

**BEFORE A PANEL OF INDEPENDENT HEARING COMMISSIONERS
APPOINTED BY ENVIRONMENT CANTERBURY AND CHRISTCHURCH
CITY COUNCIL**

IN THE MATTER of the Resource Management Act 1991(the **Act**)

AND

IN THE MATTER of Resource Consent applications CRC242267,
CRC242268, CRC242269, CRC251999 and
RMA/2023/3243 by Christchurch City Council (**the
Applicant**) for Southshore and South New Brighton Park
Estuary Edge Project

**STATEMENT OF EVIDENCE OF JESSICA LUCY BOULD
ON BEHALF OF CHRISTCHURCH CITY COUNCIL
(PLANNING)
Dated: 21 NOVEMBER 2025**

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1. SUMMARY OF EVIDENCE

- 1.1 Resource consent is sought to authorise the construction of coastal edge protection structures at South New Brighton Park and Southshore. A 20-year duration is sought for the enduring occupation of the structures, and a 10-year duration is sought for construction related components.
- 1.2 The project purpose is to reinstate erosion and flood inundation protection to the Southshore and South New Brighton communities. The Applicant has been engaging with this community since 2010 to understand their needs and identify acceptable solutions to remedy the inundation effects that have arisen, and to identify long term solutions for this community. Post notification, the Applicant has sought advice on whether alternative edge protection methods are appropriate for some areas, with an area at South New Brighton Park being identified for a soft edge concept. The Applicant has provided concept sketches and proposed additional conditions in response to this part of the proposal to the consent authorities. The actual and potential effects relating to the soft edge concept are addressed within expert evidence as well as my evidence.
- 1.3 The site is afforded multiple zonings across the project area including Open Space Community Parks Zone, Open Space Coastal Zone, Specific Purpose (Flat Land Recovery) Zone and Residential Suburban Zone. The project area includes the Coastal Marine Area. Resource consent is required as a non-complying activity.
- 1.4 In my evaluation of the proposal, I have found that:
 - (a) In regard to avifauna effects, I prefer the advice and recommendations made by Dr Bull which confirm the mitigation put forward is sufficient to address actual and potential effects on avifauna.
 - (b) The shift of the structures landward and the soft edge concept are positive changes that reduce adverse effects and have greater consistency with the relevant provisions of the NZCPS, particularly Policy 10 due to the reduction in reclamation of the Coastal Marine Area.
 - (c) All other environmental effects of the proposal are appropriately mitigated and are acceptable.

- (d) The proposal is consistent with the relevant statutory documents.
- (e) The application meets the necessary tests for approval and can be granted subject to the proposed conditions included in **Attachment [A]**.

2. INTRODUCTION

- 2.1 My full name is Jessica Lucy Bould.
- 2.2 My evidence is given on behalf of the Applicant.
- 2.3 My evidence relates to the planning aspects of the proposal.
- 2.4 I have visited the site on several occasions and am familiar with the site and surrounds. I did not prepare the original Assessment of Environmental Effects (AEE). My involvement in the project commenced in December 2023, subsequent to the lodgement of the application and prior to the receipt of requests for further information from the Consent Authorities. I have coordinated the post lodgement process including the compilation of responses to requests for further information.
- 2.5 In preparing this evidence, I have reviewed and am familiar with the following documents:
 - (a) The original AEE and supporting documents;
 - (b) Submissions;
 - (c) s42A reports and supporting documents;
 - (d) Evidence of the Applicant's experts.

QUALIFICATIONS AND EXPERIENCE

- 2.6 I am a Senior Planner at Town Planning Group. I have held this position for 6 months. Prior to this, I have held Senior Planner roles within a multi-disciplinary consultancy and infrastructure provider since 2018. Prior to this, I was employed as a planner at a multi-disciplinary consultancy and local authorities, both in New Zealand and United Kingdom.
- 2.7 I have thirteen years' experience in the field of resource management planning. I hold a Bachelor of Environmental Management and Planning and a Post Graduate Diploma in Resource Studies from Lincoln University. I am

a Full member of the New Zealand Planning Institute (NZPI) and am bound by the NZPI Code of Ethics.

- 2.8 I have worked regularly on development proposals in the Canterbury Region and am familiar with the provisions of the Canterbury Land and Water Regional Plan (**CLWRP**), the Canterbury Air Regional Plan (**CARP**), the Canterbury Regional Coastal Environment Plan (**CRCEP**), the Christchurch District Plan (**CDP**) and the Christchurch City Plan (**CCP**).
- 2.9 My relevant experience includes:
- (a) Seconded as a resource management planner to the North Canterbury Transport Infrastructure Rebuild (NCTIR) alliance, where I was responsible for implementing resource consent applications for activities within the Coastal Marine Area (CMA) and near sensitive environments, as well as providing planning advice to technical design teams. I was also responsible for collating and submitting monitoring and compliance information to consent authorities.
 - (b) Seconded as a resource management planner to the Stronger Christchurch Infrastructure Rebuild Team (SCIRT), where I contributed to the preparation of resource consent applications for the Beachville Road rock revetment, Peacock's Gallop earthworks and outfall protection structures along the Southshore estuary edge.
 - (c) Preparation of resource consent applications relating to the remediation and removal of the historic Le Bons Bay landfill. Removal was necessary as the landfill had breached and material was discharging into the CMA. I have also provided planning assistance in relation to a number of other historic landfills within the Banks Peninsula area.
- 2.10 In both my current and previous roles, I have been responsible for preparing and managing a variety of resource consent applications on behalf of clients, including private developers and government agencies.
- 2.11 My experience also includes acting as a Council processing officer for resource consent applications, both as an employee of Council and as a consultant on behalf of Council.

CODE OF CONDUCT

- 2.12 Although this matter is not before the Environment Court, I confirm that I have read the Code of Conduct for Expert Witnesses outlined in the Environment Court's Practice Note (2023) (**Code**) and have complied with it in preparing this evidence. I also agree to follow the Code when presenting evidence to the Panel. I confirm that the issues addressed in this brief of evidence are within my area of expertise, except where I state that I rely upon the evidence of other expert witnesses. I also confirm that I have not omitted to consider material facts known to me that might alter or detract from my opinions.

3. SCOPE OF EVIDENCE

- 3.1 This statement of evidence covers the following:
- (a) A summary of my evidence (see **Section 1** above)
 - (b) The nature of the proposal
 - (c) The relevant rules and activity status of the proposal
 - (d) The site and existing environment
 - (e) The evaluation of the activity against the relevant statutory planning instruments;
 - (f) The effects on the environment;
 - (g) Matters raised by submitters to the Application;
 - (h) The s42A reports from Christchurch City Council (**CCC**) and Canterbury Regional Council (**CRC**).
- 3.2 As Christchurch City Council (CCC) is both the Applicant and consent authority, I have referred as follows:
- (a) The Applicant is Christchurch City Council
 - (b) CCC is Christchurch City Council as a consent authority
 - (c) CRC is Canterbury Regional Council as a consent authority.
- 3.3 For brevity, I do not repeat matters already adequately addressed in the s42A report. Similarly, I will cross reference to the contents of the AEE which formed part of the application for consent and/or my responses to requests for further information where appropriate, rather than repeating it here.

4. NATURE OF THE PROPOSAL

- 4.1 The proposal is outlined in full in Section 4 of the AEE, supported by further information requests from the Consent Authorities. In summary, the proposal is to construct an inundation protection bund and erosion protection structures in two locations (South New Brighton Park and Southshore) near to the Avon-Heathcote Ihutai Estuary, including:
- (a) Removal of existing structures in the CMA;
 - (b) Placement of new structures (including natural materials) in the CMA;
 - (c) Occupation of the CMA associated with rock revetment, cobble beach, gabion baskets and groyne structures;
 - (d) Earthworks including the excavation and deposition of material in and near the CMA and foreshore;
 - (e) Undertaking earthworks within 100 m of a natural wetland;
 - (f) Clearance of vegetation within a riparian area;
 - (g) Stockpiling of materials at an off-site compound; and
 - (h) Ongoing maintenance associated with the structures.
- 4.2 The project purpose is to reinstate erosion and flood inundation protection to the Southshore and South New Brighton communities, to pre-Canterbury Earthquake Sequence (CES) levels of protection. Land subsidence that occurred as part of the CES has resulted in the community experiencing more frequent adverse effects associated with flooding and storm surges, as the existing edge protection structures are no longer providing protection.
- 4.3 In the immediate post CES response, the Crown created an earth bund by pushing disturbed soils into a bund along a portion of the cleared residential land providing for some protection from flooding and storm surges. This earth bund was created as a temporary measure and is relatively informal.
- 4.4 The Applicant has been engaging with this community since 2010 to understand their needs and identify acceptable solutions to remedy the inundation effects that have arisen and to identify long term solutions for this community. The project area is highly valued by this community and there is a strong feeling of being forgotten in the post-CES context, as outlined in the evidence from Mr Little and Mr Parsons. The identification of solutions needs to be carried out with the community and not for them.

- 4.5 The proposal has been informed by substantial engagement and feedback with the local community as outlined in Mr Little's evidence. Although certain components have prompted concerns from consent authorities, the Applicant has been proactive in addressing these issues. This has included providing supplementary information, seeking feedback, refining the proposal, and implementing additional mitigation strategies. The actions taken by the Applicant have been directed toward achieving an outcome that is both responsive to community expectations and cognisant of the matters raised by consent authorities.

Amendments and further information provided post notification

- 4.6 Following notification, further discussions were held with CRC staff during a site visit. These conversations led to the identification of a potential opportunity for the Applicant to investigate a natural erosion solution along the South New Brighton Park section of the alignment, pending additional design work and assessments by technical specialists. Concept designs for this approach and preliminary assessments have been completed and provided as an update to the application.
- 4.7 Other key changes to the proposal made through the RFIs and post notification discussions are outlined in the *Change Summary Memo* dated 5 November 2025, and as follows:
- (a) Reduction in the duration of the resource consent requested to 20 years.
 - (b) Shifting the location of the inundation bund and edge protection structures in a landward direction, reducing the extent of reclamation of the CMA. The shift is contained within the project area identified in the original application.
 - (c) A saltmeadow remediation area has been identified, removing the need to require an offset area. The saltmeadow offset plan has been amended to refer to the saltmeadow remediation plan.
 - (d) Reduction in the number of formal access points to the Avon-Heathcote Ihutai Estuary, including the removal of the Tern Street Jetty structure. Three formal access points are now proposed with these being located close to the ends of Tern Street, Godwit Street and Penguin Street.

- (e) A nature-based solution along the South New Brighton Park frontage, referred to from herein as the soft edge.

4.8 The following revised documents have been provided post notification:

- (a) Revised concept drawings have been provided to CCC and CRC to reflect the changes made to the position of the inundation bund and structures.
- (b) Revised reclamation plans to show the reduction in reclamation as part of the proposal.
- (c) A revised Ecological Impact Assessment (**EclA**), updating the assessment based on changes to the location of the inundation bund and structures. The revised EclA was included as part of the notification documents with the CCC application.
- (d) New concept drawings have also been provided in respect of the nature-based solution proposed at South New Brighton Park.
- (e) Revised proposed conditions of resource consent.
- (f) A summary memo confirming the key changes made to the application.

4.9 In my opinion these amendments do not alter the scope of the application for the following reasons:

- (a) The amendments do not trigger any additional rules within the relevant planning instruments;
- (b) The amendments do not give rise to new effects;
- (c) The changes to the position of the structures and inundation bund remain within the identified project footprint and result in a reduction in reclamation area overall.

5. RULES AND ACTIVITY STATUS

5.1 A rule assessment was provided in Section 6 of the AEE, however some additional rules were identified within the RFI responses prior to notification and the status of some activities shifted due to formal confirmation that the Applicant's existing global resource consents were able to be utilised. The

specific global resource consents are addressed in paragraph 5.5 of my evidence.

- 5.2 The rules and activity status are covered within the s42A reports prepared by CRC and CCC. I agree with both assessments. The proposal is a **Non-complying** activity overall.
- 5.3 As the list of rules triggered by this proposal is lengthy, I have summarised the below activities that consent is required for.

Consent Type	Activities	Activity Status
Regional Consents		
Land use consent s9	Vegetation clearance within, or within a 10m setback from, a natural wetland under the NES-FM.	Discretionary
	Earthworks within, or within a 10m setback from a natural wetland under the NES-FM.	
Coastal Permit s12	Erection and placement of structures within an area of Significant Natural Value	Non-complying
	Disturbance of the seabed within an area of Significant Natural Value	
	Deposition of more than 100m³ of natural material within an area of Significant Natural Value	
	Reclamation of the CMA.	
	Occupation of structures in the CMA	Discretionary
Discharge permit s15	Discharge of contaminants to air from the handling and stockpiling of bulk solid materials near a sensitive receptor.	Discretionary
	Discharge of other minor contaminants to land	
District Consents		
Land use s9	Earthworks associated with the construction of an inundation bund.	Non-complying

Consent Type	Activities	Activity Status
	Earthworks adjacent to an Outstanding Natural Feature, Site of Ecological Significance, Area of at least High Natural Character.	
	Stockpiling of material at the Owles Terrace compound.	
	Structures within 20 m of MHWS	

5.4 CCC holds resource consents that enable certain activities to be carried out across the Christchurch City area. The following 'global' resource consents are relied upon for relevant aspects of the proposal:

- (a) RMA/2021/2094 authorising the disturbance and removal of contaminated land, granted under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (**NES-CS**).
- (b) RMA/2021/2059 authorising tree removals under the CDP. RMA/2021/2059 also authorises earthworks that are unable to comply with Rule 9.4.4.1.1 (P12). Community Board approval has been granted.
- (c) CRC252424 authorising the discharge of stormwater within the CCC boundaries. CCC has accepted the construction and operational stormwater discharges arising from this project. Written approval from CCC has been provided indicating stormwater generated is accepted under CRC252424.

Plan changes since lodgement

- 5.5 CCC notified Plan Change 14 (PC14) after this application was lodged.
- 5.6 An assessment against PC14 was provided as part of the CCC RFI response. I confirm that the provisions of PC14 have not altered the rule assessment.

THE SITE AND EXISTING ENVIRONMENT

- 5.7 The location of the activity is detailed in Section 3.1 of the AEE, Section 3 of the Landscape Effects Assessment Report and Graphic Supplement and Ms McManaway's evidence. I agree with the descriptions provided in these documents and have no further updates to make.
- 5.8 I have completed two site visits to the location and agree that the site and existing environment are as described within the original application and supporting reports.
- 5.9 The site spans former residential land, damaged during the CES. This land was purchased by the Crown and later transferred to CCC. This site has strong recreational and public access values, with this area being easily accessible since the clearance of land post CES. Mr Parsons' and Mr Little's evidence provides comprehensive background of the site including pre and post Canterbury Earthquake Sequence (CES) events.
- 5.10 The Avon-Heathcote Ihutai Estuary is a popular and widely used recreational area supporting activities such as kayaking, wind surfing, fishing and stand-up paddle boarding. Access to the estuary bed is easy along the extent of the estuary edge within the project footprint area, due to the clearance of residential properties and the land being transferred to public ownership. Edge structures in existence include elements such as ramps and eroded walls, enabling access.
- 5.11 The wider area, starting at South New Brighton Park, includes the Pleasant Point Yacht Club and boat ramp, a shared walking and biking track which extends along the entirety of the estuary edge from South New Brighton Park to the Southshore Reserve, approximately 3.7 km in total.
- 5.12 The existing edge alignment comprises a mix of formal and informal structures in varying conditions. Some edge protection works have been undertaken with resource consent, while others have not. These works span a considerable timeframe, with unconsented works estimated to have occurred from the 1960s based on aerial photographic records. Records relating to consented works begin in the mid-1990s, with Council records providing varying levels of detail regarding design plans and associated information. The most recent consented works occurred in 2019 and acknowledged the presence of unconsented structures within the Southshore

area. Mr Parsons provides a comprehensive overview of the site background as it has been investigated in relation to the project. .

- 5.13 Unconsented structures have formed a key element of this proposal with differing views on these structures being provided by CRC and CCC in respect of whether they form part of the existing environment. I consider these structures should be considered as part of the existing modified environment, as assessments must reflect the actual conditions rather than an idealised scenario where these structures do not exist. I have considered these as such when considering the proposal.

6. ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Agreed effects

- 6.1 Most of the actual and potential effects identified in the AEE appear to be uncontested, including in the s42A report. I address these briefly below.

Visual character and landscape amenity

- 6.2 Visual character and landscape amenity effects include effects arising from the change in visual character associated with the structures and the landscape amenity arising from vegetation clearance and construction activities.
- 6.3 Ms McManaway and Mr Head are generally aligned in their advice and I accept this.
- 6.4 In my view, the actual and potential effects on visual character and landscape amenity are minor and acceptable.

Ecological Effects

- 6.5 As structures are in close proximity to the estuary bed including habitats such as saltmeadow, some areas will be disturbed during construction. As such, a saltmeadow remediation area has been identified within the project area.
- 6.6 The inclusion of a saltmeadow remediation area located within the project footprint is accepted as sufficient to mitigate construction related impacts on saltmeadow. Mr Morris has provided further commentary on the background of the saltmeadow remediation approach in the wider project context in his evidence.
- 6.7 The relevant experts agree in respect of the remediation area being provided.

- 6.8 The preparation of a Saltmeadow Remediation Plan is proposed in my proposed condition set and I note has been adopted within the proposed conditions of the CRC and CCC reporting officers. I have been advised by Mr Morris that some recommended changes to the conditions were not adopted in the proposed conditions provided and subsequently, Mr Morris has suggested some further changes the relevant conditions. I have adopted this recommendation, and the conditions have been updated and included in proposed conditions at **Attachment [A]** of my evidence.
- 6.9 The adverse effects are agreed to be no more than minor provided the Saltmeadow Remediation Plan is prepared and implemented and monitoring is carried out.
- 6.10 Effects on seagrass habitats are now agreed, with the revised EclA providing an updated assessment and general agreement across experts. Changes to the design of the proposal have addressed concerns initially raised. Dr Alestra further addresses the potential effects on seagrass within his evidence and confirms the changes to the proposal result in a positive effect on seagrass habitats.
- 6.11 Based on the proposed conditions of consent, relating to pre-construction survey and demarcating habitat, the shifting of public access points away from seagrass habitats and, the shift of structures landward, I consider the adverse effects associated with seagrass to be mitigated. This aligns with the conclusions included within the s42A reports for CRC and CCC.
- 6.12 There is a net gain associated with exotic grassland / herb field, when taking into account post construction restoration and supplemental planting. The adverse effects are agreed to be less than minor and acceptable.
- 6.13 Effects on dune habitat are agreed to have no net loss, based on remediation proposed in the form of replanting and weed control. The adverse effects are agreed to be less than minor and acceptable.
- 6.14 Effects on herpetofauna have been addressed sufficiently. I note a Wildlife Permit has been issued by Department of Conservation. The adverse effects on herpetofauna are agreed to be less than minor and acceptable.
- 6.15 Vegetation clearance within the proposal footprint is necessary and will be managed in accordance with the relevant management plans and include

pre-clearance checks where required. The adverse effects associated with vegetation clearance are agreed to be less than minor and acceptable.

Coastal squeeze effects

- 6.16 Coastal squeeze effects relating to effects on seagrass meadows were addressed via the RFI response to CCC¹ and within the EclA, where coastal squeeze effects on seagrass, saltmeadow, saltmarsh, macroalgae and benthic invertebrates are assessed as having a low-level effect over the proposed duration of consent.

There is agreement that coastal squeeze effects on the matters included in Paragraph 6.11 are minimal when considered in relation to the requested duration of consent. The adverse effects associated with coastal squeeze are agreed by experts to be no more than minor and accepted.

Coastal hazard and processes

- 6.17 In respect to coastal hazard effects and coastal process effects, the rock revetment and cobble beach along the Southshore project area are agreed to be suitable methods for edge protection in this location and there are limited adverse effects anticipated to arise from the construction and ongoing occupations of these structures. I note there are differing expert opinions in relation to the design elements of these structures (and the inundation bund).
- 6.18 The soft edge approach at the South New Brighton Park area is also agreed. Mitigation has been proposed in the form of a Soft Edge Monitoring Plan which will cover maintenance, repairs, data collection and overall performance management information for this concept. I note Mr Reinin-Hamill has suggested items that would be of relevance to an overall monitoring plan in relation to the performance of the structures which would be useful to inform future conversations on sea level rise and the natural process occurring in this environment, rather than being for the purpose of understanding if there are adverse effects arising from the structure's placement. I have not incorporated these into the proposed conditions for this reason.
- 6.19 The approach in regard to edge protection methods is agreed between experts noting the difference in opinion in respect of design specifications.

¹ RFI response dates 19 February 2025, Appendix A

The impact of the proposal on coastal hazards and coastal processes is agreed to be no more than minor and acceptable.

Groundwater, surface water and flooding effects

- 6.20 Surface water flooding effects have been addressed through consent conditions, including a requirement that no gaps are left during construction to maintain inundation protection. The Construction Management Plan must also account for weather conditions, incorporating forecast monitoring and temporary joining methods to mitigate risks from tidal inundation or heavy rainfall events. In addition, amendments have been made to achieve a 6 m planting setback on the bund to reduce integrity risks, as reflected in the revised landscape plans. The adverse effects are agreed to be less than minor and acceptable.
- 6.21 Effects on groundwater and surface water quality, the confining aquifer layer, exposed groundwater and hydrological regime of a natural wetland arising from the proposal, are sufficiently mitigated through the development of an ESCP and Construction Management Plan. The adverse effects are agreed to be less than minor and acceptable.
- 6.22 Discharges associated with the deposition of material as part of the inundation bund and disturbance of old structures will be managed in accordance with Contaminated Site Management Plans, required to be prepared in accordance with global consent RMA/2021/2094. The adverse effects will be mitigated and it is agreed effects arising from discharges of material to land are less than minor and acceptable.

Public access and recreational effects

- 6.23 Recreation and public access form a key component of the proposal, with the walking track providing recreational opportunities. Public access to the Estuary bed provides recreational access for water-based activities such as windsurfing, kayaking and stand-up paddle boarding. Some temporary effects are associated with the construction of the pathway which are sufficiently mitigated through the staging of works, signage, progressive landscaping of completed areas, a Construction Traffic Management Plan, community communications relating to the commencement of work and minimising the use of public spaces as laydown areas (i.e. South New Brighton Park). The adverse effects on recreational and public access are agreed to be no more than minor and acceptable.

- 6.24 Public access to the estuary has been widely commented on, with a range of differing views presented in respect of human behaviours witnessed within this area. In my view there is a broad agreement that there is a careful balance to achieve in protecting specific ecological values within this environment while continuing to provide for cultural values and recreational values associated with this area. This is achieved through the following elements of the proposal:
- (a) Reduction in formal access points to the Estuary bed and relocation of these access points to avoid identified ecological habitats. Further, a condition has been proposed requiring the Applicant to re-survey areas prior to construction and to mark out ecological habitats to be avoided.
 - (b) Formalising the estuary edge, removing the informal structures i.e. low walls, boat ramps and so forth, that provide plentiful opportunities for public access to the Estuary bed.
 - (c) Providing signage to educate users of the area on the ecological values the Avon-Heathcote Ihutai Estuary supports.
- 6.25 Overall, the adverse effects on public and recreational access are agreed to be no more than minor and acceptable.

Cultural effects

- 6.26 The Applicant has engaged with mana whenua extensively over the planning and design of this proposal. Te Ihutai Ahu Whenua Trust has provided a letter of support for the proposal. No submissions were received in relation to the notification of this proposal. The adverse effects on cultural values are agreed to be no more than minor and acceptable.

Transportation effects

- 6.27 Construction traffic will be managed through a Construction Traffic Management Plan, as proposed in the conditions. The increased traffic movements will be limited and may cause some minor inconvenience to local residents. These are temporary effects and will vary day to day depending on the construction activities. The adverse effects associated with construction traffic management are agreed to be no more than minor and acceptable.

Construction effects

- 6.28 Earthworks form a key component of the proposal with the Applicant proposing to prepare an Erosion and Sediment Control Plan (ESCP) and Dust Management Plan (DMP) incorporating good practice measures from CRC's Erosion and Sediment Toolbox. A separate stockpiling site has also been identified with conditions relating to stockpile setbacks from boundaries accepted by the Applicant. The adverse effects associated with earthworks are agreed to be no more than minor and acceptable.
- 6.29 Construction noise and vibration will comply with NZS6803:1999 – Construction Noise Standard. Additionally, construction works will not occur on Sundays, during night-time hours or on public holidays. The Applicant will include protocols within the Construction Management Plan for communicating with residents, education facilities, sports facilities and users of the environment. Construction noise and vibration effects are agreed to be less than minor based on the mitigation proposed. Construction noise and vibration effects relating to avifauna are assessed below.

Air quality effects

- 6.30 Effects associated with dust discharges will be managed through the Dust Management Plan and ESCP. These will include measures to dampen and prevent dust generation from the construction areas. The potential adverse effects are agreed to be minor and acceptable.

Navigational safety effects

- 6.31 The proposal is not considered to give rise to effects on navigation and safety within the CMA. This is agreed to be less than minor.

Written Approvals

- 6.32 Written approvals have been provided by 7 parties. These are:
- (a) Te Ihutai Ahu Whenua Trust
 - (b) Pleasant Point Yacht Club
 - (c) South Brighton Holiday Park
 - (d) 44A Rocking Horse Road
 - (e) 168 A Rocking Horse Road

(f) 172D Rocking Horse Road

(g) 1/184B Rocking Horse Road

- 6.33 The CRC consider that the written approvals for 1/184B Rocking Horse Road and South Brighton Holiday Park are invalid due to errors in completing the forms. While I acknowledge that some forms were incorrectly completed, I consider these to be minor errors and not material to the approval. The parties involved have actively participated in community engagement processes, including regular meetings with the Applicant to discuss the proposal. In my view, their signatures—both in the correct and incorrect sections—indicate clear agreement with the proposal. Furthermore, both parties submitted in support of the application to CCC and CRC.
- 6.34 In relation to the other parties who have provided their written approval, effects on these parties must be disregarded in accordance with section 104(3)(a)(ii) of the RMA.

Duration

- 6.35 Duration of resource consent has been a key issue in the processing and as such, I address this upfront.
- 6.36 The original application sought a duration of 35 years for structures and 10 years for construction.
- 6.37 The requested consent duration for the structures was reduced to 20 years early in the process. The purpose of these works is to reinstate a level of protection for the community. Given the linear nature of the site and its tidal environment, construction is expected to take 15–18 months, primarily within the construction season (September to April). The remaining duration provides time for meaningful engagement with the community on adaptation strategies and the future evolution of this environment. These conversations require time, and an interim solution must remain in place long enough to enable considered and collaborative planning. In my view, a 20-year duration is appropriate as it accommodates construction and allows a reasonable timeframe for developing long-term solutions with the community.
- 6.38 Ms Burns and Mr Gabites raised concerns about the possibility of structures remaining beyond the resource consent period. During the site visit, I clarified the legal obligations of consent holders to comply with consent conditions, including the removal of physical components upon expiry if required by the

consent. To address CRC's concerns, I have proposed a consent condition that specifies the process for either reapplication or removal. This includes preparing a removal plan to provide assurance prior to the consent's expiry, should it be granted.

Effects associated with changes to the proposal

6.39 This section includes an assessment of effects associated with the changes made to the proposed. Specifically, this section relates to:

- (a) The landward shift of structures along the Southshore edge and associated declamation.
- (b) The soft edge proposal at the South New Brighton Park edge.

Landward shift of structures – reclamation / declamation

- 6.40 The rock revetment, cobble beach and inundation bund are proposed to shift landward. The rock revetment and cobble beach are proposed to align with the existing edge location. The inundation bund will shift landward to accommodate a buffer area between the edge structures and the inundation bund.
- 6.41 The shift in position of these structures relates to the concerns raised by CRC during the RFI process and again during the site visit in relation to reclamation of the CMA.
- 6.42 The Applicant has proposed to adjust the position of the structures and the inundation bund further landward where possible, with all elements remaining within the original project footprint area. Coastal edge structures are to commence from the existing edge structures and will generally not result in reclamation, except in specified locations.
- 6.43 I agree with this approach and consider the shift in alignment and resulting declamation is consistent with Policy 10 of the New Zealand Coastal Policy Statement (NZCPS), where there is a strong directive to avoid reclamation. In this instance, the shift landward is a small one providing an opportunity for additional coastal space to be provided.
- 6.44 Mr Reinin-Hamill has provided commentary in respect of this shift and agrees the declamation would provide additional coastal area and considers this to be a retreat of natural ground.

- 6.45 Dr Alestra has identified that construction effects resulting in the shift of these structures is likely to be greater than the previous location, due to the need for a larger trench to establish the toe of the structures. To mitigate the impacts associated with the bed disturbance, a condition has been proposed requiring the reinstatement and compaction of estuary bed within the same tidal window to minimise construction disturbance effects.
- 6.46 Mr Morris has confirmed the shift in position does not alter his effects assessment in relation to matters within his area of expertise.
- 6.47 Ms McManaway has commented on the shift within her evidence and considers the approach to be suitable given the relatively modified open space and the positive effects of declamation.
- 6.48 By repositioning the toe of the structures to align with the existing edge, the design minimises further encroachment into the CMA while maintaining effective edge protection that is consistent with the current coastal environment. This approach represents a balanced outcome, preserving the existing edge location and supporting the retention of ecological habitats within the current footprint. The full removal of existing ad hoc structures has a positive effect in relation to removal of inappropriate structures.
- 6.49 The proposed shift is in the realm of several metres and is a relatively minor change in location remaining within the project footprint. The actual and potential effects of changing the position of the edge structures are assessed as less than minor, based on the construction methodology and mitigation proposed as part of the revised application.

Assessment of Effects associated with the soft edge method at South New Brighton Park

- 6.50 The Applicant has investigated and offered an alternative erosion protection method for part of the project area located at South New Brighton Park. As this is a new concept that was not included in the original application, a full assessment of the actual and potential effects associated with the soft edge concept is provided.
- 6.51 Mr Reinin-Hamill has been engaged to develop a concept plan for the soft edge approach at the South New Brighton Park edge. The soft edge concept proposes the construction of rock groynes within the CMA to allow for

sheltered beach pockets to form via natural processes. The rock groynes extend from the foreshore, past MWHS into the CMA.

- 6.52 The key effects associated with this approach are construction effects, coastal process effects, ecological effects, cultural effects and recreational effects.

Coastal Processes Effects

- 6.53 Mr Reinin-Hamill considers a soft edge is a suitable alternative method of edge protection for this area and has developed a concept plan to outline this approach. In Mr Reinin-Hamill's opinion, the soft edge will result in a further reduction in occupation of the CMA and is expected to increase shoreline stability over the consent duration.
- 6.54 The soft edge is likely to require some maintenance in the form of sediment (sand) top-ups over the duration of the consent, likely to be infrequent and of low volumes.
- 6.55 The primary effects associated with the soft edge installation relate to changes in the occupation of the Coastal Marine Area (CMA) and the ongoing influence on coastal processes, particularly sediment transport. The proposed soft edge involves re-grading the shoreline, resulting in a net increase in CMA extent through the conversion of land to beach and intertidal areas. This approach facilitates a natural realignment of the shoreline, enabling dynamic coastal processes to re-establish—an outcome not achievable with a traditional cobble beach solution or a do-nothing approach. The design seeks to strike a balance between providing effective shoreline protection and allowing natural coastal processes to continue.
- 6.56 A second key effect relates to the transport and deposition of sediment within the wider Avon-Heathcote Ihutai Estuary. While the soft edge and associated structures are intended to stabilise the shoreline, some sediment movement is expected over the life of the consent. These sediment dynamics are anticipated to reflect existing estuarine processes, and as such, are not expected to result in adverse sedimentation effects.
- 6.57 The soft edge option has been identified as a suitable option for this location as it offers a solution that is compatible with the natural functioning of the estuarine environment. It allows for a degree of erosion and sediment

redistribution in a way that aligns with the natural behaviour of the Avon-Heathcote Ihutai Estuary.

- 6.58 Ongoing monitoring will be essential to better understand sediment transport processes over time. Maintenance of the soft edge and beach areas is anticipated approximately every five years. A monitoring regime is proposed as part of the resource consent conditions to inform when replenishment of beach materials, such as sand, is required. There is benefit in research and monitoring of this option to understand if this is a suitable solution for other coastal shorelines.

Ecological Effects – Marine ecology

- 6.59 The soft edge approach will require works within the estuary bed and in proximity to areas of ecological value.
- 6.60 Dr Alestra has provided advice and assessed the soft edge concept in relation to marine ecology effects. Dr Alestra concludes the soft edge concept is a suitable alternative option with the overall effects being very low to low, with the soft edge option to provide an ecological improvement when compared to the originally proposed cobble beach option.

Ecological Effects - Avifauna

- 6.61 Dr Bull has provided advice and assessed the soft edge concept in relation to avifauna effects. Dr Bull concludes the magnitude of effects associated with the soft edge concept is no greater than that of the cobble beach (original concept). Dr Bull also considers the potential benefits of the rock groynes providing roosting habitats for gulls and potentially shag species.
- 6.62 Dr Bull confirms low numbers of birds were observed foraging in this area and considers that effects on avifauna relating to the soft edge concept will not be greater than that of the cobble beach concept and notes the potential for additional benefits.

Effects summary

- 6.63 The key effects associated with the soft edge concept relate to coastal processes and ecological effects, specifically on marine ecosystems and avifauna.
- 6.64 The effects associated with the soft edge concept are assessed to be no greater in magnitude than the cobble beach concept, with positive

opportunities being provided by the change in approach including roosting opportunities for avifauna and a nature-based approach rather than a hard engineered structure.

- 6.65 I note the construction element of this concept will require a greater level of disturbance, with conditions proposed to ensure works occur in low tide periods and reinstatement of excavated material. I note that construction methodology will require machinery to access the estuary bed in this location due to the position of the failed reno mattress and establishment of the estuary bed between the reno mattress and coastal edge.
- 6.66 The Applicant has proposed conditions relating to ongoing monitoring and maintenance of this area.
- 6.67 Overall, the actual and potential effects associated with the soft edge concept are assessed to be minor and acceptable.

Cultural Effects

- 6.68 The proposed change from a cobble beach to a soft edge approach for coastal erosion management introduces a shift in how the shoreline interacts with natural processes and the surrounding environment. This change has implications for cultural values, particularly those held by mana whenua in relation to the Avon-Heathcote Ihutai Estuary and its role as a significant mahinga kai and taonga area.
- 6.69 The Avon-Heathcote Ihutai Estuary is of high cultural importance to Ngāi Tahu and local rūnanga, including Te Ngāi Tūāhuriri Rūnanga and Te Hapū o Ngāti Wheke (Rāpaki). The estuary is a traditional māhinga kai site, supporting customary food gathering, cultural practices, and the exercise of kaitiakitanga (guardianship). Any modification to the estuarine environment must therefore be assessed in terms of its potential to affect these values.
- 6.70 The soft edge method is designed to work with, rather than against, natural coastal processes. This approach is generally more consistent with mātauranga Māori principles, which emphasise the importance of working in harmony with the environment. By allowing for natural shoreline adjustment and sediment movement, the soft edge supports the dynamic nature of the estuary and its ecosystems.
- 6.71 While the construction phase will involve disturbance to the estuary bed, the proposed mitigation measures, such as timing works to avoid sensitive

periods for birdlife and limiting machinery access, are important for reducing impacts on culturally significant species and habitats. Continued access to the estuary for cultural practices must be maintained, and any temporary restrictions should be clearly communicated and minimised.

- 6.72 Overall, I consider that the proposed shift to a soft edge is positive in respect of effects on cultural values, based on the mitigation proposed and opportunities this method provides in relation to access.

Recreational Effects

- 6.73 The project area, located along the Avon-Heathcote Ihutai Estuary, is a popular and well-used recreational space. The adjacent estuary walkway is a key feature, providing a continuous route for walking, jogging, cycling, and nature appreciation. The walkway is highly valued by the local community for its accessibility, scenic views, and connection to the natural environment. The walkway has been subject to damage over the past few years from storm surges and erosion events, which has resulted in concern from the community as to the future of the walkway.
- 6.74 The soft edge method provides for a balance in approach to allow for the retention of a highly valued community asset while providing for natural processes to occur.
- 6.75 The change in approach in relation to the edge works does not alter temporary construction effects. These remain consistent with the original assessment.
- 6.76 Overall, the actual and potential effects on recreational values, as a result of the soft edge method, are less than minor.

7. ISSUES RAISED IN THE SUBMISSIONS

- 7.1 The proposal received a total of 483 submissions between the CCC and CRC applications. 12 submissions were recorded as opposing the application. 465 submissions were recorded as being in support. Table 1 sets out the split of submissions according to the consent authority.

Table 1 | Submission breakdown

	Oppose	Support	Total

Canterbury Regional Council	3	297	300
Christchurch City Council	9	168	182 ²
Total	12	465	482

7.2 The majority of the submissions were in support of the proposal. Common themes that emerged included:

- (a) Recreational values associated with the project area.
- (b) Natural hazard concerns and experiences arising from flooding and inundation events and a desire to have a level of protection consistent with pre-earthquake experiences.
- (c) Desire for this community to have a similar level of protection that has been provided elsewhere within the Avon-Heathcote Ihutai Estuary edge such as the Redcliffs, Mount Pleasant and Sumner communities.

7.3 There is a strong degree of community support for this project, as evidenced by the submissions made in response to this proposal. A large number of the submissions, both for and against, relate to areas of technical expertise. On this basis, I have addressed the submissions broadly in regard to the themes presented and note many of the submissions are addressed within experts' responses.

7.4 Submissions that opposed the application broadly related to the following themes:

- (a) Concern relating to ecological effects including habitat loss and impacts on avifauna.
- (b) A different view on structures and effectiveness of structures located in this environment.

² I note 5 submissions stated a 'neutral' position.

- (c) Matters relating to increased human access to the bed of the Avon-Heathcote Ihutai Esutary.

7.5 Many of the opposing submissions included matters which are more appropriately addressed by technical specialists, and I have asked them to address these in their evidence.

8. PROPOSED CONDITIONS

8.1 A full set of the conditions that I recommend are included as **Attachment [A]** to my evidence. My assessment of effects above is based on the mitigation measures contained within this draft set of conditions. Any mitigation measures I have noted in the assessment of effects section above have been incorporated into the conditions in **Attachment [A]**.

8.2 I have reviewed the conditions suggested by Ms Murray and Ms Carter in their s42A reports. I address below matters where I consider the conditions are not suitable or I recommend different mitigation. I have not addressed in this section minor edits for clarity or minor consequential changes.

RMA2023/3243 – Conditions 35 - 46: Avifauna Management Conditions

8.3 These conditions relate to the preparation of a Bird Management Plan (BMP) (Condition 35) and subsequent conditions which set out minimum requirements of a BMP, submission of the BMP, pre-work inspections including written reporting and re-inspection requirements.

8.4 For the reasons set out above, I do not agree that a BMP is required, and I consider the conditions originally proposed are appropriate.

CRC242268: Coastal Permit

Condition 26: Machinery in the Coastal Marine Area

8.5 Condition 26 prohibits construction related machinery on the estuary bed.

8.6 The soft edge concept will require machinery access to the estuary bed because the new estuary bed has formed behind the failed reno mattresses.

8.7 I propose that condition 26 is amended to allow for construction vehicle access, only in relation to the construction of the soft edge concept at South New Brighton Park.

No Construction related machinery, or vehicles ~~must~~ are not permitted to be on the estuary bed within the Coastal Marine Area at any time, except where works relating to the formation of the soft edge are being carried out at South New Brighton Park. Machinery access windows and timelines shall be set out within the CEMP.

- 8.8 Renourishment of the soft edge is able to be completed from land and will not require machinery to access the estuary bed.

Condition 44: Damaged structure removal

- 8.9 Condition 44 requires the consent holder to remove damaged structures where damage is beyond repair, subject to obtaining relevant resource consent to authorise removal.
- 8.10 I consider this condition to be uncertain, as the term “*beyond repair*” is inherently subjective. Furthermore, I believe the condition is ultra vires and goes beyond what can be directed as it may require the applicant to obtain additional approvals to remove the structures, there being no guarantee these approvals could be obtained. Further, this condition as proposed would force the Applicant to remove an edge protection structure which in my view has the potential to result in unanticipated adverse effects surrounding the removal area, specifically, leaving unprotected and unstable edges potentially leading to erosion and undercutting of in-situ structures.
- 8.11 In addition, the circumstances in which a structure might be damaged to the point of abandonment are likely to arise only from rare or extreme weather events, for which other provisions under the RMA—such as emergency works—could be applicable.

Condition 48: Soft Edge Monitoring Plan

- 8.12 Condition 48(a) requires monitoring of this concept to occur on a six-monthly basis for the duration of the soft edge which I note was included within proposed conditions.
- 8.13 I have taken further advice from Mr Reinin-Hamill on this matter and request the monitoring frequency is adjusted to annually. Annual monitoring will provide more useful data, and 6 monthly is likely to be too frequent.
- 8.14 I proposed the following amendment to Condition 48:

Following construction, the Consent Holder shall undertake monitoring of the soft beach area at the following frequency:

- a. Routine monitoring of at least once every 6 12 months;*

....

9. EVALUATION OF OBJECTIVES AND POLICIES (S104(1)(B))

- 9.1 I have reviewed the statutory assessment in the original AEE prepared by Jacobs Ltd and relevant supporting technical reports. I have made my own assessment below based on my review of these documents, my own professional expertise and understanding of the site and its context.
- 9.2 Where I agree with the assessment included within the original application, I have stated this. Where my opinion differs, I will state this clearly and provide an alternative or supplementary assessment.

New Zealand Coastal Policy Statement 2010 (NZCPS)

- 9.3 I consider an update to the assessment of Objective 1 of the NZCPS is required to reflect the change to the saltmeadow remediation area identified and to reflect the inclusion of a soft edge area near South New Brighton Park. Objective 1 relates to protecting the integrity, form, functioning and resilience of the coastal environment and sustaining its ecosystems through maintaining or enhancing coastal environments. The change in approach to remediation of saltmeadow achieves avoidance or remediation to reduce impact on indigenous vegetation in the coastal environment for the project as a whole. The inclusion of a soft edge area at South New Brighton Park recognises the dynamic and complex nature of the coastal environment through proposing a nature-based erosion solution for this area. The revised proposal is consistent with Objective 1 of the NZCPS.
- 9.4 I agree with the original assessment against Objective 2 of the NZCPS, noting that saltmeadow remediation is now proposed in place of offset. I consider the remediation option will achieve a positive outcome for habitats, based on the evidence of Dr Morris. In relation to the soft edge, I consider the more natural form of this solution contributes positively to the natural character of this area and preserves access to an area of significance. The revised proposal is assessed as being consistent with Objective 2 of the NZCPS.
- 9.5 I agree with the original assessment of Objectives 3, 4, and 5 of the NZCPS. I also agree with the assessment of Objective 6 except where it refers to the compromise of saltmeadow and reference to offsetting. As discussed,

saltmeadow will be remediated which I consider to be a more appropriate outcome.

- 9.6 I agree with the original assessment against Policies 1, 2, 4, 6, 11, 13, 15, 17, 18, 19, 20, 24, 25 and 27 of the NZCPS.
- 9.7 For Policy 3, a remediation option for saltmeadow has been identified and the project adjusted to reflect this. With respect to climate change, I note the duration requested and subsequently, the assessment of effects has been revised to reflect a duration that aligns with the design life and intent of structures, that intent being that these are to remedy an ongoing effect arising from an historical natural hazard event.
- 9.8 In relation to the assessment against Policy 10, the proposal has changed, and this assessment is no longer valid. The shift in the location of the structures and the inundation bund in a landward direction has removed the majority of the reclamation that was proposed as part of the original application. There are two locations in which reclamation is required – 44A Rocking Horse Road in relation to a privately owned dwelling and South New Brighton Park, in relation to the rock groynes and soft edge proposal. There is expected to be a net declamation of 2473 m³ of CMA which largely results from the removal of unconsented historical structures in the CMA. On this basis, I consider the amended proposal is consistent with Policy 10 of the NZCPS, in respect to avoiding reclamation of land in the CMA, except in the two locations mentioned above at which there is no practicable alternative of providing for the activity. Further, the removal of the dilapidated unconsented structures will result in significant regional benefit in respect of removing inappropriate materials from a sensitive and highly valuable environment.
- 9.9 Overall, I consider the proposal to be consistent with the NZCPS.

National Policy Statement for Freshwater 2020 (NPSFW)

- 9.10 Section 104(2F) of the RMA prevents consideration of clause 1.3 (5) or 2.1 of the NPSFM, which was considered in the original AEE. This was a legislative amendment made after the lodgement of the application by the Resource Management (Freshwater and Other Matters) Amendment Act 2024. Policies in the NPSFW remain relevant and the proposal is broadly consistent with these.

National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)

- 9.11 The assessment against the NPS-IB remains relevant. There are no other changes to the EclA which require amendments to the assessment of the proposal against the NPSIB.
- 9.12 The proposal is consistent with the objectives and policies of the NPS-IB as the project will achieve no overall net loss in indigenous biodiversity.

Canterbury Regional Policy Statement

- 9.13 I agree with the original application CRPS assessment except the following policies:

- (a) Policy 9.3.4 – Promote ecological enhancement and restoration

A remediation option has been identified for the saltmeadow area which is considered to be a more desirable option than an offset area. The proposal is consistent with Policy 9.3.4 as the remediation area will positively contribute to the enhancement and restoration within the project area.

- (b) Policy 9.3.6 – Limitations on the use of biodiversity offset

As an offset is no longer proposed, Policy 9.3.6 is no longer relevant to the proposal.

- 9.14 The amendments to the proposal have sought to further improve outcomes through shifting the position of the structures and inundation bund further landward and adopting a nature-based solution for the South New Brighton Park area. I consider the amendments and proposal as a whole are consistent with the objectives and policies of the CRPS identified in the original AEE.

Canterbury Regional Coastal Environment Plan

- 9.15 I agree with the original application CRCEP assessment except the following policy:

- (a) Policy 8.4 – relates to applications for resource consent to reclaim the Coastal Marine Area

Reclamation has now been largely avoided through the adjustment of the structures and inundation bund, to be further landward. As mentioned, there are two locations where reclamation is required and unable to be avoided. For the soft edge area, materials proposed are

natural materials (reuse of cobbles and sand) and will be cleaned prior to placement. Overall, the proposal offers a net declamation of 2473 m² across the project footprint and includes the removal of dilapidated structures and inappropriate materials. The amendments to the proposal are consistent with Policy 8.4.

- 9.16 For the same reasons as stated in Paragraph 8.17, I consider the entire proposal is generally consistent with the objectives and policies of the CRCEP identified in the original AEE.

Canterbury Land and Water Regional Plan

- 9.17 I agree with the assessment against the objectives and policies of the CLWRP included in the original AEE.

- 9.18 I consider the proposal is generally consistent with the objectives and policies of the CRCEP identified in the original AEE.

Canterbury Air Regional Plan

- 9.19 I have completed a further assessment of the proposal against the objectives and policies of the CARP. This was provided in the response to the s91 request, dated 23 October 2024. I have included a copy of this assessment as **Attachment [B]**.

- 9.20 I have no changes or updates to make to this assessment. I consider the proposal is consistent with the CARP.

Christchurch District Plan

- 9.21 I agree with the original application assessment against the objectives and policies of the CDP, except that I consider the following policies require a slight reassessment in response to the amendments to the proposal:

- (a) Policy 9.1.2.1.1 – I consider this policy is met given the change in approach in relation to remediation of saltmeadow rather than offset. The change in approach to remediate is consistent with achieving Policy 9.1.2.1.1.
- (b) Policy 9.1.2.2.14 – an area for remediating saltmeadow has been located within the project area with offsetting no longer included in the proposal. The amended proposal to remediate will contribute to achieving the overall net gain in ecological biodiversity. Policy

9.1.2.2.14 is no longer relevant to the proposal as remediation is possible.

- 9.22 I consider the amendments are consistent with the objectives and policies of the CDP.

Christchurch City Plan

- 9.23 I agree with the application assessment against the objectives and policies of the CCP.

- 9.24 I consider the entire proposal to be consistent with the relevant objectives and policies of the CCP.

Other relevant matters

Section 104

- 9.25 I agree with the additional matters set out in the original AEE and have not identified any further relevant matters for consideration.

Section 104D RMA

- 9.26 Section 104D enables a consent authority to grant consent for a non-complying activity only if one of the two limbs of s104D (1) are met.
- 9.27 On the basis of my assessment above I consider that both limbs of the gateway tests are met and that the commissioners may grant consent.

Section 105 and 107

- 9.28 The proposal includes discharge to air, land and water and reclamation. An assessment of sections 105 and 107 of the Act is required where an application is seeking a discharge or coastal permit.
- 9.29 I have assessed the proposal against section 105(1)(b) as follows:
- (a) Discharge Nature and Receiving environment – proposed discharges are temporary in nature, generally consisting of discharging contaminants to air near a sensitive receiving environment. Mitigation in the form of an ESCP is proposed to minimise effects arising from sediment. Works will also be carried out during low tide where dry working environments can be utilised.

- (b) Alternative methods – a range of mitigation options will be used on site to reduce and limit discharges to air, land and water. These will be further detailed within management plans, which will be revised and updated throughout the construction.
- 9.30 In response to section 105(1)(c) an esplanade reserve is not required as it will not result in a permanent restriction in public access.
- 9.31 Section 107 sets out additional matters for consideration in relation to discharges. The proposed discharges are expected to meet the water quality standards beyond the reasonable mixing zone and will not give rise to any of the effects listed in section 107(1).

Part 2

- 9.32 Case law³ indicates that a specific Part 2 assessment is not required unless there is concern that the statutory planning documents do not give effect to Part 2 of the RMA. I do not consider this to be the case and so I have not undertaken a specific part 2 assessment here. For completeness I note that an assessment against Part 2 was provided in section 10.1 of the AEE.

10. ISSUES RAISED IN THE SECTION 42A REPORT

Effects on avifauna

- 10.1 There is a difference in technical opinion between Mr Crossland and Dr Bull in relation to the methodology and protocols used to complete early project investigations. Ms Carter has indicated within her s42A report that her preference is for the technical opinion of Mr Crossland. Ms Murray has adopted Ms Carter's opinion in respect of avifauna and effects.
- 10.2 Dr Bull has set out further rationale in the EclA as well as within her evidence to respond to Mr Crossland's concerns.
- 10.3 As part of the EclA, Dr Bull recommended conditions to be included with the intent of protecting and minimising impacts on avifauna populations in and near to the project area during construction. These conditions were included in the original application and have been further refined as changes to the project have been made.

³ *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 at [75].

- 10.4 Mr Crossland and Mr Grove consider that a Bird Management Plan (BMP) is necessary, and that this would cover matters including timing of works, disturbance mitigation, pre-work surveys and ongoing monitoring. Dr Bull addresses the BMP conditions within her evidence and advises that the mitigation measures that Mr Crossland prefers to include in a BMP were all included within the original application and either set out as standalone conditions or incorporated into the other management plans proposed.
- 10.5 I prefer the advice of Dr Bull in respect of the proposed conditions on the basis of the rationale she has set out within her evidence. In my view, the general and district conditions proposed that are specific to avifauna adequately mitigate the actual and potential effects that may arise. These conditions should also be considered in conjunction with other proposed conditions including those which direct the preparation of a construction environmental management plan and a construction methodology, providing further avenues to be identified where technical expertise is required to support construction works. I do not consider a specific BMP condition is necessary, rather that it would create unnecessary additional administration that could be avoided by incorporating avifauna mitigation measures into the CEMP.

11. CONCLUSIONS

- 11.1 For the reasons set out above, my overall conclusions are:
- (a) In regard to avifauna effects, I prefer the conclusion of Dr Bull and consider the mitigation put forward is sufficient to mitigate the adverse effect to a no more than minor level.
 - (b) All other environmental effects of the proposal are appropriately mitigated and will be no more than minor and acceptable.
 - (c) The proposed is consistent with the relevant statutory documents.
- 11.2 I consider that subject to the conditions set out in **Attachment [A]**, the proposal is acceptable.
- 11.3 Overall, I find that the application meets the necessary tests for approval.



Jessica Lucy Bould

20 November 2025

Attachment A – Proposed Conditions

Attachment B – Assessment of Effects: Air Quality