

## Appendix J: Megan Oliver expert review comments



## MEMO

TO Shannon Watson  
COPIED TO Roger Uys, Iain Dawe, Evan Harrison  
FROM Megan Oliver  
DATE 9 May 2019  
FILE NUMBER

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### **Eastern Bays Shared Path notified consent – Review of Appendix A, Assessment of environmental effects for intertidal ecology, and Appendix C, Seagrass survey**

I have reviewed the following reports to assess the impacts of the proposed construction works on the marine ecology of the Eastern Bays area:

- Appendix A-1: Assessment of environmental effects for intertidal ecology
- Appendix A-2: Assessment of environmental effects of beach nourishment in intertidal and subtidal beach areas
- Appendix C-1: An assessment of ecological effects on the proposed Eastern Bays Shared Path Project on coastal vegetation and avifauna (focus on seagrass)
- Appendix C-2: Seagrass survey, Point Howard, Lowry Bay, York Bay and Hutt River Estuary, December 2018

My review is presented in three parts to cover the assessed impacts on (1) intertidal rocky shore ecology, (2) intertidal and subtidal beach ecology, and (3) seagrass.

#### **Intertidal rocky shore ecology**

I have reviewed Appendix A-1: Assessment of environmental effects for intertidal ecology and find the sampling methods and subsequent taxonomic and statistical analyses to be appropriate for the purpose of the survey. I agree with the authors' characterisation of the habitats, infauna, macroalgae and sediment contamination, and with the conclusion that the community composition is what would be expected for this section of coastline and is similar to that found elsewhere in Wellington Harbour.

I strongly support the recommended additional mitigation measures for "high" and "medium" encroachment zones. As acknowledged in the report, enhancing what would otherwise be smooth concrete walls with textured concrete panels to provide habitat complexity will be essential for

mitigating the impacts of this project. I also strongly support the addition of rock pools drilled or cast into the steps of the curved walls and into the hard revetment rock. And I would encourage the applicants to provide additional habitat above the present-day intertidal zone (“low encroachment zones”) for future ecological resilience to sea level rise. This is consistent with the objectives of the PNRP to safeguard aquatic ecosystem health, including biological and habitat outcomes.

There are two points about which I have concerns or am not convinced are feasible:

1. The methodology for working in the subtidal areas while isolating the construction site. It is not entirely clear how this will be achieved, and crucially how cement- or sediment-laden water will be kept from flowing into coastal waters; and
2. Having contractors trained to check in rock pools and relocate fish outside the construction zone; I would prefer that a marine ecologist was on site to carry out this task, unless the contractors have a qualified environmental manager on site capable of doing this.

### **Intertidal and subtidal beach ecology**

I have reviewed Appendix A-2: Assessment of environmental effects of beach nourishment in intertidal and subtidal beach areas and find the sampling methods, analyses and subsequent conclusion about the beach infauna and habitat to be appropriate and reasonable.

I agree with the assessment that there will be high immediate mortality following deposition of sand, but that recolonization will be reasonably quick. I strongly support **all** mitigation measures proposed and the requirement for follow up monitoring of beach infauna a year later. This will provide highly valuable information for ongoing renourishment at this site, and future projects at other sites.

### **Seagrass**

I have reviewed the seagrass survey report and find the methods and observations to be generally sound. I would like the presence of seagrass flowers to be verified by a seagrass expert such as Fleur Matheson (NIWA Hamilton) as this is an incredibly valuable find, and from conversations with Fleur I don't think flowers have been seen as far south as Wellington before. If indeed, these are confirmed to be flowers then the value of these remnant meadows is even greater as they represent the most southern record of flowers and a potential seed bank.

Overall, my greatest concern with the seawall and beach nourishment work proposed for this project relates to the survival of the seagrass meadows in Lowry Bay. As noted in the reports, the three occurrences of seagrass in Lowry Bay represent the last of this habitat type in Wellington Harbour. And in fact, outside of Porirua Harbour, I am not aware of any other seagrass meadows left in the region. As such, these highly valuable, biogenic habitats are under threat of local extinction from smothering and erosion resulting from this project.

It is possible that the addition of sand to the beach and its subsequent redistribution could provide better substrate for the seagrass to spread, compared with the cobble habitat surrounding some of the meadows now. But as the beach nourishment report notes, “..there is little detail of the level of

redistribution of sediments over time..” and so the impact of this project and the outcome for these meadows is far from certain.

Seagrass has a threat status of “At Risk-Declining” and is listed as a habitat with significant indigenous biodiversity values in the coastal marine area in Schedule F5 of the Proposed Natural Resources Plan (PNRP) for the Wellington Region. As such, the PNRP directs these habitats to be protected and restored, for ecological connections to be maintained between fragmented habitats, to provide adequate buffers and to avoid cumulative adverse effects and incremental loss. The mitigation measures outlined are not sufficient to protect or restore the seagrass. I would like to see further consideration given to monitoring and mitigating the impact of sedimentation and changes in hydrodynamics on these meadows.

In the very least an environmental monitoring officer should be present to monitor sediment deposition on the seagrass beds resulting from construction works and sand deposition. In the event that sediment is visibly accumulating on the beds, then work should be stopped and only resumed once natural flushing of the sediment has occurred. I would recommend a seagrass expert be consulted for further advice.

**Dr Megan Oliver**

Team Leader, Marine and Freshwater Team  
Environmental Science Department

## Ainslee Brown

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**From:** Megan Oliver  
**Sent:** Thursday, 16 May 2019 3:48 PM  
**To:** Shannon Watson  
**Subject:** Re: Question on EBSR review comments

Hi

No I am just saying that this will be hard and once a contractor is appointed this must be considered. Cement laden water cannot be allowed to enter the CMA.

M

Dr Megan Oliver  
Team Leader Marine and Freshwater  
Greater Wellington Regional Council

On 16/05/2019, at 3:20 PM, Shannon Watson <[Shannon.Watson@gw.govt.nz](mailto:Shannon.Watson@gw.govt.nz)> wrote:

Hi Megan

In relation to your below comments (highlighted) on the Eastern Bays Shared Path:

*There are two points about which I have concerns or am not convinced are feasible:*

1. *The methodology for working in the subtidal areas while isolating the construction site. It is not entirely clear how this will be achieved, and crucially how cement- or sediment-laden water will be kept from flowing into coastal waters; and*
2. *Having contractors trained to check in rock pools and relocate fish outside the construction zone; I would prefer that a marine ecologist was on site to carry out this task, unless the contractors have a qualified environmental manager on site capable of doing this.*

Are you wanting further information in this respect to be provided as part of the process now? Or would you be comfortable with requiring Management Plans/construction methodologies in this respect to be reviewed by yourself (or other suitably qualified expert) prior to any construction commencing. My concern is that the applicant does not have a contractor formally engaged to carry out this work and that the methodology will likely change depending on the contractor – we have to be careful not to request detailed information at this point which may ‘lock’ the applicant into something the eventual construction contractor does not agree with or cannot achieve.

Cheers

**Shannon Watson** | Environmental Regulation

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*Te Pane Matua Taiao*

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**T: 04 830 4461**

## Ainslee Brown

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**From:** Ainslee Brown  
**Sent:** Thursday, 24 October 2019 6:27 PM  
**To:** Ainslee Brown  
**Subject:** Megan Oliver comments seagrass Further Information Request (s92) - WGN190301 RM190124 (Memorandum 2)

**From:** Megan Oliver <Megan.Oliver@gw.govt.nz>  
**Sent:** Monday, 26 August 2019 4:16 PM  
**To:** Douglas Fletcher <Douglas.Fletcher@gw.govt.nz>  
**Cc:** Angus Gray <agray@doc.govt.nz>; Iain Dawe <Iain.Dawe@gw.govt.nz>; Jo Frances <Jo.Frances@gw.govt.nz>; Shannon Watson <Shannon.Watson@gw.govt.nz>; Roger Uys <Roger.Uys@gw.govt.nz>  
**Subject:** RE: Eastern Bays Shared Path project: Further Information Request (s92) - WGN190301 & RM190124 (Memorandum 2)

Hi Doug,

I have reviewed Annexure 2: Report on Seagrass prepared in response to my request for further information. I am broadly satisfied with the response prepared by Dr Fleur Matheson. I am less convinced however, having attempted seagrass transplants with Fleur, of the likely success of "assisted restoration using small scale restoration". Our attempts in Porirua Harbour were twice unsuccessful.

However, I agree with the proposed monitoring approach for delineating the seagrass meadows ahead of construction and monitoring the patch size and density before and after nourishment. I would add that periodic visual assessment of sand deposition near and around the meadows would be useful; just to check how the nourishment material is settling in and around the meadows.

Megan

### Dr Megan Oliver

Team Leader | **Kaitaki-a-tīma**

Marine & Freshwater Team

Environmental Science Department | **Te Taiao**

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**From:** Shannon Watson <Shannon.Watson@gw.govt.nz>  
**Sent:** Tuesday, 20 August 2019 3:17 PM  
**To:** Roger Uys <Roger.Uys@gw.govt.nz>; Megan Oliver <Megan.Oliver@gw.govt.nz>  
**Cc:** Angus Gray <agray@doc.govt.nz>; Iain Dawe <Iain.Dawe@gw.govt.nz>; Douglas Fletcher <Douglas.Fletcher@gw.govt.nz>; Jo Frances <Jo.Frances@gw.govt.nz>  
**Subject:** FW: Eastern Bays Shared Path project: Further Information Request (s92) - WGN190301 & RM190124 (Memorandum 2)

Hi Megan and Roger

The second part of the Eastern Bays Shared Path request for further information, related to seagrass, penguin and coastal bird concerns, has now come in for consideration. The consent will remain on hold under s92 of the Resource Management Act until ALL of the information has been provided and confirmed as appropriately addressing the information requested.

Can you please review the attached response and confirm whether or not the concerns you identified in your original assessments have been addressed by the applicant (I have attached the s92 request for ease of reference). Can you please advise:

- Any areas of concern that have been addressed by the response
- Any areas of concern not appropriately addressed by the response
- what further information you require for any remaining concerns to be 'closed out' and the format in which you would like this information to be provided

It would be appreciated if you could review the final response and provide any comments back to **Doug Fletcher** ([douglas.fletcher@gw.govt.nz](mailto:douglas.fletcher@gw.govt.nz)) by **Monday 26 August 2019** as I will be in South America.

**Iain, Angus** – this is FYI but happy to hear any concerns that you may have.

Please let me or Doug know ASAP if you are not able to meet this timeframe.

Please give me a call if you have any questions.

**Shannon Watson** | Kaitohutohu / Resource Advisor, Environmental Regulation

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**From:** Van Halderen, Caroline <[Caroline.VanHalderen@stantec.com](mailto:Caroline.VanHalderen@stantec.com)>

**Sent:** Tuesday, 20 August 2019 2:27 PM

**To:** Shannon Watson <[Shannon.Watson@gw.govt.nz](mailto:Shannon.Watson@gw.govt.nz)>

**Cc:** Simon Cager <[Simon.Cager@huttcity.govt.nz](mailto:Simon.Cager@huttcity.govt.nz)>; Povall, Jamie <[Jamie.Povall@stantec.com](mailto:Jamie.Povall@stantec.com)>

**Subject:** Eastern Bays Shared Path project: Further Information Request (s92) - WGN190301 & RM190124 (Memorandum 2)

Hi Shannon

I refer to your letter dated 29 May 2019 requesting further information under section 92(1). Please find the attached memorandum (Memorandum 2) outlining our responses to the requested information under the headings that are set out in your letter. Where necessary we have added more detail under a series of annexures attached to the memorandum. Please note that this memorandum contains further investigations that were undertaken on shoreline foragers, penguins and seagrass.

Ngā Mihi | Kind regards,

**Caroline van Halderen**

B Town and Regional Planning, MNZPI  
Senior Planner

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## MEMO

TO Shannon Watson, Jo Frances

COPIED TO

FROM Megan Oliver

DATE 14 February 2020

FILE NUMBER

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### **Eastern Bays Shared Path notified consent – Content of evidence summary regarding the application to conduct works associated with the construction of a 4.4km shared path along Marine Drive in Hutt City’s Eastern Bays**

#### **1. Qualifications and experience**

I have a PhD in Marine Biology from the University of Tasmania. I was employed for 14 years at the National Institute of Water and Atmosphere (NIWA), based in Wellington, as a marine ecologist. My work included a wide range of nearshore and offshore boat-based work, predominantly focussed on ecological assessments and monitoring of rocky reef environments. In 2011, I joined Greater Wellington Regional Council in the role of Senior Environmental Scientist (Coast) overseeing the coastal monitoring programme for the Wellington region. I am now the Team Leader of the Marine and Freshwater team in the Environmental Science department. I am a member of the NZ Marine Sciences Society and the NZ Coastal Society.

#### **2. Scope of evidence**

I am submitting on the effects of the proposed developments on the intertidal and subtidal ecology, and seagrass meadows, of the nearshore coastal environment.

With respect to the intertidal and subtidal rocky reef ecology, I agree with the authors’ characterisation of the habitats, infauna, macroalgae and sediment contamination, and with the conclusion that the community composition is what would be expected for this section of coastline and is similar to that found elsewhere in Wellington Harbour.

I strongly support the recommended additional mitigation measures for “high” and “medium” encroachment zones. As acknowledged in the AEE, enhancing what would otherwise be smooth

concrete walls with textured concrete panels to provide habitat complexity will be essential for mitigating the impacts of this project. I also strongly support the addition of rock pools drilled or cast into the steps of the curved walls and into the hard revetment rock. And I would encourage the applicants to provide additional habitat above the present-day intertidal zone (“low encroachment zones”) for future ecological resilience to sea level rise. This is consistent with the objectives of the PNRP to safeguard aquatic ecosystem health, including biological and habitat outcomes.

With regard to sandy beach ecology, I strongly support **all** mitigation measures proposed and the requirement for follow up monitoring of beach infauna a year later. This will provide highly valuable information for ongoing renourishment at this site, and future projects at other sites.

My main concerns relate to inadequate mitigation of the impacts of the development on remnant seagrass meadows.

### **3. Existing environment**

The Eastbourne coastline is broadly typical of the range of rocky reef and beach habitats found throughout Wellington Harbour. The invertebrate and macroalgal community composition is what would be expected for this section of coastline and is similar to that found at nearby sheltered rocky shore and beach habitats.

Of particular note along this coastline are the remnant seagrass meadows. The three occurrences of seagrass in Lowry Bay represent the last of this habitat type in Wellington Harbour. And in fact, outside of Porirua Harbour, I am not aware of any other seagrass meadows left in the region. As such, these highly valuable, biogenic habitats are under threat of local extinction from smothering and erosion resulting from this project. Furthermore, seagrass flowers were documented in these meadows at the time of the ecological assessment, and this may represent the southern-most record for this species (need confirmation from Fleur), and a potential seed bank, increasing the value and importance of this habitat.

Seagrass has a threat status of “At Risk-Declining” and is listed as a habitat with significant indigenous biodiversity values in the coastal marine area in Schedule F5 of the Proposed Natural Resources Plan (PNRP) for the Wellington Region. As such, the PNRP directs these habitats to be protected and restored, for ecological connections to be maintained between fragmented habitats, to provide adequate buffers and to avoid cumulative adverse effects and incremental loss.

### **4. Effects related to my area of expertise**

Overall, my greatest concern with the seawall and beach nourishment work proposed for this project relates to the survival of the seagrass meadows in Lowry Bay. I am concerned that physical destruction from direct encroachment, and reduced clarity and smothering from the addition and redistribution of beach nourishment material, will adversely affect the meadows.

## **5. Recommended mitigation or offset**

The *Memorandum 2 – Responses to Further Information Request* received on 26 August 2019, outlines the management hierarchy to address residual effects on seagrass habitat. I am satisfied that the final detailed design of the cycleway and beach nourishment will be undertaken to ensure there is absolutely no encroachment on seagrass habitat.

I am also broadly satisfied that the Coastal Physical Processes report concludes that turbidity resulting from beach nourishment activities is highly unlikely to exceed ambient conditions.

I support the mitigation measures outlined in Dr Fleur Matheson's report to delineate and monitor the seagrass beds. However, I am less comfortable with offsetting as an option, and the idea that small scale transplantation might be feasible, should the project experience net seagrass loss. I have worked with Dr Matheson on seagrass transplantation trials in Porirua Harbour and they were unsuccessful. So the strong preference is for this project to avoid, at all costs, any impact on the seagrass meadows.

## **6. Responses to issues in submissions**

Two submissions express concern about the impact of heavy machinery on coastal formations and associated flora and fauna (#80), and the ongoing disturbance and discharge of contaminants during the period of work (#190). The preparation of a Construction Environmental Monitoring Plan (CEMP) would provide collective reassurance that such impact will be managed and avoided.

An additional submission point from DOC (#161) reiterates my concerns about impacts on the seagrass meadows. My response is simply as above; the mitigation and management hierarchy would appear to be sufficient to minimise effects. However, given the incredibly high value of these remnant meadows and the fact they are locally very rare, every possible effort should be made to have no impact on these habitats, as there is little, if any, strong evidence for successful offsetting of seagrass.

## **7. Conclusions**

The proposed package of mitigation options is adequate to address the impacts of the development and ongoing use of the Shared Path on intertidal and subtidal ecology. Offsetting for net loss of seagrass is not a viable option for which we have any evidence of success, and the project should therefore, work incredibly hard to minimise all effects on these highly valuable biogenic habitats.

### **Dr Megan Oliver**

Team Leader, Marine and Freshwater Team  
Environmental Science Department

**From:** [Megan Oliver](#)  
**To:** [Shannon Watson](#)  
**Subject:** Re: EBSP ecological enhancement discussion  
**Date:** Wednesday, 1 July 2020 8:39:44 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)

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That all sounds good, Shannon. I have not had any luck getting in touch with my contacts at VUW re students so maybe leave that last rec in there re monitoring. Then it will get done.

Thanks  
Megan

Dr Megan Oliver  
Team Leader Marine and Freshwater  
Greater Wellington Regional Council

On 29/06/2020, at 12:11 PM, Shannon Watson <[Shannon.Watson@ghd.com](mailto:Shannon.Watson@ghd.com)> wrote:

I am recommending the preparation and certification of a standalone management plan to provide for review of the habitat enhancement on seawalls prior to construction. Applicant currently has provision of habitat enhancement features as part of the Landscape Urban Design Plan. I do not think this is appropriate as the LUDP is focused on achieving a visual effects outcome not an ecological outcome. I think a separate management plan is required to outline the ecological outcomes and monitoring against these outcomes.

I have recommended a condition similar to the one applied to Cobham Drive revetment

*Prior to construction the consent holder shall prepare and submit a Habitat Enhancement Plan (HEP) to the Manager, Environmental Regulation, Wellington Regional Council, for certification. The HEP shall be in general accordance with the information provided in the application and shall include, but not be limited to, the following details:*

- <!--[if !supportLists]-->• <!--[endif]-->Proposed measures that will be utilised to ecologically enhance the habitat of the seawalls and revetment, including the methodology for doing so; and*
- <!--[if !supportLists]-->• <!--[endif]-->Objectives or success criteria for the habitat enhancement*
- <!--[if !supportLists]-->• <!--[endif]-->A map of an appropriate scale, showing where each method of enhancement will occur*
- <!--[if !supportLists]-->• <!--[endif]-->Proposed monitoring measures and other remedial and mitigation opportunities available to the consent holder should monitoring show that habitat enhancement has not been successful.*

*No construction shall commence until the HEP has been certified in writing.*

Does this sound reasonable to you? Based on your previous email do you think the last bullet point is not required?

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**From:** Megan Oliver <[Megan.Oliver@gw.govt.nz](mailto:Megan.Oliver@gw.govt.nz)>  
**Sent:** Monday, 29 June 2020 11:55 AM  
**To:** Shannon Watson <[Shannon.Watson@ghd.com](mailto:Shannon.Watson@ghd.com)>  
**Subject:** RE: EBSP ecological enhancement discussion

Hi Shannon,

I had hoped to get some VUW students on board to carry out monitoring of these seawalls, as well as other seawalls going in around Wellington Harbour. I started the conversation but have not followed up with them.

I don't think monitoring by the applicant is really necessary.

Megan

**Dr Megan Oliver**

Team Leader | **Kaitaki-a-tima**

Marine & Freshwater Team

Environmental Science Department | **Te Taiao**

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**From:** Shannon Watson <[Shannon.Watson@ghd.com](mailto:Shannon.Watson@ghd.com)>  
**Sent:** Tuesday, June 23, 2020 10:31 AM  
**To:** Megan Oliver <[Megan.Oliver@gw.govt.nz](mailto:Megan.Oliver@gw.govt.nz)>  
**Subject:** EBSP ecological enhancement discussion

Hi Megan

Are you available over the next couple of days for a quick catch up about EBSP and your expectations in terms of requirements around ecological enhancement/provision of habitat on the seawalls and revetments and any monitoring or reporting around this – you didn't mention anything in relation to monitoring in your draft evidence/position statement and the applicant does not appear to have offered any monitoring or reporting on success (or not) of the habitat enhancement.

Thanks

**Shannon Watson**  
**Environmental Planner**

**GHD**

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[<image004.png>](#)

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**From:** [Megan Oliver](#)  
**To:** [Shannon Watson](#)  
**Subject:** RE: Eastern Bays Shared Path - Memorandum 6 response  
**Date:** Friday, 30 October 2020 12:40:30 PM  
**Attachments:** [image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)

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Kia ora Shannon,

No I do not have any outstanding concerns with the proposal. I do not expect monitoring to be carried out; I don't believe there is any precedent for asking an applicant to monitor the success or otherwise of seawall design? And as they say, what would then do about it anyway, if found to not be 'working'? But still keen to consider whether the uni might get some students on to it. But that is unrelated here.

I am satisfied with their response.

Megan

### **Dr Megan Oliver**

Principal Science Advisor - Marine

Conservation House | Whare Kaupapa Atawhai

Phone: +64 21 133 3320

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**From:** Shannon Watson <Shannon.Watson@ghd.com>  
**Sent:** Friday, 30 October 2020 10:00 am  
**To:** Sharyn Westlake <Sharyn.Westlake@gw.govt.nz>; Iain Dawe <Iain.Dawe@gw.govt.nz>; Megan Oliver <meoliver@doc.govt.nz>  
**Subject:** RE: Eastern Bays Shared Path - Memorandum 6 response

Morning team,

Friendly reminder that comments or a brief call to discuss your thoughts about the latest response from the applicant would be really appreciated today please. Given timeframe pressure I need to signal to the applicant ASAP whether there are any unresolved issues that require further discussion or conferencing in advance of the hearing and if possible get some thoughts together about what an appropriate response to mitigate or resolve these outstanding concerns might look like.

I will be at GWRC later this afternoon (2-3) and can come find you for a chat if you are likely to be around if that works better?

Thanks

**Shannon Watson**  
Environmental Planner

**GHD**

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**From:** Shannon Watson

**Sent:** Friday, 23 October 2020 4:24 PM

**To:** Roger Uys <[Roger.Uys@gw.govt.nz](mailto:Roger.Uys@gw.govt.nz)>; [catherine.hamilton@wsp-opus.co.nz](mailto:catherine.hamilton@wsp-opus.co.nz); Head, Jeremy <[Jeremy.Head@wsp.com](mailto:Jeremy.Head@wsp.com)>; Sharyn Westlake <[Sharyn.Westlake@gw.govt.nz](mailto:Sharyn.Westlake@gw.govt.nz)>; Iain Dawe <[Iain.Dawe@gw.govt.nz](mailto:Iain.Dawe@gw.govt.nz)>; Megan Oliver <[meoliver@doc.govt.nz](mailto:meoliver@doc.govt.nz)>

**Cc:** Anna McLellan <[Anna.McLellan@gw.govt.nz](mailto:Anna.McLellan@gw.govt.nz)>; Dan Kellow (InTouch) <[dan.kellow@huttcity.govt.nz](mailto:dan.kellow@huttcity.govt.nz)>; Michelle Conland <[Michelle.Conland@gw.govt.nz](mailto:Michelle.Conland@gw.govt.nz)>; Helen Anderson <[Helen.Anderson@ghd.com](mailto:Helen.Anderson@ghd.com)>

**Subject:** FW: Eastern Bays Shared Path - Memorandum 6 response

**Importance:** High

Hi all

As signalled earlier this week, we have now received the latest response from Hutt City Council on the Eastern Bays Shared Path. The files are too large to send individually but can be found in the file transfer link below:

### Login Information

**FTP link:** <https://tmpsftp.stantec.com>

**Login name:** s1104213903

**Password:** 4480436

**Expiry Date:** 11/18/2020

Please let me know if you have any trouble accessing the documents.

Note: "Memorandum 6 with appendices" includes the applicants responses to the questions raised in our July 9 Memo and the various appendices highlighted.

**Can you please review the latest response as it relates to your field of expertise and provide me with any comments or concerns that you have.**

Sharyn/Iain – is there a need to push further for post-storm event monitoring or can this be appropriately captured by other conditions related to ensuring structures are structurally sound (Condition C.12). I note that despite comments from the applicant to the contrary (paragraph 83 of their response), new condition EM19 does not consider monitoring of revetments. Are there any other outstanding concerns that you have with the proposal?

Megan – I expect based on our previous emails that you do not have any significant concerns

with the applicant not proposing any monitoring of the effectiveness of the seawall enhancement textures. Are there any other outstanding concerns that you have with the proposal?

Roger – Could you please provide me with your thoughts on the appropriateness of the applicants response regarding the measures by the applicant to avoid adverse effects (iterative changes to the design) and what has now been proposed by the applicant in terms of replacement habitat and the revised conditions to reflect the measures now proposed.

**Jamie/Roger** could you please also provide comment on whether the areas proposed for habitat enhancement at Bishops Park and HW Short Park can be considered ‘mitigation’ (and not an offset) given located slightly outside of the project area and might not necessarily be considered ‘like for like’. This is critical for the gateway test because if considered an offset these areas/measures of habitat enhancement cannot be considered. Is the information provided now suitable for you to make a judgement on the likely level of effects on penguins and coastal birds?

Catherine/Jeremy – Do the changes the applicant has made to the conditions at least give you more comfort regarding the process around the LUDP and BSUDP’s and the certification processes? It does not appear we are going to get any further information related to design in advance of the hearing. Any outstanding concerns you have regarding the design (or lack thereof) will therefore likely need to be resolved via expert conferencing and subsequently expert evidence. I think there would be value in setting up a meeting/discussion with the applicant and their landscape expert to discuss your outstanding concerns. As part of this discussion we might not get any further design information but we might be able to set (and agree) some bottom lines or non-negotiables that would give you some more certainty about the worst-case scenario in terms of effects as the project progresses.

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#### Timeframes

The applicant is pushing for a December hearing which means timeframes for completion of Officers Reports and pre-hearings processes are extremely tight. Therefore it would be **MASSIVELY APPRECIATED** if you could review the response and get back to me (email is fine) with any questions or concerns **ASAP** but by no later than **Friday 30 October 2020**. Even if you are not able to get a written response back to me it would be appreciated if you could give me a call **before Friday** to discuss any preliminary thoughts and/or concerns so I can signal to the applicant whether any further discussion or resolution of matters is required and what these matters might be. In addition, **if you could please signal your availability if a hearing was to commence in early-mid December (hearing expected to be approx. 2-3 days) that would be appreciated (the applicants proposed programme for hearing dates can be found in Caroline’s email below).**

As described in my email earlier this week, once comments have been received and outstanding concerns identified we can work on consolidating comments received during the course of the application into final position statements such that they can be appended to the Officers Reports over the coming weeks.

As always if you have any questions or concerns give me a call.

**P.S. Sorry for the late Friday afternoon email I hope you all have a great long weekend!**