

Hearing submission of Roy and Jackie Noble, 26 Observatory Close, Whitby.

5 April 2016.

We thank you for the time to present our submission. We would like to provide a copy of our submission to the panel, as this includes photos that we will reference.

At the time of formal submissions we opposed the application for the following reasons.

1. The application did not clearly indicate the scope of works proposed, and did not account for the recommendations made in the specialist reports;
2. The drawings submitted with the application were insufficient for us, as adjacent affected landowners, to understand the impact on our property;
3. We did not agree with the assumptions used in the Duck Creek Stormwater Modelling, and were of the opinion that there are characteristics that had been overlooked or did not describe adequate degrees of mitigation;
4. The proposed planting through Pocket Park appears to be limited to the western banks of the stream adjacent to our property. No detail was provided with respect to vegetation management or planting on the eastern side of the stream that bounds our property. Further, to account of this there was no detail in the vesting process with respects to future management of the western eastern side of the stream (e.g. Tree fall, weed control, etc.).
5. We were concerned with the security of our property from the proposed "Pocket Park", especially the crossing provided by the existing sewer pipe.

Since our initial submission we have met the Applicant to discuss our concerns, have an email response from the Applicant responding to those concerns (this is attached in Appendix A), and we have read the Porirua City Council Officers' report. Given the outcomes of our meeting, correspondence, and review of the report, we wish to revise our position from opposing the consent application to being neutral.

A summary of our current position is as follows:

1. We felt that the length river bank shaping and the length of that shaping should more extensive as the vertical banks bounding our property will continue to erode.

Both the Land Matters' Assessment of Environmental Effects and the Tonkin and Taylor Ecological Assessment acknowledged that the control of bank erosion will have long term benefits. Leaving the vertical banks along the proposed "informal walkway" would form a safety hazard for the young children that are being attracted to the park setting. It is was our opinion that this failed to meet the Objective set out in section 4.1 of the Urban Design and Landscape Management Plan that states "Duck Creek is to be kept as a safe usable space for the enjoyment of the local Community". We asked that the Applicant increase the length of the proposed bank stabilisation works from that indicated on drawing NZ0115065-PL-C251 , so as to provide a safe park setting, noting that Pocket Park extends to Bridge 1 in the at the northern extents of the development.

Below are a number of photos showing the scale of this drop into the creek from the proposed park.



Photo 1 – Proposed park on right of picture (drop off into deep pool)



Photo 2 – Further north than proposed stabilisation



Photo 2 – Further north again than proposed stabilisation

Following a meeting on site with the Applicant on 15th January 2016, they responded

in an email dated 8th March 2016 (provided in Appendix A) that reshaping works could be undertaken with the banks being laid back, however the length of stabilisation was not discussed.

Sections 6.139 and 6.140 of the PCC Officers' report covers this concern, noting that they also considered it necessary that any areas of the creek that are adjacent to walkways or public open space areas should be designed to be safe to the public. They further went on to state "A condition will be imposed for this to occur". Our review of the conditions in Section 8 of the PCC Officer report cannot see this condition clearly specified, and as such we request that the hearing panel ensure this is inserted into the final conditions, along with some form of approval clause.

2. There appeared to be little consideration made for clearing the existing native fallen vegetation that fouls the waterway adjacent to our property. In flood events this snags all manner of debris and effectively dams the stream. An example of this is shown in the photo below:



Photo 4 – Fallen vegetation obstructing the creek flow.

Following our meeting on site with the Applicant, they responded that they had had no issue with removal of the fallen trees and removal of the posts etc. that were obstructing the creek flow. We are happy to accept the Applicant's commitment.

We do note that obstruction of the stream flow is not limited to vegetation. Below our property a sewer pipe crosses the stream, and this often snags all forms of debris. An example from the heavy rain last weekend is shown below:



Photo 5 – Debris snagged on sewer pipe

At the time of our earlier submission we questioned whether the flowing calculations took account of this damming effect. We note that Cardno state that they applied a 25% increase in the Manning's "n" value in one scenario to take account of this. We wish to note that from our experience living at our property over

the last 12 years viewing the amount of debris being caught on this pipe increases flood levels substantially and sincerely hope that the calculations undertaken do in fact fully compensate for this effect.

3. Section 4.2.1 of the Tonkin and Taylor Ecological Assessment noted that the proposed works will reduce the amount of exotic vegetation present on site, a high proportion of which are listed in the Greater Wellington Regional Council's Regional Pest Management Strategy 2002-2022 (e.g. privet, willows, gorse and pampas). Section 5.5.2 of the Cardno Urban Design and Landscape Management Plan further confirmed the removal of these trees, and states that native species will be retained. Throughout the application we found no information on the clearing of existing vegetation from banks of the stream, and within the stream to secure a more consistent flow and therefore assist with flood management.

Removal of fallen vegetation from the stream is covered by our previous point; however removal of pest species such as the willows has not been clearly specified. The photos below show the scale of the willows on the boundaries of the creek adjacent to our property.



Photo 6 – Willow adjacent to sewer pipe. Note fouling of creek.



Photo 7 – Large willow beside deep pool

Following our meeting on site with the Applicant, they responded that they confirmed that the willows are going to be removed, however this would need to be subject to ecological considerations/plans and final engineering design of the creek environment.

We can understand the uncertainty being provided while the final plans are being developed, however we would ask that a level of importance is placed on the removal of these pest species. In the 12 years we have lived at our property we have seen some of these willows grow from small bushes into large trees, as well as a more self- sown seedlings now taking hold.

4. The fourth issue raised in our earlier submission was that while the Landscape Concept drawing and the Cardno Urban Design and Landscape Management Plan NZ0116065-PL-C800 both provided significant detail of the proposed plantings on the western bank of Duck Creek, there was little or no detail provided on planting the eastern side of the stream. The Urban Design and Landscape Management Plan appears to rely on existing plantings within the Duck Creek riparian corridor, or plantings that are on adjoining private properties. We noted that Section 4.1 of the Cardno Urban Design and Landscape Management Plan states the following objectives and policies:

Objective: Access and views to Duck Creek are to be enabled and enhanced where possible to provide the best use of this significant amenity for the community. Any access and views to Duck Creek will be created and maintained in ways that will not compromise the ecological wellbeing of the stream.

The Policies include:

- The ecological wellbeing of the stream and its fauna will be enhanced by planting and secured by way of long term tenure (vesting).
- Access and views to the creek from residential properties that are adjacent to the creek are to be developed where possible.

It is our opinion that the above Objectives and Policies have not been met, particularly with respect to planting on the eastern banks of Duck Creek near Pocket Park. There are significant sections of the eastern banks between sections CC and DD as shown on Landscape Concept drawing NZ0116065-PL-C800 that are not currently planted, however should be to meet the intent of the objectives and policies of the Urban Design and Landscape Management Plan.

It is unfortunate the Porirua City Council Officers' report does not address our concern on this matter, and as such we request the Panel obtain some certainty of the planting of the eastern side of the creek and recommend specific conditions are added to the consent.

5. Our final concern was the security to our property with the sewer pipe crossing the stream adjacent to our property.

We are pleased to see that Sections 6.34 and 6.40 of the PCC Officers' report covers this concern, and Consent condition # 96 requires that the applicant shall install barriers preventing pedestrian access over any PCC sewer main crossing Duck Creek.

Following our meeting on site with the Applicant, they responded that they were not in favour building a fence or gate on the western side of the creek as that had the potential to impede stream flow during high rainfall events. They have suggested making the pipe less visual to the public through a mound and/or planting; and that could be considered at the time of preparation of the final landscape plans for the creek and its surrounds. The Applicant indicated that they were happy to provide for that planting in its design.

While we accept this concept, we would be concerned with planting in the early years while trees were still maturing to provide cover. We are happy to work with the Applicant on this matter based on the PCC condition.

In summary, we thank both the Porirua City Council Officers and the Applicant for noting our concerns and addressing those concerns where seen fit. We request that the bank stabilisation or stream bank cut backs in the area of Pocket Park be extended to provide a safe environment for those people being attracted to the park, and that a clear condition is added to cover this.

We are happy to work with the Applicant on the other three matters noted in our submission.

We again thank you for your time and the chance to present our submission.

Appendix A:

From: Bryce Holmes <bryce@landmattersnz.com>
Sent: Tuesday, 8 March 2016 7:51 p.m.
To: Roy Noble
Subject: Re: Brookside - Jagger NZ - Application for Resource Consent
Attachments: 02022016135152[1].pdf

Hi Roy,

Apologies for the delay in getting back to you.

As agreed the Applicant has touched base with its engineers (Cardno) through me and we have taken on board their comments in the responses to your 4 points below. I also gave Cardno a couple of sketches so they knew the location we were discussing. Please appreciate the responses are subject to consent of the Local Authorities, but you will see that the Applicant wishes to find a way forward with you. The responses are in *italics*:

1. River bank shaping and the length of that shaping to ensure safety for the proposed park (this will also counter erosion and enhance flood flow) – *Not a problem, these reshaping works can be undertaken with the banks being laid back.*
2. Vegetation on our side of the stream (are fallen trees going to be cleared to flood flows) – *Cardno had no issue with removal of the fallen trees and removal of the posts etc that were obstructing the creek flow. The Applicant has agreed to remove the fallen trees and creek obstructions.*
3. Confirmation that willows are going to be removed – *The Applicant has agreed to remove the willows. This will need to be subject to ecological considerations/plans and final engineering design of creek environment.*
4. Security to our property with the sewer pipe
Cardno do not see any issue with this. PCC may have thoughts on this given this will be an open public area and it is their asset. Cardno do not favour building a fence or gate on the western side of the creek as that has the potential to impede stream flow during high rainfall events. They have suggested making the pipe less visual to the public through a mound and/or planting. That can be considered at the time of preparation of the final landscape plans for the creek and its surrounds. The Applicant is happy to provide for that planting in its design.

Please let me know if you have any further questions or thoughts.

Regards

Bryce Holmes
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