

# Memo

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**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

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## 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.