



# Submitter List for Plan Change 74

<b>Full Name</b>	<b>Submitter ID</b>	<b>Page Ref</b>
LOVELL, WARWICK RODGER	1	3
LOVELL, ALASTAIR	2	9
PALMER, NOEL GARTH	3	14
DEPARTMENT OF CONSERVATION	4	16
MAHAR, JUDITH MAY	5	21
LONGDILL, PETER	6	23
HILL, PAMELA GLYNNETH	7	25
VERNON, GORDON DAVID	8	29
ALLEN, JOHN DESMOND	9	33
WESTERN BAY OF PLENTY DISTRICT COUNCIL	10	36
LLOYD, NATALIE	11	38
TAIT-JAMIESON, MARGUERITE ANNE	12	40
STEWART, CAROLINE MARY ANNE	13	42
HARRAY, KENNETH GRAEME	14	44
TRELOAR, JUDY MARIE	15	46
BAY OF PLENTY REGIONAL COUNCIL	19	48
POWERCO LIMITED	20	51
PUKEHINA BEACH RATEPAYERS ASSOCIATION	21	62
HOPE, ROBERT EDWIN	22	65
HALL, JOSEPHINE BARRIE	24	68
MANDER, KENNETH GEORGE	25	72
HALL, GEOFFREY STANLEY COLCHESTER	26	75
WALLACE, GAVIN ROLAND GRAHAM	27	78
CANCELLED	28	-
POWERCO LIMITED	FS 29	95
DEPARTMENT OF CONSERVATION	FS 30	99
BAY OF PLENTY REGIONAL COUNCIL	FS 31	103

Note: Submitters 16, 17, 18 and 23 submitted on Plan Change 73 which has been withdrawn.



<b>Full Name</b>	<b>Submitter ID</b>	<b>Page Ref</b>
ALLEN, JOHN DESMOND	9	33
BAY OF PLENTY REGIONAL COUNCIL	19	48
BAY OF PLENTY REGIONAL COUNCIL	FS 31	103
DEPARTMENT OF CONSERVATION	4	16
DEPARTMENT OF CONSERVATION	FS 30	99
HALL, JOSEPHINE BARRIE	24	68
HALL, GEOFFREY STANLEY COLCHESTER	26	75
HARRAY, KENNETH GRAEME	14	44
HILL, PAMELA GLYNNETH	7	25
HOPE, ROBERT EDWIN	22	65
LLOYD, NATALIE	11	38
LONGDILL, PETER	6	23
LOVELL, WARWICK RODGER	1	3
LOVELL, ALASTAIR	2	9
MAHAR, JUDITH MAY	5	21
MANDER, KENNETH GEORGE	25	72
PALMER, NOEL GARTH	3	14
POWERCO LIMITED	20	51
POWERCO LIMITED	FS 29	95
PUKEHINA BEACH RATEPAYERS ASSOCIATION	21	62
STEWART, CAROLINE MARY ANNE	13	42
TAIT-JAMIESON, MARGUERITE ANNE	12	40
TRELOAR, JUDY MARIE	15	46
VERNON, GORDON DAVID	8	29
WALLACE, GAVIN ROLAND GRAHAM	27	78
WESTERN BAY OF PLENTY DISTRICT COUNCIL	10	36

Note: Submitters 16, 17, 18 and 23 submitted on Plan Change 73 which has been withdrawn.

A2503779

3

PEOPLE • PLAN • PROGRESS



Western Bay of Plenty District Council

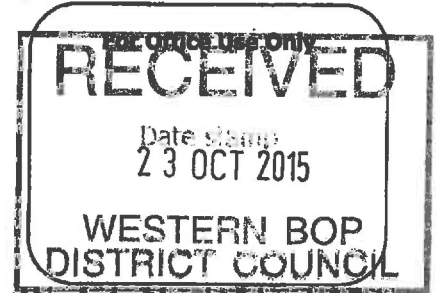
Submission No

# District Plan Changes 69-71 & 73-74

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143



## Submissions close 4.00pm on Monday 2 November 2015

Name: Warwick Lovell  
 (Mr/Mrs/Ms/Miss)

Organisation: Resident - 99 Dillon Street, Waihi Beach

Address for Service: 25 Pickwick Parade, Howick,  
AUCKLAND Post Code: 2014

E-mail Address: wandnlovell@xtra.co.nz

Telephone Number: 027965050  
 (home) (work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: WR Lovell Date: 23-10-2015  
 (Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

**Submission on Plan Change 74 – Warwick Lovell**

Plan Change and Point No.	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
PC 74 / 1	Support plan changes 74, and in particular as it relates to Dillon St and in No. 99, subject to the amendments sought in the submission points below.	Retain plan changes 74 in its current form, subject to the amendments sought in the submission points below.	①
2	Oppose the location of the Coastal Erosion Area – Secondary Risk on the Planning Maps, and in particular as it relates to Dillon St and No. 99.	Relocate the Coastal Erosion Areas – Secondary Risk seaward of its current location on the Planning Maps, and in particular off Dillon St and No. 99.	②
3	Support the location of the Coastal Erosion Access Yard on the Planning Maps, subject to Council providing clarification on Council's strategy behind the location of the Coastal Erosion Access Yard and when it is likely to be delivered. Retain the right to amend this position to support or oppose the location of the Coastal Erosion Access Yard depending on the response from Council.	Council to provide clarification on the Council's strategy behind the location of the Coastal Erosion Access Yard and when it is likely to be delivered in the Council's hearing report to support the section 32 report. Retain the right to amend this position to support or oppose the location of the Coastal Erosion Access Yard depending on the response from Council.	③
4	Neutral to the inclusion of the word 'property' in Objective 1, subject to Council providing clarification on whether property is considered to be a natural and physical environment. Retain the right to amend this position to support or oppose Objective 1 depending on the response from Council.	Council to provide clarification in the Council's hearing report on the relationship between 'natural and physical environment' and 'property'. Retain the right to amend this position to support or oppose Objective 1 depending on the response from Council.	④
5	Support the inclusion of a new policy, which seeks to minimise the risk to property from human life, property and the natural and physical environment through appropriate protection mechanisms at the time of subdivision. For example, where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.	Include new Policy 9 or similar wording to this effect: <i>Minimise the threat of natural hazards to human life, and the natural and physical environment, including through the use of appropriate setbacks, buffers and protection mechanisms at the time of subdivision and development.</i>	⑤

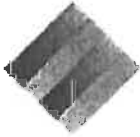
6	<p>Support Policy 8, subject to the Council clarifying how the policy is applied to the Coastal Erosion Areas and affected properties. This is explained to some extent on the section 32 report but is currently unclear in the plan change.</p> <p>Retain the right to amend this position to support or oppose the wording of Policy 8 depending on the response from Council.</p>	<p>Council to provide clarification in the Council's hearing report on how Policy 8 will be applied to the different Coastal Erosion Areas (i.e. wholly within one of the areas or straddling the areas).</p> <p>Also refer to related submission points 17 and 18, which seek new definitions/explanations to provide clarification on the Coastal Erosion Areas and how these will be applied to individual properties in the case of the primary risk and secondary risk etc.</p>	6
7	<p>Support 8.3.1 Permitted Activities, subject to amendments to provide for subdivision and new buildings/dwellings etc within the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p> <p>For example, controls where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.</p>	<p>Include new permitted activities for subdivision and new buildings/dwellings etc within the Coastal Erosion Areas, subject to certain controls. Particularly in relation to properties which only partly straddle the secondary risk etc.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• New buildings/dwellings etc outside the Erosion Protection Areas.</li> <li>• New minor buildings such as fences, sheds, glass houses within the Coastal Erosion Areas.</li> <li>• Subdivision only partly straddling the secondary risk area where 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas.</li> </ul>	7
8	<p>Support 8.3.2 Controlled Activities, subject to amendments to provide for subdivision and new buildings/dwellings within the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p> <p>For example, controls where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.</p>	<p>Include new controlled activities for subdivision and new buildings/dwellings etc within the Coastal Erosion Areas, subject to certain controls. Particularly in relation to properties which only partly straddle the secondary risk etc.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• New buildings/dwellings etc outside the Erosion Protection Areas.</li> <li>• New minor buildings such as fences, sheds, glass houses within the Coastal Erosion Areas.</li> <li>• Subdivision straddling the secondary risk area where 'access' and 'build platform' can be identified</li> </ul>	8

9	<p>Support 8.3.3 Restricted Discretionary Activities, subject to amendments to provide for subdivision within the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p> <p>For example, where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.</p>	<p>outside of the Coastal Erosion Areas.</p> <p>Include new restricted discretionary activities for subdivision within the Coastal Erosion Areas, subject to certain controls. Particularly in relation to properties which only partly straddle the secondary risk etc.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>Subdivision straddling the secondary risk area where 'access' is within the Coastal Erosion Area and a 'build platform' can be identified outside of the Coastal Erosion Areas.</li> </ul>	<p>9</p>
10	<p>Oppose restricted discretionary activity 8.3.3(a) Coastal Erosion Area – Secondary Risk. Without the clarification sought under submission points 6 and 17-18, the current rule appears too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p>	<p>Include an explanation under the rule which clarifies that new buildings/dwellings etc must be inside the Coastal Erosion Areas to be affected by the rule and also exclude minor buildings such as fences :</p> <p><i>Outside of the Coastal Erosion Areas new buildings/dwellings etc are a permitted activity. Minor buildings such as fences, sheds, glass houses, etc are also excluded from this rule.</i></p>	<p>10</p>
11	<p>Support discretionary activity 8.3.4(b) Coastal Erosion Access Yard, subject to Council providing clarification on the intent of the rule and the Council's strategy that supports the location of this road, and when it is likely to be delivered.</p> <p>Retain the right to amend this position to support or oppose 8.3.4(b) depending on the response from Council.</p>	<p>Council to include clarification on the intent of the rule and the Council's strategy that supports the location of this road, and when it is likely to be delivered.</p> <p>Retain the right to amend this position to support or oppose 8.3.4(b) depending on the response from Council.</p>	<p>11</p>
12	<p>Oppose 8.3.5 Non-complying Activities as they relate to the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p>	<p>Refer to the decisions sought in submission points 7-9.</p>	<p>12</p>
13	<p>Oppose 8.3.6 Prohibited Activities as they relate to the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas. In most cases new buildings have a design life of 50years which is well inside the 100 years of the Coastal Erosion</p>	<p>Refer to the decisions sought in submission points 7-9.</p>	<p>13</p>

	Areas.		
14	Support 8.4 Matters of Control, subject to any consequential amendments to address the other submissions points, and in particular submission point 7.	Refer to the decisions sought in submission point 8.	14
15	Support matters of discretion 8.5.1.1 Coastal Erosion Area – Secondary Risk Matters of Discretion, subject to any consequential amendments to address the other submissions points, and in particular submission points 7-13.	Refer to the decisions sought in submission point 7-13.	15
16	Oppose the discretionary and non-complying matters of discretion 8.5.2(c) Coastal Erosion Areas. The current matters are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.  If the related rule and matters are to be retained they need to include consideration of more innovative design solutions and protection measures, which can achieve similar ends. For example, where appropriate access and build areas can be identified outside of the Coastal Erosion Areas, the use of restrictive covenants to prevent development within Coastal Erosion Areas or vesting of land affected by Coastal Erosion Areas	Refer to the decisions sought in submission point 7-13.  If the related rule and matters are retained they need to include consideration of more innovative design solutions that can achieve the outcomes sought by the Council and the property owner. For example, recognising alternative development patterns which achieve similar ends or the use of other protection mechanisms.	16
17	The plan change is not clear on what constitutes the Coastal Erosion Areas and how these are applied to individual properties through the objectives, policies and rules. This is explained to some extent on the section 32 report but is currently unclear in the plan change.	Include new definitions to provide clarification on the Coastal Erosion Areas and how these will be applied.  Also refer to related submission point 6 and 18, which seeks clarification on the Coastal Erosion Areas and how these will be applied to affected properties in the case of Policy 8 and the planning maps. This is currently unclear in the plan change.	17
18	Oppose the use of the wording 'Coastal Erosion Area' throughout the plan change. The wording and their relationship with the objectives, policies and rules and the Planning Maps need to be clear and consistent in their approach.	Include and explanation of the wording 'Coastal Erosion Area' and their relationship with the objectives, policies and rules and the Planning Maps to ensure a clear and consistent approach. This is currently unclear in the plan change.  Also refer to the decisions sought in submission points 6	

19	<p>Please explain in the Council's hearing report, the cost of the scientific information required from a suitably qualified coastal expert under the discretionary and non-complying matter of discretion 8.5.2(b)(x), to demonstrate that the land within the Coastal Erosion Area is not under any actual or potential risk from coastal erosion hazard.</p>	<p>and 17. Council to provide in the Council's hearings report, the additional information requested.</p>	18
20	<p>Please also provide a cost benefit analysis from an economics expert on the plan change, the scenarios considered and the public and private benefits and costs of each approach.</p>	<p>Council to provide in the Council's hearings report, the additional information requested.</p>	19
21	<p>Please explain in the Council's hearing report, the Council's strategy for managing erosion of the next 50 to 100 years to provide context to the plan change and Council's commitment or otherwise to continuing to manage erosion at Waihi.</p>	<p>Council to provide in the Council's hearings report, the additional information requested.</p>	20
22	<p>Include any other consequential amendments or changes to address the submission points above.</p>	<p>Include any other consequential amendments or changes to better address the submission points above.</p>	





Western Bay of Plenty District Council

PEOPLE • PLAN • PROGRESS

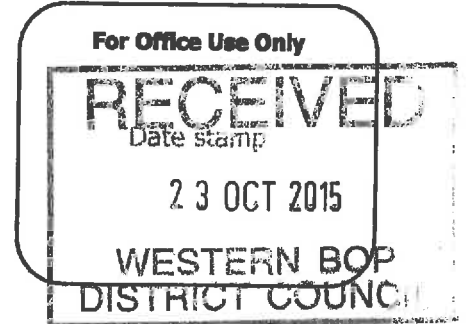
Submission No

# District Plan Changes 69-71 & 73-74

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143



## Submissions close 4.00pm on Monday 2 November 2015

Name: Mr/Mrs/Ms/Miss ALASTAIR LOVELL

Organisation \_\_\_\_\_

Address for Service: 1/13 TRISTRAM AVE, FORREST HILL,  
AUCKLAND Post Code: 0620

E-mail Address: alastair.lovell@aucklandtransport.govt.nz

Telephone Number: 021 674 625  
(home) (work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: *Alastair Lovell* Date: 23/10/2015  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

### Submission on Plan Change 74

Plan Change and Point No.	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
PC 74 / 1	Support plan changes 74, and in particular as it relates to Dillon St and in No. 99, subject to the amendments sought in the submission points below.	Retain plan changes 74 in its current form, subject to the amendments sought in the submission points below.	①
2	Oppose the location of the Coastal Erosion Area – Secondary Risk on the Planning Maps, and in particular as it relates to Dillon St and No. 99.	Relocate the Coastal Erosion Areas – Secondary Risk seaward of its current location on the Planning Maps, and in particular off Dillon St and No. 99.	②
3	Support the location of the Coastal Erosion Access Yard on the Planning Maps, subject to Council providing clarification on Council's strategy behind the location of the Coastal Erosion Access Yard and when it is likely to be delivered. Retain the right to amend this position to support or oppose the location of the Coastal Erosion Access Yard depending on the response from Council.	Council to provide clarification on the Council's strategy behind the location of the Coastal Erosion Access Yard and when it is likely to be delivered in the Council's hearing report to support the section 32 report. Retain the right to amend this position to support or oppose the location of the Coastal Erosion Access Yard depending on the response from Council.	③
4	Neutral to the inclusion of the word 'property' in Objective 1, subject to Council providing clarification on whether property is considered to be a natural and physical environment. Retain the right to amend this position to support or oppose Objective 1 depending on the response from Council.	Council to provide clarification in the Council's hearing report on the relationship between 'natural and physical environment' and 'property'. Retain the right to amend this position to support or oppose Objective 1 depending on the response from Council.	④
5	Support the inclusion of a new policy, which seeks to minimise the risk to property from human life, property and the natural and physical environment through appropriate protection mechanisms at the time of subdivision. For example, where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.	Include new Policy 9 or similar wording to this effect: <i>Minimise the threat of natural hazards to human life, and the natural and physical environment, including through the use of appropriate setbacks, buffers and protection mechanisms at the time of subdivision and development.</i>	⑤

<p>6</p>	<p>Support Policy 8, subject to the Council clarifying how the policy is applied to the Coastal Erosion Areas and affected properties. This is explained to some extent on the section 32 report but is currently unclear in the plan change.</p> <p>Retain the right to amend this position to support or oppose the wording of Policy 8 depending on the response from Council.</p>	<p>Council to provide clarification in the Council's hearing report on how Policy 8 will be applied to the different Coastal Erosion Areas (i.e. wholly within one of the areas or straddling the areas).</p> <p>Also refer to related submission points 17 and 18, which seek new definitions/explanations to provide clarification on the Coastal Erosion Areas and how these will be applied to individual properties in the case of the primary risk and secondary risk etc.</p>	<p>6</p>
<p>7</p>	<p>Support 8.3.1 Permitted Activities, subject to amendments to provide for subdivision and new buildings/dwellings etc within the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p> <p>For example, controls where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.</p>	<p>Include new permitted activities for subdivision and new buildings/dwellings etc within the Coastal Erosion Areas, subject to certain controls. Particularly in relation to properties which only partly straddle the secondary risk etc.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• New buildings/dwellings etc outside the Erosion Protection Areas.</li> <li>• New minor buildings such as fences, sheds, glass houses within the Coastal Erosion Areas.</li> <li>• Subdivision only partly straddling the secondary risk area where 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas.</li> </ul>	<p>7</p>
<p>8</p>	<p>Support 8.3.2 Controlled Activities, subject to amendments to provide for subdivision and new buildings/dwellings within the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p> <p>For example, controls where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.</p>	<p>Include new controlled activities for subdivision and new buildings/dwellings etc within the Coastal Erosion Areas, subject to certain controls. Particularly in relation to properties which only partly straddle the secondary risk etc.</p> <p>For example:</p> <ul style="list-style-type: none"> <li>• New buildings/dwellings etc outside the Erosion Protection Areas.</li> <li>• New minor buildings such as fences, sheds, glass houses within the Coastal Erosion Areas.</li> <li>• Subdivision straddling the secondary risk area where 'access' and 'build platform' can be identified</li> </ul>	<p>8</p>

	<p>Support 8.3.3 Restricted Discretionary Activities, subject to amendments to provide for subdivision within the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p> <p>For example, where an appropriate 'access' and 'build platform' can be identified outside of the Coastal Erosion Areas, use of covenants to prevent development within Coastal Erosion Areas or setting aside land affected by Coastal Erosion Areas.</p>	<p>outside of the Coastal Erosion Areas.</p> <p>Include new restricted discretionary activities for subdivision within the Coastal Erosion Areas, subject to certain controls. Particularly in relation to properties which only partly straddle the secondary risk etc.</p>	<p>9</p>
10	<p>Oppose restricted discretionary activity 8.3.3(a) Coastal Erosion Area – Secondary Risk. Without the clarification sought under submission points 6 and 17-18, the current rule appears too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p>	<p>Include an explanation under the rule which clarifies that new buildings/dwellings etc must be inside the Coastal Erosion Areas to be affected by the rule and also exclude minor buildings such as fences :</p> <p><i>Outside of the Coastal Erosion Areas new buildings/dwellings etc are a permitted activity. Minor buildings such as fences, sheds, glass houses, etc are also excluded from this rule.</i></p>	<p>10</p>
11	<p>Support discretionary activity 8.3.4(b) Coastal Erosion Access Yard, subject to Council providing clarification on the intent of the rule and the Council's strategy that supports the location of this road, and when it is likely to be delivered.</p> <p>Retain the right to amend this position to support or oppose 8.3.4(b) depending on the response from Council.</p>	<p>Council to include clarification on the intent of the rule and the Council's strategy that supports the location of this road, and when it is likely to be delivered.</p> <p>Retain the right to amend this position to support or oppose 8.3.4(b) depending on the response from Council.</p>	<p>11</p>
12	<p>Oppose 8.3.5 Non-complying Activities as they relate to the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas.</p>	<p>Refer to the decisions sought in submission points 7-9.</p>	<p>12</p>
13	<p>Oppose 8.3.6 Prohibited Activities as they relate to the Coastal Erosion Areas. The current rules are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas. In most cases new buildings have a design life of 50years which is well inside the 100 years of the Coastal Erosion</p>	<p>Refer to the decisions sought in submission points 7-9.</p>	<p>13</p>

	Areas.		
14	Support 8.4 Matters of Control, subject to any consequential amendments to address the other submissions points, and in particular submission point 7.	Refer to the decisions sought in submission point 8.	14
15	Support matters of discretion 8.5.1.1 Coastal Erosion Area – Secondary Risk Matters of Discretion, subject to any consequential amendments to address the other submissions points, and in particular submission points 7-13.	Refer to the decisions sought in submission point 7-13.	15
16	Oppose the discretionary and non-complying matters of discretion 8.5.2(c) Coastal Erosion Areas. The current matters are too prohibitive for these activities and penalise properties largely outside of the Coastal Erosion Areas. If the related rule and matters are to be retained they need to include consideration of more innovative design solutions and protection measures, which can achieve similar ends. For example, where appropriate access and build areas can be identified outside of the Coastal Erosion Areas, the use of restrictive covenants to prevent development within Coastal Erosion Areas or vesting of land affected by Coastal Erosion Areas	Refer to the decisions sought in submission point 7-13. If the related rule and matters are retained they need to include consideration of more innovative design solutions that can achieve the outcomes sought by the Council and the property owner. For example, recognising alternative development patterns which achieve similar ends or the use of other protection mechanisms.	16
17	The plan change is not clear on what constitutes the Coastal Erosion Areas and how these are applied to individual properties through the objectives, policies and rules. This is explained to some extent on the section 32 report but is currently unclear in the plan change.	Include new definitions to provide clarification on the Coastal Erosion Areas and how these will be applied. Also refer to related submission point 6 and 18, which seeks clarification on the Coastal Erosion Areas and how these will be applied to affected properties in the case of Policy 8 and the planning maps. This is currently unclear in the plan change.	17
18	Oppose the use of the wording 'Coastal Erosion Area' throughout the plan change. The wording and their relationship with the objectives, policies and rules and the Planning Maps need to be clear and consistent in their approach.	Include and explanation of the wording 'Coastal Erosion Area' and their relationship with the objectives, policies and rules and the Planning Maps to ensure a clear and consistent approach. This is currently unclear in the plan change. Also refer to the decisions sought in submission points 6	



Example: PC 101

Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.

Add to the District Plan Maps for Te Puke an area for higher density development.

PC 74

Why is the coastal flooding risk changing? Is it due to the predicted global warming sea level rise?

- There is no reference on the Coastal Inundation Areas mapping indicating the predicted global warming sea level rise in the next 20/50/100 years. This surely must be relevant to the risk expectation.
- Two scenarios are being presented:
  1. Global Warming sea level rise (predicted).
  2. Storm surge/tsunami event sea level rise (perceived).Global warming sea level predictions must affect both scenarios therefore should be shown on the maps (currently only predicted sea level rise due to storm/tsunami events is shown which is not based on any scientific evidence).

Add to the Coastal Inundation Areas maps, the line indicating the expected sea level rise due to global warming, for 20/50/100 years;  
**AND**  
Remove the Storm Surge Tsunami lines from the maps, because there is no scientific evidence to predict accurately the type and magnitude of any future event.





29 October 2015

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

[districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

**Proposed Plan Change 74: Coastal Hazards**

Enclosed is a copy of the Director-General of Conservation's submission on Proposed Plan Change 74: Coastal Hazards.

The changes to the maps and the rules, as well as minor other changes are supported as necessary to give effect to the New Zealand Coastal Policy Statement. However, I consider that the current policy direction is not sufficient to support prohibited or non-complying activity status and, as such, also requires amendment to give effect to the New Zealand Coastal Policy Statement and ensure internal plan consistency.

Please contact me in the first instance if you wish to discuss any of the matters raised in this submission (phone 07 858 1586 or [cstaite@doc.govt.nz](mailto:cstaite@doc.govt.nz)).

Yours sincerely



Christopher Staite  
RMA Planner



**Resource Management Act 1991*****Submission on Proposed Plan Change 74 to the Western Bay of Plenty District Plan***

---

**To:** Western Bay of Plenty District Council

**Submission on:** Proposed Plan Change 74 to the Western Bay of Plenty District Plan

**Name:** Lewis Sanson, Director-General of Conservation

**Address:** Conservation House  
18 - 32 Manners Street  
Wellington 6011

**STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF  
CONSERVATION**

I, Lewis Sanson, Director-General of Conservation, make the following submission on Proposed Plan Change 74.

The specific parts of the Proposed Plan Change to which the submission relates along with the submission (with reasons) and decisions sought are set out in Appendix A - Submission of the Director-General. I also seek consequential or alternative relief to like effect to that sought as set out in Appendix A.

I do wish to be heard in support of this submission.

Dated at *Hamilton* this 28<sup>th</sup> day of October 2014.



Dr Christopher Berry  
North Island Planning Manager  
Hamilton Shared Services

Pursuant to delegated authority  
On behalf of  
Lewis Sanson  
Director-General of Conservation

Address for Service:

Chris Staite  
Private Bag 3072  
Hamilton 3240  
Email: [cstaite@doc.govt.nz](mailto:cstaite@doc.govt.nz)  
Tel: (07) 349 7423

A copy of the Instrument of Delegation may be inspected at the Office of the Director-General of Conservation, 18-32 Manners Street, Wellington.

## Appendix A – Submission of the Director-General of Conservation

### Coastal Erosion Area Maps

I support the update to the District Plan Maps identifying land that is potentially affected by coastal hazards over the next 100 years as required to give effect to the NZCPS, specifically Policy 24. ①

Showing only those parts of properties that are identified as potentially affected by coastal hazards will support the rules and allow the Plan to give effect to the NZCPS, while ensuring that further restrictions are not placed on land outside of this area that is not likely to be subject to coastal hazards.

**Relief sought:** Retain maps as notified.

### Coastal Erosion Area Rules – 8.3 Activity Lists

#### **8.3.4 – Discretionary Activities**

I support the changes to this section, especially Matters of Discretion 8.5.2(b). Relocatability, the imposition of consent conditions requiring relocation of a building/structure when the toe of the foredune retreats to a distance that places it at immediate risk, and registration of an encumbrance instrument on the title are considered necessary matters to address coastal hazard risks. ②

**Relief sought:** Retain as notified.

#### **8.3.5 – Non-Complying Activities**

I support subdivision of titles that are partially identified within a Coastal Erosion Area, with the exclusions, as a non-complying activity. This will ensure that any consent applied for, where the effects are greater than minor, must not be contrary to the objectives and policies of the Plan, and consideration of an increase in risk from coastal hazards, as required by the NZCPS, will be carried out. ③

The Matters of Discretion for these activities (8.5.2(c)) are supported as necessary guidance of activities to achieve no increase in risk.

**Relief sought:** Retain as notified.

#### **8.3.6 – Prohibited Activities**

The prohibition of the development given in 8.3.6(a)(i) – (iv) within the Coastal Erosion Areas is supported as ensuring that intensification will not occur to increase development potentially affected by coastal hazards in the future. ④

Prohibition of subdivision of any title that is entirely identified within a Coastal Erosion Area is supported as it will prevent the creation of additional development rights and result in the avoidance of increases in coastal hazard risk.

**Relief sought:** Retain as notified.

### Issue with Policies

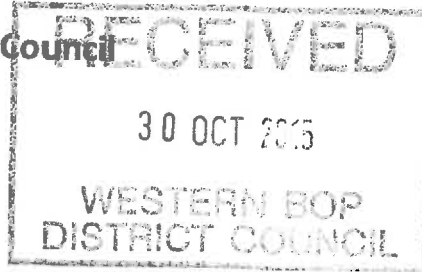
Although the plan change is supported, I am concerned that the objectives and policies do not give effect to the requirement in the NZCPS to avoid increasing the risk of harm, or adverse effects, from coastal hazards and do not provide a suitable basis for non-complying or prohibited status rules.

Objective 1 only requires minimisation of the threat of all natural hazards in the District, and although Policies 1, 2 and 3 encourage avoidance of adverse effects from natural hazards, they do not require it. This could potentially result in non-complying activities being granted with only partial mitigation required, which would result in an increase in the risk of harm from coastal hazards.

I consider that an additional policy is required that requires the avoidance of increases in the risk of adverse effects from coastal hazards. This will allow the Plan to give effect to the NZCPS direction on coastal hazards.

**Relief sought:** Insert new policy direction that requires the avoidance of increases in the risk of adverse effects from coastal hazards.

5

**Submission to Western Bay of Plenty District Council****Re:** District Plan First Review

Proposed Plan Changes 69-71 and 73-74

**Date:** 26 October 2015**Name:** Judith Mahar

Mayward Homestead, 880 Whakamarama Rd, Tauranga RD7, 3179

**PH:** 07 552 6299**Specific Provisions of the plan change to which this submission refers:**

74: Coastal Hazards

**Background:** The background and my reference for this submission is my ownership of the property at 2 Broadway Rd, Waihi Beach, purchased circa 1982.

**Introduction and Position Statement:** I am fully opposed to the District Plan Changes – Plan Change 74 – Coastal Hazards, as I do not believe there are valid grounds for highlighting the section of affected properties as at risk of inundation from rising sea levels and imposing the proposed restrictions.



In the circa 33 years we have owned and used the house and property at 2 Broadway Rd, we have noted no perceivable change to the sea level and no change to the water that lies around the reserve on Seaforth Rd, adjacent to our property, or on our property during and following heavy rain and storms.

I acknowledge the science which recognises global warming and the concerns for the planet in general, but I do not accede that there will be increases in the sea levels to the levels predicted by Tonkin and Taylor. There is no evidence to show the rate of increase in sea level will occur at the suggested rate, as it does not take into account the work and commitment to reduction of emissions and more from the countries signatory to the Doha Amendment of the Kyoto Treaty and the original signatories to the Kyoto Treaty. It is therefore premature and irresponsible to assume a nil improvement in the rate of change predicted by Tonkin and Taylor and thereby force the proposed restrictions and limitations on current property owners based on incomplete and not fully accepted or proven science.

Tonkin and Taylor's report, based on their computer-generated models of future sea-level rise around New Zealand has been challenged successfully in Auckland (Omaha) and Kapiti Coast. Their report is to be challenged the Christchurch courts imminently.

At the meeting of property owners held at the Community Centre, Waihi Beach, the representative from Tonkin and Taylor admitted that their recommendations were based on the maximum and most exaggerated, possible increases. This is not only flawed and at odds with common sense: these proposed changes to the plan are significant and life-changing for property owners and yet are based on subjective assumptions, it is arguably unlawful to push these changes through based on erroneous information.

It is therefore my submission that

- a. Plan Change 74 – Coastal Erosion Areas should not progress as proposed, which will show on a LIM and property search for our property. The proposed changes to the plan will have a direct negative impact on the property value.
- b. Plan Change 74 should not prohibit additional dwellings, minor dwellings or larger scale accommodation, based on the information made available, which as described in my introduction, is incomplete and unproven, with insufficient evidence.
- c. Plan Change 74 should not make a change to prohibit subdivision in the secondary risk area for the same reasons described in b, the introduction and summary.
- d. Plan Change 74 – Coastal Inundation (Flooding) Areas should not make a change to require resource consent and require minimum floor levels to be imposed because the science is incomplete and unproven, so the District Council should not be able to impose these requirements. Recommendations can be made by architects and draftspeople, by the District Council when advice is sought, but these should not be mandatory requirements as they may prove completely unnecessary.

①  
②  
③  
④

**Summary:**

Plan Change 74 – Coastal Inundation (Flooding) Areas should not make these proposed changes at this point because there is insufficient, sound evidence of the suggested impact and possible increase to inundation levels.

I have owned this property as a holiday home for the past circa 34 years and my plans now, as a recent widow, include the possibility of making my property at 2 Broadway Rd, Waihi Beach my permanent home. This will require me to make changes to the house to make it more suitable as a permanent dwelling and the proposition that I might be required to apply for resource consent to do this, at significantly increased cost, plus the worry that any alterations I might wish to do could be restricted and limited by the proposed plan change is unacceptable to me.

The reduction in value of my property is of huge concern, as the alternative possibility for me is to sell my Waihi Beach property in order to create some funds for my retirement and long-term care. To have these changes made to the District Plan and thereby appear on a LIM and force the reduction in the property value is unfair and ill-founded. To reiterate, these changes are being proposed on unsound and unproven science, yet the impact they would have is significant and extremely distressing.

I seek a reversal in this proposal for changes by Council and advice of same and look forward to your response.

I would like notification of any hearing regarding this proposal, to give me the opportunity to attend.

Yours faithfully



Judith M. Mahar



**Western Bay of Plenty  
District Council**

Submission No

6

## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

For Office Use Only

Date stamp

### Submissions close 4.00pm on Monday 2 November 2015

**Name:**

**Mr/Mrs/Ms/Miss** Peter and Melanie Longdill

**Organisation**

**Address for Service:** C/- 16 Burford Place

Mellons Bay, Manukau

**Post Code:**

2014

**E-mail Address:**

peterlongdill@gmail.com

**Telephone Number:**

09 8890418

(home)

(work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

**Signed:**

*P Longdill*

**Date:** 30 October 2015

(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name: Peter and Melanie Longdill

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC74 Issue 3	No objection to reviewing the location of the coastal erosion and inundation zones based on reviewed and accepted scientific evidence	N/A	①
PC74 Issue 4	For coastal erosion zones, support making subdivision PROHIBITED, but oppose all other planning rule changes. There is justification via science for review of zones and locations, no similar justification in place for rule amendment. The Section 32 Report confirms "The existing rules succeed in ensuring new buildings are hazard proofed" The proposed change is too restrictive for that situation	Accept revision of planning maps (hazard zones only). Reject changes to development rules (accept to prohibit sub-division ONLY) (i.e. Select OPTION 3 for ISSUE 4 from Sect. 32 Report)	② ③ ④ ⑤
PC74 Issue 5	Object to changing the alignment of the access way, just to please one landowner (and at the expense of two others). Changing the alignment for this reason would set a DANGEROUS precedent as there are multiple dwellings in the same accessway on BROADWAY RD (e.g. 76, 78, 82)	Select OPTION 1 for ISSUE 5. No change to access way at 10 Edinborough St.	⑥
PC74 Issue 4	District Plan Section 8.5.1.1 (b) proposed change. The use of concrete block walls for garage areas should be allowed. Most houses within the secondary risk area have Concrete Block lower floors, addition works MUST allow for this, and not prohibit use of that material	Section 8.5.1.1 (b) to be revised as "Avoid as possible the use of concrete and block wall foundations, walls, and flooring, except that for sheds and garages all of these are allowed. Consideration to be given to existing materials during additions"	⑦





Western Bay of Plenty  
District Council

PEOPLE • PLAN • PROGRESS

Submission No

7

## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143

For Office Use Only

Date stamp

### Submissions close 4.00pm on Monday 2 November 2015

Name: Mr/Mrs/Ms/Miss Pamela and David Hill

Organisation \_\_\_\_\_

Address for Service: 9B Somme Cresc.  
Hillcrest, Hamilton

E-mail Address: pamela.hill.nz@gmail.com

Telephone Number: 07 858 3490 027 224 1116  
(home) (work) mobile

Post Code: 3216

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: P.C. Hill Date: 2 November, 2015  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

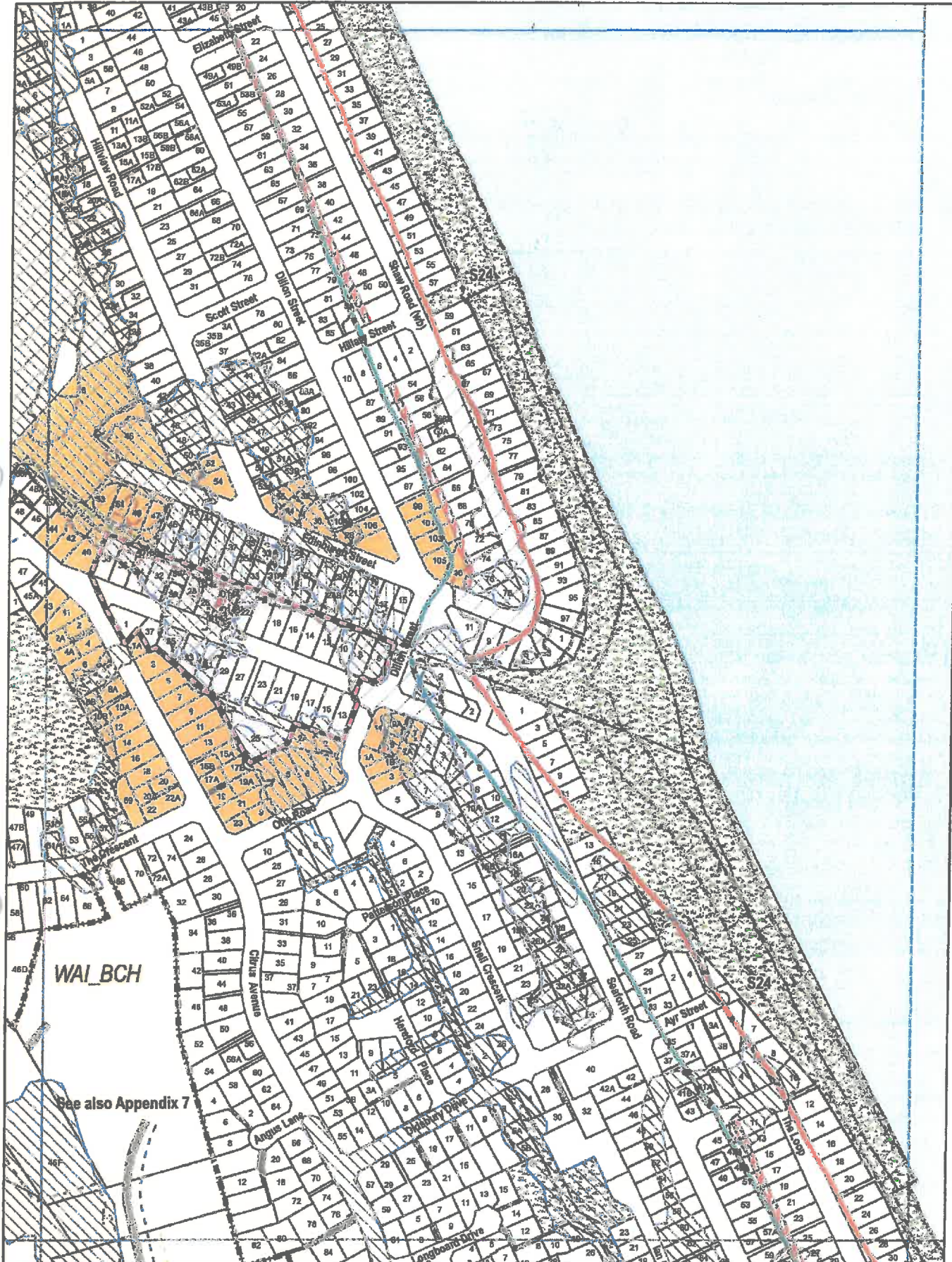
Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Submission Sheet No:

Name:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
<p>Example: PC 101</p>	<p>Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.</p>	<p>Add to the District Plan Maps for Te Puke an area for higher density development.</p>	
<p>P.C. 74</p>	<p>We wish to have an amendment made to the classification of our property for the following reasons.</p>	<p>That our property at 15 Seafarth Rd., Waihi Beach be rezoned from Primary Risk to Secondary Risk.</p>	<p>①</p>
	<p>1. The Coastal Protection Primary Risk line barely crosses the corner of our property.</p>	<p>(Attachment A - Showing position of our property)</p>	
	<p>2. No building is on the area of Primary Risk.</p>		
	<p>3. The distance from our property to the edge of the sand dunes has greatly increased over the past 13 years. (See photo - Attachment Aerial photograph)</p>		
	<p>4. This change would reassign our property with others in our block who are classified as Secondary Risk.</p>		
	<p>5. At present we are subject to Primary Risk rules which disadvantage us and would like them removed.</p>		





Crown Copyright Reserved. LINZ Digital Licence Number HNZS220003 & TDO08522.

WAI BCH

See also Appendix 7

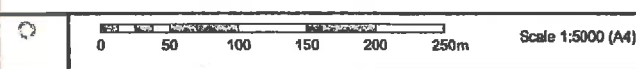


**U04**

**Waihi Beach**



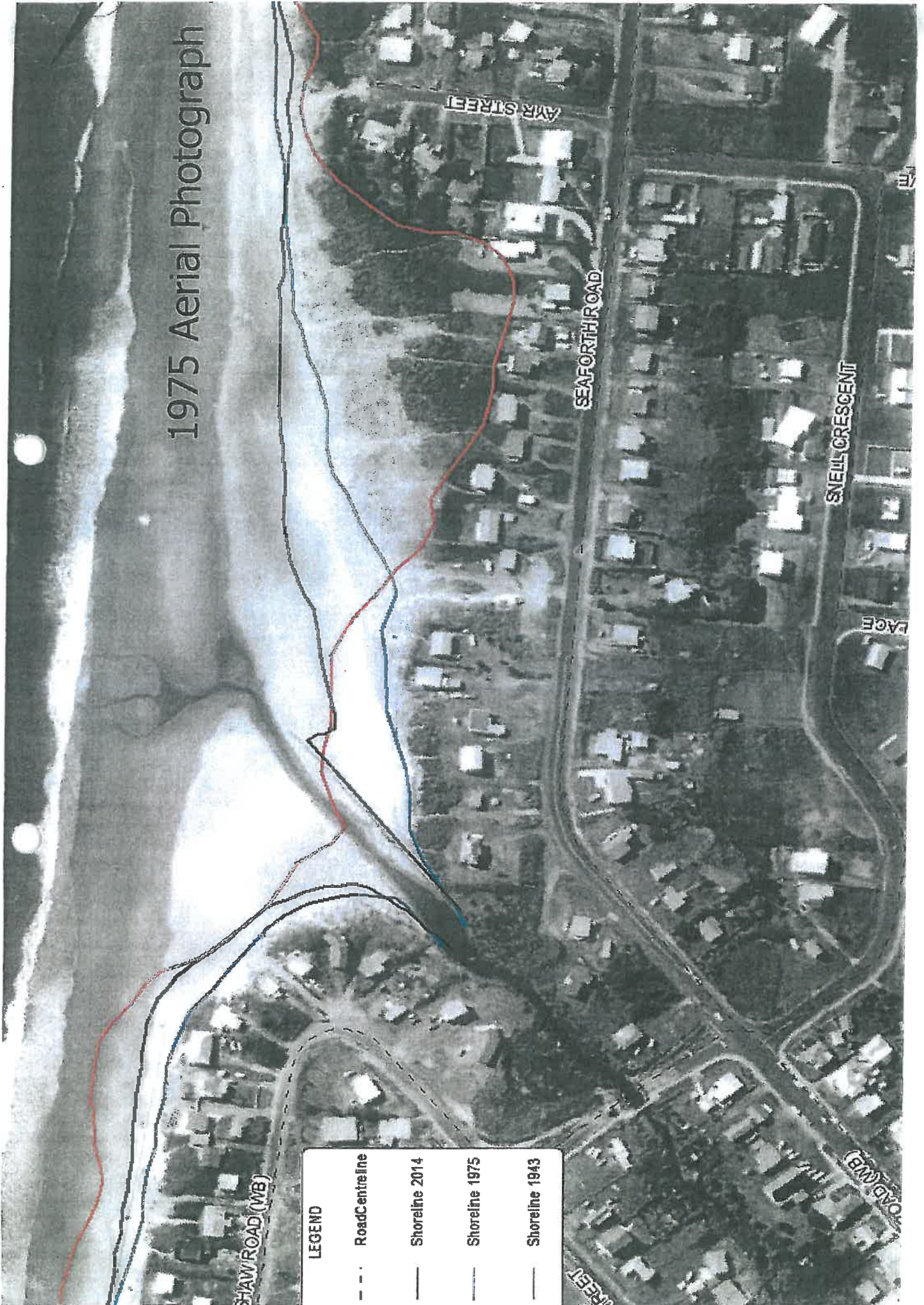
Western Bay of Plenty  
District Council



Revision Date: PC 74  
September 2015



1975 Aerial Photograph





Western Bay of Plenty  
District Council

PEOPLE • PLAN • PROGRESS

Submission No

8

## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

For Office Use Only

Date stamp

### Submissions close 4.00pm on Monday 2 November 2015

Name: Gordon & Jenni Vernon  
 Mr/Mrs/Ms/Miss  
 Organisation: N/A Private landowner  
 Address for Service: 1462A Wairua Road  
RD1 Ngaurawahia Post Code: 3793  
 E-mail Address: jconsultants@extra.co.nz  
 Telephone Number: 07 829 7858 (home) 021 967 288 (work)

We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: [Signature] Date: 2/11/15  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

This would have been more helpful if the form had been in "Word" and then the submission form could be typed.  
 A PDF form is not helpful.

Name: G & V Vesnon Submission Sheet No: 1

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
<p>Example: PC 101</p>	<p>Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.</p>	<p>Add to the District Plan Maps for Te Puke an area for higher density development.</p>	
<p>plan change 74</p>	<p>Oppose. <u>232</u> analysis is poor technical documents to support decision. No peer review, no economic or environmental analysis of current "rock wall" effects or impact on landowners partially captured by secondary risk CPA. Significant for scale &amp; significance analysis.</p>	<p>Provide some genuine alternative options to properties affected by secondary risk area.</p>	<p>2</p>
<p>1</p>	<p>Consultation: 1 letter, 1 2 hour open day &amp; 2 letters on eve of notification not good practice. Only using 50 minimum walking days for plan change to be submitted on peer practice especially</p>	<p>Ground-truthing could have been completed before notification for properties partially captured by secondary risk CPA.</p>	<p>3</p>



Name: And Vernon

Submission Sheet No: 2

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
Plan Change 74	<p>objectives - very narrow &amp; contradictory to current practice i.e. "natural character of coastline at Waikī Beach destroyed by "rock walls!"</p>	<p>Could have an objective for secondary risk CPA as "monitored next 20 years" to gauge any indication of flooding risks that actually occur</p>	5
	Policies could be a little more flexible for "secondary objectives" again, monitor first rather than regulate & then "ground-ruth" Rules	<p>not spatially mapped.</p> <p>⇒ these was no need to panic regarding second 50 years of LIDAR predictions.</p>	6

Name: C. & V. Vester Submission Sheet No: 3

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
<p>Example: PC 101</p>	<p>Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.</p>	<p>Add to the District Plan Maps for Te Puke an area for higher density development.</p>	
<p>Plan change 72</p>	<p>Oppose non-complying activity status for properties affected by secondary risk CPA, only partially affected especially for sub-division and building of vegetable gardens &amp; fences.</p>	<p>This could have been "discretionary" given no ground truthing has been undertaken for this plan change.</p>	<p>7</p>
<p>affected</p>	<p>Harsh rule set for something so far out and only a "prediction". LIDAR is still pioneering forecasting.</p>	<p>If our property flooded the rest of beach. Beach will drain. We are looking from mtws on and sand dune.</p>	



John Allen,  
P.O. Box 5397,  
Hamilton 3242

To The Chief Executive Office  
Western Bay of Plenty District Council  
Provate Bag 12803  
Tauranga 3143,



Dear, Sir/Madam,

In reference to attached submission forms, I wish to clarify my request, that the exclusion zones, or coastal protection zones, that are being considered to be moved, under the Proposed District Plan Change 74, to approximately 1 metre inside our property at 285 Seaforth Rd, Waihi Beach, be amended to stop at or before the boundary, rather than in our property.

Our understanding is that if any of these zones are on our property, it will likely affect any future alterations or improvements we may wish to undertake on our property.

It is our belief that if the future 100 year potential for flooding or coastal erosion is only encroaching on our boundary by 1 metre, then it should not affect any alterations or improvements, within that time frame.

Yours Sincerely,

John Allen,



# District Plan Changes 69-71 & 73-74

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143

For Office Use Only

Date stamp

### Submissions close 4.00pm on Monday 2 November 2015

Name:  Mr /  Mrs /  Ms /  Miss John Allen

Organisation \_\_\_\_\_

Address for Service: P.O. Box 5397  
Hamilton Post Code: 3242

E-mail Address: johnandsharonallene@gmail.com

Telephone Number: 07-850-9077 (home) 07-847-4476 (work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

Signed: [Signature] Date: 26.10.15.  
(Signature of person making submission or person authorized to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name: John Allen

Submission Sheet No: 2

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
74 - Coastal Hazards	would like the Coastal Hazard Zone removed from the front edge of property at 285 Seafalls Rd. - Waahi Beach	Stop exclusion zone short of our property. Reason. If only goes onto property by 1 metre so this should not effect any future building works within the 100 year time frame of the report.	1



## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

For Office Use Only

Date stamp

### Submissions close 4.00pm on Monday 2 November 2015

Name:

Mr/Mrs/Ms/Miss

Organisation

Western Bay of Plenty District Council

Address for Service:

C/- Western Bay of Plenty District Council

PO Box 12803, Tauranga 3143

Post Code:

E-mail Address:

trc@westernbay.govt.nz

Telephone Number:

0800 926 732

(home)

(work)


I/We would like to speak in support of my/our submission at the Council hearing.

Yes

No

Please tick

Signed:

  
(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Date:

2/11/15

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

**Submission Sheet No:**

**Name:**

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
Rules 8.3.6(a)(I) 8.3.6(a)(II)	Rules 8.3.6(a)(I) and 8.3.6(a)(II) are only intended to restrict that part of a title within a 'coastal erosion area' from having more than one dwelling or minor dwelling (combined).  However, the rules could also be interpreted as preventing the whole of a title from having more than one dwelling or minor dwelling (combined) even if only one of these was planned to be within the coastal erosion area.	Rules 8.3.6(a)(I) and (II) need re-wording to reflect their intention which is only to restrict that part of a title within a 'coastal erosion area' from having more than one dwelling or minor dwelling (combined).	①

## Submission to Western Bay of Plenty District Council

**Re:** District Plan First Review

**Proposed Plan Changes 69-71 and 73-74**

**Date:** 2 November 2015

**Name:** Natalie Lloyd  
3c The Rise, St Heliers, Auckland 1071

**PH:** 027 4766 379

**Specific Provisions of the plan change to which this submission refers:**

74: Coastal Hazards

**Background:** The background and my reference for this submission is my mother's ownership of the property at 2 Broadway Rd, Waihi Beach, purchased circa 1982.

**Introduction and Position Statement:** I am fully opposed to the District Plan Changes – Plan Change 74 – Coastal Hazards, as I do not believe there are valid grounds for highlighting the section of affected properties as at risk of inundation from rising sea levels and imposing the proposed restrictions.

In the circa 33 years my parents have owned and used the house and property at 2 Broadway Rd, we have noted no perceivable change to the sea level and no change to the water that lies around the reserve on Seaforth Rd, adjacent to our property, or on our property during and following heavy rain and storms. I have used this property with my family almost every school holiday and multiple weekends every year since it was purchased by my parents and have very good knowledge of the area.

I acknowledge and have respect for the science which recognises global warming and the concerns for the planet in general, but I do not accede that there will be increases in the sea levels to the levels predicted by Tonkin and Taylor. There is no good scientific evidence to show the rate of increase in sea level will occur at the suggested rate, as it does not take into account the work and commitment to reduction of anthropogenic Greenhouse Gas emissions and removals and more from the countries signatory to the Doha Amendment of the Kyoto Treaty and the original signatories to the Kyoto Treaty. There will be major pressure on all countries at the Climate Conference in Paris in December 2015 to make greater and firmer commitments to this. It is therefore premature and irresponsible to assume a nil improvement in the rate of change predicted by Tonkin and Taylor and thereby force the proposed restrictions and limitations on current property owners based on incomplete and not fully accepted or proven science.

Tonkin and Taylor's report, based on their computer-generated models of future sea-level rise around New Zealand has been challenged successfully in Auckland (Omaha) and Kapiti Coast. Their report is to be challenged the Christchurch courts imminently.

At the meeting of property owners held at the Community Centre, Waihi Beach, the representative from Tonkin and Taylor admitted that their recommendations were based on the maximum and most exaggerated, possible increases. This is not only flawed and at odds with common sense: these

proposed changes to the plan are significant and life-changing for property owners and yet are based on subjective assumptions, it is arguably unlawful to push these changes through based on erroneous information.

It is therefore my submission that

- a. Plan Change 74 – Coastal Erosion Areas should not progress as proposed, which will show on a LIM and property search for my mother’s property. The proposed changes to the plan will have a direct negative impact on the property value. ①
- b. Plan Change 74 should not prohibit additional dwellings, minor dwellings or larger scale accommodation, based on the information made available, which as described in my introduction, is incomplete and unproven, with insufficient evidence. ②
- c. Plan Change 74 should not make a change to prohibit subdivision in the secondary risk area for the same reasons described in b, the introduction and summary. ③
- d. Plan Change 74 – Coastal Inundation (Flooding) Areas should not make a change to require resource consent and require minimum floor levels to be imposed because the science is incomplete and unproven, so the District Council should not be able to impose these requirements. Recommendations can be made by architects and draftspeople, by the District Council when advice is sought, but these should not be mandatory requirements as they may prove completely unnecessary and the impact of introducing such a change is damaging. ④

**Summary:**

Plan Change 74 – Coastal Inundation (Flooding) Areas should not make these proposed changes at this point because there is insufficient, sound evidence of the suggested impact and possible increase to inundation levels.

My family has owned this property as a holiday home for the past circa 34 years and my mother’s plans now, as a recent widow, include the possibility of making this property at 2 Broadway Rd, Waihi Beach her permanent home. This will require changes to be made to the house to make it more suitable as a permanent dwelling and the proposition that she might be required to apply for resource consent to do this, at significantly increased cost, plus the worry that any alterations she might wish to do could be restricted and limited by the proposed plan change is extremely worrying and completely unacceptable to me.

The reduction in value of her property is of huge concern, as the alternative possibility is that my mother may need to sell her Waihi Beach property in order to create funds for purchasing a more suitable retirement dwelling and long-term care. To have these changes made to the District Plan and thereby appear on a LIM and force the reduction in the property value is unfair and ill-founded. To reiterate, these changes are being proposed on unsound and unproven science, yet the impact they would have is significant and extremely distressing.

I seek a reversal in this proposal for changes by Council and advice of same and look forward to your response.

I would like notification of any hearing regarding this proposal, to give me the opportunity to attend.

Yours faithfully

Natalie Lloyd, MNZM





**Western Bay of Plenty  
District Council**

Submission No

12

## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

For Office Use Only

Date stamp

### Submissions close 4.00pm on Monday 2 November 2015

**Name:**Mr/Mrs/Ms/Miss Mrs M.A Tait-jamieson**Organisation**As above**Address for Service:**615 Alexandra Road , Manawaru, RD1Te Aroha**Post Code:**3391**E-mail Address:**peg@t-j.co.nz;petertj@xtra.co.nz**Telephone Number:**078845794

(home)

027963884

(work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes  No  Please tick

**Signed:** Peter J Tait-Jamieson

(Signature of person making submission or person  
authorised to sign on behalf of person making submissions)

**Date:** 2 November 2015

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.



Name:

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC-74	Support the change to the Coastal Erosion Area Access Yard for the following reasons; a.the current access yard passes through the dwelling at 10 Edinburgh St, and because of the gradient required could not be constructed without a significant retaining wall which would need to fall within the 6m width making access impractical even with the removal of the dwelling. b.the existing dwelling effectively blocks the access way. c. the new access way is beneficial to the adjacent properties in Shaw road ;1. it avoids an existing house and 2, provides access to what would be a landlocked property d.although it requires the removal of a deck at 10 Edinburgh Street, that is less significant than demolition of the existing dwelling and it allows future redevelopment of the site to take advantage of the more elevated area of the section e.while overall it is still detrimental to the property, it is a practical solution providing benefits to all affected parties, f.although decreasing the section size, the access way is at a lower and more practical level;and g.while overall it is still detrimental to the property, it is a practical solution providing benefits to all affected parties,		1
	DECISION-BOUGHT		
	Approve amended access way on DP Map UO4 as shown in attachment A of section 32 report		



## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143

For Office Use Only

Date stamp

### Submissions close 4.00pm on Monday 2 November 2015

Name:

~~Mr/Mrs/Ms/Miss~~

C. STEWARD . S TOWEEL

Organisation

Address for Service:

29 SNELL CRESCENT

WAIHI BEACH

Post Code:

E-mail Address:

seugnet.cas@gmail.com

Telephone Number:

(home)

(work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes

No

Please tick

Signed:

Date:

2/11/2015

(Signature of person making submission or person  
authorised to sign on behalf of person making submissions)

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name:

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
P.74 # 7 9.0	WE DONOT WANT TO SEE FURTHER DEVELOPMENT IN COASTAL INUNDATION ZONE'S HOWEVER OPTION 2 (9.3) WITH AMMENDMENT	ADD TO THE DISTRICT PLAN 9.0 ISSUE #7 INUNDATION AREA RULES.	①
	① DO NOT ALLOW BUILDINGS TO EXCEED DAYLIGHT BOUNDARY'S ② NO FLING OF SECTIONS-TO BE ADDED WOULD BE OUR SECOND CHOICE		



Western Bay of Plenty  
District Council

Submission No

14

## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143

For Office Use Only

### Submissions close 4.00pm on Monday 2 November 2015

Name: Mr/Mrs/Ms/Miss Rev K.G. HARRY

Organisation n/a

Address for Service: 14 HONEYSTONE ST, HELENSBURGH  
DUNEDIN Post Code: 9010

E-mail Address: kenharry@gmail.com

Telephone Number: 03 476 7402 03 476 7402  
(home) (work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes



No



Please tick

*Depends on where and when the hearing is.*

Signed:

*K.G. Harry*

(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Date:

*2<sup>nd</sup> November 2015*

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name: Rev K.G. HARRAY

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
Example: PC 101	Support the provision of medium density housing in identified areas but seek the addition of a specific medium density area for Te Puke to give certainty to Te Puke residents that this area will be used for medium density development.	Add to the District Plan Maps for Te Puke an area for higher density development.	
PC74	From Attachment B; Section 8 - Natural Hazards.	An ammendment to Section 8.5.1-2 b	①
	I seek a change to section 8.5.1.2 b) The appropriate minimum finished floor level - namely:	to allow alterations to existing structures/buildings sited above the predicted coastal flooding level without the restriction of needing to raise existing floor levels.	
	where an existing building/structure is sited on a section subject to predicted coastal flooding in the next 100 years but the building/structure is sited above the predicted coastal flooding level - then any future alterations to the building/structure will not have to raise existing floor levels.		



**Western Bay of Plenty  
District Council**

Submission No

**15**

## District Plan Changes 69-71 & 73-74

### Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barkes Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

For Office Use Only

Date stamp

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

### Submissions close 4.00pm on Monday 2 November 2015

Name:

Mr/Mrs/Ms/Miss Judy and Paul Treloar

Organisation \_\_\_\_\_

Address for Service: 103e Rowe Road, Ohauti, RD 3, Tauranga. 3173

Post Code: \_\_\_\_\_

E-mail Address:

[judy@treloar.co.nz](mailto:judy@treloar.co.nz)

Telephone Number:

07 544 8063  
(home)027 4533752  
(work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes

No



Please tick

Signed:


*Judy Treloar*  
(Signature of person making submission or person  
authorised to sign on behalf of person making submissions)

Date: 2 November 2015

**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	Decision Sought (Give precise details)	Submission Ref. No. Office Use Only
PC74	<p>We strongly oppose the proposed Coastal Hazards plan changes.</p> <p>The proposed changes will have detrimental and severe effects on landowners – in particular on the property and land values, restrictions on the use of the land in a residential zone, a property owners rights to protect his land and added impacts on insurance.</p> <p>Speculating 100 years ahead and making decisions and rules for the next century that severely affect present day and future landowners, ratepayers and communities is extreme and unreasonable.</p> <p>I consider the predictions used by Council for the proposed plan change are excessively cautious forecasts which take a worst case scenario outlook rather than looking at what is likely to occur overall.</p> <p>I believe the proposed plan changes are not an appropriate way for the Council to manage coastal hazards.</p> <p>The proposed plan changes are based on hazard assessment reports that may be unreliable and/or overly conservative and should not form the sole basis for such critical policy decisions.</p> <p>The Council has not identified or properly investigated other options for achieving its objectives in regard to coastal hazards or considered other mitigation plans and alternatives. In 50 to 100 years there is most likely to be other influences, solutions, remedies and improvements such that we have not presently considered or thought possible.</p> <p>We request that consistent and realistic sea level projections are used nationally and a focus be placed on allowing protection of properties in already approved residential coastal communities.</p> <p><b>We fully support the Pukehina Beach Ratepayers Association Submission</b></p>	<ol style="list-style-type: none"> <li>1. Keep the Status Quo until sufficient (relevant to projections) historic data has been recorded for the Bay of Plenty and until nationally consistent sea level rise figures are agreed through Central Government and based on reliable International data.</li> <li>2. Limit any plan changes to the effects of 50 years and reviewed against historical data and projections every decade</li> <li>3. Full consideration is given to mitigation and protection options and included in forecast erosion calculations.</li> </ol>	<p>47</p> <p></p>

**Bay of Plenty Regional Council Submission to Western Bay of Plenty Proposed Plan Change 74 – Coastal Hazards  
12<sup>th</sup> November 2015**

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Try to be precise and what wording change you are seeking?)
Page No.	Section Heading and Reference	Clarify the issues you are concerned about eg. is it inconsistent with BoPRC policy?	Support/Oppose or Seek Amendments and Provide Reason (The reason should include a reference to policy/objective/method or rule in a regional plan if possible)	
	General	Proposed Plan Change 74 is generally consistent with the policy direction in the Bay of Plenty Regional Policy Statement.	Generally support the Plan Change as it gives effect to the natural hazards provisions in the operative Regional Policy Statement, in particular Policy NH 11B.	Generally support the plan change subject to specific amendments discussed in the following submission points.
	Issue 3 – Coastal Erosion Area Maps	The Coastal Erosion Areas (primary and secondary risk) as determined by the Technical Report give effect to the operative RPS.	Generally support the Coastal Erosion Areas (primary and secondary risk) as determined by the Technical Report. Support using Option 3 which identifies only those parts of the properties within the Coastal Erosion Hazard Zone as being shown on the District Plan Maps. This option avoids the adoption of overly conservative boundaries leading to unnecessary restrictions.	Support the methodology set out in the Technical Report to identify coastal erosion areas and the alignment method set out in Issue 3.
	Issue 6 – Coastal Inundation Areas Maps	The methodology used to determine the Coastal Inundation Area Maps as determined by the Technical Report give effect to the operative RPS.	Generally support the methodology used to determine the Coastal Inundation Area by the Technical Report.  Bay of Plenty Regional Council has been working with NIWA to develop the coastal calculator to identify the extent of coastal inundation. The coastal calculator enables a region-wide consistent methodology to be established for coastal inundation identification. It is envisaged any future changes to the District Plan will employ the coastal calculator to establish the extent of coastal hazards.	Support the methodology set out in the Technical Report to determine the Coastal Inundation Area.

①

48

②

③





1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Try to be precise and what wording change you are seeking?)
Page No.	Section Heading and Reference	Clarify the issues you are concerned about eg is it inconsistent with BoPRC policy?	Support/Oppose or Seek Amendments and Provide Reason (The reason should include a reference to policy/objective/method or rule in a regional plan if possible)	
	General	Proposed Plan Change 74 is generally consistent with the policy direction given in the Proposed Regional Coastal Environment Plan (proposed RCEP).	Generally support the Plan Change as it is consistent with the coastal hazard provisions of the Proposed RCEP, in particular Policies CH 11, CH 12 and CH 13. The Regional Council notes the appeal period on the proposed RCEP has closed, and no appeals have been received on the Coastal Hazard policies (Policies CH 1 to CH 16), as such, these provisions are now technically operative.	Generally support the Plan Change subject to specific amendments discussed in the following submission points.
6	Rule 8.3.4(a)	Construction of in-ground swimming pools in the primary erosion area is not captured by the proposed regulatory framework.	Seek amendment to the rule framework to include the construction of in-ground swimming pools in the primary coastal erosion areas as an activity that requires resource consent. This is an activity that may increase the risk of harm from coastal erosion.	Amend Rule 8.3.4(a) to read: (a) Coastal Erosion Areas – Primary Risk and Rural (i) Buildings/Structures not within an Approved Building Site (ii) Construction of new public roads (iii) Reticulated Infrastructure (iv) Coastal and river protection works including groynes and sea walls (v) Swimming pools
8	Rule 8.3.6(a)	Consistency with Policy CH 2 of the proposed RCEP and Policy 25 of the NZCPS.	Support the use of prohibited activity status for the activities listed. Not allowing these activities in the coastal erosion area is consistent with Policy CH 2 of the Proposed RCEP and Policy 25 of the NZCPS.	Retain Rule 8.3.6(a) as notified.

6

7

50

8

1 Specific provisions that submission relates to:		2 Nature of submission		3 Bay of Plenty Regional Council seeks the following decisions (Try to be precise and what wording change you are seeking?)
Page No.	Section Heading and Reference	Clarify the issues you are concerned about eg is it inconsistent with BoPRC policy?	Support/Oppose or Seek Amendments and Provide Reason (The reason should include a reference to policy/objective/method or rule in a regional plan if possible)	
10 12	Section 8.5.1.1(a) Section 8.5.2(b)(i)	Inconsistency with Policy CH 13(e) of the proposed RCEP.	Support the intent of these provisions but seek amendment to provide greater certainty regarding the matters that should be considered when assessing whether a relocation proposal is appropriate.	Amend clause 8.5.1.1(a) and 8.5.2(b)(i) to read: "Extent to which the building/structure is relocatable, taking into account the design, location of the building/structure, and access to remove the building/structure, ability to rehabilitate the site (including the removal of services), achievable timeframes for relocation and whether a site for relocation is available."
12	Section 8.5.2(b)(vii)	Consistency with Policy CH 13(d) of the proposed RCEP.	Support the inclusion of clause (b)(vii) as a matter for consideration during assessment of activities in the primary risk and rural coastal erosion areas. The direction to consider and impose consent conditions relating to a relocation trigger is consistent with Policy CH 13(d) of the proposed RCEP.	Retain section 8.5.2(b)(vii) as notified.



**NOTICE OF SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE  
74 (COASTAL PROTECTION AREAS) TO THE WESTERN BAY OF PLENTY  
DISTRICT PLAN**

**To:** Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bay 12803  
Tauranga 3143

**By Email:** [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

**Submitter:** Powerco Limited  
Private Bag 2061  
New Plymouth 4342

**Address for Service:** BURTON PLANNING CONSULTANTS LIMITED  
Level 1, 2-8 Northcroft Street  
PO Box 33-817, Takapuna,  
**AUCKLAND 0740**

Attention: Georgina McPherson

Phone: (09) 917-4301

Fax: (09) 917-4311

Email: [gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@burtonconsultants.co.nz)

File ref: 09/032.1

## A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand. These consumers are served through Powerco assets including nearly 8,500 kilometres of electricity lines (including overhead lines and underground cables) and 850 kilometres of gas pipelines.
2. Powerco's electricity networks are in Tauranga, Thames, Coromandel, Eastern and Southern Waikato, Western Bay of Plenty (including a small area within the Rotorua District), Taranaki, Hutt Valley Porirua, Wellington, Horowhenua, Manawatu and the Hawkes Bay. The Western Bay of Plenty ("WBOP") sub transmission network is based within the Tauranga region (refer Attachment A for a Map of Powerco's sub transmission assets within the Tauranga region) and is an interconnected network supplying 12 zone substations.
3. The Tauranga region covers the western Bay of Plenty area from near Athenree, north of Katikati to Otamarakau, east of Te Puke. Tauranga itself has significant industrial load and a major port, while the Bay of Plenty area has predominantly dairy and orchard load, particularly kiwifruit and avocados. Powerco supplies electricity to coastal communities along the Bay of Plenty coastline including at Waihi Beach and Pukehina.

### **The Resource Management Act 1991**

4. Under the Resource Management Act 1991 (RMA), Powerco's electricity infrastructure is a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated.

### **National Policy Statements and National Environmental Standards**

5. Powerco's transmission infrastructure is not covered by the National Policy Statement on Electricity Transmission 2008 (*NPSET*), which is limited only to Transpower's electricity network – the National Grid. Notwithstanding that, many of the issues for Powerco are the same or similar as for the National Grid. The Resource Management (National Environmental

Standards for Electricity Transmission Activities) Regulations 2009 (NESETA) similarly only apply to the National Grid.

**Bay of Plenty Regional Policy Statement**

6. The Bay of Plenty Regional Policy Statement (*the Operative RPS*) establishes a policy framework that identifies the major resource management issues for the Bay of Plenty Region and provides an overriding direction and consistency in managing matters across local government boundaries. The Western Bay of Plenty District Council must give effect to the RPS in accordance with Section 75(3)(c) of the RMA.
7. The Operative RPS (1<sup>st</sup> October 2014) contains a suite of energy and infrastructure policies that seek to recognise the benefits of regionally significant infrastructure and to protect that infrastructure from new and incompatible subdivision, use or development. In addition, Policy IR 6B promotes a consistent approach to managing physical resource and infrastructure across territorial authority boundaries and Policy UG11B seeks to manage the effects of subdivision, use and development on infrastructure. A copy of the relevant provisions is included in **Attachment B**.
8. The Operative RPS details how activities involving regionally significant infrastructure and renewable energy will be addressed. It recognises that some infrastructure is regionally and nationally important and that there can be logistical or technical constraints on where infrastructure must be located to serve communities and operate efficiently and also that adverse effects upon infrastructure from growth and development need to be appropriately addressed. Furthermore the provisions identify that the benefits of electricity infrastructure need to be recognised and appropriately weighed along with other matters in the decision making process. Powerco's electricity network is recognised as regionally significant infrastructure in the Operative RPS. It is therefore appropriate, given the local and regional significance of Powerco's network that its management is comprehensively addressed in the Western Bay of Plenty District Plan, including by way of Proposed Plan Change 74 Coastal Hazards (PC74).

**B. GENERAL SUBMISSION ON PLAN CHANGE 74:**

9. Reliable and constant energy supply is critical to sustaining New Zealand's economy, population and way of life as the demand for energy is constantly increasing. Powerco faces

an increasing number of constraints, in terms of providing a secure and reliable supply of energy (both gas and electricity) to meet increasing demand and population growth.

10. It is critical that the planning documents that guide development within the Western Bay of Plenty District adequately provide for the core strategic infrastructure that is required to support growth and which contributes to the social, economic and cultural wellbeing of communities. Unless these issues are appropriately addressed the sustainable management purpose of the RMA will not be achieved, Powerco, therefore, seeks to ensure that the provisions of PC74:

- (a) Recognise and provide for the ongoing operation, maintenance, upgrade and development of Powerco's electricity networks;
- (b) Address the relevant provisions in section 5-8 of the RMA, including with respect to the sustainable management of Powerco's assets as a physical resource;
- (c) Give effect to the relevant provisions of the Bay of Plenty Regional Policy Statement;
- (d) Assist the Council to carry out its statutory functions of achieving the integrated management of the effect of the use, development or protections of land;
- (e) Implement the statutory tests in section 32 and the requirements in the First Schedule of the RMA;
- (f) Address as relevant the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc. v North Shore City Council (and subsequent case law);
- (g) Avoid, remedy or mitigate the relevant and identified environmental effects; and
- (h) Make any alternative or consequential relief as required to give effect to the issues raised in this submission.

**C. SPECIFIC REASONS FOR SUBMISSION:**

11. In September 2014, the Western Bay of Plenty District Council started a review of the 'Coastal Protection Areas' at the urban settlements of Waihi Beach and Pukehina. This review was to ensure the management of these areas – shown on the operative District Plan Maps – is kept up to date with current scientific knowledge of coastal hazards, including sea level changes.
12. PC 74 proposes to update the current District Plan maps in response to the Coastal Protection Area review. This involves the replacement of the existing 'Coastal Protection Areas' with

'Coastal Erosion Areas' and 'Coastal Inundation (flooding) Areas' at Waihi Beach and Pukehina to better indicate what land is susceptible to these hazards over the next 100 years. PC 74 also reviews the rules within 'Section 8 – Natural Hazards' of the current District Plan (that govern the current Coastal Protection Areas). There are also existing Coastal Protection Areas along the rural open coastline. These are currently identified in the District Plan and include all rural land within 100m of the open coast (mean high water springs). The proposed changes to Section 8 will affect properties in these areas.

13. Preventative measures such as dune planting, dune re-nourishment or the construction of rock revetments cannot be directly implemented through a District Plan. Therefore the purpose of PC 74 is to ensure that the risks associated with coastal hazards to people and buildings can be avoided or mitigated through regulating land use activities.
14. Powerco supports the general intent of the plan change to protect people and buildings within Coastal Protection Areas along the Western Bay of Plenty District Coastline. However, the plan change needs to ensure an appropriate balance is achieved between recognising and providing for the safety of people and buildings and the timely, efficient, effective and affordable provision and operation of infrastructure.
15. Powerco provides electricity to the coastal communities of Waihi Beach and Pukehina and has electricity assets traversing many of the road corridors in close proximity to the coastline. Given the proposed setback for the identified coastal hazard areas, a number of Powerco's assets are caught within the areas affected by the proposed changes to the Section 8 rules.
16. As currently drafted the provisions are of concern to Powerco as they will unduly restrict Powerco's ability to provide and operate its electricity network in coastal hazard areas. Of particular concern are the provisions relating to support poles associated with electricity lines and earthworks in the Coastal Inundation Areas.
17. Infrastructure (including roading, stormwater, wastewater, water supply, electricity and telecommunication networks) plays a significant role in enabling the social economic and cultural wellbeing of communities. The section 32 report for PC 74 does not consider the costs of the provisions in relation to infrastructure networks and the need to ensure the sustainable management of infrastructure as a physical resource, and in this respect, it is considered to be deficient. Nor is it considered that PC 74 promotes the sustainable management purpose of

the RMA, with respect to managing the use, development and protection of physical resources.

**Support Poles (all identified Natural Hazards)**

18. Rule 8.3.1 sets out the permitted activities within the identified natural hazard areas. As currently drafted these rules only permit the development of support poles associated with electricity lines within floodable areas. However, in the operative plan the development of support poles associated with electricity lines is a permitted activity in all natural hazards areas. PC 74 therefore places a new restriction on the development of support poles associated with electricity in coastal hazard and other natural hazard areas. The erection of electricity line support poles has limited effect on coastal hazard areas (such as coastal inundation areas). The development of electricity support poles requires minimal earthworks and the assets are designed to withstand inundation without compromising structural integrity. The identified coastal hazard areas capture many roads in close proximity to the coastline. While the majority of Powerco's electricity assets within the coastal hazard areas are located underground, there are some above ground structures. There may be situations in which poles need to be replaced or additional poles added within the area served by the existing overhead electricity infrastructure. This change of activity status introduces a new consent requirement that has not been sufficiently justified and which may lead to unnecessary delays and costs for obtaining consent.
19. Powerco seeks amendments to PC 74 to provide for the development of support poles associated with electricity lines as a permitted activity in all identified natural hazard areas in the district (noting that this will not affect any consent requirements associated with the underlying zoning).

**Earthworks over 5m<sup>3</sup> (within floodable areas and coastal inundation areas)**

20. Rule 8.3.3(b) identifies the restricted discretionary activities within floodable areas and coastal inundation areas. The rule requires a restricted discretionary activity consent for over 5m<sup>3</sup> of earthworks within both the floodable areas and coastal inundation areas.
21. A portion of Powerco's electricity infrastructure within the district is underground. In order to effectively maintain, upgrade or reliably operate its underground electricity network, Powerco requires earthwork provisions that permit access to existing infrastructure (i.e. reasonable provisions that allow the excavation of earth to uncover underground assets).



22. Currently, the proposed provisions are too restrictive to enable earthworks associated with the upgrade and maintenance of existing underground utilities and are not justified for the development of new utilities. During maintenance and upgrading of existing utilities and the development of new utilities, the ground will be reinstated to its current condition – works generally do not involve re-contouring or the movement of earth offsite. It is considered that Powerco’s best practice approach to earthworks associated with the maintenance, upgrade or development of existing and new utilities will ensure there are no ongoing effects on coastal inundation areas.
23. Furthermore, it is noted that the matters to which the Council has restricted its discretion, outlined in section 8.5.1.2 (Floodable areas and coastal inundation areas), do not include any specific reference to earthworks, such that it is uncertain what effects the Council is seeking to control. The section 32 report does not indicate the process used to determine the 5m<sup>3</sup> earthwork quantity nor does the report explain the issues associated with earthworks in the identified coastal hazard areas. Therefore the proposed earthworks limit is considered unjustified for the reasonable requirements of network utility operators to access their underground assets. ④  
③
24. Powerco seeks amendments to PC 74 to provide for earthworks associated with the maintenance, operation, upgrade and development of network utilities within floodable and coastal inundation areas.

#### RELIEF SOUGHT – 8.3 ACTIVITY LIST

(Additions underlined; deletions in strikethrough)

**(R1) Amend Rule 8.3.1(a) to provide for support poles associated with electricity lines as a permitted activity in all identified Natural Hazards, and to provide for earthworks associated with the maintenance, operation, upgrade and development of network utilities, as follows:** ②

*(a) All Identified Natural Hazards*

*(i) Buildings/Structures within an Approved Building Site – natural Hazards*

(ii) Support poles associated with electricity lines.

(iii) Earthworks associated with the maintenance, operation, upgrade and development of network utilities.

**(R2) Amend Rule 8.3.1(c) to delete the activity 'support poles associated with electricity lines' (ii) from the Floodable Areas (not including Coastal Inundation Areas) to reflect the amendment sought above (R1), as follows:**

*(c) Floodable Areas (not including Coastal Inundation Areas)*

*(i) Buildings/Structures where evidence establishes:*

- A building/structure will be located clear of the floodable area irrespective of the extent of the floodable area shown by the Planning Maps; or
- a building/structure will not be affected by the floodable area

~~*(ii) Support poles associated with electricity lines*~~

*(iii) ...*

**(R3) Amend Rule 8.3.3(b) to provide for the permitted earthworks for the maintenance, operation, upgrade and development of network utilities as sought in relief R1 above, as follows:**

*(b) Floodable Areas and Coastal Inundation Areas*

*(i) Buildings/Structures not within an Approved Building Site – Natural Hazards:*

*(ii) Earthworks over 5m<sup>3</sup> (except for the maintenance, operation, upgrade and development of network utilities)*

*(iii) ...*

**(R4) Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.**

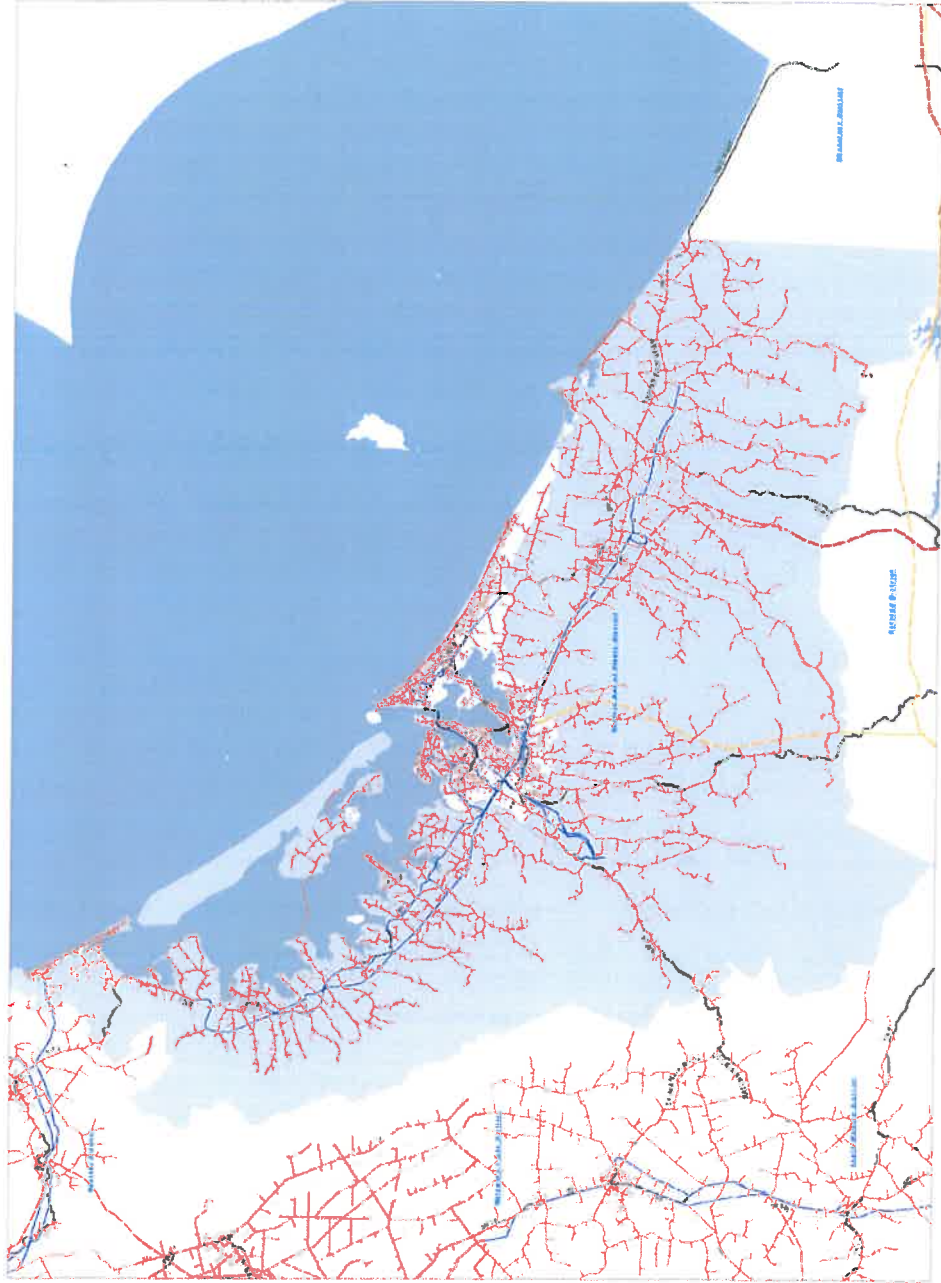
- D. **POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION**
- E. **IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**
- F. **POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**
- G. **POWERCO IS DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—**
- (i) **ADVERSELY AFFECTS THE ENVIRONMENT; AND**
  - (ii) **DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Signature of person authorised to sign on behalf of Powerco Limited

Georgina McPherson  
Principal Planner

*Dated this 2<sup>nd</sup> day of November 2015*

# Attachment A – Powerco assets in Western Bay of Plenty District



### Legend

	National Grid Assets (High Voltage)
	National Grid Assets (Medium Voltage)
	National Grid Assets (Low Voltage)
	National Grid Assets (Distribution)
	National Grid Assets (Transmission)
	National Grid Assets (Substation)
	National Grid Assets (Transformer)
	National Grid Assets (Cable)
	National Grid Assets (Pole)
	National Grid Assets (Tower)
	National Grid Assets (Structure)
	National Grid Assets (Equipment)
	National Grid Assets (Accessories)
	National Grid Assets (Miscellaneous)
	National Grid Assets (Other)
	National Grid Assets (Unknown)
	National Grid Assets (Void)

**Western Bay of Plenty District**
  
 Powerco Network

Printed: 3/03/2013

## **Attachment B – Bay of Plenty Regional Policy Statement (Relevant Provisions)**

### ***Policy IR 6B: Promoting consistent and integrated management across jurisdictional boundaries***

*Provide for the integrated management of the region's natural and physical resources, particularly geothermal systems, infrastructure, catchments at risk and the coastal environment, across agencies and jurisdictional boundaries by:*

- a) Recognising the extent of the coastal environment and managing it on an integrated basis by using consistent provisions across the mean high water springs boundary;*
- b) Liaising with agencies and organisations with resource management responsibilities in the coastal environment;*
- c) Recognising the extent of catchments at risk and geothermal systems and integrating their management using consistent approaches across regional boundaries;*
- d) Encouraging a consistent approach to managing physical resources and infrastructure across territorial authority boundaries; and*
- e) Co-ordinating consultation, research, restoration, management and monitoring activities.*

### ***Policy UG 11B: Managing the effects of subdivision, use and development on infrastructure***

*Manage the design and location of subdivision, use and development to address potential adverse effects on the operation and upgrading of existing, consented, designated or programmed infrastructure.*



# District Plan Changes 69-71 & 73-74

## Submission Form

You can deliver your submission to the Katikati, Te Puke, Omokoroa or Waihi Beach Library and Service Centre, Main Council Office at Barks Corner, email it to [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz), or mail it to:

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
**TAURANGA 3143**

For Office Use Only

Date stamp

## Submissions close 4.00pm on Monday 2 November 2015

Name:

Mr/Mrs/Ms/Miss

Organisation

Puhehina Beach Ratepayers Association (PBRA)

Address for Service:

**PO Box 113  
Te Puke, 3153**

E-mail Address:

pukehina.bra@gmail.com

Telephone Number:

07 544 2721  
(home)

027 286 2271  
(work)

I/We would like to speak in support of my/our submission at the Council hearing.

Yes

No

Please tick

Signed: for & on behalf of PBRA

(Signature of person making submission or person authorised to sign on behalf of person making submissions)

Date: 02.11.2015


**Please use the reverse of this form for your submission**

**Please submit only one copy of your submission to Council (please don't email plus hardcopy).**

Privacy Act 1993 Note: Please be aware when providing personal information that submissions form part of the public consultation process for the District Plan.

Name:

Submission Sheet No:

Specific Plan Change	Submission (State in summary your submission. Clearly indicate whether you support or oppose the provision or wish to have amendments made, giving reasons)	De cisi on So	Submission Ref. No. Office Use Only
PC74	<p>We oppose these provisions and seek to have them deleted because the provisions are not an appropriate way for the Council to manage coastal hazards. We request that consistent and realistic sea level projections are used nationally and would like a focus to be placed on allowing protection of existing properties in already approved residential coastal communities.</p> <p>In particular,</p> <ul style="list-style-type: none"> <li>- The approach taken by the Council impacts on properties previously not identified in hazard zones and will likely introduce very onerous restrictions and limit the fair and reasonable development of all in the zone;</li> <li>- These provisions will have a huge negative effect, in economic and social terms, on the local community and all of Pukehina who use and enjoy our coastal suburbs for recreation;</li> <li>- The conservative forecasts result in a potentially enormous adverse impact on the value of property and a negative impact on future investment decisions for Pukehina as a Community;</li> <li>- The affected areas are areas of significant existing development, and as such, priority should be given mitigating coastal hazards;</li> <li>- <i>The provisions are based on hazard assessment reports that may be unreliable and/or overly conservative and should not form the sole basis for such critical policy decisions. This assessment is considered to be based on speculative predictions which are overly precautionary and which do not look at what is most likely to occur but instead take a worst case scenario viewpoint of what maybe is possible;</i></li> <li>- The Council has not identified or properly investigated other options for achieving its objectives in relation to coastal hazards;</li> </ul>	<ol style="list-style-type: none"> <li>1. <b>Withdrawal of PC 74</b></li> <li>2. <b>Full consideration of all mitigation and protection options.</b></li> </ol> 	

PC 74

The provisions will not promote sustainable management of Pukehina resources and is otherwise inconsistent with the relevant provisions of the RMA, including the purposes and principles of Part 2; and, the provisions do not represent the most appropriate means of exercising the Council's functions under section 31(1)(b)(i) of the RMA or the most appropriate plan provisions under section 32 of the RMA.

Given the enormous adverse impact of the proposal on residents in coastal areas, the Council should ensure that any proposal is based on more reliable and internationally consistent data. The 50 and 100 year forecasts fail to identify the potential benefit of erosion mitigation and protecting properties at Pukehina. The Council needs to ensure that it gives adequate weight and consideration to viable alternative strategies and mitigation plans, and the enormous negative impact on social, cultural, and economic aspects of our community and the environment. Only then should the Council consider what the most appropriate way to achieve the purpose of this Act is. We don't believe Council has met these obligations.

We would like the following:

- 1. Withdrawal of PC 74 until nationally consistent sea level rise figures are agreed through Central Government:** (Central Government endorsed figures will provide national consistency and fairness to all affected property owners. It will also capture all properties concurrently forcing insurers to acknowledge a wider market (rather than say no to the small number affected initially). Furthermore, national implementation will impose equivalent risk profiles on all coastal properties, therefore the first affected areas such as Pukehina Beach will not be ruled out by prospective coastal property buyers as a result of unsynchronized council implementation timelines)
- 2. Full consideration is given to mitigation and protection options and included in forecast erosion calculations:** (The original Coastal Hazard zoning was imposed on properties already designated for residential dwellings, therefore despite new threats (real or otherwise), we believe that residents have a right, and local authorities have an obligation under the RMA to allow owners to protect their assets to avoid/mitigate/delay loss or damage to their properties, and in doing so the council will avoid/mitigate/delay potential claims for loss or damage).



**Robert and Susan Hope**

**14 Wilson Road**

**Waihi Beach 3611**

**ph: 07 8635105**

**e:hopes6@xtra.co.nz**

**Chief Executive Officer**

**Western Bay of Plenty District Council**

**Private Bag 12803**

**Tauranga 3143**

**Submission to Western Bay Of Plenty District Council**

**Plan Change 74 – Coastal Erosion and Inundation A2458233**

**Issue 1 - To Proceed or not with a plan change**

**This submission is supported by SWAT**

**We would like to present this submission at Council hearings.**

### **Overview**

We are supporting property owners bordering 2 Mile Creek and are concerned about the proposed changes to the District Plan regarding "Coastal Erosion and Inundation."

We are opposed to the findings of the Tonkin and Taylor report being included on LIM reports for the following reasons.

1. Proposed improvements to the functioning of 2 Mile creek
2. Historical impact of appropriate coastal management
3. Uncertainty of forecasts included in the report
4. Effect on insurance and property values

1. **Proposed Improvements to 2 Mile Creek**



As bank stabilisation plans for the creek are currently in the consenting process, we question whether this has been considered in the most recent reports.

The following measures being proposed by council, after community consultation, need to be taken into account:

- Bank stabilisation
- Better control of upper catchments
- Future restrictions on developments
- Straightening the creek where possible to allow the smooth passage of water
- Keeping the mouth of the creek cleared to allow water to move quickly through the creek to the ocean
- Creating a narrower exit from the creek when the banks are built on the east side of the bridge, to decrease the funnel effect of the current creek exit, which will restrict the amount of water potentially flowing into the creek, and concentrate the water for better flow out of the creek.

The above measures have the potential to significantly improve the function of the creek and reduce the impact of coastal inundation and erosion.

## **2. Historical Impact of Appropriate Coastal Management**

It is also worth noting on Tonkin and Taylor report "Coastal Protection Areas Reassessment Stage 2" Job no. 851883 that the areas of regression over the last 50 years are around the mouths of the creeks while the areas of accretion are where coastal plantings have taken place. While climate change is considered a factor, appropriate management clearly impacts on erosion and inundation.

## **3. Uncertainty of forecasts included in the report**

While we agree that future planning is necessary, it needs to be made clear that there is no certainty regarding coastal inundation in the Tonkin and Taylor report therefore it would be unfair to include such forecasts on a LIM report.

To quote council -

"The information available to Council is considered to be sufficient for identifying land at risk over the next 100 years. However, it is acknowledged that there is no certainty that coastal erosion and inundation will actually occur in the identified areas within the specific timeframes. Therefore, there is a risk that acting now will lead to unnecessary restrictions and costs on landowners if the identified coastal hazards do not eventuate."

To further quote Council website

"A LIM can help you confirm that any alterations to a building have been consented and signed off (code compliance certificate has been issued). LIMs also highlight any recorded problems with the land, e.g. flooding or erosion hazards."

Inundation is not a **recorded** problem. It is a projection of what might happen in the future. For this reason we do not think projected inundation should go on LIM reports. Rather, people could be encouraged to access available information and forecasts on the council website.

#### 4 Effect on Insurance and Property Values

Information on a LIM report is likely to be regarded by landowners or prospective landowners as fact. We regard the inclusion of an uncertain forecast to be unfair. This has the potential to impact on insurance policies and property values.

We believe wise, careful and responsible management of our coastline along with local council and national measures to lessen the proposed impact of climate change, will have significant impact on our future and the future of our community.

Thank you for the opportunity to submit.

Robert and Susan Hope

Supported by Waihi Beach SWAT

**Christine Gordon**

---

**From:** Josephine Hall <joh@oratia.school.nz>  
**Sent:** Tuesday, 3 November 2015 9:35 AM  
**To:** District Plan  
**Cc:** Geoff Hall; Josephine Hall  
**Subject:** Submission to WBDC Plan change 74 - from Jo Hall

Submission to Western Bay Of Plenty District Council to Plan Change 74.  
Coastal Erosion and Inundation A2458233

**I am a property owner bordering 2 Mile Creek, Waihi Beach and I am deeply concerned about the proposed changes to the District Plan regarding “Coastal Erosion and Inundation.”**

My submission:

1. Proposed improvements to the functioning of 2 Mile creek
2. Historical impact of appropriate coastal management
3. Uncertainty of forecasts included in the report
4. Effect on insurance and property values
5. Sub-division

#### **Proposed Improvements to 2 Mile Creek**

As bank stabilisation plans for the creek are currently in the consenting process, I question whether these improvements have been considered in light of the Tonkin and Taylor report.

The following measures being proposed by council, after community consultation, need to be taken into account:

- Bank stabilisation
- Better control of upper catchments

- Future restrictions on developments
- Straightening the creek where possible to allow the smooth passage of water
- Keeping the mouth of the creek cleared to allow water to move quickly through the creek to the ocean
- Creating a narrower exit from the creek when the banks are built on the east side of the bridge, to decrease the funnel effect of the current creek exit, which will restrict the amount of water potentially flowing into the creek, and concentrate the water for better flow out of the creek.

The above measures have the potential to significantly improve the function of the creek and reduce the impact of coastal inundation and erosion.

## 2. Historical Impact of Appropriate Coastal Management

It is also worth noting on Tonkin and Taylor report “Coastal Protection Areas Reassessment Stage 2” Job no. 851883, that the areas of regression over the last 50 years are around the mouths of the creeks, while the areas of accretion are where coastal plantings have taken place. While climate change may well be considered a factor, *appropriate management clearly impacts on erosion and inundation.*

## 3. Uncertainty of forecasts included in the report

While I welcome future planning, it needs to be made clear that there is no certainty, nor absolute truth nor, in my opinion, true scientific evidence, regarding coastal inundation in the Tonkin and Taylor report. The report contains predictions, (what someone thinks will happen), NOT certainty, nor proofs and therefore it would be grossly unfair to include such forecasts on any LIM report.

To quote council - “The information available to Council is considered to be sufficient for identifying land at risk over the next 100 years. However, it is acknowledged that *there is no certainty that coastal erosion and inundation will actually occur in the identified areas within the specific*

*timeframes.* Therefore, there is a risk that acting now will lead to unnecessary restrictions and costs on landowners if the identified coastal hazards do not eventuate.”

To further quote Council website

“A LIM can help you confirm that any alterations to a building have been consented and signed off (code compliance certificate has been issued). LIMs also highlight any recorded problems with the land, e.g. flooding or erosion hazards.”

***Inundation is not a recorded problem.*** It is a **projection** of what **might happen** in the future. For this reason I am strongly opposed to projected inundation being included on any LIM report.

Instead, such information and predicted forecasts should be made available to the public via the general Council website.

#### **4 Effect on Insurance and Property Values**

Information on a LIM report is likely to be regarded by landowners or prospective landowners as fact.

I regard the inclusion of an uncertain predictions and forecasts to be unfair.

Such inclusion has the potential to impact on insurance policies and property values.

I believe wise and careful management of our coastline, along with local council and national measures to lessen the proposed impact of said climate change, will have significant impact on the future and the future of our coastal communities, such as Waihi Beach.

#### **5. Sub-division and development**

I wish to acknowledge council for allowing property owners to sub-divide, with due consideration being given to flood risk.

In my situation I have two existing dwellings. I trust council will be reasonable about the fact that there will be little difference to the site with two existing dwellings whether sub-divided or not.

#### **Summary**

It is stressful for owners such as myself, to see their life savings being put at risk by a council projection over a 100 year period, which is based on predictions (What someone thinks will happen.)

Placing such 100 year projections onto LIMs will make these theoretical projections seem like, and viewed as facts. Projections are NOT facts. Please keep these theories off our LIMs.

No one is capable of looking ahead 100 years. Even in our lifetimes, I predict we may well see the emergence of electric cars as a common commuter vehicle. Nations such as USA and China are already reducing emissions, and future innovation will continue to improve our global environment.

If we also work together to reduce the risk of erosion and inundation, by looking after our coastline, then we can definitely lessen/minimise such predicted threats or forecasts, over the next 100 years.

In this regard I see it as extremely important, (and a sense of urgency), that council to continue with the Two Mile Creek Bank Stabilisation Plans – in particular reducing the funnel effect at the entrance to Two Mile Creek, and the other proposed improvements.

Thank you for the opportunity to submit to this plan change.  
I do wish to speak to my submission.

Please notify me, in good time, when and where the hearing will take place.

Yours Faithfully

Jo Hall

owner : 21 Edinburgh Street, Waihi Beach

Ph 0211 066 855



**Submission to Western Bay Of Plenty District Council to  
Plan Change 74 – Coastal Erosion and Inundation A2458233  
Issue 1 - To Proceed or not with a plan change**

**This submission is supported by SWAT**

**Overview**

We are property owners bordering 2 Mile Creek and are concerned about the proposed changes to the District Plan regarding “Coastal Erosion and Inundation.”

We are opposed to the findings of the Tonkin and Taylor report being included on our LIM reports for the following reasons.

1. Proposed improvements to the functioning of 2 Mile creek
2. Historical impact of appropriate coastal management
3. Uncertainty of forecasts included in the report
4. Effect on insurance and property values

**1. Proposed Improvements to 2 Mile Creek**

As bank stabilisation plans for the creek are currently in the consenting process, we question whether this has been considered in the most recent reports.

The following measures being proposed by council, after community consultation, need to be taken into account:

- Bank stabilisation
- Better control of upper catchments
- Future restrictions on developments
- Straightening the creek where possible to allow the smooth passage of water
- Keeping the mouth of the creek cleared to allow water to move quickly through the creek to the ocean
- Creating a narrower exit from the creek when the banks are built on the east side of the bridge, to decrease the funnel effect of the current creek exit, which will restrict the amount of water potentially flowing into the creek, and concentrate the water for better flow out of the creek.

The above measures have the potential to significantly improve the function of the creek and reduce the impact of coastal inundation and erosion.

## 2. Historical Impact of Appropriate Coastal Management

It is also worth noting on Tonkin and Taylor report "Coastal Protection Areas Reassessment Stage 2" Job no. 851883 that the areas of regression over the last 50 years are around the mouths of the creeks while the areas of accretion are where coastal plantings have taken place. While climate change is considered a factor, appropriate management clearly impacts on erosion and inundation.

## 3. Uncertainty of forecasts included in the report

While we agree that future planning is necessary, it needs to be made clear that there is no certainty regarding coastal inundation in the Tonkin and Taylor report therefore it would be unfair to include such forecasts on a LIM report.

To quote council -

"The information available to Council is considered to be sufficient for identifying land at risk over the next 100 years. However, it is acknowledged that there is no certainty that coastal erosion and inundation will actually occur in the identified areas within the specific timeframes. Therefore, there is a risk that acting now will lead to unnecessary restrictions and costs on landowners if the identified coastal hazards do not eventuate."

To further quote Council website

"A LIM can help you confirm that any alterations to a building have been consented and signed off (code compliance certificate has been issued). LIMs also highlight any recorded problems with the land, e.g. flooding or erosion hazards."

Inundation is not a **recorded** problem. It is a projection of what might happen in the future. For this reason we do not think projected inundation should go on our LIM reports. Rather, people could be encouraged to access available information and forecasts on the council website.

#### 4 Effect on Insurance and Property Values

Information on a LIM report is likely to be regarded by landowners or prospective landowners as fact. We regard the inclusion of an uncertain forecast to be unfair. This has the potential to impact on insurance policies and property values.

We believe wise and careful management of our coastline along with local council and national measures to lessen the proposed impact of climate change, will have significant impact on our future and the future of our community.

Thank you for the opportunity to submit.

## Submission to Western Bay Of Plenty District Council to Plan Change 74

### Coastal Erosion and Inundation

#### Overview

I am a property owner bordering 2 Mile Creek and I am very concerned about the proposed changes to the District Plan regarding "Coastal Erosion and Inundation."

I am the owner of 21 Edinburgh Street Waihi Beach.

#### My submission follows the following headings:

1. Proposed improvements to the functioning of 2 Mile creek and Inundation
2. Historical impact of appropriate coastal management
3. Uncertainty of forecasts included in the report
4. Effect on insurance and property values
5. Sub-division
6. Summary

#### 1. Proposed Improvements to 2 Mile Creek – connected to Inundation

As bank stabilisation plans for the creek are currently in the consenting process, we question whether Inundation has been considered in the most recent reports. The following measures being proposed by council, after community consultation, need to be taken into account, with Inundation in mind:

- Bank stabilisation
- Better control of upper catchments
- Future restrictions on developments to lessen water flow into the creek
- Straightening the creek where possible to allow the smooth passage of water
- Keeping the mouth of the creek cleared to allow water to move quickly through the creek to the ocean
- Creating a narrower exit from the creek when the banks are built on the east side of the bridge, to decrease the funnelling effect of the current creek exit, which will restrict the amount of water potentially flowing into the creek, and concentrate the water for better flow out of the creek.

The above measures have the potential to significantly improve the function of the creek and reduce the impact of coastal inundation and erosion.

## 2. Historical Impact of Appropriate Coastal Management

It is also worth noting on the Tonkin and Taylor report "Coastal Protection Areas Reassessment Stage 2" Job no. 851883 that the areas of regression over the last 50 years are around the mouths of the creeks while the areas of accretion are where coastal plantings have taken place. While climate change is considered a factor, appropriate management clearly impacts on the effects of erosion and inundation.

## 3. Uncertainty of forecasts included in the report

While we agree that future planning is necessary, it needs to be made clear that there is no certainty regarding coastal inundation in the Tonkin and Taylor report. Therefore it would be unfair to include such forecasts on a LIM report.

It should be noted that Tonkin and Taylor have already had their computer modelling successfully challenged in Kapiti Coast, Omaha, and their findings are currently being challenged in Christchurch.

To quote council - "The information available to Council is considered to be sufficient for identifying land at risk over the next 100 years. However, it is acknowledged that there is no certainty that coastal erosion and inundation will actually occur in the identified areas within the specific timeframes. Therefore, there is a risk that acting now will lead to unnecessary restrictions and costs on landowners if the identified coastal hazards do not eventuate."

### To further quote Council website

"A LIM can help you confirm that any alterations to a building have been consented and signed off (code compliance certificate has been issued). LIMs also highlight any **recorded problems** with the land, e.g. flooding or erosion hazards."

Inundation is not a recorded problem. It is a projection of what might happen in the future.

**For this reason we do not think projected inundation should go on our LIM reports.** Rather, people could be encouraged to access available information and forecasts on the council website. The information would still be there to obtain, but would not be confused with fact on a LIM report.

## 4 Effect on Insurance and Property Values

Information on a LIM report is likely to be regarded by landowners or prospective landowners as fact. We regard the inclusion of an uncertain forecast to be unfair. This will have an impact on insurance policies, the ability to raise a mortgage, and property values.

We believe wise and careful management of our coastline along with local council and national and international measures to lessen the proposed impact of climate change, will have significant impact on our future and the future of our community in these coastal areas.

### 5. Sub-division and development

I wish to thank council for still allowing property owners to sub-divide in inundation areas, with due consideration being given to flood risk.

In my situation I have two existing dwellings. I hope council will see the practicality of the fact that there will be little difference to the site with two existing dwellings whether sub-divided or not.

### Summary

The Tonkin and Taylor report covers a 100 year period.

Placing this 100 year projection onto LIMs will make these theoretical projections appear as immediate fact, when none of us is capable of looking ahead 100 years. Even in our lifetimes, I predict we will see the emergence of the electric car as a common commuter vehicle to reduce emissions. Nations such as USA and China are already reducing emissions, and future innovation will continue to improve our global emission situation. After all we have already seen huge changes even over the past 20 years. When I was in the UK in 1995 there was no internet or emails! And the mobile phone was invented only 40 years ago. The Tonkin and Taylor report does not take the possibility of future emission reduction into account over the next 100 years! This is already happening in 2015, and emission reduction will accelerate exponentially in the next 100 years.

If we can work together to reduce the risk of erosion and inundation, by looking after our coastline and waterways, we will lessen/minimise these threats over the next 100 years.

In our situation it is very important for council to continue with the Two Mile Creek Bank Stabilisation Plans – **with urgency** - in particular reducing the funnel effect at the entrance to Two Mile Creek, and the other proposed improvements (1) - with consideration toward Inundation as council completes this work (promptly) now that they have the go-ahead.

Once this work is completed, I would like to see the inundation maps around Two Mile Creek re-evaluated, to assess risk reduction.

Please keep the Tonkin and Taylor report theories off our LIMs.

Thank you for the opportunity to submit. I wish to talk to my submission so please notify me about when the hearing will take place.

Yours Faithfully

Geoff Hall

21 Edinburgh Street

0211 066 866

**SUBMISSION ON CHANGE IN SITE PLAN FOR PUKEHINA BY  
WESTERN BAY OF PLENTY COUNCIL**

**Date : 3 November 2015**

**Submitter**

**Name : Gavin Wallace of 193 Pukehina Parade, Pukehina**

**Qualifications: B.Com (VPM), Grad Dip Proj Mgt, Dip Arch Tech, AAPI**

**Site address 193 Pukehina Parade, Pukehina**

**Objection to:**

- A) Issue of Plan Change after announcement by Minister for the Environment for a National Policy relating to the management of Coastal areas**
- B) Changing Name from Primary Risk Area to Coastal Erosion Area**
- C) Engineer's Report not peer reviewed**
- D) The notion that a plan change is required to protect people and buildings**
- E) Policy Objectives**
- F) Activity Status of Development**
- G) General**



**A) Issue of Plan Change after announcement by Minister for the Environment for a National Policy relating to the management of Coastal areas**

A proposal by the Western Bay of Plenty (WBOP) to change the plans at Pukehina and Waihi is proposed. The plan change went out for public review and submission on 3 October 2015. However a similar proposal in Christchurch to make a plan change by the Christchurch City Council was dropped by the Environment Minister Nick Smith on Tuesday 29 September 2015. In a press conference the Minister announced that plan changes affecting property owners as a consequence of future coastal hazards would be issued as a national policy statement.

The WBOP proposal for a plan change went after the Minister had announced the Government's intervention and proposal to create a National Policy statement surrounding natural hazards and the management thereof.



STACY SQUIRES/FAIRFAX NZ

The Christchurch City Council has dropped its controversial coastal hazard zonings.

The Government is proposing both legislative changes and national policy guidance on such hazards as part of its Resource Management Act reform programme.

In the Christchurch case the Minister was satisfied that that "the existing plans provided adequate interim measures to deal with these risks in the immediate future" Smith said.

The Government was to develop a National Policy Statement on Natural Hazards before Councils had to respond to such issues.

The study at Pukehina and Waihi are likened to similar situations around the country which are evolving.

Residents who fear not being able to insure, mortgage or sell their homes, if and when the plan change on the new coastal hazard zones becomes operative was the instigation behind the intervention by the Government. There were also concerns surrounding that no mitigation measures had been proposed in the city's district plan review and the lack of confidence in the science surrounding the risk to coastal hazards.

The group which said the proposed changes were based on predictions on sea level rise that might not happen, but the proposed restrictions would have an immediate economic and negative effect on the social wellbeing of the community. A national approach to managing coastal hazards was decided to be needed and granted.

The WBOP Council has ignored this development and released their plan change in any event.

It is the proposal of the submitter that the existing district plan provisions provide adequate interim measures to deal with these risks in the immediate future. WBOP should have waited for the direction from the Government in its National Policy statement before releasing the proposed plan change for Pukehina and Waihi relating to natural hazards.

It is proposed by the submitter that the plan change should be withdrawn on the basis that the Council knew, or should have known, of the release by the Minister of the impending guidance for Coastal Protection.



### **B) Changing name from 'Primary Risk Area' to 'Coastal Erosion Area'**

The Term 'Coastal Protection Areas' could give the impression that the Council is provided some sort of protection to the Coast, its inhabitant's and the properties. The proposal to change the name to Coastal Erosion Area could not be further from assisting the coast, the property and more importantly the people which occupy these areas.

It is likely that a change in the name would have a very adverse affect on the economic well being of ratepayers in these areas in the longer term despite the lack of science supporting that coastal erosion to the extent of the 50 year and 100 year lines is likely to happen.

A 2002 Environment Court hearing *Western Bay of Plenty Regional Council v Western Bay District Council A141/2002* confirmed that the areas should be identified as Primary Risk and Secondary Risk based on a 100 year projection. There is no justification since the date of the hearing in 2002, to warrant a name change.

In addition residents in these areas would be unfairly disadvantaged due to the name change, with effectively no benefit or additional public awareness of the issues as identified by the Council. The developed property in the area has existing use rights under Section 10 of the Resource Management Act 1991 and is able to be further built on subject to existing use provisions. If controls on building in a hazard area are contained within the rules, then existing use rights will apply under Section 10. Controls on building in a hazard area with existing use rights can be applied where substantial extension or upgrade of the building is undertaken. Developed property within such an area with an onerous name such as that which is proposed will be adversely and unfairly affected despite being contrary to existing use provisions.

If such a term is necessary, and it's not, then all development should be banned altogether contrary to the provisions of the Resource Management Act 1991. A name change to 'Coastal Erosion' Area would:-

- Create an alarmist scenario in the short term when the projections for coastal erosion are as far out as 100 years.
- Is contrary to most of the objectives under the National Policy Statement for Coastal Protection
- Is considered completely unnecessary in the short term
- Not achieve any desired results and may in fact be harmful to the sustainable management of the Coastal area due to a decreased long term investment in Pukehina.

### **C) Engineer's Report not peer reviewed**

The review of the District Plan is based on a report by Tonkin and Taylor. The monies funding the Engineer's report/s would have come from local body rates revenue of which the proposed plan change adversely affects those properties directly.

Engineer's Tonkin and Taylor were instructed to provide a study and report in relation to coastal erosion and the effect of this over a 50 year and 100 time frames. No instructions have been provided from the Council as to what Tonkin and Taylor were actually asked to achieve. The report is not peer reviewed which would normally be common in these instances as in other areas around the country. Some other peer reviews of other Tonkin and Taylor reports highlight errors of fact, substance and conclusion notwithstanding being subjective.

The Tonkin and Taylor report suggest sea level rise of 0.7 metre for a 100 year period. In fact the rate of sea level predicted increase has been adjusted downwards. It is noted that the 100 year line indicated by Tonkin and Taylor does not intersect the roadway (Pukehina Parade). This appears to be very 'convenient' from a Council perspective. If the 100 year erosion line had intercepted the road Council would be required to use physical barriers and measures to protect the public asset. However as



the '100 year line' does not intercept the road, as determined by Tonkin and Taylor, but is on the coastal side of the road boundary, then the Council has no obligation to protect the public assets from coastal erosion and does not need to consider such legislation as the Public Works Act in its review. On the face of it, it this appears a somewhat contrived approach to avoid responsibility and potential cost but to transfer the risk to the property owners.

**D) "This Plan Change also reviews the rules within 'Section 8 – Natural Hazards' of the District Plan to ensure the risks that coastal hazards pose to people and buildings can be avoided or mitigated. "**

By implementing a plan change, the Council is not avoiding or mitigating the risks of coastal hazards in the District Plan. In fact, by implementing these changes the Council is actually enhancing the risk associated with the prospect of climate change as communities may see less investment as a result of the plan change towards the ability to be able to physically counter any threat of the physical nature of erosion.

Less development and purchase investment is likely to result in areas blighted with this plan change despite the, on the face of it, preservation of coastal areas, resulting in a downward spiral and a self for-filled prophecy of decline. However, the legal liability or indemnity risk of the Council has been reduced in the process. The Council therefore will be less likely to be able to be held accountable or liable in the future due to the plan change for erosion of an earlier period. The Council will also be less inclined to prevent such occurrences through investment in erosion protective measures as their risk of litigation would be reduced. All the time the current land owners are required to take on the risk now of something that may, or may not happen, whilst the council has little or no commitment to any preventative measures.

**“For clarity, it is not the purpose of this Plan Change to prevent coastal erosion or coastal inundation from occurring. Any preventative measures such as dune planting, dune re-nourishment or the construction of rock revetments cannot be implemented by the District Plan.”**

Whilst in some quarters it may be seen that District plans are produced to protect the Environment it is the view of the writer that placing greater restrictions on communities reducing the economic attractiveness of such areas would have a negative impact on the areas themselves and essentially would reduce the investment and the desire to fight the actual risk that it claims to protect.

## **(E) Policy Objectives**

District plans focus on the subdivision, use and development of land; they include objectives, policies, rules or other methods that guide and control related activities. District plans must give effect to the objectives and policies of the NZCPS and the regional policy statement and must not be inconsistent with any objective, policy, rules or other methods in a Regional Plan.

### **The Coastal Protection Policy Objectives are as follows:**

#### **Objective 1**

To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:

- maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;
- protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and
- maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.

The proposed plan change for Pukehina does not meet Objective 1

#### **Objective 2**

To preserve the natural character of the coastal environment and protect natural features and landscape values through:

- recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;
- identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and
- encouraging restoration of the coastal environment.

The plan change in Pukehina does not meet objective 2

### **Objective 3**

To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:

- recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;
- promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;
- incorporating mātauranga Māori into sustainable management practices; and
- recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.

The plan change in Pukehina does not meet objective 3.

### **Objective 4**



To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

The plan change in Pukehina does meet objective 4.

### **Objective 5**

To ensure that coastal hazard risks taking account of climate change, are managed by:

locating new development away from areas prone to such risks;

- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

The plan change addresses some of Objective 5 but does not meet the objectives.

**Objective 6**

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

The proposed plan change in Pukehina does not meet fully the objectives of Objective 6

**Objective 7**

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area

The proposed plan change in Pukehina does not meet fully the objectives of Objective 7

It is noted that Council has quoted only Objective 5 of the NZ Coastal Policy Statement

## **The requirements of the RMA**

Council before proceeding with the proposed change has a number of statutory obligations

RMA

The RMA is underpinned by a concept of sustainable management that provides a balance between environmental protection and development.

Decisions are to take into account the impact of the use of natural and physical resources on social, cultural and economic matters.

Regional Councils have input in Coastal Protection Statements.

The RMA can require the adoption of **consistent standards** at the regional level and district levels.

Effects based approach.

**The RMA seeks to intervene when activities are likely to result in unacceptable environmental impacts.**

Environment management under the RMA should be guided by the principles set out in Part ii set out in regional and national policy statements.

It is noted that the proposal to included the proposed changes does not take into account all of the provisions of the policy statement on Coast protection.

The effectiveness of environmental management is largely dependent on the quality of the decision making at local and regional levels.

The principles of the RMA are based on the principles of sustainable management.

The proposal does not consider sustainable management.

Sustainable management under section 52(2)

Managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables peoples and communities to provide their social, economic, and cultural well being and for their health and safety while –

- (a) Sustaining the potential of natural and physical resources to meet the reasonable needs of future generations; and
- (b) Safeguarding the life supporting capacity of the air , water , soil and ecosystems; and
- (c) Avoiding, remedying or mitigating and adverse effects on the environment

Again the proposal does not meeting the sustainable management provisions of the RMA.

The Act identifies a number of matters that are special significance for resource management.

- a) Matters of National importance – which decision must recognise and provide for
- b) Other matters – which decision makers must have particular regard to
- c) The Treaty of Waitangi- which decision makers are required to take into account of.

**(F) Activity Status of Development**

## NOTES



Other Councils have been sceptics of the science to predict the outcome in such a long lead in time. In the case of Pukehina if you were to look at the situation as described by the Council the secondary risk areas are as just as much risk as the primary areas given that the majority of the property on the landward side of the road is below the level of the road. In that case if the ocean were to erode the property on the coast side of the road to the extent of taking all the property in a 100 year time frame which goes back to the road then these secondary risk properties would essentially be affected as well.

The other property that is not privately owned, i.e. public land or roadway, is or not included into the risk areas;

It is noted on the maps that the 100 year line of does not affect the roadway but is conveniently located just inside the landward side of the majority of the road boundaries. Under relevant legislation the Council knows that if public roading is going to be affected then they are required to mitigate the physical risk by mitigation measures.

Again within the 100 year time frame the secondary risk areas will be affected as the majority of them are below the level of the road.

Controlling the intensification of development where existing use rights apply under section 10 of the Resource Management Act 1991.

Certainly coastal erosion is less likely to be predicted than the other forms of hazards because there are so many more variables. Therefore the potential to identify in advance should be modified with the potential risk that each poses. For example Land that is low lying and flooded before may have a much higher risk of flooding than that of coastal erosion that never has or may never occur. Therefore it is inconsistent to group the lower risk categories with the higher risk categories.

If the Council is suggesting that justification for avoidance measures to protect dunes and the ecology of the foreshore and dunes is so that they will impact on natural character but instead allow the degradation of the foreshore as predicted then it is a contradiction.

A policy that identifies the problem, changes the plan and then adopts a do nothing policy is self destructive.

Currently all new activities that are outside permitted uses in these zones are controlled. A plan change is not required to achieve that.

The RMA does not allow for a coastal protection strip and compensation from the Council when land has been subdivided.

Concrete foundations and walls will have the highest reduction in impact from a tsunami. Additions to an existing block walls should be allowed under the existing use right provisions.



Many of the property along Pukehina Parade a solid construction and cannot be moved. If a building application is made for a building consent then the existing property should not be forced to move back.

**(G) General**

Determination of RMA , Coastal and Regional Policy Statements when writing District Plan changes in own best interest of the Council.

Public land at Pukehina to have granted to the Community instead of granting a coastal reserve strip however now intended to be sold.

Allow subdivision of land so that no compensation is required under the provisions of the RMA.

Issue monies to Pukehina Ratepayers Association and then reference the Association as being supportive of the proposed change.

Refuse to answer questions in relation to how much money is being supplied to the rate payers association whether it is monitored as to spend.

Given an order by the Court to include certain provisions in the District Plan which are not included. See A141/2002.



**FURTHER SUBMISSIONS BY POWERCO LIMITED ON SUBMISSIONS TO  
PROPOSED PLAN CHANGE 74 (COASTAL PROTECTION AREAS) TO THE  
WESTERN BAY OF PLENTY DISTRICT PLAN**

**To:** Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bay 12803  
Tauranga 3143

**By Email:** [districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

**Submitter:** Powerco Limited  
Private Bag 2061  
New Plymouth 4342

**Address for Service:** BURTON PLANNING CONSULTANTS LIMITED  
Level 1, 2-8 Northcroft Street  
PO Box 33-817, Takapuna,  
**AUCKLAND 0740**

Attention: Georgina McPherson

Phone: (09) 917-4301

Fax: (09) 917-4311

Email: [gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@burtonconsultants.co.nz)

File ref: 09/032.1



**Further Submission on a Plan Change to the Operative Western Bay of Plenty District  
Plan**

**Clause 8 of Schedule 1 Resource Management Act 1991**

1. **Powerco's further submissions are as contained in the attached Tables.**
2. **Powerco has an interest in the proposed plan change greater than that of the general public.**
3. **Powerco does wish to be heard in support of its further submissions.**
4. **Powerco could not gain an advantage in trade competition through this further submission.**
5. **If others make similar submissions Powerco may be prepared to consider presenting a joint case with them at any hearing.**

Dated at AUCKLAND this 17<sup>th</sup> day of December 2015

Signature of person authorised to sign on behalf of Powerco Limited:

  
.....  
Georgina McPherson

TABLE 1 - FURTHER SUBMISSIONS ON BEHALF OF POWERCO ON SUBMISSIONS TO PROPOSED PLAN CHANGE 74 - COASTAL PROTECTION AREAS - TO THE WESTERN BAY OF PLENTY DISTRICT PLAN

Sub. #	Relief Sought By Submitter	Position of Further Submitter	Reason For Support / Opposition	Outcome Sought
<b>PC74 - Objectives</b>				
1-4 Lovell, Warwick Rodger	Council to provide clarification in the Council's hearing report on the relationship between 'natural and physical environment' and 'property'.	Support in part/ oppose in part	Powerco is neutral to the inclusion of the word 'property' in Objective 1 or whether Council distinguish the difference between both 'natural and physical environment' and 'property'. However, Powerco does not support the use of the word 'threat' in Objective 1. A more appropriate approach would be to seek to minimise the 'risk' of natural hazards - risk being a function of probability and consequence - as opposed to 'threat' which is the probability of a natural hazard event occurring.	Accept the submission provided that the word 'threat' is substituted by the word 'risk' instead.
<b>PC74 - Policies</b>				
1-5 Lovell, Warwick Rodger	Include new Policy 9 or similar wording to this effect; <u>"Minimise the threat of natural hazards to human life, and the natural and physical environment, including through the use of appropriate setbacks, buffers, and protection mechanisms at the time of subdivision and development."</u>	Support in part / Oppose in part	The intent of the Policy can be supported, but not the use of the word 'threat'. As currently worded, the policy seeks to minimise the threat or likelihood of a natural hazard event occurring, which in most cases won't be possible e.g. it is not generally possible to minimise the likelihood of a storm event. However, the effects of that even can be managed. A more appropriate policy approach would be to seek to minimise the 'risk' of natural hazards. Risk is a function of probability and consequence so it allows for consideration of mitigation	Accept the submission provided that the new policy substitutes the word 'threat' with the word 'risk' instead.

1

2



TABLE 1 - FURTHER SUBMISSIONS ON BEHALF OF POWERCO ON SUBMISSIONS TO PROPOSED PLAN CHANGE 74 - COASTAL PROTECTION AREAS - TO THE WESTERN BAY OF PLENTY DISTRICT PLAN

Sub. #	Relief Sought By Submitter	Position of Further Submitter	Reason For Support / Opposition	Outcome Sought
4 - 5 Department of Conservation	Insert new policy direction that requires the avoidance of increase in the risk of adverse effect from coastal hazards.	Support in part / Oppose in part	<p>measures such as setbacks, buffers and protection mechanisms. In the event that the new Policy 9 proposed is included, it could be worded as follows:</p> <p><u>"Minimise the risk of natural hazards pose to human life, and the natural and physical environment, including through the use of appropriate setbacks, buffers, and protection mechanisms at the time of subdivision and development".</u></p>	Accept the submission on the basis that any new policy relates only to activities that are already identified as non-complying or prohibited.





Department of Conservation  
*Te Papa Atawhai*

17 December 2015

Chief Executive Officer  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA 3143

[districtplan@westernbay.govt.nz](mailto:districtplan@westernbay.govt.nz)

Dear Sir/Madam,

**Further Submission on Proposed District Plan Change 74**

Please find enclosed the further submission by the Director-General of Conservation in respect of Proposed Western Bay of Plenty District Plan Change 74.

Please contact Chris Staite in the first instance if you wish to discuss any of the matters in this further submission at [cstaite@doc.govt.nz](mailto:cstaite@doc.govt.nz).

Yours sincerely

A handwritten signature in black ink, appearing to read 'H Neale'.

Helen Neale  
Conservation Partnership Manager  
Tauranga Office

**FURTHER SUBMISSION IN SUPPORT OR OPPOSITION TO PROPOSED WESTERN BAY OF  
PLENTY DISTRICT PLAN CHANGE 74**

Clause 8 of Schedule 1, Resource Management Act 1991

**TO: Western Bay of Plenty District Council**

**NAME: Director -General of Conservation**

1. This is a further submission in support of and in opposition to submissions on the following proposed district plan change:
  - 1.1. Proposed Western Bay of Plenty District Council Plan Change 74 ("Plan Change")
2. I am a person representing a relevant aspect of the public interest for the following reasons:
  - 2.1. I am the administrative head of the Department of Conservation. The statutory functions of the Department under s 6 of the Conservation Act 1987 include:
    - a) managing for conservation purposes all land and other natural and historic resources held under the Conservation Act; and
    - b) advocating the conservation of natural and historic resources generally.
  - 2.2. I have delegated authority in relation to the Minister of Conservation's statutory responsibilities under the Resource Management Act 1991, including in relation to the New Zealand Coastal Policy Statement 2010.
3. I support or oppose the submissions of those persons and/ or organisations listed in the first column headed "Submitter Name & Address" of Table 1 attached.
4. The particular parts of the submission I support or oppose are identified in the second column headed "Submission ID and Point" of Table 1.
5. The reasons for my support or opposition are set out under the fourth column headed "Reasons" of Table 1.
6. In relation to those submissions I support I seek that that submission is allowed.
7. In relation to those submissions I oppose I seek that the part of the submission I oppose is disallowed.
8. I wish to be heard in support of my further submission.
9. If others make similar submissions I will consider presenting a joint case with them at the hearing.



Helen Neale  
Conservation Partnership Manager  
Tauranga Office

Pursuant to delegated authority  
On behalf of  
Lou Sanson  
Director-General of Conservation

Date: 17 December 2015

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011.

**Address for service of person making further submission:**

RMA Shared Services  
Department of Conservation  
Private Bag 3072  
Hamilton, 3240  
New Zealand

Contact person: Chris Staite  
Telephone: 07 858 1586  
email: [cstaitea@doc.govt.nz](mailto:cstaitea@doc.govt.nz)

Table 1: Director ~ General of Conservation Further Submission Points:

SUBMITTER NAME & ADDRESS	SUBMITTER ID AND POINT	SUPPORT/ OPPOSE	REASONS	DECISION SOUGHT
WR Lovell 26 Pickwick Parade Mellons Bay Auckland 2014	1 - 5	Partially support	A new policy to address the threat of natural hazards through the use of setback and buffers is partially supported, although in relation to coastal hazards, it should avoid an increase in the risk of coastal hazards, giving effect to the NZCPS.	Include a new policy but ensure that it directs the avoidance of increases in the risk of social, environmental and economic harm from coastal hazards as required by the NZCPS.
Bay of Plenty Regional Council	19-5, 19-7	Support	The requested amendment will provide greater certainty that the relocation of buildings or structures will be achievable and appropriate.	Accept submission points

①

②③

Bay of Plenty Regional Council – Toi Moana Further Submission to Plan Change 74 17 December 2015

Submitters name, ID, point, page	Plan point and page	Decision sought by Submitter(s)	Support Oppose	Reasons
<p>Mahar, Judith May Sub ID 5 Sub Point 1</p>	<p>General Opposition to Plan Change</p>	<p>Plan Change 74 should not progress as proposed. Reasons: Tonkin &amp; Taylor admitted that their recommendations were based on the maximum and most exaggerated, possible increases. This is not only flawed and at odds with common sense, these proposed changes to the plan are significant and life changing for property owners and yet are based on subjective assumptions; it is arguably unlawful to push these changes through based on erroneous information.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to the operative Bay of Plenty Regional Policy Statement (RPS) and in particular Policy NH 11B. Plan Change 74 gives effect to the New Zealand Coastal Policy Statement (NZCPS), in particular Policy 24 and Policy 25 a) avoid increasing the risk of social, environmental and economic harm from coastal hazards.</p>
<p>Lloyd, Natalie Sub ID 11 Sub Point 1</p>	<p>General Opposition to Plan Change</p>	<p>Plan Change 74 should not progress as proposed. Reasons: Tonkin &amp; Taylor admitted that their recommendations were based on the maximum and most exaggerated, possible increases. This is not only flawed and at odds with common sense, these proposed changes to the plan are significant and life changing for property owners and yet are based on subjective assumptions; it is arguably unlawful to push these changes through based on erroneous information.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to the operative Bay of Plenty Regional Policy Statement (RPS) and in particular Policy NH 11B. Plan Change 74 gives effect to the New Zealand Coastal Policy Statement (NZCPS), in particular Policy 24 and Policy 25 a) avoid increasing the risk of social, environmental and economic harm from coastal hazards.</p>
<p>Treloar, Judy Sub ID 15 Sub-Point 1</p>	<p>General Opposition to Plan Change</p>	<p>1. Keep the Status Quo until sufficient (relevant to projections) historic data has been recorded for the Bay of Plenty and until nationally consistent sea level rise figures are agreed through Central Government and based on reliable international data. 2. Limit any plan changes to the effects of 50 years and reviewed against historical data and projections every decade. 3. Full consideration is given to mitigation and protection options and included in forecast erosion calculations.</p>	<p>Oppose</p>	<p>The relief sought is inconsistent with the RPS and the NZCPS. The NZCPS requires the avoidance of increasing the risk of social, environmental, and economic harm from coastal hazards (as opposed to mitigation and protection options). Policy 25 (e) is "discourage hard protection structures and promote the use of alternatives to them, including natural defences." The NZCPS also requires hazard risks, over at least 100 years, to be assessed. The RPS Policy NH 11B requires a 100 year timeframe as a minimum when undertaking coastal hazard assessments. Sea-level rise projections are derived from Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment,</p>

1

2 103

3



Bay of Plenty Regional Council – Toi Moana Further Submission to Plan Change 74 17 December 2015

Submitters name, ID, point, page	Plan point and page	Decision sought by Submitter(s)	Support / Oppose	Reasons
<p>Pukehina Beach Ratepayers Association Sub ID 21 Sub point 1</p>	<p>General Opposition to Plan Change</p>	<p>1. Withdrawal of PC 74 until nationally consistent sea level rise figures are agreed through Central Government. (Central Government endorsed figures will provide national consistency and fairness to all affected property owners. 2. Full consideration is given to mitigation and protection options and included in forecast erosion calculations.</p>	<p>Oppose</p>	<p>May 2008. The relief sought is inconsistent with the RPS and the NZCPS. The NZCPS requires the avoidance of increasing the risk of social, environmental, and economic harm from coastal hazards (as opposed to mitigation and protection options). Policy 25 (e) is "discourage hard protection structures and promote the use of alternatives to them, including natural defences." The RPS Policy NH 11B requires a 100 year timeframe as a minimum when undertaking coastal hazard assessments. Sea-level rise projections are derived from Coastal Hazards and Climate Change: A Guidance Manual for Local Government in New Zealand, Ministry for the Environment, May 2008.</p>
<p>Wallace, Gavin Roland Graham Sub ID 27 Sub Point 1</p>	<p>General Opposition to Plan Change</p>	<p>It is proposed by the submitter that the plan change should be withdrawn on the basis that Council knew, or should have known, of the release by the Minister of the impending guidance for Coastal Protection. The proposal does not meeting the sustainable management provisions of the RMA. The proposal does not meet Objectives 1-4 of the NZCPS. The proposal does not fully meet Objectives 5-7 of the NZCPS.</p>	<p>Oppose</p>	<p>Plan Change 74 gives effect to Objective 5 of the NZCPS, as identified in the Section 32 report in section 1.4. The Minister's guidance for coastal protection is an update of Coastal hazards and climate change: A guidance manual for local government in New Zealand. This will include the most up to date sea level rise figures from the IPCC 2015 report which are higher than those figures included in the 2008 guidance material.</p>
<p>Mahar, Judith May Sub ID 5 Sub Point 2</p>	<p>6: 8.3.6 (a) – List of Prohibited Activities – Coastal Erosion Areas (all)</p>	<p>Plan Change 74 should not prohibit additional dwellings, minor dwellings or larger scale accommodation.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to NZCPS Policy 25 and is consistent with the Proposed Bay of Plenty Regional Coastal Environment Plan Policy CH 13 (f), which states where risk reduction measures are insufficient to avoid exacerbating potential threats to human life, property or the environment, new subdivision or development shall only be provided for at a low intensity or avoid specific hazard locations altogether.</p>

Bay of Plenty Regional Council – Toi Moana Further Submission to Plan Change 74 17 December 2015

Submitters name, ID, point, page	Plan point and page	Decision sought by Submitter(s)	Support / Oppose	Reasons
<p>Mahar, Judith May Sub ID 5 Sub Point 3</p>	<p>6: 8.3.6 (a) – List of Prohibited Activities – Coastal Erosion Areas (all)</p>	<p>Plan Change 74 should not make a change to prohibit subdivision in the secondary risk area.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to NZCPS Policy 25 and is consistent with the Proposed Bay of Plenty Regional Coastal Environment Plan Policy CH 13 (f), which states where risk reduction measures are insufficient to avoid exacerbating potential threats to human life, property or the environment, new subdivision or development shall only be provided for at a low intensity or avoid specific hazard locations altogether.</p>
<p>Lloyd, Natalie Sub ID 11 Sub Point 2</p>	<p>6: 8.3.6 (a) – List of Prohibited Activities – Coastal Erosion Areas (all)</p>	<p>Plan Change 74 should not prohibit additional dwellings, minor dwellings or larger scale accommodation.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to NZCPS Policy 25 and is consistent with the Proposed Bay of Plenty Regional Coastal Environment Plan Policy CH 13 (f), which states where risk reduction measures are insufficient to avoid exacerbating potential threats to human life, property or the environment, new subdivision or development shall only be provided for at a low intensity or avoid specific hazard locations altogether.</p>
<p>Lloyd, Natalie Sub ID 11 Sub Point 3</p>	<p>6: 8.3.6 (a) – List of Prohibited Activities – Coastal Erosion Areas (all)</p>	<p>Plan Change 74 should not make a change to prohibit subdivision in the secondary risk area.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to NZCPS Policy 25 and is consistent with the Proposed Bay of Plenty Regional Coastal Environment Plan Policy CH 13 (f), which states where risk reduction measures are insufficient to avoid exacerbating potential threats to human life, property or the environment, new subdivision or development shall only be provided for at a low intensity or avoid specific hazard locations altogether.</p>
<p>Mahar, Judith May Sub ID 5 Sub Point 4</p>	<p>1: 8.3.3 (b) List of Restricted Discretionary Activities</p>	<p>Plan Change 74 – Coastal Inundation (Flooding) Areas should not make a change to require resource consent and require minimum floor levels to be imposed.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to the RPS, and gives effect to NZCPS Policy 25.</p>
<p>Lloyd, Natalie Sub ID 11 Sub Point 4</p>	<p>1: 8.3.3 (b) List of Restricted Discretionary Activities</p>	<p>Plan Change 74 – Coastal Inundation (Flooding) Areas should not make a change to require resource consent and require minimum floor levels to be imposed.</p>	<p>Oppose</p>	<p>Regional Council opposes the relief sought. Plan Change 74 gives effect to the RPS, and gives effect to NZCPS Policy 25..</p>

