

## Anna McLellan

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**From:** Anna McLellan  
**Sent:** Monday, January 11, 2021 8:58 AM  
**To:** Anna McLellan  
**Subject:** FW: EBSP Minute 2

**From:** Dan Kellow <[Dan.Kellow@huttcity.govt.nz](mailto:Dan.Kellow@huttcity.govt.nz)>  
**Sent:** Tuesday, 22 December 2020 5:23 PM  
**To:** Robert Schofield <[Robert.Schofield@boffamiskell.co.nz](mailto:Robert.Schofield@boffamiskell.co.nz)>  
**Subject:** EBSP Minute 2

Hello Robert,

In regard to Minute 2, paragraph 8, here is my response.

I have discussed this matter with the HCC Team Leader Resource Consents (TLRC) in order to get a second opinion.

It is noted that in relation to 'safety', which is a matter referred to LV.4 (a)(i), that the applicant accepted the condition which requires a road safety audit at the detailed design stage and pre opening/post construction stage. Assuming this condition is imposed by the Commissioners then the road safety audit effectively acts as a peer review of the 'safety' of the detailed design.

Expert peer review would only be undertaken if the TLRC thought a particular matter had not been adequately considered. The applicant and I have discussed this and the updated recommended conditions allows the TLRC this discretion. My opinion is the TLRC is certifying the process established by the LV conditions rather than the design. It is acknowledged that the way the application has been prepared, without detailed design, relies heavily on the LV conditions to manage effects to an extent beyond what is typically dealt with via conditions of consent. However, it is considered reasonable to adopt the position of certifying the process rather than the detailed design because of the wide range of matters addressed by the conditions. More specifically;

- the wide range of experts (six experts listed in LV.3) that are required to be involved in the development of the LUDP;
- the requirement to prepare the LUDP in consultation with mana whenua, resident associations, HCC Parks and Reserves and the Eastbourne Community Board;
- LV.4 includes a requirement to address how the detailed design addresses safety, natural character, public access, urban design, recreational and visual amenity and how conflicts between these matters are responded to;
- the requirement to prepare a draft design protocol for comment by the ECB and resident associations and then report on the reasons for not accepting comments, if that occurs;
- the extensive list of design details that the BSUDP's must include.

The requirement to report on conflicts (LV.4(a)(b)) between matters and on what comments from the Eastbourne Community Board or the resident associations are not accepted (LV.6 (a)) should ensure the design process is robust and appropriate attention is given to the comments.

A reason for requiring peer review could be if there are several comments received from the ECB or resident association(s) that are not accommodated without adequate justification.

If the Commissioners consider expert peer review must be sought by the TLRC then the 15 day timeframe would only be reasonable if the consent holder informed the TLRC in advance of submitting a plan for certification to allow the TLRC time to arrange experts. I am aware that this week the applicant has discussed this with the TLRC due to the very tight timeframes the applicant is following and assured her that forewarning will be provided before plans are

submitted for certification. The 15 day timeframe itself is in line with typical timeframes where external expert peer reviewers are given 10 working days to review an application. Subject to availability experts would in all likelihood be the people involved in the assessment already so would have some knowledge of the project.

If external peer review is not required then 15 working days is adequate.

Kind regards,

**Dan Kellow**

Resource Consents Planner - Contractor

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