hut without the specific authority of DOC;
- the sensitivity of wahi tapu and urupa is recognised and that guidance is sought from iwi claiming mana whenua over any parts of the land prior to providing interpretation on matters of cultural significance to such iwi;
- no recorded bird songs are played on the land;
- MAF Biosecurity methods are complied with (particularly in regard to potential risks associated with didymo);
- a specific Biodiversity, Environmental and Visitor Impact Code is complied with;
- "Client Activity Return Forms" are completed;
- the concessionaire holds Qualmark Tourism Certification with the Enviro endorsement;
- daily visitor limits, which can be breached with the permission of the DOC Area Manager;
- specific activities are prohibited, such as: smoking; lighting fires; removing naturally occurring material from the Island; interfering with places and items of historical significance; leaving marked tracks; feeding wildlife; disturbing flora or fauna; and leaving rubbish or refuse on the Island;
- specific management protocols for spotting Kiwi and Royal Spoonbill activities are adhered to; and
- the Kāpiti Wellington Area Office approves any "themed event" prior to commencement of each event.

The concession does not apply to the private land on the Island. The Concession allows DOC to review the activities approved by the concession in 2015, 2018, and 2021 to determine if concessionaire is not under-utilising the subject land.

### 3.3.4 Ecotourism operation 2003-2013

Since the resource consent was granted in September 2003, the existing activity has been heavily scrutinised. This is evidenced by reviewing the publicly available: consent conditions; Minutes of the Kāpiti Island Monitoring Committee Meetings; and the Council Compliance Reports and the Independent Audit Reports carried out in accordance with the consent conditions (copies of these documents are provided in Appendix 8).

Upon a review of the Meeting Minutes and Independent Audit Reports, and undertaking personal communication with the consent holder, Councils Compliance Officer, and DOC's Area Manager and Conservator<sup>7</sup>, it is evident that:

- The existing activity is popular. KINT hosted about 15,000 people on the Island from 2003 to 2013 and the consent holder has confirmed that anticipated visitor demand will remain high;
- There is no written record of any party, including neighbouring land owners, raising concern about the effects of the existing activity;
- There is no evidence to suggest the existing activity has created any discernible adverse effects on the flora or fauna on Kāpiti Island;
- The consent holders have generally complied with all of the stringent consent conditions<sup>8</sup>; and
- The monitoring requirements of the conditions impose a time and cost burden on the consent holder, KCDC, DOC, and members of the Monitoring Committee.

## 3.4 DESCRIPTION OF THE PROPOSAL

### 3.4.1 Activities

The applicants propose to continue the existing activity. For completeness, the proposed activity includes the following activities:

- Guided visitor day tours;
- Unguided visitor day tours;
- Guided visitor night tours;
- Overnight visitor stays;
- Administration; including staff management protocols and training;
- The use and maintenance of:
  - buildings for accommodating people and storing goods inclusive of food, bedding, power supply;
  - onsite potable water supply;
  - onsite wastewater disposal;
  - curtilage; and
- The removal of solid waste from the island; except compostable waste.

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<sup>7</sup> Justine Gurr (Compliance Officer), Rob Stone (Area Manager), Alan McKenzie (Conservator)

<sup>8</sup> Upon request of the applicant the Compliance Officer reviewed Council records to identify any record of breaches of the consent conditions. This review identified two breaches: (1) March 2010: kiwi walks were undertaken on consecutive nights; (2) October 2011: visitors to the Nature Lodge were transported to the Island on a boat that had not previously been accredited by DOC.

The proposal is to operate the proposed activity under varied resource consent conditions compared to the existing activity. Specifically, the applicant is seeking the following variations to the consent conditions:

1. removal of the requirement to restrict the consent holder to John Barrett and Amo Clarke;
2. removal of the duration (i.e. so that the resource consent will not expire);
3. increase the maximum number of daytime visitors from 24 to 60;
4. change the definition of "daytime hours" from between 9am to 4pm to between "one hour after sunrise to one hour before sunset";
5. change the definition of "night time" hours from between 4pm to 9am to between "one hour before sunset to one hour after sunrise";
6. increase the cap the total number of "paying visitors" from 10 to 60 people, and remove the restriction on staff numbers, family, and family guests (i.e. so that there could be more than 60 people on the site at any point in time);
7. remove the restriction on drinking alcohol;
8. remove the requirement for alternate night kiwi spotting tours (i.e. so that the proposed night tours can occur night after night);
9. remove the requirement that prevents helicopter transportation between October and March (nesting season);
10. change the level of public liability insurance under the Forest and Rural Fires Act from \$1,000,000.00 to \$250,000.00 (to be consistent with the DOC concession); and
11. modify the monitoring and compliance requirements to lessen the administrative burdens on KINT, Council, and DOC, including replacing the Kāpiti Island Monitoring Committee with an "**Operational Management Plan**" to be prepared in collaboration between the applicant, KCDC, DOC, and iwi.

The applicant also seeks to change or clarify the meaning of the terms 'visitor', 'fee', and 'family guest' as follows:

- Change the definition of "visitor" to: "*any person except family or family guests who, in exchange for a fee, is invited by the consent holder, either directly or indirectly, to visit informal partition Waiorua Kāpiti 6C or other rural zoned land of Kāpiti Island*".
- Change the definition of "fee" to: "*any financial or non-financial payment, donation, koha, subscription, commission, barter, exchange of goods, services or time, or any other consideration whatsoever, directly or indirectly made by a visitor to the consent holder or to any organisation in which he/she has an interest, in exchange for visits, tours or accommodation services on informal partition Waiorua Kāpiti 6C or other rural zoned land of Kāpiti Island*".
- Insert a definition for "family guest" to: "*any person known to the family who does not pay a fee for the visit (excluding koha, barter, or an exchange of goods) and whose primary purpose for visiting is to spend time with family living or working on the island*".

The applicant is proposing five new consent conditions as part of this application, as listed in Table 2.

### 3.4.2 Proposed Consent Conditions

The applicant proposes the consent conditions listed in Table 2 below.

Table 2 Proposed Consent Conditions

	PROPOSED CONDITION
1	<p><b><u>Visitor confinement</u></b></p> <p>a) No activity under this resource consent may occur in informal partitions Waiorua Kāpiti 6D or Waiorua Kāpiti 6E.</p> <p>b) Activities under this resource consent may occur in informal partitions Waiorua Kāpiti 6A and 6B if written approval is obtained from the relevant land owners granting access to informal partitions Waiorua Kāpiti 6A and Waiorua Kāpiti 6B respectively.</p> <p>c) No activity under this resource consent may occur on land administered by the Department of Conservation and/or the Commissioner of Crown Lands without the prior approval by the Department of Conservation Commissioner or the Commissioner of Crown Lands accordingly.</p> <p>d) There shall be no visitor activities outside informal partition Waiorua Kāpiti 6C after dark except for guided tours with the necessary permits or landowner approvals. All visitor activities outside informal partition Waiorua Kāpiti 6C between the hours of 12.00am and 5.00am shall be prohibited.</p>
2	<p><b><u>Operational Management Plan</u></b></p> <p>a) The activities under this resource consent are subject to the requirements of an <i>Operational Management Plan</i> that shall be prepared by the consent holder to:</p> <ol style="list-style-type: none"> <li>1. Ensure visitors are aware of the boundaries of the land areas they are confined to under this consent</li> <li>2. Define and differentiate daytime visitors and overnight visitors</li> <li>3. Limit the number of daytime visitors shall not exceed</li> <li>4. Limit the number of overnight visitors</li> <li>5. Limit the maximum number of visitors at any one time</li> <li>6. Ensure appropriate staff to visitor ratios.</li> <li>7. Ensure the reasonable safety of all staff and visitors</li> <li>8. Limit the use of helicopter transportation to and from the Island</li> <li>9. Protect Kāpiti Island from invasion by predators and rodents</li> <li>10. Protect Kāpiti Island from invasion by pest plants</li> <li>11. Minimise fire risks</li> <li>12. Ensure that visitor activities do not unduly disturb or interfere with the Little Spotted Kiwi</li> <li>13. Ensure the site has a suitable onsite sewage treatment system</li> <li>14. Maintain a potable water supply with storage capacity for no less than 65,000 litres</li> <li>15. Ensure the conditions of consent are adequate and workable, and check that the conditions of consent are being complied with.</li> <li>16. Ensure the consent holder accurately logs the number of all visitors and non-visitors.</li> </ol> <p>b) The <i>Operational Management Plan</i> must be prepared by, or on behalf of, the consent holder in consultation with the Department of Conservation and Ngati Toa;</p> <p>c) The <i>Operational Management Plan</i> must be approved by Councils' Resource Consents Manager prior to any visitor being taken onto the site;</p> <p>d) A condition or requirement in the <i>Operational Management Plan</i> may be cancelled or changed if written approval for that cancellation or change is provided by Councils Resource Consents Manager, the Department of Conservation, and Ngati Toa.</p>
3	<p><b><u>Independent Audit</u></b></p> <p>An independent audit of the consent holder's adherence to the conditions and the Operational Management Plan shall be carried out 12 months after the consent is exercised and annually thereafter and the outcome of the audit reported back to the Resource Consents Manager. The Resource Consents Manager shall approve the independent auditor(s).</p>
4	<p><b><u>Insurance</u></b></p> <p>The consent holder shall not host any visitor(s) as part of this resource consent without having the following insurance:</p> <ol style="list-style-type: none"> <li>a) General Indemnity and/or Public Liability insurance cover of at least \$1,000,000.00; and</li> <li>b) Insurance for liability under the Forest and Rural Fires Act for at least \$250,000.00.</li> </ol>
5	<p><b><u>Review of conditions</u></b></p> <p>Council may, no more than once every 12 months, review any of the above conditions in order to protect the environmental values of the Kāpiti Island environment including the amenity values of neighbours.</p>



### 3.5 CONSULTATION

The applicant has discussed the proposed activity with:

- Other Trustees (being land owners of Waiorua Kapiti 6 informal partitions 6A, 6B, 6D, and 6E);
- Ngāti Toa;
- Rūnanga of Te Āti Awa;
- Ngāti Raukawa;
- DOC; and
- Council staff and representatives.

From these discussions, it is anticipated that written documentation outlining the respective positions of the three iwi and the other Trustees will be forthcoming. A letter of support has been provided by DOC (refer Appendix 4).

Figure 5 Aerial Photo showing land boundaries and neighbouring properties



- 1... Crown land, currently administered by DOC
- 2... Crown land, currently administered by DOC
- 3... Crown land, currently administered by DOC
- 4... Crown land, currently administered by DOC
- 5... Private Maori land
- 6... Private Maori land
- 7... Private Maori land
- 8... Crown land, currently administered by DOC

### 3.6 ASSESSMENT MATTERS

As stated in the resource consent application the proposal is a **Non-Complying Activity**. Resource consent applications for a **Non-Complying Activity** are required to be assessed in under Section 104, Section 104D, Section 108, and Part II of the RMA. In accordance with these sections, the Council:

- Is bound by the purpose of the Act, which is to promote the sustainable management of natural and physical resources:
  - (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
    - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
    - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
    - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
- Must recognise and provide for the following relevant matters of national importance:
  - (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:*
  - (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
  - (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
  - (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
  - (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
  - (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
  - (g) *the protection of protected customary rights*
- Shall have particular regard to the following relevant 'other matters':
  - (a) *kaitiakitanga: and (aa) the ethic of stewardship:*
  - (b) *the efficient use and development of natural and physical resources:*
  - (c) *the maintenance and enhancement of amenity values:*
  - (d) *intrinsic values of ecosystems:*
  - (f) *maintenance and enhancement of the quality of the environment:*
  - (g) *any finite characteristics of natural and physical resources:*
- Must take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
- Must have regard to:
  - (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (b) *any relevant provisions of—*
    - (i) *other regulations:*
    - (ii) *a national policy statement:*
    - (iii) *a New Zealand coastal policy statement:*
    - (iv) *a regional policy statement or proposed regional policy statement:*
    - (v) *a plan or proposed plan; and*
  - (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
- May disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect.
- Must not grant the resource consent if the proposal has more than minor adverse effects on the environment and is contrary to the objectives and policies of the district plan.

The above matters are considered in the assessment section below.

### 3.7 ASSESSMENT

#### 3.7.1 Assessment of environmental effects

##### **PERMITTED BASELINE**

As highlighted above the Council may disregard an effect on the environment if the plan permits an activity with that effect.

In the Rural Zone, under Rule D2.1.1(xix), the District Plan permits "*all activities which are not listed as controlled, discretionary, non-complying or prohibited and which comply with all the permitted activity standards*". Upon review, it is considered Rule D.2.1.4(x) is the only listed controlled, discretionary, non-complying or prohibited activity relevant to the assessment of the proposal and the permitted activity standards set out in D.2.2.1 are relevant.

Rule D.2.4(x) specifically lists commercial activities in the Rule Zone as Non-Complying Activities.

Rule D.2.2.1 (as it applies to Kāpiti Island) lists the following applicable Permitted Activity Standards:

##### *KĀPITI ISLAND ACTIVITY STANDARDS*

###### *Rubbish Disposal:*

*Apart from matter that is biodegradable, all other waste material shall be removed from the island to the satisfaction of the Resource Consents Manager.*

###### *Fire Safety:*

*A fire-fighting method designed to protect human life and property on the island from fire is required. An operational high-delivery pump and hose (capable of reaching all dwellings) shall be able to be connected either to seawater or to a fire water storage tank of minimum 4,500 litres capacity.*

###### *Rodents/Animals:*

*Adequate provision shall be made to ensure rodents are not able to gain access to the island. No animals are permitted except for animals used for wildlife management purposes, or authorised for release on the island by the Department of Conservation.*

###### *Dwellings:*

*A total of 16 dwellings on Kāpiti Island and off-shore islands (including Department of Conservation buildings). They shall be designed so as to blend in with the natural environment and shall be of earth-tone colours. The dwellings shall comply with all permitted activity standards, including the height and yard standards.*

Given the above it is considered the effects of the following activities are permitted on the subject land:

1. Use of the existing buildings and infrastructure to host and accommodate people;
2. Outdoor recreation activities, including unguided walks, provided these activities are not commercial; and
3. Transportation to and from the Island using either boats or helicopters.

In addition to the above permitted activities it noted that Rule D.8.1.1(v) permits "*commercial guiding and outdoor recreation activities*" in the abutting Conservation Zone.

These matters are considered in the assessment of environment effects below.

**ACTUAL EFFECTS – POSITIVE**

The proposed activity is anticipated to result in significant positive effects, namely:

1. Biocultural conservation (social and economic well-being); and
2. Enhancing public access and visitor recreation experiences.

Biocultural conservation (social and economic well-being)

The proposed activity will provide for social and economic wellbeing of the community, including the relationship of Māori and their culture and traditions with their ancestral lands, by enabling a recreation and tourism business that exposes more people to the unique resources of Kāpiti Island and the Māori perspective on conservation issues and the history of Kāpiti Island. The applicants will receive direct benefits from the commercial aspect of the proposed activity while broader indirect tourism benefits are anticipated for the Kāpiti Coast and likely to be felt wider (i.e. the tourism activity attracts international tourists, which will have some indirect benefits to the Wellington region and New Zealand).

The proposed activity promotes Māori values, relationships, traditions and ways of living; and will ultimately strengthen the role of Māori as guardians and users of Kāpiti Island. This matter is assessed in the attached report prepared by Dr Moller (refer Appendix 3). Dr Moller highlights that the "*KINT operation won both the Manaakitanga Award and the Rangatiratanga Award from 2012 Regional Māori Business Awards competition [which] demonstrates excellence in the cultural dimensions of their operation*" (refer page 3 in Appendix 3). Dr Moller concludes, among other things, that "*granting the consent will increase net biocultural conservation benefits*" (refer page 7 in Appendix 3).

Enhancing public access and visitor recreation experiences

Public access to Kāpiti Island is restricted. The only people allowed to visit Kāpiti Island are the land owners (their access is restricted to the private land), and DOC staff and people authorised by DOC (their access is restricted to the nature reserves). The proposed activity will promote and facilitate public access to Kāpiti Island and enhance public access to and along the coastal marine area and the Okupe Lagoon. This element of the proposal is a key draw card for visitors to the Island and is a core benefit of the proposed activity.

**ACTUAL EFFECTS – ADVERSE**

The proposed activity is not considered to have any actual adverse effects on the environment, in this regard:

1. The effects of the proposed activity are contained to Kāpiti Island. No part of the environment outside Kāpiti Island (inclusive of its owners, occupiers, and natural values) will be adversely affected by the proposed activity.
2. The proposed activity is the continuation of an existing activity, which has been operating for ten years without any identified adverse effect. While some variation to the conditions under which the activity will be operated is proposed, there is no obvious reason why any of the variations might result in any actual adverse effect. The proposed activity: has been discussed with the neighbouring land owners and no party has raised objection to the activity continuing; and has been assessed by Dr H Moller (refer Appendix 3) who concludes that granting the consent will increase net biocultural conservation benefits without adding significant risk. He states:

*"I conclude that minimal additional environmental risks are posed by the requested increase in daytime visitors and slight adjustment of their visiting hours. Granting consent for the increased number of visitors and enriching their experience would magnify the indirect educational and transformational benefits for biocultural conservation from the proposed ecotourism operation. The net biocultural benefits already demonstrated by a decade of operation can now be safely multiplied by scaling up the operation and reducing its compliance costs. I unreservedly support the application by Waiorua Lodge Ltd to continue its ecotourism operation on Kāpiti Island including modifying the consent conditions to expand the operation to the extent addressed in my assessment above. (Refer page 7 of Appendix 3)".*

*"A restriction on the use of helicopters between October and March (nesting season) became part of the existing resource consent. This was not suggested by me and frankly I can see no direct conservation risk associated with helicopters." (Refer page 6 of Appendix 3).*

**POTENTIAL EFFECTS**

The proposal has the potential to give rise to a number of adverse effects, as assessed in Table 3 below:

Table 3 Assessment of effects on the environment

POTENTIAL ENVIRONMENTAL EFFECT	ASSESSMENT
<p><i>Ecological and landscape values, including natural character of the coastal environment</i></p>	<p>Kāpiti Island hosts significant indigenous vegetation and significant habitats of indigenous fauna, which are highly vulnerable to the risk of pest animals, weed invasion, and fire. The proposed activity increases these risks. However, the existing activity has operated over the last decade without having any discernible adverse impact on the ecology of Kāpiti Island. Accordingly, it is considered that the proposal can continue to have negligible adverse effects on the ecology of the Island provided stringent operational management requirements and protocols are prepared, monitored and audited by key stakeholders, to ensure practical measures are taken to avoid, remedy and mitigate actual or potential disturbances and threats to all species on the Island.</p> <p>The proposal does not include any development and therefore will not modify landscape values (including natural character) in any permanent way.</p> <p>The introduction of people onto the nature reserve may temporarily reduce natural character values on other people on the Island. However, any such reduction in natural character values are considered to be less than minor given:</p> <ul style="list-style-type: none"> <li>• All proposed outdoor recreation activities will be passive and in keeping with the historic hospitality, rural, and conservation related activities (visitor experience) that the Island is renowned for. In addition, any temporary impact on the natural character of the Island is considered to be similar to permitted rural uses of rural zoned land (namely unguided walks).</li> <li>• All staff and visitors will be required to abide by the conditions of the DOC concession (when visiting nature reserve) and the proposed <i>Operational Management Plan</i>, which will provide robust protocols for minimising impact to the natural state of the Island, and potential effects on neighbouring amenity values.</li> <li>• There is no expectation that people should be prevented from visiting the Island to carry out outdoor recreation activities. DOC has confirmed that the proposed activity aligns well with its own objectives for managing the Public Conservation Land on the Island, which are listed in the Wellington Conservation Management strategy:             <ul style="list-style-type: none"> <li>▪ <i>Provide recreation and tourism opportunities compatible with the protection or preservation of the natural, cultural and historic resources and the legislative requirements for the land.</i></li> <li>▪ <i>Increase public understanding and appreciation of the island's natural and historic resources.</i></li> <li>▪ <i>Instate concessions that are compatible with the protection of natural and historic resources and provide for safe and enjoyable use of the reserve.</i></li> <li>▪ <i>Provide information to clients that will reflect the primary purpose of the reserve as nature reserve and reiterate the conditions of entry contained within the permit to visit.</i></li> </ul> </li> </ul> <p>Finally, DOC supports the continuation of the nature lodge business on the private land (refer letter by the department's Area Manager in Appendix 4).</p>

<i>Historic Heritage</i>	<p>Numerous heritage items are located throughout the Island which visitors can observe and learn about. Thus the proposed activity enables visitors to broaden their understanding and appreciation of the cultural and heritage values associated with the Island, which in turn will benefit historic heritage values generally.</p> <p>The proposal does not include the development, use or subdivision of any historic heritage item and therefore will not adversely affect heritage values.</p>
<i>Amenity values and the quality of the environment</i>	<p>The proposed activity provides recreation and tourism activities which, by virtue, will enhance the amenity values of any visitor allowed on the Island as part of the proposed activity.</p> <p>All staff and visitors will be required to abide by the conditions of the DOC concession (when visiting nature reserve) and the proposed <i>Operational Management Plan</i>, which will provide robust protocols for minimising impact to the natural state of the Island.</p> <p>The proposal includes management procedures for ensuring the proper maintenance and enhancement of the site, including the supply of potable water and the disposal of waste.</p> <p>The amenity values of the neighbouring properties (Waiorua Kāpiti 6 informal partitions 6A, 6B, 6D, and 6E) are potentially affected by the proposal. The applicant has initiated consultation with these parties and, while their written response is yet to be provided, it is anticipated the neighbours will not oppose the proposed activity. Notwithstanding this, the proposal will generally maintain neighbouring amenity values to the same extent as the existing activity.</p> <p>Ultimately, the human desire to recreate in a natural environment is a key driver for the proposed activity. In this way it is in the interests of the applicant to maintain a high quality natural state of the environment so that people can continue to enjoy this unique visitor experience.</p>
<i>Existing services and infrastructure</i>	<p>The proposed activity utilises existing <i>Tourist Activity Facilities and Services</i> (including accommodation, onsite amenities, and walking tracks) previously established on the Island. These facilities and services are existing assets which form part of the existing environment and can readily accommodate the increased visitor numbers sought as part of the proposal.</p>

### **SUMMARY OF EFFECTS**

The proposal will give rise to significant positive effects and is not expected to have any discernible adverse effects on the environment.

A number of potential adverse effects exist on the natural environment which can be suitably avoided, remedied or mitigated through the preparation of, and adherence to, an Operational Management Plan enforced as a condition of resource consent. In addition, the proposed activity may potentially adversely affect the amenity values of the neighbours, although the applicant has discussed the proposed activity with neighbours and no significant concerns have been raised to date.

Given the existing activity has operated for ten years without any identified adverse environmental effect it is considered, that overall, the proposed activity will not give rise to any more than a minor adverse environmental effect.

### **3.7.2 Assessment of relevant Policy and Plan Provisions**

Relevant objectives and policies of the following policies are listed in Appendix 7:

- New Zealand Coastal Policy Statement;
- Operative Regional Policy Statement; and the
- Operative Kāpiti Coast District Plan.

A broad assessment of the proposal against the suite of relevant policies in each of the above documents and the Proposed Kāpiti Coast District Plan is provided in Table 4 below.

Table 4 Assessment of Relevant Polices and Plans

POLICY/PLAN	ASSESSMENT
<p><i>New Zealand Coastal Policy Statement, 2010</i></p>	<p>The NZCPS provides guidance to local authorities and decision makers regarding the management of the coastal environment.</p> <p>The NZCPS has seven objectives and 29 policies which generally seek to protect environmental values associated with the coastal environment, particularly public access, natural character, indigenous biodiversity, historic heritage, and Māori values.</p> <p>For the reasons outlined in section 3.7.1 above the proposal is considered to be consistent with the provisions of the NZCPS.</p>
<p><i>Regional Policy Statement, 2013</i></p>	<p>The relevant objectives and policies in the operative Regional Policy Statement are provided in the coastal, indigenous biodiversity, historic heritage, and landscape chapters. In summary, the relevant provisions seek to protect natural values and outstanding landscapes, promote public access to the coastal environment, and protect historic heritage values. There are no objectives or policies that apply specifically to the Kāpiti Island.</p> <p>For the reasons outlined in section 3.7.1 above the proposal is considered to be consistent with the relevant provisions of the Regional Policy Statement.</p>
<p><i>Operative Kāpiti Coast District Plan</i></p>	<p>The relevant objectives and policies in the District Plan were identified and assessed in both the s42A Report and the Council Decision (refer Appendix 8).</p> <p>The proposed activity will have the same environmental effects the existing activity approved by council (and the Environment Court), and despite being a non-complying activity, the proposed activity is considered to accord with the District Plan objectives for the reasons given in the s42A Report and the Council Decision (refer Appendix 8), and in section 3.7.1 above.</p>
<p><i>Proposed Kāpiti District Plan</i></p>	<p>The district plan recognises that Kāpiti Island “<i>is primarily a nature reserve with a rich cultural and historic heritage and it has an important role in the conservation of indigenous biodiversity</i>”, and that it “<i>is a key visitor location for the District as well as a nationally recognised bird sanctuary</i>”. There are no objectives or policies specifically relevant to the proposal (it is noted policy 7.23 applies specifically to <i>subdivision and development</i> on Kāpiti Island and, given the proposal does not include subdivision or development, policy 7.23 is not relevant to the assessment of the proposed activity).</p> <p>The relevant objectives and policies relate broadly to the protection of tangata whenua interests, the significant natural landscape, biodiversity and historic heritage values, and the management of public access on Kāpiti Island.</p> <p>For the reasons provided in section 3.7.1 above it is considered the proposal accords with the relevant objectives and policies in the Proposed District Plan.</p> <p>It is noted the Proposed District Plan is subject to submissions which are yet to be heard by the Council. Of note, submissions have been made in opposition to, and support of, ecotourism activities at the North End of Kāpiti Island. Accordingly, the objectives and policies are subject to change and it is considered that little weight should be given to the proposed objective and policies at this time.</p>

### 3.7.3 Other Matters

The following other matters are considered relevant to the assessment of the proposal:

- Historical use of Waiorua Bay for ecotourism activities
- Future management of Kāpiti Island;
- Public interest in the management and use of Kāpiti Island; and

#### **HISTORICAL USE OF WAIORUA BAY FOR ECOTOURISM ACTIVITIES**

There is a relatively long history of hospitality at Waiorua Bay including the provision of day trips and overnight stays for various activities including recreation (as confirmed in the s42A Report and the Council Decision for the existing resource consent – refer Appendix 8). This historical use is relevant to the assessment of this resource consent application in that it would be unreasonable to prevent land owners on Kāpiti Island from hosting people on the Island and receiving koha or payment for the privilege and/or services provided. In this regard, the land owners on Kāpiti Island:

- have always hosted people on their land in exchange for koha or a means of payment;
- currently host people on their land for koha or a means of payment; and
- can reasonably be expected to continue to host people on their land for koha or a means of payment for as long as they maintain an ownership interest in the land.

#### **FUTURE MANAGEMENT AND USE OF KĀPITI ISLAND NATURE RESERVE AND KĀPITI ISLAND NORTH NATURE RESERVE**

The Island has been the subject of a Treaty of Waitangi Settlement (Deed of Settlement of Historical Claims between Ngati Toa Rangatira and Toa Rangatira Trust and the Crown, initialling date: 30 August 2012). The Settlement will result in a different land ownership and management regime for the Island (although the private land on the Island is not affected by the Settlement). Under the Settlement, Kāpiti Island will comprise three distinct land areas as summarised in Table 5. Pages 54-64 of the Deed of Settlement set out the requirements for a new management framework for Kāpiti Island (excluding the private land). This new framework will be a change from the status quo and includes the establishment of a new Strategic Advisory Committee and the preparation of a new Conservation Management Plan (the Kāpiti Island Plan). The change in management has the potential to affect the ecotourism activities carried out on the two nature reserves on the Island. However, the two co-management parties (DOC and Ngati Toa Rangatira) have indicated their respective support for (or at least non-objection to) the proposed activity.

Table 5 New land tenure arrangements for Kāpiti Island\*

	Name	Owner	Management
1	Kāpiti Island Nature Reserve	The Crown will vest the land to Ngati Toa Rangatira and then Ngati Toa Rangatira will vest the land back to the Crown: as a nature reserve; as a gift from the governance entity to the Crown for the people of New Zealand; and in recognition of the mana of Ngati Toa Rangatira.	The Kāpiti Island Nature Reserve site will remain a reserve under the Reserves Act 1977.  The management of the reserve will change, among other things, from Crown administration to co-management between the Crown and Ngati Toa Rangatira. The primary mechanism for the co-management will be the establishment of a new " <i>strategic advisory committee</i> " and the preparation of a new Conservation Management Plan for the Island (the <i>Kāpiti Island Plan</i> ).
2	Kāpiti Island North Nature Reserve (including balance land**)	The Crown will vest the land to Ngati Toa Rangatira; as a nature reserve.	The Kāpiti Island North Nature Reserve site will become a nature reserve under the Reserves Act 1977.  The management of the reserve will change, among other things, from Crown administration to co-management between the Crown and Ngati Toa Rangatira. The primary mechanism for the co-management will be the establishment of a new " <i>strategic advisory committee</i> " and the preparation of a new Conservation Management Plan for the Island (the <i>Kāpiti Island Plan</i> ).
3	Private Land	Status quo. The land will remain private and jointly owned by the <i>Trustees</i> pursuant to sections 438(1) and (2) of the Maori Affairs Act 1953.	Status quo. The land will remain private and jointly managed by the <i>Trustees</i> pursuant to sections 438(1) and (2) of the Maori Affairs Act 1953. The land comprises five informal partitions.

\* Pursuant to the Deed of Settlement of Historical Claims between Ngati Toa Rangatira and Toa Rangatira Trust and the Crown

\*\*There are some small land holdings (for example unclassified public reserve) which will be absorbed into the Kāpiti Island North Nature Reserve under the Deed of Settlement process.



**PUBLIC INTEREST**

There was a very high level of public interest in the original resource consent application (i.e. close to 2,500 submissions). Despite the high level of public interest on the original application, it is considered there is no compelling reason why potentially interested members of the public should be involved in the decision making process for this resource consent application. As outlined in section 3.7.1 above the actual and potential adverse effects on the environment from the proposal will be contained to Kāpiti Island and are considered to be no more than minor overall. Also, it is difficult to see how including any party in the decision making process, other than the potentially adversely affected parties identified in section 3.5 above, will add any substance or particular relevance to the assessment of the application.

**3.7.4 Particular restrictions for non-complying activities (Section 104D(1))**

As highlighted in sections 3.7.1 and 3.7.2 above it is considered the proposal:

- is not contrary to the objectives and policies of the District Plan or the Proposed District Plan; and
- will not have a more than minor adverse effect on the environment.

Therefore the Council may assess the application under section 104.

**3.7.5 Part 2 matters**

A brief assessment of the relevant Part 2 matters is provided in Table 6 below. Overall it is considered the proposed activity is consistent with the relevant matters in Part 2.

Table 6 Assessment of relevant Part 2 matters

MATTER	ASSESSMENT
<i>Sustainable management</i>	<p>The proposed activity will provide a high quality tourism experience that is sensitive to the environment<sup>9</sup>. The proposed activity will provide for social and economic wellbeing of the community, including Māori, by enabling a recreation and tourism business that exposes more people to the unique resources of Kāpiti Island and the Māori perspective on conservation issues and the history of Kāpiti Island. All this can be achieved while avoiding, remedying or mitigating the actual and potential adverse effects on the environment.</p> <p>Overall it is considered the proposed activity is entirely consistent with the concept of sustainable management.</p>
<p><i>the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga</i></p> <p><i>the protection of protected customary rights</i></p> <p><i>Kaitiakitanga</i></p> <p><i>the ethic of stewardship</i></p> <p><i>principles of the Treaty of Waitangi</i></p>	<p>The proposed activity is entirely consistent with these Part 2 provisions in that it is by Māori (mana whenua); helps promote Māori values, relationships, traditions and ways of living; and will ultimately strengthen the role of mana whenua as guardians and users of Kāpiti Island.</p>

<sup>9</sup> For example the existing activity has secured a 'Qualmark Tourism Certification' with the 'Enviro' endorsement and it is expected the proposed activity will retain this endorsement.

<p><i>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:</i></p> <p><i>the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:</i></p>	<p>As assessed in section 3.7.1 above the proposed activity is not considered to have any discernible adverse effect on the natural character or outstanding landscape values associated with Kāpiti Island.</p>
<p><i>the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna</i></p> <p><i>intrinsic values of ecosystems</i></p> <p><i>any finite characteristics of natural and physical resources</i></p>	<p>As assessed in section 3.7.1 above the proposed activity is not considered to have a discernible adverse effect on Kāpiti Island's ecosystems.</p>
<p><i>the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers</i></p>	<p>As assessed in section 3.7.1 above the proposed activity will benefit public access to and along the coastal marine area and the Okupe Lagoon.</p>
<p><i>the protection of historic heritage from inappropriate subdivision, use, and development</i></p>	<p>As assessed in section 3.7.1 above the proposed activity will not have any adverse effects on the numerous historic heritage items located throughout Kāpiti Island.</p>
<p><i>the efficient use and development of natural and physical resources</i></p>	<p>As assessed in section 3.7.1 above the proposed activity utilises established assets and services on Kāpiti Island. The proposed activity is therefore considered to be an efficient use of existing natural and physical resources.</p>
<p><i>the maintenance and enhancement of amenity values</i></p> <p><i>maintenance and enhancement of the quality of the environment</i></p>	<p>As assessed in section 3.7.1 above the proposed activity will enhance the amenity values of visitors to the Island while maintaining the amenity values of neighbouring properties to the same extent as the existing activity.</p>

### 3.8 CONCLUSION

Upon assessment it is considered the proposed activity:

- is the continuation of an existing activity that provides benefits to the social, cultural and economic wellbeing of the community, including Māori by enabling a recreation and tourism business that exposes more people to the unique resources of Kāpiti Island and the Māori perspective on conservation issues and the history of Kāpiti Island;
- will not introduce any new adverse effects to the Kāpiti Island environment;
- will not introduce any adverse environmental effects which cannot be suitably avoided, remedied, or mitigated;
- will give rise to indiscernible adverse effects on the environment presuming adherence to suitable operational management requirements and protocols, which can be prepared, monitored and audited by key stakeholders to ensure practical measures will be taken to avoid, remedy and mitigate actual or potential adverse effects on the environment;
- has the potential to adversely affect the neighbouring residents, although these parties have signalled their support or neutrality towards the proposal;
- is consistent with the relevant objectives and policies in the District Plan, the Proposed District Plan, the Regional Policy Statement, and the New Zealand Coastal Policy Statement; and
- is consistent with Part 2 and the concept of sustainable management.

### 3.9 RECOMMENDATION

Upon an overall assessment of the matters stated in this report it is considered the Council should approve the resource consent application subject to the conditions proposed in Table 2 of this report.

## 4 APPENDICES