

**BEFORE THE GREATER WELLINGTON REGIONAL COUNCIL AND HUTT
CITY COUNCIL
EASTERN BAYS SHARED PATH PROJECT**

Under the Resource Management Act 1991

In the matter of applications for resource consents by Hutt
City Council under section 88 of the Act, to
carry out the Eastern Bays Shared Path Project

**SUMMARY STATEMENT OF EVIDENCE OF CAROLINE ANN VAN HALDEREN
(PLANNING) ON BEHALF OF THE APPLICANT**

16 December 2020

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1. My name is **Caroline van Halderen**. I provided evidence dated 30 November 2020 on behalf of Hutt City Council ("**HCC**") assessing the resource consents for the Eastern Bays Shared Path Project (the "**Project**") in light of the considerations set out in the relevant sections of the Resource Management Act 1991 ("**RMA**"). The main points of my evidence can be summarised as follows.
2. The Project requires resource consents from Greater Wellington Regional Council ("**GWRC**") and HCC, as works will be undertaken in the coastal marine area ("**CMA**") and within the road corridor.
3. By bundling the activity statuses for the regional and district consents, the Project is non-complying.
4. Relying on the evidence on behalf of HCC, and taking into account the avoidance and minimisation measures in the proposed conditions, I consider that the adverse effects of the Project are minor (or less).
5. The Project has been carefully designed and developed with expert assistance to ensure that adverse effects on indigenous biodiversity have been avoided, in line with Policy 11(a) of the the NZCPS and Policies P39A(a), P40 and P41 of the PNRP. Significant effort has been applied to achieve an outcome whereby all effects on indigenous biodiversity are assessed as less than minor.
6. In my opinion, overall, the Project is consistent with the objectives and policies of the relevant plans, in particular the NZCPS and the PNRP.
7. I therefore consider that the Project meets the gateway tests in section 104D(1) of the RMA. Having passed the gateway test, the Project can be assessed against section 104 of the RMA. I rely on my evidence and the proposed conditions, in relation to the significant positive effects of the Project, and the appropriate management of adverse effects in order to be consistent with the relevant planning provisions.
8. The Project will create a safe and connected walking and cycling route along the Eastern Bays. This enhanced connectivity will result in social, cultural and economic benefits. It will also create recreation and tourism opportunities, and positive benefits to health and wellbeing. Improved safety will also encourage the uptake of active modes of transport, reducing congestion and CO₂ emissions and most importantly providing sustainable travel choices.
9. The Project includes replacement seawalls to provide improved protection from storm events for Marine Drive and regionally significant infrastructure,

and will provide the first step in enabling Marine Drive to respond to the challenges of sea level rise.

10. The Project has raised the public awareness of the plight of little penguins and oystercatchers. It presents the opportunity to educate the public on these birds through designated protection areas, signage and storyboards that will be part of the detailed design stage of the Project.
11. There are also other opportunities to showcase the cultural, historic and ecological elements of the area through storyboards, and to highlight how the Project responds to these elements through design features. Provision for active and meaningful partnership with mana whenua is proposed along with opportunities for mana whenua to exercise kaitiakitanga.
12. Following extensive engagement with the community and stakeholders, and responding to feedback, the Project went through a number of design refinements. These related to a wide range of issues such as path width, beach amenity values and access to the beach, loss of parking, safety, bus stops, penguins and wave overtopping.
13. There is overwhelming support for the Project from the community and stakeholder groups. Only 14 of the 200 submissions received on the Project requested that it be declined.
14. There is a clear commitment by HCC and the Project team, as noted in the proposed conditions, to maintain the high levels of engagement and community involvement through the detailed design process.
15. I note a modification in Condition EM.14(g)(ii) relating to fish passage. **Dr James** in his evidence recommended HCC should avoid blockages of outlets by beach nourishment gravels through not installing gravels within 10m of certain outlets, and monitoring these outlets during peak migration period of banded kōkopu. Condition EM.14(g)(ii) should therefore state:

*“Avoiding initial placement of sediment from within **10m** of existing outlets”.*

16. In the section 42A report (p 62), the officer requested confirmation of the loss of high tide beach area at Lowry Bay. There is a reduction in beach area at Lowry Bay due to the competing requirements of avoiding impact on the seagrass beds and maintaining the beach. The table included in the AEE and repeated in the section 42A report has overestimated the likely reduction as it does not include the translation of MHWS to the north of the placement area. The likely outcome of both moving the beach sediment seaward and the importing of new sand in Lowry Bay is to move the MHWS spring line from the present MHWS position around 2.5m to around the high tide line as indicated in the sketch by **Richard Reinen-Hamill** (Appendix D of the Beach Nourishment Report and attached to the proposed conditions). This change will occur both within the area where beach nourishment is placed and along

to the north, a distance of around 50m, or an additional 125m of dry beach. Therefore, the net beach loss is around -254m² and not -379m² and the percentage difference is around 19%.

17. A significant amount of work has been undertaken in identifying protection areas for penguins and shorebirds, including restrictions relating to the oystercatcher breeding season, an oystercatcher protection area (along with the other protection areas) and pest management. In my opinion the avoidance measures proposed through the evidence of **Dr Cockrem** address the outstanding concerns on oystercatchers raised in the GWRC section 42A report (and the Addendum). I consider that these measures provide the "pathway" to the Project being consistent with the avoidance policies of the PNRP and the NZCPS and, overall, relying on HCC's experts, the effects will be no more than minor.

18. **Dr Cockrem** has recommended an educational campaign be undertaken, aimed at birdlife in the Project Area, in particular variable oystercatchers. I therefore propose the following new condition (as condition **EM.1E**)

"The Consent Holder shall carry out a public educational campaign aimed at recognising, protecting, and raising public awareness of birdlife in the Project Area, including variable oystercatchers. The campaign shall:

(a) commence within nine months of commencement of consents;

(b) continue for a minimum of five years; and

(c) provide current information on variable oystercatchers within the Project Area and how to minimise or prevent risks and threats to oystercatchers in the Project Area.

The Consent Holder shall pay \$15,000 towards this campaign."

19. Apart from the concern about oystercatchers, the section 42A reports of both councils reach a similar conclusion in that they are generally supportive of the Project.

20. I therefore consider that granting the consents for the Project will promote the purpose of the RMA as reflected through the relevant planning documents. The proposed conditions of consent, which have been significantly refined since the version attached to the AEE, will ensure the adverse effects have been appropriately managed and the significant positive effects of the Project can be realised.