

Report to the Hearing Committee on a notified resource consent application

Summary of application

Activity: To construct, operate and maintain a 4.4km shared path (cycleway and pedestrian access) along the seaward edge of Marine Drive.

File Reference: RM190124

Applicant: Hutt City Council Transport Department

Consent Sought: **Operative City of Lower Hutt District Plan**

Landuse consent for the construction and use of land as a shared path along Marine Drive and land adjacent to Marine Drive, Eastern Bays.

Location: Legal Road and Local Purpose Reserve, Sec 1 SO 31984, Lot 4 DP 10005, Lot 1 DP 1538 and the Coastal Marine Area (CMA); on the seaward side of Marine Drive, between Point Howard and the northern end of Days Bay, and extending from the southern end of Days Bay (Windy Point) to Eastbourne (at Muritai Road/Marine Drive intersection).

Legal Description: Legal Road and Local Purpose Reserve, Sec 1 SO 31984, Lot 4 DP 10005, Lot 1 DP 1538 and the Coastal Marine Area (CMA);

Recommendation: I recommend that consent be granted for the reasons outlined in this report.

Report prepared by:	Dan Kellow	Environmental Planner.		23/11/2020
Report peer reviewed by:	Peter McDonald	Senior Resource Consent Planner, Hutt City Council		23/11/2020

Contents

1. Purpose	1
2. Statutory Reasons for consent	2
3. Other approvals	5
4. Matters for consideration	5
5. Consideration of alternatives	6
6. Existing environment	6
7. Assessment of effect	7
7.1 Transport	
7.2 Recreation	
7.3 Visual amenity	
7.4 Infrastructure	
7.5 Tangata Whenua	
7.6 Construction related effects	
7.7 Heritage	
7.8 Vegetation and gravel beach	
7.9 Ecology	
7.10 Positive effects	
8. Objectives and Policies	36
9. Part 2	55
10. Conclusion	57
11. Recommendation	58

Eastern Bays Shared Path

1. Purpose

This report provides an analysis of the resource management issues in respect of the resource consent application made by the Hutt City Council Transport Department (HCC Transport, the applicant) to construct, operate and maintain a 4.4km shared path (cycleway and pedestrian access) along the seaward edge of Marine Drive in Lower Hutt's Eastern Bays. The proposal includes construction of new structures, and additions and/or alterations, replacement, and removal and demolition of existing structures (including seawalls, revetments, boat ramps, beach access structures and stormwater pipes), to accommodate the proposed shared path.

The assessment and recommendations contained in this report are not binding on the Commissioners. This report has been prepared without knowledge of the content of any evidence or submissions that will be made at the hearing; consequently, it cannot be assumed that the Commissioners hearing the application will reach the same conclusions as those provided in this report.

A separate s42A report has been prepared by Shannon Watson on behalf of GWRC in respect of the resource consent applications within GWRC's jurisdiction. There are issues which extend across the jurisdiction of both HCC and GWRC. For some issues, such as ecological effects, GWRC's assessment in Mr Watson's s42A is largely relied upon, and supported.

The s42A report prepared by Mr Watson on behalf of Greater Wellington Regional Council contains sections titled.

- Project Objectives and Context
- Location
- Proposal
- Construction Methodology
- Notification
- Notification
- Submissions
- Further Information and meeting; and
- Consideration of Alternatives

These sections are not repeated in this report so Mr Watson's report should be referred to for these details.

Mr Watson's report describes the proposal thoroughly and states that details of the structures to be located on land following the reclamation of the CMA are provided in this report. The structures will be the shared path, kerb separators, low level wooden wheel guards, bus stops and shelters, street lighting, signage and seating. These are, with the exception of the barrier and wheel guards, all described in the AEE Appendix K. The description in Appendix K is adopted. The barriers and wheel guards were introduced to

the proposal pre public notification via Memorandum 4. The existing 300m section of upgraded seawall and path at York Bay shows how the path will appear once constructed.

The report below references appended information as well as further information and expert reviews that can be found at <http://www.gw.govt.nz/EasternBaysSharedPath>.

2. Statutory reasons for requiring resource consent

2.1 City of Lower Hutt District Plan

The district plan was made fully operative in 2004. Since that time numerous plan changes have been completed. In regard to this proposal the key chapter is Chapter 13 'Network Utilities'. There are no current plan changes relating to Chapter 13.

2.2 Activity status

Appendix S of the application states the shared path will traverse the following Activity Areas.

- General Business Activity Area
- General Recreation Activity Area
- Hill Residential Activity Area

In addition, the shared path traverses a Significant Natural Resource (SNR 44) at Point Howard. Between the various Activity Areas the shared path will be on land that will be reclaimed, road reserve (no zoning) or on existing land that does not have any zoning. This is land on the seaward side of the road reserve above MHWS that does not have zoning on the planning maps.

Permitted Activities

Section 8.6.3 of the AEE sets out the Permitted Activities relevant to the proposal.

Network Utilities

Rule 13.3.1.2 states that the operation and maintenance of network utilities is permitted activity subject to compliance with standards relating to earthworks, vegetation and noise. Subject to meeting the standards the ongoing operation and maintenance of the shared path will be a permitted activity.

Rule 13.3.1.37 relates to Roading and Traffic and Transport Structures and states the following are permitted activities subject to compliance with a related earthworks standard:

Traffic control signals and devices, light and decorative poles and associated structures and fittings, post boxes, landscaped gardens, artworks and sculptures, bus stops and shelters, phone boxes, public toilets and road furniture located within the road reserve and the rail corridor.

The elements of the proposal that fall within the above items are permitted activities. This includes bus stops, shelters and barriers which are being altered or included within the proposal.

Transport Chapter

Rule 14A 5.1 states any activity is a permitted activity if it complies with the standards listed in the Appendix Transport 1.

The standards include a requirement that all roads must be constructed in accordance with NZS 4404:2019. The applicant states that the proposal will comply with the standards.

Noise Chapter

Rule 14C 2.1 (f) relates to noise and states:

All construction, demolition, and maintenance work shall comply with NZS 6803P "Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work".

The application states that the proposal will comply with construction noise standards and that if night works are required that consent for construction noise would be sought independently at the appropriate time. Given the uncertainty around construction noise timing, duration and noise level it is considered that this is a reasonable approach.

Rules that are triggered by the proposal

A legal opinion contained in attachment 1 states that zoning cannot be attributed to the existing land that does not have zoning however this is of no real consequence as the proposal is captured by rule 13.3.1.38 (Discretionary Activity) as discussed below.

Section 8.3 of the AEE sets out the applicant's position on the district plan rules that trigger resource consent. Prior to the rule assessment the application states that an application is required for an Innominate Activity, as a Discretionary Activity, pursuant to Section 89(2) of the RMA for the construction, operation and maintenance of the shared path not on land, that is, land that will be reclaimed.

The introduction to the Network Utilities Chapter states:

The provisions in this Chapter apply to network utilities throughout all zones of the City. The underlying zone objectives, policies and rules do not apply to network utilities, including roads, unless specifically referred to. City wide rules, such as those relating to historic heritage, notable trees, earthworks and hazardous substances will still apply. Under Rule 14A (a), network utilities that are located in the road reserve are subject to the provisions of the activity area where the road reserve is located. Where the road reserve is between two different activity areas, the centre line of the road reserve will become the boundary between such activity areas.

The application sets out in section 8.3 the definition of network utility which is:

"...any activity undertaken by a network utility operator as defined in section 166 of the RMA, relating to:

...construction, and operation of roads and railway lines..."

The shared path falls within the meaning of road for the reasons set out in the legal opinion contained within attachment 1. I agree that the shared path will fall within the meaning of a 'road' and is therefore a network utility.

Rule 13.3.1.38 relates to Network Utilities and states the following is a **Discretionary Activity**:

“The construction, alteration or diversions of roads, excluding any such construction works which is part of a subdivision.” I agree with the applicant that the proposal requires resource consent for a **Discretionary Activity** under Rule 13.3.1.38.

The application states in table 8-3 that:

The Shared path is constructed within the existing road or in the road reserve, and is considered an alteration to the road. The Shared path in part traverses land within the Special Recreation, Passive Recreation, General Business, Hill Residential.

The shared path does not traverse land within the Passive Recreation Activity Area or the Special Recreation Activity Areas. The applicant acknowledged this in correspondence dated 22/07/2019.

Despite the introduction to the Network Utilities Chapter stating that citywide rules such as earthworks apply, the Earthworks Chapter at rule 14I 2 states that the earthworks provisions shall not apply to the following:

Earthworks associated with the establishment of network utilities in accordance with Chapter 13 – Network Utilities...

The Network Utilities provisions contain specific standards for earthworks although these standards are not linked to rule 13.3.1.38. HCC's interpretation is that the Network Utilities Chapter statement prevails over the Earthworks Chapter statement. Accordingly, I do not agree with the applicant, as set out in table 8-3 of the AEE, that resource consent is required under earthworks rule 14I 2.2(b). Nevertheless, effects associated with earthworks must be considered due to the Discretionary Activity status.

The assessment matters for a Discretionary Activity are contained in section 13.3.5 and state:

In considering an application for a discretionary activity, the Council's discretion is unrestricted. The Council shall consider any relevant matter with particular regard to the objectives and policies of the Plan. In addition, the Council shall have particular regard to the relevant matters outlined in 13.3.4 – Matters of Discretion for Restricted Discretionary Activities

Within the AEE Table 8-3 states that resource consent is required for a Restricted Discretionary activity under rule 14 2.2(b) because the shared path traverses 'Significant Natural Resource 44' at Point Howard. I agree with the applicant that the proposal requires resource consent for a **Restricted Discretionary Activity** under rule 14 2.2(b).

The shared path passes directly in front of a listed heritage building in Lowry Bay, Skerrett Boat Shed, but no works are proposed to the shed so resource consent is not triggered in relation to works or alterations to a heritage building.

2.3 Overall activity status

Overall, the activity must be assessed as a **Discretionary Activity** under the City of Lower Hutt District Plan.

3. Other consents and approvals required

An assessment of the consents required from GWRC is contained in the s42A report prepared by Mr Watson and should be referred to for details.

3.1 Contaminated Land

Potential effects on human health and the environment may occur if contaminated land is disturbed and/or used during the construction of the Project in the vicinity of the Sunshine Bay Garage. The garage is on the landward side of the road against the base of the hill so is well separated from the proposed path. The application states¹ that once the detailed design is complete, it may be necessary to undertake a detailed assessment of the contaminated site and if relevant a resource consent will be sought at that time. I consider this to be a reasonable approach and that appropriate management of any contaminated soil can be managed through separate resource consent.

3.2 Heritage Authority

The project area is a highly modified environment and no sites of cultural or archaeological importance have been identified. It is noted that the harbour is a statutory acknowledgment area established through the Port Nicholson Block Claims Settlement Act 2009. It is possible that there may be archaeological sites given the historic occupation of the area. No authorisation under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) from Heritage New Zealand is currently required. However, before works are undertaken, to avoid any delays, should unidentified subsurface features be exposed, an authority will be applied for under Section 44(a) of the HNZPTA to cover all works undertaken for the Project.

4. Matters for consideration

This section sets out the framework that has been used to assess the application.

4.1 Statutory criteria

The matters to which a consent authority shall have regard when considering applications for resource consents and submissions are set out in section 104(1) of the Act as follows:

When considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (b) any relevant provisions of –*
 - i. a national policy statement,*

¹ Page 166 AEE

- ii. *other regulations,*
 - iii. *a national policy statement*
 - iv. *a New Zealand coastal policy statement,*
 - v. *a regional policy statement or proposed regional policy statement; and*
 - vi. *a plan or proposed plan; and*
- (c) *any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

The provisions of s 104 are all "subject" to Part II, which means that the purpose and principles of the Act are paramount.

4.2 Planning instruments and other matters

The following planning instruments and documents are most relevant to this application from a territorial local authority perspective

National

- The New Zealand Coastal Policy Statement 2010
- Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011
- National Policy Statement on Urban Development 2020

Regional

- The Regional Policy Statement for the Wellington Region 2013

District

- City of Lower Hutt District Plan

5. Consideration of Alternatives

A discussion on the assessment of alternatives has been provided in the s42 report by Mr Watson and should be read in conjunction with this report.

6. Existing environment

The existing environment is described in section 10 of the application and appropriately reflected in the respective technical reports submitted in support of the application. I consider the description of the existing environment to be accurate and adopt this section of the application in accordance with s42A (1A) of the Act. The existing

environment was taken into account when considering all effects and the proposals consistency with the various policy documents.

Seawalls already exist along 90% of the Project area; however, most do not allow sufficient space for the shared path alongside the Marine Drive carriageway. A total length of 1.3km (29% of the Project length) including the newly built curved seawall at York Bay, and existing revetment in southern Sunshine Bay is not changing from its current state. The 300m of relatively new curved wall in York Bay already provides for a Shared path that is consistent with the current designs and is in good condition.

7. Assessment of actual and potential effects 104(1)(a)

The assessment of environmental effects below considers the key effects arising from the application that are within the jurisdiction of Hutt City Council. These effects are:

- Effects on the transport network (incl safety of users)
- Effects on recreation activities (incl. user experience, loss of beach above MHWS)
- Biophysical and visual amenity related effects
- Infrastructure (including parking)
- Effects on tangata whenua and cultural values
- Construction effects (above MHWS – noise, vibration, traffic safety, temp paths)
- Effects on heritage values
- Effects on ecological values and vegetation
- Positive effects

7.1 Transport related effects

This section covers effects associated with the design and use of the shared path and includes positive effects, user safety and conflict with vehicles on the road carriageway.

7.1.1 Effects on the transport network

The application includes a Transport Assessment in Appendix L of the AEE. The Transport Assessment and wider application was peer reviewed on behalf of HCC Resource Consents and GWRC by David Wanty. The Recreation Assessment in Appendix K also comments on path width and safety. Mr Wanty's brief of evidence is attached to this report. All of the above documents should be read in conjunction with this report.

Context

Marine Drive is a Primary Collector Road that serves 6,000 to 8,000 vehicles per day and is the only road access to Eastbourne. In most places cyclists are not accommodated and are expected to use a narrow road shoulder or share the live traffic lane. Key infrastructure services are located within the road corridor including the Main Outfall Sewer Pipe which is Regionally Significant Infrastructure. In places the road is subject to debris and water being deposited on the road during southerly storm events.

Positive effects

Positive effects of the proposal are set out on pages 89 to 95 of the AEE and within the Transport Assessment. The positive effects are summarised below.

An economic evaluation was undertaken by the applicant in accordance with NZTA's Economic Evaluation Manual guidelines. Table 23-3 and Figure 23-1 on page 91 of the AEE provide a summary of the cost benefit analysis which shows the project has a positive cost benefit ratio. The assessment states the majority of the benefits are due to the health and environment benefits of the facility. It is accepted that the proposal will have positive effects such as enhanced accessibility and connectivity, increased choice of transport modes, enhanced safety for cyclists and pedestrians, increased resilience, recreation and social benefits.

The enhanced safety and connectivity is expected to increase the number of pedestrians and cyclists due to the improvement over the existing which is likely to result in an increase in active transport users along Marine Drive.

Adverse effects

Page 33 of the Transport Assessment sets out the potential adverse effects on the local road network. These are summarised below.

- During construction there will be disruption with temporary traffic management required along with lane closures which will disrupt all forms of transport.
- Construction vehicles will increase the number of vehicles on the local road network.
- The application states parking will be retained where possible adjacent to the seaward side of the shared path however some informal parking will be lost. In some places the shoulder currently used for informal parking will be reallocated to the shared path. Formal parking at Point Howard, Whiorau Reserve and Days Bay will be retained and reoriented to angle and/or parallel parking.
- The proposal is expected to increase the number of people crossing Marine Drive to the seaward side of the road. No additional crossings are proposed.
- There is potential for conflict between the increased number of path users and people waiting for bus stops.

Expert peer review - David Wanty

In summary Mr Wanty's evidence states:

- *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.*
- *In some sections it is proposed to provide a low edge barrier on the coastal side, which I consider a practical approach particularly with respect to anticipated users of mobility scooters. Where the shared path is sufficiently clear of hazards there need be no low/high barriers...*
- *I am aware that the applicant has had to balance minimising encroachment onto the foreshore with providing a path of adequate width that provides a quality recreation experience and that encourages use²*

Expert response to submissions

Mr Wanty's comments in paragraphs 37 to 54 of his brief of evidence respond to transport related submissions where submitters opposed aspects of the proposal. I have summarised Mr Wanty's comments below.

Safety related submissions

Submission 30 raised concern about cyclist and motor vehicle conflict at Point Howard. Mr Wanty's view is that the safety audit conducted at detailed design stage will address any matter not already identified.

Submission 60 raised the need for warning signs for motorists. Mr Wanty's view is that this is an existing independent requirement for the road controlling authority (HCC) noting that warning signs are already in place.

Submission 84 raised the separation of pedestrians and cyclists on the path and suggested grade separation where the path is 3.5m wide and textural definition where the path is 2.5m wide. Mr Wanty does not recommend a condition of consent that requires the shared path to have a separating white line or grade separation.

Submission 85 suggested the path should be 2.5m wide for its entire length and that a shared path at Days Bay should be dealt with at the same time as this proposal as should north of Point Howard.

Submission 87 opposes moving the road closer to 315 Marine Drive, York Bay, which the submitter considers will make entering and exiting 315 Marine Drive unsafe. Mr Wanty stated it was difficult to difficult to detect changes to the roadway and traffic lanes.

Submission 117 considered that the path would be too close to the roadway. Mr Wanty considers that while this is desirable it is not a viable option and the separation proposed is not unreasonable.

² Paragpahy12 – 14 of Mr Wanty's Brief of Evidence

Submission 132 was neutral but raised concerns over the exposed nature of the shared path to waves. Mr Wanty considers there would be little use of the path in clearly adverse conditions.

Submission 168 raised safety concerns when transitioning between the path and the road and the shared path may be inadequate for electric bicycles and scooters. Mr Wanty acknowledged these concerns and that they are part of the further safety auditing of the detailed design.

Shared path width submissions

Mr Wanty noted many submissions commented on pathway width and that in his view on balance the widths as proposed are reasonable. Mr Wanty highlights the need to recognise the 'effective' width which would be less next to the safety barrier however he notes that because of the 'shy factor' effect of users keeping a perceived safe distance from the edge that the effective width with and without barriers may be the same.

Mr Wanty's brief of evidence makes the following recommendations:

17. *I recommend that a clear shared path width of nominally 2.4 metres be provided for most of the route along the harbour edge (excluding local pinch points) where currently proposed, and a clear width of 3.5 metres where practical (consistent with the current proposal).*
18. *I recommend that railings for the steps and increased area at the top of the steps be investigated and confirmed at the detailed design stage, with warning signs for people as appropriate re use of the mini-steps that I accept as having been designed primarily for penguin access.*
19. *I recommend further road safety audits (contingent on approval) be conducted at the detailed design and pre-construction/post-construction stages.*

Avoiding, remedying and mitigating effects

The AEE states that mitigation of construction effects on the Marine Drive results from the construction being staged over a 3 – 6 month period per bay with construction limited at times to low tide and off-peak traffic times.

In regard to a reduction of informal parking the AEE states mitigation will be in the form of improvements to formal parking areas and that the shared path may reduce the need for on-street parking by enabling improved walking and cycling access.

In regard to increased pedestrian crossing demand the application states that there will be regular gaps between the separators allowing pedestrians and cyclists to cross Marine Drive.

The applicant's proffered conditions relating directly to traffic effects are GC.11 to GC 13 which require a Traffic Management Plan to be submitted for certification. The conditions and matters to be covered are typical of traffic management plans and will manage public

safety, delays to road users, disruption to property access and methods to keep the public informed about impacts on Marine Drive.

Mr Wanty reviewed conditions GC.11 to GC.13 along with associated conditions which propose to develop the detailed design of the barrier, kerb separators and railing through the LUDP and BSUDP process. Mr Wanty considers that it is appropriate to finalise the detailed design of the rail and barrier as part of the LUDP and BSUDP process.

Mr Wanty's recommended additional conditions in his draft brief of evidence which was provided to the applicant. The additional conditions sought:

- the undertaking of an independent road safety audit at the detailed design stage and at the pre-opening/post-construction stage.
- that the Hutt City Council as Applicant review the posted speed limit along the project route within 'x' years of a convenient start point. Mr Wanty suggested that Council propose what the start point might be and associated 'x'.
- that Hutt City Council regularly monitor and report usage of and safety/incidences along the Shared path within the first y years of operation. I would suggest that 'y' might be 1 to 3.

The applicant rejected the suggested conditions (see Memorandum 5) and stated:

A safety audit is integral to the design of the project and will form part of the detailed design process. It is not considered necessary or appropriate for this, or the provision of monitoring/reporting on safety in the nature suggested, to be covered by the conditions of consent.

Assessment

The transport assessment concludes that the proposal will result in several positive effects;

- improved real and perceived safety for pedestrians and cyclist;
- improved resilience;
- improved connectivity and accessibility for local residents;
- a modal shift from private motor vehicles to more sustainable transport choices; and
- positive health benefits.

The assessment considers the following adverse transport effects will be minor;

- Temporary construction traffic effects;
- Marginally increased maintenance costs;
- Reduction of informal parking; and

- increased crossing demand and the potential for conflict between path users and people waiting at bus stops.

In relation to the increase in the number of people crossing Marine Drive to access the shared path the applicant states that there will be regular gaps between separators and traffic lane providing space to access the path. Mr Wanty did not raise any concerns with this aspect of the proposal

In relation to the southern end of the path a transition point will be provided for southbound cyclists to cross the carriageway. At the northern end the path will be integrated into the existing path. Mr Wanty did not raise any concerns with this aspect of the proposal.

In relation to the potential conflicts at bus stops the shared path will pass behind all bus shelters³ to minimise potential for conflict between path users and people using buses.

Mr Wanty has reviewed the applicant's response to the suggested conditions in his draft evidence and now recommends only two conditions which require an independent road safety audit at the detailed design stage and at the pre-opening/post-construction stage and monitoring of path usage and safety incidences.

I concur with Mr Wanty that both of the recommended conditions will potentially assist the consent holder to ensure the shared path is appropriately designed and whether the use of the shared path is resulting in incidents and/or accidents which indicate alterations to the path, signage or other aspects of the path is required. I understand a similar monitoring condition has been imposed for other consents, e.g. the Hutt River market

I therefore consider that subject to the effective implementation of the proffered and two proposed conditions of consent any adverse effects on the transport network could be appropriately mitigated to an acceptable level. I concur with the AEE in that there are clearly positive effects on the transport network. Suggested wording has been included in the draft conditions contained in attachment 5.

7.2 Recreation amenity associated with path use

The application includes a Recreation Assessment by Rob Greenaway & Associates in Appendix K. The Recreation Assessment and parts of the wider application was peer reviewed by Catherine Hamilton (WSP Opus) on behalf of GWRC and HCC. A position statement is attached and all of the above documents should be read in conjunction with this report.

The assessment below covers recreation effects associated with use of the shared path. Recreation effects in relation to beach users is assessed in the s42A prepared by Mr Watson on behalf of GWRC. There is some overlap between the peer review undertaken by Mr Wanty (Transport Engineer) and the peer review undertaken by Ms Hamilton in that both experts commented on user safety and conflict with other path users and people accessing the beach.

Context

³ Page 33 AEE Transport Assessment

People currently walk and ride bicycles along the seaward side of Marine Drive however as described in the application documents “*Currently, pedestrian and cyclist connectedness and use along the Eastern Bays is low, due to few dedicated facilities and the tightly constrained nature of the road along Marine Drive. For the most part, cyclists and pedestrians must use the road shoulder, which is very narrow or non-existent in sections.*” The only section of the road that currently includes a wide path is a 300m section on the relatively new curved wall in York Bay.

The AEE states that the area is mostly of local recreation value used for local residents for swimming, small boat launching, walking and dog walking. Fishing occurs off rocky areas. The Point Howard Beach is described as having good parking, and a safe and sandy beach, a toilet and changing sheds and is used by residents of Lower Hutt and Wainuiomata. The application states the Ferry Road headland at the southern point of Sunshine Bay is a regionally popular coastal fishing site along with a seawall at the western corner of Whiorau reserve.

Positive recreation effects

Positive effects of the proposal are discussed on page 95 of the AEE and within section 7 of the Recreation Assessment within Appendix K.

The positive effects of the proposal that are related to recreation can be broadly stated as;

- an increase in users (180 new users per day according to the transport assessment estimate);
- enhancing the experience of people who currently use the shoulder of Marine Drive; and
- health and social benefits of an increase in users, and therefore people undertaking physical activity.

These benefits are not disputed. The application reports that the shared path has been an expectation of the regional recreation and tourism planning for more than a decade and will part of the Great Harbour Way and Remutaka Cycle Trail. The high number of submissions in support of the proposal from the local community clearly demonstrates that local residents think there will be recreation benefits. Submission’s in support of the proposal by the Cycling Action Network and Cycle Wellington both raised the improved access to the Remutaka Cycle Trail and Great Harbour Way.

Path width - recreation amenity

The width of the shared path has been the subject of discussion in relation to safety and user experience. The application sets out the consultation that was undertaken to gain an understanding of what path width was most acceptable to the community. The application reports that a 2.5m wide path was the community preference with the main motivation for the 2.5m over 3.5m being to avoid encroachment onto beach areas. The Recreation Assessment⁴ discusses various published path width standards and

⁴ Page 20 Appendix K AEE Recreation Assessment

concludes that 3.5m is the recommended minimum standard for a shared path. Reasons given for this width were:

- compliance with established standards
- the high likelihood of walkers in groups and two to three abreast
- lack of recovery space for cyclists on a narrower path
- likely high level of use by dog walkers and children on a range of devices
- congregation and stationery use of the path at beach areas
- the potential for the path's use as a cycling commuter route
- advent of e-bikes enabling access by an older age group and
- the continuing development of pathways throughout the Wellington Region.

The assessment goes on to acknowledge that a 3.5m wide path compared to a 2.5m wide path will have greater adverse effects on the coastline and acknowledges the compromise that has been made in the final design. The Recreation Assessment states in the Conclusion that "*The path remains substantially at the preferred width, and the narrow sections should not compromise its success*"⁵

The Recreation Assessment concludes that the shared path will result in a significant change for the better in recreation and commuting participation in the Eastern Bays and that mitigations will maintain key areas of beach amenity and ensure that the scale of adverse effects are no more than minor

Expert peer review

The peer review by Ms Hamilton (WSP-Opus) assessed the Recreation Assessment prepared by Rob Greenaway and Associates. The focus of Ms Hamilton's review is on the expected recreation outcomes of the proposal which includes recreation amenity benefits of the shared path as well as impacts upon the existing recreation values associated with beach activities and use of the rocky coastline. Ms Hamilton's review should be read in full but is summarised below.

Ms Hamilton's Position Statement states that in assessing the likely outcomes that she took into account the following key points:

- tangible and intangible factors are relevant
- design standards need to be met
- access to the coast and wider area.

A difficulty expressed in the Position Statement and in earlier comments from Ms Hamilton is that the lack of detailed design has limited her ability to fully assess the recreation outcomes of the proposal. Ms Hamilton's view is that the reliance on the consent condition process to review the detailed plans is concerning. This leads onto

⁵ Page 72 Recreation Assessment

the concern with the time allowed and content of the LUDP and BSUDP's within the proposed consent conditions.

One of the concerns is that a staged design process could result in ad hoc outcomes and the loss of overall cohesion and unity. It is suggested by Ms Hamilton that full design up-front with staged construction could avoid this problem.

Ms Hamilton also considers conditions should allow for hold points at preliminary, developed and detailed design stages for review to occur.

In relation to design standards Ms Hamilton's view is *design standards for recreation amenity outcomes are being unacceptably compromised as a trade-off to protect coastal marine ecology especially.*⁶

The two key areas of concern are the path width and handrail position and heights.

The Position Statement notes the conclusions reached in the Rob Greenaway Assessment report and references the NZTA and Auckland Transport which indicate that 3.5m is a preferred minimum.

Ms Hamilton states in her Position Statement that *I think it would be worth simulating the design parameters to better understand behaviour associated with the proposed design and to alleviate any unintended consequences on recreation use and enjoyment and safety in areas where the path is proposed to be narrower than 3.5m.*

At the time of writing this report it had not been investigated with the applicant what the constraints were to widening the path to 3.5m, by narrowing the carriageway for cars etc, to alleviate the concerns raised by Ms Hamilton. I note that in Mr Wanty's position statement that he commented that a narrower carriageway may have consequences for commuter cyclists who are not using the shared path.

In relation to barriers the ability for Ms Hamilton to comment is limited due to the lack of detail around barrier height and design. Ms Hamilton states there would be concern if barriers are higher than 1.1m as they may be in the sightline of path users and diminish connection with the seascape thereby reducing overall recreation enjoyment. In relation to the design Ms Hamilton would be concerned if the barriers encroach into the 3.5m path width.

Submissions

In earlier correspondence Ms Hamilton commented while there were several submissions that supported a narrower path adequate sizing of a path is a matter for expert analysis. I concur with this position.

I note that there are numerous submissions in support of the proposal that cited improved safety as a reason for supporting the proposal with many submissions going on to state the improved level of safety would encourage pedestrians and cyclists. Numerous submissions made generic statements that the shared path will encourage recreation in the area.

Submissions that are focused on safety have been assessed earlier under the transport assessment.

⁶ Page 3 Position Statement by Ms Hamilton

Avoiding, remedying and mitigating effects

The conditions of consent proposed by the applicant that relate to the design of the proposal are numbered LV.1 through LV.7. GC.5 is relevant as it sets out the management plan approval process.

In Memorandum 6 the applicant addressed matters raised earlier in the assessment process in relation to the status of BSUDP's. In the applicant's view the revised conditions clarify that the BSUDP's are part of the management plans identified under condition GC.5. In addition, further refinement was made to conditions LV.5 and LV.6.

Despite the amendments made to conditions made by the applicant post lodgement amendments to the proposed conditions are discussed and suggested below due to concerns raised by Ms Hamilton and Mr Head (Landscape and Visual Assessment peer reviewer). The objective of the suggested amendments to conditions is to ensure the final design is more likely to be of high quality which cannot be determined from the preliminary plans.

At the time of writing this report the applicant had provided updated conditions in Memo 6 and these have been assessed by Ms Hamilton and are discussed below.

In relation to GC.5 (b) Ms Hamilton considers the 'at least 30 working days' timeframe to be too short. Her view is at 30 working days prior to a project commencing the contractor will be pre-ordering materials and deploying resources. The pressure to then ensure the project starts as scheduled may result in expediency over a quality process and design. Ms Hamilton recommends additional time be allowed within GC.5, including for adjudication. I acknowledge Ms Hamilton's concern but consider the risk is with the applicant. If a plan submitted for certification is not acceptable then GWRC and/or HCC will not certify the plan. I also note that the 30 working days is a minimum timeframe which the consent holder may not necessarily work to.

In relation to GC.5(e) Ms Hamilton has recommended that this should be amended to require any changes, not just changes considered 'minor', to the LUDP and BSUDP's to be submitted to the Manager Environmental Regulation and Team Leader Resource Consents for (re)certification. Mr Head (recreation effects peer review) agrees with this suggested change to GC.5(e). The reasons for removing 'minor' from GC.5(e) are that it is a subjective term that requires expert evaluation. The concern is the less tangible values that relate to recreation can be overlooked if an appropriately qualified and experienced expert is not involved. I concur with this suggestion and have proposed a revised condition GC.5.

In regard to GC.5 (h) Ms Hamilton does not consider that 10 working days is adequate time to find and engage a suitably qualified and experienced expert who then has another 10 working days to resolve a dispute. I agree that this is a short time period but again the risk is within the applicant and the time period is potentially redundant in any case. If a mutually agreed suitably qualified and experienced independent expert is not engaged within 10 working days or does not make their decision within 10 working days then the consent holder must still wait for the decision.

In regard to LV.3 the words 'suitably qualified and experienced' is recommended to be added before the list of experts to ensure the appropriate people are engaged in the process.

In regard to LV.4(a) Ms Head considers that removing the reference to 'general hierarchy' would be beneficial as there are links and interdependencies between safety, recreation and landscape. I concur with this point and have recommended a change to LV.4(a) to this effect.

In regard to LV.4(d)(ii) Ms Hamilton considers industry design standards and best practice exemplars for shared paths at a minimum 3.5m width should be referred to. This is proposed by Ms Hamilton because of her firm view that a 2.5m wide path risks unintended consequences for safety and recreation amenity and safety. I agree that the 2.5m wide sections may result in lower recreation amenity for users compared to the 3.5m wide sections. However, I note that Mr Wanty has accepted that 2.5m is acceptable in regard to safety. Consequently, I have not recommended that minimum 3.5m widths be specified.

In regard to LV.6(a) Ms Hamilton considers that the draft design protocol would benefit from including annotated photographic exemplars of best practice coastal shared path projects, to demonstrate the level of design to be achieved. I concur and an amendment to this condition is recommended that requires visual representations to be added to the condition to the draft design protocol.

In regard to LV.7 Ms Hamilton recommends adding surface treatments and minimum path widths to the urban design details to be considered. I concur that surface treatments should be added to LV.7 but that specifying minimum path widths is not appropriate or necessary as these are specified in the detailed engineering plans.

Assessment

The fact the proposal is only developed to a preliminary design stage has meant the ability to assess recreation amenity associated with path use has been limited.

A key concern remains, from a recreation amenity perspective, that in places the path is only 2.5m wide and that a 3.5m path would be line with best practice and would provide greater recreational amenity, safety and may result in greater use.

I agree with the position of Ms Hamilton on these matters but recognise the clear trade off the applicant has had to make between path width and encroaching onto the foreshore. I also note that Mr Wanty considers that sections of 2.5m wide path can be accepted from a safety perspective. I acknowledge that the sections of the path that are 2.5m wide may not result in a recreation experience that a path width that meets best practice would. I also note the high level of support for the shared path as expressed through submissions with only seven submissions seeking a wider path than proposed.

Overall, I consider that subject to the effective implementation of the suggested conditions of consent any adverse effects on recreation amenity could be appropriately mitigated to an acceptable level. Suggested wording has been included in the draft conditions.

Loss of beach space

The proposal includes beach re-nourishment of existing high tide beaches at Point Howard, Lowry Bay and York Bay to mitigate the loss of high-tide beach and associated recreation amenity at these locations. A total of approximately 6,000m³ of material will be required for beach re-nourishment, distributed across the respective bays as follows:

- Point Howard - 1,600m³
- Lowry Bay - 3,200m³
- York Bay - 1,200m³

Although approximately 6,000 m³ of material will need to be imported it is estimated that this will rapidly consolidate to around 4,600m³ when placed due to sediment transport processes, tidal action and construction traffic movements.

It is likely that the Hutt River will be the source of material for beach re-nourishment given its proximity to the project and relative composition to natural beach sediments found across the Eastern Bays.

The AEE considers that the beach nourishment will mean loss of beach space is mitigated with coastal amenity being retained. The AEE states post mitigation the effects on recreation amenity at York Bay, Point Howard and Lowry Bay will be less than minor.

While recreation associated effects due to loss of beach space above MHWS is within HCC's jurisdiction loss of beach space and beach nourishment have consequential effects on coastal processes, intertidal and subtidal ecology, natural character and coastal birds. Mr Watson has assessed these matters, and effects on recreation amenity, in his report and outlined the proposed beach nourishment process and associated conditions in detail. Mr Watson's report should be referred to for this assessment.

Proffered conditions of consent requires beach nourishment to be monitored and for a single 'top up' to occur within two years of the two year monitoring programme being completed.

Loss of beach space was raised by several submitters, particularly in relation to York Bay.

Dr Iain Dawe has stated⁷ that the beach nourishment will be as stable as the existing beach and he is comfortable with the beach nourishment related conditions for monitoring and remedial action. Mr Watson's conclusion, based on expert advice of Ms Hamilton and Dr Iain Dawe, in relation to effects on recreational amenity is that subject to successful implementation of the conditions that adverse effects on recreation amenity will be no more than minor. I concur with this conclusion.

Boat Ramps

Three boat ramps will be built in their existing locations at Point Howard, York Bay and Mahina Bay and steps will be provided in the same or close to the same location as existing. Some of these are within HCC's jurisdiction however Mr Watson has assessed public access in general in his s42A report. The ramps will be built in the same locations but will be parallel to the wall and have minimum grades.

Submissions have raised the location and number of beach access points and the width of the proposed boat ramp in York Bay. The BSUDP will allow local input into the finer details of the access steps and boat ramps.

⁷ Email dated 18/11/2020 to Shannon Watson.

I come to the same conclusion as Mr Watson that the proposal maintains access to the beaches and coastal marine area.

7.3 Visual effects

The application includes a Landscape and Visual Assessment (LVA) in appendix D. In addition, further information responses have added additional assessment on natural character, landscape and visual effects. The applicant provided a supplementary LVA report dated October 2019 after seaside barriers were introduced into the project.

The LVA and parts of the wider application was peer reviewed by Jeremy Head (WSP Opus) on behalf of GWRC and HCC. The peer review and subsequent correspondence is attached and all of the above documents should be read in conjunction with this report.

The assessment below follows the approach of the AEE and assesses biophysical effects, effects on visual amenity and construction effects associated with the shared path. An assessment of effects on natural character has been undertaken by Mr Watson in his s42A report.

Context

The application describes the landscape context as:

“Marine Drive has a distinctive pattern of settlement and land use. The road is contained between the harbour and the hills. At a local scale, each bay has a unique identity, the cumulative product of the settlement pattern and the bay landform including the curvature of the bay, the steepness of the hills and their proximity to the coastline, the orientation of the bay and its exposure to the prevailing winds and the coastal edge.

Hutt City currently does not identify outstanding natural landscapes (ONLs) and features (ONFs) or special amenity landscapes (SALs) in its district plan. The Landscape Evaluation Draft Technical Review Assessment undertaken for Hutt City in 2016 did not identify any ONFLs or SALs within the project area.

A natural character assessment was undertaken in 2016 for Greater Wellington Regional Council and Hutt City Council. No Outstanding or Very High Natural Character areas are identified within the Eastern Bays coastal terrestrial area, which is assessed as having Moderate natural character”⁸.

The peer review stated “...the wider site context is described in thorough detail by the Ms Williams and is not commented on further in this peer review”. Given those comments I consider the landscape context description to be accurate and accordingly is adopted.

The LVA describes the site by bay on pages 13 - 18. I adopt this description. On the seaward side there is variety in regard to the size of the beach, height below the road, presence and size of rock outcrops. In regard to the interface the form of the existing road edge varies with seawalls already present along 90%⁹ of the 4.4km path length.

⁸ Page 3 EBSP LVA Appendix D

⁹ Page 9 Section 3.2 of the Introduction

The LVA splits the assessment into biophysical effects, effects on natural character, effects on visual amenity and construction effects.

Biophysical effects

In relation to biophysical effects, which relate to changes in landform, vegetation cover and waterways, the LVA considers there is a small loss of local landform and that overall biophysical effects are Low¹⁰ over the length of the project. 'Low' is akin to a less than minor adverse effect on the seven point scale used in the LVA. At a local scale there are potentially moderate effects at Point Howard, north of the beach, and at Sunshine Bay. These localised effects have been assessed as moderate. The localised effects in areas where beach nourishment is occurring, Point Howard, Lowry Bay and York Bay, are assessed as Moderate – Low.

The peer review dated May 10 2019 concludes that *“the existing treatment of the coastal edge where the proposal is located is currently poor and in need of improvement. The proposal addresses this adequately and represents a nett improvement on the coastal edge’s appearance and functionality. The extent of the changes closely aligns with the current extent of the modified coastal edge – but not everywhere and so ‘moderate’ landscape effects will occur in these areas¹¹.”*

I concur with the assessment of the effects on biophysical effects and consider the biophysical effects to be less than minor over the length of shared path.

Effects on visual amenity

Visual effects relate to changes to specific views and may or may not adversely affect peoples' visual amenity. The effects on visual amenity for residents are primarily related to the presence of the safety barriers as the seawalls will not generally be visible below the road level. Kerb separators, signage and path markings and future street furniture and bus shelters will also be visible to residents and may generate effects. The visibility of the proposal from residential sites is affected by several factors such as fencing, vegetation, elevation and orientation of dwellings and location and height of habitable rooms.

The LVA assesses the effects on visual amenity on local residents, drivers, pedestrians and cyclists, beach users and from on the water. The revised LVA provided an assessment of the barriers on visual amenity.

The areas where a barrier will be located are:

- Gill Road to Whiorau Reserve - this is directly opposite dwellings at 4 Gill Road Flats 1 – 6 and Flats 1 and 2 2 Gill Road. The majority of the barrier would be opposite the undeveloped base of the steep hillside.
- York Bay north – 1 Taungata Road, 301, 303, 305 Taungata Rd and 23 Waitohu Road. The views from these dwellings are either screened by vegetation or over the barrier due to the elevated position of the dwellings.
- Between Mahina Bay and Sunshine Bay – this is opposite the base of the steep undeveloped hillside

¹⁰ Page 30 EBSP LVA Appendix D

¹¹ Page 11 LVA peer review by WSP Opus dated May 10 2019.

- Windy Point – opposite dwellings at 625 – 735 Marine Drive (13 dwellings).
- Between 214 and 228 Marine Drive¹² - directly opposite dwellings.

Residents

For residents in areas where a barrier is not present the LVA considers that the effects at a local scale could be Low if the design principles outlined in section 5.2 of the LVA are adhered to. The assessment considers the visual effects are Very Low in the wider context.

For areas where a barrier is present an assessment has been undertaken for individual sites although not for sites at the western end of Lowry Bay.¹³ The LVA considers that for dwellings with rooms at street level and views directly across the road to the barrier the effect may be Moderate – Low but that there is the potential for this to reduce via the final design. Moderate – Low is considered to be equivalent to ‘minor’ effects in RMA terminology. Within each bay and at a local scale the level of effect on the visual amenity of individual residents will be determined by the finer grained detail design of the barriers along with the other features such as path signage and path markings. Within the wider landscape the barriers are considered to have Very Low visual effects.

Drivers

For drivers the assessment notes the barrier becomes a screen in oblique views and that overall, the widened road with a shared path diminishes the immediate experience of driving along the edge of the harbour. The assessment notes the immediate character of the Marine Drive, where a barrier is present, is changed but the wider landscape dominates views from a vehicle with the overall effect on visual amenity being Low for drivers where a barrier is present and Very Low where a barrier is not present.

Pedestrians and cyclists

For pedestrians and cyclists, the LVA considers the effect on visual amenity to be generally positive where unsightly seawalls and infrastructure are removed or where no path is currently provided. The integration of features such as path markings, signage, stormwater outlets, bus shelters and street furniture will also determine the visual effect for cyclists and pedestrians. The LVA considers if these features are carefully located to avoid visual clutter and maintain views down to the water’s edge that adverse visual effects have the potential to be Low. The barriers will not limit views for path users and the adverse effect of the barriers on cyclists and pedestrians is assessed as Very Low.

Beach users

In regard to views from the beach the LVA noted the focus is on views towards the water rather than the land. The replacement walls were assessed as having high visual impact which should reduce with weathering and as the bio mitigation textures reduce the reflectivity of the lower curve of the wall. The visual effects of beach nourishment will depend on material used with the assessment considering that if locally sourced material

¹² Barrier introduced via Memorandum 5.

¹³ Supplementary Report to LVA dated October 2019

is that visual effects will decrease over time from Moderate-Low to Very Low. The barriers are not proposed for areas that are adjacent to the main swimming beaches.

Views from the water

In regard to views from the water the LVA considers that while the wall will be visible from closer views, with a lighter more reflective tone than the older seawalls and with more consistent horizontal lines, the visual effect will be Very Low over time with age and weathering. The LVA considers the barrier does not change the level of effect from the water.

Summary

The LVA's summary concludes that overall, the adverse effects on visual amenity are considered to be Low to Very Low. Detailed design will determine the effects at a local scale with careful design of signage, path markings, safety features, stormwater and piped stream outlets, bus shelters and street furniture required to avoid visual clutter and maintain views.

Construction effects

During construction of each 20m section of seawall, views towards the coastal edge from the street will be screened by machinery, although residents in elevated locations will retain their distant views to the hills across the harbour. Views from the foreshore and water towards the road edge will also be obscured by machinery and construction works.

The visual impact of construction will be localised and temporary, with each bay expected to take 3-6 months to complete. Adverse effects are short term and considered to be Very Low.

Overall, the applicant considers the proposal to be an appropriate development in this location for the following reasons:

- The existing coastal edge has been modified by the road and historic seawall structures that have disrupted natural ecological processes
- Within the wider Eastern Bays landscape, the particular elements, features and experiential values that contribute significantly to the experiential natural character value of the area will remain unchanged
- Works are confined to narrow fringe of land between the road and the water. While it is an important component of the Eastern Bays landscape, this coastal edge has a low visual prominence within the wider landscape context

Expert peer review

A conclusion is reached by the applicant that effects on visual amenity are Low to Very Low and that effects on individual sites that are at street level with views directly across the road to the barrier the effect may be Moderate – Low but that there is the potential for this to reduce via the final design.

Mr Head's peer review, prior to the introduction of the safety barrier, concluded:

There is general agreement with the content and conclusions reached in the Applicants' LVA. The existing treatment of the coastal environment where the proposal is located is currently poor and in need of improvement. The proposals

address this adequately and represents a nett improvement on the coastal edge's appearance and functionality. The extent of the changes closely aligns with the current extent of the modified coastal edge – but not everywhere and so 'moderate' landscape effects will occur in these areas. This is a reasonable conclusion. Visual effects arising from the proposal are considered to be 'low' overall. This is a reasonable conclusion.¹⁴

The peer review went on to say that *high natural landscape values and amenity values enjoyed in the area will continue to be maintained following the proposal as currently presented which essentially 'tidies up' the existing situation in generic manner.*

Mr Head's peer review confirmed that the proposal was being considered as a worst case scenario, that is, without improvements that may occur via the LUDP process. Mr Head stated that there was a degree of discomfort with the proposal being submitted for resource consent that relied on further development. This is a matter that become more important when the barriers were introduced without a design or height being confirmed.

Following the introduction of safety barriers Mr Head's conclusion¹⁵ changed to adverse effects being Moderate as the barrier will be a prominent feature around a highly defined landscape edge. Mr Head's Position Statement does not include a final assessment on effects on visual amenity but in regard to landscape effects states adverse effects will be between Low and Moderate.¹⁶

Overall Mr Head considers that;

- the current proposal is lacking sufficient details to draw absolute conclusions;
- the outcomes are aspirational rather than actual and heavily reliant on the design and review process established via consent conditions.

Amendments to the conditions have been recommended by Mr Head and these are discussed below.

Submissions

There was very little commentary on the visual impact of the path but five submissions did state a barrier would be unsightly or was unnecessary. Two submissions commented that a barrier was necessary.

Avoiding, remedying and mitigating effects

The application states design features incorporated into the design will create consistency. The design features include;

- Continuous curved walls.
- A concrete trim along the seaward edge.

¹⁴ Page 11 Jeremy Head (WSP Opus) review of Landscape and Visual Assessment dated May 10 2019

¹⁵ Email dated 18 October 2019 from Jeremy Head to Shannon Watson

¹⁶ Page 5 Jeremy Head's (WSO Opus) Position Statement

- Material for beach nourishment is to be sourced locally to match existing beach material colour, grain size (sand) and texture (gravel).
- Allowing natural rock outcrops to maintain their integrity when they meet the road edge.
- Avoiding the use of plant beds along on the coastal edge, particularly beds with kerbs or stone edges. This is an exposed, marine environment and amenity horticulture degrades the existing natural character.

The applicant proposes to follow the process set out in conditions LV1 to LV7 to develop the proposal from the current Preliminary Design to a Detailed Design via development of the LUDP and BSUDP(s).

A suggested condition is that a Landscape and Urban Design Plan (LUDP) be developed in consultation with the ecologists, Hutt City Council, the Eastbourne Community Board, local resident organisations and the Eastern Bays community. Within each bay and at a local scale, final effects on natural character and visual amenity will be determined by finer grained detailed design through Bay Specific Landscape and Urban Design Plans (BSUDP). The BSUDP will include details such as:

- Seawall structures, including transition zones between seawall types;
- Beach access including steps, ramps and associated handrails where required;
- Safety barriers and railing;
- The treatment of stormwater structures at the coastal interface;
- Little Penguin and Shoreline Forager related structures including penguin passage elements, ramps, nests, boxes and wooden poles for roosting;
- Planting treatment;
- The treatment of existing trees and existing landscape and natural features;
- The design and area of space available for recreational amenity activities;
- The design and orientation of features, spaces and access points;
- Refuge and seating opportunities; and
- Signage and storyboards.

Assessment

It is acknowledged that the applicant's approach to developing detailed design through the process for generating the LUDP and BSUDP's allows some public input via the Eastbourne Community Board and residents associations has the potential, but not certainty, to result in a quality design. Equally, it limits the ability to assess visual effects because the assessment relies on understanding the design and scale of the proposal. The expert peer review by Mr Head is explicit in the difficulty or limited ability to assess the proposal given the fact detailed design is yet to be developed. Essentially the application relies on the process of developing the LUDP and BSUDP's to further mitigate the effects of the proposal.

District plan rule 13.3.1.37 lists the following structures as permitted activities, subject to compliance with the earthworks standard 13.3.2.5;

Traffic control signals and devices, light and decorative poles and associated structures and fittings, post boxes, landscaped gardens, artworks and sculptures, bus stops and shelters, phone boxes, public toilets and road furniture located within the road reserve and the rail corridor.

'Road furniture' is not defined in the district plan or RMA however the Resource Consent Team at Hutt City Council have confirmed that safety barriers and/or handrails alongside footpaths would be considered as a permitted activity under rule 13.3.1.37. The implication is that once the shared path is constructed and becomes part of the road reserve that barriers are a permitted activity and adverse visual effects associated with the barriers can be disregarded if the permitted baseline is applied.

The conditions of consent proposed by the applicant that relate to the design of the wall are numbered LV.1 through LV.7. GC.5 also is relevant as this sets out the process for certifying plans.

Because of the lack of detail design the following suggested amendments to the conditions of consent have been proposed by Mr Head. The intention of the suggested amendments to conditions is to ensure the final design is more likely to be of high quality.

The suggested changes were made in conjunction with Ms Hamilton and are shown the recommended conditions.

Overall, I consider that subject to the effective implementation of the recommended conditions of consent any overall biophysical adverse effects are less than minor and effects on visual amenity might range from less than minor to minor but that this is contingent on the LUDP and BSUDP process so a firm conclusion cannot be made.

7.4 Effects on Infrastructure

This section considers the effects on infrastructure including Marine Drive, bus stops, parking spaces and underground services.

Marine Drive

The proposal will enhance the protection of Marine Drive which is the only road access into Eastbourne, through upgrading and constructing of the shared path and seawall, so the proposal is considered to have a positive effect in this regard. The shared path will reduce the frequency and cost of clearing the road following storm events. Within the road reserve is the main outfall sewer pipeline that serves 146,000 residents and industry and the pipeline is regionally significant infrastructure. 'Resilience' has been discussed in greater detail by Mr Watson on behalf of GWRC and I concur with his comments.

Bus stops

The proposal includes relocating northbound bus stops at Mahina Bay and York Bay. The shelter at Mahina Bay is proposed to be moved 50m to the north to avoid encroaching onto useable beach space. The location of bus shelters will be confirmed with the GWRC as the authority that manages public transport. The design of bus shelters will be part of the LUDP consent process. The Design Features Report states in section 3.9 that in all circumstances the shared path will be directed to the rear of bus shelters to avoid conflict whereas the section 7.9.2 of the AEE states the shared path cannot be diverted behind bus shelters in all locations. It is noted that the placement of bus shelters is a permitted activity under district plan rule 13.3.1.37.

Several submissions commented on repositioning of bus stops or the amount of room around bus stops and potential conflict between path users and people waiting at bus stops.

Parking spaces

The application states that existing parking spaces will be retained where possible. Existing formal parking areas at Point Howard - Seaview Terminal side and Point Howard (landward side of road) Whiorau Reserve and at Days Bay will be unaffected.

In some locations informal parking occurs where there is additional shoulder width and in places this will be reallocated to the shared path. Informal parking at Point Howard and Windy Point exists and this informal perpendicular parking reoriented to diagonal or parallel respectively. These areas are shown in Figures 3-13 of the Design Features Report. Two submissions specifically mentioned that there is insufficient parking but do not comment on any particular location

Underground services

Powerco Ltd submitted on the proposal and indicated support as it will protect their infrastructure that is located within and adjacent to the road corridor. PowerCo Ltd requested that they are notified of any works within 3m of their assets.

Wellington Water submitted on the application and stated they have a neutral position. WWL stated that they have an interest in ensuring protection of water supply assets during construction. WWL's submission noted the presence of culverted streams that the SP will cross and suggested signage, variance in path materials or informational displays on these streams could be created. The submission also recommended the use of water sensitive design be incorporated into stormwater management.

Avoiding, remedying or mitigating adverse effects

In relation to potential conflict between path users and other people at bus stops the application states line marking and signage will be used to highlight areas of potential conflict. In addition, the path will be diverted around the rear of the bus shelters where possible.

In relation to the loss of some of the informal car parking spaces the applicant has proposed to create car parking spaces at Point Howard and Windy Point.

Assessment

The increased resilience of Marine Drive and the infrastructure assets within the road corridor is clearly a considerable positive effect of this proposal

The loss of some informal car parking spaces may cause pressure on parking availability in the local area. The number of informal parking spaces that will be lost has not been quantified but the mitigation offered via formalising some of the informal parking at Point Howard and Windy Point is an appropriate response. The loss of some informal parking spaces is an inevitable consequence of the shared path and was not an issue focused on strongly in submissions. Overall, the loss of informal car parking space is considered an acceptable consequence of the shared path.

The concerns raised regarding relocating two northbound bus shelters are acknowledged but it is noted that bus stops and bus shelters are a permitted activity in the district plan and therefore adverse effects due to relocating and/or erecting bus shelters can be disregarded as part of the permitted baseline. The inclusion of bus shelters within the LUDP process means the design of the shelters will include input from the Eastbourne Community Board and relevant Residents Associations. Overall, any

adverse effects due to relocating bus shelters are considered acceptable when the permitted baseline is taken into account.

There are no recommended changes to the conditions due to any of the comments made in this section.

7.5 Effects on tangata whenua

The application acknowledges that the harbour as whole is highly significant to tangata whenua. The application was provided to the Port Nicholson Block Settlement Trust due to the site being adjacent to a statutory acknowledgment area. As part of the public notification notice was served on Port Nicholson Block Settlement Trust; Te Runanga o Ngati Toa; Wellington Tenth's Trust; Te Atiawa ki te Upoko o te Ika a Maui Potiki Trust and Waiwhetu marae

A cultural impact report (CIR) was included with the application. The application notes the concluding comments of the CIR which is that the shared path "*should have only minor cultural impacts largely related to the rocky coastline of the area and perhaps on some sites around the harbour. The provision of a safe shared pathway for pedestrians and cyclists would be welcome addition to the area for all.*"

Avoiding, remedying or mitigating adverse effects

Three conditions have been proffered, AP.1 – AP.3, that relate to:

- *Discovery of Archaeological Features or Deposits*
- *Discovery of Taonga*
- *Tangata Whenua Contacts*

In addition, the application states that the project offers opportunities through story boards and signage to enhance cultural and heritage values and share them with the community. Signage and storyboards are included as one of the design details required via condition LV.7

Assessment

Taking into account the concluding comments within the CIR, the proffered conditions of consent and the lack of submissions relating to cultural matters the proposal is considered to be acceptable in relation to effects on tangata whenua.

Recommended conditions

I consider the proffered conditions are acceptable and appropriate.

7.6 Effects related to construction activity

Context

The Design Features Report (Appendix J) outlines the design details and construction methodology for the design features. Appendix J should be referred to for the full details. The application notes that details of the design features may change as the design progresses and the construction methodology may vary.

The construction period is estimated at 6 years with a staged approach completing each bay in totality with each section expected to take 3-6 months to complete. In places the shared path will be constructed opposite dwellings and in these locations residents will be highly aware of the construction activity whereas in other locations construction effects will be limited to the functioning of the transport network.

Adverse Effects

Effects on the CMA, sediment discharge, contaminants and habitat disturbance have been assessed within the s42 report prepared by Mr Watson and these effects largely fall within the jurisdiction of GWRC. The assessment below is focused on construction related effects above the seawall.

During construction the proposal will affect the flow of traffic, cyclists and pedestrians along Marine Drive as temporary traffic management and lane closures will be necessary at times. The application states that a stop-go system will be in place with work undertaken at off-peak times where possible while also at times having to undertake work at low tide.

Other potential construction associated effects include noise, dust, vibration and temporary visual effects due to the presence of machinery in the area.

The application considers that these are typical effects of any construction activity and will occur during the daytime. The application considers that dust nuisance is unlikely due to the materials that will be encountered and that vibration effects are not expected.

Expert peer review

David Wanty's assessment of transport related matters noted the proffered Traffic Management Plan (TMP) and did not suggest any changes to this condition.

Submissions

Wellington Water Ltd submitted on the application and stated they have a neutral position. WWL stated that they have an interest in ensuring protection of water and waste water assets during construction and suggested that conditions and controls should address this matter.

Avoiding, remedying and mitigating effects

In relation to construction effects the applicant's proffered conditions of consent include a Construction and Environmental Management Plan (CEMP) and Traffic Management Plan (TMP). The TMP will identify how temporary access for all transport modes will be provided for and will include residents to be informed of the programme of works and likely traffic disruptions.

The application states¹⁷ that night works, if required, will not occur adjacent to nearby residents. Post lodgement of the application a condition has been proffered relating to construction noise. Initially the proposal stated that construction, demolition and maintenance will comply with the relevant NZS Construction Noise Standard (NZS 6803P) and that if work were to occur at night that a resource consent would be sought at a later date. Subsequently, a condition has been proffered which requires construction works to comply, *as far as practicable*, with NZS 6803:1999. The use of the wording, *as far as practicable*, introduces uncertainty into the condition of consent and in my view should be removed from the condition. If the construction works do not comply with district plan rule 14A 2.1 (f), which permits construction noise in accordance with NZS 6803P, then consent will need to be sought.

Assessment

Construction related effects are temporary and will be spatially limited at any one time. The approach of using management plans which need certification before approval ensures that appropriate measures will be included in the management plans. Overall, I consider that construction effects can be appropriately mitigated to an acceptable level subject to the effective implementation of conditions.

Recommended Conditions

Noise arising from Construction Works shall be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction Noise and shall comply, ~~as far as practicable~~, with the noise criteria set out in the following table:

Table CNV1: Construction noise criteria

Day	Time		LAeq(15 min)	LAFmax
Residential buildings				
Weekdays	0630h	–	55 dB	75 dB
	0730h		70 dB	85dB
	0730h	–	65dB	80dB
	1800h		45dB	75dB
	1800h	–		
	2000h			
	2000h	–		
Saturdays	0630h	–	45 dB	75 dB
	0730h		70 dB	85 dB
	0730h	–	45 dB	75 dB
	1800h		45 dB	75 dB
	1800h	–		
	2000h			

¹⁷ Section 20.3.5.

	2000h 0630h	–		
Sundays and Public Holidays	0630h	–	45 dB	75 dB
	0730h		55 dB	85 dB
	0730h	–	45 dB	75 dB
	1800h		45 dB	75 dB
	1800h	–		
	2000h			
	2000h 0630h	–		
Commercial and industrial receivers				
All	0730h	–	70 dB	
	1800h		75 dB	
	1800h	–		
	0730h			

7.7 Effects on heritage

The proposed path passes by the Skerrett Boat Shed in Days Bay which is listed in the Heritage Chapter of the District Plan.

The path will narrow at this point to avoid the boat shed being physically impacted. Because the boat shed is untouched by the shared path and the path will not screen or alter the visibility of the boat shed there is no adverse effect on the shed's heritage values.

7.8 Vegetation and gravel beach ecosystem

Information on the vascular vegetation and flora found in the project area are outlined in the Assessment of Environmental Effects on Coastal Vegetation and Avifauna contained in Appendix C and this should be referred to for a full description.

The application states that the sites within the project area have a moderate to high ecological values associated with the presence of seagrass (assessed by Mr Watson) and that *... "One Nationally Critical (*Atriplex cinera*) and eight At Risk indigenous plant species occur within, or very near to, the shared path footprint. Two of these species are restoration plantings (*Atriplex cinera*, pingao). Six are in HCC landscape plantings at Point Howard and Windy Point. The seagrass in Lowry Bay is the only one not derived in some way from human agency¹⁸."* Sparse vegetation cover exists on narrow stretches of beach gravels and sands above MHS in Whiorau/Lowry, York and Sunshine Bays and at Windy Point. The small gravel beaches present in all five bays are classified as

¹⁸ Page vii paragraph 9 AEE on Coastal Vegetation and Avifauna.

an endangered, historically uncommon ecosystem (shingle beaches). Although the gravel beaches are an endangered naturally uncommon ecosystem, the ecological value of the gravel beaches ecosystem that would be lost to the shared path is described as moderate because of its highly modified condition, small extent and the erosion occurring.

The application states erosion over the last two or three years has caused significant loss of beach gravel and sand vegetation cover.

A 'Significant Natural Resource' is a district plan overlay. Significant Natural Resource 44 is located at Point Howard. The district plan listing for SNR 44 is "*Point Howard Beach – Plant – Melicytus obovatus* ss 'coast". The Assessment of Coastal Vegetation and Avifauna did not include this plant in the table (table 4-2) of Threatened and At Risk indigenous species found within or very near to the shared path footpath. Because the plant has not been identified as being within or near the shared path footprint it is considered the adverse effects on SNR are avoided.

Effects

The application states that the shared path alignment will affect six At Risk Species in an area of HCC landscape planting. A single pingao plant at Whiorau/Lowry Bay and its habitat will be lost. Some *Atriplex cinera* (Nationally Critical) plantings may be vulnerable to crushing by the machinery.

The vegetated parts of the gravel beach ecosystem at Lowry Bay will be translocated to the beach nourishment area along with the pingao. The application acknowledges that elsewhere parts of the ecosystem will be lost under the shared path and seawall footprint. Measures within the CEMP, and additional measures discussed below, are intended to ensure that construction effects on remaining beach gravel ecosystems are appropriately mitigated. The areas where beach nourishment is occurring, Point Howard, Lowry Bay and York Bay, means the gravel beach ecosystem will be sustained at these beaches. Because of the moderate ecological value, due to the small extent, highly modified state and erosion, the post mitigation effects on gravel beach ecosystems are assessed as being low.

Submissions

The submission by East Harbour Environmental Association commented that the use of heavy machinery on rocks and beaches will damage flora and that this has not been taken into account.

Avoiding, remedying and mitigating effects

The applicant states options to mitigate the effects on vegetation include translocating existing plants and their gravel to suitable locations which includes nearby reserves such as Whiorau Reserve, Claphams Rock and beaches at Point Howard, Lowry Bay and York Bay including beach nourishment areas.

The application states the following provisions will be included in the CEMP;

- avoiding the use of machinery and other forms of disturbance in vegetated areas through the creation of low barriers;

- For works in vegetated gravel beaches, apply vegetation direct transfer rehabilitation principles as practicable: remove vegetation and the top substrate separately from the underlying gravels and apply to prepared rehabilitation sites as set out above, and bury woody material (to minimise carbon release).
- retaining isolated shrub vegetation between the shared path margin and revetment.

Page 51 of the applicant's assessment of ecological effects sets out several provisions that should be included in the Construction and Environmental Monitoring Plan and Beach Nourishment Management Plan. These have not been included in the proposed conditions which may have been an oversight. It is recommended the provisions below are included in the conditions and they have been included in the recommended conditions.

“i. Translocate the existing gravel beach vegetation at Lowry Bay (native and adventive species, including the pīngao) into the beach nourishment area immediately seaward of the shared path footprint. Apply vegetation direct transfer rehabilitation principles as practicable.

ii. Aim to avoid the use of machinery and any other disturbance at existing vegetation on gravel beaches in the construction zone, provided that vegetation is proposed to remain in-situ.

iii. Transplant the six At Risk species in the landscape plantings at Point Howard and Windy Point to adjoining currently grassed areas or to adjoining reserves (such as Whiorau).

*iv. Recognise *Atriplex cinerea* plantings at York Bay and Claphams Rock as sensitive sites in the CEMP and create low landscaping barriers to avoid vehicles crushing at risk plants.*

v. Where revetment is constructed without a cantilever wall, retain existing isolated shrub vegetation patches between the shared path margin and the revetment.

vi. Thoroughly clean off earth materials any machinery that would be working on the backshore where vegetation is present. vii. Physically demarcate the location of seagrass within the 5 m seawall construction zone at south Lowry Bay.

viii. Undertake works near seagrass localities outside spring tide periods, to minimise the risk of sediment mobilisation into the sea caused by higher tide levels overtopping sediment control measures.

b. Include the following provisions in the Beach Nourishment Management Plan:

i. At all three beaches, specify the methods to separate excavated beach sediments from shared path foundations into those suitable for placement on beaches, and dispose offsite those that have significant levels of silt and clay (

ii. At Lowry Bay, ensure any barging of beach nourishment material is appropriately separated from seagrass beds to avoid any disturbance.

iii. Prepare a site within the beach nourishment area immediately seaward of the shared path footprint at Lowry Bay near the present pīngao location that has a top layer of uncompacted beach sediments. Translocate the existing pīngao patch and other vegetation and their gravel and sand habitat at Lowry Bay to this site.

Recommended Monitoring

Include the following monitoring provisions and contingent actions in the Construction and Environmental Management Plan or Beach Nourishment Management Plan:

i. Undertake a pre-construction baseline assessment and post-construction outcome assessment for Threatened and At Risk plant species, and the vegetated gravel beaches.

ii. Monitor for any post-construction establishment of invasive weeds (including boneseed and old man's beard) and remove as necessary, for a period of two years after works in any one bay are completed.

iii. Include provisions in the beach nourishment monitoring plan to monitor seagrass mortality/survival and changes in densities and distribution. Undertake monitoring on one occasion before works occur and on two annual occasions after works occur (giving four measurements with the existing baseline survey, recognising temporal and spatial seagrass variability).

iv. Undertake seagrass restoration if there is a significant net loss that is likely to be attributable to proxy nourishment or beach nourishment."

Assessment

A conclusion is reached by the applicant where the adverse effects on vegetation when taking into account the mitigation measures are less than minor and that post mitigation effects on the beach gravel ecosystem is low.

The preferred mitigation option is to translocate the existing pīngao patch and its gravel and sand habitat immediately seaward of the project footprint, in conjunction with the beach nourishment programme. Compaction of beach sediments at the chosen site would need to be minimised. This would retain the pīngao on-site for a period of some years to decades, until lost to eventual erosion.

The expert review of the project by Dr Roger Uys included an assessment on vegetation. In an email to Shannon Watson dated 24 October 2019 Dr Uys stated "*I am satisfied that there are no plant species of concern on the single beaches that cannot be replaced by plantings.*"

Given the statement above by Dr Uys and the applicants expert assessment I consider the effects on vegetation, taking into account the mitigation measures, will be less than minor. Accordingly, subject to the effective implementation of the recommended conditions I consider that the adverse effects on the vegetation and gravel beach ecosystem(s) are less than minor.

Atkinson Tree

A planted pohutukawa on York Bay beach is known as the Atkinson Tree and the proposal requires the removal of the tree. The Atkinson tree appears to be located close to the middle of the proposed path with little ability to deviate around the tree or narrow the path at this point.

Retaining the Atkinson tree was mentioned in nine submissions with its visual amenity and shading valued by submitters. One submitter suggested that the path could be narrowed at this section to allow the tree to be retained. The application states that an arborists report has concluded that tree is in poor health and is unlikely to survive being relocated to another location.

Removal of this tree will clearly be an adverse effect of the shared path for the submitters and others who value its presence. Several other trees along the path are being retained with the path being narrowed and trimmed in some cases.

The legal opinion discussed earlier determined that the land on the seaward side of the road, that is not zoned on the district plan planning maps, does not have a zone and that the general district wide provisions only need to be assessed and considered. The Atkinson tree it is not protected by the general district wide provisions and as such resource consent is not required to remove the tree. Accordingly, if this aspect of the permitted baseline is applied the adverse effects associated with removing the tree can be disregarded. Nevertheless, the BSUDP process may be an opportunity to further explore whether any options exist for retaining or replacing the tree.

7.9 Ecological Effects

Ecological effects of the project have been assessed by Mr Watson as ecological effects mostly fall within the jurisdiction of GWRC. One species in particular, the New Zealand Little Penguin, whose nesting sites are within HCC's jurisdiction, clearly overlap jurisdictional boundaries. I confirm I have reviewed Mr Watson's assessment and support his conclusions in regard to effects on NZ Little Penguins. Mr Watson's 'Overall Assessment' of effects on Little Penguins states:

Dr Uys advises that provided the applicant can accommodate 100 nesting opportunities at an appropriate spacing across the habitat enhancement areas, and an appropriate framework for pest management can be developed in accordance with the guidance provided above, effects on little penguins can be managed to an acceptable level.

I have recommended conditions of consent having regard to these matters. Should consent be granted, subject to the effective implementation of these conditions, I am satisfied the effects on little penguins can be appropriately managed.

Mr Watson's report should be referred to for the assessment on the NZ Little Penguins.

7.10 Positive Effects

The application sets out in Section 23 of the AEE the key transportation outcomes that are expected to be achieved as follows:

- Improving safety for pedestrians and cyclists;
- Increased numbers of pedestrians and cyclists;
- Increase availability of the route through reducing the times it is needs to be cleaned following storm events

The economic analysis of the project included the following benefits;

- accessibility and connectivity;
- choice of transport modes and travel time;
- safety benefits for cycling a facility;
- resilience;
- health and environmental benefits for a cycling and walking facility; and
- recreation and social benefits.

The economic evaluation also included quantifying health, travel time and safety benefits. These benefits are acknowledged and the assessment adopted. The positive effects were taken into account in making a recommendation on the application.

Summary and conclusion on effects within Hutt City Councils jurisdiction

The effects associated with this proposal are wide and varied and there is a small degree of uncertainty in relation to landscape and visual amenity effects due to the proposal being developed to a preliminary stage.

Transport related effects are overall considered to be positive due to the proposal promoting active transport modes and the seawall increasing the protection of Marine Drive. The key issue where there is uncertainty between experts is in relation to safety of path users where the path narrows to 2.5m. Noting that the applicants safety audit of the preliminary plans did not raise concern about user safety, nor did the applicants own transport and recreation experts or Mr Wanty consider the 2.5m sections to be unacceptable my view is the 2.5m sections are acceptable from a safety perspective. I highlight that Ms Hamilton has not been able to come to the same conclusion.

Effects on recreation amenity related to path use are uncertain to a degree due to the reliance on the development of the LUDP and BSUDP's to achieve quality outcomes. Amendments to the conditions proffered by the applicant have been recommended to add more certainty to the outcome of the development process. However, the LUDP and BSUDP processes do not guarantee outcomes so it is not possible to come to a firm conclusion on the recreation amenity benefits of the proposal.

Effects on visual amenity are varied depending on the viewpoint. Overall, where a barrier is not proposed there is agreement that effects could be less than minor but this again depends to a degree on the LUDP and BSUDP's. Where a barrier is present the effects will depend on height and design and the particular viewpoint. As stated above amendments to the conditions proffered by the applicant have been recommended to add more certainty to the outcome of the development process.

Effects on infrastructure are positive or within the range of activities that can occur as of right within the road reserve. These effects are overall acceptable.

Effects on tangata whenua have been appropriately considered and appropriate consultation undertaken by the applicant. The proffered conditions of conditions are acceptable. Effects on tangata whenua are considered to be acceptable with the potential to create positive effects via storyboards and signage to enhance cultural and heritage understanding of the area.

Construction related effects can be managed appropriately through the methods outlined in the application and the amended CEMP. Construction related effects within the jurisdiction of HCC are considered to be no more than minor.

Effects on vegetation can be appropriately mitigated through relocating plants and gravel beds following best practice. The effects are no more than minor.

Ecological effects have been assessed by Mr Watson and I support his conclusions on matters (Penguins) that fall within the jurisdiction of HCC.

8. Objective and policies of the relevant planning instruments 104(1)(b)

8.1 National planning instruments

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

I concur with the applicant's assessment of the relevance of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health on page 96 of the AEE. Accordingly, I adopt that assessment which is not repeated here for brevity.

New Zealand Coastal Policy Statement

In addition to the assessment provided in the AEE the applicant has provided further assessment in Memorandum 1. The relevant objectives and policies are set out below and then an assessment of the proposal in relation to the objectives and policies follows.

Objective 1

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with*

significant adverse effects on ecology and habitat, because of discharges associated with human activity.

Policy 1(2) establishes that the 'coastal environment' includes both the natural and built environment, such as infrastructure, areas at risk from natural hazards and items of cultural heritage. The proposal is clearly safeguarding the integrity, form, functioning and resilience of the built component of the coastal environment.

Policy 11 Indigenous biological diversity (biodiversity)

To protect indigenous biological diversity in the coastal environment:

- a) avoid adverse effects of activities on:*
 - i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
 - ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
 - iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
 - iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
 - v. areas containing nationally significant examples of indigenous community types; and*
 - vi. areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*
- b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
 - i. areas of predominantly indigenous vegetation in the coastal environment;*
 - ii. habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
 - iii. indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*
 - iv. habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
 - v. habitats, including areas and routes, important to migratory species; and*

vi. ecological corridors, and areas important for linking or maintaining biological values identified under this policy

In relation to the eight At Risk¹⁹ plant species and the gravel beach, an endangered naturally occurring uncommon ecosystem, which occur within HCC's jurisdiction, the potential adverse effects on these indigenous ecosystems and habitats are mitigated by the proposal to translocate these areas immediately seaward of the proposed shared path or to dune restoration sites nearby.

The proposal's effects on vegetation and gravel beach ecosystems have been considered with the ecological value of the gravel beach ecosystem considered to be Moderate. Subject to undertaking translocation following best practice along with additional provisions being inserted into the CEMP, as recommended by the applicant's vegetation expert, the proposal will be consistent with Objective 1 and adverse effects are avoided.

With the exception of the above comments in relation to vegetation in regard to protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of the indigenous coastal flora and fauna and maintaining coastal water quality the overall assessment by Mr Watson is relied upon and should be referred to.

In relation to the NZ Little Penguin the assessment by Mr Watson is relied upon.

Objective 2

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
- encouraging restoration of the coastal environment*

In regard to Objective 2 I generally concur with the applicant's assessment in the AEE, additional assessment contained in a Memorandum titled 'Responses to Further Information Request received 29 May 2019' dated July 2019 and in the Supplementary LVA Report. These assessments include consideration of policies 6, 10, 13, 14, 15 and 18.

The proposal will occur along a narrow band in an already modified coastal environment with seawalls of varying designs and quality along the length of most of the shared path. No outstanding natural features, outstanding natural landscapes or areas with outstanding natural character have been identified in the project area.

Mitigation through the use of a consistent path width and seawall detailing will manage effects noting that the finer design details are reliant on the LUDP and BSUDP which introduces some uncertainty to the outcome. The material for beach nourishment will be

¹⁹ Page 39 AEE Coastal Vegetation

chosen to match existing beach material which should effectively mitigate natural character related effects.

Restoration includes removal of redundant structures and concrete slabs used as part of the existing revetment as well as restoration of the intertidal areas through creating texture on the new concrete seawalls where habitats may re-establish.

The conclusion in the first peer review of Landscape and Visual Assessment stated “*It is agreed that the high natural character landscape values and amenity values enjoyed in the area will continue to be maintained following the proposal as it is currently presented which essentially ‘tidies up’ the existing situation in a generic manner*”. It is noted that this assessment was made prior to railings being proposed in some areas and the peer reviewer (Mr Head WSP-Opus) concluded in his Position Statement that effects on natural character would be between Low and Moderate. Policy 15 (b) requires protecting the natural features and landscapes of the coastal environment from significant adverse effects and avoiding, remedying or mitigating other effects in the coastal environment. Effects on natural features occur along a narrow band of land where there are existing seawalls for most of the path length and the proposal has not been assessed as significant by the applicant or peer review expert.

Overall, significant adverse effects have been avoided the proposal is considered to be consistent with Objective 2 and related policies.

Objective 3

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *incorporating mātauranga Māori into sustainable management practices; and*
- *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua*

I concur with, and adopt, the assessment in the AEE in regard to Objective 3 which considers the proposal is consistent with Objective 3.

Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
- *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional*

reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and

- *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*

In regard to Objective 4 I concur with the applicant's assessment in the AEE. The assessment includes consideration of policies 18, 19 and 20.

The proposal will clearly enhance public walking and cycling along the coast. The proposal will also ensure public access along the coast is maintained when sea level rise reduces the ability to walk along the foreshore. Beach access will be maintained and in places enhanced with further refinement possible through the LUDP and BSUDP development process. No new vehicle or boat access is proposed but boat ramp access will be maintained. Beach nourishment will mitigate effects associated with foreshore loss.

Overall, public space qualities and recreation opportunities in the coastal environment are maintained and the proposal is achieving Objective 4.

Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and*
- *protecting or restoring natural defences to coastal hazards.*

In regard to Objective 5 I generally concur with the applicant's assessment in the AEE. The assessment includes consideration of policies 24 - 27.

The application considers the seawall is the only short to medium term option to protect Marine Drive and regionally significant infrastructure along the coast. The proposal is acknowledged as being the first step in incremental seawall upgrades or other options to respond to sea level rise. This is a reasonable conclusion and I consider the proposal meets Objective 5.

Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*

- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

In regard to Objective 6 I generally concur, and adopt, the applicant's assessment in the AEE. The assessment includes consideration of Policy 6.

I concur with the AEE's assessment in regard to the shared path having a functional need to be located in the CMA given the lack of realistic alternatives. This is a reasonable conclusion and I consider the proposal meets Objective 6.

Policy 17 Historic heritage identification and protection

Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;*
- (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;*
- (c) initiating assessment and management of historic heritage in the context of historic landscapes;*
- (d) recognising that heritage to be protected may need conservation;*
- (e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;*

(f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;

(g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;

(h) requiring, where practicable, conservation conditions; and

(i) considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

The Skerrett Boatshed in Lowry Bay is a category 2 listed historic building. The shared path avoids impacting upon the building by narrowing as it passes the boatshed.

Conditions of consent have been proffered that relate to discovery of archaeological deposits and taonga.

The proposal is considered to meet policy 17.

National Policy Statement on Urban Development 2020

The NPS UD applies to planning decisions by any local authority that affect an urban environment. Policy 1 is;

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and

This proposal will enhance accessibility between the eastern bays and promote the use of active transport. The proposal meets this Policy 1.

8.2 Regional Policy Statement

8.2.1 Regional Policy Statement (RPS)

The RPS outlines the resource management issues of significance to the region and provides a framework for managing the natural and physical resources of the region in a sustainable manner. Further to this, the RPS identifies objectives, policies and methods which are designed to achieve integrated management of the natural and physical resources of the whole region.

The AEE sets out, according to the applicant, the key objectives and policies. Where the assessment within the AEE is agreed with this is adopted and the assessment is not repeated. In some instances, additional points are made or comments are made.

Objective 3

Habitats and features in the coastal environment that have significant indigenous biodiversity values are protected; and Habitats and features in the coastal environment that have recreational, cultural, historical or landscape values that are significant are protected from inappropriate subdivision, use and development.

Policy 37, Safeguarding life-supporting capacity of coastal ecosystems – consideration

In relation to habitats and features in the HCC jurisdiction the proposal and associated conditions will ensure adequate mitigation is undertaken in relation to habitats and features with significant biodiversity values. Given the expert assessment submitted with the application and the expert comments from Dr Uys from GWRC I consider this objective is met in regard to matters within HCC's jurisdiction.

Objective 4

The natural character of the coastal environment is protected from the adverse effects of inappropriate subdivision, use and development.

Policy 35 sets out what matters regard must be had to in preserving the natural character of the coastal environment. Policy 36 sets out what matters should be considered when determining whether an activity is inappropriate in the coastal environment.

The objective relates to inappropriate use and development. The proposed seawall and shared path will largely replace existing seawall so this form of development already exists in this area. The earlier assessment in this report, and assessment within Mr Watson's report on the effects on natural character, have confirmed that the adverse effects are on natural character are at a level that cannot be considered inappropriate and therefore the proposal is not contrary to Objective 4.

Objective 6

The quality of coastal waters is maintained or enhanced to a level that is suitable for the health and vitality of coastal and marine ecosystems.

Objective 7

The integrity, functioning and resilience of physical and ecological processes in the coastal environment are protected from the adverse effects of inappropriate subdivision, use and development.

The above objectives and associated policies has been addressed by Mr Watson in his s42A report.

Objective 8

Public access to and along the coastal marine area, lakes and rivers is enhanced (objective 8 is shared for the coastal environment and fresh water).

As discussed earlier this proposal has significant positive effect on public access to and along the coastal marine area. The proposal meets this objective.

Objective 10

The social, economic, cultural and environmental, benefits of regionally significant infrastructure are recognised and protected.

The proposal protects regionally significant infrastructure so the proposal is assessed as meeting this objective.

Objective 16

Indigenous ecosystems and habitats with significant biodiversity values are maintained and restored to a healthy functioning state.

Within the HCC jurisdiction the impact upon indigenous vegetation will be mitigated by translocating plants as discussed earlier and this has been accepted by Dr Uys (GWRC).

In relation to Little Penguins assessment provided by Mr Watson is supported which concludes any effects are less than minor after mitigation.

Objective 19

The risks and consequences to people, communities, their businesses, property and infrastructure from natural hazards and climate change effects are reduced.

Objective 20

Hazard mitigation measures, structural works and other activities do not increase the risk and consequences of natural hazard events.

Objective 21

Communities are more resilient to natural hazards, including the impacts of climate change, and people are better prepared for the consequences of natural hazard events.

The proposal will reduce the risk and consequences of natural hazards in the form of storm surge. However, it is noted that the proposal is a first step in incremental upgrades to mitigate sea level rise associated effects. The proposal is considered to meet these objectives.

Objective 22

A compact well designed and sustainable regional form that has an integrated, safe and responsive transport network and:

(a) a viable and vibrant regional central business district in Wellington city;

(b) an increased range and diversity of activities in and around the regionally significant centres to maintain vibrancy and vitality;

(c) sufficient industrial-based employment locations or capacity to meet the region's needs;

(d) development and/or management of the Regional Focus Areas identified in the Wellington Regional Strategy;

- (e) urban development in existing urban areas, or when beyond urban areas, development that reinforces the region's existing urban form;*
- (f) strategically planned rural development;*
- (g) a range of housing (including affordable housing);*
- (h) integrated public open spaces;*
- (i) integrated land use and transportation;*
- (j) improved east-west transport linkages;*
- (k) efficiently use existing infrastructure (including transport network infrastructure); and*
- (l) essential social services to meet the region's needs.*

The proposal will improve the transportation function of Marine Drive, increase cyclist and pedestrian safety and increase connectivity along the eastern bays. This objective is achieved.

Objective 23

The region's iwi authorities and local authorities work together under Treaty partner principles for the sustainable management of the region's environment for the benefit and wellbeing of the regional community, both now and in the future.

Objective 24

The principles of the Treaty of Waitangi are taken into account in a systematic way when resource management decisions are made.

Objective 25

The concept of kaitiakitanga is integrated into the sustainable management of the Wellington region's natural and physical resources.

Objective 26

Mauri is sustained, particularly in relation to coastal and fresh waters.

Objective 27

Mahinga kai and natural resources used for customary purposes, are maintained and enhanced, and these resources are healthy and accessible to tangata whenua.

Objective 28

The cultural relationship of Māori with their ancestral lands, water, sites, wāhi tapu and other taonga is maintained.

The application sets out how objectives 23 – 28 were met in appendix S and I adopt this assessment.

8.3 City of Lower Hutt District Plan

The relevant area wide objectives and policies are;

Objective 1.10.6 Recreation and Open Space

To provide and maintain a diverse range of open space and recreation facilities for the enjoyment of residents and visitors which meets the needs of different sectors of the community.

The relevant policies are:

- d) To ensure the conservation of natural and heritage features and landscapes.*
- e) To restrict the development of buildings and structures to ensure the open space characteristics and amenity values of land within the Recreation and Open Space Activity Areas are maintained and enhanced*

The proposal is considered to meet this objective as the shared path will enhance passive recreation opportunities around the coastline. Policy (e) is related to a district plan rule that limits the scale of buildings in recreation activity areas. This proposal does not adversely affect the open space characteristics of the area given the path is a low level 'structure'.

Objective 1.10.11 Lessening Natural Hazards

To avoid or mitigate the vulnerability and risk of people and development to natural hazards.

The relevant policy states:

- d) To manage areas susceptible to coastal hazards such as coastal erosion and sea level rise*

The proposal will lessen the vulnerability of Marine Drive to coastal erosion so is considered to be consistent with this objective.

The shared path will traverse General Business Activity Area, General Recreation Activity Area and Hill Residential Activity Area and road reserve. A section of the shared path passes through a Significant Natural Resource and passes by a Grade 2 heritage building that is identified in the district plan.

The first relevant objective for the General Business Activity Area is:

Objective 6A 1.1.1

To accommodate those non industrial activities which are suitable in the General Business Activity Area and which do not cause adverse effects on amenity values of the area and the receiving environment.

The relevant policy is:

(e) That the accommodation of non-industrial activities avoids or mitigates adverse effects on the amenity values of the area and the environment

The General Business Activity Area section of the shared path is at Point Howard where the path traverses Centreport land. No seawalls are proposed within this area. The shared path will extend across a grass berm and a sealed area with minimal physical change to the area.

Due to the minimal physical works the proposal will not cause adverse effects on the General Business Activity Area and is considered to meet the objective and policy. Submission 30 (Z Energy, BP Oil NZ Ltd, Mobil Oil NZ Ltd) raised concern with conflict between vehicles turning into this area and path users. The submission requested that appropriate signage and infrastructure be erected in this area to warn road users entering the Point Howard headland of cyclists and pedestrians. The submission also requested that a condition be imposed that requires consultation with NZSOL (pipeline managers overseeing ongoing pipeline inspections/maintenance) and Z Energy who are responsible for the upgrade to the pipelines in this area) is ought. The justification for such a condition will be raised/discussed when Z Energy, BP Oil NZ Ltd, Mobil Oil NZ Ltd speak to their submission.

Overall, the proposal is considered to be consistent with the objective and policy discussed above.

Objective 6A 1.2.1 Effects on the Amenity Values of the Area

To maintain and enhance the amenity values of the activity area and neighbouring areas.

c) That buildings or structures in the Point Howard General Business Activity Area located on Eastern Bays Marine Drive adjacent to the Seaview Tanker Terminal be designed and maintained to maintain and enhance the amenity values and character of the coastal environment

This proposal does not introduce any new structure(s) within the Point Howard area because the shared path is crossing existing land only in this section.

Overall, the proposal is considered to be consistent with the objective and policy discussed above.

The relevant objective for the Hill Residential Activity Area is:

Objective 4D 1.1.1

To maintain and enhance the distinct characteristics and amenity values associated with the hillside residential areas of the City.

The relevant policies are:

a) That the visual appearance and nature of earthworks be managed to minimise the adverse effects on the visual amenity values of the hillside environment.

- b) *That the clearance of vegetation be managed to avoid, remedy or mitigate any adverse effect on the visual amenity values of the hillside environment or the intrinsic values of ecosystems.*

The Hill Residential section of the shared path is 428 Marine Drive (privately owned) which is a 708m² irregular shaped site in Mahina Bay that does not contain any buildings. The site is separated from other Hill Residential sites by Marine Drive. The path will deviate around a tree on this site to allow the tree to be retained. The shared path will have a negligible effect on the amenity values of the Hill Residential Activity Area due to the minor bulk of the works and separation from residential sites. Any effects due to earthworks will be avoided once the path is constructed.

Overall, the proposal is considered to be consistent with the objective and policy discussed above.

The relevant objectives for the General Recreation Activity Area are:

Objective 7A 1.1.1

To ensure that recreation activities have adverse effects, which are no more than minor on adjoining residential activity areas.

Policies

- a) *To ensure that recreation activities are of a scale and character that amenity values of adjoining residential activity areas are not affected adversely.*
- b) *To ensure that adverse effects, such as noise, glare, light spill and odour, generated by activities in the General Recreation Activity Area, are managed to ensure that residential amenity values are maintained.*

The General Recreation Activity Area(s) are at Whiorau/Lowry Bay Reserve, Mahina Bay and close to Windy Point. The expected increase in recreation activity will be physically separated from residential activity by Marine Drive. The separation distance, and nature of the expected activity, means adverse effects on residential amenity will be avoided.

The proposal is considered to meet the above objective and policies.

Objective 7A 1.1.2

To ensure that recreation activities carried out are compatible with the physical characteristics of the land.

Policy (a) *To encourage land of suitable topography to be developed and used for formal and active forms of recreation.*

The Issue Statement for this objective and policy states areas which are generally flat and not covered in bush should be developed for more active and formal recreation purposes. The flat topography is ideal for a shared path.

The proposal is considered to meet the objective and policy.

Objective 7A 1.2.1

To control the size, scale, character, location and external appearance of buildings and structures.

Policies

- a) *To ensure that the external appearance of buildings and structures have adverse effects which are no more than minor on the amenity values of adjoining residential activity areas.*
- b) *To ensure that the design and external appearance of buildings and structures maintains and enhances the amenity values of recreation and open space areas.*
- c) *To ensure that the location, size and scale of buildings and structures have adverse effects which are no more than minor on the functioning of other activities.*
- d) *To encourage the multi-utilisation of buildings and structures*

The LVA considers that the effects on visual amenity on individual residents will be determined by the finer grained detailed design of the safety structures. The LVA considers the potential effects on residential amenity will be Low if design principles are followed. However, residences have been identified within the Supplementary LVA Report where barriers will partially screen direct views of the coastal edge and harbour and the effect on the visual amenity for these residents will be Moderate to Low with the LVA considering this effect may be reduced through final design detailing. The peer reviewer of the LVA, Mr Head, does not distinguish between landscape effects and visual amenity effects. Mr Head considers landscape effects where the barrier is present as Moderate which must be more than minor. Due to the lack of detailed design a firm conclusion cannot be reached as to whether the proposal is contrary to Policy a) which seeks to ensure that the appearance of buildings and structures have adverse effects on the amenity values of adjoining residential areas that are no more than minor.

The relevant objectives within the Network Utilities Chapter are:

Objective 13.1.1

To recognise and protect the benefits of regionally significant network utilities

Policies

- a) *To identify regionally significant network utilities within the City on Council planning maps, as practicable.*
- b) *To recognise the national, regional and local benefits of regionally significant network utilities.*

I concur with the AEE which notes Marine Drive is a regional access road and the shared path would be part of a regional network of cycleways. The proposal is considered to meet the objective and policy.

Objective 13.1.3

To recognise and provide for the sustainable, secure and efficient use, operation and development of network utilities within the City.

Policies

- a) *To recognise and provide for the:*

 - i. *need for new and the maintenance and upgrading of existing network utilities;*
 - ii. *technical and operational requirements and constraints of network utilities in assessing their location, design, development, construction and appearance; and*
 - iii. *benefits that network utilities provide to the economic, social and cultural functioning of the City.*

- b) *To enable the efficient construction, installation, operation, upgrading and maintenance of network utilities.*

The AEE notes Marine Drive is prone to overtopping in storm events and in sections the wall has a residual life of 5 years. Upgrading the seawall will improve the structural stability of the walls and will protect the road and underground infrastructure.

The proposal is considered to meet the objective and policies.

Objective 13.1.4

To manage any adverse effects on the environment resulting from the design, location, operation, upgrading and maintenance of network utilities.

Policies

- a) *To ensure that network utilities are designed, located, developed, constructed, upgraded, operated and maintained to avoid, remedy or mitigate any actual or potential adverse effects on the environment.*
- b) *To manage effects on health and safety by ensuring network utilities are designed, located, upgraded, operated and maintained to comply with relevant national environmental standards and to meet other nationally recognised standards and guidelines.*
- c) *To enable the co-location or multiple use of network utilities where this is efficient, technically feasible and practicable and assists with avoiding, remedying or mitigating adverse effects on the environment.*
- f) *To encourage network utility providers to consult with local communities, landowners and the Regional Council (where relevant) on the appropriate placement, location and design of new network utilities.*

The effects assessment in the AEE and in this report considers that the adverse effects have been acceptably avoided, remedied or mitigated.

In relation to policy (f) the applicant has undertaken significant consultation with the local community.

The proposal is considered to meet the objective and policies.

Transport

Objective 14A 3.1

A safe, efficient, resilient and well-connected transport network that is integrated with land use patterns, meets local, regional and national transport needs, facilitates and enables urban growth and economic development, and provides for all modes of transport.

Policy 14A 4.1

Additions and upgrades to the transport network should seek to improve connectivity across all modes and be designed to meet industry standards that ensure that the safety, efficiency and resilience of the transport network are maintained.

Policy 14A 4.6

Vehicle access, parking, manoeuvring and loading facilities should be designed to standards that ensure they do not compromise the safety and efficiency of the transport network.

Policy 14A 4.7

The transport network, land use, subdivision and development should provide for all transport modes.

The proposal will clearly increase connectivity across active transport modes compared to the existing situation. The proposed formalised car parking spaces will be compliant with standards and improve safety compared to some of the informal parking. The proposal is consistent with the objective and policies above.

Objective 14A 3.2

Adverse effects from the construction, maintenance and development of the transport network on the adjacent environment are managed.

Policy 14A 4.3

The transport network should be located and designed to avoid, remedy or mitigate adverse effects on the adjacent environment.

The proposal's construction methodology and proffered conditions of consent adequately manage construction effects for the reasons discussed earlier in this report and within Mr Watson's s42A report. The broader effects have been discussed above with the conclusion being they are acceptable.

Noise

Objective 14C 1.1

To maintain or enhance the amenity value of all activity areas by ensuring that the adverse effects of excessive noise on the environment are avoided or mitigated.

Policies

- f) *To recognise that noise levels may be different through a construction phase.*
- g) *To recognise that Noise Management Plans may be appropriate to manage matters beyond those addressed in this District Plan.*

The application states that construction noise will be compliant with the relevant construction noise standard but that consent will be sought if this is going to be breached. This is considered a reasonable approach given the uncertainty of construction periods, timeframes and machinery to be used. A Construction and Environmental Management Plan will be developed and implemented to mitigate construction noise effects if compliance with policy (g).

The proposal is considered to meet the above objective and policies.

14E 1.1 Protection of Significant Natural, Cultural and Archaeological Resources.

Objective 14E 1.1

To identify and protect significant natural, cultural and archaeological resources in the City from inappropriate subdivision, use and development

Policies

- c) *That any activity or site development shall not modify, damage or destroy a significant natural, cultural or archaeological resource.*
- d) *That any activity or site development shall not compromise the natural character or visual amenity values of a significant natural, cultural or archaeological resource.*
- e) *All buildings, structures and activities shall preserve the natural character, visual amenity values and landscape values of the significant natural, cultural or archaeological resources including the identified coastal environment.*
- f) *The scale, height, location and design of all buildings and structures shall protect the amenity values, especially landscape values, of the identified coastal environment.*
- h) *That any activity or site development will take into account new findings of significant natural, cultural and archaeological resources.*
- i) *That any activity or site development shall not modify, damage or destroy the intrinsic values of the ecosystems of a significant natural, cultural or archaeological resource.*

The shared path passes through SNR 44 at Point Howard with the district plan listing being "Plant – *Meliccyctus obovatus* ssp 'coast'". The SNR listing only applies to the road reserve area within the SNR overlay as the SNR rules have a sunset clause meaning they no longer have legal effect on sites in private ownership. – see rule 14E 2.2 (b)(iii). The *Meliccyctus obovatus* ssp 'coast' was not identified in the applicant's Vegetation and Avifauna Assessment and the section of the shared path in this area will pass over grass

and a sealed area therefore there is likely to be no impact upon this plant which may not be present in this area.

Earthworks

14I 1.1 Objective

To ensure that earthworks are designed to maintain the natural features that contribute to the City's landscape.

Policies

- a) *To ensure that earthworks are designed to be sympathetic to the natural topography.*
- b) *To protect significant escarpments, steep hillside areas, and the coastal area by ensuring that earthworks are designed to retain the existing topography, protect natural features, and prevent erosion and slips.*

Adjacent to the coast the earthworks are occurring where the existing seawall is located (seawalls exist along 90% of the shared path) which means the work is occurring in areas where the natural topography has already been altered. Earthworks are required for foundations and backfilling between the proposed wall and existing wall. Away from the coast the earthworks are very minor with ground preparation to form the path or to widen the existing path at Whiorau Reserve.

The proposal is considered to meet the objective and policies above.

14I 1.2 Objective

To ensure earthworks do not affect adversely the visual amenity values, cultural values or historical significance of an area, natural feature or site.

Policies

- b) *That rehabilitation measures be undertaken to mitigate adverse effects of earthworks upon the visual amenity values.*
- d) *To recognise the importance of cultural and spiritual values to the mana whenua associated with any cultural material that may be disinterred through earthworks and to ensure that these values are protected from inappropriate earthworks.*

Mitigation measures have been set out in the LVA and consent conditions proffered in relation to earthworks potentially having an adverse effect on cultural or spiritual values. The proposal is considered to meet the objective and policies above.

Other relevant matters 104(1)(c)

On pages 109 -112 of the AEE discusses several documents that could be considered as other matters. The documents are:

- Government Policy Statement on Land Transport 2018

- Coastal hazards and Climate Change – A guidance Manual for Local Government (MfE 2017)
- Wellington Regional Transport Plan (2015)
- Regional Cycling Plan 2008
- Draft Hazard Management Strategy for the Wellington Region (2016)

I generally agree with the comments made in relation to the above documents and therefore adopt the assessment set out over pages 109 – 114.

Pages 113 – 114 of the AEE discusses four Hutt City Council policy documents.

Eastern Bays Marine Drive Design Guide

The first is the Eastern Bays Marine Drive Design Guide. The design guide forms part of the Hutt City Design Framework and establishes an agreed and explicit direction for future work by HCC in the Eastern Bays area. The Design Guide focuses on the design of the sea edge, specifically the seawall, walkway and associated elements between Port Road and Windy Point. Its scope includes the design of elements and landscape located on both sides of Marine Drive.

The application describes design principles outlined in the Eastern Bays Marine Drive Design Guide were taken into account in the early design stages and, where relevant, have been incorporated into the Design Features Report and the Preliminary Design Plans. These design principles include:

- Achieve compatibility along the bays by consistency in the location and design of elements, and use of materials.
- Consideration of the whole environment into an integrated solution.
- All work must be an improvement on what is existing.
- Change seawall type if necessary, at a promontory, rock outcrop or other major feature within the bay, or in locations where a ramp or set of steps provides a logical/neat transition point between wall types.
- Recognise the individual character of each bay by reinforcing and strengthening those valued patterns that establish the unique identity of the bay.
- Locate all elements carefully to avoid visual clutter and maintain a focus on the seashore and natural environment.
- Design the seawall to be multi-functional.

The proposal will result in uniformity in the design and appearance of the seawall which will be a significant improvement to the existing mix of seawall designs. This satisfies the first and third design principles of recognising the character of individual bays. The BSUDP process takes into account the fifth and sixth design principles. Finally, the seawall will be multi-functional given it will also accommodate the shared path.

Overall, the proposal is considered to achieve the objectives of the design guide.

Walk and Cycle the Hutt 2014 - 2019

This strategy's objective is to promote greater levels of walking and cycling. The shared path is one of the off-road pathways identified in this strategy and the application is therefore meeting the objective of Walk and Cycle the Hutt 2014 – 2019.

I have read and agree with the assessment of the proposal against The *Environmental Sustainability Strategy for the Hutt Valley 2015 – 2045* and the *Urban Growth Strategy* on page 114 of the AEE. I adopt the assessment.

9. Part 2 of the Act

Consideration of an application under section 104 of the Act is subject to Part 2.

Part 2 of the Act sets out the purpose of the Act, which is to promote the sustainable management of natural and physical resources, and in sections 6, 7 and 8 sets out matters that consent authorities should consider when exercising their functions under the Act.

Section 6 – Matters of National Importance

In exercising its powers and functions under the Act, the Hutt City Council is required to recognise and provide for the matters of national importance listed in section 6 of the Act. I have identified the following matters to be of relevance to this application and have addressed the effects of the proposal on that basis.

All section 6 matters are relevant to this proposal and have been considered in the effects assessment of this report.

- 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:*
- h. the management of significant risks from natural hazards*

Section 7 – Other Matters

The other matters to which Hutt City Council must have particular regard in relation to managing the use, development, and protection of natural and physical resources are listed in section 7 of the Act.

The relevant section 7 matters are underlined:

- a) *kaitiakitanga:*
- aa) *the ethic of stewardship:*
- b) *the efficient use and development of natural and physical resources:*
 - (ba) *the efficiency of the end use of energy:*
- c) *the maintenance and enhancement of amenity values:*
- d) *intrinsic values of ecosystems:*
- e) *[Repealed]*
- f) *maintenance and enhancement of the quality of the environment:*
- g) *any finite characteristics of natural and physical resources:*
- h) *the protection of the habitat of trout and salmon:*
- i) *the effects of climate change:*
- j) *the benefits to be derived from the use and development of renewable energy*

The effects assessment has assessed these matters and I concur with the analysis of these matters contained within the AEE.²⁰

9.1.1 Section 8 – Principles of the Treaty of Waitangi

Section 8 of the Act requires Hutt City Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) when considering applications for resource consent. The Waitangi Tribunal and Courts continue to establish the principles of the Treaty of Waitangi and it is recognised that the principles are continuing to evolve. The two key principles that are of relevance to this application are active protection of Māori interests and consultation.

²⁰ Page 116 AEE

The application has demonstrated early consultation and engagement with tangata whenua and there will be on going involvement through the development of the Land and Urban Design Plan.

9.1.2 Section 5 – Purpose and Principles

Section 5 defines “sustainable management” as:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enable people and communities to provide for their social, economic, and cultural wellbeing 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.”*

I consider the proposal meets the purpose of the Act because the shared path will provide for the social, economic and cultural wellbeing of the local community and visitors by creating a widely supported, as evidenced through submissions, cycle and pedestrian path which will increase connectivity around the eastern bays, promote active transport and increase resilience while retaining access to the coastline. Adverse effects within Hutt City Council’s jurisdiction are at worst minor (potentially on visual amenity of some individual dwellings and less than minor in all other respects.

10. Conclusions

I conclude that adverse effects are appropriately avoided, remedied or mitigated but noting there is a degree of uncertainty regarding localised visual effects due to the preliminary design and recreation amenity outcomes of path users due to the design only being at the preliminary stage. In relation to the NZCPS, RPS and District Plan objectives and policies the proposal is consistent with the relevant objectives and policies for matters within Hutt City Council’s jurisdiction. The proposal is consistent with other matters such as the ‘Eastern Bays Marine Drive Design Guide’ and ‘Walk and Cycle the Hutt’ strategy.

11. Recommendation

I recommend that landuse consent is granted subject to suitable conditions of consent being imposed.

Report prepared by:

Recommendation approved by:



Dan Kellow
Environmental Planner
Independent contractor

Peter McDonald
Senior Resource Consent Planner
Hutt City Council

Attachment 1 - Legal Opinion



DLA Piper New Zealand
Chartered Accountants House
50-64 Customhouse Quay
PO Box 2791
Wellington 6140
New Zealand
DX SP20002 WGTN
T +64 4 472 6289
F +64 4 472 7429
W www.dlapiper.com

Our ref: 1412666

17 May 2019

Dan Kellow
Resource Consents Planner
Hutt City Council
LOWER HUTT

By email

Dear Dan

LEGAL ADVICE REGARDING EASTERN BAYS SHARED CYCLE/PEDESTRIAN PATH

- 1 You have asked for advice in respect of a consent application received for a shared cycle and pedestrian path (**SP**). Specifically, you have asked:
 - 1.1 In some places the SP is in between the road and the coastal marine area (**CMA**) with no zone shown on the Hutt City Council District Plan (**Plan**) maps. What is the underlining zoning of that land?
 - 1.2 Is the SP considered a 'network utility' under the Plan?
 - 1.3 Is the SP a 'structure' under the Plan?
- 2 In summary, our response to these questions is:
 - 2.1 There is no underlying zoning for the area between the road and the CMA. The area of land has no applicable zone.
 - 2.2 The SP is a network utility under the Plan.
 - 2.3 The SP is a structure under the Plan.
- 3 We have not undertaken a full planning assessment to consider every relevant rule and whether the outcome is different dependent on the underlying zone or whether the SP is or is not a structure. However, as we have concluded that the SP is a network utility, and the provisions of the Plan that address network utilities apply regardless of underlying zoning, the conclusions reached in respect of the applicable zoning and the status of the SP as a structure are of less significance.

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- 4 This advice is limited to consideration of the activity under the Plan. It does not consider reclamation activities, potential reserve land issues or regional council consent requirements.

Background

- 5 Hutt City Council (HCC) has applied for resource consent to construct a shared cycle and pedestrian path around the eastern bays. The application is being jointly processed by HCC and the Greater Wellington Regional Council given the location of the SP within and adjacent to the CMA.

- 6 The aim of the project, as set out in the Assessment of Environmental Effects (AEE) accompanying the application, is to develop a safe and integrated walking and cycling facility along Marine Drive to connect communities and provide links to other parts of the network.

- 7 While it is not explicitly stated in the AEE, it is clear that the SP is intended to form part of HCC's transport network, and be owned and managed by it under its role as a road controlling authority.

- 8 The SP is to be a shared pathway for cyclists and pedestrians. The SP is a concrete path separated from the road carriageway by low concrete barriers. There are no barriers proposed on the seaward side. Construction requires widening the existing road carriageway by constructing new seawalls both in and outside the CMA at points along the SP.

- 9 You have advised that there are some challenges in determining which zoning applies under the Plan and therefore which rules apply.

Underlying zoning of relevant land

- 10 You have asked what the underlying zoning is of the area on the seaward side of the legal road, but outside the CMA. This is important because the zoning establishes which rules (or standards) apply to the activity and therefore what activity status applies to the proposal.

- 11 You have advised that there are some areas that have not been attributed an appropriate zone within the Plan.¹ Those areas are not zoned. In summary, there are two potential interpretations available to this issue:

- 11.1 there is no zoning applied to those areas, and only the district wide rules apply to that area. If there are no relevant rules then either consent will be required for a discretionary activity (under section 87B(2) of the Resource Management Act 1991 (RMA) if a consent is required by section 9, 11, 12, 13, 14 or 15) or the activity is able to be undertaken without a resource consent (in reliance on section 9(3)); or

¹ We have not reviewed the relevant maps to confirm this statement.

- 11.2 the adjacent zoning is applied (ie the areas are treated in a similar manner to roads in the district).
- 12 In the current situation, the area of land concerned is adjacent to a road reserve. As you are aware, the approach taken by HCC to zoning of road reserves is that they are not zoned. Instead, where the road is stopped under a Local Government Act 1974 or Public Works Act 1981 process, the underlying zoning is applied following that road stopping. The zoning following a road stopping is determined by the adjacent zone or zones.
- 13 However, as the areas in question here are not yet a road (although for the reasons set out below we considered it will be a 'road' following construction of the SP) or within the 'road reserve', those provisions cannot apply. Following construction of the SP, those areas will become 'road' in any event, and in accordance with 14A.1 in the Plan if they are brought within the road reserve then they will not have an applicable zoning.² If at some point in the future those areas stop being a road reserve, the underlying zoning provisions will apply to attribute the relevant zone.
- 14 For that reason, we consider that the areas in question must be treated as not having an applicable zoning for the purposes of assessing this application. As there is no applicable zoning, the general district wide provisions need to be considered and assessed. If there is no consent required by those provisions, the land use activity can occur without the need for a resource consent from HCC.
- 15 However, the conclusion reached on the applicable zoning is of little consequence in terms of activity status in this case. For the reasons set out below, we consider that the SP is a 'network utility' as it is within the scope of the broader definition of road. The relevant provisions are those contained within Chapter 13 of the Plan, which have district wide application regardless of underlying zoning (although we acknowledge that some of the standards differ depending on the relevant zone, which may be the reason for the distinction in the application between works inside the road corridor and outside it you have highlighted).
- 16 If there are no relevant rules that apply to the activity, then the relevant section of the RMA will apply. Here, we understand that the activity you are considering is a land use activity (for the construction and operation of the cycleway). Under section 9(3) of the RMA, a land use activity is permitted to occur unless it contravenes a district plan rule.
- 17 We note that the application refers to an 'innominate activity'. This is not a term found in the RMA and is instead developed through case law. In the current application it is not a reference to the category of activities covered by section 87B(1) of the RMA,³ but those covered by section 89 of the RMA. Section 89 of the RMA applies where the activity proposed is to occur on reclaimed land that has not yet been reclaimed (ie it is to occur on land that is not yet in existence). We have not considered this issue in this opinion but are

² This could be done by updating the relevant Plan maps through a plan change following reclamation/construction of the SP.

³ Which applies where consent is required by Part 3 of the RMA (ie sections 9, 11, 12, 13, 14 and 15) but there are not relevant rules for that activity. In that case, the activity is treated as a discretionary activity.

happy to provide further advice as required. However, there is no reason for our conclusions as to the applicable zoning (being none) and the status of the SP as a network utility and a structure (as set out below) to change for this area of land.

Is the SP a network utility?

18 The Plan defines network utility as:

Means any activity undertaken by a network utility operator as defined in section 166 of the RMA, relating to:

...

(f) construction, and operation of roads and railway lines; or

and includes:...

(c) all associated structures; and

19 Roads and railway lines are not defined in the Plan. Section 166 of the RMA defines a network utility operator as a person who:

...

(f) constructs, operates, or proposes to construct or operate, a road or railway line; or

20 'Road' is defined in the RMA as:

road has the same meaning as in section 315 of the Local Government Act 1974; and includes a motorway as defined in section 2(1) of the Government Roading Powers Act 1989

21 Section 315 of the Local Government Act 1974 provides:

road means the whole of any land which is within a district, and which—

(a) immediately before the commencement of this Part was a road or street or public highway; or

(b) immediately before the inclusion of any area in the district was a public highway within that area; or

(c) is laid out by the council as a road or street after the commencement of this Part; or

(d) is vested in the council for the purpose of a road as shown on a deposited survey plan; or

(e) is vested in the council as a road or street pursuant to any other enactment;—

and includes—

(f) except where elsewhere provided in this Part, any access way or service lane which before the commencement of this Part was under the control of any council or is laid out or constructed by or vested in any council as an access way or service lane or is declared by the Minister of Works and Development as an access way or service lane after the commencement of this Part or is declared by the Minister of Lands as an access way or service lane on or after 1 April 1988:

(g) every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing

belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the Public Works Act 1981 or in any regulations under that Act, does not include a motorway within the meaning of that Act or the Government Roading Powers Act 1989.

22 If the SP is considered to be a 'road' or a structure associated with a road, then it will be a network utility under the Plan and under the RMA, if constructed or operated by a network utility operator. HCC is a network utility operator as it is proposing to construct and operate the 'road'.

23 While the wording of the definitions do not provide any specific confirmation, section 319 of the Local Government Act 1974 provides clear direction that the SP should be considered as a road:

(1) The council shall have power in respect of roads to do the following things:

...

(f) to determine what part of a road shall be a carriageway, and what part a footpath or cycle track only:

24 Given this section is in the same part as the definition of road adopted by the RMA, we consider that the proposed SP will be a network utility under the Plan. This is reinforced by the fact that HCC is the consent applicant and is proposing to construct and operate the SP as part of its transport network. Further, the definition of 'Transport Network' in the Plan (as set out below), would cover the SP:

The transport network comprises the following components and transport modes:

- All road corridors...
- Pedestrian and cycling facilities within the road corridor, and off-road where primarily for transport purposes

Is the SP a structure?

25 The term 'structure' is not defined in the Plan. It is defined in the RMA as:

structure means any building, equipment, device, or other facility made by people and which is fixed to land; and includes any raft.

26 As there is no definition of structure in the Plan, this definition is imported into the Plan.⁴

27 'Building' is defined in the Plan as:

means any structure or part of a structure, whether temporary or permanent, movable or immovable, but for the purposes of this Plan excludes:

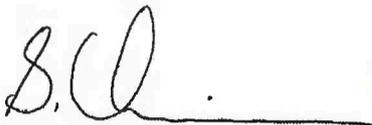
- (a) any fence not exceeding 2 metres in height;
- (b) any retaining wall not exceeding 1.2 metres in height;
- (c) satellite dishes with a diameter not exceeding 0.6m;
- (d) decks less than 500mm in height;

⁴ Interpretation Act 1999, section 34.

- (e) all structures less than 1.2 metres in height;
- (f) all signs, as defined in this Plan.

- 28 This is circular in that structure means a building and a building means a structure. However, of particular relevance to the SP are the matters listed in (b) and (e) of the definition of building. Any retaining wall not exceeding 1.2 metres in height and any other structure less than 1.2 metres in height is not a building (and therefore not a structure) under the Plan. Based on these exemptions, we consider that the sea walls, concrete barriers and any similar works will fall within the definition of building, and therefore structure, unless they are less than 1.2m in height.
- 29 In addition, the SP itself involves layers of materials which are fixed to the land, and run between the concrete barrier and the seawalls. We consider that the SP will also be considered to be a structure given this and its connection to the above elements. The SP is an integrated structure as opposed to a series of discrete parts and should be treated as such. Again, however, the height of the structure will need to be considered before determining whether the SP is excluded from the terms as used within the Plan. However, from our brief review of the AEE, parts of the SP will clearly exceed 1.2 metres in height.
- 30 Further, given our conclusions that the SP will be considered a network utility, there may be little impact in terms of outcome which turns on whether the SP is or is not a structure.

Yours sincerely



Stephen Quinn
Partner
Direct +64 4 474 3217
stephen.quinn@dlapiper.com

Emma Manohar
Senior Associate
Direct +64 4 918 3016
emma.manohar@dlapiper.com

Attachment 2 – Transport Brief of Evidence

**BEFORE THE INDEPENDENT COMMISSIONER
APPOINTED BY GREATER WELLINGTON REGIONAL COUNCIL
AND HUTT CITY COUNCIL**

**Reference Number RM190124
Eastern Bays Shared Path**

IN THE MATTER OF:

Resource Consent Application for a shared path along Marine Drive, Eastern Bays.

APPLICANT:

Hutt City Council (Transport Division)

Brief of Evidence of David Keith Wanty

Involvement in project

7. My current involvement has involved reviewing the Application documents as provided by Council for the proposal, as evident in my report(s) made available on the GWRC website; this evidence also includes reviewing the submissions received. I have not had any meeting as such with Council, their consultant or other consultants with respect to this project, all matters being by phone or email.
8. In the past 1½ years I have also reviewed for Council in May 2019 the Eastern Hutt proposed Beltway cycleway.

Expert Witness Code of Conduct

9. I have been provided with a copy of the Code of Conduct for Expert Witnesses contained in the Environment Court's Practice Note dated 1 December 2014. I have read and agree to comply with that Code. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

PURPOSE AND SCOPE OF EVIDENCE

10. The purpose of this evidence is to assess the transport effects of the proposal.
11. The proposal involves the creation of an approximate 4.6 km shared path along the harbour edge; the southern shorter nominal 0.5 km portion being between Eastbourne and Days Bay, the middle 2.1 km central portion between Days Bay and Marina Bay, and the nominal 2.0 km northern portion between York Bay and Point Howard.

SUMMARY OF CONCLUSIONS

12. I conclude that 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.
13. A key aspect of my conclusion is the provision of a safety barrier as deemed necessary following expert interpretation and confirmation of the Building Code requirements.

14. In some sections it is proposed to provide a low edge barrier on the coastal side, which I consider a practical approach particularly with respect to anticipated users of mobility scooters. Where the shared path is sufficiently clear of hazards there need be no low/high barriers although in one location (at Point Howard near the boat trailer parking) I had suggested that a short fence might be considered (note that as a consequence of more recent proposed design changes this suggestion has now been superseded).
15. I am aware that the applicant has had to balance minimising encroachment onto the foreshore with providing a path of adequate width that provides a quality recreation experience and that encourages use.
16. With respect to beach access I accept that the provision of railings and extra width at the top of the steps can be left to the detailed design stage. I accept the assurance that the mini-steps are primarily designed to assist the penguins' access and safety, rather than for use by the public (who I have assumed will be suitably notified to take care in usage).

RECOMMENDATIONS

17. I recommend that a clear shared path width of nominally 2.4 metres be provided for most of the route along the harbour edge (excluding local pinch points) where currently proposed, and a clear width of 3.5 metres where practical (consistent with the current proposal).
18. I recommend that railings for the steps and increased area at the top of the steps be investigated and confirmed at the detailed design stage, with warning signs for people as appropriate re use of the mini-steps that I accept as having been designed primarily for penguin access.
19. I recommend further road safety audits (contingent on approval) be conducted at the detailed design and pre-construction/post-construction stages.

EXISTING ENVIRONMENT:

20. This proposal is in effect part of a larger cycle strategy to connect Eastbourne with Seaview and connections from there along Eastern Hutt (Beltway) and along Petone (to join with the planned shared path to Wellington).
21. Between Eastbourne and Seaview the existing road environment is that of a relatively narrow winding two-way

two lane road, for which there is no travel alternative other than the Days Bay ferry.

22. Currently there is an approximate 2.1 km long 70 km/h zone along most of the route between the start of the right turn bay for the Lowry Bay boat ramp and carpark at approximate chainage CH 1910 (approximately 130 m south of Gill Road), and just south of the #517 Marine Drive Sunshine Bay service station (at approximate chainage CH 4030 by the end of the main portion of the proposed share path).
23. Within Days Bay (currently 50 km/h) from south of the service station (CH 4040) to approximately 15 metres north of Waerenga Road (CH 4990 – my review stated 4980) no changes to the existing footpath and road shoulder are proposed in order to create a shared path along an area with much parking along the coastal side.
24. Between Days Bay and Eastbourne at Marine Parade (CH 5495 – my review stated 5500) the southern relatively short section of 515 metres of shared path is proposed. This did not include any change to the Marine Parade median throat island which I had earlier recommended, but which depend on the detailed design of the southern end, which as inferred in the earlier Revision J preliminary design and currently proposed plans might change slightly for local landscaping reasons.
25. I note that this section would assist patrons of the summer concerts at Days Bay who reside or elect to park in Eastbourne and walk to the concert.
26. North of Point Howard at the northern end of the proposed shared path (at approximate chainage CH 530), there is an existing shared path behind the guardrail on the coastal side. This crosses over the oil pipelines along Marine Drive into the marina carpark and then exiting onto Port Road near its Tee intersection with Marine Drive/Seaview Road.
27. By the sharp 25 km/h bend between Mahina Bay and York Bay is the southern end of the existing approximately 292 m long coastal shared path in York Bay which consists of low narrow concrete strips along the traffic lane edge line and without any safety barrier or low edge along its coastal edge. I locate its southern end at approximate chainage CH 2860 and its northern end at approximate chainage CH

2565/2570, along which no changes to the existing seawall are proposed.

28. With respect to a safety risk assessment of the eastern bays, various maps from MegaMaps (formerly the Safer Journeys Risk Assessment Tool) are provided in Annex 1 (included are recent updates added to those in my March 2020 draft evidence). They are provided to show the potential in due course of changes to the local posted speed limits, with a likely reduction in the posted speed limit suggested in MegaMaps III more prevalent than previously in MegaMaps.

BACKGROUND INFORMATION: APPLICATION AND RESPONSES

29. I had been requested by Council to provide comment on the various further information responses and how my understanding of the proposal and original concerns may or may not have been addressed.
30. Regarding the information responses the key matters were the review of interpretation of the Building Code barrier requirement irrespective of community view and Lowry Bay shared path, and any need for handrailing and additional width at the top of the beach access steps. As I have concluded above, these aspects have largely been addressed or are intended to be at the detailed design stage following approval (I accept as reasonable to do so then).
31. In my reviews, my interpretation of the Building Code was that in my view (I am not an expert on this matter) a safety barrier seemed to be required when the fall height was greater than 1 metre (which I equated to double and triple curve seawall). Subsequently Stantec accepted that a barrier was required in places and identified the sections required subject to confirmation at the detailed design stage. From my tabulation of the design sections I concluded that a substantially greater length of barrier would be required than noted, and suggested the Council check my table of different sections of the route disaggregated by type of coastal protection and shared path with.
32. As part of this hearing I understand that Hutt City Council has sought further clarification regarding the need for a barrier meeting the Building Code require, and of the associated length of such barrier if confirmed as deemed necessary.

POSTED SPEED LIMIT

33. I consider it convenient at this point to raise the matter of the posted speed limit along the route, which has been raised by some of the submitters (I deal with key traffic points raised in the submissions later).
34. There is a section of 70 km/h posted speed limit alongside some of the proposed shared path. Whether the speed limit is 50 or 70 km/h has no direct impact on the application except that slower speeds, influenced by the speed limit (and enforcement), help reduce the severity of a crash of an errant user roads ("less speed, less harm") and possibly reduce the chance of a crash occurring. The latter is influenced by the road width that might be reduced for motor vehicle traffic with a reduction of speed so there is an interaction effect between speed, roadway width and safety.
35. I fully expect that Council will investigate the existing 70 km/h speed limit in the near future, noting that Waka Kotahi NZ Transport Agency (NZTA) has directed Councils to do as such, with aim/hope to eliminate 70 km/h speed zones except in special circumstances. Some Councils are separating their reviews of urban and rural speed limits with 70 km/h being included in urban reviews, which generally look at lowering the usual 50 km/h speed limit to typically 40 km/h in accordance with Mega Maps III, the NZTA Infrastructure Risk Rating (IRR) approach, and the Government Road to Zero approach, with the Ministry of Transport aiming to make speed limit changes by Councils easier to introduce and apply.
36. Accordingly I consider that consideration of changes to the posted speed limit along Marine is dealt with at the time of the likely impending Council review of speed limits, noting also that I consider it generally outside the scope of this hearing.

RESPONSE TO TRANSPORT MATTERS RAISED IN SUBMISSIONS**Submissions of non-supporters relating to safety**

37. In my consideration of the submission response, I drew heavily on the summaries provided by Council. I filtered the submission spreadsheet provided in late 2019 by selected

categories, and also filtered out all those not in support (includes conditional support, neutral and those opposed).

38. Of the 190 submissions 20 met the latter criteria, of which 13 were opposed, 4 were neutral and 3 gave conditional support. For 8 of the 20 "safety" was a theme which I shall now address.
39. Submission #30 (by the oil companies) raised concern over the conflict between motor vehicles and cyclists at Point Howard. I can confirm that a safety audit has been conducted of the proposal and another would be expected following detailed design. I concur with the concerns raised and expect that the detailed design will address any such matters not already identified and accepted. I do not consider that a formal condition is necessary to enact the concerns raised.
40. Submission #60 raised warning to motorists for sharp bends and presence of pedestrians and motorists. I opine that this is an existing requirement independent of this application and that Hutt City Council already has warning signs along the route and monitors road user safety within the community.
41. Submission #84 raised separation of pedestrians and cyclists and issue for experienced cyclists. The application expects that the latter will generally continue to use the road and not the shared path. Shared paths can have a painted line separating pedestrians from cyclists and most include signs warning cyclists to give way to pedestrians. Where the effective path width is less than 2.5 metres I expect that it will definitely be shared; it is possible that at the detailed design stage 3.5 metre wide sections might have a separating white line but I would not recommend making this a condition at this stage. Other matters raised can also be dealt with at the detailed design stage; the suggestion of extending the shared path through the entirety of Days Bay is good from a connectivity viewpoint but a matter outside this application.
42. Submission #85 raised inclusion of two other sections, which is outside the scope of this application. A constant width (excluding pinch points) of 2.5 metres was suggested although 3.5 m was considered not wholly sufficient. Commented that minor improvements to the road could be made to make it safer for cyclists, which I consider to be generally outside the scope of this application.

43. Submission #87 raised preference to an earlier version of the shared path proposal whereby the road was further away from eastern properties, including that of the submitters who had safety concerns over the proximity of the road to their driveway (within the 70 km/h zone). I note that the cross-sections did not show the roadway and it is difficult to detect changes in the roadway and changes to the traffic lanes from the plans provided. However I expect that the detailed design will make this more evident (I am unsure as to the extent of topographical surveys conducted).
44. Submission #117 considered that the shared path was too close to the roadway. Naturally a wider separation would be desirable but I accept that this is not realistically viable and that the separation provided is not unreasonable (especially if speeds reduce in due course from a reduction in the posted speed limit which I consider likely for the existing 70 km/h zone – refer Annex 1).
45. Submission #132 raised concerns over the exposed nature of the shared path to waves washing over it (and onto the road). I consider this matter outside my expertise but would expect little usage of the shared path in clearly adverse situations.
46. Submission #168 raised safety concerns when transitioning between the path and the road and that the shared path might be inadequate/unsuitable for electric bicycles and e-scooters. The latter is a nationwide issue of concern and the former part of further safety auditing of the detailed design.

Submissions related to beach access

47. For 16 of the 190 submissions "beach access" was an identified theme. Of these submissions #80 opposed for a variety of reasons and considered that access to the beach would be restricted by the proposal. Submission #163 was noted as "neutral" (opposed if certain conditions not imposed, was against the use of railings and advocated for a constant 2-2.5 metre shared path to minimise impact on the beach).

Submissions related to the seawall

48. All 7 of the 190 submissions where "seawall" was an identified theme supported the proposal, with many of these also noting that the shared pathway will improve the safety for existing pedestrians and cyclists.

Submissions related to the shared path width and other matters

49. Many of the submissions included some comment on the pathway width, including those noted above. My impression is that on balance the widths as proposed are reasonable (some prefer narrower, some wider). My recommendation was to recognise the 'effective' width, which would be less alongside the safety barrier, and marginally less along the sections where a low barrier was advocated.
50. It is important to note that the effective or clear width with and without any barrier might be the same due to the 'shy factor' effect of users generally keeping a perceived safe distance from the edge. However the Safe Systems approach is to accept that humans make mistakes and errors of judgment, and the Vision Zero approach is to mitigate against such errors that lead to an unacceptable chance of death or serious injury (taking into account probability of occurrence).
51. Central and local government policies favour more travel by modes other than private motor vehicles in particular, but non-motorised road users are more vulnerable in road crashes. A shared pathway is a common approach to encourage more (non-commuter) and safer cycling and the desirable width is a function of the anticipated number of pedestrians and cyclists along with other influencing factors. Attention to detail ("the devil is in the detail") is critical with respect to the potential for pedals or handlebars clipping objects, and avoidance of perceived hindrances in the path. Accordingly as aforementioned I opine that many matters of detail re transport aspects are best left to resolve at the detailed design stage, subject to being consistent with the general design principles applied to the concept design as proposed.

Submissions summary

52. The submissions have been many and varied with the vast majority in support and those opposing mainly on grounds other than transport related.
53. As aforementioned many advocated for a reduction in the 70 km/h posted speed limit, a matter which I consider is outside the scope of the application but will undoubtedly be considered by Council (I expect within the near future).

54. Some submitters favoured a wider shared path and some a narrower shared path, and some questioned its provision. I consider that the proposed widths are reasonable at this stage although I advocate that they should relate to the effective or clear width, that is take cognisance of any barrier or low railing along the coastal edge. As aforementioned I recommend that a clear shared path width of nominally 2.4 metres be provided for most of the route along the harbour edge (excluding local pinch points) where currently proposed, and a clear width of 3.5 metres where practical well away from the coastal edge.

CHANGES IN THE PROPOSED DESIGN

55. I note that since preparing my March 2020 draft evidence based on my earlier work and the preliminary design plans (revision J), that the plans have changed in the recent Appendix I Detailed Business Case Consultation Report - Appendix E Project Plans and include some options.
56. Changes include the following (but not inclusive):
- The shared path moved to be near the edge in the Lowry Bay reserve immediately south of which it is 3.5 m by the revetment (approximate chainage CH 2185-2240).
 - One section along the "beach" shown as 3.5 m but noted as optionally 2.5 m (CH 2910-3020, single curve seawall).
 - Likewise by Mahina Bay but double or triple curve seawall.
 - South of the tie into Days Bay there are options shown with it noted "(option for timber boardwalk)" as far as CH5410 at York Bay. However it is noted "potential to retain some parking" and "potential to retain some landscape planting" immediately north of Marine Parade (which is unchanged nearby but I opine changes to the existing Marine Parade median at Marine Drive are likely, depending on the final detailed design choice at the adjoining start/end of the shared path).
 - I note that the changes do not necessarily show the localised narrowing of the shared path by pinch points (such as along York Bay).
57. There are likely other changes not noted above, and I am led to believe that in response to my earlier reports further sections have been identified where a barrier might be needed.

58. I accept that the option choices can be confirmed at the detailed design stage.

PROPOSED TRANSPORT-RELATED CONDITIONS

Proffered transport conditions

59. As advised by Dan Kellow, Council planner the only transport related condition offered by the Applicant relates to the preparation of a Traffic Management Plan (TMP) to append to the CEMP. This relates just to the construction period and not to any design issues.
60. I am however aware of a recommendation of a condition regarding preparing a Bay Specific Urban Design Plans (BSUDP) to include the barrier and railing design, which I opine as aforementioned is appropriate to consider further at the detailed design stage (presuming approval is gained).

I concur with the barrier and railing design being included in the BSUDP condition.

Potential additional transport conditions

61. I recommend adding a condition requiring the undertaking of an independent road safety audit at the detailed design stage and at the pre-opening/post-construction stage. This is the understood intention and hence I opine should be readily accepted by the Applicant.
62. I recommend adding a condition requiring that the Council would regularly monitor and report usage of and safety/incidences along the shared path within the first year(s) of operation.

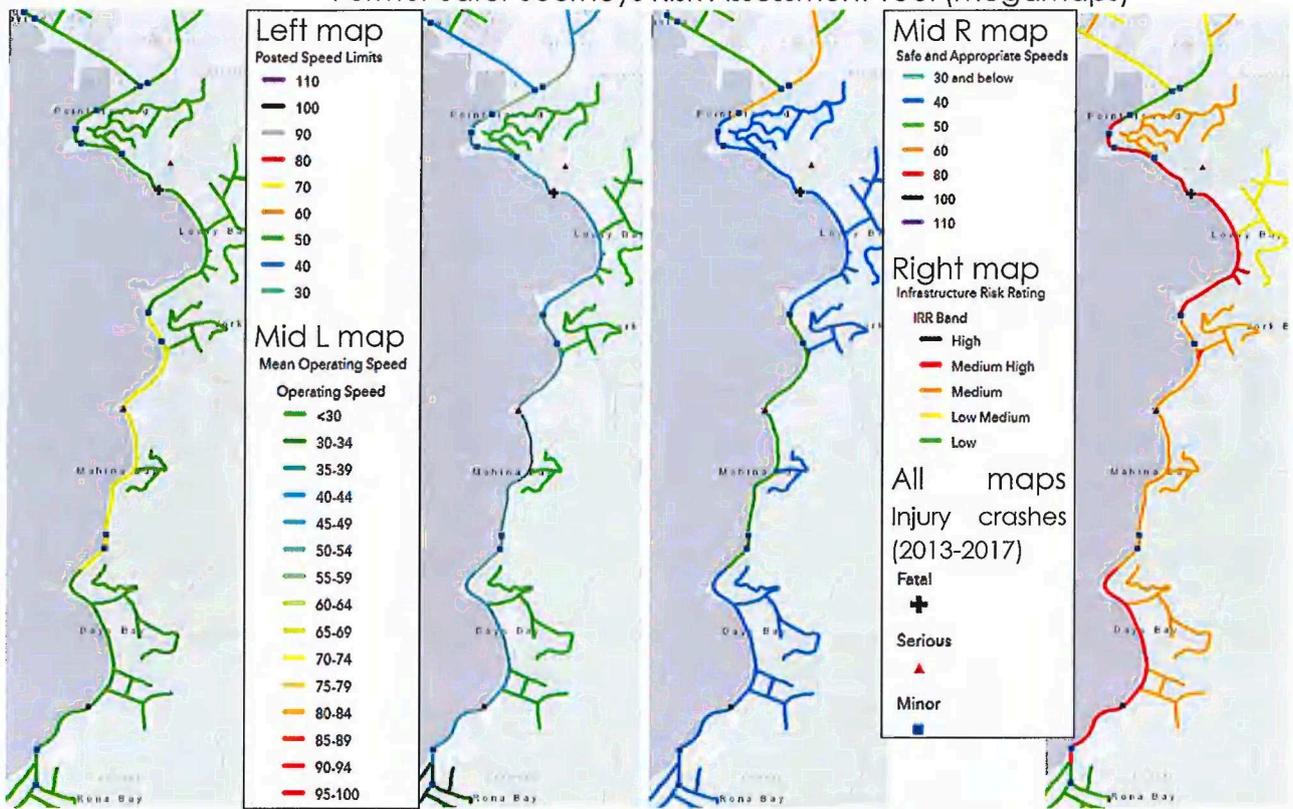
David Keith Wanty

12 November 2020

ANNEX 1: Waka Kotahi NZ Transport Agency MegaMaps metrics
(both prior to and after MegaMaps III release 28/8/20)

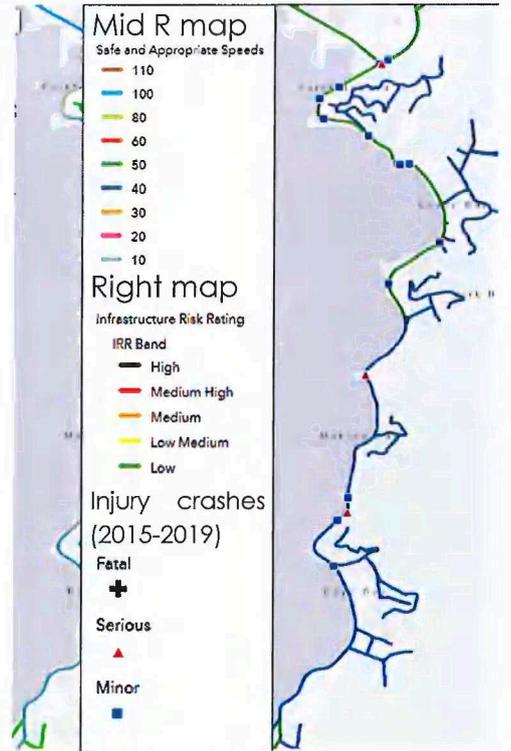
ANNEX 1: Waka Kotahi NZ Transport Agency MegaMaps metrics

Former Safer Journeys Risk Assessment Tool (MegaMaps)



MegaMaps III (formerly Safer Journeys Risk Assessment Tool)





Notes: Corrected posted speed limits; updated TomTom mean operating speeds; updated crashes; updated statistics based on DSI (Deaths & Serious injuries)

Attachment 3 - Recreation Assessment Position Statement and background comments



Peer Review of:

**Eastern Bays Shared Path Recreation
Assessment, prepared by Rob Greenaway
and Associates for Hutt City Council,
January 2019**

For: GREATER WELLINGTON REGIONAL COUNCIL
Te Pane Matua Taiao



Contact Details

WSP OPUS

PO Box 5848, Auckland 1141
New Zealand

Telephone: +64 9 355 9500
Mobile: +64 9 355 9580

Document Details:

Date: 15 May 2019
Reference: 3-53523.00
Status: Final

Prepared By



Catherine Hamilton
Technical Principal - Landscape Architecture

Reviewed By



Simon Banks
Senior Environmental Planner

Contents

1	Brief.....	1
2	Documents Reviewed	1
3	Application Description	1
4	Recreation Assessment Summary.....	2
5	Methodology for Peer Review.....	2
6	Comments.....	4
1.1	Methodology.....	4
1.2	Maintaining Existing Dry Beach Areas.....	4
1.3	Path Width.....	4
1.4	Refuges.....	5
1.5	Increased Activity.....	5
1.6	Review of Effects per Coastal Section.....	5
1.7	Review of Alternatives Assessment and Design Features.....	6
7	Further Information	7
8	Suggested Conditions of Consent	7
9	Conclusions.....	7

Document History and Status

Revision	Date	Author	Reviewed by	Status
1	13/5/19	Catherine Hamilton	Simon Banks	Draft for comment
2	15/5/19	Catherine Hamilton	Simon Banks	Final

Revision Details

Revision	Details

1 Brief

WSP Opus has been briefed by Greater Wellington Regional Council to provide a peer review of the Assessment of Recreation Effects associated with the proposed Eastern Bays Shared Path.

The requested scope for the review, as outlined by Greater Wellington Regional Council in their email dated 24 April 2019 to the author of this memo, states:

Please provide any review comments by way of **review memo**:

1. Where you **agree** with the assessment/conclusions drawn by the applicant's experts on a relevant matter, concluding statements confirming you agree/are comfortable with the assessment are all that are required.
2. If you **disagree** with elements of an assessment, an assessment in its entirety, or require further information to complete your assessment please outline clearly in your review memo:
 - why you disagree with the expert assessment and/or the conclusions drawn by the expert
 - what further information you require and the format in which you would like this further information to be provided
 - any conditions of consent or suggestions which could further manage, remedy, or mitigate an actual or potential environmental effect
 - any other comments or concerns which you may have that you feel are relevant to consideration of the proposal

2 Documents Reviewed

This review focussed on the Eastern Bays Shared Path Recreation Assessment, prepared for Hutt City Council by Rob Greenaway and Associates, January 2019.

Additional documents considered were:

- Eastern Bays Shared Path Resource Consent Applications and Assessment of Effects on the Environment, Prepared for Hutt City Council by Stantec NZ Ltd, April 2019 (the 'AEE')
- Eastern Bays Shared Path Alternatives Assessment, Prepared for Hutt City Council by Stantec, March 2018 (Appendix G to the AEE)
- Eastern Bays Shared Path Design Features and Construction Methodology, Prepared for Hutt City Council by Stantec, January 2019 (Appendix J to the AEE)
- Eastern Bays Shared Path DBC, Preliminary Design Plans 80509137-01-001-C220 to 80509137-01-001-C242 incl, REV J: For Consent, Prepared for Hutt City Council by Stantec NZ Ltd, August 2018
- Simulated views of proposed path, Prepared for Hutt City Council by Stantec NZ Ltd and Drakeford Williams Ltd, August 2017

3 Application Description

The Eastern Bays Shared Path is a proposal by Hutt City Council to construct a 4.4 km Shared Path along Marine Drive in two sections, between Point Howard and Eastbourne. There is a current lack of dedicated cycling and walking facilities along the tightly constrained Marine Drive, which runs directly alongside the Coastal Marine Area (CMA) of Wellington Harbour.

To facilitate the shared path, the proposal also includes the widening of Marine Drive and replacement of a number of coastal structures, upon which the shared path will be constructed. Beach nourishment is proposed at Point Howard, Lowry Bay and York Bay. A range of resource consents are required to authorise the proposal under the Regional Coastal Plan for the Wellington Region, and the City of Lower Hutt District Plan.

The Assessment of Effects on the Environment (AEE) for the proposal is supported by the Recreation Assessment prepared by Rob Greenaway and Associates (January 2019), attached as Appendix K of the AEE. With proposed mitigation taken into account, the AEE concludes that the overall effects of the shared path on amenity effects and recreation range from none to less than minor. The effects of the proposal are considered in the context of the increasing impact of climate change on the shoreline and coastal resilience throughout the proposal area.

4 Recreation Assessment Summary

The Recreation Assessment (Greenaway and Associates, 2019) considers the positive and adverse effects of the proposal on local and regional recreation amenity. It gives consideration to both maximising the recreation amenity benefits of the shared path and minimising its potential adverse effects on existing recreation values, particularly those associated with beach activities and use of the rocky coastline. The Assessment's key findings are summarised below:

- **Path width** - a 3.5m wide path is the preferred minimum width, with short sections of 2.5m width to limit the loss of beach width and associated effects.
- **Recreation Setting** - the existing environment is mostly of local recreation value, used by local residents for swimming, small boat launching, walking and dog walking, shellfish gathering, snorkelling and fishing. There are small areas of regional recreation value at Point Howard Beach, Ferry Road Headland, and Lowry Bay.
- **Project Benefits** - walking and cycling activity are fundamental to social wellbeing, but activity in the project area is significantly impeded by the current condition of Marine Drive. The proposal would address this and is consistent with long-term recreation strategies.
- **Project Effects** - the proposal will result in the reduction of shoreline and beach width in some areas, which will affect existing recreational use of the beach and coastal areas. Beach nourishment is proposed as mitigation for the loss of dry sand areas at the popular recreation destinations of Point Howard, Lowry Bay and York Bay. Reduced path width is proposed in sensitive locations to minimise loss of beach width.
- **Policy Compliance** - there is clear alignment between the proposal and the requirements of the statutory planning policy framework to maintain and enhance access to and along the CMA, and recognition of the CMA as an important place for recreation.

Generally, the assessment in the Report does not rely on the benefits of the shared path as a mitigation for its effects on local beach amenity and recreational value. However, for Sorrento Bay, Mahina Bay, Sunshine Bay it is stated that loss of beach area is balanced by the benefits from the path (p9). The report makes it clear that, in the author's opinion, the likely scale of use of the shared path, and the resulting local, regional and national benefits, far outweigh the local and regional adverse effects.

5 Methodology for Peer Review

A site visit was undertaken by the writer on 2 May 2019 to familiarize herself with the location of the proposal and its surrounding context. The entire route was travelled, and observations made as to the likely recreation effects of the proposal.

A desktop examination of relevant documents was undertaken to understand the proposal and its likely recreation effects. Documents were reviewed with reference to Recreation Aotearoa (previously New Zealand Recreation Association) industry standards and relevant policy and research on active transport. Furthermore, the review draws on the authors own 25 years' experience in recreation design and planning.

Specifically, consideration was given to whether the Recreation Assessment adequately assesses the expected recreation effects of the proposal to create a shared path, taking into account the following relevant criteria;

- **User Experience - Comfort**
 - The effectiveness of the design (infrastructure, surface treatments, geometry, and alignment) in offering a comfortable, pleasant user experience
 - Refuges - the ability for people to stop at frequent intervals and be outside of the line of movement
 - Environmental comfort - shade and shelter
- **User Experience - Enjoyment**
 - The ability to connect with the natural landscape and marine environment (biophilia) through sensory experiences (sounds/views/smell/touch)
 - Provision of supporting facilities
- **Health Benefits**
 - The extent to which the proposal is predicted to contribute to health and wellbeing outcomes for users
- **Equity/Access**
 - The ability for people of all ages and abilities to easily share the path with other modes - e.g. fast cyclists, slow amblers, mobility assisted (wheelchairs, mobility scooters)
 - Meets accessibility standards
 - lack of physical barriers
 - lack of perceived barriers
 - Opportunities to experience either the full route or smaller sections within the route (requires frequent stopping points and access on and off the route)
- **Safety**
 - CPTED, (Crime Prevention through environmental design)
 - IPTED (Injury Prevention through environmental design)
 - Lighting
 - Protection from moving vehicles
 - Protection from falling
- **Connectivity**
 - Connections to adjacent recreation spaces
 - Connections to and from the route from the surrounding neighbourhoods
- **Trade Offs**
 - Benefits, losses, mitigation

6 Comments

1.1 Methodology

In my opinion, the methodology generally represents best practice for the assessment of recreation effects. It follows a clear and systematic process of field work, community engagement, desktop assessment of the relevant policy and statutory framework, evaluation of the proposal, assessment of the likely adverse impacts on recreation values, and consideration of avoidance and mitigation.

The report focuses on the recreation, health and wellbeing benefits of providing the shared path. It identifies the potential adverse effects from intrusion of the shared path into the coastal edge. Mitigation is proposed by way of beach nourishment where the more popular sandy beaches and rocky edges are impinged upon.

Concerns: The overall health and wellbeing benefits of the proposed path are well argued at a principal level, but the ability of the site-specific design to facilitate a high-quality recreation experience is not well covered. This, in my opinion, is a gap in the assessment and warrants deeper consideration.

Further assessment could be given to path widths, alignment, refuges and their frequency and locations, access on and off all or parts of the route, as well as other comfort and safety factors. Where I recommended that further information is provided by the author, these matters are collated under section 7 of this review.

1.2 Maintaining Existing Dry Beach Areas

The assessment concludes that the loss of dry beach areas can be mitigated by nourishment and that this is likely to maintain the available dry beach space for recreation use. It is not clear, however, if the proposed new infrastructure and changes to the beach profile will alter coastal morphology, potentially leading to increased erosion and loss of the dry beach area - effectively counteracting such mitigation.

The assessment also states that "the proposal is not a solution to the inevitable adjustment of beach profiles and the accessibility of shoreline rock pools and shore-based fishing spots resulting from climate change" (Part 1.1. p5)

I **agree** that the proposed locations for beach nourishment are logical in terms of retaining high-tide dry beach areas in popular locations, and therefore access to the coastal edge.

I **do not agree** that the assessment can rely upon beach nourishment to offset intrusion into the coastal environment. This is because it is not evident that beach nourishment will be sustained.

I recommend that the applicant provides **further information** to address the above.

1.3 Path Width

The report identifies that a 3.5m wide path is the preferred minimum width based on national and international best practice standards and that "short sections of 2.5m wide path are proposed to limit adverse effects on coastal ecological values and loss of beach width (lengths of 50m in Sorrento Bay, 140m in Mahina Bay, and 150m in Sunshine Bay).

International best practice - Fowler et.al (2010), consider 2.5m as the minimum width for a shared path in a relatively low use setting, and 3.0m where interactions between cyclists and walkers increase. An additional 0.5 m should be added to each edge if the path is bounded continuously or has fall hazards on either side. An additional 0.5 m should be added if during the critical design

hour the path is serving both a commuting function and has significant numbers of child cyclists, such as would occur if the path is near a school.

It is noted by this writer that best practice (Auckland Transport) recommends a maximum length of 10m for a reduction in path width to 2.5m, to stay within the tolerance of cyclists for passing. As the volumes of cyclists and pedestrians using shared paths increases the number of delayed passings for cyclists also increases. There is usually a reduction in the level of service and safety for all shared path users when this situation occurs

The benefits of the coastal path at New Plymouth are quoted. A similar coastal path at Westhaven in Auckland provides high recreation amenity. Both of these paths are wider than 2.5m, despite not being constrained on both sides in the way that the Eastern Bays Shared path will be.

I **do not agree** that 2.5m is an acceptable width in this physical setting for reasons of safety and comfort. Given the path is tightly constrained between a busy road with poor sight lines, and a drop off into the coastal marine area, the minimum width should, in my view, be 3.5m along the entire length of the path. In addition, the proposed transitions from 3.5m to 2.5m often occur abruptly and/or on tight bends, further compounding issues of safety and comfort.

Although the assessment states that 3.5m wide is the preferred width, it does not discuss the implications of going below the accepted level of service (LOS) by reducing the path to 2.5m, nor does it provide any mitigation or alternatives for this.

I also **do not agree** that ecological values are a matter for a recreation assessment.

I recommend that the applicant provides **further information** to address the above.

1.4 Refuges

The report makes no comment about the lack of refuge/pause points built into the design. Refuges/pause areas are provided only where existing widened areas are available along the route. It is considered best practice to provide regular refuges at frequent intervals to allow multi-modal users, some of whom will be slow and frail, to take regular breaks outside of the line of movement. Refuges also provide for gathering and enjoyment of the coastal setting.

I recommend that the applicant provides **further information** to address the above.

1.5 Increased Activity

The report does not comment on the potential impacts of increased activity - which a successful shared path will facilitate - on existing user experience. Part of the endearing experience of this complex coastal edge is the ability to sit quietly and take in the views, sounds and smells. The path, if it meets its own active transport objectives, will become a busy and potentially crowded route - especially in the narrower (2.5m) areas where beach intrusion is to be minimised. What are the potential adverse effects of this increased activity (potentially 200 more users per day) on the relaxed, quiet enjoyment of the coastal edge spaces?

I recommend that the applicant provides **further information** to address the above.

1.6 Review of Effects per Coastal Section

1.6.1 Point Howard / Point Howard Beach

This is a popular beach area with carparking, toilets, higher recreation attraction, formalised road crossing, and change facilities. It can be anticipated that this beach will become more popular with the development of the shared path increasing access. The path itself has a high potential to become congested due to this concentration of activity. Higher potential for delayed passing and

reaching the upper limit for cyclist's tolerance for being delayed. Poor transition from 3.5m to 2.5m width at crossing point (CH700) - abrupt rather than funnelled.

Concerns: reduction to 2.5m path width is likely to reduce safety and comfort for users in this section.

1.6.2 Sorrento Bay

Concerns: Reduction of path width on safe bend - adverse effects on actual and perceived safety and user comfort. Outcrop provides important refuge/pause point for users to stop outside of the flow of movement (see sections 1.3 and 1.4 above).

I recommend that the applicant provides **further information** to address the above.

1.6.3 Lowry Bay

Boat shed (CH.1160) provide important refuge/pause point. Opportunity to configure space to create quality refuge at headland location. Opportunity to rebuild deck structure at CH. 1540 to facilitate gathering.

Concerns: Path narrows to 2.5m through tight bend, likely to reduce safety and comfort for users (see sections 1.3 and 1.4 above).

1.6.4 Whiorau Reserve

Concerns: Southern end of reserve - transition from path within reserve to shoulder creates potentially dangerous environment for path users due to road bend and proposed path alignment.

1.6.5 Mahina Bay

Concerns: Long section of 2.5m wide path. Likely recreation effects (see section 1.3 above).

1.6.6 Sunshine Bay

Concerns: Long section of 2.5m wide path. Likely recreation effects (see section 1.3 above).

1.7 Review of Alternatives Assessment and Design Features

I **agree** with the conclusions of the MCA that the seaward side option is the preferred option from a recreation values point of view.

I **agree** that the general alignment of Option D is the preferred one.

The report concludes that the path width of 2.5m is not ideal as it does not meet best practice and accepted Levels of Service for shared paths. The report states, however, that there are overseas examples and standards where 2.5m wide is acceptable.

I **do not agree** that the 2.5m wide examples are applicable where the shared path is tightly constrained on both sides (i.e. active lane almost continuously along the road side and drop off into CMA on the seaward side). I also would expect the design to conform with accepted national Levels of Service.

The Alternatives Assessment argues that 2.5m is a compromise in order to protect coastal marine values relating to resilience, protecting infrastructure, and managing coastal values in the face of climate change and sea level rise. From a recreation point of view, it is not clear that this

compromise results in an acceptable solution. Of greatest concern is the significant length of 2.5m wide sections (>150m). As noted under section 1.3 above, accepted best practice (Auckland Transport) recommends no more than 10m continuous length for a reduction to 2.5m.

I recommend that the applicant provides **further information** to address the above.

7 Further Information

To ensure proper consideration of the recreation effects of the proposal, and to address the matters raised in this review, we recommend that further information is requested as follows:

- a) **Maintaining Existing Dry Beach Areas** - the applicant provides further information on the likely alteration to coastal morphology as a result of the proposal impacts and climate change, and the effects of these predicted impacts on recreation values (see section 1.2 above).
- b) **Path Width** - the applicant provides further information with case studies and commentary on 2.5m wide pathways with similar constraints to the Eastern Bays shared path, to more accurately examine the likely impacts on user safety and comfort. The author should discount any consideration of ecological effects in drawing conclusions on recreation impacts. (see section 1.3 and 1.7 above).
- c) **Refuges** - the applicant provides further information on refuges and their distribution along the route to provide for high levels of service (see section 1.4 above).
- d) **Increased Activity** - the applicant provides more further information on the potential diminished enjoyment of the coastal landscape that may result from busyness and crowding (see section 1.5 above).
- e) **Sorrento Bay** - the applicant provides further information on the effects of the reduction in the volume of space at Sorrento Bay (see section 1.6.2 above).

8 Suggested Conditions of Consent

The following suggestions are made which could further manage, remedy, or mitigate an actual or potential environmental effect on recreation values. If Council are satisfied with the further information provided, these could form the basis of conditions of consent.

- a) Identify locations and design standards for refuges along the route to provide for the safety, comfort and enjoyment of recreation users.
- b) Route to maintain a continuous minimum width of 3.5m.
- c) Coping on top of sea wall to be widened to 350mm to create a visual signal to maintain clearance from the drop off, and to act as a seating edge.

9 Conclusions

The benefits to community and personal wellbeing, and tourism and recreation participation are clearly argued. What is not clear is whether these benefits accrue on a path that is designed to a lower LOS than is recommended best practice. That is, where the path is reduced to 2.5m, lacks adequate refuges/pause points and has potential impacts of intrusion into existing quiet enjoyment of the coastal environment.

Further information on the likely effects of the path where it does not meet accepted levels of service would assist in assessing the likely impacts of the proposal on recreation values and would provide a basis for further consideration of mitigation.



Catherine Hamilton - NZILA, NZRA
Technical Principal - Landscape Architecture

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From: [Hamilton, Catherine](#)
To: [Shannon Watson](#)
Cc: [Head, Jeremy](#); [Grinlinton-Hancock, Michelle](#)
Subject: RE: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers
Date: Monday, 21 October 2019 12:53:11 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hello Shannon,

- The single most important point I want to make is that providing adequate scale of space to move along the path without perceived or real constraints of being squeezed hard up against a live lane (70km at that) is, in my opinion, fundamental to a quality recreation experience. I support the evidence that 3.5m is the required clear space width for a quality recreation experience.
- The introduction of a fence in this context serves to reduce the sense of real and perceived available space, and constrain people against the live lane. Reducing the available width to 2.8 will, in my opinion, result in a reduction of recreation amenity when compared to no fence.
- For people to stop and sit on the edge, there needs to be a good width to create a sense of comfort and remove any sense of threat from people moving at speed behind the sitting persons' back (the basic principles of human comfort - 'prospect and refuge' apply here). It is not so much a matter of the size of the kerbs, but the width of the space.
- Ideally people will sit on a bull-nosed top of wall with feet hanging down in front – with sufficient passing space behind. The other optimum scenario is to have raised seats at the refuge (break-out) locations for people of all ages and abilities including more frail individuals.

Warm regards

Catherine

Catherine Hamilton
Technical Principal - Landscape Architecture



T: +64 9 353 2960
M: +64 27 244 7849
Catherine.Hamilton@wsp.com

WSP
The Westhaven Building
100 Beaumont St
Auckland 1010
New Zealand

wsp.com/nz

From: Head, Jeremy
Sent: Monday, 21 October 2019 12:18 PM
To: Shannon.Watson@ghd.com; Hamilton, Catherine <Catherine.Hamilton@wsp.com>
Cc: Grinlinton-Hancock, Michelle <Michelle.Grinlinton-Hancock@wsp.com>; dan.kellow@huttcity.govt.nz; [Jo Frances <Jo.Frances@gw.govt.nz>](mailto:Jo.Frances <Jo.Frances@gw.govt.nz>)
Subject: RE: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers

Hi Shannon,

The recreation comments are written by me following telephone discussion with Catherine. Apologies if anything got lost in translation...

Kind regards,

Jeremy Head
Senior Landscape Architect



T:+64 3365 0525 M:+64 21308 048
Jeremy.Head@wsp.com

WSP Opus
12 Moorhouse Avenue
Christchurch
8011 New Zealand

wsp-opus.co.nz

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From: Shannon.Watson@ghd.com <Shannon.Watson@ghd.com>
Sent: Monday, 21 October 2019 12:09 PM
To: Head, Jeremy <Jeremy.Head@wsp.com>; Hamilton, Catherine <Catherine.Hamilton@wsp.com>
Cc: Grinlinton-Hancock, Michelle <Michelle.Grinlinton-Hancock@wsp.com>; dan.kellow@huttcity.govt.nz; Jo Frances <Jo.Frances@gw.govt.nz>
Subject: RE: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers

Thanks very much Jeremy and Catherine for your comments.

Catherine, I have some follow up questions based on your comments:

- the full barrier will only be used in sections where the path width is 3.5m and not in any areas where the path width is 2.5m – therefore the useable space of the shared path in sections where the full barrier is used will reduce to at worst 2.8m (based on your reference to a loss of 700mm below). Where this is the case do you see any major conflicts/areas for concern?
- You raise a good point about all locations where the fence is used resulting in the loss of the ability for sitting on the sea wall, which you consider part of the mitigation for effects on recreation amenity. However, I have had a look through the various reports and cannot find any reference to sitting on the side of the seawall as mitigation? Can you please confirm where you found reference to the edge of the seawall being used for sitting being discussed as a mitigation option or explain where your assessment of sitting on the seawall as mitigation has come from?
- Do you have any concerns with wheel stoppers being used or do you expect these to not be an issue and, given their small size, for people to just sit over the top of them where they are used?

Many thanks

Shannon Watson
Environmental Planner

GHD

Proudly employee owned

T: +64 04 474 7330 | V: 517330 | F: 04 472 0833 | E: shannon.watson@ghd.com
Level 2, Grant Thornton House, 215 Lambton Quay, Wellington 6011 | www.ghd.com

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From: Head, Jeremy <Jeremy.Head@wsp.com>
Sent: Friday, 18 October 2019 4:56 PM
To: Shannon Watson <Shannon.Watson@ghd.com>; Hamilton, Catherine <Catherine.Hamilton@wsp.com>
Cc: Grinlinton-Hancock, Michelle <Michelle.Grinlinton-Hancock@wsp.com>; Dan Kellow (InTouch) <dan.kellow@huttcity.govt.nz>; Jo Frances <Jo.Frances@gw.govt.nz>
Subject: RE: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers

Hi Shannon,

Catherine and I have the following comments (Catherine is away today and asked me to include her comments in my email).

Recreational comments (from Catherine):

- The fence adds a vertical structure which effectively narrows the available psychological width. People will keep back to avoid handlebars touching the fence. People will already keep back from the 'sleepers' on the opposite side therefore a net loss of usable width of up to 700mm will occur.
- The effective cycleway width will reduce from 2.5m to 1.8m little more than a standard urban footpath.
- Being able to sit on the edge of the sea wall was considered part of the mitigation. This is no longer valid.
- Loss of feeling connected to the sea, replaced with feeling contained within the roading environment.
- The visualisations don't tell the full story. Preferable if similar situations could be cited by the applicant which could be visited (by us or the client) on a busy day to better understand how people respond to such structures.

Landscape comments:

- Typically a cycleway requires a 1400mm barrier, although in special circumstances this can be reduced to 1200mm if sightline issues come into play. The proposal is for a 1100mm high barrier which may not comply. The applicant needs to confirm this.
- If a barrier is required for compliance reasons, I question whether it is required where the fall height is less than 1m. The applicant needs to confirm this by citing the relevant rule.
- The proposed barrier will appear very urban which will be particularly at odds with the sometimes wild sea

- conditions. This is regardless of whether the barrier is opposite residential development or more natural areas.
- The barrier will be a visual distraction, particularly from oblique views when travelling along the shared user path or road where the vertical elements will visually 'overlap' causing the structure to appear more solid than it actually is.
 - I generally agree with Ms William's comments in Appendices 1 - 3.
 - If a safety barrier is ultimately installed as shown, it should be visually 'light', and, if painted avoid the cliché 'blue' which will jar when seen against the surrounding natural sea and rock colours. A preference would be for a recessive grey/brown hue (eg 'Ironsand').
 - The barrier would need to be sufficiently strong to avoid distorting if struck by cyclists, vandals etc. If the uprights for example became bent out of plumb, the unsightly effects would be highly noticeable.
 - Visual impact from the sea will be less than from the land as the barrier will be backdropped by visually 'busy' colours, textures and moving elements. From the land the barrier will appear prominent particularly at times of day/year when it catches the light (even dark colours will have this effect).
 - My original conclusions were that the proposal had adverse landscape, visual and natural character effects that would fall between 'low' and 'moderate'. In light of the proposal to include a barrier, my conclusion are that the effects would increase to '**moderate**' as the barrier will be a prominent feature around this highly defined landscape 'edge'.
 - The design of the barrier needs to be carefully considered/selected, and appropriately coloured.

Kind regards,

Jeremy Head
Senior Landscape Architect



T:+64 3365 0525 M:+64 21308 048
Jeremy.Head@wsp.com

WSP Opus
12 Moorhouse Avenue
Christchurch
8011 New Zealand

wsp-opus.co.nz

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From: Shannon.Watson@ghd.com <Shannon.Watson@ghd.com>
Sent: Tuesday, 8 October 2019 3:50 PM
To: Hamilton, Catherine <Catherine.Hamilton@wsp.com>; Head, Jeremy <Jeremy.Head@wsp.com>
Cc: Grinlinton-Hancock, Michelle <Michelle.Grinlinton-Hancock@wsp.com>; dan.kellow@huttcity.govt.nz; Jo Frances <Jo.Frances@gw.govt.nz>
Subject: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers
Importance: High

Hi Catherine and Jeremy

I hope this email finds you both well – I have now left GWRC but have been seconded back to complete the Eastern Bays Shared Path project consenting.

Following concerns from HCC's consultant Transport Engineer David Wanty about the need for the project to include safety barriers and/or wheel guards at certain locations pursuant to Building Act requirements and safety concerns, the applicant has reassessed their preliminary design to determine whether it is necessary, and if so where it will be necessary, to incorporate some form of edge protection along the seaward side of the Shared Path. As a result, Julia Williams, the applicants Landscape and Visual Amenity expert has prepared an addendum to her original Landscape and Visual Effects Assessment (LVA) to address any changes the incorporation of edge protection had on the conclusions that she reached in the original LVA.

Could you please review the attached addendum and visual simulations for the Shared Path project with the inclusion of edge protection features and let me know whether the addition of edge protection changes any of the conclusions you reached during your initial assessments in relation to significance or scale of effects. Additionally, I would be keen to understand whether either of you have any major concerns related to the addition of edge protection from an amenity (both visual and recreational) or safety perspective.

This information has come quite late in the process, with plans to notify the application immediately following Labour Weekend (29 October). It would be greatly appreciated if you could get any comments back to me by **18 October 2019**.

Please feel free to give me a call if you would like to discuss.

Kind regards

Shannon Watson
Environmental Planner

GHD

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T: +64 04 474 7330 | V: 517330 | F: 04 472 0833 | E: shannon.watson@ghd.com
Level 2, Grant Thornton House, 215 Lambton Quay, Wellington 6011 | www.ghd.com

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Memo

To Shannon Watson, Environmental Planner, GHD

Copy Michelle Grinlinton-Hancock

From Catherine Hamilton

Office Auckland

Date 19 February 2020

File 3-53523.00 Eastern Bays Shared Path

Subject Evidence summary memo: Rev1

Background

This memo sets out the key points that will be raised in my evidence to be presented on behalf of the Greater Wellington Regional Council (GWRC).

I provided a peer review dated 15 May 2019 of the Eastern Bays Shared Path Recreation Assessment by Rob Greenaway and Associates for Hutt City Council. I subsequently provided comments to GWRC regarding requests for further information under Section 92 (1). I have received The Application, a copy of the full submissions and summary of submissions. 14 highlighted submissions with themes relevant to recreation have been read in full.

Overview of my Peer Review

The emphasis of my peer review was on the environment that would be created for recreation use and enjoyment. I looked at whether, in my professional opinion, acceptable levels of service would be achieved on the shared path as well as the coastal edge spaces it passes through. The main concerns I raised were:

Path width

I agreed with the Greenaway Recreation Assessment, that a 3.5m wide path is the preferred minimum width. I was not satisfied that the report adequately addressed the effects of not meeting this minimum standard. I concluded that a 2.5m wide path width is too narrow to meet best practice standards for a shared path which is constrained on one side by a live traffic lane and on the other side by drop down into the shore environment

Refuge areas

I noted the lack of pause points/respice areas which would alleviate the pressure on the narrowed parts of the shared path and provide opportunities for resting and enjoying the coastal landscape. I recommended these be located and sized optimally to provide frequent rest points rather than opportunistic spaces that already exist.

Overcrowding

I raised concern around intrusion by the shared path and its users into areas of quiet enjoyment of the coastal landscape such as the narrow strips of rocky edge.

Beach Renourishment

I raised concerns over beach renourishment being proposed as mitigation for loss of beach space, and the possibility that coastal processes may erode the nourished areas, thus nullifying the mitigation effect.

Comments on Response to Further Information, 29 May 2019 and the application as lodged

There is an unusual lack of certainty provided in the preliminary design plans that form part of the application. This lack of detail makes it difficult to draw conclusions on the level of recreation effects of the proposal.

Path Width

In the response to further information request under S92 (1), the applicant does not agree that a path width of 2.5m is too narrow in terms of user safety and comfort. The path widths remain unchanged in the application. The response emphasises the safety aspect of 2.5m which I agree is of paramount importance. From a recreation perspective, however, 2.5m provides a low level of service (LOS) in terms of comfort and enjoyment. There is little space for clearance between two people meeting and passing. The effects of a narrow path are exacerbated by the lack of a buffer strip against the live lane – which is 70km in places, and the drop off into the shore environment.

Furthermore, there is a handrail proposed for the route where the path reduces to 2.5m and the fall is greater than 1.0m. This handrail, when combined with the barriers on the road side, will effectively reduce the useable width to approx.2m.

According to Table 1 of Vic Roads Cycle Notes 21 (August 2013) - a generally accepted guideline for New Zealand shared paths, 2m is deemed too narrow for a recreational and regional commuter shared path. This width is adequate for pedestrians, but only caters for one cyclist or pedestrian in a wheelchair at a time. If a meeting or a passing occurs between a cyclist and another user, one of the users may need to move off the path.

Rolleston Ave in Christchurch is cited by the applicant as an example; this route is mostly 3m wide and has a buffer from the live lane. Christchurch City Council Cycleway Design guide, S3.3.3, recommends 3.5m as the preferred width for an urban shared path.

Refuge Points

A condition that relief areas will be deliberately designed along the project and that these will be modelled to inform both frequency and size (Chapter 5.1-5.7) is, in my opinion, a good outcome. This condition will enable greater interaction with the natural coastal environment and will help mitigate overcrowding on the linear route.

While I consider it a good outcome to provide for deliberate design of refuges, there is no detail provided to enable review and comment on the quality of the spatial design.

A design-led process with a focus on high LOS for recreation should be included in the LUDP at a minimum. Good design, however, is not formulaic. Optimum outcomes will need to be site-specific and consider less tangible/qualitative factors that make a space feel good. Review and auditing of the design development by a qualified landscape architect and recreation planner will be important in this regard.

I note that the Section 92 response identifies 17 'respite areas' including ramps and stairs. These are not respite areas, rather they are narrow thoroughfares that are intended for movement, not stopping.

Crowding and busyness

The potential effects of overcrowding on the shared pathway and such impacts on the beach environments remains unanswered.

The S92 response states that while overcrowding is not anticipated on the shared path there is the opportunity to adapt the design over time if there is an overwhelming increase in use, and signage could be installed (retrofitted) if necessary. It is unclear what 'adapting the design' would involve and how quality outcomes would be ensured if this should occur. Retrofitting with signage is an indication of sub-optimum design which should be avoided at the outset.

The S92 response notes that the beach at Sorento Bay is not considered to be remote or peaceful. I agree that it is not remote in the sense of, say, back-country landscapes. Nonetheless, there is an expectation from kiwis and visitors that our coastline is available for respite from crowding and busyness and we should attempt to manage these environments to minimise adverse effects of crowding and busyness.

Loss of Beach and Beach Nourishment

Dr Iain Dawe GWRCs coastal processes expert has confirmed he is relatively confident that, if undertaken carefully, beach nourishment will be successful because he is confident that the eastern bays have reached equilibrium. (email from Shannon Watson 12/02/20)

I am satisfied that successful beach nourishment to maintain the same beach area as at present day is an adequate mitigation measure for the loss of beach space. I would add that the retention of the natural features of the coast edge such as rocky outcrops would further enhance the recreation experience of the coastal edge.

I recommend that each location where beach loss would occur needs to be considered based on the specific characteristics of that location. A one-size-fits-all approach is not likely to result in the best outcomes.

Comments on submissions received

Of the 200 submissions received, fourteen focused on matters relating to recreation amenity. Several submitters supported a narrower path due to the desire to protect the coastal landscape and habitat values. While I agree that the matters raised by the submitters relating to environmental and landscape values are very important, I consider the adequate sizing of the path to be a matter for expert analysis.

Key points of my evidence

1. There is a lack of design certainty on which to assess the proposal. Rather, there is a reliance on the LAUD and BSUDP's to specifically address the detailed design and capture design controls of the project. These plans cannot be fully relied upon to guarantee good outcomes for recreation amenity. It is imperative that any refinements to the proposal be robustly audited and reviewed by independent experts.
2. LUDP and the BSUDP's should be extended to cover recreation amenity. While recreation has a strong cross over with other topics such as safety and landscape, there is a need to consider recreation value in its own right - including use, enjoyment health and wellbeing.
3. The application does not adequately address my concerns about the width of the pathway which I believe to be too narrow At 2.5m wide. I do not agree with the applicant's expert that an appropriate level of service will be achieved for recreation amenity. The suggesting that if the path turns out to be too narrow, then signage and adapted design could be considered down the track is a reactionary approach rather than a proactive design-led approach, which is far from optimum.
4. The inclusion of a barrier fence will further reduce the width of the 2.5 path to an effective useable space of approximately 2m wide. This reduction is due to cyclists clearing the barrier with their handlebars, together with the live-lane barrier and the need to avoid hitting this. I consider there will not be enough space for 'a meeting and a passing' for long lengths of the route in four locations. This is below accepted (LOS) standards.
5. The provision of deliberately designed refuge points is a good outcome. Adequate design will need to address size, frequency and spatial quality for the range of users including commuters and recreation users, fast and low/mobility impaired cyclists and pedestrians, groups, mobility scooters etc. I do not agree that steps, ramps and bus stops adequately perform the function of a respite area.
6. Adverse effects from crowding and busyness at beaches due to increased activity have not been adequately addressed. There is potential to mitigate these effects through spatial design.

7. Any design refinements developed through the LUDP are presented to the GWRC for careful consideration before further consents are granted and/or works begin on site.

Conclusion

The highly constrained shared path environment at the shore edge means that there is limited ability to provide more space without cantilevering over the coastal edge. There is a need to protect the many values of the coastal landscape and marine environment including biodiversity/habitat. There is also a need to keep users safe from traffic in the live lane. Due to this negotiation between the competing values and demands at this shore edge environment, a compromise has been made to reduce the design to below acceptable levels of service. From a recreation amenity point of view, these compromises will result in a sub-optimum outcome, compromising use, comfort and enjoyment.

Recommendations

I agree that an expert workshop would be worthwhile to discuss the proposal as it stands, trade-offs and mitigation measures and alternatives. At this workshop I suggest we cover:

- Known examples of 2.5m wide shared paths and 3.5m wide shared paths
- An overview of Local Government and Agency shared path guidelines and framework plans within New Zealand to understand best practice LOS
- Reference projects demonstrating well designed respite areas
- Scope extension to include a LUDP/ BSUDP's chapter on recreation amenity, in line with recommended criteria set out in your email dated 12/02/20.
- Auditing and review of design as it progresses past the preliminary design phase, using the LUDP/ BSUDP's chapter on recreation amenity

Reference images



Reference image of a refuge point with a high level of service (well-sized, well oriented, good position, accessible, quality design)



Memorandum

To	Shannon Watson, Environmental Planner; GHD
Copy	Brenda O'Shaughnessy, Principal Planner; WSP
From	Catherine Hamilton
Office	Auckland
Date	25 June 2020
File/Ref	3-53523.00
Subject	Eastern Bays Shared Path conditions review

Dear Shannon,

Please see our response to your request for comments on the revised resource consent conditions for the Eastern Bays Shared Path Project, dated 11 June 2020, by Stantec. We have combined our feedback relating to landscape and natural character effects and recreation amenity.

The fact remains that the applicant has not provided a proposal in sufficient detail to be objectively peer reviewed. While the various wording in the Stantec 11 June Appendix R – Proposed Resource Consent Conditions and 12 June 2020 Memorandum outlines a robust design process and a potentially acceptable result, it remains aspirational.

Specific comments on Eastern Bays Shared Path Project Memorandum 5 – Response to matters raised in email dated 6 March 2020, dated 12 June 2020, and Revised resource consent conditions for the Eastern Bays Shared Path Project Dated 11 June 2020, by Stantec.

GC.5

GC.5 is problematic. This bundles the landscape and urban design plan (LUDP) with the other management plans, all of which are proposed to be submitted to the “Manager, Environmental Regulation or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction.” (my emphasis). LV.2(a) states that the purpose of the LUDP is to provide a detailed design for the Project among other things. This suggests a level of detail that can be tendered and built from. Thirty working days (minimum) is too short a timeframe to adequately respond to the LUDP through robust peer review, provide findings, allow for the applicant to make changes to the details in a timely manner and not significantly inconvenience the tender process/pricing/materials procurement and build process itself.

C.1 and C.2

C1 and C2 provide for the detailed design plans to be submitted at least 30 working days prior to the Commencement of Construction. Again, this is considered insufficient time for effective peer review of design.

LV.1 to LV.4

The memorandum identifies that conditions are proposed that will address concerns relating to landscape and natural character effects, and that these are contained within conditions LV.1 to LV.4. We do not agree that conditions LV.1 to LV.4 adequately address the concerns raised. Specific concerns are:

- (a) The three months duration proposed for the LUDP process is not sufficient time for design and peer review to ensure acceptable solutions;
- (b) The submission of management plans at least 30 days prior to commencement of construction does not allow enough time for design review and revisions should they be required. The 30-day timeframe for management plans generally relates to management of construction effects during implementation, not design review.
- (c) There is no design provided to assess the likely visual and landscape effects. We acknowledge that design plans in support of the information provided in the memo have been requested of the applicant and we can respond to these upon receipt.

LV.5 to LV.7

The memorandum identifies that conditions are proposed that will address concerns relating to recreation amenity, and that these are contained within conditions LV.5 to LV.7.

We do not agree that condition LV.5 is adequate to address recreation amenity concerns for the same reasons as stated in (a) (b) and (c) above.

LV.5 states that *“The BSUDP’s may either be attached to the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay”*. This is especially concerning as the BSUDP’s will contain design detail that needs checks and balances to alleviate any possible concerns. If the BSUDP’s are prepared later in a staged manner, and not included as part of an agreed LUDP, what is the mechanism for peer review?

We are concerned that staged design could result in ad-hoc outcomes and the loss of overall cohesion and unity across the built landscape. This would be alleviated by providing full design up-front even if construction is to be staged.

LV.6 and LV.7 are comprehensive in scope and are likely to address the concerns relating to recreation amenity so long as sufficient time and peer review opportunities are provided.

We have concerns about establishing a hierarchy of importance in the LUDP’s. It appears that safety comes first while urban design outcomes appear as the lowest priority. All factors are important, and many are interrelated. For instance, safety is a factor of urban design.

Overall comments

The memo states that the design is a *“preliminary design for consenting to understand (and manage) the project’s effects. There is scope within the detailed design to make small adjustments to the detailed layout”*. This statement implies that design is resolved and that only design tweaks will be considered going forward. We have not seen design plans other than route alignment and some typical sections. This is insufficient information to assess the projects effects on the considerable and highly sensitive landscape and recreation values.

If a suitably resolved proposal is not submitted prior to the hearing, then there must be time provided in the process afterwards for the Regional Council to respond appropriately to the LUDP through robust peer review. It is suggested that two review hold points are provided. The first hold point and review would be at developed design stage. The second hold point would be at detail design stage. A 30 working day timeframe would not be adequate for this.

It is assumed there will be goodwill on both sides (applicant and Regional Council) to enable an appropriate design outcome. There needs to be adequate timeframes allowed to review the proposal and for Regional Council to engage experts and to respond with any fair and reasonable changes in a timely manner. If agreements cannot be reached between the applicant and Regional Council an independent mediator should be used.



Jeremy Head
Senior Landscape Architect



Catherine Hamilton
Principal Landscape Architect

Memorandum

<i>To</i>	Shannon Watson, Environmental Planner; GHD
<i>Copy</i>	Brenda O'Shaughnessy, Principal Planner; WSP
<i>From</i>	Catherine Hamilton
<i>Office</i>	Auckland
<i>Date</i>	1 July 2020
<i>File/Ref</i>	3-53523.00
<i>Subject</i>	Eastern Bays Shared Path conditions review_ further comments on balustrade

Your question relates to the relative effects on recreation amenity of various balustrade heights (1.1m vs 1.2m vs 1.4m) at locations along the shared path. The sketch provided shows the balustrade positioned at the edge of the path to minimise intrusion into the useable space.

I continue to have concerns about the lack of design. While resource consent conditions go a long way to alleviating concerns, it is simply not possible to respond to design questions without seeing and reviewing design. Fundamentally, the recreation success of the project will come down to good spatial and infrastructure design that is considered, context sensitive and consistent.

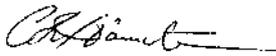
To assist you in preparing your response, I provide the following comments:

- Overall, a key recreation objective for the Eastern Bays Shared Path is to provide a safe and enjoyable experience for multiple user types including micro-mobility, and a range of speeds from fast E-bikes to slow and frail walkers;
- A safe and enjoyable recreation experience involves a journey that connects people with place and allows for a shared experience¹.
- The quality and consistency of the designed infrastructure makes a very important contribution to the overall recreation experience of the shared path, and to the positive amenity impact, able to be enjoyed by multiple users.
- At best, good design will encourage more cycling and walking along the shared path, supporting community outcomes and visitor experiences by becoming one of the regions most recognised and desirable recreation assets.
- At worse, if the design parameters do not achieve safety, comfort and relaxation – then the path will not be enjoyable, and people will be discouraged from using it – potentially becoming a bit of a white elephant
- A 1.4m barrier may have unintended adverse consequences on safety, comfort and recreation enjoyment. At 1.4m, the horizontal rail will be at eye level and create an impediment in the sightline, thus diminishing connection with the seascape and overall recreation enjoyment. I also have concerns that a barrier at eye level may have the psychological effect of causing people to shift closer to the live lane.

- A lower barrier of 1.1m or 1.2m would potentially alleviate these concerns but needs to be balanced against the effectiveness of preventing falls.
- The impact of the balustrade on safety and enjoyment would be affected by the width of the shared path and the live lane separation treatment. If it is sufficiently wide, the balustrade height may matter less.

In summary, I cannot draw firm conclusions without reviewing design. I think it would be worth simulating the design parameters to better understand behaviour associated with the proposed design and to alleviate any unintended consequences.

¹Hauraki Rail Trail enhancement strategy: June 2020



Catherine Hamilton

Principal Landscape Architect



Memorandum

To	Shannon Watson, Environmental Planner; GHD
Copy	Brenda O'Shaughnessy, Principal Planner; WSP
From	Catherine Hamilton
Office	Auckland
Date	18 November 2020
File/Ref	3-53523.00
Subject	Eastern Bays Shared Path Position Statement

Introduction

I have been commissioned by the Greater Wellington Regional Council (GWRC) to provide an expert review of the recreation amenity values of the proposed Eastern Bays Shared Path.

The Hutt City Council (HCC) proposes to construct a 4.4 km Eastern Bays Shared Path along Marine Drive in two sections: between Point Howard and the northern end of Days Bay, and the southern end of Days Bay (Windy Point) to Eastbourne (Muritai Road / Marine Parade intersection).

No new path is required in Days Bay. A description of the proposal is provided in the Assessment of Environmental Effects (AEE) for the consent application for the shared path.

To facilitate the shared path, the proposal also includes the widening of Marine Drive and replacement of a number of coastal structures, upon which the shared path will be constructed. Beach nourishment is proposed at Point Howard, Lowry Bay and York Bay.

The stated purpose of the shared path is to develop a safe and integrated walking and cycling facility on Marine Drive to connect communities along Hutt City's Eastern Bays. It also aims to provide links to other parts of the network (current and future) for recreation and tourism purposes - in particular, the Remutaka Cycle Trail and the Great Harbour Way (Te Aranui o Pōneke).

It is the intent of the bi-directional shared path to greatly increase use of the coastal edge by multiple modes of commuting (transport), recreation and tourism users. These users will cover all physical abilities, some will move fast on bikes, some will run others will dawdle and look at the view, some will be learning to walk, etc.

Review process

In undertaking a recreation review, I have assessed the application including the Eastern Bays Shared Path Recreation Assessment by Rob Greenaway and Associates for HCC (the applicant). I subsequently provided comments to GWRC regarding requests for further information under Section 92 (1). Further review and advice has been provided on the proposed conditions of consent, including the amended conditions submitted by the applicant.

Focus of my review: recreation outcomes

The focus of my recreation review is on the expected recreation outcomes of the proposal – including recreation amenity benefits of the proposed shared path as well as the existing recreation values, particularly those associated with beach activities and use of the rocky coastline including boating, fishing and shellfish collecting.

In considering the likely recreation outcomes based on the information provided, I have taken account of the following key factors:

- **Tangible and intangible factors are relevant:** Recreation amenity and, in the context of this project, tourism use, rely upon many conditions coming together to offer a safe and enjoyable user experience. These conditions can be both tangible – such as adequate resting facilities; and less tangible – such as perceptions of safety
- **Design standards need to be met:** The shared path needs to be designed to approved standards to cater for multiple modes of bi-directional movement including electric bikes, mobility scooters, wheelchairs, frail walkers and fast cyclists, dog walkers with extended leashes, in an environment that feels comfortable and enjoyable. I rely on a comprehensive review of standards and best practice levels of service which have been adopted in New Zealand. This review leads me to focus on the following elements of the path:
 - Adequate width,
 - free of perceived and real danger,
 - provide frequent, adequately-sized respite spaces separated from the line of movement,
 - connect people with the wider coastal setting,
 - provide comfort, shade and shelter;
 - offer safe and frequent access points on to and off the route
- **Access to the coast and wider area:** The beaches and rocky coastline environment are an amenity that will attract use of the path, both to view from the path and to access the coast. The path should be designed to allow people to move off the path and enjoy recreation activities including community gatherings, fossicking, fishing and scrambling along the shore. The path also needs to form a safe and attractive element of the wider recreation opportunity provided by the road / parks network.

POSITION STATEMENT

(Read in conjunction with proposed amendments to conditions of consent)

Recreation use generally

The proposed investment is to sit in a highly constrained road environment and the CMA.

Current community uses of the CMA, such as fishing, boating and shell fish collecting, support a sense of place and wellbeing for the local community. It is important to maintain these recreation activities.

The proposal will result in the reduction of shoreline and beach width in some areas where these recreation activities take place, including the loss of dry sand areas at the popular recreation destinations of Point Howard, Lowry Bay and York Bay. To mitigate the loss of dry sand beach in these areas, it is proposed to implement beach nourishment.

Advice provided by coastal dynamics specialist, Dr Dawe, is that the beach nourishment will be sustained and therefore the loss of dry beach areas offset. In this case, it is my opinion that any effects of the shared path on the dry beach recreation destinations would be alleviated by the proposed mitigation.

The proposal is consistent with long-term recreation strategies. It provides improved access to and along the CMA which is an important place for recreation.

Recreation benefits of the shared path include health and wellbeing from physical activity, connection to, and enjoyment of, the coastal setting and social benefits from connecting with community.

The path will be used by a wide range of users, including walkers, cyclists and runners of all abilities, and could give rise to conflict amongst users if not designed appropriately. It is a goal of the investment to greatly increase the volume of use over time.

The route is mostly made up of linear sections situated in-between the live lane of the road and the coastal edge. If these sections are designed to best-practice design standards including adequate width of generally 3.5m wide, with regular respite spaces, then it is my opinion that the path will contribute significant recreation benefits and will encourage increased use of the facility.

Lack of Design plans to review

There are no design plans accompanying the resource consent application, which means I have not been able to scrutinise the design to provide full professional peer review of the recreation outcomes of the proposal.

Commentary:

To achieve the stated purpose of the proposal, which is to provide a dedicated shared path for transport, recreation and tourism purposes, the infrastructure needs to be designed to appropriate standards and Levels of Service (LoS) as demonstrated by national and international best practice.

The best way to evaluate whether these standards are being met or exceeded is to review design plans that provide enough information to satisfy any concerns relating to recreation use and enjoyment. In the case of this application for the Eastern Bays Shared Path, no design plans have been provided for review which is highly unusual and, in my opinion, sub-optimal. Instead, the proposal is described by way of alignment plans with some dimensions, a small number of typical sections and details and a design features report (Appendix J) which sets out design principles.

The applicant intends to prepare design plans once consent is granted. My position is that there is no reason not to submit design plans with the application as that is the normal practice; and the lack of design plans is a significant flaw. The applicant has taken the view that the design outcome can be managed by GWRC imposing consent conditions and thus is essentially seeking consent for consent conditions rather than an actual project.

Conditions of Consent

I have concerns about the process, time allowed and content of the LUDP and BSDP's within the proposed Resource Consent conditions

Commentary:

Rather than providing design plans, the application relies upon extensive and detailed resource consent conditions to control and certify design outcomes. These conditions provide for the applicant to furnish design within three months of the design commencing, through the development of Landscape and Urban Design plans (LUDP). Bay Specific Design Plans (BSDSP) will be provided in a staged manner thereafter.

LV.5 states that "The BSUDP's may either be attached to the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay". The BSUDP's that are prepared later must follow the certification process established by condition GC.5 so there is now mechanism for peer review. It is my opinion that this process will allow for adequate design standards and levels of service to be met and can avoid ad-hoc outcomes.

LV.6 and LV.7 are comprehensive in scope and are likely to address the concerns relating to recreation amenity so long as sufficient time and peer review opportunities are provided. To alleviate concerns, I recommend that conditions explicitly identify minimum standards.

Conditions should allow for Hold Points at preliminary, developed and detailed design stages for review by suitably qualified and experienced specialists.

Design standards

Based on the limited design information reviewed, my professional opinion is that design standards for recreation amenity outcomes are being unacceptably compromised as a trade-off to protect coastal marine ecology especially.

Commentary:

This project is especially vulnerable to recreation design standards being eroded because of the trade-offs being negotiated to minimise intrusion into the coastal marine area. Compromising the design is sub-optimal and antithetical to the purpose of the investment which is to get as many people as possible using the shared path, for commuting, recreation and tourism purposes. These people will have a wide range of abilities and the width of the path will be critical to cater safely for this range and volume of users.

Specific areas of concern are:

Path width undersized

Three sections are proposed to be narrowed to 2.5m wide. These sections are for lengths of 50m in Sorrento Bay, 140m in Mahina Bay and 150m in Sunshine Bay.

The literature reviewed relating to acceptable standards, as stated in the Rob Greenaway report, and best practice reference project in New Zealand, indicate 3.5m widths for recreational shared paths are preferred minimums.

According to Greenaway, "Fowler et al (2010) recommend that an additional 0.5 m be added to each edge if the path is, "bounded continuously or has fall hazards on either side", and an additional 0.5 m should be added, "if during the critical design hour the path is serving both a commuting function and has significant numbers of child cyclists, such as would occur if the path is near a school."

The NZTA (2009) notes, "it is important to leave a lateral clearance distance of one metre on both sides of the path to allow for recovery by cyclists after a loss of control or swerving [and] ideally, keep a 1.5 m separation between the path and any adjacent roadway."

The Auckland Transport width standard is a minimum width of 3 metres. In some rare instances, a reduction of the minimum 3m width may be required due to topography, land use or other location based specific reasons. Any reduction in the minimum width will be reviewed on a case by case basis. Any such reductions should be to no less than 2.5m except in exceptional circumstances and for a short distance (e.g. 10m only).

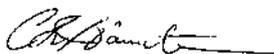
I think it would be worth simulating the design parameters to better understand behaviour associated with the proposed design and to alleviate any unintended consequences on recreation use and enjoyment and safety in areas where the path is proposed to be narrower than 3.5m

Handrail positions and heights

Safety from falling barriers are proposed for sections of the shared path that have more than a 1 metre fall. These areas generally relate to non-beach environments, and are higher risk from falling. Barriers are not proposed for areas that are 2.5metres in width.

The proposed barriers have not been designed therefore I am unable to comment with certainty on the recreation effects of these barriers. I do, however have concerns should barriers be higher than 1.1meters and intrude into the available width of 3.5metres.

A 1.4 high, the barrier may have unintended adverse consequences on recreation amenity. The horizontal rail will be at eye level and create an impediment in the sightline, thus diminishing connection with the seascape and overall recreation enjoyment. I also have concerns that a barrier at eye level may have the psychological effect of causing people to shift closer to the live lane, with consequents for real or perceived safety.



Catherine Hamilton
Principal Landscape Architect

Appendix R - Proposed Resource Consent Conditions

Index of Resource Consents

The following table sets out the condition references for each of the resource consents.

Ref	Consent	General conditions	Specific conditions
1	Coastal Permit (s12, s14 and s15) – Reclamation of the foreshore and seabed	[TBC]	[TBC]
2	Coastal Permit (s12, s14 and s15) – Removal and demolition of seawalls		
3	Coastal Permit (s12, s14 and s15) – Occupation of the seawalls in the CMA		
4	Coastal Permit (s12, s14 and s15) – Structures parallel to MHWS in an area outside of an Area of Significant Conservation Value		
5	Coastal Permit (s12, s14 and s15) – Activities involving the use and development of structures outside an Area of Significant Conservation Value which cannot meet permitted or controlled activity Standards		
6	Coastal Permit (s12, s14 and s15) – Construction of new seawalls, revetment, boat ramps and steps		
7	Coastal Permit (s12, s14 and s 5) – Deposition of sand, shingle, shell or other natural material directly onto the foreshore for the purpose of combating beach or shoreline erosion and improving the amenity of value of the foreshore		
8	Coastal Permit (s12, s14 and s15) – Discharges to the CMA		
9	Land use (s9) – Construction, alteration and diversion of Marine Drive		
10	Land use (s9) – Construction works within the Significant Natural Resource site identified as SNR 44		
11	Land use (s9) – Earthworks within the Special Recreation and Passive Recreation Zoning		

Definitions

The table below defines the acronyms and terms used in the conditions below.

Acronym/Term	Definition
BSUDPs	Bay Specific Urban Design Plans.
BNP	The Beach Nourishment Plan.
CEMP	The Construction Environmental Management Plan.
Certify, certification and certified	In relation to a management plan, means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is technically consistent with the requirements contained within the conditions of this consent.
CMA	Has the same meaning as 'coastal marine area' in section 2 of the RMA.

Acronym/Term	Definition
Commencement of Construction	The time when Construction Works (excluding site investigations and Enabling Works) for the Project (or a part of the Project) commence.
Completion of Construction	When construction of the Project (or part of the Project) is complete.
Construction Works	One or more of the various activities (excluding site investigations and Enabling Works) undertaken under these resource consents.
Consent Holder	Hutt City Council
<u>Enabling Works</u>	<p><u>Includes the following and similar activities:</u></p> <ul style="list-style-type: none"> (a) <u>geotechnical investigations (including in the CMA), including access on land for these investigations;</u> (b) <u>establishing site yards, site offices, site entrances and fencing;</u> (c) <u>establishing protection areas for Little Penguin and Shoreline Forager populations;</u> (d) <u>demolition or removal of buildings and structures;</u> (e) <u>relocation of services; and</u> (f) <u>establishing minimisation measures (such as erosion and sediment control measures).</u>
HEP	Habitat Enhancement Plan.
HNZPT	Heritage New Zealand Pouhere Taonga.
Little Penguin	NZ little penguin (<i>Eudyptula minor</i> , kororā).
Little Penguin Interest Group	Department of Conservation, Mike Rumble, Eastbourne Pest Control and Forest & Bird.
LPMP	The Little Penguin Management Plan.
LUDP	The Landscape and Urban Design Plan.
Manager, Environmental Regulation	The Manager, for the time being, of the Environmental Regulation Department, Wellington Regional Council.
MHWS	Mean High Water Springs.
Project	The design, construction, operation and management of the Eastern Bays Shared Path Project and associated works.
Reclamation	Areas permanently reclaimed from the CMA based on the definition in the <u>Has the meaning given to that term in section 2.2 of the Proposed Natural Resources Plan for the Wellington Region Decision Version (dated 31 July 2019) as it relates to the CMA.</u>
RMA	The Resource Management Act 1991.
<u>Shoreline Forager</u>	<u>variable oystercatcher and red-billed gull.</u>
<u>SRHP</u>	<u>Seawall and Revetment Habitat Plan</u>
Team Leader, Resource Consents	The Team Leader for the time being of the Resource Consent Department, Hutt City Council.
TMP	The Traffic Management Plan.
Working day	Has the same meaning as in section 2 of the RMA.

General Conditions

These general conditions apply to all resource consents unless specified otherwise. Additional conditions which apply to specific resource consents are set out in the following pages.

Ref	Condition
<i>General and Administration</i>	
GC.1	Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019.
GC.2	Where there is inconsistency between: <ul style="list-style-type: none"> (a) The application, plans and documents referenced in Condition GC.1 and further information provided by the Consent Holder post lodgment, including during the hearing, the most recent information and plans shall prevail; and (b) The application, plans and documents referenced in Conditions GC.1 and GC.2(a) and the conditions of consent, the conditions shall prevail.
<i>Pre-construction Administration</i>	
GC.3	The Consent Holder shall notify the Manager, Environmental Regulation in writing of the proposed date of Commencement of Construction at least 20 working days prior to that date.
GC.4	The Consent Holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent at least 10 working days prior to the Commencement of Construction.
<i>Management Plan Approval Process</i>	
GC.5	<ul style="list-style-type: none"> (a) Conditions (b) to (i) below apply to all management plans required by these conditions. (b) All management plans shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction. (c) All management plans shall provide the overarching principles, methodologies and procedures for managing the effects of the construction of the Project to achieve the environmental objectives, outcomes and performance standards required by these conditions. (d) All management plans may be submitted for certification in parts or in stages to address particular activities or to reflect the staged implementation of the Project and shall clearly show the linkages with plans for adjacent stages and interrelated activities. (e) Any certified management plan may be amended, if necessary, to reflect any minor changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) to inform them of the change, <u>and allow for their review/s</u> unless those amendments would result in a materially different outcome to that described in the original plan. Those minor amendments do <u>not</u> require certification, but the updated plan must be provided to the Manager, Environmental Regulation and/or the Team Manager, Resource Consents (as relevant). (f) Any material amendments to a certified management plan shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification. Any material amendment must be consistent with the purpose of the relevant management plan and the requirements of the relevant conditions of these consents. (g) If no comments are received on a management plan submitted under (b), or an amended management plan in (f) within 15 working days, then the management plan is deemed to have been certified and the Consent Holder may implement the plan or the changes.

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Commented [HC1]: I agree with Jeremy's review regarding Landscape Architecture, that any amendments impacting on recreation values need to be certified. I recommend the removal of the term 'minor' as this is a subjective measure and depends on the level of expert evaluation. Any effects on less tangible values such as recreation can easily be inadvertently overlooked if not properly assessed by a suitable qualified and experienced expert.

Commented [HC2R1]:

Ref	Condition
	<p>(h) Should the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) refuse to certify a management plan, or a part or stage of a management plan, the Consent Holder shall submit a revised management plan (or part or stage) for certification as soon as practicable. Should certification of the revised plan (or part or stage) be refused then the Consent Holder must, within 10 working days <u>of the refusal</u>, engage a suitably qualified, mutually acceptable independent expert to resolve the matters in dispute. <u>The expert shall resolve the matters within 10 working days of being engaged</u> and his or her decision shall be final. The cost of such a process will be met by the Consent Holder.</p> <p>(i) All works and monitoring shall be carried out in general accordance with the certified management plans.</p> <p><i>Advice note: Management plans must be emailed to notifications@gw.govt.nz or [HCC email address] and include the reference WGN190301 or RM190124 (as relevant), and the name and phone number of a contact person responsible for the proposed works.</i></p> <p><i>Advice note: Any preliminary works, which do not require resource consent or are permitted activities, can be undertaken prior to the certification of any management plans.</i></p>
<p>Construction and Environmental Management Plan</p>	
GC.6	<p>(a) The Consent Holder shall, in consultation with an experienced <u>ecologist</u>, prepare a CEMP for the relevant Project <u>stage</u> (excluding site investigations and Enabling Works) and submit this to the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. Commencement of Construction shall not occur until certification is obtained.</p> <p>(b) The purpose of the CEMP is to:</p> <ul style="list-style-type: none"> (i) Confirm final Project details; (ii) Ensure that the Construction Works remain within the limits and standards approved under the consent; and (iii) Set out the management procedures and construction methods to be undertaken to avoid; <u>remedy</u> or <u>minimise/mitigate</u> adverse effects arising from the Construction Works. <p><i>Advice note: Any investigations works, outside of those consented, which penetrate groundwater and/or any contaminated land investigations that do not comply with permitted standards will require separate consents.</i></p>
GC.7	<p>The CEMP shall include:</p> <ul style="list-style-type: none"> (a) Confirmation of the proposed staging and sequencing of construction, including staging of the Construction Works by bay. Continuous areas of seawall being constructed shall be limited to a stipulated length as set out in the CEMP and determined on a bay by bay basis. Works in the subtidal areas shall reflect Condition C.6(d) in that there is flexibility in terms of maximum length of seawall construction for works in these areas, but not for works outside of the subtidal areas. (b) An outline construction programme that takes into account timing constraints in these conditions and the management plans listed in Condition GC.8; (c) The final construction methodologies; (d) Contact details of the site supervisor or project manager and the Consent Holder's Project liaison person (phone, postal address, email address); (e) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid, <u>remedy</u> or <u>minimise/mitigate</u> potential adverse effects; (f) The proposed hours of work; (g) Location of construction site infrastructure including site offices, site amenities, contractors' yard access, equipment unloading and storage areas and contractor car parking; (h) The clear identification and marking of the construction areas within the CMA;

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Commented [HC3]: I don't believe this is sufficient time to find and engage a suitably qualified and experienced expert, for them to resolve the matter, including peer review.

Commented [HC4]: Provide for landscape and recreation specialists to confirm final construction details

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Commented [HC5]: Refer to GC7 (a) below. Is the staging for the overall project to be covered in the CEMP at commencement, or at each respective stage? This is ambiguous.

Ref	Condition
	<ul style="list-style-type: none"> (i) Where machinery is to be within the CMA, a list of that machinery and a protocol, developed in consultation with an experienced ecologist, for the management of that machinery to reasonably reduce ecological impacts and the footprint of the operations; (j) The measures to be adopted to maintain the construction area and adjacent parts of the CMA in a tidy condition in terms of disposal/storage of rubbish (so as to avoid attracting mammalian predators and undesirable species to the construction area), storage and unloading of construction materials and similar construction activities; (k) Procedures for managing and controlling erosion and sediment run-off into the CMA to achieve Condition C.6; (l) Procedures to reduce contaminants from Constructions Works on land or in the CMA into the CMA. Such procedures and measures shall include, but are not limited to: <ul style="list-style-type: none"> (i) Refuelling and carrying out machinery maintenance, including being at least 5m inland from MHWS, away from watercourses and not on the foreshore area, the use of biodegradable hydraulic fluids in machinery working within the foreshore and CMA where practicable, a spill kit on hand and staff trained in its deployment; (ii) Ensuring that wash water from tools, equipment or machinery is not discharged into the CMA; (iii) Keeping the area of disturbance in the foreshore and CMA to the minimum reasonably necessary to complete the works; (iv) Minimising the use of machinery within the CMA and ensuring that machinery is used in compliance with the CEMP; (v) Providing appropriate wash-down facilities for all concreting equipment to prevent wash water from entering the CMA; (vi) Storing any hazardous substances so that they will not enter the CMA; (vii) Ensuring, except for (viii), that during piling or seawall construction and ancillary work, no wet concrete, or any water or liquid that has come into contact with wet concrete or with any other cementitious products without appropriate treatment as set out in (ix), is able to enter the CMA; (viii) Ensuring that piling or seawall construction and ancillary work within the CMA complies with Condition C.6; (ix) Ensuring that the pH of water discharged from any work site that has used wet cementitious products has a pH level similar to the local receiving environment; and (x) Removal of any temporary construction materials and debris associated with the Construction Works from the CMA; (m) Procedures for ensuring that residents, network utility operators, road users and businesses in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction, the location of the work and are informed about the expected duration and effects of the work; (n) Means for maintaining public pedestrian access along Marine Drive during construction; (o) Procedures for incident management, including contingency procedures to address emergency spill response(s) and clean up; (p) Measures for protecting the site from tidal intrusion and storm events, and protocols to address any overtopping event that may occur during construction; (q) Consideration of fish passage in locations as outlined in Condition EM.12; and (r) Type of imported fill material to be used within the CMA to minimise contamination of the CMA as outlined in Condition C.9.
GC.8	<p>The CEMP shall incorporate or refer to the following management plans:</p> <ul style="list-style-type: none"> (a) Landscape and Urban Design Plan (including Bay Specific Urban Design Plans as appropriate) (refer to Conditions LV.1 to LV.7);

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Commented [HC6]: Covering recreation amenity

Ref	Condition																																		
	<p>(b) Beach Nourishment Plan (refer to Conditions EM.13 to EM.14);</p> <p>(c) Little Penguin Management Plan (refer to Conditions EM.2 to EM.5);</p> <p>(d) Traffic Management Plan (refer to Conditions GC.11 to GC.13);</p> <p>(e) A plan for works within 100m of a Shoreline Forager nest (refer to Condition EM.1C);</p> <p>(f) Seawall and Revetment Habitat Plan (refer to Condition EM.19 below); and</p> <p>(g) Habitat Enhancement Plan (refer to Conditions EM.7 to EM.9).</p> <p>If a CEMP is submitted in part or for a Project stage, it shall only incorporate or refer to the management plans relevant to that part or stage.</p>																																		
GC.9	All personnel working on the site shall be made aware of the requirements contained in the certified CEMP. The certified CEMP shall be implemented and maintained (and amended in accordance with GC.5(e) and (f) as necessary) throughout the entire period of the Construction Works.																																		
GC.1	The Consent Holder shall ensure that a copy of this consent and all certified plans and documents referred to in this consent, are kept on site at all times and available for inspection on request by the Wellington Regional Council.																																		
<i>Traffic Management Plan</i>																																			
GC.1	The Consent Holder shall prepare a TMP to append to the CEMP, and submit this to the Team Leader, Resource Consent for certification in accordance with the requirements of Condition GC.5.																																		
GC.1	The purpose of the TMP is to manage the various traffic management, safety and efficiency effects associated with the Construction Works.																																		
GC.1	<p>The TMP shall include, but not be limited to, the following:</p> <p>(a) Management of traffic along Marine Drive adjoining the construction areas to protect public safety, manageminimise delays to road users (especially during peak times), minimise disruption to property access and methods to keep the public informed about potential impacts on Marine Drive;</p> <p>(b) Access and parking for contractors; and</p> <p>(c) Specification of any additional measures necessary during periods of activities which involve high levels of construction traffic on nearby properties, such as the CentrePort site at Point Howard (including communication and any necessary physical management steps).</p>																																		
<i>Construction Noise</i>																																			
GC.1	<p>Noise arising from Construction Works shall be measured and assessed in accordance with NZS 6803:1999 <i>Acoustics – Construction Noise</i> and shall comply, as far as practicable, with the noise criteria set out in the following table:</p> <p>Table CNV1: Construction noise criteria</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Time</th> <th>L_{Aeq}(15 min)</th> <th>L_{AFmax}</th> </tr> </thead> <tbody> <tr> <td colspan="4">Residential buildings</td> </tr> <tr> <td rowspan="4">Weekdays</td> <td>0630h – 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>65dB</td> <td>80dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45dB</td> <td>75dB</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td>0630h – 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> </tbody> </table>	Day	Time	L _{Aeq} (15 min)	L _{AFmax}	Residential buildings				Weekdays	0630h – 0730h	55 dB	75 dB	0730h – 1800h	70 dB	85dB	1800h – 2000h	65dB	80dB	2000h – 0630h	45dB	75dB	Saturdays	0630h – 0730h	45 dB	75 dB	0730h – 1800h	70 dB	85 dB	1800h – 2000h	45 dB	75 dB	2000h – 0630h	45 dB	75 dB
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Ref	Condition			
	<u>Sundays and Public Holidays</u>	<u>0630h – 0730h</u>	<u>45 dB</u>	<u>75 dB</u>
		<u>0730h – 1800h</u>	<u>55 dB</u>	<u>85 dB</u>
		<u>1800h – 2000h</u>	<u>45 dB</u>	<u>75 dB</u>
		<u>2000h – 0630h</u>	<u>45 dB</u>	<u>75 dB</u>
	<u>Commercial and industrial receivers</u>			
	<u>All</u>	<u>0730h – 1800h</u>	<u>70 dB</u>	
		<u>1800h – 0730h</u>	<u>75 dB</u>	
<i>CentrePort access</i>				
GC.1	The Consent Holder shall enter into an agreement with CentrePort prior to any Construction Works being undertaken within the road reserve and land owned by CentrePort (being Section 1 Survey Office Plan 31984, Reference WN37D/408; and Part Lot 1 DP 10694 & Section 70-72 Block XIV Belmont Survey District and Part Lot 1 DP 10694, Reference WN479/105), adjacent to the CentrePort wharf (Point Howard), to ensure that access arrangements are maintained in accordance with CentrePort's proposed upgrade works.			
<i>Completion of Construction</i>				
GC.1	After Completion of Construction in each bay, the Consent Holder shall notify the Manager, Environmental Regulation in writing within 2 working days (48 hours) that the works have been completed.			
GC.1	The Consent Holder shall ensure that on Completion of Construction the site is left in a tidy manner, including all litter associated with the works being removed.			
GC.1	The Consent Holder shall, as far as reasonably practicable, remedy all damage and disturbance caused by vehicle traffic, plant and equipment to the foreshore during Construction Works, in consultation with a suitably qualified ecologist.			
<i>Incidents - General</i>				
GC.1	The Consent Holder shall maintain a permanent record of any incidents (such as, but not limited to, the spill of hydraulic fluid or other discharge not authorised by this consent) that occur at individual work stages that result, or could result, in an adverse effect on the environment.			
GC.2	The record shall include: <ul style="list-style-type: none"> (a) The type and nature of the incident; (b) Date and time of the incident; (c) Weather conditions at the time of the incident (as far as practicable); (d) Measures taken to remedy the effects of the incident; and (e) Measures put in place to prevent the incident from reoccurring. 			
GC.2	The record in Condition GC.20 shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation upon request.			
GC.2	The Consent Holder shall notify the Manager, Environmental Regulation within 1 working day of any such incident.			
GC.2	The Consent Holder shall forward an incident report to the Manager, Environmental Regulation within 7 working days of the incident occurring. This report shall include the matters listed in Condition GC.20. <i>Advice Note: Wellington Regional Council may investigate any incidents to determine if a breach of this consent or the RMA has occurred and may also undertake enforcement action depending on the circumstances.</i>			

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Ref	Condition
<i>Complaints Management</i>	
GC.2	<p>The Consent Holder shall maintain a complaint register that includes:</p> <ul style="list-style-type: none"> (a) The details of each complaint; (b) Actions taken to investigate the complaint (if any); (c) The outcome of such investigations if undertaken and the likely cause of the matter that led to the complaint; (d) The nature and timing of any measures implemented by the Consent Holder to respond to the complaint; and (e) Actions (if any) to be taken in the future to prevent to occurrences of similar events and complaints. <p><i>Advice note: Should there be a series of complaints related to a single incident then only one investigation needs to be completed by the Consent Holder.</i></p>
GC.2	The Consent Holder shall make the complaint register in Condition GC.24 available to the Manager, Environmental Regulation, on request.
<i>Consent Lapse</i>	
GC.2	Pursuant to section 125(1) of the RMA, the consents shall lapse 10 years from the date of the commencement of these consents (in accordance with section 116 of the RMA).
<i>Review of conditions</i>	
GC.2	<p>Pursuant to section 128 of the RMA, the conditions of consent may be reviewed by the Hutt City Council or Wellington Regional Council by the giving of notice pursuant to section 129 of the RMA, in [month, year] and every year thereafter in order to deal with:</p> <ul style="list-style-type: none"> (a) any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or (b) any other adverse effect on the environment on which the exercise of the consent may have an influence.

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Coastal Activities (C)

Ref	Condition
<i>Engineering Plans and Specifications</i>	
C.1	<p>At least 30 working days prior to the Commencement of Construction, the Consent Holder shall submit detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of proposed reclamation and de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations and areas where the construction area will extend into the subtidal zone), prepared in general accordance with the documents listed in Conditions GC.1 and GC.2(a), to the Manager, Environmental Regulation for certification using the process in Condition GC.5, the following documentation prepared in general accordance with the documents listed in Conditions and:</p> <p>(a) Detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of proposed reclamation and de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations and areas where the construction area will extend into the subtidal zone); and</p> <p>(b) Specifications for the works authorised by these consents.</p> <p>The requirements for certification set out in Condition GC.5 apply equally to the certification of the detailed engineering plans and specifications under this condition.</p>
C.2	<p>The engineering plans and specifications submitted under Condition C.1 shall cover the following matters:</p> <p>(a) Shared path;</p> <p>(b) Seawalls, including drainage and texture to be applied to the curved surface and depressions to be applied to the flat platforms of the curved seawall;</p> <p>(c) Revetment, including the reuse of in situ natural rock/cobble material and minimising the excavation of in situ rock where possible, without compromising structural integrity, along with the drilling of rock pools into the hard revetment rock of intertidal areas. The design of the revetments should look at all options to reduce the revetment footprint without compromising on structural integrity of the seawall, overtopping protection, or coastal processes;</p> <p>(d) Access steps, ramps, bus stops; and</p> <p>(e) Beach nourishment.</p>
C.3	<p>The Consent Holder shall comply with the engineering plans and specifications certified approved under Condition C.1.</p>
<i>Occupation of the CMA</i>	
C.4	<p>The right to temporarily occupy part of the CMA during Construction Works is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.</p>
C.5	<p>The right to permanently occupy part of the CMA coastal-marine area is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.</p>
<i>Erosion and sediment control</i>	
C.6	<p>Erosion and sediment control measures shall be implemented throughout the Construction Works. They shall be constructed and maintained so as to operate and perform in accordance with the <i>Erosion and Sediment Control Guidelines for the Wellington Region (Reprinted June 2006)</i> in the CMA, the measures set out below and the certified CEMP.</p> <p>Within the CMA measures may include, but not be limited to, the following considerations:</p> <p>(a) Not exposing non-native backfill material to the sea.</p> <p>(b) Use of weight-bearing mats on the foreshore substrate.</p>

Commented [HC7]: Do these engineering plans include landscape plans? Given the need to achieve recreation and landscape amenity, it would be helpful to be explicit about furnishing the set of landscape plans.

Ref	Condition
	<p>(c) Methods for isolating and containing the construction area including:</p> <ul style="list-style-type: none"> (i) Bunding/shuttering in a predominantly gravel/sand beach zone; and (ii) Alternative sediment control devices, such as geotextile containers or tubes filled with locally sourced sand, in rocky shore habitats or where the seawall works occur close to the mid tide mark. <p>(d) Limiting the length of any continuous section of seawall under construction at one time as appropriate, for example if the construction footprint extends into subtidal zone and a longer length allows for a single subtidal area to be contained in the one site then a longer length would be preferable.</p> <p>(e) Earthworks and construction activities to be planned to respond to tide timing, tidal height and forecasts of wind and wave conditions so that these matters can be factored into necessary erosion and sediment controls.</p>
<i>Contaminant Release</i>	
C.7	The Consent Holder shall take all reasonably practicable measures to limit the amount of contaminants from the Construction Works released on land or in the CMA. Such measures shall be included in the CEMP.
<i>Reclamation</i>	
C.8	The total reclamation area for the Project is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1, but shall not exceed 3000m ² . <i>Advice note: Statutory processes in respect of reclaimed land must be complied with, including under the Marine and Coastal Area (Takutai Moana) Act 2011.</i>
C.9	Imported fill material to be used in the reclamations shall be restricted to clean natural sand, gravels and rock.
C.10	The Consent Holder shall maintain a log recording the source of the materials imported onto each reclamation on the site. This log shall be made available to the Manager, Environmental Regulation for inspection on request.
<i>As-Built Certification</i>	
C.11	The Consent Holder shall supply to Wellington Regional Council and the LINZ Hydrographic Services Office and LINZ Topographic Services Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box PO Box 5501, Wellington 6145), a set of 'as built' plans, final topographic and, if relevant, bathymetric data covering the finished works, and appropriate certification confirming that the new structures and structures have been built in accordance with sound engineering practice, within 60 working days of the completion of the works.
<i>Maintenance of Structures</i>	
C.12	The structures permitted to occupy part of the CMA by this consent shall be maintained in a good and sound condition, and any repairs that are necessary shall be made, subject to obtaining any necessary resource consents.

Ecological Management (EM)

Ref	Condition
<i>Little Penguins and Shoreline Foragers</i>	
EM.1	<p>In order to avoid, or minimise, mitigate, offset and compensate adverse effects of the Project on Little Penguins and Shoreline Foragers, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) cComply with Condition EM.1A; (b) undertake the habitat enhancement measures set out in Conditions EM.7 to EM.9; (c) gAs set out in Condition LV.4(c), incorporate relevant detailed design elements within the LUDP as recommended in the LPMP in Condition EM.5; (d) uUndertake design and construction in accordance with the LPMP in Condition EM.5; (e) mManage rubbish and waste in accordance with the CEMP in Condition GC.7; (f) provide pest management in accordance with Condition EM.1B; and (g) pProvide Little Penguin and Shoreline Forager protection areas as set out in funding through Conditions EM.1B and EM.7 to EM.9, that is available from the commencement of consent for pest management along the Eastern Bays coastal margin from Seaview to Pencarrow Head, including in any Little Penguin breeding areas in (f), up to a maximum of \$40,000 including GST over 10 years; and Provide funding through Condition EM.1B of up to \$60,000 including GST towards establishing on the Eastern Bays between Seaview and Pencarrow Head, within 36 months of the commencement of the consents, Little Penguin breeding area(s) to be identified by the Consent Holder in consultation with the Little Penguin Interest Group.
EM.1A	<p>Construction Works between 1 July and 31 January (the Little Penguin breeding period) shall not occur within 10m of any active burrows or nests identified in Condition EM.5(a)(i).</p>
EM.1B	<p>The Consent Holder must:</p> <ul style="list-style-type: none"> (a) provide up to a maximum of \$4,000 (including GST) per year, spread over 10 years, for pest management within the protection areas specified in (b) below and the adjacent Eastern Bays coastal environment; (b) establish protection areas (refer to Appendix 1) at the following locations, in accordance with Conditions EM.7 to EM.9: <ul style="list-style-type: none"> (i) Bishops Park; (ii) HW Short Park; and (iii) Whiorau Reserve. (a) The Consent Holder must, within 20 working days of the commencement of consent, allocate a one-off payment of \$100,000 including GST to establish a Little Penguin and Shoreline Forager Enhancement Fund to be managed by Hutt City Council, and inform the Manager, Environmental Regulation; (b) The Fund applies throughout the Eastern Bays coastal margin from Seaview to Pencarrow Head (Fund area) for the purpose of enhancing the natural habitat of Little Penguins and Shoreline Foragers; (c) The Fund must be allocated as follows: <ul style="list-style-type: none"> (i) a maximum of \$40,000 including GST shall be available over 10 years for pest management throughout the Fund area, and any areas established in (ii); (ii) a maximum of \$60,000 including GST shall be put towards establishing, within 36 months of the commencement of consent, Little Penguin breeding area(s) within the Fund area, in consultation with the Little Penguin Interest Group. The Little Penguin breeding area(s) must be fenced to exclude dogs and the public, contain vegetative cover as appropriate to the setting, and be signposted; and

Ref	Condition
	<p>(iii) any money up to the maximum not spent under (i) or (ii) shall be used to enhance Little Penguin and Shoreline Forager habitat opportunities through detailed design in the LUDP as set out in Condition LV.4(c);</p> <p>(d) The following parties may apply to the Consent Holder for funding under (c)(i) or (ii):</p> <p>(i) members of the Little Penguin Interest Group;</p> <p>(ii) mana-whenua;</p> <p>(iii) the Consent Holder;</p> <p>(iv) community groups;</p> <p>(v) landowners; and</p> <p>(vi) individuals;</p> <p>(e) Each application in (d) must set out the amount of money applied for and how the proposed activities will meet the purpose of the Fund; and</p> <p>The consent holder must, within 20 working days of receipt under (d), provide the applicant with notice as to whether funding has been approved or declined, including reasons, and provide a copy to the Manager, Environmental Regulation. Similar applications may be grouped and responded to at the Consent Holder's discretion.</p>
EM.1C	<p>(a) <u>During the nesting season of any Shoreline Forager, no more than 10 working days prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified ecologist to undertake a Shoreline Forager nesting survey within the relevant construction area.</u></p> <p>(b) <u>If any Shoreline Forager nest in the relevant construction area is identified, the Consent Holder shall engage a suitably qualified ecologist to:</u></p> <p>(i) <u>GIS locate and mark on the ground the nest location;</u></p> <p>(ii) <u>advise on whether or not the nest of the Shoreline Forager contains eggs or chicks;</u></p> <p>(iii) <u>if it does contain eggs or chicks, advise on the management of Construction Works within 100m of the nest, including:</u></p> <p>A. <u>the use of specific machinery; and</u></p> <p>B. <u>the use of specific minimisation measures and/or working practices; and</u></p> <p>(iv) <u>prepare a plan for works incorporating the matters in (iii) which the Consent Holder shall include in the CEMP under Condition GC.7.</u></p>
<i>Little Penguin Management Plan</i>	
EM.2	The Consent Holder shall prepare a LPMP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.
EM.3	The purpose of the LPMP shall be to as far as reasonably practicable avoid, but otherwise mitigate, remedy, offset or compensate <u>minimise</u> , adverse effects on the Little Penguin population established in and adjacent to the existing revetment, during design and Construction Works.
EM.4	The LPMP shall be prepared by a suitably qualified person in consultation with the Little Penguin Interest Group.
EM.5	<p>The LPMP shall address the following matters:</p> <p>(a) Measures to minimise adverse effects on the Little Penguin population during construction, including that:</p> <p>(i) Two Little Penguin detection dog surveys, or a detection method approved by a Little Penguin expert appointed by the Consent Holder, must be undertaken in January prior to the Commencement of Construction in each bay. The purpose is to identify active Little Penguin burrows and nests within the construction area of</p>

Ref	Condition
	<p>each bay. No Construction Works shall occur in an area not surveyed in accordance with this provision; and</p> <p>(ii) The GPS coordinates for all active burrows and nests identified in (i) must be recorded;</p> <p>(b) A protocol for enabling Little Penguins active burrows and nests identified under (a) within the construction area of each bay to be relocated to a site outside of the construction area between 1 February and 30 June. The protocol will include measures to ensure that the formerly active burrows and nests will not be reoccupied so that Construction Works can proceed. The protocol will be prepared by a Little Penguin expert appointed by the Consent Holder;</p> <p>(c) A programme for monitoring Little Penguins within or adjacent to the construction area during the Construction Works proportionate to the scale of the works in that area and the number of burrows and nests to determine whether any reasonably practicable steps can be undertaken by the Consent Holder to further reduce adverse effects, <u>including steps provided for in the HEP (refer Conditions EM.7 to EM.9)</u>;</p> <p>(d) Staff and contractor training;</p> <p>(e) Identification of specific areas where Little Penguin and dog control signage would be beneficial to reduce the risks of adverse effects on Little Penguins; and</p> <p>(f) Opportunities to enhance Little Penguin habitat through detailed design, including:</p> <p>(i) Potential seawall design opportunities to restrict road access for Little Penguins through penguin passage elements; and</p> <p>(ii) Potential rock rip rap design opportunities to include key holes for Little Penguin nests.</p> <p><i>Advice note: The handling of protected wildlife will require permits to be obtained from the Department of Conservation under the Wildlife Act 1953.</i></p>
EM.6	Any outcomes from monitoring under Condition EM.5(c) shall be applied, as appropriate, to future Construction Works by revising the LPMP so that over time processes and responses to minimise effects on Little Penguins are refined and improved. The results of the monitoring shall be provided to the Little Penguin Interest Group and the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion.
<u>Shoreline Foragers Habitat Enhancement Plan</u>	
EM.7	<u>The Consent Holder shall prepare a HEP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5 prior to Commencement of Construction. Prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified and experienced person to undertake a shoreline forager nesting survey within the relevant construction area.</u>
EM.7A	<u>The HEP shall be prepared by a suitably qualified ecologist in consultation with the Little Penguin Interest Group and the Eastbourne Dunes Restoration Group.</u>
EM.8	<u>The purpose of the HEP shall be to provide protection areas (as specified in Condition EM.1B and shown in Appendix 1) for the Little Penguin and Shoreline Forager populations.</u>
EM.9	<p><u>The HEP must address and/or include the following within the protection areas:</u></p> <p>(a) <u>fencing of the boundaries as shown in the plans in Appendix 1 with a minimum standard to keep dogs out;</u></p> <p>(b) <u>pest management measures, using funding provided in Condition EM.1B;</u></p> <p>(c) <u>a Planting Plan for revegetation as appropriate, including details of species to be planted and areas planting will take place in;</u></p> <p>(d) <u>signage identifying the relevant habitat area to reduce the risks of adverse effects on Little Penguins and Shoreline Foragers;</u></p>

Ref	Condition
	<p>(e) <u>opportunities to enhance Little Penguin habitat within the protection areas including provision of a minimum of 20 nesting boxes in each of the protection areas;</u></p> <p>(f) <u>opportunities to enhance Shoreline Forager habitat in the protection areas, including wooden poles providing further safe roosting habitats;</u></p> <p>(g) <u>provisions as appropriate to provide ecological resilience to sea level rise; and</u></p> <p>(h) <u>timeframes for completing (as appropriate) the measures outlined in the HEP, including:</u></p> <p>(i) <u>for the Whiorau Reserve protection area:</u></p> <p>A. <u>fencing must be completed prior to Commencement of Construction (see (a) above);</u></p> <p>B. <u>detailed design of habitat enhancement for the Little Penguin and Shoreline Foragers must be finalised, and nesting boxes and roosting measures must be installed, prior to Commencement of Construction (see (e) and (f) above);</u></p> <p>C. <u>pest management measures must be installed and operational prior to Commencement of Construction (see (b) above);</u></p> <p>D. <u>signage must be installed prior to Commencement of Construction (see (d) above);</u></p> <p>E. <u>planting shall be undertaken in accordance with the timeframes specified in the Planting Plan (see (c) above); and</u></p> <p>(ii) <u>for the Bishops Park and HW Short Park protection areas, the establishment process (ie the measures specified in A to E above) must commence prior to Commencement of Construction, and measures A to D above must be completed within six months following Commencement of Construction (and the planting in accordance with the specified timeframes in the Planting Plan).The Consent Holder shall provide the management responses recommended under Condition and an explanation of how these have been implemented (or if not why not) to the Manager, Environmental Regulation, Wellington Regional Council and the local ranger of the Department of Conservation.</u></p>
<i>Intertidal and subtidal ecology</i>	
EM.10	For any construction areas where there are intertidal rock pools or loose rocky material in the intertidal zone, prior to the Commencement of Construction the Consent Holder shall check any rock pools and under loose rocks within the construction area for fish (such as rock fish) and relocate them outside of the construction area. Initial training and guidance by a qualified ecologist will be required.
EM.11	<p>For any construction areas that may extend into the subtidal zone, the Consent Holder shall:</p> <p>(a) Undertake all measures possible to reduce the construction area in the subtidal zone to the minimum required to complete the works in a safe and efficient manner, and avoid operating heavy machinery in the subtidal zone unless there is no reasonably practicable alternative. If works must occur in the subtidal zone, then the Consent Holder shall undertake appropriate measures to isolate the construction site from the subtidal zone to protect the site and prevent contamination release into the CMA, in accordance with the requirements of the certified CEMP;</p> <p>(b) During Construction Works within the subtidal zone the Consent Holder shall, where reasonably practicable, remove large rocks (greater than 0.4m diameter that are not part of the bedrock material and can be safely moved) that have been colonised with biota. They shall be placed in a nearby subtidal zone until the Completion of Works in that area. On completion of works, the rocks shall either be returned to the area from which they were removed, left at their new location or relocated to another appropriate subtidal location; and</p> <p>(c) Avoid adverse effects on the seagrass beds at south Lowry Bay (as identified in Figure 3 of Appendix C2 of the AEE) from Construction Works and beach nourishment. Measures shall include, but not be limited to:</p>

Ref	Condition
	<ul style="list-style-type: none"> (i) Monitoring of seagrass beds in south Lowry Bay before and after Construction Works and beach nourishment to confirm that the beach nourishment works have not resulted in any net loss of seagrass extent and cover through unforeseen physical encroachment into the seagrass beds, increased turbidity or altered hydrodynamics; (ii) The monitoring in (i) shall include mapping the perimeter of each seagrass bed and assessing the average plant cover within each bed immediately before works commence, immediately after works have been completed and 1 year after the completion of the beach nourishment works; (iii) The results of the monitoring in (i) shall be provided to the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion; and (iv) Ensuring that the seagrass beds are appropriately marked during Construction Works and beach nourishment to avoid any potential adverse effects.
<i>Fish Passage</i>	
EM.12	<p>At the key outlets listed in Table 7 of Appendix B of the AEE, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) Ensure that fish passage is improved or maintained at the existing level; and (b) Involve a qualified freshwater ecologist in the design of culvert extensions, alterations, and any specific fish passage features.
<i>Beach Nourishment Plan</i>	
EM.13	<p>The Consent Holder shall prepare a BNP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.</p> <p>Beach nourishment shall only occur in Point Howard beach, York Bay and south Lowry Bay and be deposited in general accordance with the Plans in Appendix 1 to these conditions. The maximum volume of material that may be deposited is 6,000m³, to be distributed between the three bays as outlined in Table 5-1 of Appendix F of the AEE.</p>
EM.14	<p>The BNP shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) The design conditions at the time of the beach nourishment and for the beach nourishment to achieve after 2 years; (b) The name and location of the sediment source; (c) Evidence of approvals and consents for taking the material and ensuring imported materials do not exceed allowable maximum contaminant levels under the relevant ADAWR (2019) Default Guideline Values; (d) A specification of the borrow material including: <ul style="list-style-type: none"> (i) Ensuring no more than 2% of sediment is of a size smaller than 62 microns; (ii) The grading envelope; (iii) Colours; and (iv) Extent of placement; (e) A construction methodology to limit potential adverse effects that includes, but is not limited to, the following measures: <ul style="list-style-type: none"> (i) Separation and disposal offsite of silts and clays in beach excavation sediments; (ii) Use of beach nourishment sediments that are similar or slightly coarser than in situ sediments, that will maintain the existing profile without spreading onto seagrass beds; (iii) Excluding fine sediments from beach nourishment sediments; (iv) Only undertaking beach nourishment in the winter months between June and August;

Ref	Condition
	<ul style="list-style-type: none"> (v) Forming the high tide construction beach with a slightly over-steepened profile; (vi) Only depositing as much sediment on the beach as can be transferred along the placement area in the day of placement; (vii) Only transferring and shaping the beach profile during lower tide levels in calm conditions, and such that the formed toe does not extend much beyond mean low water springs; (viii) Minimising the working area and mobilization of sediment; (ix) Stockpiling woody debris and then replacing woody debris in the wrack line following beach nourishment; (x) Avoiding the placement of beach nourishment materials no further south than the centerline of Gill Road at the southern end of Lowry Bay; (xi) Forming and shaping a steeper profile within the existing beach footprint; and (f) Placing imported beach sediment along the entire designated placement area rather than in one discrete location; (g) Minimising the potential to block stream outlets with fish passage during beach nourishment by: <ul style="list-style-type: none"> (i) Identifying pipe outlets that are identified as important for fish passage as identified in Table 7 of Appendix B of the AEE; (ii) Avoiding initial placement of sediment from within 20 m of existing outlets; and (iii) Monitoring of stream outlets indicated in Table 6 of Appendix B of the AEE during beach nourishment and then fortnightly for the first 6 months after nourishment and monthly for another 6 months thereafter to check they remain clear. If blocked, the Consent Holder shall clear gravels and sand block the outlets. <p><i>Advice note: Clearance of any accumulated material at the outlets may require a separate consent if not able to comply with permitted activity standards.</i></p>
<p><i>Beach monitoring and management– beach nourishment</i></p>	
<p>EM.15</p>	<p>The Consent Holder shall undertake monitoring of beach volume via 6 monthly beach profiles (or equivalent elevation surveying techniques) to ensure the actual effect on beach sediment processes is in line with the expectations for generally minor redistribution of beach material.</p> <p>The monitoring shall commence prior to the Commencement of Construction in each bay in Condition EM.13, and continue for 2 years after Completion of Construction in that bay. If nourishment occurs in more than one bay, the monitoring timing shall be aligned so that the monitoring of each bay occurs at the same time.</p> <p>This monitoring information shall be interpreted at the end of the 2 year period in that bay by an experienced coastal scientist and that interpretation shall be provided to the Manager, Environmental Regulation within 1 month of its completion.</p>
<p>EM.16</p>	<p>The monitoring should include the nourished area and the foreshore at the base of the seawall extending at least 60 metres along the seawall at both edges of the nourished area at York Bay and Point Howard beach, and 60 metres to the south and 240 metres to the north of the nourishment at Lowry Bay.</p>
<p>EM.17</p>	<p>If beach nourishment monitoring results in Condition EM.15 show that design conditions in the BNP have not been met, then the Consent Holder shall, if deemed to be required by an experienced coastal scientist or engineer, 'top up' the beach nourishment and/or undertake beach maintenance as recommended.</p> <p>Only one 'top up' event may occur at each location. If a 'top up' is required it shall occur within 2 years of the completion of the monitoring. If a 'top up' is required at more than one bay then the nourishment and/or maintenance shall, if possible, be undertaken at the same time.</p>

Ref	Condition
	The design conditions of such 'top ups' shall be prepared by an experienced coastal scientist or engineer and certified as meeting the design conditions of the beach nourishment in the BNP by the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. To avoid doubt, Condition EM.14(e) applies to any beach nourishment 'top up'.
EM.18	<p>An intertidal and subtidal benthic invertebrate monitoring programme designed by a qualified ecologist will be undertaken at least 12 months after the completion of beach nourishment in that bay to assess whether the redistributed beach nourishment material is having any significant adverse effect on the benthic intertidal and subtidal biota.</p> <p>If monitoring results show that redistributed beach nourishment material has had significant adverse effects on the benthic intertidal and subtidal biota, any 'top ups' under EM.17 will be designed by the Consent Holder to appropriately minimise<u>investigate, offset or compensate</u> those significant adverse effects on benthic intertidal and subtidal biota.</p>
<u>Seawall and revetment habitat</u>	
EM.19	<p><u>The Consent Holder shall engage a suitably qualified ecologist to prepare a Seawall and Revetment Habitat Plan (SRHP) that provides for intertidal biota, including:</u></p> <ul style="list-style-type: none"> (a) <u>incorporating textures to the curved surfaces and depressions to the flat platforms of the curved seawalls including:</u> <ul style="list-style-type: none"> (i) <u>within the 'low encroachment zone' to help offset the existing intertidal area lost to the 'high' and 'medium' encroachments; and</u> (ii) <u>in areas where the seawall is wholly above the existing high tide mark to provide ecological resilience to sea level rise;</u> (b) <u>drilling rock pools into the hard revetment rock of the mid-low tide zone;</u> (c) <u>reuse of larger colonised rock material;</u> (d) <u>purpose-made rock pool features (to be used where appropriate, and without compromising structural integrity);</u> (e) <u>where appropriate and/or feasible, pre-cast 'pot plant/window box structures that can be added to the surface of the curved seawall; and</u> (f) <u>a map of appropriate scale, showing where each method of enhancement will occur.</u>

Landscape, Urban Design and Visual (LV)

Ref	Condition
<i>Landscape and Urban Design Plan</i>	
LV.1	The Consent Holder shall prepare a LUDP for the Project and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5. The Consent Holder shall provide the LUDP for certification within 3 months of the commencement of the consents. The process to prepare the LUDP, including as set out in Condition LV.3, must be completed within this timeframe.
LV.2	The purposes of the LUDP are to: <ul style="list-style-type: none"> (a) Provide a detailed design for the Project that responds to local landscape character, identity and land use and is in general accordance with the Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); (b) Integrate the Project's permanent works into the surrounding landscape and urban context and to illustrate the urban and landscape design elements of the Project; and (c) Outline methods and measures to avoid, remedy and or minimise adverse effects on natural character, landscape and recreational amenity during the construction of the Project.
LV.3	The LUDP shall be prepared by the Consent Holder, with input from an ecologist, engineer, landscape architect, recreation specialist, traffic engineer and urban designer, and in consultation with: <ul style="list-style-type: none"> (a) Wellington Tenth's Trust; (b) Port Nicholson Block Settlement Trust; (c) Relevant Resident Associations; (d) Hutt City Council (Parks and Reserves); and (e) Eastbourne Community Board.
LV.4	The LUDP shall reflect and/or incorporate the plan in Condition EM.19 as appropriate and, as a minimum, shall address how the detailed design of the Project: <ul style="list-style-type: none"> (a) Achieves design outcomes based on the following general hierarchy of environmental effects: <ul style="list-style-type: none"> (i) Safety; (ii) Ecology; (iii) Natural character; (iv) Public access; and (v) Urban design, recreational and visual amenity; (b) Responds to conflicts between any of the matters listed above, including in relation to the significance (if any) of their values relevant to the specific design matters being considered, and the significance of the matters in the context of each individual bay; (c) Responds to any relevant design elements recommended in the LPMP in Condition EM.5 and the HEP in Condition EM.9 while applying the same approach as in (a) and (b); and (d) Responds to: <ul style="list-style-type: none"> (i) The design principles set out in Appendix J: Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); and (ii) Relevant Industry Standards.

Commented [HC8]: Remove hierarchy, it doesn't make sense that urban design, recreational and visual amenity is lowest in the hierarchy for an LUDP plan. Safety, recreation and Landscape are all interlinked and there are strong interdependencies in design.

Formatted: Highlight

Commented [HC9]: Refer to **industry design standards and best practice exemplars for shared paths at a minimum of 3.5m wide**. Explanation: the submitted plans are sub-standard, as sections of the path are only 2.5m wide. By contrast, other shared paths considered best practice are in the range of 3.5m to 5m wide. The 2.5 is a trade-off to minimise intrusion into the coastal marine area. This trade off risks unintended consequences for recreation amenity and safety.

Ref	Condition
<i>Bay Specific Urban Design Plans</i>	
LV.5	<p>The LUDP shall include the final BSUDPs for each bay within the Project area, which shall address the detailed design, within the particular bay, for the benefit of pedestrians, cyclists and others using the local road network as well as the specific urban design, landscape, ecology and recreational amenity matters, including those listed in Condition LV.7, as relevant to the particular bay.</p> <p>The final BSUDPs may either be attached to, and certified as part of, the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay and individually certified under Condition LV.6.</p>
LV.6	<p>The BSUDPs shall be prepared by the Consent Holder in two stages for each bay:</p> <p>(a) Stage 1: A draft design protocol that sets out the priorities for the bay design in terms of engineering and safety requirements as well as ecology, natural character, landscape, urban design and recreational amenity elements and issues. The protocol shall be provided to the Relevant Resident Association for the affected bay (if any) and the Eastbourne Community Board for comments, if any, within 15 working days from receipt. Any comments received, and the Consents Holder's response and reasons if they are not accepted, are to be provided to the Manager, Environmental Regulation within 20 working days from receipt of the comments; and</p> <p>(b) Stage 2: The final BSUDPs, which are to be certified either on their own (in accordance with Condition GC.5) or (if included in the initial LUDP) when the LUDP is certified under Condition LV.1.</p>
LV.7	<p>The BSUDPs shall, include specific landscape and urban design details for:</p> <p>(a) Seawall structures, including transition zones between seawall types;</p> <p>(b) Beach access including steps, ramps and associated handrails where required;</p> <p>(c) Safety barriers and railing; at no more than 1.1metres high</p> <p>(d) The treatment of stormwater structures at the coastal interface;</p> <p>(e) <u>Little Penguin and Shoreline Forager</u> related structures including penguin passage elements, ramps, <u>and nests, boxes and wooden poles for roosting</u>;</p> <p>(f) Planting treatment;</p> <p>(g) The treatment of existing trees and existing landscape and natural features;</p> <p>(h) The design and area of space available for recreational amenity activities;</p> <p>(i) The design and orientation of features, spaces and access points;</p> <p>(j) Refuge and seating opportunities: including size and arrangement of space to allow for stopping and gathering at frequent intervals distributed along the route</p> <p>(k) Signage and storyboards.</p> <p>(l) Minimum path width of 3.5metres</p>

Commented [HC10]: Add: The draft design protocol shall provide annotated photographic exemplars of best practice coastal shared path projects, to demonstrate the level of design to be achieved.

Commented [HC11]: Include hold points for review at preliminary, developed and detailed design gateways.

Commented [HC12]: If conditions are to take the place of design plans, then the standards need to be explicitly specified. Add details of standards and best practice levels of service to be met. For instance, minimum path width of 3.5 metres, frequency and size of respite areas, height of hand rails to be no more than 1.1metres.

From: [Hamilton, Catherine](#)
To: [Shannon Watson](#)
Cc: [O'Shaughnessy, Brenda](#); [Head, Jeremy](#); [Dan Kellow \(InTouch\)](#)
Subject: RE: disability provision
Date: Thursday, 19 November 2020 10:36:15 AM
Attachments: [image006.png](#)
[image008.png](#)
[image009.png](#)
[image010.png](#)
[image011.png](#)
[image012.png](#)
[image013.png](#)

Hi Shannon, further to our conversation yesterday about universal accessibility for the shared path.

The current wording is:

To ensure that all new structures in the coastal marine area to which the public are admitted provide reasonable and adequate access and facilities for disabled persons in accordance with section 25 of the Disabled Persons Community Welfare Act 1975.

I have spoken with our accessibility specialist and I believe S.25 has been repealed.

I would recommend that you instead refer to NZS4121 <https://www.standards.govt.nz/assets/Publication-files/BSP/NZS4121-2001.pdf>. This standard has a really good intro section which highlights the legal framework including the following (Page 8)

The design requirements in the concepts of approachability, accessibility and usability are meant to ensure that accessible facilities are melded into the design of a building as a whole (including landscaping) so that the occupants of the building happily use these facilities without being conscious of their underlying purpose.

It will be recognized that 'accessible' routes for people with disabilities extend far past those on the building sites and within buildings, see definition of the accessible route, 1.5.1. Local and central government are required, through the Local Government Act 1974, the Resource Management Act 1991 and the Human Rights Act 1993 to provide clear access along pavements and to provide road crossings etc. for people with disabilities to use. This consideration automatically extends to the siting of street furniture, bollards and the like and the siting and design of public transport bus or train stops etc.

Further, I think it is important to establish an assessment and auditing process as part of the conditions of consent, to ensure that the shared path is designed to provide a barrier-free destination and journey that works for everyone.

Wording could be...

"Provision shall be made for a disability auditor to prepare an accessibility statement to guide design, and undertake accessibility audits at preliminary, developed and detailed design hold-points"

Regards

Catherine

Catherine Hamilton
Technical Principal - Landscape Architecture



T: +64 9 353 2960
M: +64 27 244 7849
Catherine.Hamilton@wsp.com

WSP
Lvl 3, The Westhaven
100 Beaumont St
Auckland 1010
New Zealand

wsp.com/nz



From: Shannon Watson [mailto:Shannon.Watson@ghd.com]
Sent: Wednesday, 18 November 2020 5:50 PM
To: Hamilton, Catherine <Catherine.Hamilton@wsp.com>
Subject: disability provision

To ensure that all new structures in the coastal marine area to which the public are admitted provide reasonable and adequate access and facilities for disabled persons in accordance with section 25 of the Disabled Persons Community Welfare Act 1975.

SHANNON WATSON
Environmental Planner

GHD

Proudly employee-owned | ghd.com
Level 2, Grant Thornton House, 215 Lambton Quay, Wellington 6011
T +64 04 474 7330 E shannon.watson@ghd.com

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Attachment 4 - Landscape and Visual Effects Assessment Position
Statement and background comments



Greater Wellington Regional Council

Eastern Bays Shared Use Path

**Review of Applicant's
Landscape and Visual Assessment**

Contact Details

Name: Jeremy Head

12 Moorhouse Avenue
PO Box 1482, Christchurch Mail Centre,
Christchurch 8140
New Zealand

Telephone: +64 3 363 5400

Mobile: +64 21 308 048

Document Details:

Date: May 10, 2019

Reference: 3-53523.00

Status: FINAL

Prepared by:

Jeremy Head
NZILA (Registered)
Senior Landscape Architect

Reviewed by:

David McKenzie
FNZILA (Registered)
Technical Principal - Landscape Architecture

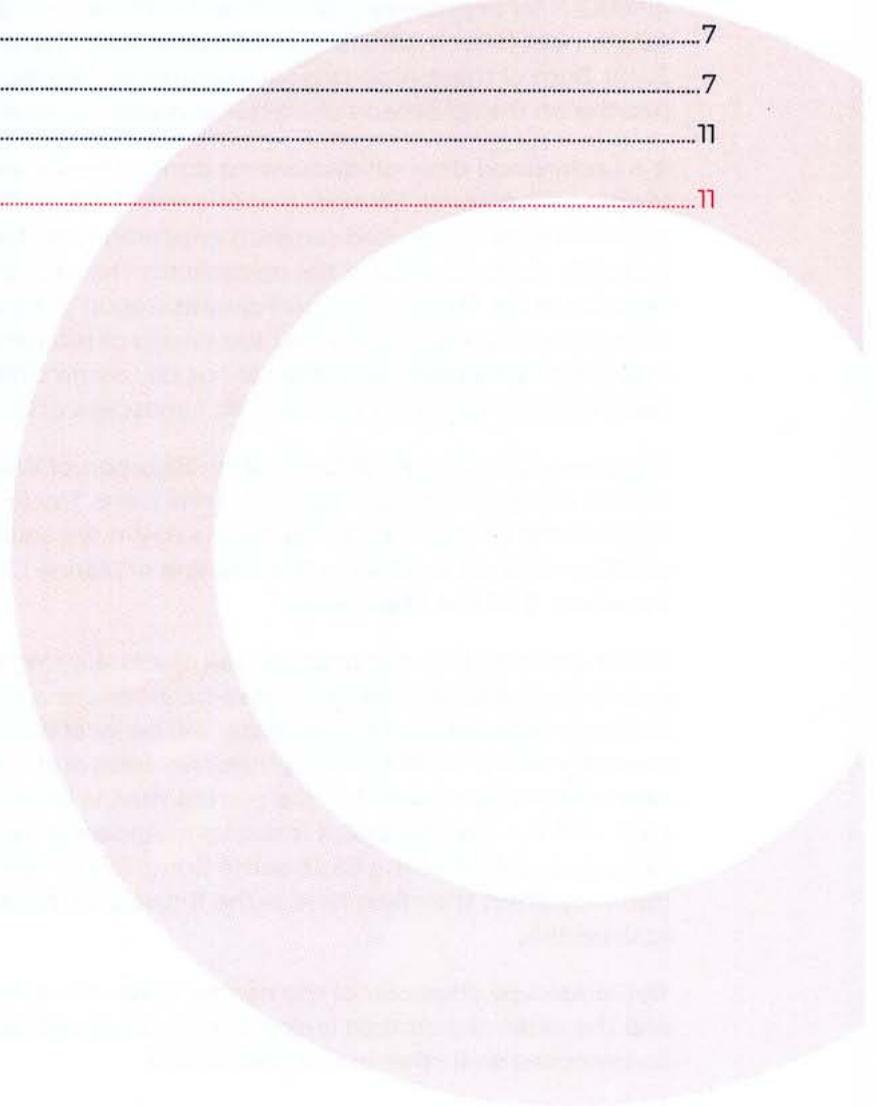
Approved for Release by:



David McKenzie

Contents

1	Introduction	3
1.1	Background	3
1.2	Scope	4
1.3	Summary Conclusions.....	4
2	Review of Landscape and Visual Effects Assessment.....	5
2.1	Construction Effects	6
2.2	Alternatives.....	7
2.3	Design Features.....	7
2.4	Recommendations	11
3	Conclusion.....	11



1 Introduction

1.1 Background

This report provides a peer review of the landscape and visual effects assessment (prepared by Julia Williams, (Landscape Architect, Drakeford Williams Ltd, 7 February 2019). In this review the Williams assessment is referred to as the Applicant's 'LVA', which accompanies a Resource Consent Application by Hutt City Council (HCC) to the Greater Wellington Regional Council (GWRC). This peer review also provides comment on the Eastern Bay Shared Path Alternatives Assessment (March 2018) and the Eastern Bays Shared Path Design Features Report (January 2019). Both of these reports were prepared by Stantec for the Applicant and have a direct bearing on the landscape character and visual amenity outcomes of the proposal.

It is understood through discussions during the site visit with Caroline Van Halderen (Applicant's planner, Stantec) and Shannon Watson (Environmental Regulation, GWRC), that the final detail design and outward appearance of the proposal will evolve further from what is currently demonstrated in the application. The various parts of the proposed changes are detailed in the Stantec 'Design Features Report' (January 2019). It is explicit in the wording throughout the application that the design of the proposal will be refined and improved following consultation with the various bay communities¹, GWRC, HCC and the Stantec design technical team through the planned Landscape and Urban Design Plan (LUDP) phase.

The proposal is located in the Eastern Bays part of Wellington Harbour in two sections totalling 4.2kms along the coastal edge of Marine Drive. The first stretch is from Point Howard in the north to the southern end of Sunshine Bay in the south. The second stretch is from the southern end of Days Bay to the junction of Marine Drive and Muritai Road. This is shown in Appendix 'J' of the Application.

It is understood that the proposal will essentially improve and formalise an existing pedestrian/cycle path partly located between the sea wall and the Marine Drive northbound live lane. Other parts of the proposal will be located in areas where no shared use path currently exists - such as through reserve areas and on future reclaimed land where the proposal will be built within the current marine environment. The extent of the shared use path and sea wall treatment is shown in Appendix 'N'². It is also understood from the Applicant's LVA that the Eastbourne Community have identified climate change as a key issue that may affect their lives here in the future and that the proposal has the opportunity to address this.

The landscape character of the narrow linear site where the shared use path will be located, and the wider site context is described in thorough detail by Ms Williams and is not commented on further in this peer review.

This peer review considers the potential effects of the proposed development and how well these effects have been covered in the applicant's LVA. Relevant landscape matters from the New Zealand Coastal Policy Statement (NZCPS) and the Greater Wellington Proposed Natural Resources Plan (GWNRP) will also be considered. These include the potential visual and landscape effects arising from the proposal falling on users of Marine Drive, the harbour and occupants of the various bays and headlands located adjacent to the shared use path route.

¹ Point Howard/Sorrento Bay, Lowry Bay, York Bay, Mahina Bay, Sunshine Bay, Days Bay, Rona Bay, Eastbourne village and Robinson Bay.

² Preliminary Design Plans - Revision J, Stantec.

Matters of landscape and natural character and the effects of the proposal on these are also considered.

On May 2, 2019 a site visit was carried out. This included an appraisal of where the proposed changes will be located largely via foot, and to a lesser extent by vehicle.

1.2 Scope

As mentioned, this peer review provides comment on landscape matters pertaining to the application, specifically the LVA prepared by Ms Williams. This peer review also provides further information and advice related to the effects of the proposal on landscape and visual values.

This peer review also considers:

- The alternatives assessment and design features reports.
- the statutory considerations arising from the NZCPS and the GWNRP relating to landscape matters.
- the analysis and conclusions drawn on the landscape, visual and natural character effects of the proposal,
- recommendations as to appropriate design outcomes that may be considered and contribute to the LUDP, and;
- any gaps and shortcomings in the assessment undertaken as part of the assessment of environmental effects prepared by the applicant's landscape architect.

1.3 Summary Conclusions

This report concludes overall in agreement with Ms Williams's findings with regards to the landscape, visual and natural character effects of the proposal subject to clarification of a few points discussed below.

It is agreed that broadly speaking, the nature of the proposal (location, scale (width/footprint), alignment and general physical improvement) over what currently exists will have an acceptable degree of compatibility with its site which is located between an urban and coastal environment setting - subject to further development of the design. Initial observations include ensuring that provision is made for multiple user groups and all physical abilities, and robust consideration of detailing and surface finishes. This peer review provides some recommendations as to how the final proposal may be best conceived to maximise its compatibility with its coastal setting and range of likely user groups.

The Applicant's LVA regularly refers to the proposed LUDP. The intent of this design process is to further develop the proposal in terms of finer-grained design decisions, which will be made at the bay-scale. The Williams LVA relies heavily on the outcomes of this document providing for a more appropriate and improved design solution to the proposal - compared to what is currently proposed. This peer review strongly agrees with the process and potential benefit to the design following the LUDP. Ms Williams considers the LUDP to be a 'suggested' condition of consent. This peer review concludes that the LUDP forms a *recommended* condition of consent. Some recommendations are included later in this peer review that are intended to be tabled during the LUDP process.

The Applicant's LVA refers to the assumed improvements following the LUDP throughout and concludes that the landscape and visual effects will be reduced further when these refinements are made. However, the nature of any design refinements at this stage of the application process is aspirational rather than actual as the LUDP has yet to occur. There is no guarantee that the proposal will necessarily change following the LUDP. This peer review

considers the proposal as it is currently presented forming a 'worst case scenario'. As the purpose of this peer review is to assist the GWRC in their decision making, it is necessary that it assesses the proposal as it is currently presented, critiques it and provides additional firm recommendations to enable a better and guaranteed landscape outcome for the Eastern Bays area. There is a degree of discomfort that a proposal such as this is being submitted for Resource Consent which will include further development.

There is also agreement that on the seven-point³ scale of effects, the biophysical effects will be 'moderate'⁴ due to the amount of natural beach and rock outcropping that will be covered by the revetment works. It is agreed that any adverse effects on visual amenity and natural character arising from the current proposal will be 'low'⁵. It is assumed in this peer review that these effects will drop to 'very low' or become 'positive' with further design improvements given the natural character of part of the setting and the number of user groups located permanently in the area or as visitors to it.

The site and the changes to it will be primarily seen from the harbour and beach areas where the face of the concrete sea walling and associated concrete structures (steps and ramps) will be apparent – particularly at low tide. However, the current (in places poor) condition of the sea walling, steps and so forth is already visible from these areas and so there is a degree of acceptance now of such engineered solutions to storm surges and the attenuation of coastal erosional processes. As such any visual, landscape and natural character effects of the proposal are considered to be acceptable as long as the construction methodology is sound, and the final appearance is appropriately mitigated.

It is concluded in this peer review that on the seven-point scale of effects, any potentially adverse landscape, visual and natural character effects arising from the proposal (as it currently stands) will fall between 'low' and 'moderate'. However, this determination is subject to improvement based on some recommended provisions to the proposal which will be addressed later in this review.

This review has considered the information that has been made available to date. It is possible that any reasons and conclusions may be altered in response to new information arising that becomes available prior to or at a hearing for the application.

2 Review of Landscape and Visual Effects Assessment

With regards to the Applicant' LVA, there is agreement:

- (a) On the necessity of the LUDP to determine the best final design outcome and that this process and document becomes a condition of consent.
- (b) On the relevant extent of the site context, the bay by bay description and defining characteristics.

³ Very Low - Low - Moderate to Low - Moderate - Moderate to High - High - Very High.

⁴ Moderate: A moderate level of effect on the character or key attributes of the receiving environment and/or the visual context within which it is seen; and/or have a moderate level of effect on the perceived amenity derived from it. (Oxford English Dictionary Definition: Moderate: adjective-average in amount, intensity or degree).

⁵ Low: A low level of effect on the character or key attributes of the receiving environment and/or the visual context within which it is seen; and/or have a low level of effect on the perceived amenity derived from it. (Oxford English Dictionary Definition: Low: adjective-below average in amount, extent, or intensity).

- (c) On the defined extent of the coastal environment, and the discussion on natural character and experiential values.
- (d) On the general landscape description of the Eastern Bays Area.
- (e) On the methodology undertaken.
- (f) That any landscape effects are confined to landform change, namely where the seawall / fill / revetment overlays the natural coastal area where these effects are concluded to be 'moderate' (at worst).
- (g) That beach nourishment practices will have 'moderate - low'⁶ adverse landscape effects.
- (h) That within the broader Eastern Bays context, effects on landscape, levels of legibility, picturesqueness and overall experiential natural character currently enjoyed will be 'low'.
- (i) That effects on legibility and visibility will be potentially 'very low' or 'positive' when the influence of the LUDP is considered in the final design.
- (j) That on balance, there will be very little to no change in the effects of coherence or the experiences attributed to the proposed foreshore treatment versus the existing situation.
- (k) On the identification of the key viewing audiences / their sensitivities to change and the extent and nature of these views and the likely visual impact of the proposal.
- (l) On the comparison and conclusions reached regarding the current condition of the foreshore and the proposal.
- (m) With the intent of the mitigation measures, although this will be discussed in greater detail in this peer review.
- (n) On the statutory discussion and conclusions reached although the LVA would benefit from additional discussion around Policy⁷ 6.1 (h) & (i), Policy 10.2⁸ (b) and Policy 18⁹ (a - e) of the NZCPS.
- (o) That the specifics of the proposal following further refinement through the LUDP will generate, at worst, 'low' adverse landscape, visual and natural character effects and, at best, the proposal will have overall 'positive' effects particularly given the existing condition of the built changes along the coastal edge where the proposal is located.

Some matters identified in this peer review raise additional points that require clarification, rather than criticise or disagree with what is included. These few points are discussed below.

2.1 Construction Effects

On page 4, the LVA notes that any adverse effects arising from the construction processes will be localized and temporary and will therefore be 'very low'¹⁰. On the seven-point scale, 'very low' is synonymous with a 'no-change' situation. It is concluded in this peer review that construction effects, while localized will be potentially 'moderate-high'. This is due to the

⁶ Moderate-Low: A moderate to low level of effect on the character or key attributes of the receiving environment and/or the visual context within which it is seen; and/or have a moderate to low level of effect on the perceived amenity derived from it.

⁷ Policy 6: Activities in the coastal environment.

⁸ Policy 10: Reclamation and declamation.

⁹ Policy 18: Public open space.

¹⁰ Very Low: Very low or no modification to key elements/features/characteristics of the baseline or available views, i.e. approximating a 'no-change' situation. The LVA describes 'Very Low' as "Very slight or barely distinguishable/discernible change to key elements/ features/ characteristics of the landscape baseline or views, i.e. effectively a 'no change' situation". Both descriptions are essentially the same.

possibility of lane and road closures,¹¹ disruption of views arising from machinery and personnel located near the coastal edge. The visual - albeit temporary effects of construction activities and the disruption of sea views in particular is evident to a degree in figures 4.2-4.4 of the January 2019 Design Features Report.

It is acknowledged that construction will occur bay by bay in 20m sections. This will go some way towards lessening the construction effects as the majority of the coastal seascape will be able to be enjoyed unchanged as opposed to the entirety of the proposal being implemented simultaneously.

2.2 Alternatives

The consideration of alternatives is required under Schedule 4 of the RMA. The alternatives document¹² includes a thorough precis of five options including 'do minimum', plus four other options discussing where the shared use path may best be located (landward side of Marine Drive, partial landward/seaward location, on the carriageway, and seaward of the carriageway (which was ultimately developed as 'Option 2A'). Option 2A (shared use path located on the landward side) was shown via a series of photo-simulations included at Appendix 'O' of the application. These 'before' and 'after' images are helpful and demonstrate the adverse effects of scaling back headlands.

Some other aspects of the proposal that were interrogated in the alternatives report included: cost, property acquisition and access, extent of earthworks, road user experience, continuity of shared path user experience, conflict points, traffic management issues during construction, resilience, longevity and opportunity for upgrades and sea level rise/climate change. A sixth inland route option was discounted as it would not meet the objectives of the project adequately.

Following the broad alternatives investigation described above, the preferred option was developed further. This centered around path width to best accommodate all user groups and the optimum engineered solution for the sea wall/reclamation to best support the path and address coastal processes including into the future.

The alternatives assessment allowed for some finer-grained design decisions to be made such as at more sensitive areas - notably headlands and beaches. At this time a workshop took place with participants including the Stantec technical design team, GWRC, HCC and community representatives. This holistic approach to further developing the design is commendable. Following this process and the general conclusions reached, the project team tested out several measures to avoid, remedy or mitigate any adverse effects on the environment. These design variations were then discussed with the community and following this, included in the proposal as it currently stands, outlined in the Design Features Report (DFR) (Stantec, January 2019) which is discussed next.

2.3 Design Features

The DFR articulates the broad design methodology and how the structures will appear in their basic form for Resource Consent purposes. It is acknowledged in the report that the outcome of the proposal may alter following the detailed design phase, including from input contributed by the LUDP process.

Further improvement in the design detailing of the proposal will yield significant benefit. At present the design of the proposal appears to largely be a functional one with less

¹¹ 4.1.2 Construction Methodology; Duration and Timing (Design Features Report January 2019).

¹² Eastern Bays Shared Path Alternatives Assessment (Stantec, March 2018).

acknowledgement of sense of place and visual aesthetics. This is clearly evident in the simulations in Appendix 'O' of the Application where an asphalt path is shown extending from the roadway separated with a series of concrete 'beam' forms. This is the current situation in part of York Bay and so the proposal currently extends this methodology (see image on cover).

At Part 3, the DFR lists and discusses several design features. This peer review comments on some of these design features where some opportunity for improvement in each has been identified, and discussed below:

Shared Path

While the shared use path is proposed to be asphalt, there is scope for some variation of this in discrete areas. Other ground surface materials could be explored such as exposed aggregate concrete – possibly in variable grades, recycled or new timber decking, artificial turf, variation in asphalt colour and so forth. Such changes in how the surface appears could be located at beach access points, bus stops, near heritage buildings and areas where there is opportunity for taking a pause. Any variation in surfacing will potentially define areas where passive activity or crossing points are located and will contribute positively to the character of the area and to the levels of amenity enjoyed. A continuous linear asphalt path as proposed has the potential to be a one-dimensional landscape feature – largely weighted towards the cycling fraternity.

Revetment structure

It is important that the rock used in the new revetment walls has a compatibility with the form, texture and colour of the existing bedrock seen in the area. The various bedrock reefs and outcrops are a distinctive feature of this part of the coast, helping to define each bay and the proposal will be seen very close to these outcrops in places. If imported rock material appears too 'different', it will stand out as foreign and draw the eye away from the natural features (Figure 1). In the DFR under 3.1.1 it states that *"The final selection of rock material for the revetment will be addressed by the contractor"*. While this may be adequate, it is preferable that a landscape architect, possibly aided by a geologist, be engaged to select any non-local rock material. It is important that the revetment works appear as 'low key' as possible as these structures extend some way out into the coastal environment and higher than the top of the shared use path. Any adverse effects on landscape and natural character which are currently agreed as being 'moderate' will be exacerbated with poor rock choice where these effects will become unacceptable.

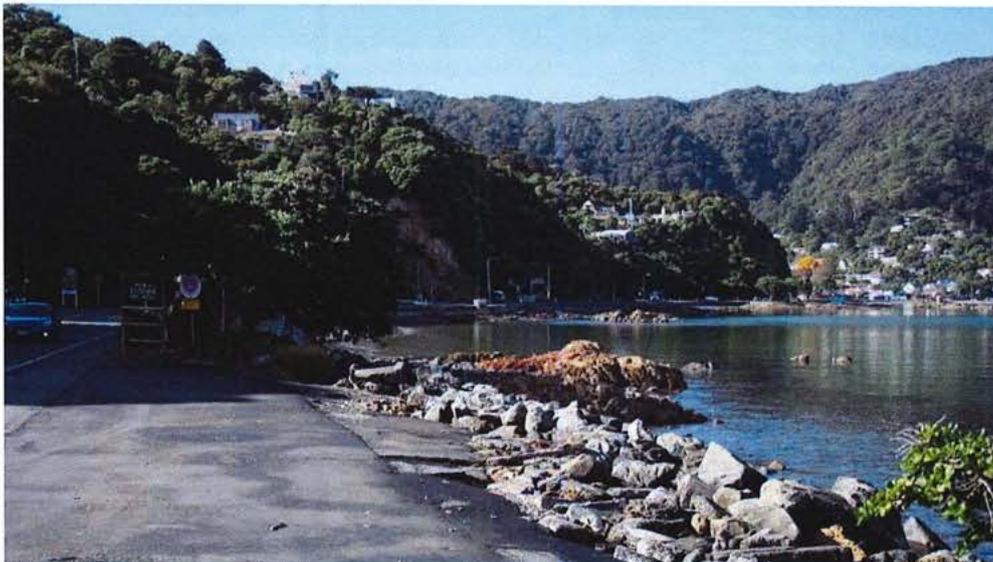


Figure 1 Reefs at Point Howard/Sorrento Bay. The foreground area is proposed to be a formed carpark with revetment extending out and overlaying part of the reef outcrops (red-brown rock). The shared use path passes to the seaward side of the pohutukawa. It is important that the revetment rock is

compatible with the local rock colour as opposed to the contrasting grey rock used here in the rip rap. Photograph by J. Head May 2, 2019.

Curved sea walls, ramps and steps

How these structures are finished will determine their levels of visibility and acceptability in this coastal setting. It is acknowledged that the curved form of the wall is optimal in attenuating wave action and storm surges. As the proposed walls, ramps and steps are concrete which is highly 'plastic' when it is placed into the formwork, there are limitless opportunities for reducing the potentially 'utilitarian' effects of these structures. Such effects arise from the structures' potentially highly regular and horizontal forms and surface reflectivity. This mostly affects harbour and beach views, but these effects will also be observed from the road and shared use path when looking across the curve of the bay (Figure 2).



Figure 2 Looking across the curve of Lowry Bay from Marine Drive/shared use path. Note visibility of existing (and proposed) sea wall, rocky reefs and historic Skerrett Boat Shed (at right, built over the water). It is important that the final design of the proposal adequately protects and enhances these features. Also note the opportunities for the shared use path to better separate itself from the road – rather than simply extend the asphalt surfacing. Photograph by J. Head May 2, 2019.

It is recommended that the curved and vertical surfaces be textured in a way where the face of the concrete appears irregular. Such textures could be achieved by taking latex moulds of natural rockwork or rock walling and laying these inside the formwork prior to being filled. It is not considered adequate to simply apply a random 'dimpling' in the surface as this will have scant benefit to more distant views. The flat step and curved wall 'treads,' ramp surface and wall top will obviously be required to be smoother for safety which will also benefit comfort levels (when the wall treads and cap are used for sitting on).

It will be necessary to manage the concrete colour. While adding colourful oxides is not considered appropriate or necessarily effective, it will be advantageous if the concrete can be as dark, visually recessive and uniform in colour as possible. This may require the addition of charcoal oxides. When concrete is new, it appears very bright – almost white which is evident in the colour of the concrete kerb separators. As such the new concrete structures will appear as a reflective and obtrusive band between the beach/harbour waters and the vegetated backdrop.

It is suggested that the top of the sea wall that sits flush with the asphalt path is wide enough to form an obvious 'seat' or 'perch'. At York Bay, the top of the wall is approximately 300mm wide. Figures 3-3 to 3-5 of the DFR show a much smaller concrete top than this. A concrete 'cap' width of 450-500mm is preferred. This will enable an obvious strip on which people may sit without feeling encroached upon by cyclists passing by. The wider 'seat' edge will also provide for increased visual differentiation between passive and active shared path users. Further to this, a wider cap will provide for a stronger, more deliberate visual transition between the shared use path and the occasionally rugged coastal environment here.

It is understood that a raised edge was explored for this situation and that if this was included it would need contrasting colour to increase its visibility (with adverse visual implications), and that it may possibly form a trip hazard. It is recommended that the concrete wall cap be left flush with the surface of the shared use path adjacent to it.

It is acknowledged that over time, new concrete will weather to a dull grey as is currently evident in the banding in the concrete colouring at York Bay. In this example, it would have been beneficial if the concrete had been tinted grey to lessen the contrast and 'striped' effect evident in the variable weathering processes.

Where the curved sea wall 'treads' transition to single curved wall, it is recommended that the end of the tread is set into a large rock or series of rocks – possibly, in turn, set in a concrete haunching. This way the squared off end of the tread would not be visible with its contrived non-natural pattern dominating the surrounding natural rock patterns (Figure 3).

It is recommended that a 1:1 site sample be made that can be agreed on by the design team and community as part of the LUDP, for replication on site.

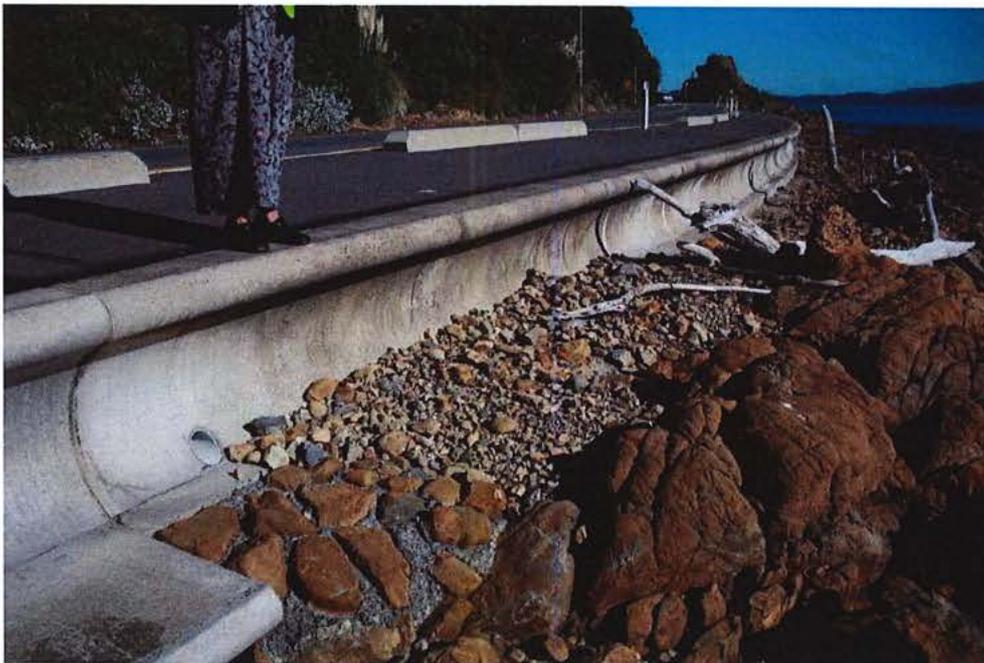


Figure 3 Unnatural transition from sea wall to rocky beach (to be avoided). The squared off end of the tread dominates the rock. It would have improved this transition if a large rock or a few large rocks were partially cast in to the end of the tread with minimal visible grouting (as opposed to here where the rocks set in the concrete matrix appears highly unnatural). Photograph by J. Head May 2, 2019.

Kerb separators

The kerb separators are potentially the most visible part of the proposal from the landward side of the shared use path, including Marine Drive and the shared use path itself. As such

these structures need to be adequately designed. It is noted here following a site visit that the existing concrete kerb separators (which the proposal is modelled on) in York Bay still have scope for improvement (Figure 3).

The primary issue with the simple rectangular forms used is their utilitarian and regular appearance. While these concrete blocks may adequately protect the shared use path from encroachment by motorised vehicles, these structures would benefit from further design thought. It is acknowledged that the DFR states that "[the] *concrete separators have the adaptability to incorporate textures and colour and can be easily mass produced once the concrete forms have been manufactured*". This peer review supports this comment. It is recommended that any visual changes to the size/height/length and surface finish be carefully explored in the LUDP. It is agreed that timber is not an appropriate material for this situation used in large quantities, but the concrete forms could take on the appearance of timber through the formwork. Timber textures would not be out of place and would have a compatibility with the variety of driftwood found washed up along the shoreline.

Another observation of the existing and proposed kerb separators is their visibility through contrast with the asphalt paved surfaces. It is recommended that this colour contrast is lessened which would be facilitated by forming a continuous concrete band flush with the road and shared use path surfaces aligned with the kerb separators. This concrete band should be exposed aggregate concrete, or even better - have a stone 'cobbled' look to the surface. This concrete/stone band with the kerb separators ranked along it will provide a stronger visual and physical delineation between the roadway and the shared use path which will improve traffic safety. This contrast or accentuation of the shared use path would be improved even further if a different asphalt colour was used for the shared use path.

2.4 Recommendations

The Applicant's LVA provides recommendations at 'Additional Mitigation Measures' (part 8 of her LVA 8.21 - 8.24). While these recommendations are brief they are agreed with in this peer review. Otherwise, mitigation of the proposal relies on appropriate outcomes through the LUDP process.

As the outcome of the proposal is heavily reliant on refinements/improvements following the LUDP, it is recommended that the LUDP process occurs in a robust timely manner with appropriate attendees present. It is also recommended that the design refinements to the proposal as it currently stands are presented to the GWRC for careful consideration and formal approval before works begin on site.

This peer review includes some additional recommendations that are intended to be tabled for discussion at the LUDP. These have been discussed in the body of this peer review at 2.3 and are not repeated here.

3 Conclusion

There is general agreement with the content and conclusions reached in the Applicant's LVA. The existing treatment of the coastal edge where the proposal is located is currently poor and in need of improvement. The proposal addresses this adequately and represents a nett improvement on the coastal edge's appearance and functionality. The extent of the changes closely aligns with the current extent of the modified coastal edge - but not everywhere and so 'moderate' landscape effects will occur in these areas. This is a reasonable conclusion. Visual effects arising from the proposal are considered to be 'low' overall. This is also a reasonable conclusion.

Therefore, the proposal and any potentially adverse landscape, visual and natural character effects arising from it on the site and its coastal context have been covered off in satisfactory detail. It is agreed that the high natural landscape values and amenity values enjoyed in the area will continue to be maintained following the proposal as it is currently presented which essentially 'tidies up' the existing situation in a generic manner.

However, there is considerable scope for further improvements in the proposal. This will ensure the shared use path becomes a destination in itself, and the design better responds to 'sense of place'. This is alluded to throughout the LVA, without the detail of any such improvements being made explicit. With a careful, considered approach to the final form and appearance of the proposal and how it may better suit more user groups, a significantly improved result over what is shown in the proposal is possible. This is intended to be facilitated through the LUDP process, followed by further review by GWRC.

From: [Head, Jeremy](#)
To: [Shannon Watson](#); [Hamilton, Catherine](#)
Cc: [Grinlinton-Hancock, Michelle](#); [Dan Kellow \(InTouch\)](#); [Jo Frances](#)
Subject: RE: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers
Date: Monday, 21 October 2019 12:18:11 PM
Attachments: [image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Hi Shannon,

The recreation comments are written by me following telephone discussion with Catherine. Apologies if anything got lost in translation...

Kind regards,

Jeremy Head
Senior Landscape Architect



T:+64 3365 0525 M:+64 21308 048
Jeremy.Head@wsp.com

WSP Opus
12 Moorhouse Avenue
Christchurch
8011 New Zealand

wsp-opus.co.nz

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From: Shannon.Watson@ghd.com <Shannon.Watson@ghd.com>
Sent: Monday, 21 October 2019 12:09 PM
To: Head, Jeremy <Jeremy.Head@wsp.com>; Hamilton, Catherine <Catherine.Hamilton@wsp.com>
Cc: Grinlinton-Hancock, Michelle <Michelle.Grinlinton-Hancock@wsp.com>; dan.kellow@huttcity.govt.nz; Jo Frances <Jo.Frances@gw.govt.nz>
Subject: RE: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers

Thanks very much Jeremy and Catherine for your comments.

Catherine, I have some follow up questions based on your comments:

- the full barrier will only be used in sections where the path width is 3.5m and not in any areas where the path width is 2.5m – therefore the useable space of the shared path in sections where the full barrier is used will reduce to at worst 2.8m (based on your reference to a loss of 700mm below). Where this is the case do you see any major conflicts/areas for concern?
- You raise a good point about all locations where the fence is used resulting in the loss of the ability for sitting on the sea wall, which you consider part of the mitigation for effects on recreation amenity. However, I have had a look through the various reports and cannot find any reference to sitting on the side of the seawall as mitigation? Can you please confirm where you found reference to the edge of the seawall being used for sitting being discussed as a mitigation option or explain where your assessment of sitting on the seawall as mitigation has come from?
- Do you have any concerns with wheel stoppers being used or do you expect these to not be an issue and, given their small size, for people to just sit over the top of them where they are used?

Many thanks

Shannon Watson
Environmental Planner

GHD
Proudly employee owned
T: +64 04 474 7330 | V: 517330 | F: 04 472 0833 | E: shannon.watson@ghd.com
Level 2, Grant Thornton House, 215 Lambton Quay, Wellington 6011 | www.ghd.com
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From: Head, Jeremy <Jeremy.Head@wsp.com>
Sent: Friday, 18 October 2019 4:56 PM
To: Shannon Watson <Shannon.Watson@ghd.com>; Hamilton, Catherine <Catherine.Hamilton@wsp.com>
Cc: Grinlinton-Hancock, Michelle <Michelle.Grinlinton-Hancock@wsp.com>; Dan Kellow (InTouch) <dan.kellow@huttcity.govt.nz>; Jo Frances <Jo.Frances@gw.govt.nz>
Subject: RE: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers

Hi Shannon,

Catherine and I have the following comments (Catherine is away today and asked me to include her comments in my email).

Recreational comments (from Catherine):

- The fence adds a vertical structure which effectively narrows the available psychological width. People will keep back to avoid handlebars touching the fence. People will already keep back from the 'sleepers' on the opposite side therefore a net loss of usable width of up to 700mm will occur.
- The effective cycleway width will reduce from 2.5m to 1.8m little more than a standard urban footpath.
- Being able to sit on the edge of the sea wall was considered part of the mitigation. This is no longer valid.
- Loss of feeling connected to the sea, replaced with feeling contained within the roading environment.
- The visualisations don't tell the full story. Preferable if similar situations could be cited by the applicant which could be visited (by us or the client) on a busy day to better understand how people respond to such structures.

Landscape comments:

- Typically a cycleway requires a 1400mm barrier, although in special circumstances this can be reduced to 1200mm if sightline issues come into play. The proposal is for a 1100mm high barrier which may not comply. The applicant needs to confirm this.
- If a barrier is required for compliance reasons, I question whether it is required where the fall height is less than 1m. The applicant needs to confirm this by citing the relevant rule.
- The proposed barrier will appear very urban which will be particularly at odds with the sometimes wild sea conditions. This is regardless of whether the barrier is opposite residential development or more natural areas.
- The barrier will be a visual distraction, particularly from oblique views when travelling along the shared user path or road where the vertical elements will visually 'overlap' causing the structure to appear more solid than it actually is.
- I generally agree with Ms William's comments in Appendices 1 - 3.
- If a safety barrier is ultimately installed as shown, it should be visually 'light', and, if painted avoid the cliché 'blue' which will jar when seen against the surrounding natural sea and rock colours. A preference would be for a recessive grey/brown hue (eg 'Ironsand').
- The barrier would need to be sufficiently strong to avoid distorting if struck by cyclists, vandals etc. If the uprights for example became bent out of plumb, the unsightly effects would be highly noticeable.
- Visual impact from the sea will be less than from the land as the barrier will be backdropped by visually 'busy' colours, textures and moving elements. From the land the barrier will appear prominent particularly at times of day/year when it catches the light (even dark colours will have this effect).
- My original conclusions were that the proposal had adverse landscape, visual and natural character effects that would fall between 'low' and 'moderate'. In light of the proposal to include a barrier, my conclusion are that the effects would increase to '**moderate**' as the barrier will be a prominent feature around this highly defined landscape 'edge'.
- The design of the barrier needs to be carefully considered/selected, and appropriately coloured.

Kind regards,

Jeremy Head
Senior Landscape Architect



T:+64 3365 0525 M:+64 21308 048
Jeremy.Head@wsp.com

WSP Opus
12 Moorhouse Avenue
Christchurch
8011 New Zealand

wsp-opus.co.nz

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From: Shannon.Watson@ghd.com <Shannon.Watson@ghd.com>
Sent: Tuesday, 8 October 2019 3:50 PM
To: Hamilton, Catherine <Catherine.Hamilton@wsp.com>; Head, Jeremy <Jeremy.Head@wsp.com>
Cc: Grinlinton-Hancock, Michelle <Michelle.Grinlinton-Hancock@wsp.com>; dan.kellow@huttcity.govt.nz; Jo Frances <Jo.Frances@gw.govt.nz>
Subject: Eastern Bays Shared Path LVA addendum to include assessment of project with safety barriers
Importance: High

Hi Catherine and Jeremy

I hope this email finds you both well – I have now left GWRC but have been seconded back to complete the Eastern Bays Shared Path project consenting.

Following concerns from HCC's consultant Transport Engineer David Wanty about the need for the project to include safety barriers and/or wheel guards at certain locations pursuant to Building Act requirements and safety concerns, the applicant has reassessed their preliminary design to determine whether it is necessary, and if so where it will be necessary, to incorporate some form of edge protection along the seaward side of the Shared Path. As a result, Julia Williams, the applicants Landscape and Visual Amenity expert has prepared an addendum to her original Landscape and Visual Effects Assessment (LVA) to address any changes the incorporation of edge protection had on the conclusions that she reached in the original LVA.

Could you please review the attached addendum and visual simulations for the Shared Path project with the inclusion of edge protection features and let me know whether the addition of edge protection changes any of the conclusions you reached during your initial assessments in relation to significance or scale of effects. Additionally, I would be keen to understand whether either of you have any major concerns related to the addition of edge protection from an amenity (both visual and recreational) or safety perspective.

This information has come quite late in the process, with plans to notify the application immediately following Labour Weekend (29 October). It would be greatly appreciated if you could get any comments back to me by **18 October 2019**.

Please feel free to give me a call if you would like to discuss.

Kind regards

Shannon Watson
Environmental Planner

GHD
Proudly employee owned
T: +64 04 474 7330 | V: 517330 | F: 04 472 0833 | E: shannon.watson@ghd.com
Level 2, Grant Thornton House, 215 Lambton Quay, Wellington 6011 | www.ghd.com

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Memo

To Shannon Watson, Environmental Planner, GHD

Copy Michelle Grinlinton-Hancock

From Jeremy Head

Office Christchurch

Date 14 February 2020

File 3-53523.00 Eastern Bays Shared Path

Subject Evidence summary notes

Background

This advice note sets out the key points that will be raised in my evidence to be presented on behalf of the Greater Wellington Regional Council (GWRC).

On May 10, 2019 I prepared a peer review on behalf of GWRC regarding the applicant's landscape and visual assessment report. My peer review generally concluded in agreement with the content and conclusions reached in this report. However, a general thread that ran through my peer review was that the proposal was lacking sufficient detail to draw absolute conclusions as to the landscape character, natural character and visual effects of the proposal. It was pointed out in several places in my peer review that the proposal (and its effects) were aspirational rather than actual. Much reliance was placed on a post granting of Resource Consent landscape and urban design plan (LUDP) being carried out. This LUDP process would 'iron out' many of the details of how the proposal would be constructed and how it would appear.

Comments on the application as lodged

It was concluded in my peer review that the LUDP process may result in an improved outcome over what the proposal currently included. However, it was also discussed that an improvement cannot be necessarily guaranteed either. To alleviate these concerns, there was a realistic expectation that a revised application addressing some of the points raised in my and others' peer reviews would be presented prior to the hearing. It is understood that the applicant will not be amending the proposal prior to the hearing other than adding sections of safety barriers to parts of the proposal.

In this regard the conclusions reached in my peer review remain unchanged. These are that:

- The applicant's intent is that the LUDP process will have a positive outcome where the proposal will be further fine-tuned and improved.
- The proposal can only be assessed as it currently stands as a 'worst-case scenario' and that the proposal may not necessarily change following the LUDP. It is important to note that there is no guarantee that the proposal will improve following the LUDP either.
- The outcome of the proposal must be considered aspirational, rather than actual.
- I have a degree of discomfort that a proposal such as this, in such an important location is being submitted for Resource Consent, after which the proposal may change.
- That any adverse landscape character, visual and natural character effects arising from the proposal as it currently stands are between 'low' and 'moderate'.
- Construction effects will be 'moderate-high'.

- The current proposal is essentially a functional engineered solution with little acknowledgement of sense of place and visual aesthetics.
- The design specifics of the proposal are currently brief at best, and what is currently presented will generate a sub-optimum outcome. There are several ways to improve the final form and appearance of the proposal which need to be explored further by the applicant.
- Mitigation of the proposal is heavily reliant on the LUDP process.
- The LUDP process must include appropriate attendees.
- The LUDP must form a recommended condition of consent as a minimum.
- Any design refinements developed through the LUDP are presented to the GWRC for careful consideration before further consents are granted and/or works begin on site.

Further information responses

With regards to landscape matters, the applicant provided further responses. This included a supplementary report to the landscape and visual assessment with regards to the additional safety barriers. The design and extent of these safety barriers are unconfirmed to date. Height and type are not fixed. The taller of the barrier structures has varying degrees of opacity which will potentially have adverse effects on landscape character and amenity values currently held.

The conclusions reached around the barriers were that the final appearance of the barriers and their potential effects and any required mitigation will be dependent on the LUDP process. It was also stated in the supplementary report that the final locations and lengths of the barriers will be determined at detailed design stage, which is post-hearing and contributes to the LUDP process.

A conclusion is reached by the applicant where the adverse effects of the safety barriers on natural character (urbanising an otherwise natural coastal edge) will have between 'low' and 'moderate to low' effects depending on the degree of existing coastal development. Effects on visual amenity are considered by the applicant to be between 'very low' and 'moderate to low', depending on the viewers proximity to the barrier, and whether views are fixed or transient. These findings assume an acceptable solution is reached through the LUDP process, which I consider is fundamentally problematic for the decision maker to grapple with.

Changes to the earlier submitted Appendix 1: 'Attributes of Edge Protection Treatments', Appendix 2: 'Effects of Proposal on Natural Character (experiential)' and Appendix 3: 'Assessment against NZCPS 2010' are included. The effects of the additional barriers are described where the extent of the adverse effects are generally increased. Again, these findings are determinant on the LUDP.

The above additional elements discussed by the applicant and assessed, and the conclusions reached, are consistent with the methodology and conclusions reached in the original landscape and visual assessment regarding the rest of the proposal. That is, the LUDP is relied on to provide an acceptable design outcome which also includes the mitigation of any adverse effects.

Submissions received

Of the many submissions received several included specific design opportunities that would enhance the proposal. There has been no indication from the applicant that these points have been considered and will be included in any future outcome.

Proposal's location

The proposal is located at an 'edge' in the landscape. Edges are particularly important places as they are areas where natural processes contrast with one another along a line, landforms and substrates change, landuse and cultural patterns change and so forth. Strong edges may include all of these features.

And so, edges are places where there is more scrutiny than other landscape areas. The site for the proposal is located at a strong edge. It is the place where the ephemeral, often wild harbour waters meet the stability of the land, a safe environment presses up to a potentially hazardous one, passive and active recreation is found squeezed into a narrow band between a road and the sea.

Highly constrained sites such as this are rare and valuable and need to be particularly well-considered and any modification well managed to achieve the optimum outcomes for landscape. The intent of the proposal is to increase active modes of transport and so the numbers of people using this 'edge' will grow.

It is a legitimate expectation that any changes to sites such as this maintain or enhance currently held values attributed to landscape character and amenity and natural character.

LUDP Process

There is no guarantee as to the framework of the LUDP, who will be attending and how much weighting will be given to individual disciplines. This could have a significant impact on the outcomes reached. As the LUDP is set up and wholly reliant by the applicant to capture design controls it is imperative that any refinements to the proposal be robustly audited and reviewed by an independent party. Nonetheless, it is difficult to see how much weighting can be placed by the decision-maker on the LUDP process as it will occur after the hearing of the proposal.

Recommendations

Several opportunities for design improvements were included in my earlier peer review. Points discussed were under the headings 'Shared Path', 'Revetment Structure', 'Curved sea walls, ramps and steps' and 'Kerb Separators'. The intent of these recommendations was for the benefit of the applicant to incorporate (or not) into a revised submission prior to the hearing. These points have not been acknowledged by the applicant to date. It will be difficult if not impossible for the decision-maker to re-word these recommendations into recommended conditions of consent - in my opinion. In my experience such fundamental shortcomings in a proposal would trigger a hearing adjournment where the applicant would be required to come back with a revised and more certain proposal.



Memorandum

To	Shannon Watson, Environmental Planner; GHD
Copy	Brenda O'Shaughnessy, Principal Planner; WSP
From	Catherine Hamilton
Office	Auckland
Date	25 June 2020
File/Ref	3-53523.00
Subject	Eastern Bays Shared Path conditions review

Dear Shannon,

Please see our response to your request for comments on the revised resource consent conditions for the Eastern Bays Shared Path Project, dated 11 June 2020, by Stantec. We have combined our feedback relating to landscape and natural character effects and recreation amenity.

The fact remains that the applicant has not provided a proposal in sufficient detail to be objectively peer reviewed. While the various wording in the Stantec 11 June Appendix R – Proposed Resource Consent Conditions and 12 June 2020 Memorandum outlines a robust design process and a potentially acceptable result, it remains aspirational.

Specific comments on Eastern Bays Shared Path Project Memorandum 5 – Response to matters raised in email dated 6 March 2020, dated 12 June 2020, and Revised resource consent conditions for the Eastern Bays Shared Path Project Dated 11 June 2020, by Stantec.

GC.5

GC.5 is problematic. This bundles the landscape and urban design plan (LUDP) with the other management plans, all of which are proposed to be submitted to the “Manager, Environmental Regulation or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction.” (my emphasis). LV.2(a) states that the purpose of the LUDP is to provide a detailed design for the Project among other things. This suggests a level of detail that can be tendered and built from. Thirty working days (minimum) is too short a timeframe to adequately respond to the LUDP through robust peer review, provide findings, allow for the applicant to make changes to the details in a timely manner and not significantly inconvenience the tender process/pricing/materials procurement and build process itself.

C.1 and C.2

C1 and C2 provide for the detailed design plans to be submitted at least 30 working days prior to the Commencement of Construction. Again, this is considered insufficient time for effective peer review of design.

LV.1 to LV.4

The memorandum identifies that conditions are proposed that will address concerns relating to landscape and natural character effects, and that these are contained within conditions LV.1 to LV.4. We do not agree that conditions LV.1 to LV.4 adequately address the concerns raised. Specific concerns are:

- (a) The three months duration proposed for the LUDP process is not sufficient time for design and peer review to ensure acceptable solutions;
- (b) The submission of management plans at least 30 days prior to commencement of construction does not allow enough time for design review and revisions should they be required. The 30-day timeframe for management plans generally relates to management of construction effects during implementation, not design review.
- (c) There is no design provided to assess the likely visual and landscape effects. We acknowledge that design plans in support of the information provided in the memo have been requested of the applicant and we can respond to these upon receipt.

LV.5 to LV.7

The memorandum identifies that conditions are proposed that will address concerns relating to recreation amenity, and that these are contained within conditions LV.5 to LV.7.

We do not agree that condition LV.5 is adequate to address recreation amenity concerns for the same reasons as stated in (a) (b) and (c) above.

LV.5 states that *"The BSUDP's may either be attached to the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay"*. This is especially concerning as the BSUDP's will contain design detail that needs checks and balances to alleviate any possible concerns. If the BSUDP's are prepared later in a staged manner, and not included as part of an agreed LUDP, what is the mechanism for peer review?

We are concerned that staged design could result in ad-hoc outcomes and the loss of overall cohesion and unity across the built landscape. This would be alleviated by providing full design up-front even if construction is to be staged.

LV.6 and LV.7 are comprehensive in scope and are likely to address the concerns relating to recreation amenity so long as sufficient time and peer review opportunities are provided.

We have concerns about establishing a hierarchy of importance in the LUDP's. It appears that safety comes first while urban design outcomes appear as the lowest priority. All factors are important, and many are interrelated. For instance, safety is a factor of urban design.

Overall comments

The memo states that the design is a *"preliminary design for consenting to understand (and manage) the project's effects. There is scope within the detailed design to make small adjustments to the detailed layout"*. This statement implies that design is resolved and that only design tweaks will be considered going forward. We have not seen design plans other than route alignment and some typical sections. This is insufficient information to assess the projects effects on the considerable and highly sensitive landscape and recreation values.

If a suitably resolved proposal is not submitted prior to the hearing, then there must be time provided in the process afterwards for the Regional Council to respond appropriately to the LUDP through robust peer review. It is suggested that two review hold points are provided. The first hold point and review would be at developed design stage. The second hold point would be at detail design stage. A 30 working day timeframe would not be adequate for this.

It is assumed there will be goodwill on both sides (applicant and Regional Council) to enable an appropriate design outcome. There needs to be adequate timeframes allowed to review the proposal and for Regional Council to engage experts and to respond with any fair and reasonable changes in a timely manner. If agreements cannot be reached between the applicant and Regional Council an independent mediator should be used.



Jeremy Head
Senior Landscape Architect



Catherine Hamilton
Principal Landscape Architect

From: Shannon Watson
To: Dan Kellow (InTouch)
Cc: "Michelle Conland"; Jo Frances
Bcc: 12513076
Subject: FW: Eastern Bays shared path landscape comments re safety barrier
Date: Wednesday, 1 July 2020 12:27:00 PM
Attachments: image002.png

From: Head, Jeremy <Jeremy.Head@wsp.com>
Sent: Wednesday, 1 July 2020 12:24 PM
To: Shannon Watson <Shannon.Watson@ghd.com>
Cc: O'Shaughnessy, Brenda <brenda.oshaughnessy@wsp.com>; Hamilton, Catherine <Catherine.Hamilton@wsp.com>
Subject: Eastern Bays shared path landscape comments re safety barrier

Hi Shannon,

A response to your request below:

Jeremy, from a landscape and visual amenity perspective we are keen to understand whether the changing of the safety barrier height from 1.1m to 1.4m would change any of your previous conclusions regarding the effects of the proposal, being that *any adverse landscape character, visual and natural character effects arising from the proposal as it currently stands are between 'low' and 'moderate'?*

The conclusion reached in my May 10, 2019 peer review was that any landscape and visual effects arising from the proposal as it was presented would likely be between 'low' and 'moderate'. This finding was in absence of the inclusion of a safety barrier.

Later, a response was received from the applicant following a request for further information. Safety barriers were added to the proposal and assessed as a supplement to the LVA.

A conclusion on any changes to the landscape and visual effects of the proposal after adding safety barriers could not be made as there was insufficient detail regarding the location, design and appearance of the safety barrier provided by the applicant. Excerpt from my 14 January 2020 memo below:

"With regards to landscape matters, the applicant provided further responses. This included a supplementary report to the landscape and visual assessment with regards to the additional safety barriers. The design and extent of these safety barriers are unconfirmed to date. Height and type are not fixed. The taller of the barrier structures has varying degrees of opacity which will potentially have adverse effects on landscape character and amenity values currently held.

The conclusions reached around the barriers were that the final appearance of the barriers and their potential effects and any required mitigation will be dependent on the LUDP process. It was also stated in the supplementary report that the final locations and lengths of the barriers will be determined at detailed design stage, which is post-hearing and contributes to the LUDP process.

"A conclusion is reached by the applicant where the adverse effects of the safety barriers on natural character (urbanising an otherwise natural coastal edge) will have between 'low' and 'moderate to low' effects depending on the degree of existing coastal development. Effects on visual amenity are considered by the applicant to be between 'very low' and 'moderate to low', depending on the viewers proximity to the barrier, and whether views are fixed or transient. These findings assume an acceptable solution is reached through the LUDP process, which I consider is fundamentally problematic for the decision maker to grapple with."

What type of safety barrier and where it is located will be determined by and need to be compliant with the NZ Building Code obviously.

However, to provide some response (if a safety barrier is required by law or is otherwise proposed at any height following the LUDP), it is considered that the **level** of effects on landscape character and visual amenity arising from the barrier will be determinant on the barrier's design, height, location and durability. Effects on how peoples' physical movement and access in the vicinity of the barrier is critical too. This will be covered in more detail by Catherine.

None of the above aspects have been provided with any certainty by the applicant to date. For example, if the barrier was 1.4m tall it would have greater adverse effects than if the barrier was 1.1m tall. The type of materials used and the various materials' cross sections (independently and collectively) will assist in managing any adverse effects. The 'thinner' or more 'elegant' the safety barrier is, the better as the seaward views in particular will be less obstructed. Colour will assist in managing any adverse effects too. For example, if the barrier was coloured in a recessive manner, it would be less dominant and allow other aspects of the landscape and seascape to visually prevail which will assist with reducing adverse effects on visual amenity and landscape character too.

At present there is some discussion provided by the applicant regarding where the safety barrier is best located – on the seaward edge of the sea wall or between the live lane and the shared path. It is conceivable that a type of 'double fence' may even ultimately be proposed if it was determined through a safety audit that a barrier to the live lane was equally important. A double fence would have increased adverse landscape and visual effects over a single barrier.

It is also noted that during storm surges some large material can be washed ashore onto the road. This raises a question – will a vertical barrier be robust enough to withstand these forces? Will sections be deformed or destroyed

including the footings it is fixed into? To respond to this, will it need to be engineered in such a way that an elegant visually 'light' option is not possible? If so, this would have increased landscape and visual effects.

I trust that the above discussion highlights some of the issues that may come into play. As mentioned previously, the lack of a firm proposal (regarding a safety barrier as well as the overall proposal) does not assist with determining the level of effects with any certainty. A safety barrier will be a substantial element in the proposal. It will be the most visible element from the landward and often from the seaward side at low tide. It will be the single most element of the proposal most likely to affect peoples' amenity and physical enjoyment of the coast. For those reasons alone the level of landscape and visual effects of the wider proposal will be highly likely to increase from the previous conclusion reached which fell around a 'low' to 'moderate' level of landscape and visual effects.

Of course I am happy to discuss further.

Kind regards,

Jeremy Head
Senior Landscape Architect



T: +64 3 365 0525

M: +64 21 308 048

Jeremy.Head@wsp.com

WSP
12 Moorhouse Avenue
Christchurch 8011
New Zealand

wsp.com/nz



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Memorandum

To	Shannon Watson, Environmental Planner; GHD
Copy	Brenda O'Shaughnessy, Principal Planner; WSP
From	Jeremy Head
Office	Christchurch
Date	16 November 2020
File/Ref	3-53523.00
Subject	Position Statement Eastern Bays Shared Path

Introduction

I have been commissioned by the Greater Wellington Regional Council (GWRC) to provide an expert review of the potential landscape¹ and visual² effects of the proposed Eastern Bays Shared Path.

The Hutt City Council (HCC) (the Applicant) proposes to construct a 4.4 km shared path along Marine Drive in Wellington's Eastern Bays in two sections: between Point Howard and the northern end of Days Bay, and the southern end of Days Bay (Windy Point) to Eastbourne (Muritai Road / Marine Parade intersection).

No new path is required in Days Bay. A description of the proposal is provided in the Assessment of Environmental Effects (AEE) of the consent application for the shared path.

The stated purpose of the shared path is to develop a safe and integrated walking and cycling facility on Marine Drive to connect communities along Hutt City's Eastern Bays. It also aims to provide links to other parts of the network (current and future) for recreation and tourism purposes - in particular, the Remutaka Cycle Trail and the Great Harbour Way (Te Aranui o Pōneke).

It is the intent of the bi-directional shared path to greatly increase use of the coastal edge by multiple modes of commuting (transport), recreation and tourism users. These users will cover all physical abilities: some will move fast on bikes, some will run others will dawdle and look at the view, some will be learning to walk, roller skate and such.

The proposal is intended to be compatible with the overall and bay-specific landscape character currently found throughout the coastal context of the site. The proposal is anticipated by the Applicant to not adversely affect current levels of amenity to an unacceptable degree. The Applicant also proposes that appropriate landscape and amenity design outcomes for review will be articulated through a Landscape and Urban Design Process (LUDP). This process is planned to involve multiple stake-holders including the wider and bay-specific communities

¹ **Landscape** effects relate to physical changes to the setting or landscape character. These changes may be visible or invisible but are otherwise understood to exist. Also known as 'Landscape Character' effects.

² **Visual** effects relate to changes in how a landscape appears from specific viewpoints. Visual effects are also known as visual amenity effects.

where the conceptual design will be developed further - following consent of the generic proposal.

Review process

In undertaking a landscape character and visual assessment review³, I have assessed the application including the Proposed Eastern Bays Shared Path Eastern Bays, Hutt City Landscape and Visual Assessment by Drakeford Williams Ltd for the Applicant. I subsequently provided comments to GWRC regarding responses provided by the Applicant following requests for further information under Section 92 (1). Further review and advice has been provided on the proposed conditions of consent, including the amended conditions submitted by the Applicant.

Focus of my review: landscape outcomes

The focus of my peer review was on the expected outcomes of the proposal – including the visual amenity benefits of the proposed shared path as well as its compatibility at the edge of two areas with differing coastal and urban landscape characteristics and values.

In considering the likely landscape character and visual amenity outcomes based on the information provided, I have taken account of the following key factors:

- **Design features - generally:** The Applicant's plans and drawings currently include a basic shared path route solution for the area with a largely functional bias. Sense of place and visual aesthetics are not apparent in the design to date. Detail development is left up to the LUDP which will occur following consent. It is acknowledged by myself and Ms Drakeford that there remains significant scope for design detailing following consent which in my opinion will improve the proposal compared to how it is currently presented.
- **Shared path:** The design for the proposed shared path needs to be developed further to provide certainty that an acceptable landscape and visual outcome will be achieved to cater for all user-groups. This may be by using a range of materials, applying different surface treatment options in different areas and the use of motif and story-telling (for example). These aspects may better define different parts of the path and different coastal character areas, create slow zones, encourage safe rest stops, provide clear cues to beach access points, facilitate crossings and nodes, all while maintaining or enhancing currently held amenity values.
- **Balustrade/handrail:**

Safety from falling barriers are proposed for sections of the shared path that have more than 1 m fall. These areas generally relate to non-beach environments and are areas at higher risk from falling. Barriers are not proposed for areas that are 2.5 m in width.

The proposed barriers have not been designed or confirmed, therefore I am unable to comment with certainty on the amenity effects of these barriers. However, a 1.4 m high barrier may have unintended adverse consequences on visual amenity. A horizontal rail 1.4 m above the path surface will, for some, coincide with eye level and create an impediment to harbour views from the path, and also to occupants passing by in traffic. This will diminish the connection with the seascape which will potentially have both adverse landscape and visual effects.

Further, the design of the balustrade / handrail structure needs to be carefully considered as it will be required to withstand storm events but minimise loss or distraction of sea views and be aesthetically pleasing as it will be a readily visible part of the proposal.

³ GWRC Eastern Bays Shared Use Path Review of Applicant's Landscape and Visual Assessment, 10 May 209.

- **Revetment structure:** Rock used in new works needs to have a high level of compatibility with existing natural rock outcroppings such as reefs and headlands in which the proposal passes by or over. In this way the proposal will be less obvious as an 'add-on' to the coastal environment. Any non-local rock used in the proposal must be approved by a suitably qualified and experienced landscape architect, possibly with the assistance of a geologist.
- **Curved sea walls, ramps and steps:** The surface finish of these structures will determine their levels of visibility and acceptability in the coastal setting. As the walls are concrete, and 'plastic' while being formed there are limitless options for producing non 'engineered-looking' structures. The seawalls will be visible from the sea as well as the land. From the sea it is important that the seawall does not form an overly artificial 'line of separation' between the land and the sea. Concrete colour will be important, that is - colours which will lessen the appearance of the concrete, not enhance it.
- There is an opportunity that the top of the sea walls be used as a seating 'perch' so long as they are wide enough (450 – 500 mm). This will also enable a sense of separation from active travel and better define the seaward edge of the path. It is recommended (and standard practice) that a contract sample of a section of seawall be cast that can be agreed on.
- **Kerb Separators:** Like the balustrading on the seaward side, the physical separation/separators between the shared use path and the live traffic lane need will be a particularly visible part of the proposal and as such, need to be appropriately designed.

POSITION STATEMENT

(Read in conjunction with proposed amendments to conditions of consent)

The proposal is located at an 'edge' in the landscape. Edges are particularly important places as they are areas where natural processes contrast with one another along a line; landforms and substrates change; landuse and cultural patterns change and so forth. Particularly strong landscape edges may include all of these features. And so, edges are usually places where there is more scrutiny than other landscape areas - such as the site for the proposal. It is the place where the constantly changing states of the harbour waters meet the stability of the land, a safe environment presses up to a potentially hazardous one, passive and active recreation is found squeezed into a narrow band between the road and the sea.

Highly constrained sites such as this are rare, valuable and need to be particularly well-considered. Any modification to such sites needs to be well managed to achieve an optimum landscape outcome. The intent of the proposal is to increase active modes of transport and so the numbers of people using this 'edge' and appreciating it will inevitably grow.

It is a legitimate expectation that any changes to sites such as this maintain or enhance currently held values attributed to landscape character and visual amenity (among other values).

LUDP process

There is little detail provided as to how the LUDP will be planned and facilitated and the quality of the solutions reached. This could have a significant impact on the proposal's kick-off and potentially, the outcomes ultimately reached which will be long-lasting. The LUDP is set up by and wholly reliant on the Applicant to capture the proposal's design controls. For this reason, it is imperative that the outcomes found and any ongoing refinements to the proposal be robustly audited and reviewed by an independent and relevant, suitably qualified and experienced party. It is difficult to see how much weighting can be placed by the decision-maker on the LUDP process as it will occur after the hearing of the proposal.

Lack of design drawings to review

The proposal is currently high-level only - presented as a 'route'. There is minimal information providing evidence as to the final appearance of the proposal. This is unusual, and sub-optimal - particularly for a built intervention of this size and value and in such a popular lived-in and visited location. The lack of design detail has meant I have not been able to scrutinise a design and provide full professional peer review of the landscape and visual outcomes of the proposal to a standard that I am comfortable with.

Commentary:

The proposal needs to achieve a best-fit for place, as it is located partly within a natural coastal setting. Landscape character and visual amenity effects generated by the proposal must be acceptable. To provide certainty that this can be achieved, design drawings with enough information to satisfy any concerns should have been provided. In this case, no substantive detail has been provided for peer review. Instead, the proposal is described by way of alignment plans with some dimensions, a small number of typical sections and details and a design features report (Appendix J) which sets out design principles.

The Applicant intends to prepare design plans once consent is granted. Normal practice is to submit design plans to a stage of at least 'preliminary design' level (more detailed than concept design, but not detailed enough to build from). This would provide a sense of forms, materiality and colours, for example, that would provide an opportunity for meaningful and robust peer review. Instead, the Applicant relies on this level of detail being generated later through the LUDP. In my opinion, the lack of design detail provided to date is a significant flaw in the application. The Applicant has opted for the final design and design detail to be managed by GWRC imposing consent conditions. This essentially seeks consent for a series of design conditions - rather than using those suggested, and later, recommended conditions to provide certainty to how an appropriately documented and consented proposal is achieved.

Commentary:

Rather than providing design plans, the application relies upon extensive and detailed resource consent conditions to control and certify design outcomes. These conditions provide for the Applicant to furnish design within three months of the design commencing, through the development of Landscape and Urban Design Plans (LUDP). Bay Specific Urban Design Plans (BSUDP) will be provided in a staged manner thereafter.

Conditions of Consent

LV.1 I have concerns about the process, time allowed and content of the LUDP and BSUDP's within the proposed Resource Consent conditions

LV.5 states that "The BSUDP's may either be attached to the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay". This is especially concerning as the BSUDP's will contain design detail that needs checks and balances to alleviate any possible concerns. If the BSUDP's are prepared later in a staged manner and not included as part of an agreed LUDP, what and where is the mechanism for peer review?

My concern is that staged design could result in ad-hoc outcomes and the loss of overall cohesion and unity across the built landscape. This would be alleviated by providing full design up-front even if construction is to be staged.

LV.6 and LV.7 are comprehensive in scope and are likely to address the concerns relating to landscape character and visual amenity so long as sufficient time and peer review opportunities are provided. To alleviate these concerns, I recommend that conditions explicitly identify minimum standards.

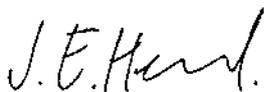
Conditions should allow for Hold Points at preliminary, developed and detailed design stages for review by suitably qualified and experienced specialists.

SUMMARY CONCLUSION

On 10 May 2019 I prepared a peer review on behalf of CWRC regarding the Applicant's landscape and visual assessment report. My peer review generally concluded in agreement with the content and conclusions reached in this report. However, a general thread that ran through my peer review was that the proposal was lacking sufficient detail to draw absolute conclusions as to the landscape character, and visual effects of the proposal. It was pointed out in several places in my peer review that the proposal (and its effects) were aspirational rather than actual. Much reliance was placed on a post granting of Resource Consent LUDP being successfully carried out and the solutions from this being faithfully implemented on site. This LUDP process is intended by the Applicant to 'iron out' many of the details of how the proposal would be constructed and how it would appear.

The Applicant's LVA considers any adverse effects on visual amenity to be 'Low' to 'Very Low' and 'Moderate - Low' for from some residences. Any adverse effects on landscape character will be 'Low' in the bays with no safety barrier and 'Moderate-Low' in bays where there is a safety barrier. In my opinion, any potential adverse landscape effects will be between 'Low' and 'Moderate'. However, this determination was and still is based on further design detail being provided which has not occurred to date. In this regard the finding is optimistic in that the LUDP will provide for a successful landscape outcome. Of note, it was concluded in my 2019 peer review that the LUDP process may well result in an improved outcome over what the proposal currently included. However, it was also discussed that an improvement cannot be necessarily guaranteed either. To alleviate these concerns, there was a realistic expectation that a revised application addressing some of the points raised in my and others' peer reviews would be presented prior to the hearing. I understand that the Applicant will not be developing the proposal further prior to the hearing other than providing a series of amended conditions.

These draft conditions with my own recommended changes are appended to this document. By providing these amendments to the conditions, this does not form an acceptance that conditions are an effective substitute for an adequately resolved and appropriately detailed design.



Jeremy Head
Senior Landscape Architect

Appendix R - Proposed Resource Consent Conditions

Index of Resource Consents

The following table sets out the condition references for each of the resource consents.

Ref	Consent	General conditions	Specific conditions
1	Coastal Permit (s12, s14 and s15) – Reclamation of the foreshore and seabed	[TBC]	[TBC]
2	Coastal Permit (s12, s14 and s15) – Removal and demolition of seawalls		
3	Coastal Permit (s12, s14 and s15) – Occupation of the seawalls in the CMA		
4	Coastal Permit (s12, s14 and s15) – Structures parallel to MHWS in an area outside of an Area of Significant Conservation Value		
5	Coastal Permit (s12, s14 and s15) – Activities involving the use and development of structures outside an Area of Significant Conservation Value which cannot meet permitted or controlled activity Standards		
6	Coastal Permit (s12, s14 and s15) – Construction of new seawalls, revetment, boat ramps and steps		
7	Coastal Permit (s12, s14 and s 5) – Deposition of sand, shingle, shell or other natural material directly onto the foreshore for the purpose of combating beach or shoreline erosion and improving the amenity of value of the foreshore		
8	Coastal Permit (s12, s14 and s15) – Discharges to the CMA		
9	Land use (s9) – Construction, alteration and diversion of Marine Drive		
10	Land use (s9) – Construction works within the Significant Natural Resource site identified as SNR 44		
11	Land use (s9) – Earthworks within the Special Recreation and Passive Recreation Zoning		

Definitions

The table below defines the acronyms and terms used in the conditions below.

Acronym/Term	Definition
BSUDPs	Bay Specific Urban Design Plans.
BNP	The Beach Nourishment Plan.
CEMP	The Construction Environmental Management Plan.
Certify, certification and certified	In relation to a management plan, means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is technically consistent with the requirements contained within the conditions of this consent.
CMA	Has the same meaning as 'coastal marine area' in section 2 of the RMA.

Acronym/Term	Definition
Commencement of Construction	The time when Construction Works (excluding site investigations and Enabling Works) for the Project (or a part of the Project) commence.
Completion of Construction	When construction of the Project (or part of the Project) is complete.
Construction Works	One or more of the various activities (excluding site investigations and Enabling Works) undertaken under these resource consents.
Consent Holder	Hutt City Council
<u>Enabling Works</u>	<u>Includes the following and similar activities:</u> (a) <u>geotechnical investigations (including in the CMA), including access on land for these investigations;</u> (b) <u>establishing site yards, site offices, site entrances and fencing;</u> (c) <u>establishing protection areas for Little Penguin and Shoreline Forager populations;</u> (d) <u>demolition or removal of buildings and structures;</u> (e) <u>relocation of services; and</u> (f) <u>establishing minimisation measures (such as erosion and sediment control measures).</u>
HEP	Habitat Enhancement Plan.
HNZPT	Heritage New Zealand Pouhere Taonga.
Little Penguin	NZ little penguin (<i>Eudyptula minor</i> , kororā).
Little Penguin Interest Group	Department of Conservation, Mike Rumble, Eastbourne Pest Control and Forest & Bird.
LPMP	The Little Penguin Management Plan.
LUDP	The Landscape and Urban Design Plan.
Manager, Environmental Regulation	The Manager, for the time being, of the Environmental Regulation Department, Wellington Regional Council.
MHWS	Mean High Water Springs.
Project	The design, construction, operation and management of the Eastern Bays Shared Path Project and associated works.
Reclamation	Areas permanently reclaimed from the CMA based on the definition in the <u>Has the meaning given to that term in section 2.2 of the Proposed Natural Resources Plan for the Wellington Region Decision Version (dated 31 July 2019) as it relates to the CMA.</u>
RMA	The Resource Management Act 1991.
<u>Shoreline Forager</u>	<u>variable oystercatcher and red-billed gull.</u>
<u>SRHP</u>	<u>Seawall and Revetment Habitat Plan</u>
Team Leader, Resource Consents	The Team Leader for the time being of the Resource Consent Department, Hutt City Council.
TMP	The Traffic Management Plan.
Working day	Has the same meaning as in section 2 of the RMA.

General Conditions

These general conditions apply to all resource consents unless specified otherwise. Additional conditions which apply to specific resource consents are set out in the following pages.

Ref	Condition
<i>General and Administration</i>	
GC.1	Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019.
GC.2	Where there is inconsistency between: <ul style="list-style-type: none"> (a) The application, plans and documents referenced in Condition GC.1 and further information provided by the Consent Holder post lodgment, including during the hearing, the most recent information and plans shall prevail; and (b) The application, plans and documents referenced in Conditions GC.1 and GC.2(a) and the conditions of consent, the conditions shall prevail.
<i>Pre-construction Administration</i>	
GC.3	The Consent Holder shall notify the Manager, Environmental Regulation in writing of the proposed date of Commencement of Construction at least 20 working days prior to that date.
GC.4	The Consent Holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent at least 10 working days prior to the Commencement of Construction.
<i>Management Plan Approval Process</i>	
GC.5	<ul style="list-style-type: none"> (a) Conditions (b) to (i) below apply to all management plans required by these conditions. (b) All management plans shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction. (c) All management plans shall provide the overarching principles, methodologies and procedures for managing the effects of the construction of the Project to achieve the environmental objectives, outcomes and performance standards required by these conditions. (d) All management plans may be submitted for certification in parts or in stages to address particular activities or to reflect the staged implementation of the Project and shall clearly show the linkages with plans for adjacent stages and interrelated activities. (e) Any certified management plan may be amended, if necessary, to reflect any minor changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) to inform them of the change, <u>and allow for their review/s</u> unless those amendments would result in a materially different outcome to that described in the original plan. Those minor amendments do not require certification, but the updated plan must be provided to the Manager, Environmental Regulation and/or the Team Manager, Resource Consents (as relevant). (f) Any material amendments to a certified management plan shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification. Any material amendment must be consistent with the purpose of the relevant management plan and the requirements of the relevant conditions of these consents.

Commented [HJ1]: Any amendments impacting on landscape and amenity values need to be certified. With Catherine, I also recommend removal of the term 'minor' as this is a subjective measure and depends on the level of expert evaluation. Any effects on less tangible values such as landscape character and how this may be perceived, not necessarily observed can easily be inadvertently overlooked if not properly assessed by a suitable qualified and experienced expert.

Ref	Condition
	<p>(g) If no comments are received on a management plan submitted under (b), or an amended management plan in (f) within 15 working days, then the management plan is deemed to have been certified and the Consent Holder may implement the plan or the changes.</p> <p>(h) Should the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) refuse to certify a management plan, or a part or stage of a management plan, the Consent Holder shall submit a revised management plan (or part or stage) for certification as soon as practicable. Should certification of the revised plan (or part or stage) be refused then the Consent Holder must, within 10 working days <u>of the refusal</u>, engage a suitably qualified, <u>experienced and</u> mutually acceptable independent expert to resolve the matters in dispute. <u>The expert shall resolve the matters within 10 working days of being engaged</u> and his or her decision shall be final. The cost of such a process will be met by the Consent Holder.</p> <p>(i) All works and monitoring shall be carried out in general accordance with the certified management plans.</p> <p><i>Advice note: Management plans must be emailed to notifications@gw.govt.nz or [HCC email address] and include the reference WGN190301 or RM190124 (as relevant), and the name and phone number of a contact person responsible for the proposed works.</i></p> <p><i>Advice note: Any preliminary works, which do not require resource consent or are permitted activities, can be undertaken prior to the certification of any management plans.</i></p>
Construction and Environmental Management Plan	
GC.6	<p>(a) The Consent Holder shall, in consultation with an experienced ecologist <u>and landscape architect</u>, prepare a CEMP for the relevant Project stage (excluding site investigations and Enabling Works) and submit this to the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. Commencement of Construction shall not occur until certification is obtained.</p> <p>(b) The purpose of the CEMP is to:</p> <ul style="list-style-type: none"> (i) Confirm final Project details; (ii) Ensure that the Construction Works remain within the limits and standards approved under the consent; and (iii) Set out the management procedures and construction methods to be undertaken to <u>avoid, remedy or minimise</u> adverse effects arising from the Construction Works. <p><i>Advice note: Any investigations works, outside of those consented, which penetrate groundwater and/or any contaminated land investigations that do not comply with permitted standards will require separate consents.</i></p>
GC.7	<p>The CEMP shall include:</p> <ul style="list-style-type: none"> (a) Confirmation of the proposed staging and sequencing of construction, including staging of the Construction Works by bay. Continuous areas of seawall being constructed shall be limited to a stipulated length as set out in the CEMP and determined on a bay by bay basis. Works in the subtidal areas shall reflect Condition C.6(d) in that there is flexibility in terms of maximum length of seawall construction for works in these areas, but not for works outside of the subtidal areas. (b) An outline construction programme that takes into account timing constraints in these conditions and the management plans listed in Condition GC.8; (c) The final construction methodologies; (d) Contact details of the site supervisor or project manager and the Consent Holder's Project liaison person (phone, postal address, email address); (e) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to <u>avoid, remedy or minimise</u> potential adverse effects;

Commented [HJ2]: Like Catherine, I also don't believe this is sufficient time to find and engage a suitably qualified and experienced expert, for them to resolve the matter, including peer review.

Ref	Condition
	<ul style="list-style-type: none"> (f) The proposed hours of work; (g) Location of construction site infrastructure including site offices, site amenities, contractors' yard access, equipment unloading and storage areas and contractor car parking; (h) The clear identification and marking of the construction areas within the CMA; (i) Where machinery is to be within the CMA, a list of that machinery and a protocol, developed in consultation with an experienced ecologist, for the management of that machinery to reasonably reduce ecological impacts and the footprint of the operations; (j) The measures to be adopted to maintain the construction area and adjacent parts of the CMA in a tidy condition in terms of disposal/storage of rubbish (so as to avoid attracting mammalian predators and undesirable species to the construction area), storage and unloading of construction materials and similar construction activities; (k) Procedures for managing and controlling erosion and sediment run-off into the CMA to achieve Condition C.6; (l) Procedures to reduce contaminants from Constructions Works on land or in the CMA into the CMA. Such procedures and measures shall include, but are not limited to: <ul style="list-style-type: none"> (i) Refuelling and carrying out machinery maintenance, including being at least 5m inland from MHWS, away from watercourses and not on the foreshore area, the use of biodegradable hydraulic fluids in machinery working within the foreshore and CMA where practicable, a spill kit on hand and staff trained in its deployment; (ii) Ensuring that wash water from tools, equipment or machinery is not discharged into the CMA; (iii) Keeping the area of disturbance in the foreshore and CMA to the minimum reasonably necessary to complete the works; (iv) Minimising the use of machinery within the CMA and ensuring that machinery is used in compliance with the CEMP; (v) Providing appropriate wash-down facilities for all concreting equipment to prevent wash water from entering the CMA; (vi) Storing any hazardous substances so that they will not enter the CMA; (vii) Ensuring, except for (viii), that during piling or seawall construction and ancillary work, no wet concrete, or any water or liquid that has come into contact with wet concrete or with any other cementitious products without appropriate treatment as set out in (ix), is able to enter the CMA; (viii) Ensuring that piling or seawall construction and ancillary work within the CMA complies with Condition C.6; (ix) Ensuring that the pH of water discharged from any work site that has used wet cementitious products has a pH level similar to the local receiving environment; and (x) Removal of any temporary construction materials and debris associated with the Construction Works from the CMA;

Ref	Condition
	<p>(m) Procedures for ensuring that residents, network utility operators, road users and businesses in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction, the location of the work and are informed about the expected duration and effects of the work;</p> <p>(n) Means for maintaining public pedestrian access along Marine Drive during construction;</p> <p>(o) Procedures for incident management, including contingency procedures to address emergency spill response(s) and clean up;</p> <p>(p) Measures for protecting the site from tidal intrusion and storm events, and protocols to address any overtopping event that may occur during construction;</p> <p>(q) Consideration of fish passage in locations as outlined in Condition EM.12; and</p> <p>(r) Type of imported fill material to be used within the CMA to minimise contamination of the CMA as outlined in Condition C.9.</p>
GC.8	<p>The CEMP shall incorporate or refer to the following management plans:</p> <p>(a) Landscape and Urban Design Plan (including Bay Specific Urban Design Plans as appropriate) (refer to Conditions LV.1 to LV.7);</p> <p>(b) Beach Nourishment Plan (refer to Conditions EM.13 to EM.14);</p> <p>(c) Little Penguin Management Plan (refer to Conditions EM.2 to EM.5);</p> <p>(d) Traffic Management Plan (refer to Conditions GC.11 to GC.13);</p> <p>(e) A plan for works within 100m of a Shoreline Forager nest (refer to Condition EM.1C);</p> <p>(f) Seawall and Revetment Habitat Plan (refer to Condition EM.19 below); and</p> <p>(g) Habitat Enhancement Plan (refer to Conditions EM.7 to EM.9).</p> <p>If a CEMP is submitted in part or for a Project stage, it shall only incorporate or refer to the management plans relevant to that part or stage.</p>
GC.9	<p>All personnel working on the site shall be made aware of the requirements contained in the certified CEMP. The certified CEMP shall be implemented and maintained (and amended in accordance with GC.5(e) and (f) as necessary) throughout the entire period of the Construction Works.</p>
GC.10	<p>The Consent Holder shall ensure that a copy of this consent and all certified plans and documents referred to in this consent, are kept on site at all times and available for inspection on request by the Wellington Regional Council.</p>
<p><i>Traffic Management Plan</i></p>	
GC.11	<p>The Consent Holder shall prepare a TMP to append to the CEMP, and submit this to the Team Leader, Resource Consent for certification in accordance with the requirements of Condition GC.5.</p>
GC.12	<p>The purpose of the TMP is to manage the various traffic management, safety and efficiency effects associated with the Construction Works.</p>
GC.13	<p>The TMP shall include, but not be limited to, the following:</p> <p>(a) Management of traffic along Marine Drive adjoining the construction areas to protect public safety, manage^{minimise} delays to road users (especially during peak times), minimise disruption to property access and methods to keep the public informed about potential impacts on Marine Drive;</p> <p>(b) Access and parking for contractors; and</p> <p>(c) Specification of any additional measures necessary during periods of activities which involve high levels of construction traffic on nearby properties, such as the CentrePort</p>

Ref	Condition																																																										
	site at Point Howard (including communication and any necessary physical management steps).																																																										
<i>Construction Noise</i>																																																											
GC.14	<p>Noise arising from Construction Works shall be measured and assessed in accordance with NZS 6803:1999 <i>Acoustics – Construction Noise</i> and shall comply, as far as practicable, with the noise criteria set out in the following table:</p> <p>Table CNV1: Construction noise criteria</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Time</th> <th>L_{Aeq}(15 min)</th> <th>L_AFmax</th> </tr> </thead> <tbody> <tr> <td colspan="4">Residential buildings</td> </tr> <tr> <td rowspan="4">Weekdays</td> <td>0630h – 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>65dB</td> <td>80dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45dB</td> <td>75dB</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td>0630h – 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Sundays and Public Holidays</td> <td>0630h – 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>55 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td colspan="4">Commercial and industrial receivers</td> </tr> <tr> <td rowspan="2">All</td> <td>0730h – 1800h</td> <td>70 dB</td> <td></td> </tr> <tr> <td>1800h – 0730h</td> <td>75 dB</td> <td></td> </tr> </tbody> </table>	Day	Time	L _{Aeq} (15 min)	L _A Fmax	Residential buildings				Weekdays	0630h – 0730h	55 dB	75 dB	0730h – 1800h	70 dB	85dB	1800h – 2000h	65dB	80dB	2000h – 0630h	45dB	75dB	Saturdays	0630h – 0730h	45 dB	75 dB	0730h – 1800h	70 dB	85 dB	1800h – 2000h	45 dB	75 dB	2000h – 0630h	45 dB	75 dB	Sundays and Public Holidays	0630h – 0730h	45 dB	75 dB	0730h – 1800h	55 dB	85 dB	1800h – 2000h	45 dB	75 dB	2000h – 0630h	45 dB	75 dB	Commercial and industrial receivers				All	0730h – 1800h	70 dB		1800h – 0730h	75 dB	
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GC.15	The Consent Holder shall enter into an agreement with CentrePort prior to any Construction Works being undertaken within the road reserve and land owned by CentrePort (being Section 1 Survey Office Plan 31984, Reference WN37D/408; and Part Lot 1 DP 10694 & Section 70-72 Block XIV Belmont Survey District and Part Lot 1 DP 10694, Reference WN479/105), adjacent to the CentrePort wharf (Point Howard), to ensure that access arrangements are maintained in accordance with CentrePort's proposed upgrade works.																																																										
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GC.16	After Completion of Construction in each bay, the Consent Holder shall notify the Manager, Environmental Regulation in writing within 2 working days (48 hours) that the works have been completed.																																																										
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GC.18	The Consent Holder shall, as far as reasonably practicable, remedy all damage and disturbance caused by vehicle traffic, plant and equipment to the foreshore during Construction Works, in consultation with a suitably qualified ecologist.																																																										

Ref	Condition
<i>Incidents - General</i>	
GC.19	The Consent Holder shall maintain a permanent record of any incidents (such as, but not limited to, the spill of hydraulic fluid or other discharge not authorised by this consent) that occur at individual work stages that result, or could result, in an adverse effect on the environment.
GC.20	The record shall include: <ul style="list-style-type: none"> (a) The type and nature of the incident; (b) Date and time of the incident; (c) Weather conditions at the time of the incident (as far as practicable); (d) Measures taken to remedy the effects of the incident; and (e) Measures put in place to prevent the incident from reoccurring.
GC.21	The record in Condition GC.20 shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation upon request.
GC.22	The Consent Holder shall notify the Manager, Environmental Regulation within 1 working day of any such incident.
GC.23	The Consent Holder shall forward an incident report to the Manager, Environmental Regulation within 7 working days of the incident occurring. This report shall include the matters listed in Condition GC.20. <i>Advice Note: Wellington Regional Council may investigate any incidents to determine if a breach of this consent or the RMA has occurred and may also undertake enforcement action depending on the circumstances.</i>
<i>Complaints Management</i>	
GC.24	The Consent Holder shall maintain a complaint register that includes: <ul style="list-style-type: none"> (a) The details of each complaint; (b) Actions taken to investigate the complaint (if any); (c) The outcome of such investigations if undertaken and the likely cause of the matter that led to the complaint; (d) The nature and timing of any measures implemented by the Consent Holder to respond to the complaint; and (e) Actions (if any) to be taken in the future to prevent to occurrences of similar events and complaints. <i>Advice note: Should there be a series of complaints related to a single incident then only one investigation needs to be completed by the Consent Holder.</i>
GC.25	The Consent Holder shall make the complaint register in Condition GC.24 available to the Manager, Environmental Regulation, on request.
<i>Consent Lapse</i>	
GC.26	Pursuant to section 125(1) of the RMA, the consents shall lapse 10 years from the date of the commencement of these consents (in accordance with section 116 of the RMA).



Ref	Condition
<i>Review of conditions</i>	
GC.27	<p>Pursuant to section 128 of the RMA, the conditions of consent may be reviewed by the Hutt City Council or Wellington Regional Council by the giving of notice pursuant to section 129 of the RMA, in [month, year] and every year thereafter in order to deal with:</p> <ul style="list-style-type: none">(a) any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or(b) any other adverse effect on the environment on which the exercise of the consent may have an influence.

Coastal Activities (C)

Ref	Condition
<i>Engineering Plans and Specifications</i>	
C.1	<p>At least 30 working days prior to the Commencement of Construction, the Consent Holder shall submit detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of proposed reclamation and de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations and areas where the construction area will extend into the subtidal zone), prepared in general accordance with the documents listed in Conditions GC.1 and GC.2(a) to the Manager, Environmental Regulation for certification using the process in Condition GC.5 the following documentation prepared in general accordance with the documents listed in Conditions and:</p> <p>(a) Detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of proposed reclamation and de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations and areas where the construction area will extend into the subtidal zone); and</p> <p>(b) Specifications for the works authorised by these consents.</p> <p>The requirements for certification set out in Condition GC.5 apply equally to the certification of the detailed engineering plans and specifications under this condition.</p>
C.2	<p>The engineering plans and specifications submitted under Condition C.1 shall cover the following matters:</p> <p>(a) Shared path;</p> <p>(b) Seawalls, including drainage and texture to be applied to the curved surface and depressions to be applied to the flat platforms of the curved seawall;</p> <p>(c) Revetment, including the reuse of in situ natural rock/cobble material and minimising the excavation of in situ rock where possible, without compromising structural integrity, along with the drilling of rock pools into the hard revetment rock of intertidal areas. The design of the revetments should look at all options to reduce the revetment footprint without compromising on structural integrity of the seawall, overtopping protection, or coastal processes;</p> <p>(d) Access steps, ramps, bus stops; and</p> <p>(e) Beach nourishment.</p>
C.3	<p>The Consent Holder shall comply with the engineering plans and specifications certifiedapproved under Condition C.1.</p>
<i>Occupation of the CMA</i>	
C.4	<p>The right to temporarily occupy part of the CMA during Construction Works is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.</p>
C.5	<p>The right to permanently occupy part of the CMAcoastal-marine-area is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.</p>
<i>Erosion and sediment control</i>	
C.6	<p>Erosion and sediment control measures shall be implemented throughout the Construction Works. They shall be constructed and maintained so as to operate and perform in accordance with the <i>Erosion and Sediment Control Guidelines for the Wellington Region (Reprinted June 2006)</i> in the CMA, the measures set out below and the certified CEMP.</p> <p>Within the CMA measures may include, but not be limited to, the following considerations:</p> <p>(a) Not exposing non-native backfill material to the sea.</p> <p>(b) Use of weight-bearing mats on the foreshore substrate.</p>

Commented [HJ3]: Landscape plans and specifications need to be part of the bundle.

Ref	Condition
	<p>(c) Methods for isolating and containing the construction area including:</p> <ul style="list-style-type: none"> (i) Bunding/shuttering in a predominantly gravel/sand beach zone; and (ii) Alternative sediment control devices, such as geotextile containers or tubes filled with locally sourced sand, in rocky shore habitats or where the seawall works occur close to the mid tide mark. <p>(d) Limiting the length of any continuous section of seawall under construction at one time as appropriate, for example if the construction footprint extends into subtidal zone and a longer length allows for a single subtidal area to be contained in the one site then a longer length would be preferable.</p> <p>(e) Earthworks and construction activities to be planned to respond to tide timing, tidal height and forecasts of wind and wave conditions so that these matters can be factored into necessary erosion and sediment controls.</p>
<i>Contaminant Release</i>	
C.7	The Consent Holder shall take all reasonably practicable measures to limit the amount of contaminants from the Construction Works released on land or in the CMA. Such measures shall be included in the CEMP.
<i>Reclamation</i>	
C.8	The total reclamation area for the Project is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1, but shall not exceed 3000m ² . <i>Advice note: Statutory processes in respect of reclaimed land must be complied with, including under the Marine and Coastal Area (Takutai Moana) Act 2011.</i>
C.9	Imported fill material to be used in the reclamations shall be restricted to clean natural sand, gravels and rock.
C.10	The Consent Holder shall maintain a log recording the source of the materials imported onto each reclamation on the site. This log shall be made available to the Manager, Environmental Regulation for inspection on request.
<i>As-Built Certification</i>	
C.11	The Consent Holder shall supply to Wellington Regional Council and the LINZ Hydrographic Services Office and LINZ Topographic Services Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box PO Box 5501, Wellington 6145), a set of 'as built' plans, final topographic and, if relevant, bathymetric data covering the finished works, and appropriate certification confirming that the new structures and structures have been built in accordance with sound engineering practice, within 60 working days of the completion of the works.
<i>Maintenance of Structures</i>	
C.12	The structures permitted to occupy part of the CMA by this consent shall be maintained in a good and sound condition, and any repairs that are necessary shall be made, subject to obtaining any necessary resource consents.

Ecological Management (EM)

Ref	Condition
<i>Little Penguins and Shoreline Foragers</i>	
EM.1	<p>In order to avoid, or minimiseigate, offset and compensate adverse effects of the Project on Little Penguins and Shoreline Foragers, the Consent Holder shall:</p> <p>(a) cComply with Condition EM.1A;</p> <p>(b) undertake the habitat enhancement measures set out in Conditions EM.7 to EM.9;</p> <p>(c) aAs set out in Condition LV.4(c), incorporate relevant detailed design elements within the LUDP as recommended in the LPMP in Condition EM.5;</p> <p>(d) uUndertake design and construction in accordance with the LPMP in Condition EM.5;</p> <p>(e) mManage rubbish and waste in accordance with the CEMP in Condition GC.7;</p> <p>(f) provide pest management in accordance with Condition EM.1B; and</p> <p>(g) pProvide Little Penguin and Shoreline Forager protection areas as set out in funding through Conditions EM.1B and EM.7 to EM.9, that is available from the commencement of consent for pest management along the Eastern Bays coastal margin from Seaview to Pencarrow Head, including in any Little Penguin breeding areas in (f), up to a maximum of \$40,000 including GST over 10 years; and Provide funding through Condition EM.1B of up to \$60,000 including GST towards establishing on the Eastern Bays between Seaview and Pencarrow Head, within 36 months of the commencement of the consents, Little Penguin breeding area(s) to be identified by the Consent Holder in consultation with the Little Penguin Interest Group.</p>
EM.1A	<p>Construction Works between 1 July and 31 January (the Little Penguin breeding period) shall not occur within 10m of any active burrows or nests identified in Condition EM.5(a)(i).</p>
EM.1B	<p>The Consent Holder must:</p> <p>(a) provide up to a maximum of \$4,000 (including GST) per year, spread over 10 years, for pest management within the protection areas specified in (b) below and the adjacent Eastern Bays coastal environment;</p> <p>(b) establish protection areas (refer to Appendix 1) at the following locations, in accordance with Conditions EM.7 to EM.9:</p> <p>(i) Bishops Park;</p> <p>(ii) HW Short Park; and</p> <p>(iii) Whiorau Reserve.</p> <p>(a) The Consent Holder must, within 20 working days of the commencement of consent, allocate a one-off payment of \$100,000 including GST to establish a Little Penguin and Shoreline Forager Enhancement Fund to be managed by Hutt City Council, and inform the Manager, Environmental Regulation;</p> <p>(b) The Fund applies throughout the Eastern Bays coastal margin from Seaview to Pencarrow Head (Fund area) for the purpose of enhancing the natural habitat of Little Penguins and Shoreline Foragers;</p> <p>(c) The Fund must be allocated as follows:</p> <p>(i) a maximum of \$40,000 including GST shall be available over 10 years for pest management throughout the Fund area, and any areas established in (ii);</p> <p>(ii) a maximum of \$60,000 including GST shall be put towards establishing, within 36 months of the commencement of consent, Little Penguin breeding area(s) within the Fund area, in consultation with the Little Penguin Interest Group. The Little Penguin breeding area(s) must be fenced to exclude dogs and the public, contain vegetative cover as appropriate to the setting, and be signposted; and</p>

Ref	Condition
	<p>(iii) any money up to the maximum not spent under (i) or (ii) shall be used to enhance Little Penguin and Shoreline Forager habitat opportunities through detailed design in the LUDP as set out in Condition LV.4(c);</p> <p>(d) The following parties may apply to the Consent Holder for funding under (c)(i) or (ii):</p> <p>(i) members of the Little Penguin Interest Group;</p> <p>(ii) mana whenua;</p> <p>(iii) the Consent Holder;</p> <p>(iv) community groups;</p> <p>(v) landowners; and</p> <p>(vi) individuals;</p> <p>(e) Each application in (d) must set out the amount of money applied for and how the proposed activities will meet the purpose of the Fund; and</p> <p>The consent holder must, within 20 working days of receipt under (d), provide the applicant with notice as to whether funding has been approved or declined, including reasons, and provide a copy to the Manager, Environmental Regulation. Similar applications may be grouped and responded to at the Consent Holder's discretion.</p>
EM.1C	<p>(a) <u>During the nesting season of any Shoreline Forager, no more than 10 working days prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified ecologist to undertake a Shoreline Forager nesting survey within the relevant construction area.</u></p> <p>(b) <u>If any Shoreline Forager nest in the relevant construction area is identified, the Consent Holder shall engage a suitably qualified ecologist to:</u></p> <p>(i) <u>GIS locate and mark on the ground the nest location;</u></p> <p>(ii) <u>advise on whether or not the nest of the Shoreline Forager contains eggs or chicks;</u></p> <p>(iii) <u>if it does contain eggs or chicks, advise on the management of Construction Works within 100m of the nest, including:</u></p> <p>A. <u>the use of specific machinery; and</u></p> <p>B. <u>the use of specific minimisation measures and/or working practices; and</u></p> <p>(iv) <u>prepare a plan for works incorporating the matters in (iii) which the Consent Holder shall include in the CEMP under Condition GC.7.</u></p>
<i>Little Penguin Management Plan</i>	
EM.2	The Consent Holder shall prepare a LPMP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.
EM.3	The purpose of the LPMP shall be to as far as reasonably practicable avoid, but otherwise mitigate, remedy, offset or compensate <u>minimise</u> , adverse effects on the Little Penguin population established in and adjacent to the existing revetment, during design and Construction Works.
EM.4	The LPMP shall be prepared by a suitably qualified person in consultation with the Little Penguin Interest Group.
EM.5	<p>The LPMP shall address the following matters:</p> <p>(a) Measures to minimise adverse effects on the Little Penguin population during construction, including that:</p> <p>(i) Two Little Penguin detection dog surveys, or a detection method approved by a Little Penguin expert appointed by the Consent Holder, must be undertaken in January prior to the Commencement of Construction in each bay. The purpose is to identify active Little Penguin burrows and nests within the construction area of</p>

Ref	Condition
	<p>each bay. No Construction Works shall occur in an area not surveyed in accordance with this provision; and</p> <p>(ii) The GPS coordinates for all active burrows and nests identified in (i) must be recorded;</p> <p>(b) A protocol for enabling Little Penguins active burrows and nests identified under (a) within the construction area of each bay to be relocated to a site outside of the construction area between 1 February and 30 June. The protocol will include measures to ensure that the formerly active burrows and nests will not be reoccupied so that Construction Works can proceed. The protocol will be prepared by a Little Penguin expert appointed by the Consent Holder;</p> <p>(c) A programme for monitoring Little Penguins within or adjacent to the construction area during the Construction Works proportionate to the scale of the works in that area and the number of burrows and nests to determine whether any reasonably practicable steps can be undertaken by the Consent Holder to further reduce adverse effects, <u>including steps provided for in the HEP (refer Conditions EM.7 to EM.9);</u></p> <p>(d) Staff and contractor training;</p> <p>(e) Identification of specific areas where Little Penguin and dog control signage would be beneficial to reduce the risks of adverse effects on Little Penguins; and</p> <p>(f) Opportunities to enhance Little Penguin habitat through detailed design, including:</p> <p>(i) Potential seawall design opportunities to restrict road access for Little Penguins through penguin passage elements; and</p> <p>(ii) Potential rock rip rap design opportunities to include key holes for Little Penguin nests.</p> <p><i>Advice note: The handling of protected wildlife will require permits to be obtained from the Department of Conservation under the Wildlife Act 1953.</i></p>
EM.6	Any outcomes from monitoring under Condition EM.5(c) shall be applied, as appropriate, to future Construction Works by revising the LPMP so that over time processes and responses to minimise effects on Little Penguins are refined and improved. The results of the monitoring shall be provided to the Little Penguin Interest Group and the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion.
<u>Shoreline-ForagersHabitat Enhancement Plan</u>	
EM.7	<u>The Consent Holder shall prepare a HEP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5 prior to Commencement of Construction. Prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified and experienced person to undertake a shoreline forager-nesting survey within the relevant construction area.</u>
EM.7A	<u>The HEP shall be prepared by a suitably qualified ecologist in consultation with the Little Penguin Interest Group and the Eastbourne Dunes Restoration Group.</u>
EM.8	<u>The purpose of the HEP shall be to provide protection areas (as specified in Condition EM.1B and shown in Appendix 1) for the Little Penguin and Shoreline Forager populations.</u>
EM.9	<p><u>The HEP must address and/or include the following within the protection areas:</u></p> <p>(a) <u>fencing of the boundaries as shown in the plans in Appendix 1 with a minimum standard to keep dogs out;</u></p> <p>(b) <u>pest management measures, using funding provided in Condition EM.1B;</u></p> <p>(c) <u>a Planting Plan for revegetation as appropriate, including details of species to be planted and areas planting will take place in;</u></p> <p>(d) <u>signage identifying the relevant habitat area to reduce the risks of adverse effects on Little Penguins and Shoreline Foragers;</u></p>

Ref	Condition
	<p>(e) <u>opportunities to enhance Little Penguin habitat within the protection areas including provision of a minimum of 20 nesting boxes in each of the protection areas;</u></p> <p>(f) <u>opportunities to enhance Shoreline Forager habitat in the protection areas, including wooden poles providing further safe roosting habitats;</u></p> <p>(g) <u>provisions as appropriate to provide ecological resilience to sea level rise; and</u></p> <p>(h) <u>timeframes for completing (as appropriate) the measures outlined in the HEP, including:</u></p> <p>(i) <u>for the Whiorau Reserve protection area:</u></p> <p>A. <u>fencing must be completed prior to Commencement of Construction (see (a) above);</u></p> <p>B. <u>detailed design of habitat enhancement for the Little Penguin and Shoreline Foragers must be finalised, and nesting boxes and roosting measures must be installed, prior to Commencement of Construction (see (e) and (f) above);</u></p> <p>C. <u>pest management measures must be installed and operational prior to Commencement of Construction (see (b) above);</u></p> <p>D. <u>signage must be installed prior to Commencement of Construction (see (d) above);</u></p> <p>E. <u>planting shall be undertaken in accordance with the timeframes specified in the Planting Plan (see (c) above); and</u></p> <p>(ii) <u>for the Bishops Park and HW Short Park protection areas, the establishment process (ie the measures specified in A to E above) must commence prior to Commencement of Construction, and measures A to D above must be completed within six months following Commencement of Construction (and the planting in accordance with the specified timeframes in the Planting Plan).The Consent Holder shall provide the management responses recommended under Condition and an explanation of how these have been implemented (or if not why not) to the Manager, Environmental Regulation, Wellington Regional Council and the local ranger of the Department of Conservation.</u></p>
<i>Intertidal and subtidal ecology</i>	
EM.10	For any construction areas where there are intertidal rock pools or loose rocky material in the intertidal zone, prior to the Commencement of Construction the Consent Holder shall check any rock pools and under loose rocks within the construction area for fish (such as rock fish) and relocate them outside of the construction area. Initial training and guidance by a qualified ecologist will be required.
EM.11	<p>For any construction areas that may extend into the subtidal zone, the Consent Holder shall:</p> <p>(a) Undertake all measures possible to reduce the construction area in the subtidal zone to the minimum required to complete the works in a safe and efficient manner, and avoid operating heavy machinery in the subtidal zone unless there is no reasonably practicable alternative. If works must occur in the subtidal zone, then the Consent Holder shall undertake appropriate measures to isolate the construction site from the subtidal zone to protect the site and prevent contamination release into the CMA, in accordance with the requirements of the certified CEMP;</p> <p>(b) During Construction Works within the subtidal zone the Consent Holder shall, where reasonably practicable, remove large rocks (greater than 0.4m diameter that are not part of the bedrock material and can be safely moved) that have been colonised with biota. They shall be placed in a nearby subtidal zone until the Completion of Works in that area. On completion of works, the rocks shall either be returned to the area from which they were removed, left at their new location or relocated to another appropriate subtidal location; and</p> <p>(c) Avoid adverse effects on the seagrass beds at south Lowry Bay (as identified in Figure 3 of Appendix C2 of the AEE) from Construction Works and beach nourishment. Measures shall include, but not be limited to:</p>

Ref	Condition
	<ul style="list-style-type: none"> (i) Monitoring of seagrass beds in south Lowry Bay before and after Construction Works and beach nourishment to confirm that the beach nourishment works have not resulted in any net loss of seagrass extent and cover through unforeseen physical encroachment into the seagrass beds, increased turbidity or altered hydrodynamics; (ii) The monitoring in (i) shall include mapping the perimeter of each seagrass bed and assessing the average plant cover within each bed immediately before works commence, immediately after works have been completed and 1 year after the completion of the beach nourishment works; (iii) The results of the monitoring in (i) shall be provided to the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion; and (iv) Ensuring that the seagrass beds are appropriately marked during Construction Works and beach nourishment to avoid any potential adverse effects.
<i>Fish Passage</i>	
EM.12	<p>At the key outlets listed in Table 7 of Appendix B of the AEE, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) Ensure that fish passage is improved or maintained at the existing level; and (b) Involve a qualified freshwater ecologist in the design of culvert extensions, alterations, and any specific fish passage features.
<i>Beach Nourishment Plan</i>	
EM.13	<p>The Consent Holder shall prepare a BNP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.</p> <p>Beach nourishment shall only occur in Point Howard beach, York Bay and south Lowry Bay and be deposited in general accordance with the Plans in Appendix 1 to these conditions. The maximum volume of material that may be deposited is 6,000m³, to be distributed between the three bays as outlined in Table 5-1 of Appendix F of the AEE.</p>
EM.14	<p>The BNP shall include, but not be limited to:</p> <ul style="list-style-type: none"> (a) The design conditions at the time of the beach nourishment and for the beach nourishment to achieve after 2 years; (b) The name and location of the sediment source; (c) Evidence of approvals and consents for taking the material and ensuring imported materials do not exceed allowable maximum contaminant levels under the relevant ADAWR (2019) Default Guideline Values; (d) A specification of the borrow material including: <ul style="list-style-type: none"> (i) Ensuring no more than 2% of sediment is of a size smaller than 62 microns; (ii) The grading envelope; (iii) Colours; and (iv) Extent of placement; (e) A construction methodology to limit potential adverse effects that includes, but is not limited to, the following measures: <ul style="list-style-type: none"> (i) Separation and disposal offsite of silts and clays in beach excavation sediments; (ii) Use of beach nourishment sediments that are similar or slightly coarser than in situ sediments, that will maintain the existing profile without spreading onto seagrass beds; (iii) Excluding fine sediments from beach nourishment sediments; (iv) Only undertaking beach nourishment in the winter months between June and August;

Ref	Condition
	<ul style="list-style-type: none"> (v) Forming the high tide construction beach with a slightly over-steepened profile; (vi) Only depositing as much sediment on the beach as can be transferred along the placement area in the day of placement; (vii) Only transferring and shaping the beach profile during lower tide levels in calm conditions, and such that the formed toe does not extend much beyond mean low water springs; (viii) Minimising the working area and mobilization of sediment; (ix) Stockpiling woody debris and then replacing woody debris in the wrack line following beach nourishment; (x) Avoiding the placement of beach nourishment materials no further south than the centerline of Gill Road at the southern end of Lowry Bay; (xi) Forming and shaping a steeper profile within the existing beach footprint; and <p>(f) Placing imported beach sediment along the entire designated placement area rather than in one discrete location;</p> <p>(g) Minimising the potential to block stream outlets with fish passage during beach nourishment by:</p> <ul style="list-style-type: none"> (i) Identifying pipe outlets that are identified as important for fish passage as identified in Table 7 of Appendix B of the AEE; (ii) Avoiding initial placement of sediment from within 20 m of existing outlets; and (iii) Monitoring of stream outlets indicated in Table 6 of Appendix B of the AEE during beach nourishment and then fortnightly for the first 6 months after nourishment and monthly for another 6 months thereafter to check they remain clear. If blocked, the Consent Holder shall clear gravels and sand block the outlets. <p><i>Advice note: Clearance of any accumulated material at the outlets may require a separate consent if not able to comply with permitted activity standards.</i></p>
	<p><i>Beach monitoring and management– beach nourishment</i></p>
<p>EM.15</p>	<p>The Consent Holder shall undertake monitoring of beach volume via 6 monthly beach profiles (or equivalent elevation surveying techniques) to ensure the actual effect on beach sediment processes is in line with the expectations for generally minor redistribution of beach material.</p> <p>The monitoring shall commence prior to the Commencement of Construction in each bay in Condition EM.13, and continue for 2 years after Completion of Construction in that bay. If nourishment occurs in more than one bay, the monitoring timing shall be aligned so that the monitoring of each bay occurs at the same time.</p> <p>This monitoring information shall be interpreted at the end of the 2 year period in that bay by an experienced coastal scientist and that interpretation shall be provided to the Manager, Environmental Regulation within 1 month of its completion.</p>
<p>EM.16</p>	<p>The monitoring should include the nourished area and the foreshore at the base of the seawall extending at least 60 metres along the seawall at both edges of the nourished area at York Bay and Point Howard beach, and 60 metres to the south and 240 metres to the north of the nourishment at Lowry Bay.</p>
<p>EM.17</p>	<p>If beach nourishment monitoring results in Condition EM.15 show that design conditions in the BNP have not been met, then the Consent Holder shall, if deemed to be required by an experienced coastal scientist or engineer, 'top up' the beach nourishment and/or undertake beach maintenance as recommended.</p> <p>Only one 'top up' event may occur at each location. If a 'top up' is required it shall occur within 2 years of the completion of the monitoring. If a 'top up' is required at more than one bay then the nourishment and/or maintenance shall, if possible, be undertaken at the same time.</p>

Ref	Condition
	The design conditions of such 'top ups' shall be prepared by an experienced coastal scientist or engineer and certified as meeting the design conditions of the beach nourishment in the BNP by the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. To avoid doubt, Condition EM.14(e) applies to any beach nourishment 'top up'.
EM.18	<p>An intertidal and subtidal benthic invertebrate monitoring programme designed by a qualified ecologist will be undertaken at least 12 months after the completion of beach nourishment in that bay to assess whether the redistributed beach nourishment material is having any significant adverse effect on the benthic intertidal and subtidal biota.</p> <p>If monitoring results show that redistributed beach nourishment material has had significant adverse effects on the benthic intertidal and subtidal biota, any 'top ups' under EM.17 will be designed by the Consent Holder to appropriately minimise, mitigate, offset or compensate those significant adverse effects on benthic intertidal and subtidal biota.</p>
<u>Seawall and revetment habitat</u>	
EM.19	<p><u>The Consent Holder shall engage a suitably qualified ecologist to prepare a Seawall and Revetment Habitat Plan (SRHP) that provides for intertidal biota, including:</u></p> <ul style="list-style-type: none"> (a) <u>incorporating textures to the curved surfaces and depressions to the flat platforms of the curved seawalls including:</u> <ul style="list-style-type: none"> (i) <u>within the 'low encroachment zone' to help offset the existing intertidal area lost to the 'high' and 'medium' encroachments; and</u> (ii) <u>in areas where the seawall is wholly above the existing high tide mark to provide ecological resilience to sea level rise;</u> (b) <u>drilling rock pools into the hard revetment rock of the mid-low tide zone;</u> (c) <u>reuse of larger colonised rock material;</u> (d) <u>purpose-made rock pool features (to be used where appropriate, and without compromising structural integrity);</u> (e) <u>where appropriate and/or feasible, pre-cast 'pot plant/window box structures that can be added to the surface of the curved seawall; and</u> (f) <u>a map of appropriate scale, showing where each method of enhancement will occur.</u>

Landscape, Urban Design and Visual (LV)

Ref	Condition
<i>Landscape and Urban Design Plan</i>	
LV.1	The Consent Holder shall prepare a LUDP for the Project and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5. The Consent Holder shall provide the LUDP for certification within 3 months of the commencement of the consents. The process to prepare the LUDP, including as set out in Condition LV.3, must be completed within this timeframe.
LV.2	The purposes of the LUDP are to: <ul style="list-style-type: none"> (a) Provide a detailed design for the Project that responds to local landscape character, identity and land use and is in general accordance with the Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); (b) Integrate the Project's permanent works into the surrounding landscape and urban context and to illustrate the urban and landscape design elements of the Project; and (c) Outline methods and measures to avoid, remedy and or <u>minimise</u> mitigate adverse effects on natural character, landscape and recreational amenity during the construction of the Project.
LV.3	The LUDP shall be prepared by the Consent Holder, with input from a <u>suitably qualified and experienced</u> ecologist, engineer, landscape architect, recreation specialist, traffic engineer and urban designer, and in consultation with: <ul style="list-style-type: none"> (a) Wellington Tenth's Trust; (b) Port Nicholson Block Settlement Trust; (c) Relevant Resident Associations; (d) Hutt City Council (Parks and Reserves); and (e) Eastbourne Community Board.
LV.4	The LUDP shall reflect and/or incorporate the plan in Condition EM.19 as appropriate and, as a minimum, shall address how the detailed design of the Project: <ul style="list-style-type: none"> (a) Achieves design outcomes based on the following general <u>hierarchy of environmental effects</u>: <ul style="list-style-type: none"> (i) Safety; (ii) Ecology; (iii) Natural <u>and landscape</u> character; (iv) Public access; and (v) Urban design, recreational and visual amenity; (b) Responds to conflicts between any of the matters listed above, including in relation to the significance (if any) of their values relevant to the specific design matters being considered, and the significance of the matters in the context of each individual bay; (c) Responds to any relevant design elements recommended in the LPMP in Condition EM.5 <u>and the HEP in Condition</u> EM.9 while applying the same approach as in (a) and (b); and (d) Responds to: <ul style="list-style-type: none"> (i) The design principles set out in Appendix J: Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); and (ii) Relevant Industry Standards.

Commented [HJ4]: Remove wording 'hierarchy of'. All are inter-linked.

Ref	Condition
<i>Bay Specific Urban Design Plans</i>	
LV.5	<p>The LUDP shall include the final BSUDPs for each bay within the Project area, which shall address the detailed design, within the particular bay, for the benefit of pedestrians, cyclists and others using the local road network as well as the specific urban design, landscape, ecology and recreational amenity matters, including those listed in Condition LV.7, as relevant to the particular bay.</p> <p>The final BSUDPs may either be attached to, and certified as part of, the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay and individually certified under Condition LV.6.</p>
LV.6	<p>The BSUDPs shall be prepared by the Consent Holder in two stages for each bay:</p> <p>(a) Stage 1: A draft design protocol that sets out the priorities for the bay design in terms of engineering and safety requirements as well as ecology, natural character, landscape, urban design and recreational amenity elements and issues. The protocol shall be provided to the Relevant Resident Association for the affected bay (if any) and the Eastbourne Community Board for comments, if any, within 15 working days from receipt. Any comments received, and the Consents Holder's response and reasons if they are not accepted, are to be provided to the Manager, Environmental Regulation within 20 working days from receipt of the comments; and</p> <p>(b) Stage 2: The final BSUDPs, which are to be certified either on their own (in accordance with Condition GC.5) or (if included in the initial LUDP) when the LUDP is certified under Condition LV.1.</p>
LV.7	<p>The BSUDPs shall, include specific landscape and urban design details for:</p> <p>(a) Seawall structures, including transition zones between seawall types;</p> <p>(b) Beach access including steps, ramps and associated handrails where required;</p> <p>(c) Safety barriers and railing;</p> <p>(d) The treatment of stormwater structures at the coastal interface;</p> <p>(e) <u>Little Penguin and Shoreline Forager</u> related structures including penguin passage elements, ramps, <u>and nests, boxes and wooden poles for roosting;</u></p> <p>(f) Planting treatment;</p> <p>(g) The treatment of existing trees and existing landscape and natural features;</p> <p>(h) The design and area of space available for recreational amenity activities;</p> <p>(i) The design and orientation of features, spaces and access points;</p> <p>(j) Refuge and seating opportunities; and</p> <p>(k) Signage and storyboards.</p>

Commented [HJ5]: Include hold points for review at preliminary, developed and detailed design gateways.

Attachment 5 - Conditions of Consent

Recommended Resource Consent Conditions

Definitions

The table below defines the acronyms and terms used in the conditions below.

Acronym/Term	Definition
BSUDPs	Bay Specific Urban Design Plans.
BNP	The Beach Nourishment Plan.
CEMP	The Construction Environmental Management Plan.
Certify, certification and certified	In relation to a management plan, means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is technically consistent with the requirements contained within the conditions of this consent.
CMA	Has the same meaning as 'coastal marine area' in section 2 of the RMA.
Commencement of Construction	The time when Construction Works (excluding site investigations and Enabling Works) for the Project (or a part of the Project) commence.
Completion of Construction	When construction of the Project (or part of the Project) is complete.
Construction Works	One or more of the various activities (excluding site investigations and Enabling Works) undertaken under these resource consents.
Consent Holder	Hutt City Council
Enabling Works	Includes the following and similar activities: (a) geotechnical investigations (including in the CMA), including access on land for these investigations; (b) establishing site yards, site offices, site entrances and fencing; (c) establishing protection areas for Little Penguin and Shoreline Forager populations; (d) demolition or removal of buildings and structures; (e) relocation of services; and (f) establishing minimisation measures (such as erosion and sediment control measures).
HEP	Habitat Enhancement Plan.
HNZPT	Heritage New Zealand Pouhere Taonga.
Little Penguin	NZ little penguin (<i>Eudyptula minor</i> , kororā).
Little Penguin Interest Group	Department of Conservation, Mike Rumble, Eastbourne Pest Control and Forest & Bird.
LPMP	The Little Penguin Management Plan.
LUDP	The Landscape and Urban Design Plan.
Manager, Environmental Regulation	The Manager, for the time being, of the Environmental Regulation Department, Wellington Regional Council.

Acronym/Term	Definition
MHWS	Mean High Water Springs.
Project	The design, construction, operation and management of the Eastern Bays Shared Path Project and associated works.
Reclamation	Has the meaning given to that term in section 2.2 of the Proposed Natural Resources Plan for the Wellington Region Decision Version (dated 31 July 2019) as it relates to the CMA.
RMA	The Resource Management Act 1991.
Shoreline Forager	<i>variable oystercatcher and red-billed gull.</i>
SRHP	Seawall and Revetment Habitat Plan
Team Leader, Resource Consents	The Team Leader for the time being of the Resource Consent Department, Hutt City Council.
TMP	The Traffic Management Plan.
Working day	Has the same meaning as in section 2 of the RMA.

General Conditions

These general conditions apply to all resource consents unless specified otherwise. Additional conditions which apply to specific resource consents are set out in the following pages.

Ref	Condition
<i>General and Administration</i>	
GC.1	Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019. All further information to be listed here:
GC.2	Where there is inconsistency between: (a) The application, plans and documents referenced in Condition GC.1 and further information provided by the Consent Holder post lodgment, including during the hearing, the most recent information and plans shall prevail; and (b) The application, plans and documents referenced in Conditions GC.1 and GC.2(a) and the conditions of consent, the conditions shall prevail.
<i>Pre-construction Administration</i>	
GC.3	The Consent Holder shall notify the Manager, Environmental Regulation in writing of the proposed date of Commencement of Construction at least 20 working days prior to that date.
GC.4	The Consent Holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent at least 10 working days prior to the Commencement of Construction.
<i>Management Plan Approval Process</i>	
GC.5	(a) Conditions (b) to (j) below apply to all management plans required by these conditions. (b) All management plans shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction.

Ref	Condition
	<p>(c) All management plans shall provide the overarching principles, methodologies and procedures for managing the effects of the construction of the Project to achieve the environmental objectives, outcomes and performance standards required by these conditions.</p> <p>(d) All management plans may be submitted for certification in parts or in stages to address particular activities or to reflect the staged implementation of the Project and shall clearly show the linkages with plans for adjacent stages and interrelated activities.</p> <p>(e) Any certified management plan (excluding the LUDP or BSUDPs) may be amended, if necessary, to reflect any minor changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) to inform them of the change, unless those amendments would result in a materially different outcome to that described in the original plan. Those minor amendments do not require certification, but the updated plan must be provided to the Manager, Environmental Regulation and/or the Team Manager, Resource Consents (as relevant).</p> <p>(f) A certified LUDP or a BSUDP plan may be amended, if necessary, to reflect any changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) to inform them of the change, and allow for their review/s. Amendments require certification and the updated plan must be provided to the Manager, Environmental Regulation and/or the Team Manager, Resource Consents (as relevant). Any material amendment must be consistent with the purpose of the LUDP and/or BSUDP and the requirements of the relevant conditions of these consents</p> <p>(g) Any material amendments to a certified management plan (excluding LUDP and the BSUDP) shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification. Any material amendment must be consistent with the purpose of the relevant management plan and the requirements of the relevant conditions of these consents.</p> <p>(h) If no comments are received on a management plan submitted under (b), or an amended management plan in (g) within 15 working days, then the management plan is deemed to have been certified and the Consent Holder may implement the plan or the changes.</p> <p>(i) Should the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) refuse to certify a management plan, or a part or stage of a management plan, the Consent Holder shall submit a revised management plan (or part or stage) for certification as soon as practicable. Should certification of the revised plan (or part or stage) be refused then the Consent Holder must, within 10 working days of the refusal, engage a suitably qualified, mutually acceptable independent expert to resolve the matters in dispute. The expert shall resolve the matters within 10 working days of being engaged and his or her decision shall be final. The cost of such a process will be met by the Consent Holder.</p> <p>(j) All works and monitoring shall be carried out in general accordance with the certified management plans.</p> <p><i>Advice note: Management plans must be emailed to notifications@gw.govt.nz or [HCC email address] and include the reference WGN190301 or RM190124 (as relevant), and the name and phone number of a contact person responsible for the proposed works.</i></p> <p><i>Advice note: Any preliminary works, which do not require resource consent or are permitted activities, can be undertaken prior to the certification of any management plans.</i></p>
	<p><i>Construction and Environmental Management Plan</i></p>

Ref	Condition
GC.6	<p>(a) The Consent Holder shall, in consultation with an experienced ecologist, prepare a CEMP for the relevant Project stage (excluding site investigations and Enabling Works) and submit this to the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. Commencement of Construction shall not occur until certification is obtained.</p> <p>(b) The purpose of the CEMP is to:</p> <ul style="list-style-type: none"> (i) Confirm final Project details; (ii) Ensure that the Construction Works remain within the limits and standards approved under the consent; and (iii) Set out the management procedures and construction methods to be undertaken to avoid or minimise adverse effects arising from the Construction Works. <p><i>Advice note: Any investigations works, outside of those consented, which penetrate groundwater and/or any contaminated land investigations that do not comply with permitted standards will require separate consents.</i></p>
GC.7	<p>The CEMP shall include:</p> <ul style="list-style-type: none"> (a) Confirmation of the proposed staging and sequencing of construction, including staging of the Construction Works by bay. Continuous areas of seawall being constructed shall be limited to a stipulated length as set out in the CEMP and determined on a bay by bay basis. Works in the subtidal areas shall reflect Condition C.7(d) in that there is flexibility in terms of maximum length of seawall construction for works in these areas, but not for works outside of the subtidal areas. (b) An outline construction programme that takes into account timing constraints in these conditions and the management plans listed in Condition GC.8; (c) The final construction methodologies; (d) Contact details of the site supervisor or project manager and the Consent Holder's Project liaison person (phone, postal address, email address); (e) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid or minimise potential adverse effects; (f) The proposed hours of work; (g) Details of any public access restrictions and what measures will be in place to minimise disruption of public access (h) Location of construction site infrastructure including site offices, site amenities, contractors' yard access, equipment unloading and storage areas and contractor car parking; (i) The clear identification and marking of the construction areas within the CMA; (j) Where machinery is to be within the CMA, a list of that machinery and a protocol, developed in consultation with an experienced ecologist, for the management of that machinery to reasonably reduce ecological impacts and the footprint of the operations; (k) The measures to be adopted to maintain the construction area and adjacent parts of the CMA in a tidy condition in terms of disposal/storage of rubbish (so as to avoid attracting mammalian predators and undesirable species to the construction area), storage and unloading of construction materials and similar construction activities; (l) Procedures for managing and controlling erosion and sediment run-off into the CMA to achieve Condition C.7;

- (m) Procedures to reduce contaminants from Constructions Works on land or in the CMA into the CMA or groundwater. Such procedures and measures shall include, but are not limited to:
- (i) Refuelling and carrying out machinery maintenance, including being at least 5m inland from MHWS, away from watercourses and not on the foreshore area, the use of biodegradable hydraulic fluids in machinery working within the foreshore and CMA where practicable, a spill kit on hand and staff trained in its deployment;
 - (ii) Ensuring that wash water from tools, equipment or machinery is not discharged into the CMA or the stormwater system;
 - (iii) Keeping the area of disturbance in the foreshore and CMA to the minimum reasonably necessary to complete the works;
 - (iv) Minimising the use of machinery within the CMA and ensuring that machinery is used in compliance with the CEMP;
 - (v) Providing appropriate wash-down facilities for all concreting equipment to prevent wash water from entering the CMA;
 - (vi) Storing any hazardous substances so that they will not enter the CMA;
 - (vii) Ensuring, except for (viii), that during piling or seawall construction and ancillary work, no wet concrete, or any water or liquid that has come into contact with wet concrete or with any other cementitious products without appropriate treatment as set out in (ix), is able to enter the CMA;
 - (viii) Ensuring that piling or seawall construction and ancillary work within the CMA complies with Condition C.7;
 - (ix) Ensuring that the pH of water discharged from any work site that has used wet cementitious products has a pH level similar to the local receiving environment; and
 - (x) Removal of any temporary construction materials and debris associated with the Construction Works from the CMA;
 - (xi) A site specific methodology for dewatering and managing effects on the aquifer where the excavation and/or depth of any required seawall foundation exceeds 2.5 m Below Ground Level
- (n) Procedures for ensuring that residents, network utility operators, road users and businesses in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction, the location of the work and are informed about the expected duration and effects of the work;
- (o) Means for maintaining public pedestrian access along Marine Drive during construction;
- (p) Procedures for incident management, including contingency procedures to address emergency spill response(s) and clean up;
- (q) Measures for protecting the site from tidal intrusion and storm events, and protocols to address any overtopping event that may occur during construction;
- (r) Appropriate management triggers that initiate on-site investigation of erosion and sediment controls and supporting monitoring and reporting measures
- (s) Consideration of fish passage in locations as outlined in Condition EM.12; and
- (t) Type of imported fill material to be used within the CMA to minimise contamination of the CMA as outlined in Condition C.12.
- (u) Confirmation that the existing gravel beach vegetation at Lowry Bay (native and adventive species, including the pingao) will be translocated into the beach nourishment area immediately seaward of the shared path footprint in accordance with direct transfer rehabilitation principles as practicable.

Ref	Condition
	<p>(v) Measures to avoid the use of machinery and any other disturbance at existing vegetation on gravel beaches in the construction zone, provided that vegetation is proposed to remain in-situ.</p> <p>(w) Confirmation that the six At Risk species in the landscape plantings at Point Howard and Windy Point will be transplanted to adjoining currently grassed areas or to adjoining reserves (such as Whiorau).</p> <p>(x) Recognition of the <i>Atriplex cinerea</i> plantings at York Bay and Claphams Rock as sensitive sites in the CEMP and creation of low landscaping barriers to avoid vehicles crushing at risk plants.</p> <p>(y) Details that where revetment is constructed without a cantilever wall that existing isolated shrub vegetation patches between the shared path margin and the revetment will be retained.</p> <p>(z) Confirmation that a pre-construction baseline assessment and post-construction outcome assessment for Threatened and At Risk plant species, and the vegetated gravel beaches will be completed.</p> <p>(aa) Confirmation that monitoring for any post-construction establishment of invasive weeds (including boneseed and old man's beard) will be undertaken and any weeds will be removed as necessary, for a period of two years after works in any one bay are completed.</p>
GC.8	<p>The CEMP shall incorporate or refer to the following management plans:</p> <p>(a) Landscape and Urban Design Plan (including Bay Specific Urban Design Plans as appropriate) (refer to Conditions LV.1 to LV.7);</p> <p>(b) Beach Nourishment Plan (refer to Conditions EM.14 to EM.15);</p> <p>(c) Little Penguin Management Plan (refer to Conditions EM.2 to EM.5);</p> <p>(d) Traffic Management Plan (refer to Conditions GC.11 to GC.13);</p> <p>(e) A plan for works within 100m of a Shoreline Forager nest (refer to Condition EM.1C);</p> <p>(f) Seawall and Revetment Habitat Plan (refer to Condition EM.20 below); and</p> <p>(g) Habitat Enhancement Plan (refer to Conditions EM.7 to EM.9).</p> <p>If a CEMP is submitted in part or for a Project stage, it shall only incorporate or refer to the management plans relevant to that part or stage.</p>
GC.9	<p>All personnel working on the site shall be made aware of the requirements contained in the certified CEMP. The certified CEMP shall be implemented and maintained (and amended in accordance with GC.5(e) and (g) as necessary) throughout the entire period of the Construction Works.</p>
GC.10	<p>The Consent Holder shall ensure that a copy of this consent and all certified plans and documents referred to in this consent, are kept on site at all times and available for inspection on request by the Wellington Regional Council.</p>
<i>Traffic Management Plan</i>	
GC.11	<p>The Consent Holder shall prepare a TMP to append to the CEMP, and submit this to the Team Leader, Resource Consent for certification in accordance with the requirements of Condition GC.5.</p>
GC.12	<p>The purpose of the TMP is to manage the various traffic management, safety and efficiency effects associated with the Construction Works.</p>
GC.13	<p>The TMP shall include, but not be limited to, the following:</p> <p>(a) Management of traffic along Marine Drive adjoining the construction areas to protect public safety, manage delays to road users (especially during peak times), minimise</p>

Ref	Condition																																																										
	<p>disruption to property access and methods to keep the public informed about potential impacts on Marine Drive;</p> <p>(b) Access and parking for contractors; and</p> <p>(c) Specification of any additional measures necessary during periods of activities which involve high levels of construction traffic on nearby properties, such as the CentrePort site at Point Howard (including communication and any necessary physical management steps).</p>																																																										
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GC.14	<p>Noise arising from Construction Works shall be measured and assessed in accordance with NZS 6803:1999 <i>Acoustics – Construction Noise</i> and shall comply with the noise criteria set out in the following table:</p> <p>Table CNV1: Construction noise criteria</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Time</th> <th>L_{Aeq}(15 min)</th> <th>L_AF_{max}</th> </tr> </thead> <tbody> <tr> <td colspan="4">Residential buildings</td> </tr> <tr> <td rowspan="4">Weekdays</td> <td>0630h – 0730h</td> <td>55 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>65dB</td> <td>80dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45dB</td> <td>75dB</td> </tr> <tr> <td rowspan="4">Saturdays</td> <td>0630h – 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>70 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td rowspan="4">Sundays and Public Holidays</td> <td>0630h – 0730h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>0730h – 1800h</td> <td>55 dB</td> <td>85 dB</td> </tr> <tr> <td>1800h – 2000h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td>2000h – 0630h</td> <td>45 dB</td> <td>75 dB</td> </tr> <tr> <td colspan="4">Commercial and industrial receivers</td> </tr> <tr> <td rowspan="2">All</td> <td>0730h – 1800h</td> <td>70 dB</td> <td></td> </tr> <tr> <td>1800h – 0730h</td> <td>75 dB</td> <td></td> </tr> </tbody> </table>	Day	Time	L _{Aeq} (15 min)	L _A F _{max}	Residential buildings				Weekdays	0630h – 0730h	55 dB	75 dB	0730h – 1800h	70 dB	85dB	1800h – 2000h	65dB	80dB	2000h – 0630h	45dB	75dB	Saturdays	0630h – 0730h	45 dB	75 dB	0730h – 1800h	70 dB	85 dB	1800h – 2000h	45 dB	75 dB	2000h – 0630h	45 dB	75 dB	Sundays and Public Holidays	0630h – 0730h	45 dB	75 dB	0730h – 1800h	55 dB	85 dB	1800h – 2000h	45 dB	75 dB	2000h – 0630h	45 dB	75 dB	Commercial and industrial receivers				All	0730h – 1800h	70 dB		1800h – 0730h	75 dB	
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GC.15	The Consent Holder shall enter into an agreement with CentrePort prior to any Construction Works being undertaken within the road reserve and land owned by CentrePort (being Section 1 Survey Office Plan 31984, Reference WN37D/408; and Part Lot 1 DP 10694 & Section 70-72 Block XIV Belmont Survey District and Part Lot 1 DP 10694, Reference WN479/105), adjacent to the CentrePort wharf (Point Howard), to ensure that access arrangements are maintained in accordance with CentrePort's proposed upgrade works.																																																										
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GC.16	After Completion of Construction in each bay, the Consent Holder shall notify the Manager, Environmental Regulation in writing within 2 working days (48 hours) that the works have been completed.																																																										
GC.17	The Consent Holder shall ensure that on Completion of Construction the site is left in a tidy manner, including all litter associated with the works being removed.																																																										

Ref	Condition
GC.18	The Consent Holder shall, as far as reasonably practicable, remedy all damage and disturbance caused by vehicle traffic, plant and equipment to the foreshore during Construction Works, in consultation with a suitably qualified ecologist.
<i>Incidents – General</i>	
GC.19	The Consent Holder shall maintain a permanent record of any incidents (such as, but not limited to, the spill of hydraulic fluid or other discharge not authorised by this consent and exceedance of the management trigger developed under GC.7 (r)) that occur at individual work stages that result, or could result, in an adverse effect on the environment.
GC.20	The record shall include: <ul style="list-style-type: none"> (a) The type and nature of the incident; (b) Date and time of the incident; (c) Weather conditions at the time of the incident (as far as practicable); (d) Assessment of the effects of the incident; (e) Measures taken to remedy the effects of the incident; and (f) Measures put in place to prevent the incident from reoccurring.
GC.21	The record in Condition GC.20 shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation upon request.
GC.22	The Consent Holder shall notify the Manager, Environmental Regulation within 1 working day of any such incident.
GC.23	The Consent Holder shall forward an incident report to the Manager, Environmental Regulation within 7 working days of the incident occurring. This report shall include the matters listed in Condition GC.20. <i>Advice Note: Wellington Regional Council may investigate any incidents to determine if a breach of this consent or the RMA has occurred and may also undertake enforcement action depending on the circumstances.</i>
<i>Complaints Management</i>	
GC.24	The Consent Holder shall maintain a complaint register that includes: <ul style="list-style-type: none"> (a) The details of each complaint; (b) Actions taken to investigate the complaint (if any); (c) The outcome of such investigations if undertaken and the likely cause of the matter that led to the complaint; (d) The nature and timing of any measures implemented by the Consent Holder to respond to the complaint; and (e) Actions (if any) to be taken in the future to prevent to occurrences of similar events and complaints. <i>Advice note: Should there be a series of complaints related to a single incident then only one investigation needs to be completed by the Consent Holder.</i>
GC.25	The Consent Holder shall make the complaint register in Condition GC.24 available to the Manager, Environmental Regulation, on request.
<i>Consent Lapse</i>	
GC.26	Pursuant to section 125(1) of the RMA, the consents shall lapse 10 years from the date of the commencement of these consents (in accordance with section 116 of the RMA).

Ref	Condition
<i>Review of conditions</i>	
GC.27	<p>Pursuant to section 128 of the RMA, the conditions of consent may be reviewed by the Hutt City Council or Wellington Regional Council by the giving of notice pursuant to section 129 of the RMA, in [month, year] and every year thereafter in order to deal with:</p> <p>(a) any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or</p> <p>(b) any other adverse effect on the environment on which the exercise of the consent may have an influence.</p>
<i>Transport</i>	
GC.28	An independent road safety audit shall be undertaken at the detailed design stage and at the pre-opening/post-construction stage.
GC.29	The consent holder must regularly monitor and report usage of and safety/incidences along the shared path within the first two year(s) of operation
<i>Infrastructure</i>	
GC.30	The Consent Holder shall ensure that construction work does not adversely impact on the safe and efficient operation of network utilities. The scope and timing of necessary utility relocation and protection works shall be developed and agreed between the Consent Holder and network utility providers to mitigate any safety hazards for the required works.

Coastal Activities (C)

Ref	Condition
<i>Engineering Plans and Specifications</i>	
C.1	<p>At least 30 working days prior to the Commencement of Construction, the Consent Holder shall submit detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of proposed reclamation and de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations and areas where the construction area will extend into the subtidal zone), prepared by a suitably qualified and experienced engineer in general accordance with the documents listed in Conditions GC.1 and GC.2(a), to the Manager, Environmental Regulation for certification using the process in Condition GC.5.</p> <p>The requirements for certification set out in Condition GC.5 apply equally to the certification of the detailed engineering plans and specifications under this condition.</p>
C.2	<p>The engineering plans and specifications submitted under Condition C.1 shall cover the following matters:</p> <p>(a) Shared path;</p> <p>(b) Seawalls, including drainage and texture to be applied to the curved surface and depressions to be applied to the flat platforms of the curved seawall;</p> <p>(c) Revetment design, including:</p> <ul style="list-style-type: none"> (i) The process to determine the rock used in the rock revetment. Having regard to natural character, selection of rock for the revetment structures shall be made in consultation with a suitably qualified and experienced landscape architect (ii) the reuse of in situ natural rock/cobble material and minimising the excavation of in situ rock where possible, without compromising structural integrity, along with the drilling of rock pools into the hard revetment rock of intertidal areas. (iii) The design of the revetments should look at all options to reduce the revetment footprint without compromising on structural integrity of the seawall, overtopping protection, or coastal processes; <p>(d) Access steps, ramps, bus stops; and</p> <p>(e) Beach nourishment.</p>
C.3	<p>The Consent Holder shall comply with the engineering plans and specifications certified under Condition C.1.</p>
<i>Occupation of the CMA</i>	
C.4	<p>The right to temporarily occupy part of the CMA during Construction Works is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.</p>
C.5	<p>The right to permanently occupy part of the CMA is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.</p>
C.6	<p>The consent holder shall ensure that access to the entire length of any affected beach at any time during construction activities is prevented unless there are no practicable alternatives and the written approval of the Manager, Environmental Regulation has been obtained.</p>
<i>Erosion and sediment control</i>	
C.7	<p>Erosion and sediment control measures shall be implemented throughout the Construction Works. They shall be constructed and maintained so as to operate and perform in accordance with the <i>Erosion and Sediment Control Guidelines for the Wellington Region (Reprinted June 2006)</i> in the CMA, the measures set out below and the certified CEMP.</p> <p>Within the CMA measures may include, but not be limited to, the following considerations:</p> <p>(a) Not exposing non-native backfill material to the sea.</p>

Ref	Condition
	<p>(b) Use of weight-bearing mats on the foreshore substrate.</p> <p>(c) Methods for isolating and containing the construction area including:</p> <ul style="list-style-type: none"> (i) Bunding/shuttering in a predominantly gravel/sand beach zone; and (ii) Alternative sediment control devices, such as geotextile containers or tubes filled with locally sourced sand, in rocky shore habitats or where the seawall works occur close to the mid tide mark. <p>(d) Limiting the length of any continuous section of seawall under construction at one time as appropriate, for example if the construction footprint extends into subtidal zone and a longer length allows for a single subtidal area to be contained in the one site then a longer length would be preferable.</p> <p>(e) Earthworks and construction activities to be planned to respond to tide timing, tidal height and forecasts of wind and wave conditions so that these matters can be factored into necessary erosion and sediment controls.</p>
<i>Contaminant Release</i>	
C.8	The Consent Holder shall take all reasonably practicable measures to limit the amount of contaminants from the Construction Works released on land or in the CMA. Such measures shall be included in the CEMP.
C.9	<p>Any discharge shall not give rise to any of the following effects in the CMA:</p> <ul style="list-style-type: none"> (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials (excluding suspended sediment); or (b) Any emission of objectionable odour; or (c) any conspicuous change in colour or visual clarity; <p>after a reasonable mixing zone of 50 m from the source of the discharge (or in the event that this distance is not practicable any revised distance agreed with The Manager, Environmental Regulation, as part of the CEMP or relevant stage of the CEMP): or</p> <ul style="list-style-type: none"> (d) Any significant adverse effects on aquatic or marine life.
C.10	The Consent Holder shall ensure that the sediment concentrations of any discharge of sediment laden water to the stormwater system or the CMA do not exceed 100g/m ³
<i>Reclamation</i>	
C.11	<p>The total reclamation area for the Project is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1, but shall not exceed 3000m².</p> <p><i>Advice note: Statutory processes in respect of reclaimed land must be complied with, including under the Marine and Coastal Area (Takutai Moana) Act 2011.</i></p>
C.12	Imported fill material to be used in the reclamations shall be restricted to clean natural sand, gravels and rock.
C.13	The Consent Holder shall maintain a log recording the source of the materials imported onto each reclamation on the site. This log shall be made available to the Manager, Environmental Regulation for inspection on request.
<i>As-Built Certification</i>	
C.14	The Consent Holder shall supply to Wellington Regional Council and the LINZ Hydrographic Services Office and LINZ Topographic Services Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box PO Box 5501, Wellington 6145), a set of 'as built' plans, final topographic and, if relevant, bathymetric data covering the finished works, and appropriate certification confirming that the new structures and structures have been built in accordance with sound engineering practice, within 60 working days of the completion of the works.

Ref	Condition
<i>Maintenance of Structures</i>	
C.15	<p>The consent holder shall remain responsible for all works authorised under this consent, and shall maintain the structure(s) to the satisfaction of the Manager, Environmental Regulation so that:</p> <ul style="list-style-type: none"> (a) Any erosion, scour or instability of the CMA that is attributable to the structures and works carried out as part of this consent is remedied by the consent holder (b) The structural integrity of any structure remains sound in the opinion of a Professional Chartered Engineer (c) Access to the coastal marine area is not impeded by the structures <p>Any maintenance or repair shall be undertaken to the satisfaction of the Manager, Environmental Regulation.</p> <p><i>Note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the seabed or foreshore) following completion of the construction works as proposed in the application, may require further resource consents.</i></p>
<i>Photographic record</i>	
C.16	<p>The consent holder shall compile photographic records of all disturbance of the intertidal zone provided for by this consent. These photographic records shall include, but not be limited to, photographs of the following aspects:</p> <ul style="list-style-type: none"> (a) The location of the proposed works: incorporating the works area and the stretches of the shore that may be affected by the disturbance (i.e., prior to the works commencing and during works), and (b) Photos of the seawalls (including revetment) during and after each section has been constructed. <p>The photographic record of items identified in (a) and (b) shall be submitted to the Manager, Environmental Regulation, fortnightly for the duration of the construction period.</p> <p>All submitted photographs shall include:</p> <ul style="list-style-type: none"> • The date and time the photographs were taken • A description of what the photograph relates to. <p>The photographs and details shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.</p> <p>Note 1: The photographic record should demonstrate compliance with the conditions of this consent.</p> <p>Note 2: Photographic records, ie, electronic picture files from digital cameras can be emailed to notifications@gw.govt.nz. Please include the consent number WGN190301 date and time photographs were taken and a description of the site location (eg, map reference, address).</p>

Ecological Management (EM)

Ref	Condition
<i>Little Penguins and Shoreline Foragers</i>	
EM.1	<p>In order to avoid or minimise adverse effects of the Project on Little Penguins and Shoreline Foragers, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) comply with Condition EM.1A; (b) undertake the habitat enhancement measures set out in Conditions EM.7 to EM.9; (c) as set out in Condition LV.4(c), incorporate relevant detailed design elements within the LUDP as recommended in the LPMP in Condition EM.5; (d) undertake design and construction in accordance with the LPMP in Condition EM.5; (e) manage rubbish and waste in accordance with the CEMP in Condition GC.7; (f) provide pest management in accordance with Condition EM.1B; and (g) provide Little Penguin and Shoreline Forager protection areas as set out in Conditions EM.1B and EM.7 to EM.9.
EM.1A	Construction Works between 1 July and 31 January (the Little Penguin breeding period) shall not occur within 10m of any active burrows or nests identified in Condition EM.5(a)(i).
EM.1B	<p>The Consent Holder must:</p> <ul style="list-style-type: none"> (a) provide up to a maximum of \$60,000 (including GST), spread over 10 years, for pest management within the protection areas specified in (b) below and the adjacent Eastern Bays coastal environment; (b) establish protection areas (refer to Appendix 1) at the following locations, in accordance with Conditions EM.7 to EM.9: <ul style="list-style-type: none"> (i) Bishops Park; (ii) HW Short Park; and (iii) Whiorau Reserve. (c) within six months of the commencement of consent initiate the required statutory process to exclude dogs for the months of August to January inclusive each year from the foreshore and beach area of Robinson Bay abutting the North of Bishop Park protection area and running for the same length, as shown in Appendix 1 (d) undertake 6 monthly coastal clean-ups along the Shared Path and adjacent coastal areas
EM.1C	<ul style="list-style-type: none"> (a) During the nesting season of any Shoreline Forager, no more than 10 working days prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified ecologist to undertake a Shoreline Forager nesting survey within the relevant construction area. (b) If the oystercatcher nest located off the point between Sorrento Bay and Lowry Bay has resulted in oystercatcher chicks being raised no Construction Works shall be undertaken between the southern end of Howard Road to the northern Lowry Bay Boatshed in the months of December and January (c) If any Shoreline Forager nest in the relevant construction area is identified, the Consent Holder shall engage a suitably qualified ecologist to: <ul style="list-style-type: none"> (i) GIS locate and mark on the ground the nest location; (ii) advise on whether or not the nest of the Shoreline Forager contains eggs or chicks; (iii) if it does contain eggs or chicks, advise on the management of Construction Works within 100m of the nest, including: <ul style="list-style-type: none"> A. the use of specific machinery; and

Ref	Condition
	<p>B. the use of specific minimisation measures and/or working practices; and</p> <p>(iv) prepare a plan for works incorporating the matters in (iii) which the Consent Holder shall include in the CEMP under Condition GC.7.</p>
EM.1D	<p>Prior to construction, the Consent Holder shall prepare a Pest Management Plan outlining how the \$60,000 in EM.1C(a) will be spent and submit this to the Manager, Environmental Regulation, for certification.</p> <p>The purpose of the Pest Management Plan shall be as to as far as reasonable practicable minimise the impact of pest animals on Little Penguin and Shoreline Forager populations as a result of increases in litter and waste associated with the use of the Shared Path.</p> <p>The Pest Management Plan shall be prepared by a suitably qualified and experienced person and as a minimum, the plan must:</p> <ul style="list-style-type: none"> (i) Cover the full length of the Shared Path, with more intensive actions for the enhancement areas (ii) Identify when the worst environmental effects are expected (e.g. when birds are looking for nesting material [for litter] or chicks are hatching [for pests]) (iii) Identify, or put in place a programme to identify problem areas and peak problem times for management of littering and pests (e.g. summer holiday season) (iv) Identify particular problem sources of litter and implement strategies to address these (e.g. frequent bins for dog waste bags along the path) (v) Include strategies to manage the day-to-day litter and pests with details of how to deal with problem areas and problem times (vi) Make provision for coastal clean-ups at least twice per year (vii) Include strategies describing how the applicant will engage and educate the community on the presence of birds and the impact of dogs and pests on these birds through signage and outreach programs (e.g. school coastal clean-ups and similar community initiatives) (viii) Identify targets and establish monitoring programs and mechanisms to report annually to the community on the achievement of the targets, for at least the first five years of operation of the shared path
<i>Little Penguin Management Plan</i>	
EM.2	The Consent Holder shall prepare a LPMP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.
EM.3	The purpose of the LPMP shall be to as far as reasonably practicable avoid, but otherwise minimise, adverse effects on the Little Penguin population established in and adjacent to the existing revetment, during design and Construction Works.
EM.4	The LPMP shall be prepared by a suitably qualified person in consultation with the Little Penguin Interest Group.
EM.5	<p>The LPMP shall address the following matters:</p> <p>(a) Measures to minimise adverse effects on the Little Penguin population during construction, including that:</p> <ul style="list-style-type: none"> (i) Two Little Penguin detection dog surveys, or a detection method approved by a Little Penguin expert appointed by the Consent Holder, must be undertaken in January prior to the Commencement of Construction in each bay. The purpose is to identify active Little Penguin burrows and nests within the construction area of each bay. No Construction Works shall occur in an area not surveyed in accordance with this provision; and (ii) The GPS coordinates for all active burrows and nests identified in (i) must be recorded;

Ref	Condition
	<p>(b) A protocol for enabling Little Penguins active burrows and nests identified under (a) within the construction area of each bay to be relocated to a site outside of the construction area between 1 February and 30 June. The protocol will include measures to ensure that the formerly active burrows and nests will not be reoccupied so that Construction Works can proceed. The protocol will be prepared by a Little Penguin expert appointed by the Consent Holder;</p> <p>(c) A programme for monitoring Little Penguins within or adjacent to the construction area during the Construction Works proportionate to the scale of the works in that area and the number of burrows and nests to determine whether any reasonably practicable steps can be undertaken by the Consent Holder to further reduce adverse effects, including steps provided for in the HEP (refer Conditions EM.7 to EM.9);</p> <p>(d) Staff and contractor training;</p> <p>(e) Identification of specific areas where Little Penguin and dog control signage would be beneficial to reduce the risks of adverse effects on Little Penguins; and</p> <p>(f) Opportunities to enhance Little Penguin habitat through detailed design, including:</p> <ul style="list-style-type: none"> (i) Potential seawall design opportunities to restrict road access for Little Penguins through penguin passage elements; and (ii) Potential rock rip rap design opportunities to include key holes for Little Penguin nests. <p><i>Advice note: The handling of protected wildlife will require permits to be obtained from the Department of Conservation under the Wildlife Act 1953.</i></p>
EM.6	Any outcomes from monitoring under Condition EM.5(c) shall be applied, as appropriate, to future Construction Works by revising the LPMP so that over time processes and responses to minimise effects on Little Penguins are refined and improved. The results of the monitoring shall be provided to the Little Penguin Interest Group and the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion.
<i>Habitat Enhancement Plan</i>	
EM.7	The Consent Holder shall prepare a HEP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5 prior to Commencement of Construction.
EM.7A	The HEP shall be prepared by a suitably qualified ecologist in consultation with the Little Penguin Interest Group and the Eastbourne Dunes Restoration Group.
EM.8	The purpose of the HEP shall be to provide protection areas (as specified in Condition EM.1B and shown in Appendix 1) for the Little Penguin and Shoreline Forager populations.
EM.9	<p>The HEP must address and/or include the following within the protection areas:</p> <ul style="list-style-type: none"> (a) fencing of the boundaries as shown in the plans in Appendix 1 with a minimum standard to keep dogs out; (b) pest management measures, using funding provided in Condition EM.1B; (c) a Planting Plan for revegetation as appropriate, including details of species to be planted and areas planting will take place in; (d) signage identifying the relevant habitat area to reduce the risks of adverse effects on Little Penguins and Shoreline Foragers; (e) opportunities to enhance Little Penguin habitat within the protection areas including providing and maintaining a minimum of 100 nesting opportunities across the three protection areas; (f) opportunities to enhance Shoreline Forager habitat in the protection areas, including wooden poles providing further safe roosting habitats; (g) provisions as appropriate to provide ecological resilience to sea level rise; and

Ref	Condition
	<p>(h) timeframes for completing (as appropriate) the measures outlined in the HEP, including:</p> <ul style="list-style-type: none"> (i) for the Whiorau Reserve protection area: <ul style="list-style-type: none"> A. fencing must be completed prior to Commencement of Construction (see (a) above); B. detailed design of habitat enhancement for the Little Penguin and Shoreline Foragers must be finalised, and nesting boxes and roosting measures must be installed, prior to Commencement of Construction (see (e) and (f) above); C. pest management measures must be installed and operational prior to Commencement of Construction (see (b) above); D. signage must be installed prior to Commencement of Construction (see (d) above); E. planting shall be undertaken in accordance with the timeframes specified in the Planting Plan (see (c) above); and (ii) for the Bishops Park and HW Short Park protection areas, the establishment process (ie the measures specified in A to E above) must commence prior to Commencement of Construction, and measures A to D above must be completed within six months following Commencement of Construction (and the planting in accordance with the specified timeframes in the Planting Plan).
<i>Intertidal and subtidal ecology</i>	
EM.10	<p>For any construction areas where there are intertidal rock pools or loose rocky material in the intertidal zone, prior to the Commencement of Construction the Consent Holder shall check any rock pools and under loose rocks within the construction area for fish (such as rock fish) and relocate them outside of the construction area.</p> <p>Any salvage or relocation of fish or invertebrate shall be supervised by a suitably qualified and experienced person.</p>
EM.11	<p>For any construction areas that may extend into the subtidal zone, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) Undertake all measures possible to reduce the construction area in the subtidal zone to the minimum required to complete the works in a safe and efficient manner, and avoid operating heavy machinery in the subtidal zone unless there is no reasonably practicable alternative. If works must occur in the subtidal zone, then the Consent Holder shall undertake appropriate measures to isolate the construction site from the subtidal zone to protect the site and prevent contamination release into the CMA, in accordance with the requirements of the certified CEMP; (b) During Construction Works within the subtidal zone the Consent Holder shall, where reasonably practicable, remove large rocks (greater than 0.4m diameter that are not part of the bedrock material and can be safely moved) that have been colonised with biota. They shall be placed in a nearby subtidal zone until the Completion of Works in that area. On completion of works, the rocks shall either be returned to the area from which they were removed, left at their new location or relocated to another appropriate subtidal location; and (c) Avoid adverse effects on the seagrass beds at south Lowry Bay (as identified in Figure 3 of Appendix C2 of the AEE) from Construction Works and beach nourishment. Measures shall include, but not be limited to: <ul style="list-style-type: none"> (i) Monitoring of seagrass beds in south Lowry Bay before and after Construction Works and beach nourishment to confirm that the beach nourishment works have not resulted in any net loss of seagrass extent and cover through unforeseen physical encroachment into the seagrass beds, increased turbidity or altered hydrodynamics; (ii) The monitoring in (i) shall include mapping the perimeter of each seagrass bed and assessing the average plant cover within each bed immediately before works

Ref	Condition
	<p>commence, immediately after works have been completed and 1 year after the completion of the beach nourishment works;</p> <p>(iii) The results of the monitoring in (i) shall be provided to the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion; and</p> <p>(iv) Monthly visual assessment near and around the seagrass beds during beach nourishment to assess how nourishment material is settling in and around the seagrass bed; and</p> <p>(v) Ensuring that the seagrass beds are appropriately marked during Construction Works and beach nourishment to avoid any potential adverse effects.</p> <p>(d) The monitoring in (c)(i) and (iv) above shall be undertaken by a suitably qualified and experienced ecologist or marine scientist</p>
<i>Fish Passage</i>	
EM.12	<p>At the key outlets listed in Table 7 of Appendix B of the AEE, the Consent Holder shall:</p> <p>(a) Ensure that fish passage is improved or maintained at the existing level; and</p> <p>(b) Involve a qualified freshwater ecologist in the design of culvert extensions, alterations, and any specific fish passage features.</p>
EM.13	<p>Prior to construction affecting any of the outlets identified in Table 7 of Appendix B of the AEE commencing, the Consent Holder shall prepare and submit to the Manager, Environmental Regulation for certification, a plan for the monitoring of the effectiveness of any alteration or replacement to identified culverts modified by project works utilising an appropriate monitoring methodology selected from those outlined in Chapter 7 of New Zealand Fish Passage Guidelines to the satisfaction of a suitably qualified freshwater ecologist.</p> <p>If monitoring shows that fish passage is impeded the Consent Holder shall provide a programme and description of remedial actions to the Manager, Environmental Regulation, for certification within an agreed timeframe and undertake remediation actions as soon as practicable.</p>
<i>Beach Nourishment Plan</i>	
EM.14	<p>The Consent Holder shall prepare a BNP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.</p> <p>Beach nourishment shall only occur in Point Howard beach, York Bay and south Lowry Bay and be deposited in general accordance with the Plans in Appendix 1 to these conditions. The maximum volume of material that may be deposited is 6,000m³, to be distributed between the three bays as outlined in Table 5-1 of Appendix F of the AEE.</p>
EM.15	<p>The BNP shall include, but not be limited to:</p> <p>(a) The design conditions at the time of the beach nourishment and for the beach nourishment to achieve after 2 years;</p> <p>(b) The name and location of the sediment source;</p> <p>(c) Evidence of approvals and consents for taking the material and ensuring imported materials do not exceed allowable maximum contaminant levels under the relevant ADAWR (2019) Default Guideline Values;</p> <p>(d) A specification of the borrow material including:</p> <ul style="list-style-type: none"> (i) Ensuring no more than 2% of sediment is of a size smaller than 62 microns; (ii) The grading envelope; (iii) Colours; and (iv) Extent of placement;

	<p>(e) A construction methodology to limit potential adverse effects that includes, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> (i) Separation and disposal offsite of silts and clays in beach excavation sediments; (ii) Use of beach nourishment sediments that are similar or slightly coarser than in situ sediments, that will maintain the existing profile without spreading onto seagrass beds; (iii) Excluding fine sediments from beach nourishment sediments; (iv) Only undertaking beach nourishment in the winter months between June and August; (v) Forming the high tide construction beach with a slightly over-steepened profile; (vi) Only depositing as much sediment on the beach as can be transferred along the placement area in the day of placement; (vii) Only transferring and shaping the beach profile during lower tide levels in calm conditions, and such that the formed toe does not extend much beyond mean low water springs; (viii) Staging beach nourishment such that nourishment material is placed in smaller volumes across two or three treatments instead of one treatment unless suitable justification that it is not practicable or will result in adverse effects that are greater than placement in one treatment can be provided. (ix) Minimising the working area and mobilization of sediment; (x) Stockpiling woody debris and then replacing woody debris in the wrack line following beach nourishment; (xi) Avoiding the placement of beach nourishment materials no further south than the centerline of Gill Road at the southern end of Lowry Bay; (xii) specify the methods to separate excavated beach sediments from shared path foundations into those suitable for placement on beaches, and dispose offsite those that have significant levels of silt and clay; (xiii) At Lowry Bay, ensure any barging of beach nourishment material is appropriately separated from seagrass beds to avoid any disturbance; and (xiv) Ensuring all machinery used for the redistribution of excavated beach material (from the construction of the seawall itself) to create a bench above the high tide line shall remain above MHWS, and all bench material is not to extend below the MHWS line. (xv) Timing the addition of beach nourishment to follow seawall construction within the Bay as closely as possible to minimise the duration of disturbance <p>(f) Prepare a site within the beach nourishment area immediately seaward of the shared path footprint at Lowry Bay near the present pīngao location that has a top layer of uncompacted beach sediments. Translocate the existing pīngao patch and other vegetation and their gravel and sand habitat at Lowry Bay to this site; and Placing imported beach sediment along the entire designated placement area rather than in one discrete location;</p> <p>(g) Minimising the potential to block stream outlets with fish passage during beach nourishment by:</p> <ul style="list-style-type: none"> (i) Identifying pipe outlets that are identified as important for fish passage as identified in Table 7 of Appendix B of the AEE; (ii) Avoiding initial placement of sediment from within 20 m of existing outlets; and (iii) Monitoring of stream outlets indicated in Table 6 of Appendix B of the AEE during beach nourishment and then fortnightly for the first 6 months after nourishment and monthly for another 6 months thereafter to check they remain clear. If blocked, the Consent Holder shall clear gravels and sand blocking the outlets.
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Ref	Condition
	<i>Advice note: Clearance of any accumulated material at the outlets may require a separate consent if not able to comply with permitted activity standards.</i>
<i>Beach monitoring and management – beach nourishment</i>	
EM.16	<p>The Consent Holder shall undertake monitoring of beach volume via 6 monthly beach profiles (or equivalent elevation surveying techniques) to ensure the actual effect on beach sediment processes is in line with the expectations for generally minor redistribution of beach material.</p> <p>The monitoring shall commence prior to the Commencement of Construction in each bay in Condition EM. 14, and continue for 2 years after Completion of Construction in that bay. If nourishment occurs in more than one bay, the monitoring timing shall be aligned so that the monitoring of each bay occurs at the same time.</p> <p>This monitoring information shall be interpreted at the end of the 2 year period in that bay by an experienced coastal scientist and that interpretation shall be provided to the Manager, Environmental Regulation within 1 month of its completion.</p>
EM.17	The monitoring should include the nourished area and the foreshore at the base of the seawall extending at least 60 metres along the seawall at both edges of the nourished area at York Bay and Point Howard beach, and 60 metres to the south and 240 metres to the north of the nourishment at Lowry Bay.
EM.18	<p>If beach nourishment monitoring results in Condition EM. 16 show that design conditions in the BNP have not been met, then the Consent Holder shall, if deemed to be required by an experienced coastal scientist or engineer, 'top up' the beach nourishment and/or undertake beach maintenance as recommended.</p> <p>Only one 'top up' event may occur at each location. If a 'top up' is required it shall occur within 2 years of the completion of the monitoring. If a 'top up' is required at more than one bay then the nourishment and/or maintenance shall, if possible, be undertaken at the same time.</p> <p>The design conditions of such 'top ups' shall be prepared by an experienced coastal scientist or engineer and certified as meeting the design conditions of the beach nourishment in the BNP by the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. To avoid doubt, Condition EM.15(e) applies to any beach nourishment 'top up'.</p>
EM.19	<p>An intertidal and subtidal benthic invertebrate monitoring programme designed by a qualified ecologist will be undertaken at least 12 months after the completion of beach nourishment in that bay to assess whether the redistributed beach nourishment material is having any significant adverse effect on the benthic intertidal and subtidal biota.</p> <p>If monitoring results show that redistributed beach nourishment material has had significant adverse effects on the benthic intertidal and subtidal biota, any 'top ups' under EM. 18 will be designed by the Consent Holder to appropriately minimise those significant adverse effects on benthic intertidal and subtidal biota.</p>
<i>Seawall and revetment habitat</i>	
EM.20	<p>The Consent Holder shall engage a suitably qualified ecologist to prepare a Seawall and Revetment Habitat Plan (SRHP) and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5 prior to Commencement of Construction. The SRHP shall provide for appropriate habitat for intertidal biota, including but not limited to:</p> <ul style="list-style-type: none"> (a) incorporating textures to the curved surfaces and depressions to the flat platforms of the curved seawalls including: <ul style="list-style-type: none"> (i) within the 'low encroachment zone' to help offset the existing intertidal area lost to the 'high' and 'medium' encroachments; and (ii) in areas where the seawall is wholly above the existing high tide mark to provide ecological resilience to sea level rise;

Ref	Condition
	<ul style="list-style-type: none"> (b) drilling rock pools into the hard revetment rock of the mid-low tide zone; (c) reuse of larger colonised rock material; (d) purpose-made rock pool features (to be used where appropriate, and without compromising structural integrity); (e) where appropriate and/or feasible, pre-cast 'pot plant/window box structures that can be added to the surface of the curved seawall; and (f) a map of appropriate scale, showing where each method of enhancement will occur.

Landscape, Urban Design and Visual (LV)

Ref	Condition
<i>Landscape and Urban Design Plan</i>	
LV.1	The Consent Holder shall prepare a LUDP for the Project and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5. The Consent Holder shall provide the LUDP for certification within 3 months of the granting of the consents. The process to prepare the LUDP, including as set out in Condition LV.3, must be completed within this timeframe.
LV.2	<p>The purposes of the LUDP are to:</p> <ul style="list-style-type: none"> (a) Provide a detailed design for the Project that responds to local landscape character, identity and land use and is in general accordance with the Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); (b) Integrate the Project's permanent works into the surrounding landscape and urban context and to illustrate the urban and landscape design elements of the Project; and (c) Outline methods and measures to avoid or minimise adverse effects on natural character, landscape and recreational amenity during the construction of the Project.
LV.3	<p>The LUDP shall be prepared by the Consent Holder, with input from a suitably qualified and experienced ecologist, engineer, landscape architect, recreation specialist, traffic engineer and urban designer, and in consultation with:</p> <ul style="list-style-type: none"> (a) Wellington Tenth's Trust; (b) Port Nicholson Block Settlement Trust; (c) Relevant Resident Associations; (d) Hutt City Council (Parks and Reserves); and (e) Eastbourne Community Board.
LV.4	<p>The LUDP shall reflect and/or incorporate the plan in Condition EM.20 as appropriate and , as a minimum, shall address how the detailed design of the Project:</p> <ul style="list-style-type: none"> (a) Achieves design outcomes based on the consideration of the following environmental effects: <ul style="list-style-type: none"> (i) Safety; (ii) Ecology; (iii) Natural character; (iv) Public access; and (v) Urban design, recreational and visual amenity; (b) Responds to conflicts between any of the matters listed above, including in relation to the significance (if any) of their values relevant to the specific design matters being considered, and the significance of the matters in the context of each individual bay; (c) Responds to any relevant design elements recommended in the LPMP in Condition EM.5 and the HEP in Condition EM.9 while applying the same approach as in (a) and (b); and (d) Responds to: <ul style="list-style-type: none"> (i) The design principles set out in Appendix J: Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); and (ii) Relevant Industry Standards.

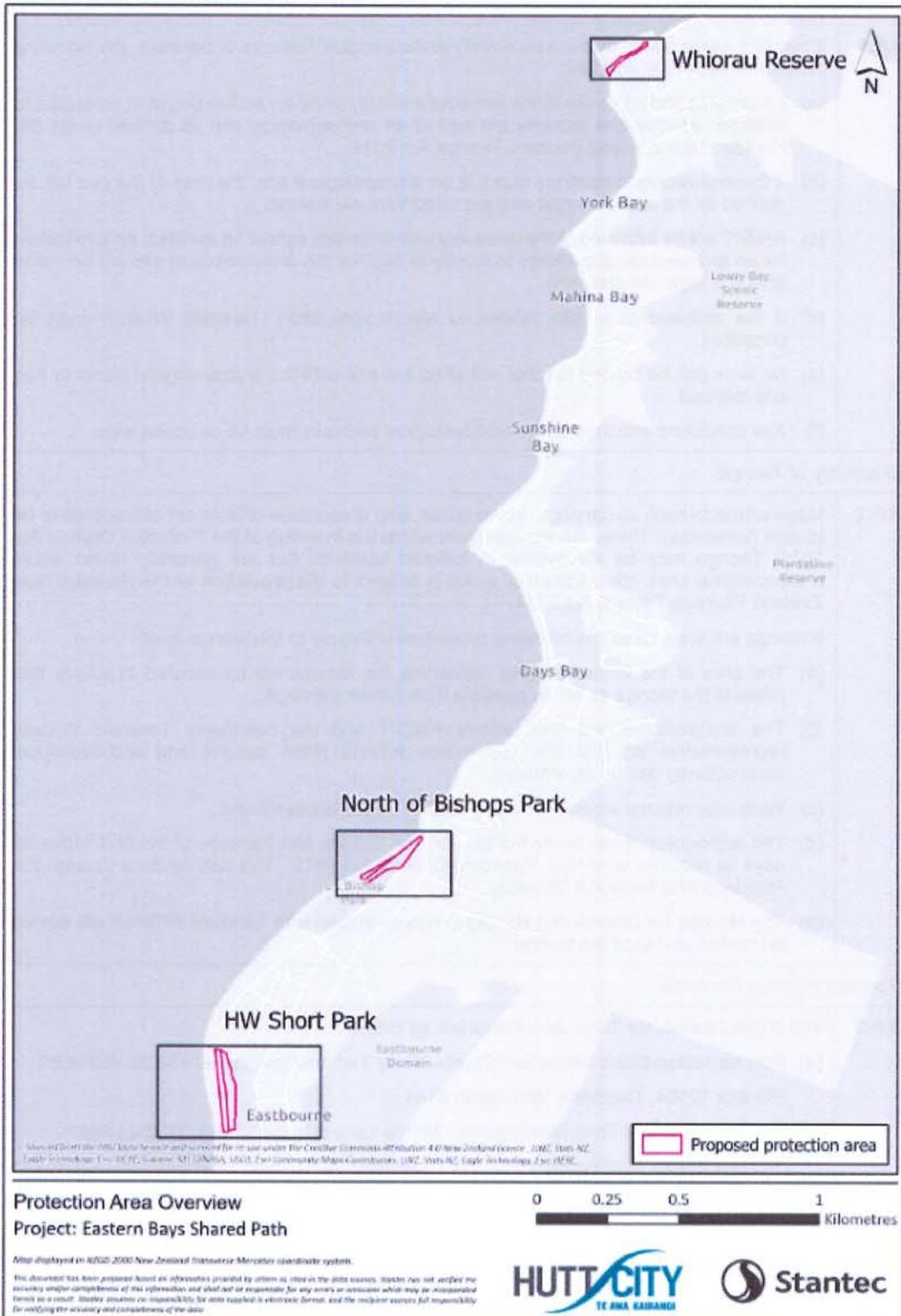
Ref	Condition
<i>Bay Specific Urban Design Plans</i>	
LV.5	<p>The LUDP shall include the final BSUDPs for each bay within the Project area, which shall address the detailed design, within the particular bay, for the benefit of pedestrians, cyclists and others using the local road network as well as the specific urban design, landscape, ecology and recreational amenity matters, including those listed in Condition LV.7, as relevant to the particular bay.</p> <p>The final BSUDPs may either be attached to, and certified as part of, the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay and individually certified under Condition LV.6.</p>
LV.6	<p>The BSUDPs shall be prepared by the Consent Holder in two stages for each bay:</p> <p>(a) Stage 1: A draft design protocol that sets out the priorities for the bay design in terms of engineering and safety requirements as well as ecology, natural character, landscape, urban design and recreational amenity elements and issues. The draft design protocol shall provide visual representations of best practice coastal shared path projects, to demonstrate the level of design to be achieved. The protocol shall be provided to the Relevant Resident Association for the affected bay (if any) and the Eastbourne Community Board for comments, if any, within 15 working days from receipt. Any comments received, and the Consents Holder's response and reasons if they are not accepted, are to be provided to the Manager, Environmental Regulation, alongside the draft design protocol, within 20 working days from receipt of the comments; and</p> <p>(b) Stage 2: The final BSUDPs, which are to be certified either on their own (in accordance with Condition GC.5) or (if included in the initial LUDP) when the LUDP is certified under Condition LV.1.</p>
LV.7	<p>The BSUDPs shall, include specific landscape and urban design details for:</p> <p>(a) Seawall structures, including transition zones between seawall types;</p> <p>(b) Beach access including steps, ramps and associated handrails where required;</p> <p>(c) Safety barriers and railing;</p> <p>(d) The treatment of stormwater structures at the coastal interface;</p> <p>(e) Little Penguin and Shoreline Forager related structures including penguin passage elements, ramps, nests, boxes and wooden poles for roosting;</p> <p>(f) Planting treatment;</p> <p>(g) The treatment of existing trees and existing landscape and natural features;</p> <p>(h) The design and area of space available for recreational amenity activities;</p> <p>(i) The design and orientation of features, spaces and access points;</p> <p>(j) Refuge and seating opportunities including size and arrangement of space to allow for stopping and gathering at frequent intervals distributed along the route;</p> <p>(k) Signage and storyboards; and</p> <p>(l) Surface treatments</p>
LV.8	<p>The consent holder shall engage a suitably qualified and experienced disability auditor to prepare an accessibility statement to guide design, and undertake accessibility audits in accordance with NZS 4121 Design for Access and Mobility – Buildings and Associated Facilities as part of detailed design</p>

Archaeological Protocols (AP)

Ref	Condition
<i>Discovery of Archaeological Features or Deposits</i>	
AP.1	<p>If remains are exposed that are potentially archaeological features or deposits, the following procedure should be adopted:</p> <ul style="list-style-type: none"> (a) Earthworks should cease in the immediate vicinity while an archaeologist is consulted to establish whether the remains are part of an archaeological site as defined under the Heritage New Zealand Pouhere Taonga Act 2014. (b) If the archaeologist confirms that it is an archaeological site, the area of the site will be defined by the archaeologist and excluded from earthworks. (c) HNZPT will be informed of the discovery and, if the site cannot be avoided, an application for an archaeological authority to modify or destroy the archaeological site will be made (this is a legal requirement). (d) If the archaeological site relates to Māori occupation, Taranaki Whānui must be consulted. (e) No work can be carried out that will affect the site until the archaeological authority has commenced. (f) Any conditions attached to the archaeological authority must be complied with.
<i>Discovery of Taonga</i>	
AP.2	<p>Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts, but are generally found within archaeological sites, modification of which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>If taonga are discovered the following procedure will apply to the taonga itself:</p> <ul style="list-style-type: none"> (a) The area of the immediate site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage. (b) The archaeologist will then inform HNZPT and the nominated Taranaki Whānui representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined. (c) Work may resume when advised by HNZPT or the archaeologist. (d) The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum. (e) The Ministry for Culture and Heritage, in consultation with Taranaki Whānui, will decide on custodianship of the taonga.
<i>Tangata Whenua Contacts</i>	
AP.3	<p>The contact details for Taranaki Whānui are as follows:</p> <ul style="list-style-type: none"> (a) Port Nicholson Block Settlement Trust – Kirsty Tamanui telephone: +64 27 459 9050 PO Box 12164, Thorndon, Wellington 6144 (b) Wellington Tenths Trust (Wellington) – Morrie Love telephone: +64 27 454 0148 PO Box 25499, Wellington Level 2, Te Raukura, Taranaki Street Wharf, 15 Jervois Quay, Wellington

APPENDIX 1: PROTECTION AREAS

Overview



1. Whiorau Reserve



2. Bishops Park



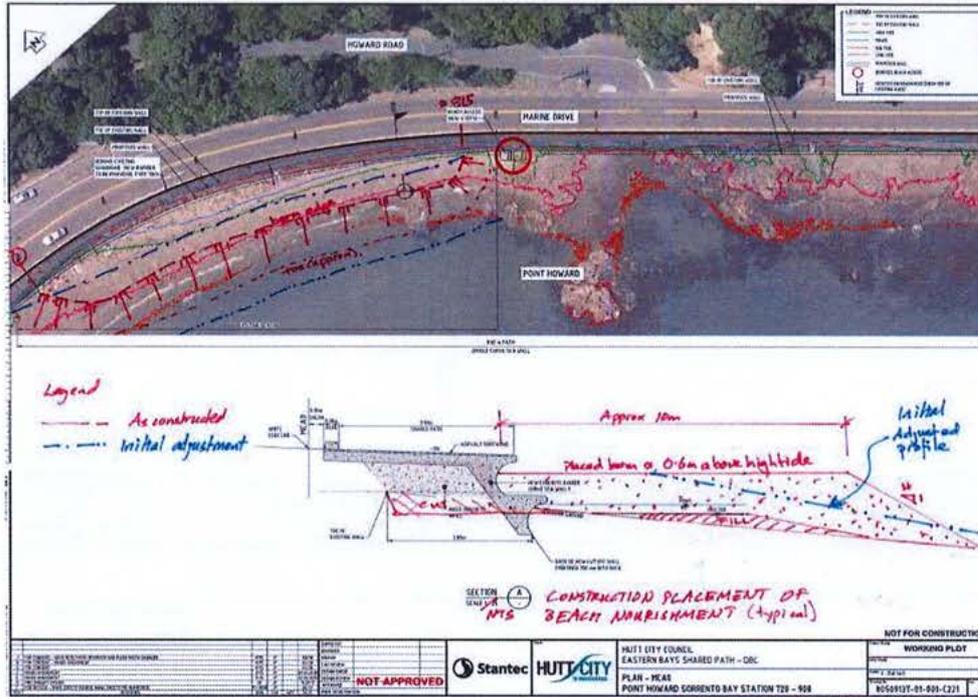
3. HW Short Park



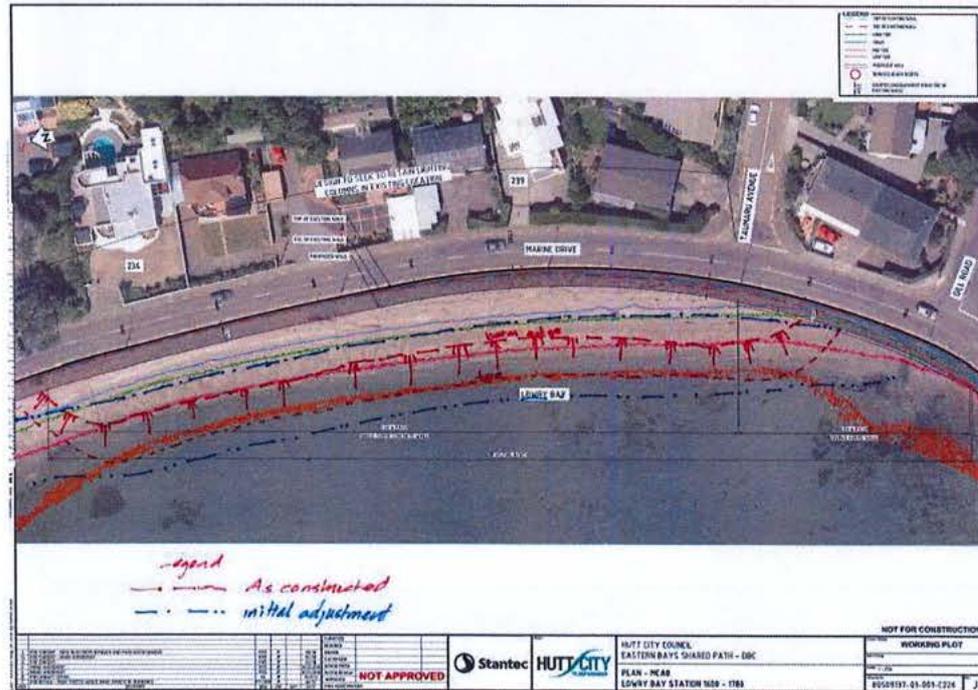
APPENDIX 2: BEACH NOURISHMENT PLANS

[Note: Draft plans are included below. These will be replaced with final plans (once these have been prepared).]

Beach Nourishment – Point Howard



Beach Nourishment – Lowry Bay



Beach Nourishment – York Bay

Appendix R – Proposed Resource Consent Conditions

Index of Resource Consents

The following table sets out the condition references for each of the resource consents.

Ref	Consent	General conditions	Specific conditions
1	Coastal Permit (s12, s14 and s15) – Reclamation of the foreshore and seabed	[TBC]	[TBC]
2	Coastal Permit (s12, s14 and s15) – Removal and demolition of seawalls		
3	Coastal Permit (s12, s14 and s15) – Occupation of the seawalls in the CMA		
4	Coastal Permit (s12, s14 and s15) – Structures parallel to MHWS in an area outside of an Area of Significant Conservation Value		
5	Coastal Permit (s12, s14 and s15) – Activities involving the use and development of structures outside an Area of Significant Conservation Value which cannot meet permitted or controlled activity Standards		
6	Coastal Permit (s12, s14 and s15) – Construction of new seawalls, revetment, boat ramps and steps		
7	Coastal Permit (s12, s14 and s15) – Deposition of sand, shingle, shell or other natural material directly onto the foreshore for the purpose of combating beach or shoreline erosion and improving the amenity of value of the foreshore		
8	Coastal Permit (s12, s14 and s15) – Discharges to the CMA		
9	Land use (s9) – Construction, alteration and diversion of Marine Drive		
10	Land use (s9) – Construction works within the Significant Natural Resource site identified as SNR 44		
14	Land use (s9) – Earthworks within the Special Recreation and Passive Recreation Zoning		

Definitions

The table below defines the acronyms and terms used in the conditions below.

Acronym/Term	Definition
BSUDPs	Bay Specific Urban Design Plans.
BNP	The Beach Nourishment Plan.
CEMP	The Construction Environmental Management Plan.
Certify, certification and certified	In relation to a management plan, means assessed by Council staff acting in a technical certification capacity, and in particular as to whether the document or matter is technically consistent with the requirements contained within the conditions of this consent.
CMA	Has the same meaning as 'coastal marine area' in section 2 of the RMA.

Acronym/Term	Definition
Commencement of Construction	The time when Construction Works (excluding site investigations and Enabling Works) for the Project (or a part of the Project) commence.
Completion of Construction	When construction of the Project (or part of the Project) is complete.
Construction Works	One or more of the various activities (excluding site investigations and Enabling Works) undertaken under these resource consents.
Consent Holder	Hutt City Council
Enabling Works	Includes the following and similar activities: (a) geotechnical investigations (including in the CMA), including access on land for these investigations; (b) establishing site yards, site offices, site entrances and fencing; (c) establishing protection areas for Little Penguin and Shoreline Forager populations; (d) demolition or removal of buildings and structures; (e) relocation of services; and (f) establishing minimisation measures (such as erosion and sediment control measures).
HEP	Habitat Enhancement Plan.
HNZPT	Heritage New Zealand Pouhere Taonga.
Little Penguin	NZ little penguin (<i>Eudyptula minor</i> , kororā).
Little Penguin Interest Group	Department of Conservation, Mike Rumble, Eastbourne Pest Control and Forest & Bird.
LPMP	The Little Penguin Management Plan.
LU DP	The Landscape and Urban Design Plan.
Manager, Environmental Regulation	The Manager, for the time being, of the Environmental Regulation Department, Wellington Regional Council.
MHWS	Mean High Water Springs.
Project	The design, construction, operation and management of the Eastern Bays Shared Path Project and associated works.
Reclamation	Has the meaning given to that term in section 2.2 of the Proposed Natural Resources Plan for the Wellington Region Decision Version (dated 31 July 2019) as it relates to the CMA.
RMA	The Resource Management Act 1991.
Shoreline Forager	<i>variable oystercatcher and red-billed gull.</i>
SRHP	Seawall and Revetment Habitat Plan
Team Leader, Resource Consents	The Team Leader for the time being of the Resource Consent Department, Hutt City Council.
TMP	The Traffic Management Plan.
Working day	Has the same meaning as in section 2 of the RMA.

General Conditions

These general conditions apply to all resource consents unless specified otherwise. Additional conditions which apply to specific resource consents are set out in the following pages.

Ref	Condition
<i>General and Administration</i>	
GC.1	Except as modified by the conditions below (including certified management plans), the Project shall be undertaken in general accordance with the information provided by the Consent Holder in the consent application and associated plans and documents lodged with the Wellington Regional Council on 12 April 2019. Further information
GC.2	Where there is inconsistency between: (a) The application, plans and documents referenced in Condition GC.1 and further information provided by the Consent Holder post lodgment, including during the hearing, the most recent information and plans shall prevail; and (b) The application, plans and documents referenced in Conditions GC.1 and GC.2(a) and the conditions of consent, the conditions shall prevail.
<i>Pre-construction Administration</i>	
GC.3	The Consent Holder shall notify the Manager, Environmental Regulation in writing of the proposed date of Commencement of Construction at least 20 working days prior to that date.
GC.4	The Consent Holder shall provide a copy of this consent and any documents and plans referred to in this consent to each operator or contractor undertaking works authorised by this consent at least 10 working days prior to the Commencement of Construction.
<i>Management Plan Approval Process</i>	
GC.5	(a) Conditions (b) to (j) below apply to all management plans required by these conditions. (b) All management plans shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification at least 30 working days prior to the Commencement of Construction. (c) All management plans shall provide the overarching principles, methodologies and procedures for managing the effects of the construction of the Project to achieve the environmental objectives, outcomes and performance standards required by these conditions. (d) All management plans may be submitted for certification in parts or in stages to address particular activities or to reflect the staged implementation of the Project and shall clearly show the linkages with plans for adjacent stages and interrelated activities. (e) Any certified management plan (excluding the LUDP or BSUDPs) the may be amended, if necessary, to reflect any minor changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) to inform them of the change, unless those amendments would result in a materially different outcome to that described in the original plan. Those minor amendments do not require certification, but the updated plan must be provided to the Manager, Environmental Regulation and/or the Team Manager, Resource Consents (as relevant). (f) Any certified management A certified LUDP or a BSUDP plan may be amended, if necessary, to reflect any minor changes in design, construction methods or management of effects. Any amendments are to be discussed with and submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) to inform them of the change, <u>and allow for their review/s, unless those amendments would result in a materially different outcome to that described in the original plan. Those minor A amendments do not</u> require certification <u>and the</u> but the updated plan must be provided to the Manager,

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Ref	Condition
	<p>Environmental Regulation and/or the Team Manager, Resource Consents (as relevant). <u>Any material amendment must be consistent with the purpose of the LUDP and/or BSUDP and the requirements of the relevant conditions of these consents</u></p> <p>(g) Any material amendments to a certified management plan (<u>excluding LUDP and the BSUDP</u>) shall be submitted to the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) for certification. Any material amendment must be consistent with the purpose of the relevant management plan and the requirements of the relevant conditions of these consents.</p> <p>(h) If no comments are received on a management plan submitted under (b), or an amended management plan in (g)(f) within 15 working days, then the management plan is deemed to have been certified and the Consent Holder may implement the plan or the changes.</p> <p>(i) Should the Manager, Environmental Regulation and/or the Team Leader, Resource Consents (as relevant) refuse to certify a management plan, or a part or stage of a management plan, the Consent Holder shall submit a revised management plan (or part or stage) for certification as soon as practicable. Should certification of the revised plan (or part or stage) be refused then the Consent Holder must, within 10 working days of the refusal, engage a suitably qualified, mutually acceptable independent expert to resolve the matters in dispute. The expert shall resolve the matters within 10 working days of being engaged and his or her decision shall be final. The cost of such a process will be met by the Consent Holder.</p> <p>(j) All works and monitoring shall be carried out in general accordance with the certified management plans.</p> <p><i>Advice note: Management plans must be emailed to notifications@gw.govt.nz or [HCC email address] and include the reference WGN190301 or RM190124 (as relevant), and the name and phone number of a contact person responsible for the proposed works.</i></p> <p><i>Advice note: Any preliminary works, which do not require resource consent or are permitted activities, can be undertaken prior to the certification of any management plans.</i></p>
Construction and Environmental Management Plan	
GC.6	<p>(a) The Consent Holder shall, in consultation with an experienced ecologist, prepare a CEMP for the relevant Project stage (excluding site investigations and Enabling Works) and submit this to the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. Commencement of Construction shall not occur until certification is obtained.</p> <p>(b) The purpose of the CEMP is to:</p> <ul style="list-style-type: none"> (i) Confirm final Project details; (ii) Ensure that the Construction Works remain within the limits and standards approved under the consent; and (iii) Set out the management procedures and construction methods to be undertaken to avoid or minimise adverse effects arising from the Construction Works. <p><i>Advice note: Any investigations works, outside of those consented, which penetrate groundwater and/or any contaminated land investigations that do not comply with permitted standards will require separate consents.</i></p>
GC.7	The CEMP shall include:

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Ref	Condition
	<p>(a) Confirmation of the proposed staging and sequencing of construction, including staging of the Construction Works by bay. Continuous areas of seawall being constructed shall be limited to a stipulated length as set out in the CEMP and determined on a bay by bay basis. Works in the subtidal areas shall reflect Condition C.7C-6(d) in that there is flexibility in terms of maximum length of seawall construction for works in these areas, but not for works outside of the subtidal areas.</p> <p>(b) An outline construction programme that takes into account timing constraints in these conditions and the management plans listed in Condition GC.8;</p> <p>(c) The final construction methodologies;</p> <p>(d) Contact details of the site supervisor or project manager and the Consent Holder's Project liaison person (phone, postal address, email address);</p> <p>(e) Methods and systems to inform and train all persons working on the site of potential environmental issues and how to avoid or minimise potential adverse effects;</p> <p>(f) The proposed hours of work;</p> <p>(f)(g) <u>Details of any public access restrictions and what measures will be in place to minimise disruption of public access</u></p> <p>(g)(h) Location of construction site infrastructure including site offices, site amenities, contractors' yard access, equipment unloading and storage areas and contractor car parking;</p> <p>(h)(i) The clear identification and marking of the construction areas within the CMA;</p> <p>(i)(j) Where machinery is to be within the CMA, a list of that machinery and a protocol, developed in consultation with an experienced ecologist, for the management of that machinery to reasonably reduce ecological impacts and the footprint of the operations;</p> <p>(j)(k) The measures to be adopted to maintain the construction area and adjacent parts of the CMA in a tidy condition in terms of disposal/storage of rubbish (so as to avoid attracting mammalian predators and undesirable species to the construction area), storage and unloading of construction materials and similar construction activities;</p> <p>(k)(l) Procedures for managing and controlling erosion and sediment run-off into the CMA to achieve Condition C.7C-6;</p> <p>(l)(m) Procedures to reduce contaminants from Constructions Works on land or in the CMA into the CMA <u>or groundwater</u>. Such procedures and measures shall include, but are not limited to:</p> <ol style="list-style-type: none"> (i) Refuelling and carrying out machinery maintenance, including being at least 5m inland from MHWS, away from watercourses and not on the foreshore area, the use of biodegradable hydraulic fluids in machinery working within the foreshore and CMA where practicable, a spill kit on hand and staff trained in its deployment; (ii) Ensuring that wash water from tools, equipment or machinery is not discharged into the CMA <u>or the stormwater system</u>; (iii) Keeping the area of disturbance in the foreshore and CMA to the minimum reasonably necessary to complete the works; (iv) Minimising the use of machinery within the CMA and ensuring that machinery is used in compliance with the CEMP; (v) Providing appropriate wash-down facilities for all concreting equipment to prevent wash water from entering the CMA <u>and the stormwater system</u>; (vi) Storing any hazardous substances so that they will not enter the CMA;

Ref	Condition
	<p>(vii) Ensuring, except for (viii), that during piling or seawall construction and ancillary work, no wet concrete, or any water or liquid that has come into contact with wet concrete or with any other cementitious products without appropriate treatment as set out in (ix), is able to enter the CMA;</p> <p>(viii) Ensuring that piling or seawall construction and ancillary work within the CMA complies with Condition C.7C-6;</p> <p>(ix) Ensuring that the pH of water discharged from any work site that has used wet cementitious products has a pH level similar to the local receiving environment; and</p> <p>(x) Removal of any temporary construction materials and debris associated with the Construction Works from the CMA;</p> <p>(x)(xi) A site specific methodology for dewatering and managing effects on the aquifer where the excavation and/or depth of any required seawall foundation exceeds 2.5 m Below Ground Level</p> <p>(m)(n) Procedures for ensuring that residents, network utility operators, road users and businesses in the immediate vicinity of construction areas are given prior notice of the Commencement of Construction, the location of the work and are informed about the expected duration and effects of the work;</p> <p>(o) Means for maintaining public pedestrian access along Marine Drive during construction;</p> <p>(p) Procedures for incident management, including contingency procedures to address emergency spill response(s) and clean up;</p> <p>(q) Measures for protecting the site from tidal intrusion and storm events, and protocols to address any overtopping event that may occur during construction;</p> <p>(r) Appropriate management triggers that initiate on-site investigation of erosion and sediment controls and supporting monitoring and reporting measures</p> <p>(s)—</p> <p>(t) Consideration of fish passage in locations as outlined in Condition EM.12; and</p> <p>(u) Type of imported fill material to be used within the CMA to minimise contamination of the CMA as outlined in Condition C.12C-9.</p> <p>(v) Confirmation that the existing gravel beach vegetation at Lowry Bay (native and adventive species, including the pingao) will be translocated into the beach nourishment area immediately seaward of the shared path footprint and that vegetation in accordance with direct transfer rehabilitation principles as practicable.</p> <p>(w) Measures to avoid the use of machinery and any other disturbance at existing vegetation on gravel beaches in the construction zone, provided that vegetation is proposed to remain in-situ.</p> <p>(x) Confirmation that the six At Risk species in the landscape plantings at Point Howard and Windy Point will be transplanted to adjoining currently grassed areas or to adjoining reserves (such as Whiorau).</p> <p>(y) Recognition of the Atriplex cinerea plantings at York Bay and Claphams Rock as sensitive sites in the CEMP and creation of low landscaping barriers to avoid vehicles crushing at risk plants.</p> <p>(z) Details that where revetment is constructed without a cantilever wall that existing isolated shrub vegetation patches between the shared path margin and the revetment will be retained.</p>

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Ref	Condition
	<p>Confirmation that a pre-construction baseline assessment and post-construction outcome assessment for Threatened and At Risk plant species, and the vegetated gravel beaches will be completed.</p> <p>(z) e</p> <p>(e)(aa) Confirmation that monitoring for any post-construction establishment of invasive weeds (including boneseed and old man's beard) will be undertaken and any weeds will be removed as necessary, for a period of two years after works in any one bay are completed.</p>
GC.8	<p>The CEMP shall incorporate or refer to the following management plans:</p> <p>(a) Landscape and Urban Design Plan (including Bay Specific Urban Design Plans as appropriate) (refer to Conditions LV.1 to LV.7);</p> <p>(b) Beach Nourishment Plan (refer to Conditions EM.14EM-13 to EM.15EM-14);</p> <p>(c) Little Penguin Management Plan (refer to Conditions EM.2 to EM.5);</p> <p>(d) Traffic Management Plan (refer to Conditions GC.11 to GC.13);</p> <p>(e) A plan for works within 100m of a Shoreline Forager nest (refer to Condition EM.1C);</p> <p>(f) Seawall and Revetment Habitat Plan (refer to Condition EM.19 below); and</p> <p>(g) Habitat Enhancement Plan (refer to Conditions EM.7 to EM.9).</p> <p>If a CEMP is submitted in part or for a Project stage, it shall only incorporate or refer to the management plans relevant to that part or stage.</p>
GC.9	<p>All personnel working on the site shall be made aware of the requirements contained in the certified CEMP. The certified CEMP shall be implemented and maintained (and amended in accordance with GC.5(e) and (g)(f) as necessary) throughout the entire period of the Construction Works.</p>
GC.10	<p>The Consent Holder shall ensure that a copy of this consent and all certified plans and documents referred to in this consent, are kept on site at all times and available for inspection on request by the Wellington Regional Council.</p>
<i>Traffic Management Plan</i>	
GC.11	<p>The Consent Holder shall prepare a TMP to append to the CEMP, and submit this to the Team Leader, Resource Consent for certification in accordance with the requirements of Condition GC.5.</p>
GC.12	<p>The purpose of the TMP is to manage the various traffic management, safety and efficiency effects associated with the Construction Works.</p>
GC.13	<p>The TMP shall include, but not be limited to, the following:</p> <p>(a) Management of traffic along Marine Drive adjoining the construction areas to protect public safety, manage delays to road users (especially during peak times), minimise disruption to property access and methods to keep the public informed about potential impacts on Marine Drive;</p> <p>(b) Access and parking for contractors; and</p> <p>(c) Specification of any additional measures necessary during periods of activities which involve high levels of construction traffic on nearby properties, such as the CentrePort site at Point Howard (including communication and any necessary physical management steps).</p>
<i>Construction Noise</i>	
GC.14	<p>Noise arising from Construction Works shall be measured and assessed in accordance with NZS 6803:1999 <i>Acoustics – Construction Noise</i> and shall comply as far as practicable, with the noise criteria set out in the following table:</p> <p>Table CNV1: Construction noise criteria</p>

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Ref	Condition			
	Day	Time	L_{Aeq}(15 min)	L_AF_{max}
	Residential buildings			
	Weekdays	0630h – 0730h	55 dB	75 dB
		0730h – 1800h	70 dB	85dB
		1800h – 2000h	65dB	80dB
		2000h – 0630h	45dB	75dB
	Saturdays	0630h – 0730h	45 dB	75 dB
		0730h – 1800h	70 dB	85 dB
		1800h – 2000h	45 dB	75 dB
		2000h – 0630h	45 dB	75 dB
	Sundays and Public Holidays	0630h – 0730h	45 dB	75 dB
		0730h – 1800h	55 dB	85 dB
		1800h – 2000h	45 dB	75 dB
		2000h – 0630h	45 dB	75 dB
	Commercial and industrial receivers			
	All	0730h – 1800h	70 dB	
		1800h – 0730h	75 dB	
<i>CentrePort access</i>				
GC.15	The Consent Holder shall enter into an agreement with CentrePort prior to any Construction Works being undertaken within the road reserve and land owned by CentrePort (being Section 1 Survey Office Plan 31984, Reference WN37D/408; and Part Lot 1 DP 10694 & Section 70-72 Block XIV Belmont Survey District and Part Lot 1 DP 10694, Reference WN479/105), adjacent to the CentrePort wharf (Point Howard), to ensure that access arrangements are maintained in accordance with CentrePort's proposed upgrade works.			
<i>Completion of Construction</i>				
GC.16	After Completion of Construction in each bay, the Consent Holder shall notify the Manager, Environmental Regulation in writing within 2 working days (48 hours) that the works have been completed.			
GC.17	The Consent Holder shall ensure that on Completion of Construction the site is left in a tidy manner, including all litter associated with the works being removed.			
GC.18	The Consent Holder shall, as far as reasonably practicable, remedy all damage and disturbance caused by vehicle traffic, plant and equipment to the foreshore during Construction Works, in consultation with a suitably qualified ecologist.			
<i>Incidents - General</i>				
GC.19	The Consent Holder shall maintain a permanent record of any incidents (such as, but not limited to, the spill of hydraulic fluid or other discharge not authorised by this consent <u>and exceedance of the management trigger developed under GC.7 (r)</u>) that occur at individual work stages that result, or could result, in an adverse effect on the environment.			
GC.20	The record shall include: (a) The type and nature of the incident; (b) Date and time of the incident; (c) <u>Weather conditions at the time of the incident (as far as practicable);</u>			

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Ref	Condition
	<p>(e)(d) <u>Assessment of the effects of the incident;</u></p> <p>(d)(e) Measures taken to remedy the effects of the incident; and</p> <p>(e)(f) Measures put in place to prevent the incident from reoccurring.</p>
GC.21	The record in Condition GC.20 shall be maintained at the work site and shall be made available to the Manager, Environmental Regulation upon request.
GC.22	The Consent Holder shall notify the Manager, Environmental Regulation within 1 working day of any such incident.
GC.23	<p>The Consent Holder shall forward an incident report to the Manager, Environmental Regulation within 7 working days of the incident occurring. This report shall include the matters listed in Condition GC.20.</p> <p><i>Advice Note: Wellington Regional Council may investigate any incidents to determine if a breach of this consent or the RMA has occurred and may also undertake enforcement action depending on the circumstances.</i></p>
Complaints Management	
GC.24	<p>The Consent Holder shall maintain a complaint register that includes:</p> <p>(a) The details of each complaint;</p> <p>(b) Actions taken to investigate the complaint (if any);</p> <p>(c) The outcome of such investigations if undertaken and the likely cause of the matter that led to the complaint;</p> <p>(d) The nature and timing of any measures implemented by the Consent Holder to respond to the complaint; and</p> <p>(e) Actions (if any) to be taken in the future to prevent to occurrences of similar events and complaints.</p> <p><i>Advice note: Should there be a series of complaints related to a single incident then only one investigation needs to be completed by the Consent Holder.</i></p>
GC.25	The Consent Holder shall make the complaint register in Condition GC.24 available to the Manager, Environmental Regulation, on request.
Consent Lapse	
GC.26	Pursuant to section 125(1) of the RMA, the consents shall lapse 10 years from the date of the commencement of these consents (in accordance with section 116 of the RMA).
Review of conditions	
GC.27	<p>Pursuant to section 128 of the RMA, the conditions of consent may be reviewed by the Hutt City Council or Wellington Regional Council by the giving of notice pursuant to section 129 of the RMA, in [month, year] and every year thereafter in order to deal with:</p> <p>(a) any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or</p> <p>(b) any other adverse effect on the environment on which the exercise of the consent may have an influence.</p>
Transport	
GC.28	<u>An independent road safety audit shall be undertaken at the detailed design stage and at the pre-opening/post-construction stage.</u>

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Ref	Condition
<u>GC.29</u>	<u>The consent holder must regularly monitor and report usage of and safety/incidences along the shared path within the first two year(s) of operation</u>
<i>Infrastructure</i>	
<u>GC.30</u>	<u>The Consent Holder shall ensure that construction work does not adversely impact on the safe and efficient operation of network utilities. The scope and timing of necessary utility relocation and protection works shall be developed and agreed between the Consent Holder and network utility providers to mitigate any safety hazards for the required works.</u>

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Coastal Activities (C)

Ref	Condition
<i>Engineering Plans and Specifications</i>	
C.1	At least 30 working days prior to the Commencement of Construction, the Consent Holder shall submit detailed engineering plans and specifications (including tidal levels, dimensioned cross sections, elevations, site plans of all areas of proposed reclamation and de-reclamation, permanent and temporary structures, outfalls structures, associated permanent and temporary coastal zone occupations and areas where the construction area will extend into the subtidal zone), prepared <u>by a suitably qualified and experienced engineer</u> in general accordance with the documents listed in Conditions GC.1 and GC.2(a), to the Manager, Environmental Regulation for certification using the process in Condition GC.5. The requirements for certification set out in Condition GC.5 apply equally to the certification of the detailed engineering plans and specifications under this condition.
C.2	The engineering plans and specifications submitted under Condition C.1 shall cover the following matters: (a) Shared path; (b) Seawalls, including drainage and texture to be applied to the curved surface and depressions to be applied to the flat platforms of the curved seawall; (c) <u>Revetment design</u> , including: (i) <u>The process to determine the rock used in the rock revetment. Having regard to natural character, selection of rock for the revetment structures shall be made in consultation with a suitably qualified and experienced landscape architect.</u> (ii) the reuse of in situ natural rock/cobble material and minimising the excavation of in situ rock where possible, without compromising structural integrity, along with the drilling of rock pools into the hard revetment rock of intertidal areas. (e)(iii) The design of the revetments should look at all options to reduce the revetment footprint without compromising on structural integrity of the seawall, overtopping protection, or coastal processes; (d) Access steps, ramps, bus stops; and (e) Beach nourishment.
C.3	The Consent Holder shall comply with the engineering plans and specifications certified under Condition C.1.
<i>Occupation of the CMA</i>	
C.4	The right to temporarily occupy part of the CMA during Construction Works is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.
C.5	The right to permanently occupy part of the CMA is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1.
<u>C.6</u>	<u>The consent holder shall ensure that access to the entire length of any affected beach at any time during construction activities is prevented unless there are no practicable alternatives and the written approval of the Manager, Environmental Regulation has been obtained.</u>
<i>Erosion and sediment control</i>	
<u>C.6C.7</u>	Erosion and sediment control measures shall be implemented throughout the Construction Works. They shall be constructed and maintained so as to operate and perform in accordance with the <i>Erosion and Sediment Control Guidelines for the Wellington Region (Reprinted June 2006)</i> in the CMA, the measures set out below and the certified CEMP.

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Ref	Condition
	<p>Within the CMA measures may include, but not be limited to, the following considerations:</p> <p>(a) Not exposing non-native backfill material to the sea.</p> <p>(b) Use of weight-bearing mats on the foreshore substrate.</p> <p>(c) Methods for isolating and containing the construction area including:</p> <p>(i) Bunding/shuttering in a predominantly gravel/sand beach zone; and</p> <p>(ii) Alternative sediment control devices, such as geotextile containers or tubes filled with locally sourced sand, in rocky shore habitats or where the seawall works occur close to the mid tide mark.</p> <p>(d) Limiting the length of any continuous section of seawall under construction at one time as appropriate, for example if the construction footprint extends into subtidal zone and a longer length allows for a single subtidal area to be contained in the one site then a longer length would be preferable.</p> <p>(e) Earthworks and construction activities to be planned to respond to tide timing, tidal height and forecasts of wind and wave conditions so that these matters can be factored into necessary erosion and sediment controls.</p>
Contaminant Release	
C-7C.8	The Consent Holder shall take all reasonably practicable measures to limit the amount of contaminants from the Construction Works released on land or in the CMA. Such measures shall be included in the CEMP.
C.9	<p><u>Any discharge shall not give rise to any of the following effects in the CMA:</u></p> <p><u>(a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials (excluding suspended sediment); or</u></p> <p><u>(b) Any emission of objectionable odour; or</u></p> <p><u>(c) any conspicuous change in colour or visual clarity;</u></p> <p><u>after a reasonable mixing zone of 50 m from the source of the discharge (or in the event that this distance is not practicable any revised distance agreed with The Manager, Environmental Regulation, as part of the CEMP or relevant stage of the CEMP); or</u></p> <p><u>(d) Any significant adverse effects on aquatic or marine life.</u></p>
C.10	<u>The Consent Holder shall ensure that the sediment concentrations of any discharge of sediment laden water to the stormwater system or the CMA do not exceed 100g/m³</u>
Reclamation	
C-8C.11	<p>The total reclamation area for the Project is limited to the areas and structures identified in the plans and specifications referred to in Condition GC.1, but shall not exceed 3000m².</p> <p><i>Advice note: Statutory processes in respect of reclaimed land must be complied with, including under the Marine and Coastal Area (Takutai Moana) Act 2011.</i></p>
C-9C.12	Imported fill material to be used in the reclamations shall be restricted to clean natural sand, gravels and rock.
C-10C.13	The Consent Holder shall maintain a log recording the source of the materials imported onto each reclamation on the site. This log shall be made available to the Manager, Environmental Regulation for inspection on request.
As-Built Certification	
C-11C.14	The Consent Holder shall supply to Wellington Regional Council and the LINZ Hydrographic Services Office and LINZ Topographic Services Office (Chief Hydrographer, National Topo/Hydro Authority, Land Information New Zealand, Private Box PO Box 5501, Wellington 6145), a set of 'as built' plans, final topographic and, if relevant, bathymetric data covering the finished works, and appropriate certification

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Ref	Condition
	confirming that the new structures and structures have been built in accordance with sound engineering practice, within 60 working days of the completion of the works.
<i>Maintenance of Structures</i>	
C.12	The structures permitted to occupy part of the CMA by this consent shall be maintained in a good and sound condition, and any repairs that are necessary shall be made, subject to obtaining any necessary resource consents.
C.15	<p>The consent holder shall remain responsible for all works authorised under this consent, and shall maintain the structure(s) to the satisfaction of the Manager, Environmental Regulation so that:</p> <p>(a) Any erosion, scour or instability of the CMA that is attributable to the structures and works carried out as part of this consent, is remedied by the consent holder</p> <p>(b) The structural integrity of any structure remains sound in the opinion of a Professional Chartered Engineer</p> <p>(c) Access to the coastal marine area is not impeded by the structures.</p> <p>Any maintenance or repair shall be undertaken to the satisfaction of the Manager, Environmental Regulation.</p> <p><i>Note: Maintenance does not include any works outside of the scope of the application. Any additional works (including structures, reshaping or disturbance to the seabed or foreshore) following completion of the construction works as proposed in the application, may require further resource consents.</i></p>
C.16	<p>The consent holder shall compile photographic records of all disturbance of the intertidal zone provided for by this consent. These photographic records shall include, but not be limited to, photographs of the following aspects:</p> <p>(a) The location of the proposed works: incorporating the works area and the stretches of the shore that may be affected by the disturbance (i.e., prior to the works commencing and during works), and</p> <p>(b) Photos of the seawalls (including revetment) during and after each section has been constructed.</p> <p>The photographic record of items identified in (a) and (b) shall be submitted to the Manager, Environmental Regulation, fortnightly for the duration of the construction period.</p> <p>All submitted photographs shall include:</p> <ul style="list-style-type: none"> The date and time the photographs were taken A description of what the photograph relates to. <p>The photographs and details shall be to the satisfaction of the Manager, Environmental Regulation, Wellington Regional Council.</p> <p><i>Note 1: The photographic record should demonstrate compliance with the conditions of this consent.</i></p> <p><i>Note 2: Photographic records, ie, electronic picture files from digital cameras can be emailed to notifications@qw.govt.nz. Please include the consent number WGN190301 date and time photographs were taken and a description of the site location (eg, map reference, address).</i></p>

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Ecological Management (EM)

Ref	Condition
<i>Little Penguins and Shoreline Foragers</i>	
EM.1	<p>In order to avoid or minimise adverse effects of the Project on Little Penguins and Shoreline Foragers, the Consent Holder shall:</p> <ul style="list-style-type: none"> (a) comply with Condition EM.1A; (b) undertake the habitat enhancement measures set out in Conditions EM.7 to EM.9; (c) as set out in Condition LV.4(c), incorporate relevant detailed design elements within the LUDP as recommended in the LPMP in Condition EM.5; (d) undertake design and construction in accordance with the LPMP in Condition EM.5; (e) manage rubbish and waste in accordance with the CEMP in Condition GC.7; (f) provide pest management in accordance with Condition EM.1B; and (g) provide Little Penguin and Shoreline Forager protection areas as set out in Conditions EM.1B and EM.7 to EM.9.
EM.1A	<p>Construction Works between 1 July and 31 January (the Little Penguin breeding period) shall not occur within 10m of any active burrows or nests identified in Condition EM.5(a)(i).</p>
EM.1B	<p>The Consent Holder must:</p> <ul style="list-style-type: none"> (a) provide up to a maximum of \$604,000 (including GST) per-year, spread over 10 years, for pest management within the protection areas specified in (b) below and the adjacent Eastern Bays coastal environment; (b) establish protection areas (refer to Appendix 1) at the following locations, in accordance with Conditions EM.7 to EM.9: <ul style="list-style-type: none"> (i) Bishops Park; (ii) HW Short Park; and (iii) Whiorau Reserve. (c) <u>within six months of the commencement of consent initiate the required statutory process to exclude dogs for the months of August to January inclusive each year from the foreshore and beach area of Robinson Bay abutting the North of Bishop Park protection area and running for the same length, as shown in Appendix 1.</u> (d) <u>undertake 6 monthly coastal clean-ups along the Shared Path and adjacent coastal areas</u>
EM.1C	<ul style="list-style-type: none"> (a) During the nesting season of any Shoreline Forager, no more than 10 working days prior to the Commencement of Construction, the Consent Holder shall engage a suitably qualified ecologist to undertake a Shoreline Forager nesting survey within the relevant construction area. (a)(b) <u>If the oystercatcher nest located off the point between Sorrento Bay and Lowry Bay has resulted in oystercatcher chicks being raised no Construction Works shall be undertaken between the southern end of Howard Road to the northern Lowry Bay Boatshed in the months of December and January</u> (b)(c) If any Shoreline Forager nest in the relevant construction area is identified, the Consent Holder shall engage a suitably qualified ecologist to: <ul style="list-style-type: none"> (i) GIS locate and mark on the ground the nest location; (ii) advise on whether or not the nest of the Shoreline Forager contains eggs or chicks; (iii) if it does contain eggs or chicks, advise on the management of Construction Works within 100m of the nest, including:

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	<p>A. the use of specific machinery; and</p> <p>B. the use of specific minimisation measures and/or working practices; and</p> <p>(iv) prepare a plan for works incorporating the matters in (iii) which the Consent Holder shall include in the CEMP under Condition GC.7.</p>
EM.1D	<p><u>Prior to construction, the Consent Holder shall prepare a Pest Management Plan outlining how the \$60,000 in EM.1C(a) will be spent and submit this to the Manager, Environmental Regulation, for certification.</u></p> <p><u>The purpose of the Pest Management Plan shall be as to as far as reasonable practicable minimise the impact of pest animals on Little Penguin and Shoreline Forager populations as a result of increases in litter and waste associated with the use of the Shared Path.</u></p> <p><u>The Pest Management Plan shall be prepared by a suitably qualified and experienced person and as a minimum, the plan must:</u></p> <p><u>(i) Cover the full length of the Shared Path, with more intensive actions for the enhancement areas</u></p> <p><u>(ii) Identify when the worst environmental effects are expected (e.g. when birds are looking for nesting material [for litter] or chicks are hatching [for pests])</u></p> <p><u>(iii) Identify, or put in place a programme to identify problem areas and peak problem times for management of littering and pests (e.g. summer holiday season)</u></p> <p><u>(iv) Identify particular problem sources of litter and implement strategies to address these (e.g. frequent bins for dog waste bags along the path)</u></p> <p><u>(v) Include strategies to manage the day-to-day litter and pests with details of how to deal with problem areas and problem times</u></p> <p><u>(vi) Make provision for coastal clean-ups at least twice per year</u></p> <p><u>(vii) Include strategies describing how the applicant will engage and educate the community on the presence of birds and the impact of dogs and pests on these birds through signage and outreach programs (e.g. school coastal clean-ups and similar community initiatives)</u></p> <p><u>(viii) Identify targets and establish monitoring programs and mechanisms to report annually to the community on the achievement of the targets, for at least the first five years of operation of the shared path.</u></p>
<i>Little Penguin Management Plan</i>	
EM.2	The Consent Holder shall prepare a LPMP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.
EM.3	The purpose of the LPMP shall be to as far as reasonably practicable avoid, but otherwise minimise, adverse effects on the Little Penguin population established in and adjacent to the existing revetment, during design and Construction Works.
EM.4	The LPMP shall be prepared by a suitably qualified person in consultation with the Little Penguin Interest Group.
EM.5	<p>The LPMP shall address the following matters:</p> <p>(a) Measures to minimise adverse effects on the Little Penguin population during construction, including that:</p> <p>(i) Two Little Penguin detection dog surveys, or a detection method approved by a Little Penguin expert appointed by the Consent Holder, must be undertaken in January prior to the Commencement of Construction in each bay. The purpose is to identify active Little Penguin burrows and nests</p>

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	<p>within the construction area of each bay. No Construction Works shall occur in an area not surveyed in accordance with this provision; and</p> <p>(ii) The GPS coordinates for all active burrows and nests identified in (i) must be recorded;</p> <p>(b) A protocol for enabling Little Penguins active burrows and nests identified under (a) within the construction area of each bay to be relocated to a site outside of the construction area between 1 February and 30 June. The protocol will include measures to ensure that the formerly active burrows and nests will not be reoccupied so that Construction Works can proceed. The protocol will be prepared by a Little Penguin expert appointed by the Consent Holder;</p> <p>(c) A programme for monitoring Little Penguins within or adjacent to the construction area during the Construction Works proportionate to the scale of the works in that area and the number of burrows and nests to determine whether any reasonably practicable steps can be undertaken by the Consent Holder to further reduce adverse effects, including steps provided for in the HEP (refer Conditions EM.7 to EM.9);</p> <p>(d) Staff and contractor training;</p> <p>(e) Identification of specific areas where Little Penguin and dog control signage would be beneficial to reduce the risks of adverse effects on Little Penguins; and</p> <p>(f) Opportunities to enhance Little Penguin habitat through detailed design, including:</p> <p>(i) Potential seawall design opportunities to restrict road access for Little Penguins through penguin passage elements; and</p> <p>(ii) Potential rock rip rap design opportunities to include key holes for Little Penguin nests.</p> <p><i>Advice note: The handling of protected wildlife will require permits to be obtained from the Department of Conservation under the Wildlife Act 1953.</i></p>
EM.6	Any outcomes from monitoring under Condition EM.5(c) shall be applied, as appropriate, to future Construction Works by revising the LPMP so that over time processes and responses to minimise effects on Little Penguins are refined and improved. The results of the monitoring shall be provided to the Little Penguin Interest Group and the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion.
<i>Habitat Enhancement Plan</i>	
EM.7	The Consent Holder shall prepare a HEP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5 prior to Commencement of Construction.
EM.7A	The HEP shall be prepared by a suitably qualified ecologist in consultation with the Little Penguin Interest Group and the Eastbourne Dunes Restoration Group.
EM.8	The purpose of the HEP shall be to provide protection areas (as specified in Condition EM.1B and shown in Appendix 1) for the Little Penguin and Shoreline Forager populations.
EM.9	<p>The HEP must address and/or include the following within the protection areas:</p> <p>(a) fencing of the boundaries as shown in the plans in Appendix 1 with a minimum standard to keep dogs out;</p> <p>(b) pest management measures, using funding provided in Condition EM.1B;</p> <p>(c) a Planting Plan for revegetation as appropriate, including details of species to be planted and areas planting will take place in;</p> <p>(d) signage identifying the relevant habitat area to reduce the risks of adverse effects on Little Penguins and Shoreline Foragers;</p>

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Ref	Condition
	<p>(e) opportunities to enhance Little Penguin habitat within the protection areas including providing and maintaining a minimum of 20 nesting boxes <u>100 nesting opportunities across the -in each of the three</u> protection areas;</p> <p>(f) opportunities to enhance Shoreline Forager habitat in the protection areas, including wooden poles providing further safe roosting habitats;</p> <p>(g) provisions as appropriate to provide ecological resilience to sea level rise; and</p> <p>(h) timeframes for completing (as appropriate) the measures outlined in the HEP, including:</p> <p>(i) for the Whiorau Reserve protection area:</p> <p>A. fencing must be completed prior to Commencement of Construction (see (a) above);</p> <p>B. detailed design of habitat enhancement for the Little Penguin and Shoreline Foragers must be finalised, and nesting boxes and roosting measures must be installed, prior to Commencement of Construction (see (e) and (f) above);</p> <p>C. pest management measures must be installed and operational prior to Commencement of Construction (see (b) above);</p> <p>D. signage must be installed prior to Commencement of Construction (see (d) above);</p> <p>E. planting shall be undertaken in accordance with the timeframes specified in the Planting Plan (see (c) above); and</p> <p>(ii) for the Bishops Park and HW Short Park protection areas, the establishment process (ie the measures specified in A to E above) must commence prior to Commencement of Construction, and measures A to D above must be completed within six months following Commencement of Construction (and the planting in accordance with the specified timeframes in the Planting Plan).</p>
<i>Intertidal and subtidal ecology</i>	
EM.10	<p>For any construction areas where there are intertidal rock pools or loose rocky material in the intertidal zone, prior to the Commencement of Construction the Consent Holder shall check any rock pools and under loose rocks within the construction area for fish (such as rock fish) and relocate them outside of the construction area. Initial training and guidance by a qualified ecologist will be required.</p> <p><u>Any salvage or relocation of fish or invertebrate shall be supervised by a suitably qualified and experienced person.</u></p>
EM.11	<p>For any construction areas that may extend into the subtidal zone, the Consent Holder shall:</p> <p>(a) Undertake all measures possible to reduce the construction area in the subtidal zone to the minimum required to complete the works in a safe and efficient manner, and avoid operating heavy machinery in the subtidal zone unless there is no reasonably practicable alternative. If works must occur in the subtidal zone, then the Consent Holder shall undertake appropriate measures to isolate the construction site from the subtidal zone to protect the site and prevent contamination release into the CMA, in accordance with the requirements of the certified CEMP;</p> <p>(b) During Construction Works within the subtidal zone the Consent Holder shall, where reasonably practicable, remove large rocks (greater than 0.4m diameter that are not part of the bedrock material and can be safely moved) that have been colonised with biota. They shall be placed in a nearby subtidal zone until the Completion of Works in that area. On completion of works, the rocks shall either be returned to the area from which they were removed, left at their new location or relocated to another appropriate subtidal location; and</p>

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	<p>(c) Avoid adverse effects on the seagrass beds at south Lowry Bay (as identified in Figure 3 of Appendix C2 of the AEE) from Construction Works and beach nourishment. Measures shall include, but not be limited to:</p> <p>(i) Monitoring of seagrass beds in south Lowry Bay before and after Construction Works and beach nourishment to confirm that the beach nourishment works have not resulted in any net loss of seagrass extent and cover through unforeseen physical encroachment into the seagrass beds, increased turbidity or altered hydrodynamics;</p> <p>(ii) The monitoring in (i) shall include mapping the perimeter of each seagrass bed and assessing the average plant cover within each bed immediately before works commence, immediately after works have been completed and 1 year after the completion of the beach nourishment works;</p> <p>(iii) The results of the monitoring in (i) shall be provided to the Manager, Environmental Regulation, Wellington Regional Council within 1 month of completion; and</p> <p>(iv) Monthly visual assessment near and around the seagrass beds during beach nourishment to assess how nourishment material is settling in and around the seagrass beds; and</p> <p>(iii)</p> <p>(v) Ensuring that the seagrass beds are appropriately marked during Construction Works and beach nourishment to avoid any potential adverse effects.</p> <p>(iv)(d) The monitoring in (c)(i) and (iv) above shall be undertaken by a suitably qualified and experienced ecologist or marine scientist.</p>
<i>Fish Passage</i>	
EM.12	<p>At the key outlets listed in Table 7 of Appendix B of the AEE, the Consent Holder shall:</p> <p>(a) Ensure that fish passage is improved or maintained at the existing level; and</p> <p>(b) Involve a qualified freshwater ecologist in the design of culvert extensions, alterations, and any specific fish passage features.</p>
EM.13	<p><u>Prior to construction affecting any of the outlets identified in Table 7 of Appendix B of the AEE commencing, the Consent Holder shall prepare and submit to the Manager, Environmental Regulation for certification, a plan for the monitoring of the effectiveness of any alteration or replacement to identified culverts modified by project works utilising an appropriate monitoring methodology selected from those outlined in Chapter 7 of New Zealand Fish Passage Guidelines to the satisfaction of a suitably qualified freshwater ecologist.</u></p> <p><u>If monitoring shows that fish passage is impeded the Consent Holder shall provide a programme and description of remedial actions to the Manager, Environmental Regulation, for certification within an agreed timeframe and undertake remediation actions as soon as practicable.</u></p>
<i>Beach Nourishment Plan</i>	
EM.13EM.14	<p>The Consent Holder shall prepare a BNP and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5.</p> <p>Beach nourishment shall only occur in Point Howard beach, York Bay and south Lowry Bay and be deposited in general accordance with the Plans in Appendix 1 to these conditions. The maximum volume of material that may be deposited is 6,000m³, to be distributed between the three bays as outlined in Table 5-1 of Appendix F of the AEE.</p>
EM.14EM.15	The BNP shall include, but not be limited to:

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	<p>(a) The design conditions at the time of the beach nourishment and for the beach nourishment to achieve after 2 years;</p> <p>(b) The name and location of the sediment source;</p> <p>(c) Evidence of approvals and consents for taking the material and ensuring imported materials do not exceed allowable maximum contaminant levels under the relevant ADAWR (2019) Default Guideline Values;</p> <p>(d) A specification of the borrow material including:</p> <ul style="list-style-type: none"> (i) Ensuring no more than 2% of sediment is of a size smaller than 62 microns; (ii) The grading envelope; (iii) Colours; and (iv) Extent of placement; <p>(e) A construction methodology to limit potential adverse effects that includes, but is not limited to, the following measures:</p> <ul style="list-style-type: none"> (i) Separation and disposal offsite of silts and clays in beach excavation sediments; (ii) Use of beach nourishment sediments that are similar or slightly coarser than in situ sediments, that will maintain the existing profile without spreading onto seagrass beds; (iii) Excluding fine sediments from beach nourishment sediments; (iv) Only undertaking beach nourishment in the winter months between June and August; (v) Forming the high tide construction beach with a slightly over-steepened profile; (vi) Only depositing as much sediment on the beach as can be transferred along the placement area in the day of placement; (vii) Only transferring and shaping the beach profile during lower tide levels in calm conditions, and such that the formed toe does not extend much beyond mean low water springs; (viii) <u>Staging beach nourishment such that nourishment material is placed in smaller volumes across two or three treatments instead of one treatment unless suitable justification that it is not practicable or will result in adverse effects that are greater than placement in one treatment can be provided.</u> (vii)- (viii)(ix) <u>Minimising the working area and mobilization of sediment;</u> (ix)(x) <u>Stockpiling woody debris and then replacing woody debris in the wrack line following beach nourishment;</u> (x)(xi) <u>Avoiding the placement of beach nourishment materials no further south than the centerline of Gill Road at the southern end of Lowry Bay;</u> (xii) <u>specify the methods to separate excavated beach sediments from shared path foundations into those suitable for placement on beaches, and dispose offsite those that have significant levels of silt and clay;</u> (xiii) <u>At Lowry Bay, ensure any barging of beach nourishment material is appropriately separated from seagrass beds to avoid any disturbance; and</u> (xiv) <u>Ensuring all machinery used for the redistribution of excavated beach material (from the construction of the seawall itself) to create a bench above the high tide line shall remain above MHWS, and all bench material is not to extend below the MHWS line.</u> (xv) <u>Timing the addition of beach nourishment to follow seawall construction within the Bay as closely as possible to minimise the duration of disturbance</u>

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Ref	Condition
	<p>(xi) <u>Prepare a site within the beach nourishment area immediately seaward of the shared path footprint at Lowry Bay near the present pingao location that has a top layer of uncompacted beach sediments. Translocate the existing pingao patch and other vegetation and their gravel and sand habitat at Lowry Bay to this site; Andand</u></p> <p>(f) Placing imported beach sediment along the entire designated placement area rather than in one discrete location;</p> <p>(g) Minimising the potential to block stream outlets with fish passage during beach nourishment by:</p> <p>(i) Identifying pipe outlets that are identified as important for fish passage as identified in Table 7 of Appendix B of the AEE;</p> <p>(ii) Avoiding initial placement of sediment from within 20 m of existing outlets; and</p> <p>(iii) Monitoring of stream outlets indicated in Table 6 of Appendix B of the AEE during beach nourishment and then fortnightly for the first 6 months after nourishment and monthly for another 6 months thereafter to check they remain clear. If blocked, the Consent Holder shall clear gravels and sand blocking the outlets.</p> <p><i>Advice note: Clearance of any accumulated material at the outlets may require a separate consent if not able to comply with permitted activity standards.</i></p>
<i>Beach monitoring and management – beach nourishment</i>	
EM.16EM.16	<p>The Consent Holder shall undertake monitoring of beach volume via 6 monthly beach profiles (or equivalent elevation surveying techniques) to ensure the actual effect on beach sediment processes is in line with the expectations for generally minor redistribution of beach material.</p> <p>The monitoring shall commence prior to the Commencement of Construction in each bay in Condition EM.14EM.13, and continue for 2 years after Completion of Construction in that bay. If nourishment occurs in more than one bay, the monitoring timing shall be aligned so that the monitoring of each bay occurs at the same time.</p> <p>This monitoring information shall be interpreted at the end of the 2 year period in that bay by an experienced coastal scientist and that interpretation shall be provided to the Manager, Environmental Regulation within 1 month of its completion.</p>
EM.16EM.17	<p>The monitoring should include the nourished area and the foreshore at the base of the seawall extending at least 60 metres along the seawall at both edges of the nourished area at York Bay and Point Howard beach, and 60 metres to the south and 240 metres to the north of the nourishment at Lowry Bay.</p>
EM.17EM.18	<p>If beach nourishment monitoring results in Condition EM.16EM.16 show that design conditions in the BNP have not been met, then the Consent Holder shall, if deemed to be required by an experienced coastal scientist or engineer, 'top up' the beach nourishment and/or undertake beach maintenance as recommended.</p> <p>Only one 'top up' event may occur at each location. If a 'top up' is required it shall occur within 2 years of the completion of the monitoring. If a 'top up' is required at more than one bay then the nourishment and/or maintenance shall, if possible, be undertaken at the same time.</p> <p>The design conditions of such 'top ups' shall be prepared by an experienced coastal scientist or engineer and certified as meeting the design conditions of the beach nourishment in the BNP by the Manager, Environmental Regulation in accordance with the requirements of Condition GC.5. To avoid doubt, Condition EM.15EM.14(e) applies to any beach nourishment 'top up'.</p>
EM.18EM.19	<p>An intertidal and subtidal benthic invertebrate monitoring programme designed by a qualified ecologist will be undertaken at least 12 months after the completion of beach nourishment in that bay to assess whether the redistributed beach nourishment material is having any significant adverse effect on the benthic intertidal and subtidal biota.</p>

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Ref	Condition
	If monitoring results show that redistributed beach nourishment material has had significant adverse effects on the benthic intertidal and subtidal biota, any 'top ups' under <u>EM.18</u> EM.17 will be designed by the Consent Holder to appropriately minimise those significant adverse effects on benthic intertidal and subtidal biota.
<i>Seawall and revetment habitat</i>	
EM.2049	<p>The Consent Holder shall engage a suitably qualified ecologist to prepare a Seawall and Revetment Habitat Plan (SRHP) and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5 prior to Commencement of Construction. The SRHP shall provide for appropriate habitat for intertidal biota, including but not limited to: The Consent Holder shall engage a suitably qualified ecologist to prepare a Seawall and Revetment Habitat Plan (SRHP) that provides for intertidal biota, including:</p> <ul style="list-style-type: none"> (a) incorporating textures to the curved surfaces and depressions to the flat platforms of the curved seawalls including: <ul style="list-style-type: none"> (i) within the 'low encroachment zone' to help offset the existing intertidal area lost to the 'high' and 'medium' encroachments; and (ii) in areas where the seawall is wholly above the existing high tide mark to provide ecological resilience to sea level rise; (b) drilling rock pools into the hard revetment rock of the mid-low tide zone; (c) reuse of larger colonised rock material; (d) purpose-made rock pool features (to be used where appropriate, and without compromising structural integrity); (e) where appropriate and/or feasible, pre-cast 'pot plant/window box structures that can be added to the surface of the curved seawall; and (f) a map of appropriate scale, showing where each method of enhancement will occur.

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Landscape, Urban Design and Visual (LV)

Ref	Condition
<i>Landscape and Urban Design Plan</i>	
LV.1	The Consent Holder shall prepare a LUDP for the Project and submit this to the Manager, Environmental Regulation for certification in accordance with the requirements of Condition GC.5. The Consent Holder shall provide the LUDP for certification within 3 months of the commencement-granting of the consents. The process to prepare the LUDP, including as set out in Condition LV.3, must be completed within this timeframe.
LV.2	The purposes of the LUDP are to: <ul style="list-style-type: none"> (a) Provide a detailed design for the Project that responds to local landscape character, identity and land use and is in general accordance with the Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); (b) Integrate the Project's permanent works into the surrounding landscape and urban context and to illustrate the urban and landscape design elements of the Project; and (c) Outline methods and measures to avoid or minimise adverse effects on natural character, landscape and recreational amenity during the construction of the Project.
LV.3	The LUDP shall be prepared by the Consent Holder, with input from an suitably qualified and experienced an ecologist, engineer, landscape architect, recreation specialist, traffic engineer and urban designer, and in consultation with: <ul style="list-style-type: none"> (a) Wellington Tenth's Trust; (b) Port Nicholson Block Settlement Trust; (c) Relevant Resident Associations; (d) Hutt City Council (Parks and Reserves); and (e) Eastbourne Community Board.
LV.4	The LUDP shall reflect and/or incorporate the plan in Condition EM.19 as appropriate and , as a minimum, shall address how the detailed design of the Project: <ul style="list-style-type: none"> (a) Achieves design outcomes based on the following-general-hierarchyconsideration of the following of environmental effects: <ul style="list-style-type: none"> (i) Safety; (ii) Ecology; (iii) Natural character; (iv) Public access; and (v) Urban design, recreational and visual amenity; (b) Responds to conflicts between any of the matters listed above, including in relation to the significance (if any) of their values relevant to the specific design matters being considered, and the significance of the matters in the context of each individual bay; (c) Responds to any relevant design elements recommended in the LPMP in Condition EM.5 and the HEP in Condition EM.9 while applying the same approach as in (a) and (b); and (d) Responds to: <ul style="list-style-type: none"> (i) The design principles set out in Appendix J: Design Features Report (dated January 2019), and other relevant plans and documents referred to in Conditions GC.1 and GC.2(a); and (ii) Relevant Industry Standards.

Ref	Condition
<i>Bay Specific Urban Design Plans</i>	
LV.5	<p>The LUDP shall include the final BSUDPs for each bay within the Project area, which shall address the detailed design, within the particular bay, for the benefit of pedestrians, cyclists and others using the local road network as well as the specific urban design, landscape, ecology and recreational amenity matters, including those listed in Condition LV.7, as relevant to the particular bay.</p> <p>The final BSUDPs may either be attached to, and certified as part of, the initial LUDP or prepared later, and added to the LUDP on a staged basis, if the Construction Works are staged bay by bay and individually certified under Condition LV.6.</p>
LV.6	<p>The BSUDPs shall be prepared by the Consent Holder in two stages for each bay:</p> <p>(a) Stage 1: A draft design protocol that sets out the priorities for the bay design in terms of engineering and safety requirements as well as ecology, natural character, landscape, urban design and recreational amenity elements and issues. <u>The draft design protocol shall provide visual representations of best practice coastal shared path projects, to demonstrate the level of design to be achieved.</u> The protocol shall be provided to the Relevant Resident Association for the affected bay (if any) and the Eastbourne Community Board for comments, if any, within 15 working days from receipt. Any comments received, and the Consents Holder's response and reasons if they are not accepted, are to be provided to the Manager, Environmental Regulation, <u>alongside the draft design protocol,</u> within 20 working days from receipt of the comments; and</p> <p>(b) Stage 2: The final BSUDPs, which are to be certified either on their own (in accordance with Condition GC.5) or (if included in the initial LUDP) when the LUDP is certified under Condition LV.1.</p>
LV.7	<p>The BSUDPs shall, include specific landscape and urban design details for:</p> <p>(a) Seawall structures, including transition zones between seawall types;</p> <p>(b) Beach access including steps, ramps and associated handrails where required;</p> <p>(c) Safety barriers and railing;</p> <p>(d) The treatment of stormwater structures at the coastal interface;</p> <p>(e) Little Penguin and Shoreline Forager related structures including penguin passage elements, ramps, nests, boxes and wooden poles for roosting;</p> <p>(f) Planting treatment;</p> <p>(g) The treatment of existing trees and existing landscape and natural features;</p> <p>(h) The design and area of space available for recreational amenity activities;</p> <p>(i) The design and orientation of features, spaces and access points;</p> <p>(j) Refuge and seating opportunities <u>including size and arrangement of space to allow for stopping and gathering at frequent intervals distributed along the route; and</u></p> <p><u>(k) Signage and storyboards; and</u></p> <p><u>(*) (l) Surface treatments.</u></p>
LV.8	<p><u>The consent holder shall engage a suitably qualified and experienced disability auditor to prepare an accessibility statement to guide design, and undertake accessibility audits in accordance with NZS 4121 Design for Access and Mobility – Buildings and Associated Facilities as part of detailed design</u></p>

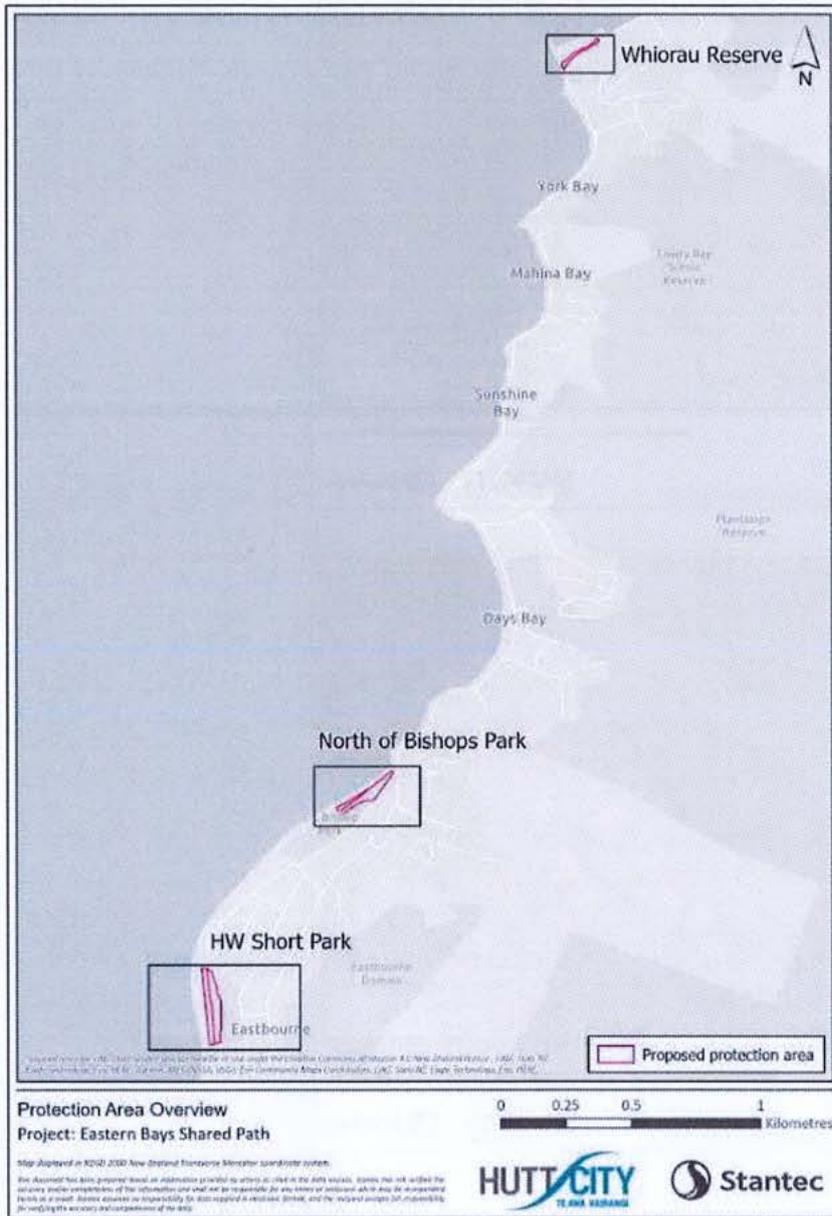
Archaeological Protocols (AP)

Ref	Condition
<i>Discovery of Archaeological Features or Deposits</i>	
AP.1	<p>If remains are exposed that are potentially archaeological features or deposits, the following procedure should be adopted:</p> <ul style="list-style-type: none"> (a) Earthworks should cease in the immediate vicinity while an archaeologist is consulted to establish whether the remains are part of an archaeological site as defined under the Heritage New Zealand Pouhere Taonga Act 2014. (b) If the archaeologist confirms that it is an archaeological site, the area of the site will be defined by the archaeologist and excluded from earthworks. (c) HNZPT will be informed of the discovery and, if the site cannot be avoided, an application for an archaeological authority to modify or destroy the archaeological site will be made (this is a legal requirement). (d) If the archaeological site relates to Māori occupation, Taranaki Whānui must be consulted. (e) No work can be carried out that will affect the site until the archaeological authority has commenced. (f) Any conditions attached to the archaeological authority must be complied with.
<i>Discovery of Taonga</i>	
AP.2	<p>Maori artefacts such as carvings, stone adzes, and greenstone objects are considered to be taonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975. Taonga may be discovered in isolated contexts, but are generally found within archaeological sites, modification of which is subject to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014.</p> <p>If taonga are discovered the following procedure will apply to the taonga itself:</p> <ul style="list-style-type: none"> (a) The area of the immediate site containing the taonga will be secured in a way that protects the taonga as far as possible from further damage. (b) The archaeologist will then inform HNZPT and the nominated Taranaki Whānui representative so that the appropriate actions (from cultural and archaeological perspectives) can be determined. (c) Work may resume when advised by HNZPT or the archaeologist. (d) The archaeologist will notify the Ministry for Culture and Heritage of the find within 28 days as required under the Protected Objects Act 1975. This can be done through the Auckland War Memorial Museum. (e) The Ministry for Culture and Heritage, in consultation with Taranaki Whānui, will decide on custodianship of the taonga.
<i>Tangata Whenua Contacts</i>	
AP.3	<p>The contact details for Taranaki Whānui are as follows:</p> <ul style="list-style-type: none"> (a) Port Nicholson Block Settlement Trust – Kirsty Tamanui telephone: +64 27 459 9050 PO Box 12164, Thorndon, Wellington 6144 (b) Wellington Tenth Trust (Wellington) – Morrie Love telephone: +64 27 454 0148 PO Box 25499, Wellington Level 2, Te Raukura, Taranaki Street Wharf, 15 Jervois Quay, Wellington

APPENDIX 1: PROTECTION AREAS

Overview

Commented [SW1]: Need to update to include Sorento Bay



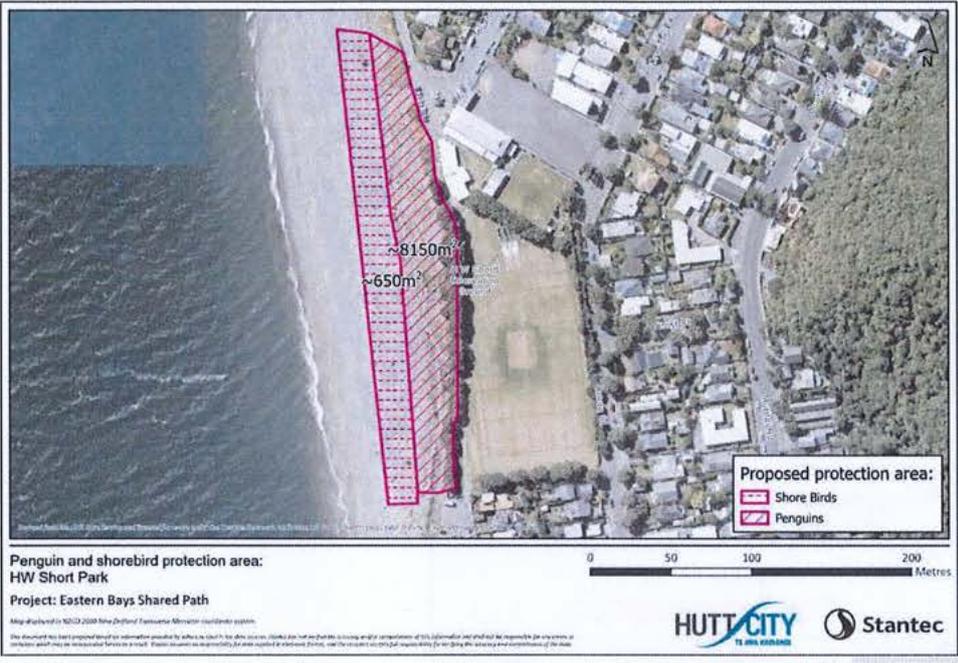
1. Whiorau Reserve



2. Bishops Park



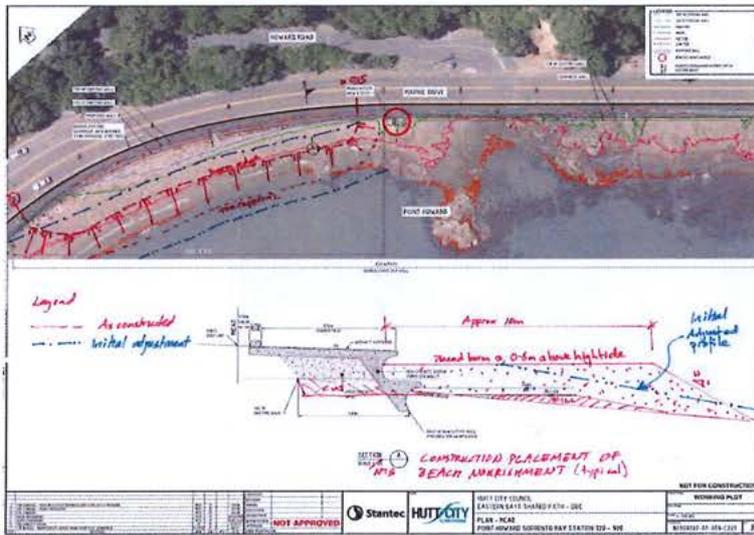
3. HW Short Park



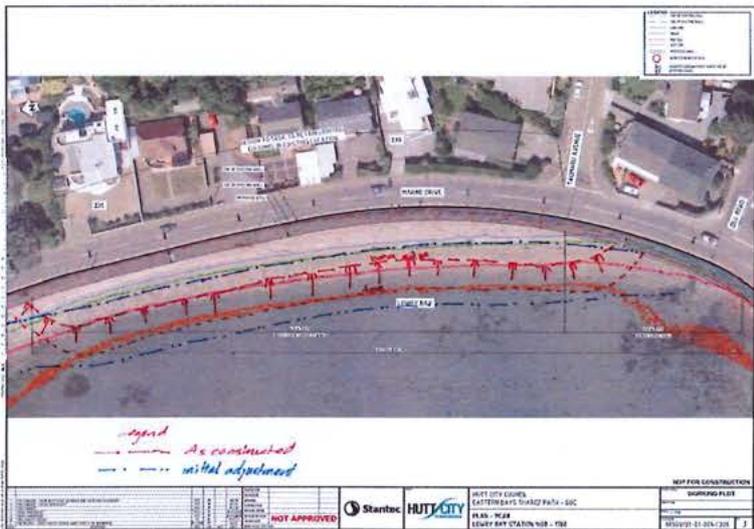
APPENDIX 2: BEACH NOURISHMENT PLANS

[Note: Draft plans are included below. These will be replaced with final plans (once these have been prepared).]

Beach Nourishment – Point Howard



Beach Nourishment – Lowry Bay



Beach Nourishment – York Bay

