

From: [Luke Johnson](#)
To: [Philip McKay](#)
Subject: FW: Resource Consent (RM190053)-Bayswater, Napier
Date: Friday, 29 April 2022 14:21:44
Attachments: [image003.jpg](#)
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[image006.jpg](#)
[image015.png](#)

Luke Johnson
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From: Gemma Guilford <gemma.guilford@developmentnous.nz>
Sent: Wednesday, 9 March 2022 10:17 AM
To: Paul O'Shaughnessy <Paulo@napier.govt.nz>
Cc: Luke Johnson <luke.johnson@napier.govt.nz>
Subject: RE: Resource Consent (RM190053)-Bayswater, Napier

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Thanks Paul.

Talk soon.

Kind Regards,
Gemma

Development Nous Limited
Phone +64 6 876 2159
Mobile +64 21 1631 250

From: Paul O'Shaughnessy <Paulo@napier.govt.nz>
Sent: Wednesday, March 9, 2022 9:03 AM
To: Gemma Guilford <gemma.guilford@developmentnous.nz>
Cc: Luke Johnson <luke.johnson@napier.govt.nz>
Subject: FW: Resource Consent (RM190053)-Bayswater, Napier

Morning Gemma and thanks for the quick response on this matter.

Your conclusion that, 'the proposed site disturbance and vegetation clearance beyond that zone (i.e. Fringe Commercial) represent an activity which result in a significant adverse visual effect and that visual mitigation measures are likely to be unacceptably long to mitigate those effects and will need a comprehensive maintenance and ongoing management to have any chance of being successful' is very clear and gives Council strong direction in this respect.

Council greatly appreciates your assistance in this process and will be in contact if further advice is required.

Regards;

Paul O'Shaughnessy
PRINCIPAL RESOURCE CONSENTS PLANNER
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From: Gemma Guilford <gemma.guilford@developmentnous.nz>
Sent: Tuesday, 8 March 2022 11:13 AM
To: Paul O'Shaughnessy <Paulo@napier.govt.nz>
Subject: RE: Resource Consent (RM190053)-Bayswater, Napier

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Good Morning Paul

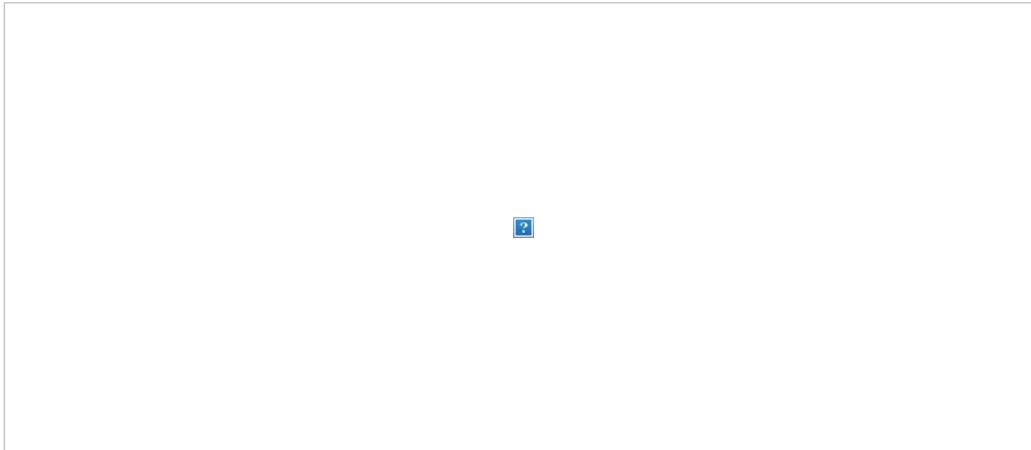
Thank you for sending the latest response documents through to me for review.
After having reviewed the documents provided and having re-read my peer review document, I still hold to the concluding statement from my original report that the development of the site within the Napier Hill environment relies heavily on mitigation measures which if implemented, are heavily reliant on ongoing management and maintenance to stand a reasonable chance of being successful and secondly, may still result in adverse visual effects being highly visible for an unacceptably long period of time. I further note that the mitigation measures proposed in the DSGE report have now either been removed (flex MSE and jute mesh) or not progressed (management plan/ vegetation removal plan).

My original conclusions, set out below therefore still are relevant.

DNL - LVA Peer Review Conclusion:



DGSE mitigation measures:



To add to this concern, a number of the responses from DGSE have raised further questions as follows:

- No answer was provided to why the benching doesn't go the whole face of the cut to better assist with visual mitigation?
- The previously mentioned by the design teams; vegetation climbing ladders have not been detailed.

Importantly, the Cheal Response to information request from 2019 gives examples of previously quarried sites from 1943 having revegetated over time. I accept that this "revegetation" has likely been through natural processes. However, this is over a time period of 75 years. The mitigation period provided for the project is 24 months. I remain of the view that after the 24 month period, the visual and amenity effects will remain unacceptably high and likely for an extended period of time. I do not consider that the level of effect can be described as temporary based upon the information provided by the Applicant. As expressed in my original peer review, the existing band of vegetation around the whole of Mataruahou forms a large part of the aesthetic and amenity of Napier. This is clearly recognised in the policies which seek to manage the vegetated character of this area.

My previous comments and concerns on the practicalities of the ability to successfully revegetate the cut face within an acceptable period of time have still not been answered to a level where I am able to alter my original conclusions as to the magnitude and duration of visual effects. No Management Plan has been provided.



Accordingly, I remain of the opinion that while the utilisation of the Commercial Zoning for the activity is appropriate from an amenity and visual perspective, the proposed site disturbance and vegetation clearance beyond that zone represent an activity which result in a significant adverse visual effect and that visual mitigation measures are likely to be unacceptably long to mitigate those effects and will need a comprehensive maintenance and ongoing management to have any chance of being successful.

Kind Regards,
Gemma

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From: Paul O'Shaughnessy <Paulo@napier.govt.nz>
Sent: Thursday, March 3, 2022 5:21 PM
To: Gemma Guilford <gemma.guilford@developmentnous.nz>
Subject: FW: Resource Consent (RM190053)-Bayswater, Napier

Good Afternoon Gemma and trust you are keeping well.

Attached is a response from Cam Drury and Ashleigh Hunter (DGSE) in relation to your feedback provided on 03/02/22 which raised concerns in relation to the LVA prepared by DGSE.

I would appreciate if you could peruse and confirm if this addresses your most recent concerns and those raised in your peer review of the DGSE LVA.

I would also appreciate if you could provide an indication as to when you may be able to assess this additional information and provide a response.

Regards and happy to discuss.

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From: Cam Drury <cam@stradegy.co.nz>
Sent: Wednesday, 2 March 2022 3:32 PM
To: Paul O'Shaughnessy <Paulo@napier.govt.nz>
Cc: Luke Johnson <luke.johnson@napier.govt.nz>; paul@bayswatervehicles.co.nz; Ashleigh Hunter <a.hunter@dgse.co.nz>; Cam Ward <cam.ward@twproperty.co.nz>
Subject: RE: Resource Consent (RM190053)-Bayswater, Napier

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Hi Paul, please find attached a response prepared by DGSE to your email below. The response has been prepared along the same format as the request.

We trust this clarifies some of the apparent misunderstandings while also responding to the other matters raised.

If you could please advise timeframes re the peer reviewer's final response and completion of the notification assessment – and who will be taking this process over once you finish up.

Regards

CAMERON DRURY BRP(HONS) MNZPI
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From: Paul O'Shaughnessy <Paulo@napier.govt.nz>
Sent: Friday, 4 February 2022 11:20 am
To: Cam Drury <cam@stradegy.co.nz>
Cc: Luke Johnson <luke.johnson@napier.govt.nz>
Subject: Resource Consent (RM190053)-Bayswater, Napier

Good Morning Cam, thanks for this additional information submitted 21/01/22 and apologies for the delayed reply.

The information submitted was in response to Councils request for further assessment in relation to the applicants landscape visual assessment (LVA) which was subject to a peer review by Gemma Guilford (Development Nous Ltd).

This information was forwarded to Ms Guilford who has responded to Council.

After assessing this information, Ms Guilford considers that the LVA aspects of the application still lack detailed information/research/proof of concept to enable Council to proceed in a confident manner in relation to being able to fully assess the landscape and visual effects of the proposal.

It is considered that there still exists a significant risk of planting failure and resulting high visual impact associated with the cut face.

It is considered that the revegetation/ hydro seed treatment would be suitable if the scenario related to for example, a highway, with a transient viewing audience, where some level of failure is more acceptable. However, the subject site has an interface with a residential area and is situated on a valued cultural landform.

Ms Guilford has included her responses to each point below both raised from the meeting and the LVA, with the reference documents attached.

Response in **red** to action items from our meeting 15 October 2021 at Strategy

1. Detail the extent of the cut over which the mesh/jupp [jute] matt solution was being proposed. **This has not been identified? Unless in the Geotech details I haven't seen?**
2. Confirm the colour of mesh to be used – can a lighter colour product be used? **This has not been identified? What product will be used? Specifications etc?**
3. Discuss with Ian Jennings the ability to reduce the number of benches proposed to as to commence the benching from a lower point and to increase the depth of the benches to say 1m (within the concept agreed to by the Geotech Peer Reviewer) **Some detail provided – how will the planting work on the benches? A detail would be good.**
4. Discuss with Ian Jennings the ability to extend the benches around the face of the cut to provide greater ability for revegetation via benching (within the concept agreed to by the Geotech Peer Reviewer) **As above – is there a geotech detail for this that I've missed?**
5. Confirm how the benches will be constructed to retain sufficient topsoil to establish/sustain planting (within the concept agreed to by the Geotech Peer Reviewer) **As above?**
6. Provide more examples of vegetation being established via the benching approach – examples to be similar to the concept proposed. **By providing examples I hoped to see local examples of successful revegetation, with locations? The examples provided could be from the south island or overseas? More detail is needed here. Hawkes Bay is very dry, how will they establish, what if its constructed in the wrong growing season? Who is the supplier of the seed, what plant species will be used?**
7. Provide more examples of vegetation being established via the mesh/jupp matt approach – examples to be similar to the concept proposed. **As above. This doesn't give me any more confidence in the design than it did previously and my concerns**

about failure and the mesh and jute being exposed on the escarpment.

Response to Section 8 of the LVA:

- a. *Why does the benching not continue along the whole face of the earthworks area, and go further down the face? More benching would provide additional advantage for the revegetation process to succeed. Again benching has only been looked at for one face of the cut...what about the long cut behind the long edge of the workshop?*
- b. *What about potential soil loss over time and plant success and health? Not responded to? Maintenance methodologies would assist here.*
- c. *Is 750mm wide benching wide enough to establish meaningful vegetation? I remain sceptical in absence of supporting information. Wider benching is proposed which is good, but no detail of planting, soil, mesh etc.*
- d. *How is the face and benching accessed for maintenance? The concept proposes no access to the benching, and therefore how is the face maintained? If at all? Again, wider benching would allow for maintenance access along the benches (potential lead wire system for maintenance personnel to attached to for safety). Wider benching provided but no concept of how to service benches.*
- e. *How do the benches tie back into the existing face for ease of access, and drainage (lateral overland flow across the bench?) No response?*
- f. *Are there examples of the 'Flex MSE' walls providing successful vegetation? What if the planting fails and the flex MSE bags are exposed again and the visual effect of this infrastructure – i.e. would the lime face be more appropriate if planting fails than artificial face of bags or geogrid? What colour do the bags come in? Only black? Does this design require a sprayed cover crop to hold the face together? Can the cover crop have native seed in it? No detailed response provided. What product was decided upon for mesh/jute? what seed mix if hydro seed? No proof that it will work- did they talk to manufacturers? I would have expected specification from manufacturers at least, and whether this system has worked on cuts this size? How would they reach the face with hoses?*
- g. *I am not aware of a management plan having been submitted with the proposal which would provide assurances of enduring sustainability of the mitigation measures. Not provided?*
- h. *Can it be designed with a less extreme slope grade – something more conducive to successful revegetation? Some changes in benching shown.*
- i. *Vegetation clearing – is this monitored, what is the extent of clearance. If removing wilding pines, the effect may grow beyond the site boundaries due to root zones/ extents that the roots are stabilising the cliff face. Not Provided?*
- j. *Does the geotechnical solution have to tie back further than the cut face? With this I was referencing the extent of mesh to the face – what is the extent of this and what will it look like? Will it go over the top of batter and interface with the steps etc? What effect does the cut have on the neighbouring site at 33 Faraday Street and the stability of the May Ave steps? I will defer to the Geotech engineers here.*
- k. *Where have these mitigation measures been tested before locally and has been successful? As noted above, I would have expected proof of concept through specification and chat with manufacturers etc and local examples of planting establishing on a similar escarpment, similar scale?*

possible conditions offered by Mr Drury with regards to bench soil depth , landscape plan for cut face and the vegetation removal plan.

Bench soil depth:

Provide proof of concept including minimum growing medium and specifications – planting profile is to be designed by a suitably qualified person? What about access for planting and maintenance?

Landscape Plan to include:

- *plant species palette/ design – if its hydro seed it will need a cover crop (sacrificial rhizome grasses and legumes) to establish to let the slower native/exotic seed to establish.*
- *mesh/ jute design and specifications*
- *bench planting construction methodology? How long is the hydro seed hose – will it reach to spray batters? General landscape works construction methodology?*
- *establish and maintenance specifications and methodologies? i.e. watering during establishment?*

Vegetation removal plan:

- *Extent of clearing*
- *Methodology?*
- *Stabilisation procedure when clearing pines?*

WHS

In light of the above, Council do not consider that sufficient information has been provided in relation to LVA matters that enables the completion of the notification assessment.

Council are of course amenable to engaging with your team in order to clarify the above matters and progress the application.

Regards;

Paul O'Shaughnessy

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Hi Paul, you will recall it was agreed at our meeting on Friday 15 October 2021 that the following actions/points either replaced or superseded those implied in Section 8 of the Peer Review. We respond to each as follows.

Landscape/Geotech:

1. Detail the extent of the cut over which the mesh/jupp matt solution was being proposed,

As an outcome of (3) below the mesh/jupp matt solution is no longer proposed/necessary

2. Confirm the colour of mesh to be used – can a lighter colour product be used?

No longer relevant – refer Item (1) and (3).

3. Discuss with Ian Jennings the ability to reduce the number of benches proposed to as to commence the benching from a lower point and to increase the depth of the benches to say 1m (within the concept agreed to by the Geotech Peer Reviewer)

4. Discuss with Ian Jennings the ability to extend the benches around the face of the cut to provide greater ability for revegetation via benching (within the concept agreed to by the Geotech Peer Reviewer)

5. Confirm how the benches will be constructed to retain sufficient topsoil to establish/sustain planting (within the concept agreed to by the Geotech Peer Reviewer)

Please see attached. The three benches have been reduced to two, with the first commencing lower down the slope. The depth of each bench has also been increased to from 0.750m 1.125m to better facilitate planting. It is intended that these changes will enable improved/greater vegetation establishment across the slope.

DGSE has advised:

- The banking proposed will also be more varied across the slope face with one bench proposed above the anchoring and the second a third of the way up the face. This will create better variation and mitigation but will also allow more confidence in having established planting along each bench.
- A 1.125m deep bench should be suitable to allow a row of planting to become established and can be reinforced with groundcover and climbing plant species.
- Suitable soil depth will be established to allow plant growth and establishment.
- Hydroseeding has worked on a number of soil types including limestone.
- Further discussions with Cheal and the proposal of the wider and more varied benching gives us reassurance that planting will have a good chance at establishment and the examples used across the country on multiple projects of hydroseeding also shows that this is a successful measure of mitigation.

Regarding (c), DGSE confirms that the concept will allow a suitable depth of soil to be formed on the benches. A condition of consent could be imposed to focus consideration of this at detailed design stage.

In terms of (4), the proposed benching has been concentrated in the area of greatest visibility and cut depth (highest slope face), while taking the resultant slope required to form the necessary platform to allow improvements in efficiency across both site operations and the adjoining road network, there is insufficient depth available to continue the benching around the cut. It is noted however that the height of the slope face falls away to each side, and that DGSE does not consider the benching and associated vegetation solution to be necessary along these lower slopes. Indeed, these are areas where climbers and hydroseeding will be used to provide visual mitigation.

Lastly, we agreed that a landscaping plan prepared alongside the detailed design of the cut face was the appropriate time for detailed design to be considered. We would anticipate a condition stating the matters/outcomes to be focused on/demonstrated during this exercise.

6. Provide more examples of vegetation being established via the benching approach – examples to be similar to the concept proposed

Please see attached as provided by DGSE.

7. Provide more examples of vegetation being established via the mesh/jupp matt approach – examples to be similar to the concept proposed

No longer relevant – refer Item (1) and (3).

We will provide updated plans in regard to the benching solution upon Council's confirmation of accepting this approach.

Planning:

1. References to cumulative effects (in Item 2 of the Peer Review) were more in regard to District Plan integrity

Item 2 of the peer review was:

2. *What is the potential cumulative effect of allowing earthworks of this extent/ scale? Will this set a precedent for further degradation of Mataruahou*

Here we note:

- As either a Restricted Discretionary or Discretionary Activity, the outcome of such an activity should not be considered one that would lead to an adverse present or District Plan integrity issue – being matters generally associated with Non-Complying Activities that are not in principle enabled under the District Plan in the manner Restricted Discretionary or Discretionary Activities are,
- As either a Restricted Discretionary or Discretionary Activity, applications may be granted or declined on their merits,
- A Cultural Impact Assessment has been undertaken that would not suggest that the application ought to be declined in respect to the matters raised by the peer reviewer.

2. It was accepted by Council that the matters raised in Item 3 could be provided for under conditions of consent i.e. a management plan. Here it was noted that vegetation removal could occur without any regulation.

Item 3 of the peer review was:

3. Further identification/ definition of the extent of vegetation removal should be determined. i.e.
 - a. How is this controlled and monitored.
 - b. How much more vegetation clearing is required beyond the site boundary i.e. the wilding pines may have an expansive root system and once partial faces are exposed they may require further clearing to mitigated hazard - what is the extent of clearance?
 - c. How much of the vegetation is currently holding up the cliff face beyond the boundary/ or beyond the proposed extent of cut?
 - d. The above should be included within any maintenance/ management plan.

With all existing vegetation being able to be removed without the need for resource consent / any regulatory approval/overview, we suggest a condition of consent be imposed to require a Vegetation Removal Plan that:

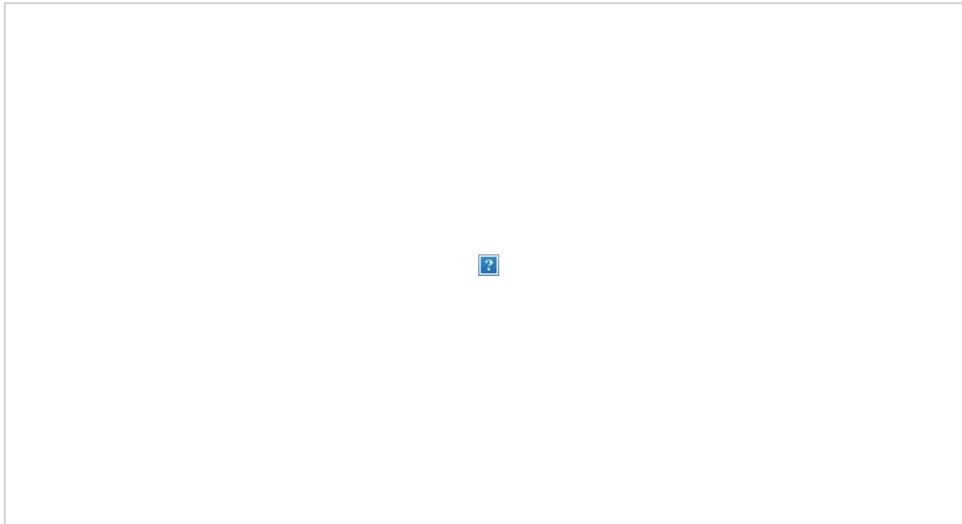
- Outlines the methodology of works
- Outlines anticipated time frames
- Focuses on managing safety risks
- Outlines erosion and sediment control measures
- Focuses on managing effects on the roading network

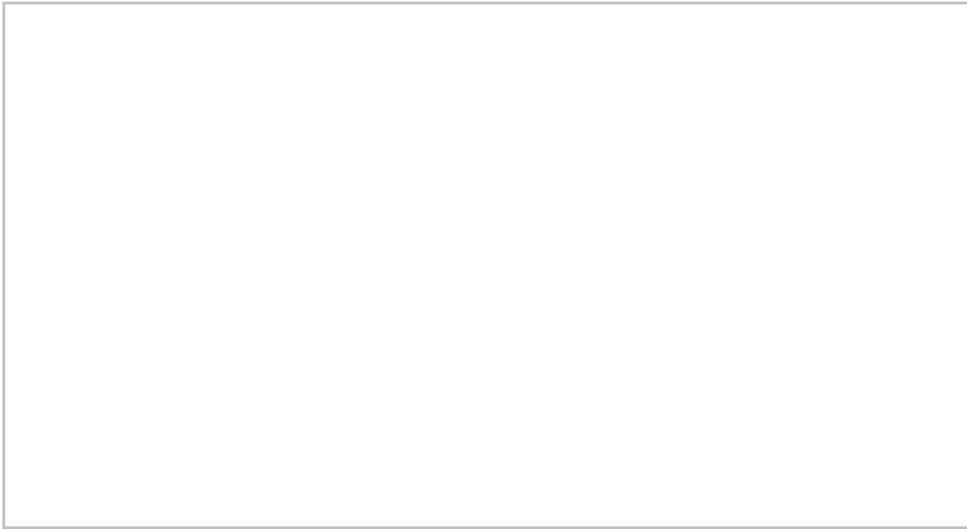
We trust this satisfies the points remaining to be reported on following our meeting on Friday 15 October 2021 and that you can complete your notification assessment. In this regard, we remind you of our views expressed in our email dated 19 April 2021 as follows:

Regarding visual/landscape impacts in terms of notification, Section 95A require public notification if effects are more than minor. With DGSE confirming that the proposal will have 'low' adverse visual and landscape effects (on the natural character of the proposed site and surrounding environment), we would not classify the scale of effects as more than minor, meaning public notification is not justified.

Turning to Section 95B, DGSE have considered the views of adjoining properties in a vantage point assessment, and overall, have confirmed that the visual effects arising from the proposal from these identified/key vantage points will be 'low'. On this basis, we would not classify the scale of effects as minor or more than minor.

As a quick snap shot, the proposed outcome does not seem to challenge the characteristics/amenity of the existing streetscape environment.





This view takes account of the temporary effects described in the VIA as moderate i.e. the effects during the initial earthworks and construction phase. In this regard, while it is obvious that there will be a sudden change in visual outlook, this will be short term and not representative of the overall effects of the proposal. Indeed, the initial works causing the sudden change will be temporary – associated with construction, and upon completion of this construction phase, the building along Faraday Street (workshop) will largely screen the cut from these parties.

On this basis, and building on our views in the application document, public notification is not required in regard to Section 95A, and having carefully considered the scale of effects in the context of Section 95B, effects on adjoining and nearby parties are not considered to be minor or more than minor, meaning limited notification is not necessary either.

Look forward to hearing from you – happy to discuss.

Regards

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