

Ainslee Brown

Subject: FW: Key issues commentary for applicant on without prejudice basis

From: Shannon Watson <Shannon.Watson@ghd.com>

Sent: Friday, 6 March 2020 3:24 PM

To: Van Halderen, Caroline <Caroline.VanHalderen@stantec.com>; Simon Cager <simon.cager@huttcity.govt.nz>

Cc: Jo Frances <Jo.Frances@gw.govt.nz>; Dan Kellow <dan.kellow@huttcity.govt.nz>; Parvati Rotherham <Parvati.Rotherham@huttcity.govt.nz>; Michelle Conland <Michelle.Conland@gw.govt.nz>

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Hi Caroline

Taking into account relevant considerations/comments raised during the submission process, Dan and myself directed our experts to prepare summary memo's/position statements outlining their comfort with the proposal (again, at this point in time) some of these experts prepared draft evidence others have prepared memo's. Requesting this information from our experts was primarily to get the project back in the front of minds and enable Dan and myself to progress with our s42A reports given potential timing conflicts with expert evidence and s42A circulation closer to the hearing. As part of this direction we requested specific comment on any additional mitigation or conditions our experts could see that might resolve any concerns that they may still have. I attach these memo's and in some instances some examples of further correspondence for your information on a **'without prejudice'** basis. I also attach the email outlining the direction provided to the experts for context.

***Note:** the summary on penguins and avifauna is still a work in progress given the ongoing discussions with Dr Uys and relevant stakeholders/experts and has not been included. Some of these comments (namely landscape and natural character, recreation amenity and transport/safety) may also change following the receipt of information regarding the safety barriers.*

I recommend you and the applicant read these summaries in full. However, from these summary statements Dan and myself have reconciled what we consider to be the key concerns and recommendations of our experts for your consideration/information, these are summarised below:

Coastal processes and design integrity

There is general comfort with the proposal as it relates to coastal processes and the designs compatibility with sea level rise projections in the eyes of both Dr Dawe and Ms Sharyn Westlake. A number of submissions raised the potential for off-shore rock rip rap islands to be constructed but this has been confirmed as inappropriate by Dr Dawe for a number of reasons. In relation to beach re-nourishment, Dr Dawe has recommended that monitoring of the beach re-nourishment occur for at least three years and a commitment to 'top it up' if need be (monitoring shows that beach re-nourishment has not been successful) as it settles into a new equilibrium for a total of 5 years be considered by the applicant. Ms Westlake would like to see a commitment to similar monitoring and maintenance (as required) for revetments in the event design conditions are exceeded during the monitoring period (adaptive management is implemented), and endorses the recommendations of Dr Dawe for monitoring and a commitment to topping up re-nourishment material and the revetments for a period of 5 years.

Landscape and natural character effects

The key concern, which has been raised before but has not yet been formally addressed by the applicant, is ongoing concern regarding the heavy reliance on the LUDP process (and detailed design) to ensure acceptable outcomes are achieved in respect of visual/natural character effects without any certainty about how this process will work in practice (will it be urban design led, how will conflicts between engineering/safety requirements and landscape elements be resolved etc) or even what the design will look like. There is concern that outcomes of LUDP and BUSDP are aspirational and there is no certainty as to the actual or likely landscape and visual effects that will be generated by the proposal at this time. You will see the strong opinion from GWRC's consultant landscape and natural

character expert Jeremy Head outlining his concerns with the lack of certainty in design from a landscape, visual and natural character perspective in his summary and additional correspondence I have also attached for your information.

Recreation amenity

Concerns about the effects of the proposal on recreation amenity also relate to the lack of certainty in design and inability to establish an 'envelope of effects'. Ms Hamilton has recommended that the LUDP and BSUDP's be extended to cover recreation amenity to alleviate some of this uncertainty, while noting that there remains a degree of discomfort in this process occurring post-hearing and no clear understanding of the parameters which underpin this process. Commitment from the applicant to ongoing auditing and review of design alongside relevant experts/stakeholders as the proposal progresses past the preliminary design phase, using the LUDP/ BSUDP's chapter on recreation amenity has also been suggested.

There remains disagreement with the applicant's expert that an appropriate level of service will be achieved for recreation amenity with current path widths, especially taking into account the potential presence of safety barriers in areas of the path with a width of 2.5m. However, acceptance of a condition related to the provision of deliberately designed refuge points as part of further information is acknowledged. Ms Hamilton does not consider that steps, ramps and bus stops adequately perform the function of a suitable refuge area.

The other concern is that adverse effects from crowding and busyness at beaches due to increased activity have not been adequately addressed to date. Ms Hamilton suggests there is potential to mitigate these effects through spatial design and the deliberate design of refuges (as noted above).

Sub-tidal and inter-tidal ecology

Dr Oliver agrees with submissions from submitters who have expressed concern about the impact of machinery on coastal formations and flora and fauna during construction and maintenance in future. Dr Oliver considers that the preparation of a draft Construction Environmental Monitoring Plan (CEMP) would provide collective reassurance/certainty that such impacts will be appropriately managed and significant adverse effects can be avoided. Following the mitigation and management hierarchy (as proposed by the applicant in Memorandum 2) is considered to be sufficient to minimise/manage effects on seagrass. However, given the incredibly high value of these remnant meadows and the fact they are locally very rare, every possible effort should be made to have no impact on these habitats, as there is little, if any, strong evidence for successful offsetting of seagrass. Dr Oliver is satisfied that the final detailed design of the cycleway and beach nourishment will be undertaken to ensure there is absolutely no encroachment on seagrass habitat.

Dr Oliver has expressed that she supports the recommended additional mitigation measures for "high" and "medium" encroachment zones, the addition of rock pools drilled or cast into the steps of the curved walls and into the hard revetment rock and the post-construction monitoring of beach ecology described in the relevant technical reports. Dr Oliver also encourages the applicant to provide additional habitat above the present-day intertidal zone ("low encroachment zones") for future ecological resilience to sea level rise.

Dr Oliver supports the mitigation measures outlined in Dr Fleur Matheson's report to delineate and monitor the seagrass beds. However, as noted above is less comfortable with offsetting as an option and the idea of small scale transplantation should the project experience net seagrass loss.

It has also been noted by Dr Oliver and a number of submitters that recommendations or mitigation measures proposed by the applicants experts have not translated into proposed conditions of consent. It is recommended that the applicant consider incorporating these measures into conditions or providing some other form of commitment that these recommendations and mitigations will be implemented.

Transport/safety

Mr David Wanty considers the proposal provides for adequate capacity and safety for the anticipated demand of non-motor vehicle users and that it is reasonable that certain design aspects will be clarified/confirmed at the

detailed design stage following planning and funding approval. However, the provision of a safety barrier as deemed necessary following expert interpretation and confirmation of the Building Code requirements is still outstanding and may result in changes to this conclusion. Mr Wauty endorses the approach to low level barriers on the road side of the path and notes where the shared path is sufficiently clear of hazards there need be no low/high barriers with the exception of Point Howard where it was suggested that a short fence might be considered.

Mr Wauty recommends the provision of additional conditions to maintain the integrity of the design as it relates to safety as the design progresses. These include:

- a condition requiring the undertaking of an independent road safety audit at the detailed design stage and prior to the path opening
- a condition requiring Council to regularly monitor usage and report safety/incidences along the shared path within the first 1-3 years of operation.

An additional condition requiring review of the speed limit in the near future has also been suggested.

Penguins and avifauna

I understand that a productive meeting with relevant stakeholders and community representatives was held earlier this week related to the mitigation and offsetting of effects on penguins. Roger Uys noted that during this meeting the applicant requested guidance as to a 'bottom line' or the minimum extent or types of mitigation/offsetting that GWRC (and stakeholders) would consider. Dr Uys has expressed that he is not comfortable advising on this 'bottom line' without fully understanding the impact of the proposal on penguins and avifauna within the project area. To be able to provide more guidance Dr Uys confirms he requires (I understand he also raised this in the meeting):

- Confirmation on the number of confirmed penguin nests within the project footprint
- More detailed information/methodology on how penguins will be managed during construction – this could be incorporated into a CEMP, as suggested in the comments on sub/inter-tidal ecology.

I emphasise that the focus when considering penguins and avifauna must be on avoidance and mitigation (and getting effects to an acceptable level) before offsetting and compensation measures are able to be considered. Offsetting and compensation measures cannot be considered if avoidance and mitigation measures cannot get the level of effects down to a point where they are consistent with P39A of the PNRP (which mimics P11 of the NZCPS).

Acknowledging that there are ongoing discussions regarding penguins and avifauna and further work on the safety barriers is being progressed by the applicant I wanted to get this information in front of you now to aid your efforts to resolve concerns prior to the hearing. Again, this information has been provided on a 'without prejudice' basis to provide transparency to the applicant regarding current concerns with the proposal and some thoughts as to how these might be resolved.

Please do not hesitate to give me a call if you have any questions.

Kind regards

Shannon Watson
Environmental Planner

GHD

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