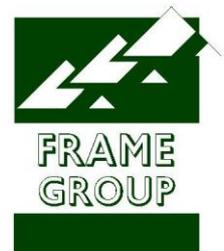


# Gentleman's Bay Walkway

advice on engineering and consent issues



*For: Auckland City Council  
– Arts, Community and Recreation Services  
Prepared by: Richmond Planning Limited & Frame Group Limited  
Dated: August 2008*

## 1.0 Overview

Gentleman's Bay Walkway has a lengthy history including extensive consideration of alternative routes and options to complete the walkway.

In 2004, to complete the lower unformed portion of the walkway, a low-impact, low cost design solution was installed. Part of this was severely damaged by renewed coastal erosion in late 2006.

Since this time, the track has been closed while engineering investigations have been undertaken and applications made for the necessary resource consents for re-instatement works. Engineering advice indicates that it is necessary to protect the lower cliff area from further coastal erosion by installing a 50m length of rock armouring at the base of the cliff. Once installed, concrete steps can be set into the rock armouring, this reinstating the safe walking track from Waitara Rd to the Gentleman's Bay shoreline. The proposed rock armouring and steps are below Mean High Water Mark and therefore within Auckland Regional Council (ARC) jurisdiction.

ARC officers have advised that detailed investigations are required in order to assess the effects of the rock armouring on the coastal environment. Based on similar types of applications, it is expected the application will be publicly notified and there is no guarantee of outcome. While ARC officers cannot pre-judge the application, it is not expected to receive their support, as the rock armouring will change the natural character of this part of the coastline.

Extensive investigations of alternative options for the establishment of pedestrian access from Waitara Road to Gentleman's Bay have been undertaken and discounted for safety or site stability reasons. The rock armouring is considered to be the only feasible option other than closing the existing track and accepting that access to Gentleman's Bay is gained by walking along the shore.

Continued pursuit of the application for rock armouring is likely to involve Auckland City Council to invest significant further expenditure in engaging various consultants with no certainty that this proposal will be granted consent. Perseverance with a project with an uncertain outcome may not be the best use of Auckland City Council funds. Given this, it is recommended that the resource consent is not pursued and the access be closed, the structures removed and the land restored in native vegetation.

## 2.0 Summary of the history of the Walkway

Gentleman's Bay Walkway has a detailed history, a summary of which is provided below. What this summary shows is that over the last 10 years, Auckland City Council has invested considerable time, effort and cost into attempting to secure a pedestrian walkway from the end of Waitara Road to Gentleman's Bay.

## Pre 1995

- Steps exist at the upper end of the Walkway (Waitara Road). These enable access to the lower portion of the informal walkway, which has a number of tracks that have been formed through use, but are prone to slips.

## 1995-2000

- In 1995, resource consent is granted for the construction of a dwelling on the site that adjoins the walkway (number 27 Waitara Road). To compensate for the private use of the road reserve condition iv requires the consent holder to upgrade the pedestrian access to improve pedestrian access to the beach.

### *Condition iv*

- *To enhance the pedestrian access to the beach, subject to a survey of the site and design specification to the approval of the Parks Manager, Hobson Eastern Bays Area Office, the owner shall form access to the site at grade and shall upgrade the pedestrian access to the beach at a suitable grade and shall provide appropriate signage to enhance the public access. The owner shall provide detailed drawings and specifications of this work for approval by the Parks Manager, Hobson Eastern Bays Area Office prior to undertaking any work on the road. Council shall retain ownership of the road reserve. There shall be full pedestrian access available to the beach at all times.*
- In 1995, LA4 landscape architects are engaged by the Council to assess the proposed refurbishment of the existing track in conjunction with the plans that were prepared to comply with condition iv of the above-mentioned consent. In their assessment, LA4 comment on the possibility of the existing track being abandoned and relocated 100m to the north/west. This was not pursued at this time.
- In June 1998, the Eastern Bays Committee Board approves funding for completion of the lower portion of the walkway. This funding is to cover the design and necessary consents.
- A building consent and resource consent for the completion of the walkway is granted in 1998. It is not known whether the walkway was constructed or constructed and subsequently collapsed.

## 2000-2003

- Resource consent for the dwelling at 27 Waitara Road expires in 2000. As a result, there is no requirement for the landowner to upgrade the pedestrian access as per condition iv of the consent.
- Resource consent for an alternative dwelling on 27 Waitara Road is lodged in 2001. As part of the preparation of the resource consent application, the owner of the land discusses with Council staff the possibility of the existing track being abandoned and a new track constructed some 100m north/west as indicated in the LA4 report from 1995. The owner offers a contribution of up to \$120,000 towards the cost

of the relocation, but all design and consent fees are to be at the Council's expense.

- On 25 September 2000, the Eastern Bays Community Board resolves to support the relocation of the walkway and refers the matter to the Parks and Recreation Committee for their approval. The Recreation and Events Committee resolves to relocate the walkway.
- In August 2001, budget is approved for the relocation of the walkway. This is to cover the costs associated with the design, consents and the estimated balance over and above the offer of up to \$120,000 by the owner of 27 Waitara Road.
- Resource consent for the relocation of the pedestrian access is lodged with the Auckland Regional Council and Auckland City Council in February 2002. The ARC consent involves several wooden steps below Mean High Water Mark (MHW) and this consent is approved in March 2002.
- As part of the assessment of the land use consent, Auckland City Environments raise concerns regarding the stability of the land. Iwi also advised they would not give their support as the new location is close to an archaeological site. Given these concerns and the rising costs of the project, the matter is referred back to the Eastern Bays Committee Board. The Board resolve that the proposal to relocate the access be abandoned. They further recommend to the Recreation and Events Committee that the existing walkway be upgraded to provide safe access from Waitara Road to the beach, with the costs to be paid by the owner of 27 Waitara Road in terms of the existing arrangements. *Author's note: There would have been no legal ability to require the owner of the land to contribute costs to this work.*
- The Recreation and Events Committee resolved to abandon the option to relocate the walkway and further resolved that the existing walkway be closed. Their resolution of August 2002 is quoted below:
  - *That the proposal to relocate the beach access at Glover Park known as the Gentleman's walkway be abandoned.*
  - *That the existing walkway be removed and the site remediated, and those costs in addition to resource consent application costs to date be paid by the owner of 27 Waitara Road.*
  - *That the public be informed by appropriate media publicity and notices at the Park that the walkway is now closed and advising as to where other beach access points are.*
- The Eastern Bays Community Board request Council officers to explore alternatives to complete the lower portion of the pedestrian access.
- Three options for completing the walkway are presented to the Eastern Bays Community Board on 19 March 2003. The in-stability of the land presents constraints to how the walkway can be completed and option 3, which is for a low impact "short walk standard" track, is recommended. Option 3 is approved by the Community Board and the Board endorses \$104,000 of funds from the financial contributions account being spent on the project. In their resolution, the board acknowledge that there is the probability repairs to the walkway may be necessary in the future due to the potential for further slope movement.

## 2004

- Land use consent is granted for the lower section of walkway. It is noted that as all works are above MHW, consent is not required from the Auckland Regional Council.

## 2006

- Slope movement damages the lower section of the low-impact “short walk standard” access. Engineering advice is that this is caused by erosion of the ‘toe’ of the cliff by wave action.

### 3.0 The proposed solution to reinstate the lower portion of the walkway

The slip that occurred in late 2006 resulted in the loss of approximately 3m of land over a horizontal length of 25m. In order to reinstate the lower portion of the walkway, the land at this point needs to be protected from continued wave attack and erosion. Frame Group Limited propose armouring consisting of imported sandstone rocks placed at the shoreline to a depth of approximately 3m and to a height above the level of the beach of approximately 2m over a horizontal length of 50m.

Concrete steps will be formed over the rock armouring. A handrail will be constructed on one side of the lower section of steps, as required by SNZ HB8630.

The engineering reasons for the rock armouring can be summarised as follows:

- Geotechnical advice indicates that the renewed slope movement on this section of cliff is likely to have been partly caused by the removal soil material at the toe of the cliff by wave action during prolonged easterly storms.
- The loss of approximately 3m of face perpendicular to the shore at the base of the cliff has left an over-steepened and potentially unstable toe of the cliff.
- Further erosion of the cliff toe and consequential slips extending well up the slope are likely if wave action continues to attack the base of the cliff.
- Placement of rock armouring would resist toe erosion by wave action as well as provide lateral support to the material behind.

### 4.0 Consent issues

Following preparation of draft plans by Frame Group Limited, the proposal to install rock armouring within MHW was discussed with ARC coastal officers. ARC officers did express some reservations on the proposal, but did not signal strong opposition at this stage. The application was lodged in November 2007.

Two site meetings have been undertaken with ARC staff and two section 92 requests for further information have been received. The following is a summary of the information requested by the ARC:

- Further reports on the stability of the slope
- A report on coastal processes (wave climate and wave energy)
- Details on the basis for the design and its integrity
- Further detail on alternative options
- Drainage information
- A consideration of cumulative effects
- Details on the demand for the walkway
- A landscape assessment of the visual impact on the character of the coastal environment (rated in the Auckland Regional Plan: Coastal as having a 'significant' landscape rating).

The estimated cost of providing this information is in excess of \$100,000.

Notwithstanding provision of this information, based on discussions with ARC officers, it is most likely that the application would be publicly notified.

ARC officers cannot pre-judge the application ahead of the above-mentioned information being provided and if notified, any submissions received. They are therefore correctly cautious about expressing an opinion on the merits of the proposal. However, having discussed the application with ARC officers, at this stage, it is a reasonable assumption that this proposal is unlikely to receive their support.

Richmond Planning Limited has reviewed the application in light of ARC comments and discussions with John Nash from the Arts, Community and Recreation Policy team. The following is a summary of the risks associated with pursuing the application.

To assist with understanding the consent risks, a ranking is set out below.

Ranking	Description
Very Low	High probability that the application will be granted on a non-notified basis and without the need for written approvals.
Low	Very good probability that the application will be granted on a non-notified basis, but may involve detailed reports and analysis to be prepared for the resource consent. Some potential that it may involve the need for written approvals. In the event that these written approvals are not obtained, the application would move to a medium/high risk.
Medium	Reasonable probability that the effects of the proposal will be determined to be minor, but written approvals are required. In the event that these written approvals are not obtained, the application would move to a medium/high risk.
Medium/High	Difficult to call on whether the effects of the proposal would be determined to be (equal probability). Notwithstanding this, written approvals will be required. While low, some risk the application may be refused consent. There a reasonable risk that there could be an appeal to the Environment Court. Will require detailed reports and analysis to be prepared for the resource consent and/or Environment Court.
High	Highly likely to require notification. Increasing risk the application may be refused consent but still within the bounds of being able to be supported by expert assessments. There a risk that there could be an appeal to the Environment Court and the decision at this point is not certain. Will require detailed reports and analysis to be prepared for

	the resource consent and or Environment Court.
Very High	Application will require notification and increasing probability that may be refused consent. Likely to be appeals and the Environment Court and the decision at this point is not certain.

Using the above rankings, the risk categorisation, costs and timeframes associated with pursuing this consent are set out below:

Risk category	Costs to date and moving forward	Decision timeframe
High/ Very high <sup>1</sup>		<p>To ARC decision estimated at 8 months</p> <p>To Environment Court decision estimated at an additional 8 months</p> <p>Total time = 16 months (minimum)</p>

## 5.0 Options from here

Option 1: Pursue the resource consent application on the basis of the proposed rock armouring.

Option 2: Re-evaluate alternatives to providing walking access to the beach from Glover Park. (This has been considered previously without success, but new design options may present themselves).

Option 3: Permanently close the track by removing the upper stairs and restore the land to a natural state with regenerative planting.

In considering the options, the following issues are noted:

- The access walkway has been closed since late 2006 and we are unaware of any recorded complaints about it not being available.
- There is a need to balance public access requirements against protection of natural landscapes.
- There are alternative options for public access to Gentleman's Bay along the shore at low tide from Ladies Bay and Karaka Bay.

## 6.0 Advice and recommendations

Given the detailed background of unsuccessful attempts to establish a walkway from the Waitara Rd/Glover Park vicinity to Gentleman's Bay, and the expected high cost of pursuing the current proposal, Richmond Planning Limited and

<sup>1</sup> It is noted that the owner of 27 Waitara Road is opposed to any upgrade of the walkway and is likely to oppose the application if notified. It is expected that this person may therefore pursue the matter to the Environment Court, even if the ARC grants consent to the application.

Frame Group Limited recommend that Auckland City Council adopt option 3, which is to abandon this project and accept that this section of coast not be provided with direct access.

If this recommendation is accepted, the existing staircase structures, steps and handrails should be recovered from the remains of the existing walkway, drainage provision made to ensure the remnants of the walkway do not contribute to slope instability, and the top of the walkway signposted and blocked off to discourage continued use.

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