

23 August 2021

Ila Daniels  
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Dear Ila  
Bayswater Marina S92 clarifications

Thanks for your email of 2 August regarding further clarification on the s92 information we sent to Council. This letter serves to respond to some of those questions, and in particular some of those coded yellow in your spreadsheet.

I have also attached a letter from our barrister, Kitt Littlejohn which reflects BMHL's position on car and boat trailer parking spaces and aspects of public transport at the Precinct. This reflects our position after the recent meeting with AT/AC transport specialists.

Note that, although I refer to the AEE, it is not yet attached. I have few more updates to do before forwarding it to you.

I will forward further responses when they are completed.

The responses to the questions are in the same order as in the spreadsheet.

Q2. Dewatering in the apartment foundations. The AEE has been revised and now includes as reasons for consent diversion and take of groundwater. There is also an appropriate assessment of obs and pols.

Q3. Outfall Plan etc.

*S92 response states that all outfalls (at least 3) are within the CMA. If this is the case, please provide the footprint of the proposed outfall including scour protection structures proposed, and provide assessment of effects on the coastal environment. This shall include (minimum) effects on coastal processes/coastal hazards, coastal ecology, public access, construction effects as triggered by the assessment criteria.*

Response – Consent was previously applied for F2 (A121); An assessment of effects is within 8.1.5 Stormwater Effects, of the AEE; A plan showing the typical Stormwater Outfalls Details is attached.

- Q5. See attached report from 2<sup>nd</sup> S92 Arboricultural Response from Peers Brown Miller.
- Q10. *There also appears to be an inconsistency between the cross-sections within the Airey drawings and the Boffa Miskell drawings when illustrating the coastal edge treatment associated with areas of boardwalk and path. The applicant's response to this issue (Item 2 under non-s92 matters) is somewhat confusing, because the Airey drawings clearly illustrate a cantilever to decks that are to be constructed over gabion basket coastal edge treatments. Again, this is a matter of design detail that can likely be 'ironed out' through the ongoing application process.*

Response:

As discussed, there may be some confusion here. The relevant Airey drawing is 222 Rev B over the boardwalk and path. 223 Rev B shows the details for the gantry as it services the jetties – these are below MHWS and are a permitted activity.

*Finally, please note that the Boffa Miskell 'Landscape, Natural Character and Visual Assessment' document provided with the s92 response (Attachment 6.3) has changed slightly from that which accompanied the original application (although the date remains the same and there is no document revision number). Importantly however, Appendix 2 (Graphic Supplement), which accompanies the assessment (in addition to Appendix 3 – Landscape Concept Package), is not included in the documents submitted with the s92 response. When notifying the application, please remember to include that Appendix 2 document from the original application material alongside the updated assessment text and the updated landscape design drawings.*

***NOTE to ILA - Check documents in notification package at that stage.***

Response: This was my mistake – all Boffa drawings should be appendices of Attachment 6.1 LVEA Assessment as below (note that I have added the Renders to this as well).

Attachment 6.1 LVEA Assessment Landscape  
Appendix 1: (to LVEA) Landscape and Visual Effects Assessment Methodology  
(Included at back of Attachment 6.1)  
Appendix 2 (to LVEA) Graphic Supplement (additional document)  
Appendix 3 (to LVEA) Landscape Concept Package (additional document)  
Attachment 6.2 Bayswater Marina Landscape Renders 13.8.21

I suggest it may be useful for me to re-issue all the drawings and put them in a One Drive link for you, once all additional questions have been answered and prior to notification.

As for the other points made by Peter, they are noted.

- Q39. We note that it is difficult to determine the exact methodology and staging for the construction of the project, however we consider that by retaining a sizeable hardstand area near the boat ramp (refer to sheet 12582-01-151[A]), parking for boat trailers and for

boat ramp use will be able to be maintained. The works on Sir Peter Blake parade will be undertaken one lane at a time so that road access into the site can be maintained at all times. When the actual work immediately adjacent to the boat ramp is undertaken, we consider that this will be able to be undertaken in stages, so as to maintain public access to the ramp, or alternatively final pavement sealing could be undertaken at night. We reiterate that a Construction Management Plan and Construction Traffic Management Plan are proposed to be provided prior to the commencement of works and that these can be conditions of consent.

Q40. Note that the fuel tanks are outside the site covered by this consent application. We have undertaken investigations of the existing fuel line and confirmed that it is deep enough to not be impacted by the earthworks. The fuel lines will be physically proven at the commencement of construction and if they are proven to be shallower than the current investigations indicate, then protective measures will be provided to enable the construction works to proceed.

Q49. Responses to questions as follows:

1. I have inserted a clause in Appendix 6 of the Development Summary document addressing maintenance and management of the strip. I am happy to expand on these provisions if required and further feedback from Auckland Council may be necessary to further refine that clause. You will see that I have provided for Council responsibility for mess or damage caused by members of the public. I presume this is appropriate.

2. I have inserted a provision prohibiting the erection of buildings or structures without the necessary approvals and permissions from Auckland Council.

3. I have expanded the existing clause to make it clear that there should be no differentiation between berth holders and members of the public when the strip is closed, i.e. if members of the public cannot use it and neither can the berth holders. I have however made it clear that the restriction on closure applying to both members of the public and the berth holders does not apply to carparking.

4. No response required.

5. A licence is not possible. A lease is required because that is the current contractual arrangement between the applicant and the berth holders (via a trustee). In any event because the permitted use under the lease is for carparking only there is no practical difference between a lease and a licence in respect of the car parks. The areas around parked cars will of course be available for pedestrian circulation. For obvious reasons where cars are parked pedestrians will not be able to pass but the parking of cars does not prevent convenient pedestrian circulation in the easement strip. The distinction between an exclusive occupation right under a lease where the permitted use is limited to carparking versus a non-exclusive licence is of no consequence. It is not possible to exclude the leasing of car parks in the parking areas.

6. The Resource Management Act does not prohibit parking of cars in esplanade strips. In this instance the parking of cars is appropriate for the surrounding uses. Those parts of the strip where carparks are not allocated allow for uninterrupted pedestrian circulation.

Parking cars on the esplanade strip in areas allocated for that purpose does not constitute a closure of the strip in that area

Q66. *i) Activity Development*

*OS-SARZ – New Buildings (A39) that do not comply with Standards, the max height (8m), GFA, impervious is not included only retaining – DA, but page 85 of AEE identified non-compliance so probably just an error not included in table on page 34. Confirm with Craig.*

Response: - I do not see the error. DA is applied for, for not complying with “one of more standards” as per (A39). However, I have added other standards to the table on p34, for completeness.

*ii) Activity Subdivision – creation of esplanade strip will require consent under (A9) of Table E38.4.1 as a DA.*

Response: – Subdivision not needed for creation of esplanade strip as an easement will create it – see section 10 in Attachment 11 in the application material and Appendix 6 Esplanade Strip Covenant

Q73 Occupation consent – sent to Ila Daniels, 18 August 2021.

Q77. *It would be good to get the key plans from the different documents bundled into one pdf for notification to make it easier for submitters.*

Response: - not possible - The plans are huge files and would take a lot of work to put them into a document that still will not suit interested parties. It should be relatively easy for files to be downloaded off Council’s website.

Q80. Landscape Renders – now available.

Q88. Easement:

*Note AT comment on easement, if this plan can be updated to remove it from the AT land prior to notification*

Response: There are no easements shown on AT land in the Draft Unit Title Plan dated June 655a Rev 10 June 2021.

89. See answer to 66 above.

**Non-s92 Questions**

Q2. See answer to question 10 above – same question

Your sincerely

A handwritten signature in blue ink, appearing to read "Craig Shearer", is centered on a light gray rectangular background. The signature is fluid and cursive, with a prominent initial "C" and "S".

Craig Shearer