

File ref: FTC000031

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Tēnā koe Jacob,

Request for information from Summerset Villages (Waikanae) Limited in relation to Summerset Retirement Village - Waikanae under COVID-19 Recovery (Fast-track Consenting) Act 2020

The Summerset Retirement Village - Waikanae Expert Consenting Panel (the Panel), has directed the EPA to request further information from you under clause 25 of Schedule 6 of the COVID-19 Recovery Act 2020 (the Act), relating to the Summerset Retirement Village - Waikanae consent application.

As directed by the Panel, the EPA is seeking the following information:

1. In respect of Rule R56 of the PNRP.
 - a. while the PSI addresses discharges of contaminants to some degree, it concludes that a further DSI is recommended in order to further characterise the risks of the potentially complete pathways between sources of contamination and multiple receptors. The DSI that has been submitted only addresses the NES-CS and not section 15 of the RMA or Rule 56 of the PRNP. It is unclear from the application what discharge is being applied for and there is no evidence as to its significance or the extent of adverse effects to be addressed. We have no evidence that a Site Management Plan as proposed through conditions would address potential effects. Please:
 - i. clearly identify what discharge is sought to be authorised under Rule R56 of the PNRP.
 - ii. Provide evidence of the effects of that discharge
 - iii. Evaluate the significance of those adverse effects
 - iv. Provide details, including through amended conditions if appropriate, explaining how the Site Management Plan will avoid, remedy or mitigate the adverse effects

- v. Assess the significance of any remaining effects post management through the SMP.
 - b. In respect of objectives O46 and O51 and Policy O66, given the DSI is limited to consideration of the NES-CS, it is unclear whether the Site Management Plan will adequately respond to these. The Erosion and Sediment Control Plan does not address discharges of contaminants to the environment. Please update the application to evaluate the discharges of contaminants to the environment against Objectives O46 and O51 and Policy O66 of the PNRP. Please provide an evaluation of how the Site Management Plan will manage the matters of concern identified in those policy provisions.
 - c. There is no assessment of P89: Discharges from contaminated land. Please assess the discharges against this Rule.
2. In respect of Rules R101 and R108 of the PRNP, there is no hydrological evidence provided to support the assessment of potential changes to water levels on the site, and in particular to the wetlands and the Waimeha Stream tributary, as a result of the extent of earthworks and ground modification on the site, and the proposed stormwater management system. Please provide hydrological evidence of the effects on water levels on site resulting from earthworks and ground modification. The Panel considers that evidence from ecologists on changes to water levels is inadequate to determine what effects may occur and reliance on a monitoring regime is insufficient.

Once there is hydrological evidence as to any changes in water levels due to bulk earthworks, the resultant effects on wetlands and the Waimeha Stream tributary should be assessed by ecologists. Those two additional evidential documents should then be assessed for consistency with Policies 6, 7 and 9 of the NPSFM.

3. In respect of Rules R101 and R108 of the PRNP, the assessment of objectives and policies of the PNRP omits consideration of:
- a. Policy P67
 - b. Policy P95
 - c. Policy P98

which the Panel considers are relevant. Please provide an updated AEE which includes assessment of the project against these policies.

4. In respect of the non-compliance with Regulation 54 of the NESFW, the AEE does not contain an assessment against Implementation Clause 3.22 – natural inland wetlands of the NPSFM. The Panel notes that this Clause must be included in the PNRP (or words to the same effect) and as such, must be had regard to. Please provide an updated AEE which includes assessment of the project against Implementation Clause 3.22 – natural inland wetlands of the NPSFM.
5. Although proposed condition 47 in Appendix 23 sets out the proposed departure from the permitted activity standard for financial contributions, the AEE does not provide any reasons or justification for this departure from the standard, and the effects of that departure are not assessed. Please:
- a. Set out the rationale for the departure from the standard and assess that non-compliance against the policies of Chapter 12 of the Kapiti Coast District Plan.

6. Footnote 3 to the AEE records that no final agreement had (as at lodgement) been reached with the Council in relation to two identified areas of potential reserve. Please advise whether any further progress has been made in relation to this issue and whether, in particular, any firm arrangement in relation to reserves can be considered part of the project.
7. The AEE does not provide a response to the Addendum to Muaūpoko Tribal Authority's Cultural Values Assessment (undated but contained in Appendix 5 to the application).
 - a. In accordance with Clauses 10 and 11 of Schedule 6 of the Covid-19 Act, please provide a response to the Authority's views and the cultural effects that have been identified. That response should explain what measures have been adopted to address the effects raised, and where no action is taken in response to an effect, explain the reasons for such inaction.
 - b. Please advise whether Muaūpoko Tribal Authority was consulted during development of the Natural Wetland Management Plan and the Stormwater Management Plan.
 - c. Please advise whether cultural considerations formed part of the landscape and visual assessment.
 - d. The Muaūpoko Tribal Authority's Cultural Values Assessment includes an Accidental Discovery Protocol, however, the Heritage Authority indicates that no Accidental Discovery Protocol was submitted when applying for the Heritage Authority. Please confirm that this Accidental Discovery Protocol is acceptable to the applicant (or otherwise) and if acceptable indicate how it will be given effect to (eg by way of conditions of consent).
8. From the Panel's review of the draft conditions, neither the matters raised by Muaūpoko Tribal Authority's Cultural Values Assessment nor Te Ātiawa ki Whakarongotai Charitable Trust's Cultural Values Assessment are reflected in the conditions, including the commitment stated in section 6 to provide any management plans to both iwi for comment once prepared. In the absence of this evaluation, it is unclear whether the proposal is consistent with Policy 2 of the NPSFM, as well as the identified policies in the PNRP and Kapiti Coast District Plan. Please advise how this will be addressed by assessing the proposal as advanced (or as the applicant sees fit to amend it) against the identified policies.
9. It is identified that consent is required under Rule 11B.1.2.1 of the Kapiti Coast District Plan and the assessment against this Rule identifies that it will be satisfied through irrigation sourced from a bore. A bore would require consent under the PNRP; however, consent for such is not sought as part of this application. Please advise whether this permission has already been obtained and if so provide details of the granted consent including term and conditions. If no resource consent is already held, please identify if an additional application will be made to secure this solution.
10. There is a discrepancy between the Plan provided in Appendix 8 "NDP Potential Site Overlay" (replicated as Figure 7 in Appendix 18 – Stormwater Management Plan) and the Overall Master Plan provided in Appendix 16. In particular, the NDP Potential Site Overlay shows:

- a. Residential activity extending into the Mahoe mitigation planting area in the north-eastern portion of the site; and
- b. The Village itself extending into the Mahoe mitigation planting area in the southern part of the site.

Please provide amended plans to remove this discrepancy. If there is any resultant reduction in the Mahoe mitigation planting, please evaluate the effects of this from an ecological perspective. Please also confirm whether section 2.4 of the Application remains unchanged or requires updating.

11. Section 5.3.6.8 of the AEE refers to four sections of the planting undertaken by Waka Kotahi for the Expressway being removed and then replanted. Please provide a plan showing exactly where this planting is proposed to be removed. The Panel notes that it is very likely that there are conditions in place requiring this mitigation planting to be provided on an ongoing basis. Please address the relationship of this application with existing approvals and, if the planting is located outside the boundary of the Site, provide evidence of the consent of the land owner.
12. The record of title for Section 17-20 SO Plan 505441 includes two encumbrances to New Zealand Transport Agency. Please provide the encumbrances and an evaluation of whether they impact upon the applicant's ability to undertake any part of the project or mitigation or effect management works.
13. While the conditions propose a number of management plans and set out objectives for those plans, there are few conditions of consent establishing concrete standards or outcomes that the management plans are intended to secure compliance with. There are also matters that are contained in the Management Plans that should be set out as separate conditions. For instance, the total replanting area of 3.64ha of mahoe forest is an outcome / requirement, and the purpose of the Environmental Management Plan is to demonstrate how that outcome will be achieved. Please review the proffered conditions to ensure that each management plan has a specified condition that it seeks to achieve.
14. The ecology impact assessment includes a recommended condition for a baseline survey of the macroinvertebrate community prior to earthworks commencing near the Waimeha Stream and subsequently for ongoing monitoring and an adaptive management approach. This is not addressed in the AEE and is not reflected in the conditions of consent. Please advise whether this recommendation should be included in condition 39.
15. Paragraph 1.3.4 of the Application sets out benefits resulting from the proposal. Please provide appropriately qualified evidence of these claimed benefits.
16. Provide a plan at a legible scale overlaying the Te Kouka Neighbourhood Development Area Indicative Layout Plan and the Waimeha Neighbourhood Development Area Indicative Layout Plan on a site plan.
17. The Detailed Site Investigation prepared by Riley Consultants and forming Appendix 10 to the AEE states that it cannot be relied on by any party except Summerset Villages (Waikanae) Limited and Kapiti Coast District Council. Please provide confirmation from Riley Consultants that the report can be relied on by the Panel in considering the resource consent application.

18. The Beca Reports in Appendix 22 also have similar applicability statements. It is not clear whether reliance by the Panel is “in accordance with the agreed scope of work”, each of which is not provided. Please provide confirmation from Beca that the Panel may rely on its reports contained in Appendix 22.

In accordance with clause 25 of Schedule 6 of the Act Summerset Villages (Waikanae) Limited must

- a) Provide electronic copies of the information or report requested; or
- b) Advise the EPA, with reasons that you decline to provide the information or report requested.

Please provide the further information to the EPA by **Tuesday 20 July 2021**.

Please note, the information will be provided to the panel, the applicant and every person who provided comments on the application. The information will also be made available on the EPA website.

If you have any questions or further queries, please don't hesitate to contact Elliott Dennett on elliott.dennett@epa.govt.nz or +64 4 474 5518.

Nākū noā, na



Sandra Balcombe

Manager Land and Oceans Applications