MITCHELL DAYSH

GLEN ISLA PROTECTION SOCIETY

GLEN ISLA DUNE – WAIHI BEACH COASTAL PROTECTION PROJECT

Western Bay of Plenty District Council - Resource Consent Application and Assessment of Environmental Effects

11 October 2024

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF APPENDICES

REPORT INFORMATION

Report Status	FINAL
Our Reference	MDL002583
Author	Ellen Robotham
Review By	Luke Faithfull
Version Date	11 October 2024

A

PART A

Resource Consent Application

FORM 9

APPLICATION FOR RESOURCE CONSENT

Sections 88 and 145, Resource Management Act 1991

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

1. **Glen Isla Protection Society ("GIPS") apply for the following type(s) of resource consent:**

   Land use consent as a discretionary activity, in accordance with section 9(3) of the Resource Management Act 1991.

2. **The activity to which the application relates (the proposed activity) is as follows:**

   > Establishment of a coastal protection structure and associated earthworks in the Coastal Erosion Area – Primary Risk and Coastal Erosion Area - Rural; and

   > Structures, earthworks and clearance of native vegetation within Natural Feature/Landscape – S24 – Open Coastal landscape Landward Edge Protection Yard.

3. **The site at which the proposed activity is to occur is as follows:**

   Recreational Reserve and Esplanade Reserve land at Waihi Beach comprising part of the reserve commonly referred to as Three Mile Creek Reserve and legally described as Lot 18 DPS 22035 and Lot 19 DPS 22035.

   The site is adjacent to 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place, Waihi Beach, and immediately south of Three Mile Creek. The site is described further in the attached Assessment of Environmental Effects.

   Copies of the Records of Title for the site is attached as **Appendix A** to the Assessment of Environmental Effects.

4. **The full name and address of the owner (other than the applicant) of the site to which the application relates is as follows**:

   Western Bay of Plenty District Council,
   1484 Cameron Road,
   Greerton,
   Tauranga 3112

5. **The other activities that are part of the proposal to which the application relates are as follows:**

Activities associated with the construction phase of the proposal, including transport, noise and signs. These activities are proposed to comply with the relevant Western Bay of Plenty District Plan standards as described in the attached Assessment of Environmental Effects.

6. **The following additional resource consents are needed for the proposal to which this application relates and have been applied for:**

Earthworks in the Erosion Hazard Area and Sand Dune Country within 50m of the Coastal Marine Area, and vehicle use in the Coastal Marine Area from the Bay of Plenty Regional Council.

Resource consent for these activities have been sought under a separate application.

7. **I attach an assessment of the proposed activity's effect on the environment that—**

(a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and

(b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

8. **I attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.**

9. **I attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including the information required by clause 2(2) of Schedule 4 of that Act.**

10. **I attach the following further information required to be included in this application by the district plan, the regional plan, the Resource Management Act 1991, or any regulations made under that Act:**

> Records of Title

> Coastal Process Assessment (Davis Coastal Consultants)

- Landscape and Visual Effects Assessment (Isthmus Group)
- Ecological Effects Assessment (BlueGreen Ecology)
- Memorandum – Location of Mean Highwater Springs, Glen Isla Place, Waihi Beach (Davis Coastal Consultants)
- Engineering Design Report (Davis Coastal Consultants)
- Glen Isla Place Tree Protection Plan (Arbor Care Ltd)
- Construction Methodology (Davis Coastal Consultants)
- Noise Trial Report (Marshall Day Acoustics)

Date: 11 October 2024

Signature:

(Person authorised to sign on behalf of applicant)

Address for Service: Mitchell Daysh Limited
33 Totara Street
Mount Maunganui 3116

Telephone: +64 21 545 856

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B

PART B

Assessment of Environmental Effects

1. INTRODUCTION

The Glen Isla Protection Society Incorporated ("**GIPS**" or "**the Applicant**") comprise a group of beachfront homeowners at 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place, Waihi Beach. Their properties, located immediately south of "Three Mile Creek", adjoin an approximately 200m stretch of unarmoured coastline which is part of the Three Mile Creek Reserve and owned by the Western Bay of Plenty District Council ("**WBOPDC**").

Following a series of recent large erosion events, including Cyclone Gabrielle, GIPS proposes to establish a buried revetment structure ("**the structure**"), supplemented with dune reshaping and replanting at Three Mile Creek Reserve on land legally described as Lot 18 DPS 22035 and Lot 19 DPS 22035. The intent is to protect the Reserve land and adjacent properties from further erosion, and future-proof the properties from the effects of sea-level rise.

This Assessment of Environmental Effects ("**AEE**") supports a resource consent application to establish a coastal protection structure and associated earthworks in the Rural Zone which have an overall activity status of **discretionary** under the Western Bay of Plenty District Plan ("**District Plan**").

This AEE is supported by the following information and technical assessments:

- Records of Title
- Coastal Process Assessment (Davis Coastal Consultants)
- Landscape and Visual Effects Assessment (Isthmus Group)
- Ecological Effects Assessment (BlueGreen Ecology)
- Memorandum – Location of Mean Highwater Springs, Glen Isla Place, Waihi Beach (Davis Coastal Consultants)
- Engineering Design Report (Davis Coastal Consultants)
- Glen Isla Place Tree Protection Plan (Arbor Care Ltd)
- Construction Methodology (Davis Coastal Consultants)
- Noise Trial Report (Marshall Day Acoustics)

An application for the necessary resource consents from Bay of Plenty Regional Council ("**BOPRC**") has been made separately to this application.

2. BACKGROUND

Waihi Beach is a coastal township located on the east coast of the North Island at the northern extent of the Bay of Plenty Region. It is an approximately 10km long, open-coast barrier beach orientated north-east, with a long history of coastal erosion and protection / mitigation activities.

The Coastal Processes Assessment (**Appendix B**) provides a detailed review of historic beach changes at the site, and the below summarises the various coastal erosion mitigations that have been adopted along Waihi Beach, particularly the coast fronting 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place.[1]

Following severe storm events in the late 1950s, the former Ohinemuri County Council put coastal erosion protection measures (primarily hard protection structures) in place along Waihi Beach in response to beachfront residents' concerns. This response continued over the following 30 years.

In 1983, a seawall was constructed south of Three Mile Creek, approximately 20m seaward of the boundary of the Glen Isla Place properties which border the coast. This seawall was essentially an extension of the various sections of sea walls that had been built over the preceding decades to the north of Three Mile Creek.

Between 1993-2008, WBOPDC investigated and sought consent to undertake protection works to replace existing sea walls and ad hoc protection at Waihi Beach. Construction of the scheme began in 2009/2010. A permanent revetment, which was to be located 5 metres off the private property boundaries, was originally investigated for the Glen Isla dunes. This proposal was substituted with a soft protection method involving enhanced sand dunes and planting of dune vegetation, which was subsequently constructed in 2011. Remnants of the historic seawall were also removed at this time.

The soft protection dune enhancement was entirely washed away by a severe storm within a few weeks of being finished. No erosion protection or care initiatives have been put in place since 2011.

Tonkin & Taylor Ltd provided a review of Primary and Secondary Risk Coastal Protection Areas ("**CPA**") in 2015. Two planning timeframes were applied to identify the coastal hazard extent at sufficient time scales for planning and accommodating future development, being

[1] The summary of coastal erosion mitigations relies on C. Dullnig, 'Waihi Beach Coastal Protection Consequence of 1930's Stormwater Control Measures', 2016, other publicly available documents, and observations of GIPS members.

2065 (50 years) and 2115 (100 years). Maps attached to the reassessment report identify properties at 1, 3, 5, 7, 9, 11-12 Glen Isla Place as "Primary Risk CPA" (shown as double hatch in **Figure 1**), and the wider coastal area as "Secondary Risk CPA" (shown as single hatch in **Figure 1**).

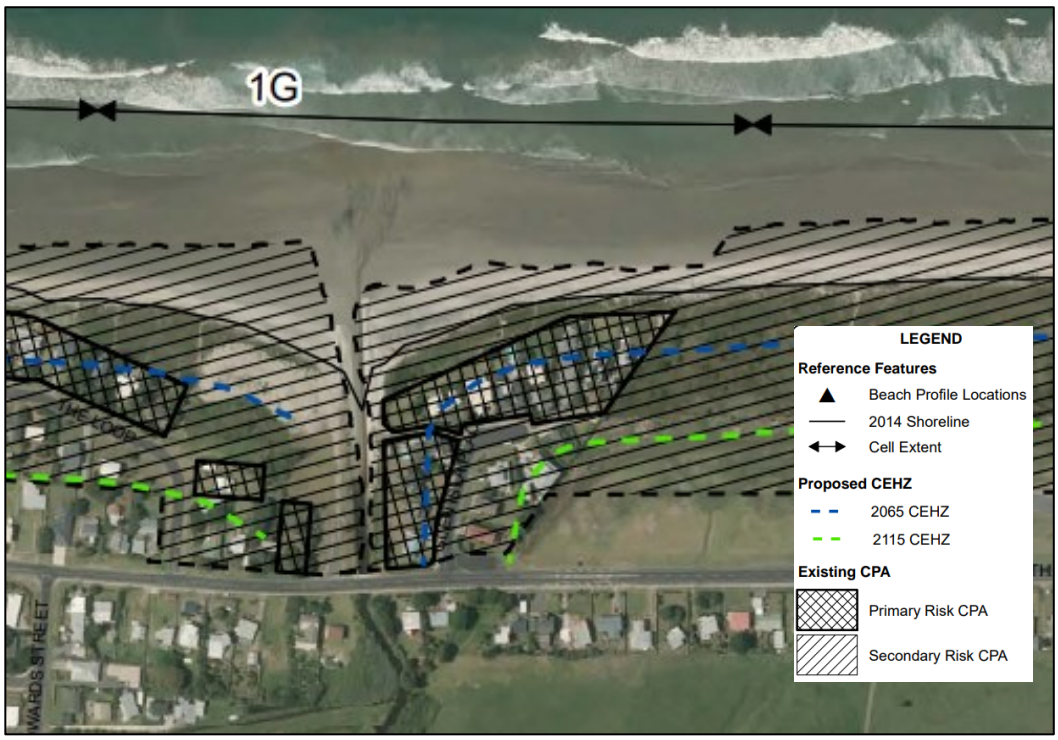

Figure 1: Map from 2015 Tonkin & Taylor Report

Significant further erosion of the remaining dune area occurred during Cyclones Hale and Gabrielle in early 2023 which resulted in the loss of up to 3 metres, in horizontal dune width.

While some indigineous vegetation has regenerated in the northern half of the Glen Isla dunes, southern parts of the Glen Isla dune have not naturally recovered, and are now approximately 5 metres wide, a loss of up to 15 metres from the position of the 1983 seawall.

In response to recent events, GIPS approached WBOPDC to explore coastal protection options for the Glen Isla dune within the Council's Reserve land. The outcome of this, as detailed in Section 4 below, is the subject of this resource consent application.

3. EXISTING ENVIRONMENT

3.1 SITE LOCATION AND CONTEXT

Waihi Beach is a coastal township in the Western Bay of Plenty at the base of the Coromandel Peninsula, approximately 10km east of the inland town of Waihi. The settlement is well established with a mixture of traditional baches and recent beach house development. The township's layout is generally parallel to the beach, with development located close to the coastal margin for much of the central and northern beach extent.

Various ad-hoc structures and coastal protection works have been constructed over the decades to manage coastal erosion at Waihi Beach. Notably, exposed rock revetments extend along approximately 420m in front of The Loop, and approximately 500-600m in front of Shaw Road.

The profile of Waihi Beach is generally very flat, with a broad intertidal zone offering a deep open beach at low tide, and a narrow beach against the fore dune and existing coastal erosion structures at high tide.

The site is located approximately halfway along Waihi Beach within the Three Mile Creek Reserve which is classified as Local Purpose Esplanade and Recreation Reserve under the WBOPDC. The site is adjacent to nine private residential properties, being 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place, which are owned by GIPS members. The project site is legally described as Lot 18 DPS 22035 (.4130 ha) Rec Res and Lot 19 DPS 22035 (.6620 ha) LP Espl (refer **Figure 2**).[2]

[2] These legal descriptions and areas are as described in Appendix 1 to the Katikati-Waihi Beach Ward Reserves Management Plan.

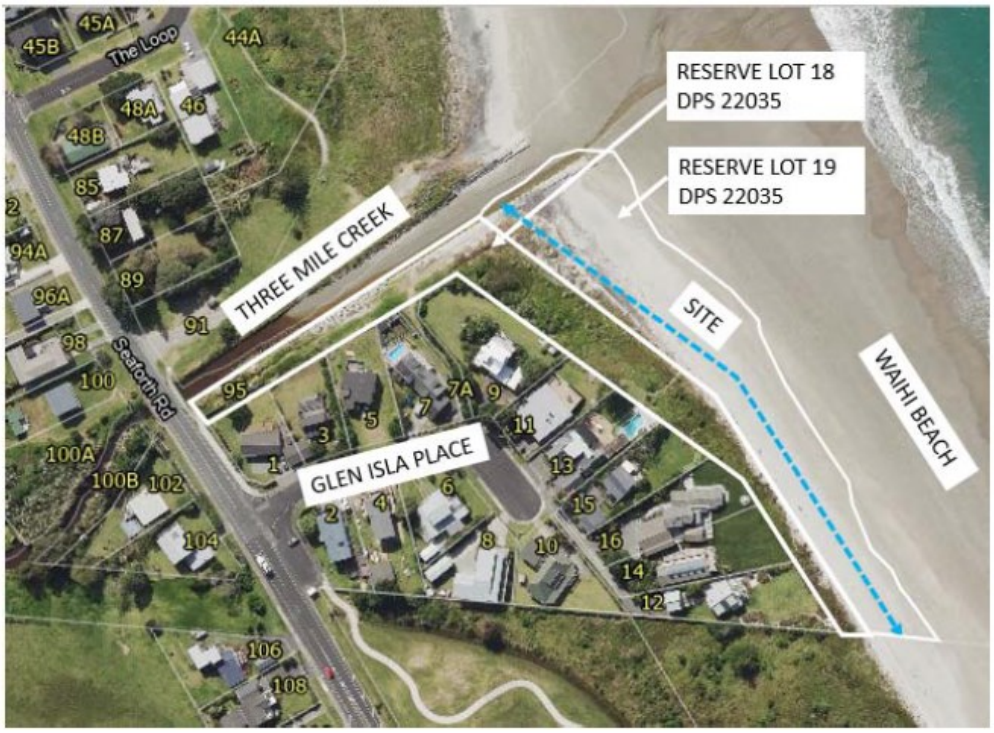

Figure 2: Site location at Waihi Beach (Source: Coastal Processes Assessment).

The coastline at the site is characterised by a gently sloping intertidal area which rises slowly to an unarmoured, narrow, vegetated bank. The dune slope is gentler at the northern end, where sand accumulation appears to be supported by the presence of groynes along the banks of Three Mile Creek. The southern end of the site comprises a narrow dune terrace with a steep, eroded face exemplary of the susceptibility of the frontal dune to episodic storm erosion. The Coastal Processes Assessment (**Appendix B**) provides a detailed description of the morphology and coastal processes at the site.

The GIPS properties are located landward of the narrow frontal dune, at an elevation of approximately Relative Level ("**RL**") 4.0m. Residential dwellings on the GIPS properties are generally set at the landward edge of the property with grassed lawns on the seaward side. The dwellings are a mix of single and two-storey dwellings. Some properties have fences erected along the seaward property boundary. These built structures are easily seen at the top of the dune from the beach. The Landscape and Visual Amenity Effects Assessment ("**LVA**" at **Appendix C**) provides a more detailed description of the character of the site and broader context.

The vegetated extent of the back dune system is approximately 20m wide closest to the channel outlet and narrows to approximately 4-5m wide towards 12 and 14 Glen Isla Place. Indigenous plants are most prominent in the northern foredune (including beach bind weed, spinifex, and pingao), and in the very south (where pohuehue on the terrace and spinifex

along the erosion scarp face are notable). Knobbly club rush and pohuehue are the common native dune plants throughout, however, the great majority of the back terrace and terrace slope is covered by exotic species, many of which are considered serious weed species. A mature Norfolk Pine is located close to the boundary, on private land at 13 Glen Isla Place.

The predominant vegetation types are summarised in **Figure 3.** A fulsome description of the site's flora and fauna is provided in the Ecology Assessment at **Appendix D**.

Figure 3: Predominant vegetation types (Source: Ecology Assessment).

Three Mile Creek Reserve is a 'Neighbourhood Amenity Reserve' and provides public access to and along Waihi Beach. From Seaforth Road, the public can access the coast via the public pedestrian accessways on the northern and southern banks of Three Mile Creek which run all the way to the open beach. From Glen Isla Place, there is a dedicated pedestrian access way between property numbers 9 and 7 that connects to the accessway along the southern bank of Three Mile Creek. The open beach provides for access along the coast. The unmanicured vegetated dune area does not provide for public access or other recreation, given it is a sensitive habitat and the public are discouraged from walking through these areas.

Public walking access from Seaforth Road and Glen Isla Place via Three Mile Creek Reserve is indicated in the figure below.

Figure 4: Indicative location of public beach access at Three Mile Creek.

Three Mile Creek is located immediately to the north of the site. Three Mile Creek is a man-made diversion of inland drainage channels that was dug through the dune in the early 1930's. Training walls, made of sandbag groynes, line the northern and southern banks of Three Mile Creek. Three Mile Creek is periodically dredged by WBOPDC in accordance with the relevant Reserve Management Plan. Dredging typically occurs monthly, and sand is deposited immediately south of Three Mile Creek, seaward of the dunes.

Island View Reserve is located to the south of the site. The open beach is vested in Council as Esplanade Reserve, and the vegetated dune land to the south is Crown Land (owned Department of Conservation ("**DoC**")) held for conservation purposes and is a Recreation Reserve.[3] WBOPDC has been appointed by the Minister to control and manage the reserve.

[3] As per the Katikati Waihi Beach Ward Reserves Management Plan.

Figure 5: **DoC Reserve land (orange speckle) and Council Reserve / Esplanade Reserve land (green speckle). (Source: District Plan maps).**

The following photos, taken during a site visit on 4 and 5 April 2024, are indicative of the existing environment.

Figure 6: **Dune face looking north from 16 Glen Isla Place. The Norfolk Pine at 13 Glen Isla Place is prominent in the middle ground.**

Figure 7: **Dune face looking north from in front of 13 Glen Isla Place. Sand spoil disposal area is visible as lighter sand area.**

Figure 8: **Sand spoil disposal area from Three Mile Creek maintenance works located in front of 9 Glen Isla Place. Regenerating vegetation can be seen behind the sand disposal area.**

Figure 9: **Example of existing dune vegetation in front of 11 Glen Isla Place, looking north.**

Figure 10: Example of existing dune vegetation in front of 15 and 16 Glen Isla Place, looking southeast.

3.2 PLANNING OVERLAYS

The reserve land is zoned Rural in the District Plan (delineated by the light yellow area in Figure 11). The adjacent properties at 9-16 Glen Isla Place are zoned Residential (delineated by the grey area in Figure 11).

Figure 11: District Plan zoning

Parts of the site are also subject to the following District Plan overlays (refer **Figure 12**):

> Coastal Erosion Area – Primary Risk (delineated by the faded red line);

> Coastal Erosion Area – Rural (being land zoned Rural and within 100m of Mean High Water Springs);

> Coastal Inundation Area (delineated by the burgundy hatch); and

> Landscape Area: Natural Feature/Landscape – S24 – Open Coastal landscape Landward Edge Protection Yard (delineated by the black dots).

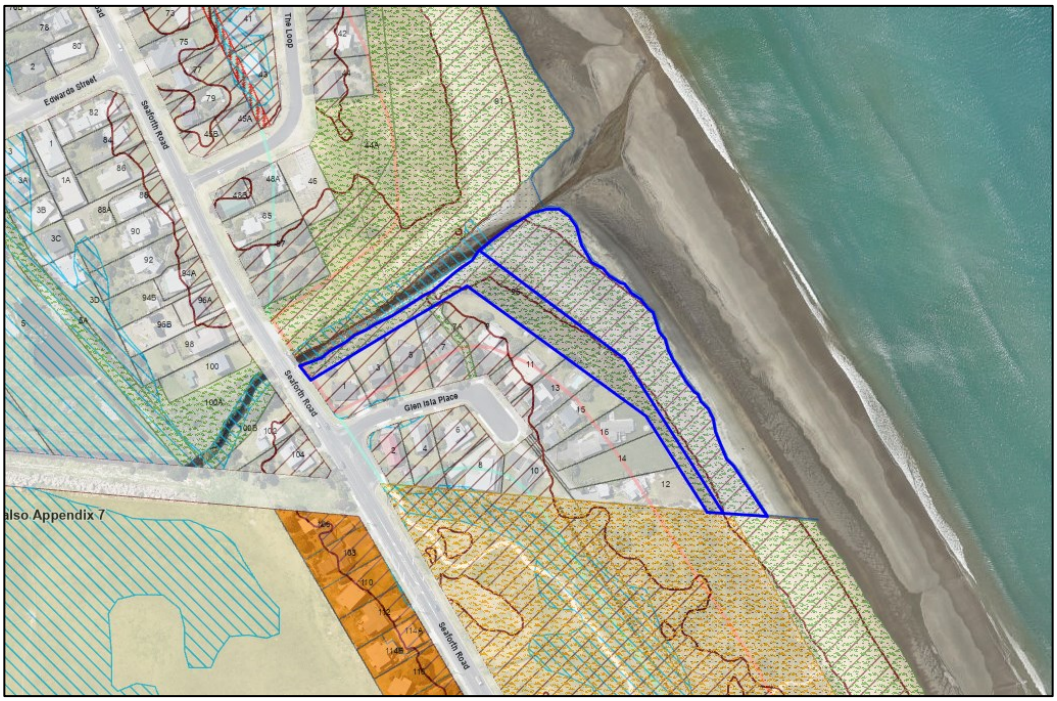

Figure 12: District Plan Overlays

The reserve land and private properties are also subject to the following Non District Plan Layers – Natural Hazards (refer **Figure 13**):

> Waihi Beach Floodable (delineated by the dark blue hatch area); and

> Omokoroa Stage 3 Liquefaction Types (delineated by the orange area).

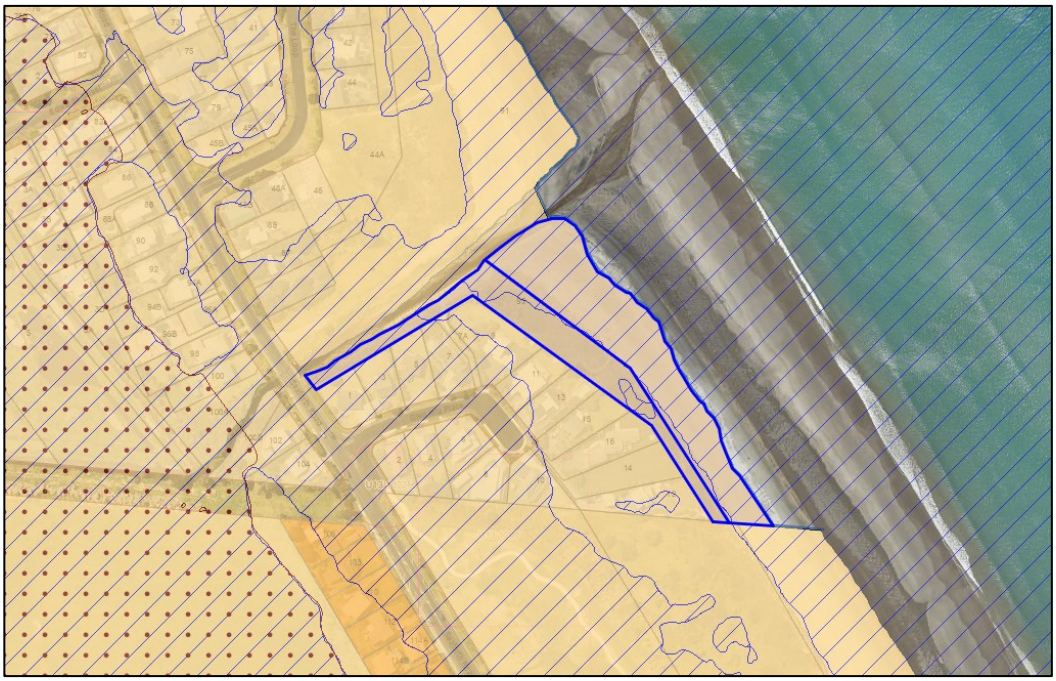

Figure 13: Non-District Plan Layers

For completeness, it is also noted that under the Bay of Plenty Coastal Environment Plan ("**Coastal Plan**" - refer **Figure 14**), the reserve land is located within the Coastal Environment (delineated by the yellow line) and Indigenous Biological Diversity Area B1 – Central Waihi Beach (delineated by the orange line and black hatch).

Figure 14: Excerpt of the Coastal Plan.

3.3 COASTAL MARINE AREA

The proposed works are located within the Coastal Environment but not within the coastal marine area ("**CMA**").

The CMA is defined by the RMA as follows:

> ***coastal marine area*** *means the foreshore, seabed, and coastal water, and the air space above the water—*
>
> *(a) of which the seaward boundary is the outer limits of the territorial sea:*
>
> *(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—*
>
> *(i) 1 kilometre upstream from the mouth of the river; or*
>
> *(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5*

GIPS engaged Davis Coastal Consultants to analyse the position of mean high water springs ("**MHWS**"), to inform identification of the landward boundary of the CMA. The methodology and conclusions utilised by Davis Coastal Consultants are set out in full in **Appendix E**.

The position of MHWS springs is shown in **Figure 15**, with the red area representing the envelope within which MHWS has been since 1987. The 2011 and 2024 MHWS are

represented by blue dashed lines. As demonstrated by the figure below, the project site is landward of the CMA (noting that the project design has evolved from the below figure).

This position was provided to BOPRC and subsequently accepted via email on 13 May 2024. This is the basis upon which the project has progressed, the position against which the consenting requirements have been determined and the proposed construction methodology and management measures have been developed.

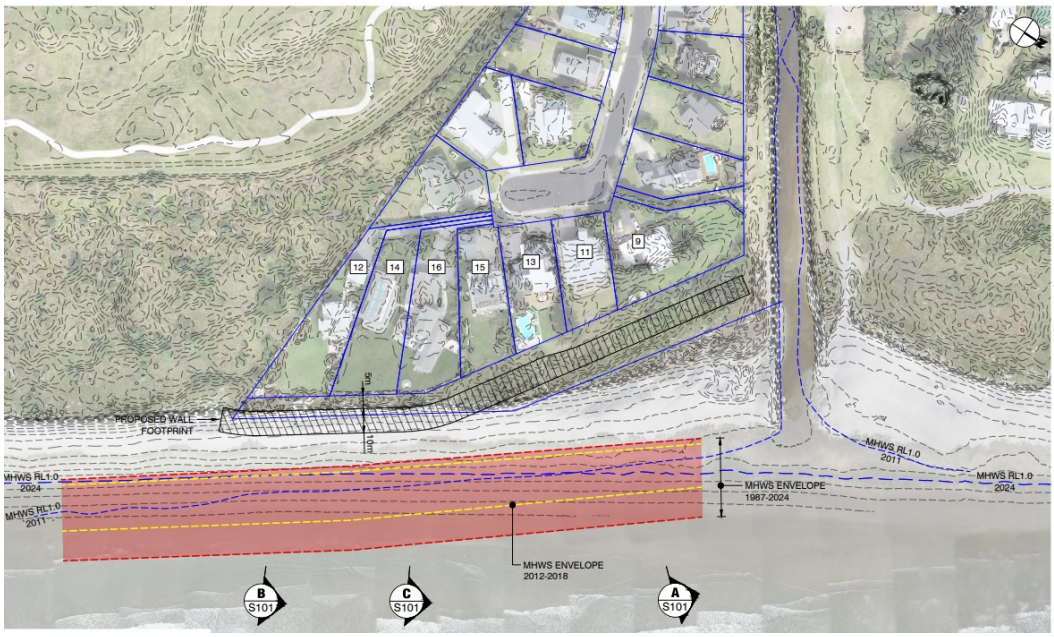

Figure 15: Historic Extent of MHWS 1987-2024 (Source: Memorandum – Location of Mean Highwater Springs Glen Isla Place, Waihi Beach).

4. DESCRIPTION OF THE PROPOSAL

The Applicant proposes to install a coastal protection structure on Recreational Reserve and Esplanade Reserve land at Waihi Beach to protect the Reserve land and adjacent properties from further erosion, and future-proof this land for the effects of sea-level rise as well as enhancing the dune environment through planting. The proposed structure will be located in the back and foredune area seaward of 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place but landward of the CMA. The use of the land has been agreed to by WBOPDC Reserves through a separate process and is subject to a formal agreement which sits outside of the RMA process. Upon completion, as per agreement with Council, the structure will be vested to WBOPDC.

Figure 16: Location of proposed coastal protection structure at Glen Isla Place, Waihi Beach

4.1 STRUCTURE DESIGN AND DUNE RESTORATION

The Engineering Design Report (**Appendix F**) includes a full description of the proposed structure and the design considerations informing the proposed structure. Key elements of the design are summarised here.

The coastal protection structure will be a buried rock revetment, approximately 200m long running generally parallel to the landward residential site boundaries.

The southern section, approximate 70m in length, runs parallel to the property boundaries and beach orientation with the rear of the structure approximately 5m from the property boundaries of 12, 14 and 16 Glen Isla Place. The northern section, approximate 130m in length, is on two slightly different alignments. From 16 Glen Isla Place, the structure runs north approximately 57m to a point approximately 7.6m from the boundary of 13 Glen Isla

Place, where a large established Norfolk Pine is located near the property boundary. The structure then continues to run north the final 73m to a point approximately 6.5m off the boundary with 9 Glen Isla Place.

The setback off the Norfolk Pine is recommended by Arbor Care Ltd to protect the health of the tree (refer **Appendix G**).

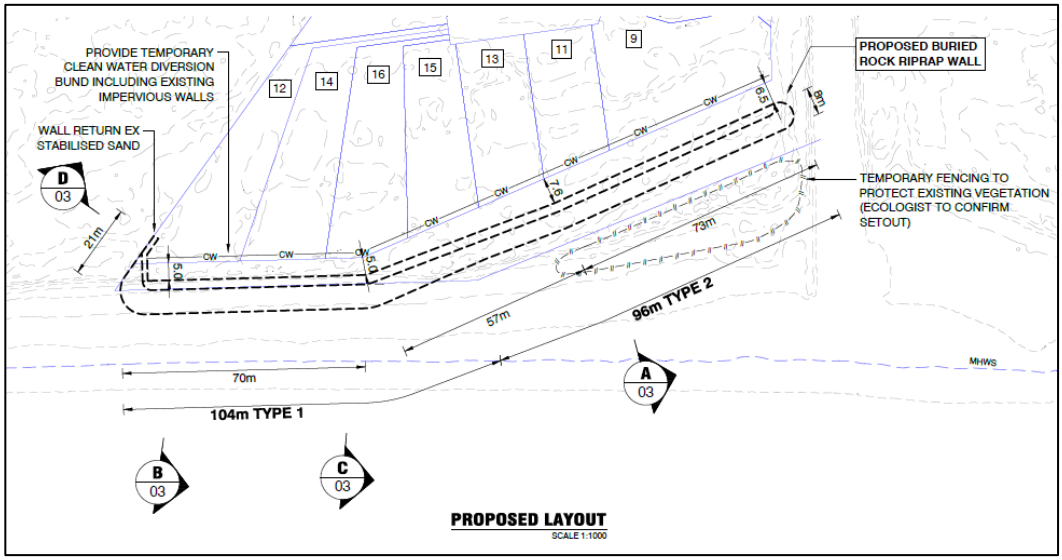

Figure 17: Proposed layout of proposed coastal protection structure at Glen Isla Place, Waihi Beach

The structure will be constructed out of Andesite sourced from a local quarry at Waihi Beach. To the extent practicable, rocks with a weathered appearance and a variety of sizes will be selected to ensure a more naturalistic appearance to the revetment should the structure become exposed.

While subject to detailed design, the structure will be designed in accordance with accepted design guidelines (CIRIA C683) and will comprise a:

- Slope no steeper than 1:1.5 at the northern end and a slope of 1:2 at the southern end;
- Double outer armour layer with an average rock diameter of 1.1m, pending availability of suitable rock from the local quarry at Waihi Beach;
- Double underlayer with an average rock diameter of 250mm;
- Geotextile lining (BIDIM A44 or similar); and
- Minimum crest width of three armour rocks.

The crest level is to be approximately RL 3.5 and the base of the structure is proposed to be constructed at approximately RL 0.0.

The northern end will be terminated with a sloped face similar to the front face. It will be designed to be separate from the Three Mile Creek groynes and not impact the integrity of these structures. At the southern end, a return continuing approximately 20m landward constructed of stabilised sediment is proposed with no construction works extending into the neighbouring DOC reserve area.

The entire structure will be buried under at least 0.5m of sand, sourced from the footprint of the structure, and recontoured to mimic natural dune form. The dune face at the southern end will be placed at 1:3, on approximately the alignment of the dune face surveyed by LiDAR in 2011, slightly landward of a typical stable dune face. The dune face will be kept as landward as practicable. The northern end will be reinstated to match existing ground level.

All disturbed areas will be revegetated with indigenous dune plant species, as recommended in the Ecology Assessment.

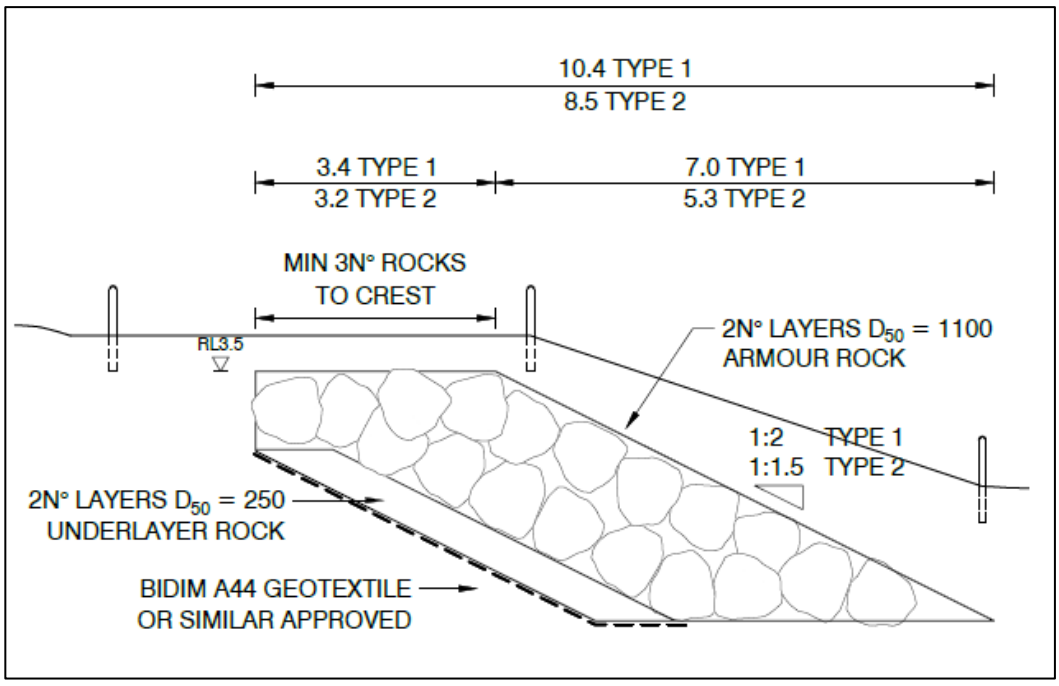

Figure 18: Typical cross section (Source: Engineering Design Report)

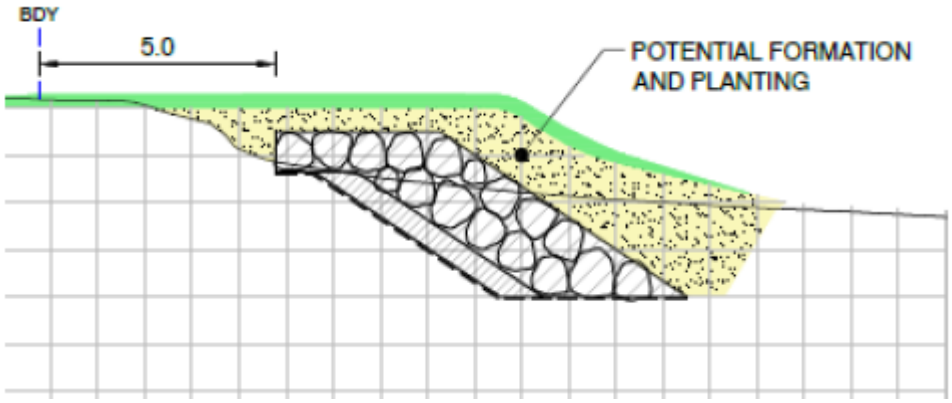

Figure 19: Example cross section of southern portion (Source: Construction Methodology)

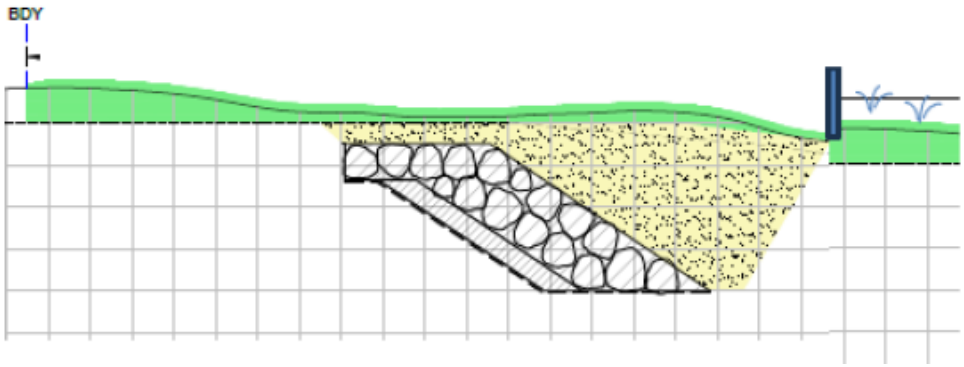

Figure 20: Example cross section of northern portion (Source: Construction Methodology)

4.2 CONSTRUCTION METHODOLOGY

The full construction methodology is attached as **Appendix H**. Key elements of the construction methodology include:

- Working hours will be 7am – 5pm, Monday – Friday when enabled by the tide. Work will not be undertaken at night or once daylight becomes unsuitable. However, the work is tidally and storm dependent and work may continue outside working hours for up to three days a week every two weeks. This may include Saturday working outside school holiday periods. No work will take place before 6am or after 8pm.
- It is anticipated that the entire project will be completed in 4 months however, an allowance of 6 months is proposed to accommodate periods of inclement weather, and other unforeseen issues. On this basis a specified project duration of 6 months between

April to November, inclusive, is proposed. Work will not be undertaken at Easter or other Public Holidays.

> Where strong onshore conditions, storms or extreme tides threaten the works footprint, the works site shall be made safe, and works will cease while there is a threat of tidal interaction with the works.

> The only activity below MHWS will be vehicle movements with the express purpose of delivering machinery and materials to the project site. During these times, signage and spotters from the construction team will ensure that the health and safety of other users of the beach is provided for.

> Construction activities will occur within an identified construction corridor to minimise disturbance of the dunes as far as practicable. Given the sandy nature of the site, no specific erosion and sediment control measures are required.

> Vegetation removal will be minimised as far as practicable. In principle, it will be limited to the area of disturbance, being the footprint of the structure and the sloping sides of the construction trench. The 'northern spinifex foredune' area will be fenced, and disturbance of this area will be avoided.

Figure 21: Indicative location of vegetation removal (blue) and northern dune vegetation to be protected (Source: Construction Methodology).

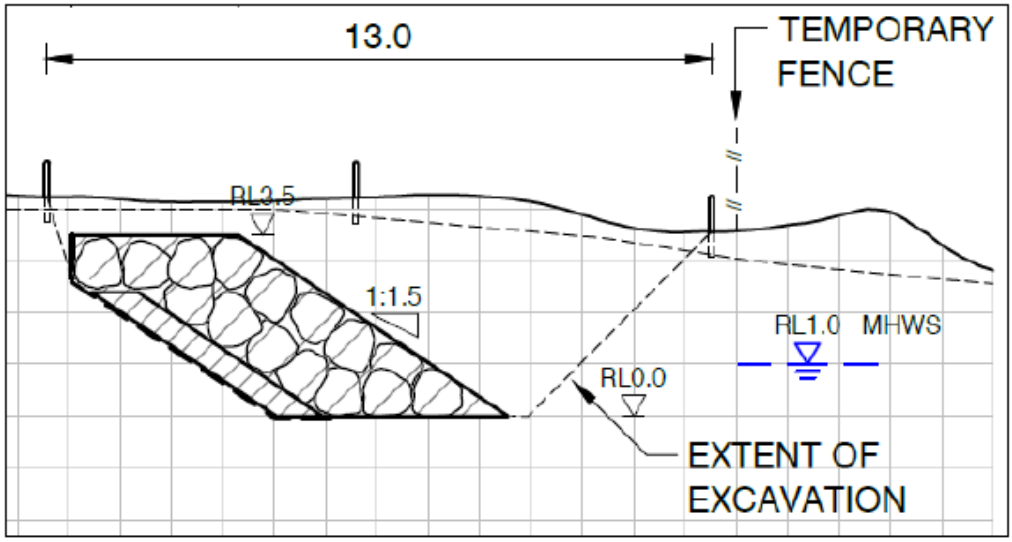

Figure 22: Indicative area of excavation to place the structure in the northern portion (Source: Construction Methodology).

- The estimated area of disturbance associated with construction of the structure is approximately 2,500m^2. Earthworks are to occur to a depth of approximately 0.0mRL, requiring a maximum excavation of 5m at the northern end.
- Construction will occur in a staged manner. In general, the footprint will first be lowered to RL 2.0 to form a work platform. Works anticipated to occur within a single tidal cycle include excavation to target depth and the first lift (placement of geotextile and first armour layer) occurring in approximately 10m long sections. Placement of second and third armour layers is anticipated to occur in sections of approximately 50m. Should this extent of works not be feasible within a tidal cycle, the construction methodology will be updated as required.
- Excavated material will be stored seaward of the construction area, above the normal tide range, for use in site reinstatement.
- Rock material will be delivered to site on as "as required" basis as much as practicable such that stockpiling on site is minimised but efficient construction can continue. Temporary stockpiles will be placed on heavy gauge geotextile. Any rocks not placed during the work day will be stored within the construction corridor.
- All machinery and equipment shall be kept overnight on the wall alignment above RL 3.0. All equipment will be kept in good condition, clean and free from any leaks. No refuelling will be undertaken within the CMA and only equipment that cannot readily leave site (excavators) will be refuelled on site. A spill kit will be present on site.

- Noise and vibration monitoring will be undertaken while works are occurring. The construction methodology will be updated if monitoring results show levels higher than the permitted construction levels.
- At the completion of construction, disturbed dune areas to be re-vegetated with a mix of indigenous fore- and back-dune species to effectively bind the disturbed sand and re-build the dune. The planting will be with species as identified in the planting plan to be developed by the project ecologist.
- If required, a wind fencing may be utilised along face of new planting and at dune crest to minimise wind-blown sand to back dune area and protect plants while they are establishing.

4.3 ALTERNATIVES CONSIDERED

In developing the Proposal, the Applicant considered a range of coastal protection options, which have been summarised below. A full assessment of various options is provided in the Engineering Design Report (**Appendix F**).

It is noted that avoidance and managed retreat are not considered appropriate options in this scenario because development has already occurred adjacent to the coast, and the coastal erosion risks can be addressed by conventional engineering approaches, similar to those elsewhere on the Waihi Beach. Historical 'soft' options have also been unsuccessful when used in isolation.

GIPS considered that dune reestablishment and a high-quality dune revegetation approach would be part of any coastal protection option.

4.3.1 Do Nothing

This coastal management approach allows the beach to act in an entirely natural manner. The dune line will fluctuate and may retreat with losses and gains accepted. This results in the highest quality natural dune and coastal systems.

For the proposed site, historical residential and urban infrastructure development has been undertaken adjacent to the beach front and therefore, this approach is not appropriate. The extensive dune front work of seawalls, groynes and dune replenishment along the residential properties elsewhere at Waihi Beach is ample evidence that the GIPS properties are at risk without coastal protection measures. The Do-Nothing Approach is therefore inappropriate at the site.

4.3.2 "Soft Engineering" (Renourishment and Planting)

This option relies solely on the enhancement of natural defences provided by the sand dunes through the planting of indigenous species.

Historic reliance on enhanced natural defences in isolation has proven unsuccessful at the proposed site. Significant dune enhancement planting project was undertaken in 2011, with the cost being financed through a targeted rate on the beachfront properties. The plantings were lost only 3-4 weeks after completion due to storm surges. There is no perceptible difference between the coastline that was nourished and the adjacent coastline to the south suggesting that renourishment effects have been lost. It is likely that the renourishment helped fill the dune adjacent to the Three Mile Creek groyne and more quickly attain a prograded position associated with the groyne.

Targeted sand nourishment is also likely to have a very short residence time, with sand redistributed to the adjacent beach. Sand renourishment placed on a beach system within the tidal zone is quickly redistributed by wave action during higher water levels. Very large volumes of sand would be required for renourishment to hold an unnaturally seaward dune line. The minimal duration and ongoing cost of the previous renourishment preclude this being a practicable solution for the beach area adjacent to the GIPS properties.

Notwithstanding the above, reinstatement of degraded dune areas can help to accelerate the natural dune recovery processes. When coupled with planting, this work helps reestablish a healthy dune system which will tend to sit further seaward than a degraded dune system and results in less risk from smaller, more regular events, and is effective in maintaining cover to a buried structure for longer periods. Dune reinstatement and replanting of this type provides minimal additional protection to the backshore against extreme storm events.

4.3.3 Seawalls / Structures of various materials and configurations

The Applicant has considered a number of materials and configurations for a coastal protection structure, including:

> Stabilised sediment wall;

> Rip rap / Rock Revetment;

> Rock Masonry;

> Concrete walls; and

> Vertical walls.

Rock masonry and concrete walls were not considered appropriate for this site because of the need for stable foundations, and Policy 8.2.2.8 of the District Plan which specifically recommends avoiding concrete foundations. Similarly, a vertical wall is not appropriate at this site because the limitations on the height of timber fences, and avoidance of the use of concrete would result in a steel sheet pile wall, which would be subject to surface rust and become unsightly. Vertical walls also provide a complete barrier to pedestrian access and if they become exposed could create a fall hazard.

Stabilised sediment, while having potential to result in a more natural looking texture and colour to the surrounding beach than a rock revetment, is not considered appropriate for the whole length of seawall because it is a less proven technology, requires specialist plant to achieve a high-quality outcome, and tends to be more expensive and labour intensive than a rock revetment.

A buried rock revetment solution has been identified as the preferred option because of the benefits of:

> Providing for construction outside the CMA;

> Enabling a soft engineering / dune enhancement approach to be incorporated into the overall design;

> Widely, tested and accepted design formulation for coastal erosion;

> Proven solution at Waihi Beach , with northern seawall walls managing recent large storm events;

> Using locally sourced rock for the revetment; and

> Local contractor experience with rock revetments.

5. RESOURCE CONSENT REQUIREMENTS

The activities relating to the proposal described in Section 4 of this AEE are subject to rules in the District Plan.

Coastal protection works including seawalls in the Coastal Erosion Area – Primary Risk and Rural require resource consent as a **discretionary activity** under Rule 8.3.4.a.iv.

Buildings/structures, earthworks with a vertical face of greater than 1.5m, and clearance of native vegetation within Identified Natural Feature and Landscape S24 – Open Coastal landscape Landward Edge Protection Yard require resource consent as **restricted discretionary activities** under Rule 6.4.3.1.b., c., and d.

Earthworks associated with an activity requiring resource consent as a discretionary activity also require resource consent under Rule 4A.5.b.

The following activities meet the relevant rules and standards and may occur without consent as **permitted activities**.

Activity	Relevant Rule / Standard	Compliance
Transport	4B.4.1, 4B.4.4, 4B.4.5, 4B.4.6, 4B.4.7	**Will comply.** The proposal utilises an existing access onto Seaforth Road, which is a Collector Road in a predominantly urban environment. The proposal does not relate to a subdivision, and the existing access is flat, wide and located approximately 60m from the nearest intersection. The Reserve land is sufficient to provide on-site manoeuvring and parking for the types of vehicles accessing the site.
Noise	4C.1.3.1	**Will comply.** Construction noise and vibration will comply with District Plan noise standards[4] as demonstrated by Noise Trial results (**Appendix I**).

[4] With regard to vibration, the Explanatory Statement at Section 4C.1 of the District Plan identifies that 'Vibration from activities has not been an issue in the District. In many cases Council can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.'

Activity	Relevant Rule / Standard	Compliance
Signs	4D.4.1.4, 4D.5.1	**Will comply.** All health and safety signs erected in conjunction with the proposal will not exceed 0.6m^2 and will comply with relevant location and design standards in section 4D.5.1. Any signs will not be illuminated.

Overall, the proposal requires resource consent under the District Plan as a **discretionary activity**.

6. ASSESSMENT OF ENVIRONMENTAL EFFECTS

This section of the AEE addresses the actual and potential environmental effects associated with the proposal, including:

- Positive effects;
- Effects on coastal processes and coastal water quality;
- Ecological effects;
- Natural Character;
- Public Access;
- Noise and Vibration;
- Structural stability and maintenance; and
- Cultural effects.

This section of the AEE has been informed by the technical reports provided as appendices to this AEE.

6.1 POSITIVE EFFECTS

The proposal is proposed to protect Three Mile Creek Reserve land and adjacent existing residential development from coastal erosion.

The proposal will also result in positive effects which are discussed in further detail under the relevant headings below. In particular, the proposal is anticipated to result in net benefit for ecological values due to the proposed remediation/mitigation planting of indigenous dune vegetation and will result in predominantly Moderate-High positive effects on natural character, landscape, and visual amenity.

6.2 COASTAL PROCESSES

The Applicant has engaged Davis Coastal Consultants to undertake an assessment of the proposed structure on the coastal process environment. This report is attached in full as **Appendix B**.

The Assessment considers existing coastal processes, projected sea-level rise and provides a probabilistic analysis of future erosion hazard and long-term shore retreat.

The key conclusions of that report, primarily driven by the structure's location within the dune system and outside of the CMA, are summarised here.

- The proposed structure will have less impact on coastal processes than other structures present at Waihi Beach.
- Even in the advent of shoreline retreat, beach lowering and groyne effects will be less than minor due to the lack of protrusion into the surf zone and shore parallel alignment, and the proximity of the far larger Three Mile Creek groynes.
- Initially, end of wall effects[5] will be negligible due to the limited interaction of the structure with coastal processes.
- Any adverse effects of the proposed structure on adjacent areas due to rip currents/differential head are expected to be negligible.
- It is highly unlikely, even under conditions of future sea-level rise, there will be appreciable issues between the northern wall end and the Three Mile Creek groynes.
- During the 30-50 year period, some storm scour may occur at the southern end. This erosion is likely to be in the order of 2-5m on a 5-15m length of shoreline and will not put any structure or infrastructure at risk. It is likely to be no worse than, and difficult to discern from, dune erosion elsewhere on the natural coastline.

Figure 23: Potential scour at southern wall end

[5] Such as rip currents / differential head, deflection of swash and wave energy by end of the structure, and sediment lock-up.

- The potential for the proposed structure to cause "sediment lock-up" and adversely affect the availability of sand will be negligible and will have no discernible effect on the surrounding beach.
- The proposed structure has the potential to become increasingly exposed in the event the forecasted climate driven sea-level rise and retreat of the shoreline occurs.
- At current sea levels, the proposed structure would only be exposed by a large storm event, for example the scale of the recent Cyclone Gabrielle/Hale storms. This type of storm event is anticipated to expose the top 1.0-1.5m of the structure no more than once every 5-10 years. Natural processes are anticipated to quickly restore sand and dune vegetation as is evident following the recent storm events.
- Over the 20-40 year period, increasing extent of the top 1.0-2.0m of the structure is anticipated to be exposed at all times with high tide reaching the structure during storm events, and MHWS anticipated to be at the toe of the structure by the 30-40 year period.
- Over a 30-50 year period, the structure will continue to be progressively more exposed. The effects of the structure would temporarily lower the beach during and immediately after storm events and temporary minor additional erosion of the dune adjacent to the southern wall end. Remedial work to the toe of the structure may be required over the 40-50 year period.
- During the 50-100 year period, a significant upgrade may be required to the structure, including lowering or improving the foundation, increasing the outer armour size, and/or raising the wall crest. The design of the wall is readily adaptable to any future requirements.

It is therefore considered that the landward position, length, alignment, and design of the structure appropriately avoids and minimises adverse effects on coastal processes, even when taking into account the effects of sea-level rise and shoreline retreat over the long-term.

6.3 NATURAL CHARACTER AND NATURAL FEATURES

The Applicant has engaged Isthmus to undertake an Assessment of Landscape and Visual Amenity Effects ("**LVA**") for the proposal. It includes assessment of effects on the natural character of the site and its immediate surroundings. The LVA is attached in full as **Appendix C**.

The key aspects of the LVA are:

- The site is not identified as an area of Outstanding, Very High or High natural character in statutory planning documents. This is consistent with the observed character of the area.
- The site is within ONF S24 - Open Coastal Landward Edge Protection Yard under the District Plan. The overlay is defined as containing "all land adjoining the open coastline, zoned Rural and within 100m of MHWS". No other specific characteristics or values are identified in the District Plan for the ONF. The proposal will avoid adverse effects on the characteristics contributing to values of the ONF.
- The site contributes to the natural character of Waihi Beach through its naturalised dune landform and planting. The existing natural character of the site is reduced by the earlier dune modifications and placement of structures; the exotic and residential/amenity-type plantings present on the dune (and visible from the beach); and the clear views of dwellings and associated structures (fencing and garden structures) at the top of the dune.
- At completion, the effect on natural character at the site is assessed as **Moderate-High positive.** Perceptions of natural character will increase particularly at the south end with a higher-quality coastal edge and new planting visible across the full extent of the dune.
- If exposed, either in the short or long term, the structure would be seen with planting retained to the north and top parts of the dune (at areas protected by the structure). It would be seen as part of a modified context which includes other structures close to the site; and would be visually consistent with other areas of rock revetment to the north of the site along Waihi Beach. In the long term, the structure will ensure a higher-quality coastal edge (providing a "naturalised" appearance of rock revetment seen together with planting), than would be likely to occur with the (future) effects of climate change.
- Landscape effects relating to public access are assessed as **High positive**, as the proposal will protect the existing public access along the coast.
- In views from Waihi Beach, effects on visual amenity are assessed as **Moderate-High positive**. The increased visual amenity will result from views of enhanced and more extensive areas of naturalised indigenous planting.
- Effects on views from Three Mile Creek are assessed as **Neutral.** Views will be of new planting at the northern end of the site and the change will be less discernible.

- **Low adverse** temporary construction effects are considered to be appropriately minimised by the proposed construction methodology and timing of works. These are interpreted to be "less than minor".[6]
- The proposal meets the relevant objectives and policies of the New Zealand Coastal Policy Statement ("**NZCPS**") and the regional and local statutory planning documents, in that it will not generate adverse effects on the attributes/characteristics contributing to values of the ONF identified over the site; and will not generate significant adverse effects on the attributes contributing to the natural character of the site and its more immediate surroundings at Waihi Beach.
- The LVA recommends that:
  - A detailed planting plan is provided for the proposed revegetation of the site, with confirmation of plant placement on the ground by an ecologist or landscape architect prior to planting, to ensure that a naturalised appearance to new planting is achieved, with species located in naturalised groupings and any appearance of "bands" or "lines" of particular species avoided.
  - Rock is sourced from a local Waihi Beach quarry, and with a variety of sizes selected to ensure a more naturalistic appearance to the revetment (should rocks become exposed after a large storm event or over time due to the effects of climate change). For parts of the structure at risk from erosion/exposure, rocks with a weathered appearance should be used (as far as possible).

The Applicant has accepted and adopted the recommendations of the LVA.

Overall, the effects of the proposal on natural character, landscape and visual amenity are predominantly positive effects and adverse construction effects are less than minor, and considered to be appropriately managed.

6.4 ECOLOGICAL EFFECTS

The Applicant has engaged BlueGreen Ecology to undertake an assessment of effects on ecological values. This report is attached in full as **Appendix D**. By way of summary, the assessment concludes that:

- The site is located within an 'Indigenous Biological Diversity Area B (IBDA; B1 Central Waihi Beach)' layer overlay of the Coastal Plan.
- The site contains three main vegetation assemblages:

[6] Per the NZILA Rating Scale guidance provided in Appendix A to the LVA.

- ‘Northern spinifex foredune’ (400 m2) of High ecological value;
- ‘Central exotic terrace, hollow and riser slope’ (2430 m2) of Negligible ecological value; and
- ‘Southern pohuehue’ (175 m2) of Low ecological value.
- The ‘northern spinifex foredune’ meets the following criteria under the NZCPS:
- Policy 11(a)(i) due to the presence of pingao (At Risk);
- Policy 11(a)(iii) due to sand dunes being natural rare ecosystems;
- Policy 11(b)(i) being an area of predominantly indigenous vegetation in the coastal environment; and
- Policy 11(b)(iii) being indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification.
- The ‘southern pohuehue assemblage’ meets Policy 11(b)(i) of the NZCPS, being an area of predominantly indigenous vegetation in the coastal environment.
- The proposed construction methodology appropriately avoids effects on the ‘northern spinifex foredune’.
- The proposed structure and construction footprint will result in the loss of 0.17% of that ‘southern pohuehue assemblage’ vegetation community assemblage at the local scale (0.007 ha of 4 ha), which is considered Negligible. Given the Low ecological value of this vegetation assemblage and Negligible effect, this effect is considered Very Low at the local scale, and any adverse effects can be appropriately remedied and mitigated.
- The loss of 0.5% of exotic dune vegetation at the local scale (0.2425 ha of 52 ha) will have a Very Low adverse effect due to the Negligible ecological value of this vegetation assemblage and negligible magnitude of effect.
- With the proposed remediation / mitigation planting to restore and enhance disturbed areas, the proposal is considered to have a net benefit.

A planting plan is proposed which seeks to replace all disturbed vegetation with appropriate native species and to secure the disturbed area.

As noted above, the proposal avoids significant adverse effects and appropriately remediates and mitigates all other adverse effects such that the proposal will have a net positive ecological benefit.

6.5 TRANSPORT IMPACTS

The proposal utilises an existing vehicle access to Three Mile Creek Reserve from 91 Seaforth Road. Seaforth Road is identified as a Collector Road in Section 4B.4.1 of the District Plan. The nearest intersection, being the intersection with Glen Isla Place, is located some 60m to the southeast.

The access is sufficiently wide to accommodate turning trucks and provides for sight lines in excess of 100m. There is sufficient space within the Reserve to accommodate manoeuvring.

The access will be used intermittently for the delivery of machinery and construction materials. Any potential impacts on traffic are further minimised by the timing of the construction period over the quieter winter months, when roads are anticipated to be less busy. It is noted that this is the same access point which is used by WBOPDC contractors for their machinery which undertakes the maintenance / dredging works within three Mile Creek.

Effects on traffic are anticipated to be acceptable and temporary in nature, associated only with the construction phase of the project.

6.6 PUBLIC ACCESS

As noted in Section 3 of this AEE, public access along this extent of Waihi Beach is provided above the MHWS and connects to the formed public accessway provided on both the northern and southern banks of Three Mile Creek.

With regards to temporary effects arising during construction, the proposed works are to occur for a 4-6 month period, predominantly over the colder winter months. This ensures that public access at the busiest times of year, particularly the summer/Christmas holiday period, will not be interrupted.

The location of the works, within the dunes and back dune area in front of 9 and 11-16 Glen Isla Place, will mean that even during high tide there will be public access maintained along the beach. Access to the beach will remain available at all times on the northern side of Three Mile Creek, and via Island View Reserve to the south.

Access along the southern side of Three Mile Creek to the beach will be maintained, to the extent practicable, during constitution of the northern section of the structure. However, there may be a short period, 1-2 weeks, where access restrictions may be in place when the construction works are located in the northern most extent of the structure immediately adjacent to the accessway. These restrictions will be managed through fencing off the construction site from the accessway to separate any pedestrians from the site for health and safety reasons.

Any temporary interruption of public access is considered appropriate for protecting the health and safety of the public around an active construction area and will be managed through the use of signage and spotters from the construction team.

With regard to long-term effects on public access along the beach, these are more linked to the impacts of sea level rise and therefore, while not a direct effects of the proposal, sea level rise has been considered in the Coastal Processes Assessment (**Appendix B**).

While public access along the coast will not be affected in the short-term, this access is anticipated to become more restricted as the effects of climate change driven sea-level rise and shoreline retreat occur. By the 30-40 year period, when MHWS is predicted to be at the base of the structure, public access in front of the wall may become limited during high tides. This is consistent with the impacts that will be seen along the extent of the beach where other coastal protection structures are located.

Overall, the proposed location of the structure is the best practicable option and will not contribute to public access issues on the wider beach. It is therefore considered that the proposal will not result in any adverse effects on public access along the coast and to the wider beach environment due to its location in the dune system.

6.7 NOISE AND VIBRATION

The Applicant engaged Marshall Day Acoustics ("**Marshall Day**") to undertake a trial of construction noise and vibration effects associated with the proposal. The findings of this trial are attached in full as **Appendix I**.

The noise trial simulated the anticipated construction activities by operating the machinery and equipment that will be used by the contractor and involved tipping large rocks onto the sand at distances that match the separation distance to the nearest residential dwellings, being 7 and 9 Glen Isla Place, from the proposed works.

The key conclusion of the trial report is that noise and vibration levels during the works will comply with the District Plan construction noise standards of 75dB L_{Aeq} and 90 dB L_{AFmax}. During the trial, Marshall Day measured noise levels of 72dB L_{Aeq} and 88 dB L_{AFmax} at 35 metres.

Regarding vibration effects, Section 4C.1, 18.4.1(t) – Noise and vibration, of the District Plan contains the Explanatory Statement identifies:

> *'Vibration from activities has not been an issue in the District. In many cases Council can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.'*

Therefore, while the District Plan does not include standards for vibration, the works are anticipated to comply with German Standard DIN 4150-3:2016. For the trial, Marshall Day adopted the most stringent limit of 5 mm/s peak particle velocity (PPV) for frequencies between 0 – 10 Hz. They measured vibration levels of 0.7 mm/s PPV and 0.6 mm/s PPV at 35 and 65 metres respectively. Actual vibration levels at any residential dwelling are anticipated to be less than the recorded measurement at the boundary due to the loss of energy when vibration transfers from the ground into a building.

While the trial confirmed any noise or vibration from the proposal will be permitted, the Applicant proposes to undertake noise and vibration monitoring while works are occurring to ensure noise and vibration effects are kept within acceptable levels at adjacent residential areas. The works methodology will be updated if required as a result of monitoring.

6.8 CULTURAL EFFECTS

Regarding the impacts of the project on cultural values and interests, as set out in Section 7.2, GIPS extended opportunities to engage with mana whenua in order to build a further understanding of their relationship with the project area, and how their relationship can be recognised and provided for, as well as their role as kaitiaki. However, it is noted that none of these engagement offers have been accepted.

Notwithstanding, and acknowledging no specific commentary has been provided by mana whenua, when considering the proposal and tangible cultural impacts it is noted that:

a) The project will not be located within any recorded 'Sites of Significance to Māori' as identified in the District Plan;

b) The project will not be located within any Statutory Acknowledgement Area nor will any aspects on the project impact on these areas;

c) The Applicant has considered the impacts of the project on the natural values of the coastal environment and coastal processes. In this regard it is noted that the proposed site remediation will result in net ecological benefit and predominantly positive effects on natural character, landscape and visual amenity.

The Applicant proposes to implement an Accidental Discovery Protocol to prudently manage the risk of unearthing any kōiwi or other wāhi tapu during earthworks.

7. CONSULTATION

Through development of the project, GIPS have consulted with and / or extended invites to engage to:

- Neighbouring landowners, including residents of 1-10 Glen Isla Place;
- Ngāti Ranginui Iwi Society Inc;
- Ngāti Te Wai;
- Te Runanga o Ngai Te Rangi Iwi Trust;
- Te Runanga o Ngāti Pukenga Iwi;
- Te Whanau a Tauwhao ki Otawhiwhi;
- WBOPDC; and
- BOPRC.

7.1 RESIDENTS OF 1-8 AND 10 GLEN ISLA PLACE

GIPS have held numerous formal and informal conversations with neighbouring properties at Glen Isla Place since early 2024. A range of correspondence and information documents on the proposal has been provided to the Glen Isla residents (provided as **Appendix J**) through the development of the proposal and prior to lodgement of the application.

GIPS understand that key concerns raised by residents of Glen Isla Place include:

- Adverse noise and vibration effects of construction;
- Traffic impacts; and
- Walking access to the coastal margin.

The impacts of the proposal on these matters have been detailed in Section 6.

7.2 IWI, HAPŪ AND MARAE

GIPS have extended multiple invitations to engage to iwi, hapū and marae who were identified as having a cultural association with Waihi Beach.

A high-level summary of the proposal and an invitation to meet to discuss the proposal was sent to Ngāti Ranginui Iwi Society Inc, Ngāti Te Wai, Te Runanga o Ngai Te Rangi Iwi Trust, Te Runanga o Ngāti Pukenga Iwi, and Te Whanau a Tauwhao ki Otawhiwhi on 2 July 2024, again on 29 July 2024 and on 27 August 24.

Other than a response from Ngāti Te Wai Hapu deferring to Te Whanau a Tauwhao ki Otawhiwhi received on 31 July 24 via email, no responses have been received on the invitations to engage.

While invites to engage have not been accepted, GIPS have requested that this application be publicly notified and through this process iwi, hapū and marae can make submissions on the proposal.

7.3 WESTERN BAY OF PLENTY DISTRICT COUNCIL

In October 2023,[7] GIPS sought approval in principle from the WBOPDC for a proposal to establish a buried coastal protection structure on the Reserve land adjacent to their properties. The Council approved in principle the private construction of a consented structure subject to the following conditions:

- A resource consent being granted by the relevant consent authority;
- Consents and construction fully funded by the property owners; and
- Agreement with WBOPDC on operational cost and responsibilities.

In accordance with these conditions, an application for the requisite consents from BOPRC are applied for under a separate application concurrently, and the consent and construction costs are fully funded by GIPS.

Subsequent to the discussions with WBOPDC Reserves team, GIPS have also attended a pre-application meeting and had discussions with WBOPDC regarding specific consent requirements and undertaking of the noise trial (Refer to Section 6.7).

7.4 BAY OF PLENTY REGIONAL COUNCIL

Pre-application consultation with BOPRC has largely focussed on the location of the structure with regard to the CMA and defining consent requirements as well as the regional activities associated with the noise trial (Refer to Section 6.7).

[7] The meeting agenda and minutes are availble on the District Council's website.

8. STATUTORY ASSESSMENT

8.1 INTRODUCTION

The RMA is the principal statutory document governing the use of land, air and water. The purpose of the RMA, as set out in Section 5 of the RMA, is *to "promote the sustainable management of natural and physical resources"*. This section of the AEE sets out the framework under the RMA that applies to the resource consents that are being sought from WBOPDC.

8.2 SECTION 104 ASSESSMENT

Regarding the consideration of resource consent applications, section 104 of the RMA states:

> *104 Consideration of applications*
>
> *(1) When considering an application for a resource consent and any submissions received, the consent authority must under section 104(1), subject to Part 2, have regard to–*
>
> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of—*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional policy statement or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan; and*
>
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

Section 104 of the RMA does not give primacy to any of the matters to which a consent authority is required to have regard. All of the relevant matters are to be given such weight as the consent authority sees fit in the circumstances, and all matters listed in section 104(1) are subject to Part 2 of the RMA (although it is understood that a consent authority is not

required to consider Part 2 of the RMA unless there is uncertainty in the relevant statutory planning documents).

With respect to Section 104(1)(a) of the RMA, the actual and potential effects on the environment from the activities are set out in Section 6 of this AEE. In summary, while there may be some temporary impacts during the construction, the proposal will result in an overall positive effect.

In terms of Section 104(1)(b) of the RMA, the following sub-sections provide an assessment of the resource consent application against the:

- NZCPS;
- National Policy Statement for Indigenous Biodiversity 2023 ("**NPS-IB**");
- Bay of Plenty Regional Policy Statement ("**RPS**"); and
- District Plan.

In terms of Section 104(1)(c) of the RMA, the following documents are considered relevant and reasonably necessary to determine the application and are assessed in the following sub-sections:

- Tauranga Moana Environmental Management Plan 2016-2026;
- Western Bay of Plenty Coastal Erosion Responses Policy 2017; and
- Katikati – Waihi Beach Ward Reserve Management Plan 2018.

8.3 SECTION 104B ASSESSMENT

Section 104B of the RMA relates to consideration of discretionary activities:

> *104B Determination of applications for discretionary or non-complying activities*
>
> *After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—*
>
> *(a) may grant or refuse the application; and*
>
> *(b) if it grants the application, may impose conditions under section 108.*

8.4 NEW ZEALAND COASTAL POLICY STATEMENT 2010

The NZCPS is a national policy statement under the RMA and took effect in December 2010. An assessment of the proposal against the relevant NZCPS provisions is provided below.

Objective 5, Policy 24, Policy 25, Policy 26 and Policy 27 (Coastal hazard risks)

Objective 5 is the dedicated coastal hazard objective. It seeks to ensure that the management of coastal hazard risks considers responses for existing development and protects or restores natural defences to coastal hazards. It is given effect to by Policies 24-27.

Policy 24 lays the foundation for a risk-based coastal hazard management approach which takes a 100-year perspective. The identification of coastal hazard risks is to take into account national guidance and the best available information on the likely effects of climate change on the region or district. As noted in Section 2 above, WBOPDC have undertaken hazard mapping in accordance with the requirements of Policy 24 and included hazard maps in the District Plan. The project site has been identified as being susceptible to coastal erosion and coastal inundation over the next 100 years. Furthermore, the Coastal Processes Assessment (**Appendix B**) and Engineering Design Report (**Appendix F**) consider the effects of the proposal over a 100-year timeframe, and the proposed design of the structure responds accordingly.

Policy 25 is the overarching policy for managing the risk of social, environmental and economic harm from coastal hazards in areas of the coastal environment that are potentially affected by coastal hazards. Policy 26 addresses natural defences against coastal hazards while Policy 27 specifically addresses the protection of significant existing development in areas likely to be affected by coastal hazards. NZCPS Guidance on Objective 5 and Policies 24-27 indicates that "*Areas of significant existing development may include areas of residential development…*".

With regard to Policies 25 and 26, given its intent, the proposal will not increase the risk of adverse effects from coastal hazards, and the proposal will contribute to the protection and enhancement of natural defences provided by the existing sand dunes which hold significant biodiversity value.

With regard to Policy 27:

- The proposal relates to the protection of existing residential development;
- The Applicant has considered the consequences of a number of options relative to the option of "doing-nothing" and evaluated the costs and benefits of these options, as set out in the Engineering Design Report (**Appendix F**) and Section 4 of this AEE. The preferred option is the most effective while minimising environmental and social costs;

- The opportunity to avoid the risks from coastal hazards has already passed for existing development at Glen Isla Place and a hard protection structure is the only practical means to protect these properties;
- The form and location of the proposal have been designed to minimise adverse effects on the coastal environment, including visual and amenity effects on beach users, and the ecological effects on existing indigenous sand dune vegetation;
- The proposal provides significant environmental benefits through removal of exotic vegetation, proposed dune enhancement following construction and protects significant indigenous biodiversity, and it is appropriate to be located on reserve land (which has been supported by the WBOPDC Reserves team through a separate agreement).

Objective 3, Policy 2 and Policy 17 (The Treaty of Waitangi, tangata whenua and Māori heritage)

Objective 3 and Policy 2 relate to the relationship of tangata whenua with their rohe and protecting characteristics of special value, which include places of historic cultural or spiritual significance. Policy 17 directs the protection of historic heritage in the coastal environment from inappropriate development.

Policy 2 of the NZCPS specifically requires kaitiakitanga to be taken into account in relation to the coastal environment, including provision for the exercise of kaitiakitanga by tangata whenua, and providing opportunities for direct involvement of tangata whenua in decision making. As referenced in Section 7.2, the Applicant has extended multiple invitations to iwi, hapū and marae groups to engage on the proposal however, none of these invitations have been taken up.

While there are no known sites of significance to Māori within the project area, an Accidental Discovery Protocol is proffered as a condition of this consent to ensure a proactive approach is taken should items of potential significance or interest be uncovered during earthworks.

Objective 6 and Policy 6 (Activities in the coastal environment)

Objective 6 and Policy 6 recognise that some uses and development in the coastal environment, including the provision of infrastructure, is important for social, economic and cultural well-being and the protection of coastal environment values does not preclude appropriate uses and development.

The proposal has a functional need to be located in the coastal environment in order to protect existing development and Council reserve land from coastal erosion. The proposal does not seek to enable further urban development.

The proposal is setback from the CMA and has been designed to be of an appropriate form, scale and location to ensure coastal environment values are protected. Public access along the beach will be maintained, significant adverse effects on ecology and biodiversity will be avoided, and the proposal appropriately remediates and mitigates all other adverse effects on ecology such that the proposal will have a net benefit. The proposal will have predominantly positive effects on natural character, as described in preceding sections of this report.

Objective 1 and Policy 11 (Indigenous biological diversity)

The reserve land is identified as IBDA-B1 and contains some areas of indigenous dune vegetation. The Ecological Assessment (**Appendix D**) identifies that the 'northern spinifex foredune' meets the following criteria under Policy 11 of the NZCPS:

- Policy 11(a)(i) due to the presence of pingao (At Risk);
- Policy 11(a)(iii) due to sand dunes being natural rare ecosystems;
- Policy 11(b)(i) being an area of predominantly indigenous vegetation in the coastal environment; and
- Policy 11(b)(iii) being indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification.

In addition, the 'southern pohuehue assemblage' meets Policy 11(b)(i) of the NZCPS, being an area of predominantly indigenous vegetation in the coastal environment.

Policy 11(a) requires that adverse effects on more sensitive areas of indigenous biodiversity are avoided and, Policy 11(b) seeks to avoid significant adverse effects however other adverse effects may be avoided, remedied or mitigated.

As described in Section 6.4, adverse effects of the proposal are considered to be appropriately avoided, remedied or mitigated for the following reasons:

- Adverse effects on 'northern spinifex foredune' will be avoided through the design of the proposal and construction methodology, which avoids the identified area of *At Risk* vegetation;
- There are no significant adverse effects associated with the loss of the 'southern pohuehue assemblage' or the 'central exotic terrace, hollow and riser';

- Other adverse effects arising from the loss of vegetation in these areas is of a negligible magnitude, and appropriately remedied and mitigated through the minimisation of disturbed area and revegetation of disturbed areas with indigenous dune species.
- A planting plan is provided to ensure remediation / mitigation of the disturbance will result in a net ecological benefit at the local scale.

Objective 2, Policy 13 (Preservation of natural character), Policy 14 (Restoration of natural character) and Policy 15 (Natural features and natural landscapes)

Objective 2 seeks the preservation of natural character and protection of natural features and landscape values. The reserve land is identified as Natural Feature/Landscape – S24 in the District Plan. The LVA confirms the proposal is not in or adjacent to any an area of Outstanding, Very High or High Natural Character.

For natural character areas that are not 'outstanding', Policy 13(b) requires significant adverse effects on natural character to be avoided, and all other effects on natural character are to be avoided, remedied or mitigated.

For natural features and natural landscapes that are not 'outstanding', Policy 15(b) requires that significant adverse effects on other natural features and landscapes (including seascapes) be avoided, and all other effects on those features and landscapes be avoided, remedied or mitigated.

With the adoption of the recommendations made in the LVA, the proposal is considered to give rise to predominantly positive effects on natural character, landscape and visual amenity. Construction effects on these values will be temporary, minimised through methodology, and overall less than minor. Once completed, the proposal will avoid adverse effects on the characteristics contributing to values of the ONF overlay.

The proposal is therefore consistent with the direction of Policy 13(b) and 15(b) to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects.

Objective 4, Policy 18 (Public open space) and Policy 19 (Walking access)

Objective 4 seeks to maintain and enhance public open space qualities and recreation opportunities of the coastal environment. Policy 18 requires the need for public open space to be recognised and the provision of public space. Policy 19 requires the public expectation and need for walking access to and along the coast to be recognised, and that walking access is maintained and enhanced.

The location of the works, within the dunes and back dune area in front of 9 and 11-16 Glen Isla Place, will mean that even during high tide there will be public access maintained along

the beach. Access to the beach will remain available at all times on the northern side of Three Mile Creek, and via the Island View Reserve to the south.

Access along the southern side of Three Mile Creek to the beach will be maintained, to the extent practicable, during constitution of the northern section of the structure. However, there may be a short period, 1-2 weeks, where access restrictions may be in place when the construction works are located in the northern most extent of the structure immediately adjacent to the accessway. These restrictions will be managed through fencing off the construction site from the accessway to separate any pedestrians from the site for health and safety reasons.

Upon completion of the works, all existing accessways will be available for use.

As per the assessment against Objective 2, Policy 13 and Policy 15 above, the proposal is considered compatible with the natural character, natural feature, landscape and amenity values associated with the reserve land. These values would be maintained and enhanced through the proposed planting. In this regard, it is noted that the dunes do not currently provide for active or passive recreation.

Policy 20 (Vehicle access)

Policy 20 relates to the control of vehicles on beaches and adjacent public land in certain circumstances.

The proposed construction methodology confirms that only vehicles with the express purpose of undertaking the proposed works would be provided access to the beach and adjacent public land. The proposed methodology and access route is intended to minimise time below MHWS, avoid contamination of the tidal area and avoid disturbance that would not be restored by natural processes within 7 days. There will be no refuelling within the CMA and only equipment that cannot readily leave site (excavators) will be refuelled on site. A spill kit will be present on site.

Potential damage to sand dunes or harm to indigenous vegetation and habitat that may be caused by these vehicles is controlled by the proposed construction methodology. As noted in Section 6, the works have been designed to minimise the disturbance of the dune area and all disturbed areas will be subject to replanting upon the completion of works.

8.5 NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY 2023

The NPS-IB came into effect in August 2023. It provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction

nationally. It provides direction on how to identify and protect significant indigenous biodiversity and manage the adverse effects of subdivision use and development.

The NPS-IB includes one objective:

> *(1) The objective of this National Policy Statement is:*
>
> *(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*
>
> *(b) to achieve this:*
>
> *(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
>
> *(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
>
> *(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
>
> *(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

The most relevant policies are replicated and commented upon below.

> *Policy 2: Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through:*
>
> *(a) managing indigenous biodiversity on their land; and*
>
> *(b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and*
>
> *(c) actively participating in other decision-making about indigenous biodiversity.*

The Applicant has extended invitations to engage on the proposal to hapū, marae and iwi with an interest in Waihi Beach in an attempt to understand how to provide for their relationship with Waihi Beach and their role as kaitiaki. While none of these invitations have been taken up, commentary on impacts of the proposal on ecology and biodiversity have been provided in Section 6 above.

> *Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.*

A precautionary approach is required when the effects of a proposed activity on indigenous biodiversity are uncertain, unknown, or little understood but those effects could cause significant or irreversible damage to indigenous biodiversity (Clause 3.7).

The potential effects of the proposal have been identified and assessed in the Ecology Assessment (refer **Appendix D**) and summarised in Section 6.4 above. The Ecology Assessment concludes that the proposal will have a net ecological benefit. It is therefore considered that the potential effects of the proposal on indigenous biodiversity are known and well understood and will not cause significant or irreversible damage to indigenous biodiversity such that a precautionary approach is not necessary to adopt in relation to this proposal.

> *Policy 7: SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development.*

It is noted that the RPS and District or Regional Plans have not yet been amended to include provisions giving effect to Clause 3.21, however, the project site is identified as IBDA-B1 in the Regional Natural Resources Plan.

The Ecology Assessment states that the proposal includes the enhancement of the indigenous dune vegetation and will not involve the permanent destruction of significant habitat of indigenous biodiversity. Clause 3.11(3) requires any adverse effects on an SNA to be managed by applying the effects management hierarchy (as specified by clause 3.10(3) and (4)) or under any alternative management approach that is consistent with provisions of the RPS, District Plan and Regional Plan relating to restoration (Clause 3.21).

The Ecology Assessment includes an assessment of the proposal against the effects management hierarchy and recommends a planting plan which will ensure remediation / mitigation of the works result in a net ecological benefit.

> *Policy 10:Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.*

In giving effect to Policy 10, Clause 3.5. requires local authorities to consider that the protection, maintenance, and restoration of indigenous biodiversity contributes to the social, economic, and cultural wellbeing of people and communities. The proposal will provide benefits for cultural, social and economic well-being as documented in Section 6 of this AEE. In this context, this is primarily achieved through the ecological remediation and mitigation which will result in a net ecological benefit, and the proposed construction methodology which avoids disturbance of, therefore avoids significant adverse effects on, high value indigenous dune vegetation.

Local authorities must also consider that the protection, maintenance, and restoration of indigenous biodiversity does not preclude subdivision, use and development in appropriate places and forms. The proposal has a functional need to be located in this area and significant adverse effects of the proposal on indigenous biodiversity are avoided and all

other adverse effects are remedied / mitigated, demonstrating that the proposal is located in an appropriate place and is of an appropriate scale and form to fulfil its function.

Policy 13: Restoration of indigenous biodiversity is promoted and provided for.

The proposal seeks to enhance the indigenous biodiversity within the dune area. The Applicant has adopted the planting plan recommendation in the Ecology Assessment and proposes to carry out the plantings in the first planting season after works are completed as a requirement of consent conditions

Overall, the proposal is consistent with the objective and relevant policies of the NPS-IB.

8.6 BAY OF PLENTY REGIONAL POLICY STATEMENT (RPS)

The RPS sets out regionally significant issues, and associated objectives and policies to address the issues. This planning policy framework is to be given effect by regional plans and district plans, which are discussed later in this report.

The issues, objectives and policies relevant to this application relate to the management of the coastal environment, integrated resource management, iwi resource management, matters of national importance, water quality and land use, and natural hazards.

The following sections identify the relevant objectives and provide an assessment against the relevant policies which give effect to those objectives.

Coastal Environment

The relevant objectives pertaining to the coastal environment are:

Objective 2

Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment.

Objective 4

Enable subdivision, use and development of the coastal environment in appropriate locations.

Policy CE 12B requires the avoidance of inappropriate hazard mitigation in the coastal environment. In this regard, it is noted that:

- The Applicant has undertaken an assessment of a range of options, as set out in Section 4.3 of this AEE;
- The proposal is the only practical means to protect the reserve land at the Glen Isla dune and the adjoining existing residential properties at Glen Isla Place;

- The proposal incorporates soft engineering over top of hard structures to enhance natural defences provided by the sand dunes and a naturalised coastal area; and
- As set out in Section 6.6, public access along and to the beach will be maintained throughout the construction period. Once the works are complete, public access to the beach along the existing formed accessways either side of Three Mile Creek will not be impacted.

The proposal has been designed and located to be consistent with the other relevant policies of the coastal environment chapter. In particular:

- The proposal is not in an area identified as having Outstanding, Very High or High Natural Character in Appendices J or I. Significant adverse effects on natural character are avoided by burying the structure and enhancing the sand dunes;[8]
- The proposal has been designed in a manner which is appropriate to the natural character of the coastal environment. The natural character of the site and an assessment of effects is attached at **Appendix C.** The proposal is appropriately located outside the CMA and has a functional need to locate in the coastal environment. Section 6 provides an assessment of effects of the proposal and describes the manner in which those effects are avoided, remedied or mitigated;[9]
- Proposed dune enhancement will protect and restore the capacity of the sand dunes to provide existing development with a protective buffer from coastal erosion;[10]
- An assessment against Policy 11 of the NZCPS is provided above. An assessment of ecological effects attached as **Appendix D** confirms that indigenous biodiversity will be protected and enhanced such that the proposal will have a net positive effect on ecology values;[11]
- The proposal safeguards the life supporting capacity of coastal ecosystems by maintaining the extent and profile of the sand dunes and undertaking planting of indigenous dune plant species which is likely to enhance habitat for indigenous species;[12] and
- Potential adverse effects of the proposal on marine water quality have been provided for in the proposed construction methodology by managing the refuelling of machinery and

[8] Policy CE 2B

[9] Policy CE 8B

[10] Policy CE 4A

[11] Policy CE 6B

[12] Policy CE 9B

ensuring sand and rock stockpiles are located outside the tidally influenced area. The proposal does not create significant impervious area.[13]

Integrated Resource Management

The relevant objectives relating to integrated resource management are:

> ***Objective 10***
>
> *Cumulative effects of existing and new activities are appropriately managed.*
>
> ***Objective 11***
>
> *An integrated approach to resource management issues is adopted by resource users and decision makers.*
>
> ***Objective 12***
>
> *The timely exchange, consideration of and response to relevant information by all parties with an interest in the resolution of a resource management issue.*

The Applicant has adopted an integrated approach as demonstrated by:

- Undertaking a number of technical assessments to reduce scientific uncertainty and avoid serious or irreversible adverse effects;[14]
- Having regard to the likely effects of climate change with particular regard to predicted sea level rise, and cumulative effects as demonstrated through the Coastal Processes Assessment attached as **Appendix B** and the Engineering Report attached as **Appendix F**;[15]
- Designing the proposal in a way which recognises the interconnected nature and multiple values of natural and physical resources, responds to potential adverse effects, and maximises the potential benefits by combining hard protection with enhancement of natural defences. The proposal has been informed by assessment against a number of alternatives over 100-year period;[16]
- Consulting with neighbours, community members and tangata whenua, as detailed in Section 7 of this AEE. The Applicant has also requested the application be publically notified;[17]

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[13] Policy CE 10B

[14] Policy IR 1B

[15] Policy IR 2B

[16] Policy IR 3B

[17] Policy IR 4B

- The effects of the proposal are assessed in Section 6 of this AEE. In summary, adverse effects are considered to be appropriately avoided, remedied and mitigated. The proposal is not anticipated to contribute to the incremental degradation of water quality or sites of significance to Māori, or increase risk from natural hazards;[18] and
- The necessary resource consents from BOPRC are being applied for in a separate application.[19]

Iwi Resource Management

With regard to iwi resource management matters, the following objectives are relevant to the proposal:

> ***Objective 13***
>
> *Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management*
>
> ***Objective 15***
>
> *Water, land, coastal and geothermal resource management decisions have regard to iwi and hapū resource management planning documents*
>
> ***Objective 17***
>
> *The mauri of water, land, air and geothermal resources is safeguarded and where it is degraded, where appropriate, it is enhanced over time*

As noted above, GIPS has extended invitations to engage with mana whenua who have an interest in Waihi Beach to understand their relationship with the project area, and how their relationship can be recognised and provided for, as well as their role as kaitiaki.[20]

The proposal has been developed taking into account the mātauranga-based policy-framework articulated in the Tauranga Iwi Management Plan 2016-2026, as detailed further in Section 8.8.[21]

The Applicant has, from a western science perspective, sought to avoid and remedy adverse effects on values of the coastal environment, including by protecting water quality of coastal and freshwaters and enhancing indigenous biodiversity values. The Applicant also proposes

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[18] Policy IR 5B

[19] Policy IR 6B

[20] Policy IW 2B and Policy IW 3B

[21] Policy IW 4B

to implement an Accidental Discovery Protocol during construction works to prudently manage the risk of unearthing kōiwi or other wāhi tapu during earthworks. [22]

Matters of National Importance

With regard to matters of national importance, the relevant objectives are:

> ***Objective 18***
>
> *The protection of historic heritage and outstanding natural features and landscapes from inappropriate subdivision, use and development.*
>
> ***Objective 19***
>
> *The preservation of the natural character of the region's coastal environment (including coastal marine areas) wetlands, lakes and rivers and their margins*
>
> ***Objective 20***
>
> *The protection of significant indigenous habitats and ecosystems, having particular regard to their maintenance, restoration and intrinsic values.*
>
> ***Objective 21***
>
> *Recognition of and provision for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*
>
> ***Objective 22***
>
> *The coastal marine area, lakes and rivers are generally accessible to the public*

The Applicant has recognised and provided for the relevant matters of national importance by:[23]

- Giving particular consideration to the protection of IBDA-B1 by designing works to minimise disruption to areas with predominantly indigenous vegetation. The Applicant has developed a methodology and design which appropriately avoids, remedies and mitigates adverse ecological effects. While no avifauna, herpetofauna or macroinvertebrates were observed using the dunes as habitat during the ecologist's site visit, the protection and enhancement of the dune habitat is appropriate to recognise and protect the significant indigenous habitat that may be provided by the dune ecosystems;[24]

[22] Policy IW 5B and IW 6B

[23] Policy MN 1B

[24] Policy MN 2B

- Using the identified criteria to inform assessments of effects on natural character, natural features and landscapes, indigenous vegetation and public access;[25]
- Incorporating the retention of sand dunes and enhancement of indigenous vegetation as part of the proposal;[26]
- As set out in Section 6.6, public access along and to the beach will be maintained throughout the construction period. Once the works are complete, public access to the beach along the existing formed accessways either side of Three Mile Creek will not be impacted;[27] and
- Avoiding adverse effects on natural character and indigenous biodiversity to the extent practicable, and remedying and mitigating all other adverse effects.[28]

Land Use and Water Quality

With regard to land use and water quality, the following objective and policy are considered relevant to the proposal:

> ***Objective 29*** *Land use activities are:*
>
> *1 within the capability of the land to support the activity;*
>
> *2 integrated with the wider environmental values of their surroundings; and*
>
> *3 within the capacity of receiving waters to assimilate any discharge*
>
> ***Policy WL 7B: Minimising the effects of land and soil disturbance***
>
> *Achieve regional consistency by controlling land and soil disturbance activities to:*
>
> *(a) Avoid accelerated erosion and soil loss; and*
>
> *(b) Minimise silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.*

The proposal is consistent with Policy WL 7B in that earthworks will be managed to avoid erosion and loss of the sand dunes, and minimise sediment run off. Measures to protect the health of Three Mile Creek and the coastal aquatic ecosystems include:

- Setting the area of works back from the CMA and the open waters of Three Mile Creek;

[25] Policy MN 3B and Policy MN 7B

[26] Policy MN 4B

[27] Policy MN 5B and Policy MN 6B

[28] Policy MN 8B

- Ensuring all excavated material is reused onsite to bury the structure and no spoil is placed in the CMA;
- Limiting activities in the CMA to only those vehicle movements required to deliver machinery and construction materials; and
- Ensuring no refuelling occurs within the CMA and refuelling of equipment that cannot readily leave the site will occur in accordance with a refuelling plan.

In addition, enhancement planting of indigenous dune vegetation will assist in minimising accelerated erosion and loss of this area.

Natural Hazards

There is one objective specific to natural hazards in the RPS:

> ***Objective 31***
>
> *Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities.*

The supporting policies establish a risk management approach and require the management of risk to result in lower levels of risk, or maintain low levels of risk.[29]

With regard to the proposal, it is noted that;

- The District Plan identifies the project site as within Coastal Erosion Area – Primary Risk and Rural;
- The proposal does not include any land use change or development that would increase the risk from coastal erosion, and the proposal directly reduces the risk of coastal erosion to existing residential development;[30]
- Davis Coastal Consultants has considered the effects of sea-level rise over a 30, 50 and 100-year period;[31] and
- The District Plan maps natural hazard areas and provides for coastal hazard protection as a discretionary activity.[32]

It is therefore considered that the proposal is consistent with the relevant provisions of the RPS.

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29 Policies NH 1B, 2B and 3B.

30 Policy NH 5B.

31 Policy NH 11B.

32 Policy 12A.

8.7 WESTERN BAY OF PLENTY OPERATIVE DISTRICT PLAN

The following sections of the District Plan are considered relevant to this proposal and are assessed in turn below:

- Section 8 - Natural Hazards;
- Section 18 - Rural;
- Section 4 – Amenity;
- Section 5 - Natural Environment; and
- Section 6 – Landscape.

Section 8 - Natural Hazards

The relevant objectives and policies of the Natural Hazards chapter are:

8.2.1 Objectives

1. *Minimisation of the risk of natural hazards to human life and the natural and built environment.*
2. *Protection of the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the District.*

8.2.2 Policies

1. *Adopt the best practicable options (including the 'do nothing' option) in the management of areas actually or potentially at risk from natural hazards and where possible adopt avoidance rather than mitigation or remedial measures.*
2. *Control or prevent the establishment of activities which have the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment.*
5. *Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.*
6. *Enable natural ecosystems in currently undeveloped areas to migrate inland as a result of dynamic coastal processes (including sea level rise as predicted by recognised national or international agencies).*
7. *Encourage the conservation and enhancement of natural features such as sand dunes and wetlands which have the capacity to protect existing developed land.*

The proposal is consistent with the above objectives and policies for the following reasons:

- The proposal is the best practicable option for protecting the existing residential development at Glen Isla Place from coastal erosion, as set out in Section 4 of this AEE;
- The design of the proposal has been refined over several iterations to avoid adverse effects on the natural environment such that potential adverse effects are considered to be appropriately avoided, remedied or mitigated , with a net benefit for ecology outcomes and predominantly positive natural character, landscape and visual amenity effects, as set out in Section 6 of this AEE; and
- There is no available space for the dunes to migrate, and the proposal seeks to enhance the natural defence afforded by the dunes by undertaking enhancement planting.

Section 8.5.2 of the District Plan provides a list of matters to guide the assessment of Discretionary Activities. Each relevant matter is replicated in italics below with an assessment agaisnt the proposal following.

8.5.2.b. Coastal Erosion Areas – Primary Risk and Rural

i. Extent to which the building/structure is relocatable, taking into account the design, location and materials of the building/structure, access to remove the building/structure, and the ability to rehabilitate the site including the removal of all parts of buildings/structures and services and the reinstatement of land to protect natural character and the ability of dunes to act as a buffer against erosion.

ii. Avoidance of the use of concrete and block wall foundations, walls and flooring, except that for sheds and garages (used for non-habitable purposes) all of these are allowed other than concrete and block walls.

iii. The degree to which the ability of buildings or structures to be relocated is affected.

iv. The extent to which the proposal addresses any identified natural hazard and the degree to which the physical risk to buildings/structures from coastal erosion can be avoided or mitigated.

v. Additions and alterations to existing buildings/structures should be landward of the existing building/structure.

vi. New buildings/structures or significant redevelopment of existing buildings/structures should be situated as far back from the toe of the foredunes as practicable. The most recent measurements of the toe of the foredune are available from Council.

vii. Imposition of consent conditions requiring that where the toe of the foredune comes within a distance of a building/structure which may put it at immediate risk (minimum of 8m), the building/structure is to be relocated a sufficient distance back from the toe of the foredune to mitigate that risk. The distances specified in the conditions will depend on the latest scientific information

available to Council.

viii. *The impact that the proposal will have on the natural character of the coastal environment, recognising the ecological values of the dune area, and dune restoration.*

ix. *Registration of an encumbrance instrument on the title to address any of the matters above.*

x. *Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Coastal Erosion Area is not under any actual or potential risk from coastal erosion. For the purpose of meeting this rule any assessment of coastal hazards shall include those standards outlined in the Bay of Plenty Regional Coastal Environment Plan.*

8.5.2.c. Floodable Areas and Coastal Inundation Areas

i. *The effect of the proposed subdivision (including, but not limited to any building site, building/structure or earthworks) on the capacity of ponding areas and function of overland flow paths.*

ii. *The provision of finished site levels to mitigate adverse effects associated with inundation. For Waihi Beach (Planning Maps A03 and U01-U04) the flood level shall be based on the 2% AEP (inclusive of climate change).*

iii. *In the case of Floodable Areas, any verifiable new information which demonstrates that the subject site is not in fact susceptible to flooding.*

These matters have been addressed in the technical assessments and design reports which have been provided in support of the GIPS proposal. The design elements have been summarised in Section 4 and the impacts and measures to address these have been summarised in Section 6.

It is considered that the intent of this criteria is to avoid structures that will be susceptible to the risks of erosion, rather than structures whose very purpose is to mitigate those effects on extant structures inland. Therefore, given the structure's purpose is to mitigate coastal erosion it is inevitably on land that is (or would be, in the structures absence) under risk from coastal erosion, it is considered that the proposal appropriately provides for the relevant matters above.

Section 18 – Rural

As identified in Section 3.2 of this AEE, the project site is zoned Rural. The relevant objectives and policies pertaining to the Rural Zone are:

18.2.1 Objectives

3. *Appropriate provision for activities not directly based on primary production but which have a functional or other legitimate need for a rural location.*

5. *Maintain the rural character and amenity values associated with the low density rural environment.*

6. *Protection and enhancement of ecological, landscape, cultural, heritage and other features located in the rural environment which are of value to the wider community.*

18.2.2 Policies

10. *Activities with a functional or other legitimate need for a rural location should not be established in rural areas unless they are able to be undertaken without constraining the lawful operation of productive rural land uses which are carried out in accordance with accepted management practices.*

While the site is zoned Rural, it is not considered versatile land[33] and currently contains sand dunes which are identified as IBDA-B1 under the Coastal Plan. The LVA confirms that the site does not exhibit characteristics which would be typically associated with a rural area or rural character such as wide, open areas of pasture and/or agricultural uses and livestock.

There are no existing productive land uses and it is unlikely that primary production activities would establish on this site, therefore the proposal does not give rise to potential conflict.

With regard to effects associated with the construction phase, such as noise, traffic generation, signs and amenity, these are considered to be less than minor. The proposal seeks to manage construction noise and traffic in accordance with the permitted standards of the plan.

With regard to construction of a coastal protection structure, the structure has a functional need to be located within the dune environment and the proposal is considered to result in predominantly positive effects on visual amenity and ecological values associated with enhanced indigenous planting proposed.

The proposed use of the site for coastal hazard protection, along with dune enhancements, is therefore an appropriate use of this piece of rural land.

Section 4 - Amenity

Of particular relevance to the proposal are the following objective and policies pertaining to noise and vibration:

4C.1.2.1 Objective

An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received.

[33] The area is classified as LUC Class 8 on the Manaaki Whenua Landcare Research website.

4C.1.2.2 Policies

1. *Ensure activities do not generate noise levels inconsistent with the character and amenity of the zone in which the generated noise is received.*
2. *Exempt from the maximum permitted noise level requirements are those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. construction works, military training exercises).*
3. *Have regard to any relevant New Zealand legislation, standards, guidelines and codes of practice, in the assessment of applications for resource consents.*

The Applicant engaged Marshall Day Acousitcs to undertake a nosie and vibration trial (refer **Appendix I**) which confirms construction noise and vibration will comply with the relevant noise standards.

The proposed hours of work will be 7.00 am to 5.00pm Monday to Friday (working hours) to the extent practicable. Work will not be undertaken at night or once daylight becomes unsuitable. However, the work is tidally and storm dependent and work may continue outside working hours for up to three days a week every two weeks. This may include Saturday working outside school holiday periods. No work will take place before 6am or after 8pm.

In addition, the works are proposed to occur during the quieter autumn and winter months (April – November inclusive, alothough works are aiticpated to be completed within 4 to 6 months), when there are less visitors to the beach.

The noise and vibration associated with the proposal are therefore considered to be in accordance with the character and amenity of the zones within which the noise is generated and recieved.

Section 5 - Natural Environment

With regard to the Natural Environment, the following objectives and policies are relevant to the assessment of this proposal.

5.2.1 Objectives

1. *Protection of all significant native plant and animal habitats within the Western Bay of Plenty District.*
2. *Support and encourage the protection and enhancement of ecosystems of importance for both the natural processes they offer and any ecological benefits in terms of connectivity, buffering or the provision of habitat for threatened species.*
3. *Preservation of the natural character of the District's coastal environment*

(including the coastal marine area), rivers, lakes, and their margins.

5.2.2 Policies

1. *Ecological sites that have been scientifically identified as significant should be protected.*

5. *Likely changes in sea level should be provided for in ways that allow for the natural inland migration of the coast and associated identified native habitats and ecosystems.*

6. *Protection measures should take into account natural seasonal fluctuations in habitat character and sensitivity.*

7. *An approach which is precautionary but responsive to increased knowledge should be adopted where the management of the environment is hindered by lack of understanding about processes and the effects of activities.*

8. *Activities should not adversely affect any identified significant native plant and animal habitats and ecosystems.*

9. *The adverse effects of inappropriate subdivision, use and development on the natural character of the coastal environment, wetlands, rivers, lakes, and their margins should be avoided. Where avoidance is not practicable, such effects should be appropriately remedied or mitigated.*

12. *Activities should not result in the release of animal or plant pests that are likely to cause harm to native vegetation, habitats and native fauna.*

The Glen Isla dunes is not an ecological feature or a Recommended Area for Protection under the District Plan, however, the Coastal Plan identifies the dunes as IBDA B1. The Ecological Assessment (**Appendix D**) confirms the site contains areas that are significant from an ecological perspective. The proposal is consistent with the relevant objectives and policies in that:

> The proposal benefits from an assessment of coastal processes, ecological effects and landscape effects. It is therefore considered that the potential effects of the proposal are known and well understood, and a precautionary approach is not necessary to adopt in relation to this proposal;

> The construction methodology ensures that the area of disturbance avoids the 'northern spinifex foredune' which is dominated by spinifex with scattered pingao (an *At Risk* dune species);

> The proposed works are to predominantly occur over the winter period and avoid the bird nesting season;

> The Applicant will implement a planting plan to ensure rehabilitation of the disturbance area will result in net ecological benefit;

- The proposed planting will also support the resilience of the sand dunes in providing for coastal erosion protection which is particularly important given the lack of space for the dunes to migrate; and
- The proposal will not involve the planting of exotic plant species or release of animal pests.

With regard to natural character, the LVA confirms that the proposal will preserve natural character, avoid adverse effects and will result in predominantly positive effects associated with the planting of disturbed areas with indigenous dune specieis. Where low adverse temporary construction effects cannot be avoided, they are appropriately minimised and mitigated by the proposed construction methodology and the proposed 6 month window for construction to occur.

The Coastal Processes Assessment and Engineering Design Report confirm that the proposed structure is appropriately located to protect existing reserve land and residential dwellings. The proposed design enables a responsive management approach to future maintenance and upgrades of the structure which may be required after 50 or so years subject to actual sea level rise.

Section 6 - Landscape

The relevant landscape provisions are:

6.2.1 Objectives

The unique visual quality and character of the District's outstanding natural features, landscapes and viewshafts are protected from inappropriate subdivision, use and development.

6.2.2 Policies

1. *Within areas identified as being outstanding natural features and landscapes, landscape character should be protected and enhanced by managing the adverse effects of inappropriate land use and development activities.*

The site is located within ONF S24, which covers all land adjoining the open coastline, zoned Rural and within 100m of MHWS. As summarised in section 6.3 above, the site contributes to the natural character of Waihi Beach through its naturalised dune landform and planting, however, the existing natural character of the site is reduced by historic dune modifications, exotic plantings present on the dune, and the clear views of dwellings and associated structures at the top of the dune. The natural characteristics and visual qualities of the site are summarised in Section 6.3 and further described in the LVA (**Appendix C**).

The LVA confirms that the proposal will avoid adverse effects on the characteristics contributing to values of the ONF overlay. With regard to the matters of discretion listed at Section 6.6.1.3. of the District Plan, it is noted that:

- The proposal would be built to match existing ground levels and will not change the visibility of existing structures, and therefore is not anticipated to adversely affect the integrity of the landform and skyline profile;
- Vegetation clearance is restricted to the footprint of the structure and construction trench. An area of high value spinifex and pingao will be fenced off and any disturbance of this area will be avoided;
- The extent and location of earthworks is limited to that required for the construction of the structure;
- Remediation of the site includes placement of sand on a slope no greater than 1:2. All disturbed areas are to be planted with indigenous species in accordance with a planting plan prepared by an ecologist. In addition, plant placement will be confirmed by an ecologist or landscape architect to avoid the creation of "lines" to ensure the revegetated dune face appears as naturalistic as possible;
- Effects on visual amenity are considered to be generally positive;
- There are no Significant Ecological Features within the site;
- Access to the site will be provided using the existing vehicle entrance to Three Mile Creek at Seaforth Road and along the open beach. No new access tracks or roads are proposed. Proposed timing of the construction phase is between April-November but avoiding holidays to minimise effects on beach users. Planting is timed for spring or autumn as practicable to provide the best possible planting outcome;
- No new lot boundaries are proposed; and
- Production forestry is not proposed.

The proposal is therefore consistent with the relevant provisions of the District Plan.

8.8 TAURANGA MOANA IWI MANAGEMENT PLAN 2016-2026

The Tauranga Moana Iwi Management Plan 2016-2026 ("**the Plan**") is the collective voice of Ngāti Ranginui, Ngāi Te Rangi and Ngāti Pūkenga as it relates to Tauranga Moana and the surrounding lands and waters, including the CMA from Ngā Kurī-a-Wharei in the north-west to Wairakei Stream in the south.

The collective vision for Tauranga Moana is:

Tauranga Moana Iwi and hapū work together and are actively involved in restoring and enhancing the mauri of Tauranga Moana.

For local authorities and plan users, the Plan is intended to influence resource management documents and processes, articulate expectations regarding engagement, and build cultural awareness and understanding.

It is the opinion of the Applicant that the proposal is consistent with the relevant objectives and policies for the reasons summarised below.

The provisions of section 6 relate to Tūhauora Tinana: Healthy Waters and emphasise:

> Restoration and protection of the mauri of Te Awanui and coastal areas;

> Avoidance of the degradation of water quality; and

> Reduction of the impacts of sedimentation on Te Awanui.

The proposal is located outside the CMA and Te Awanui / Tauranga Moana and the proposed methodology will ensure that the earthworks do not result in sediment or other contaminants entering the CMA, such that mauri of these coastal waters will be protected.

The provisions of Section 7 (Tūhauroa Whenua: Healthy Land) emphasise the protection, and where possible enhancement, of the mauri of land.

The proposed works will ensure the health of the sand dune habitat is enhanced by undertaking planting of native dune plants species following the completion of works.

With regard to Tūhauora Wairua: Cultural Heritage (Section 8) and Tūhauora Whanau: Our People and Relationships (Section 9), the Plan seeks to:

> Recognise and protect traditional sites, areas, landscape and practices of cultural and spiritual significance;

> Empower Tauranga Moana Iwi and hapū to participate in resource management process and decisions;

> Emphasise the importance of active involvement and effective working relationships.

As set out in Section 7.2, the Applicant has extended the offer of engagement to iwi, hapū and marae with an interest in Waihi Beach to recognise the importance of active involvement and participation in resource management processes. Acknowledging that none of these offers have been taken up by any party, the intent of this engagement is to understand the connection of iwi, hapū and marae to the project area, and to ensure their relationship is and role as kaitiaki is recognised and provided for.

The Applicant acknowledges that effects on cultural values will continue to be considered where engagement with mana whenua continues.

8.9 WESTERN BAY OF PLENTY COASTAL EROSION RESPONSES POLICY 2017

The Coastal Erosion Responses Policy 2017 (**"the Policy**") provides a framework for consistent decision-making by Council where Council-owned land is affected by coastal erosion, in a way that gives effect to the relevant legislative requirements and is affordable for the affected community.[34]

Section 5 of the Policy sets out assessment criteria where coastal erosion is, or is likely to, affect a strategic asset. An assessment against each criterion is set out below.

> *(a) Assess whether there is a clear need for the works in terms of a risk assessment based on a methodology that assesses the inherent threat to life and/or property or existing nationally or regionally important infrastructure;*

Properties at Glen Isla Place are identified within the "Coastal Erosion Area – Primary Risk" in the District Plan Maps.

> *(b) Take a holistic approach to reduce any significant adverse environmental effects elsewhere in the relevant coastal system irrespective of the ownership of potentially affected coastal land;*

The Coastal Assessment confirms that there no significant adverse effects elsewhere in the coastal system anticipated as a result of the proposal, albeit there is potential for minor, temporary scouring to occur to the south of the proposed structure.

> *(c) Address the issue of end effects of the proposed works where it affects private or public land;*

As noted above, there is potential for minor, temporary scouring to occur to the south of the proposed structure. This erosion is likely to be in the order of 2-5m on a 5-15m length of shoreline and will not put any structure or infrastructure at risk. It may be no worse than, and difficult to discern from, dune erosion elsewhere on the natural coastline.

> *(d) Consider whether the proposal maintains and enhances public walking access to the inner harbour or open coast, or where that is not practicable provides alternative linking access close to the coastal marine area;*

Existing access provided along the banks of Three Mile Creek will be maintained. Public access along the coast will be protected over the next 20-30 years. Subject to the actual impacts of sea level rise, access along the beach may become limited between 30-50 years

[34] Refer to Policy Objectives 2.1 and 2.2.

as sea-level rise and shoreline retreat occurs and during storm events and king tides, but this is relevant for the length of Waihi Beach and not limited to the site. It is noted that several access points to the Waihi Beach along its extent, including Seaforth Road and The Loop, such that alternative access points will continue to be available.

(e) *Consider whether the proposal will not or may not have an adverse effect on amenity values (as defined in section 2 of the RMA);*

Adverse effects are considered to be less than minor, with proposed dune planting resulting in a net ecological benefit and contributing to positive landscape, natural character and visual amenity effects, as set out in Section 6.3 of this AEE.

(f) *Consider whether the proposal demonstrates and includes the outcomes of consultation with major stakeholder and community groups;*

Consultation has been summarised in Section 7 above. Additionally, the Applicant has requested public notification of this proposal.

(g) *Consider the ability and willingness of individuals and/or the wider community to pay for the costs of maintaining the shoreline in a fixed position indefinitely;*

The Applicant will cover the cost of construction. Based on the Coastal Processes Assessment and Engineering Design Report, maintenance of the structure would not be required for at least 40-50 years. The proposed structure lends itself to a flexible management regime, whereby various approaches can be used to maintain the structure, such as extending the toe or placing an additional armour layer.

(h) *Consider whether the construction and maintenance costs of protection works are greater than the capital value of the strategic assets to be protected;*

The structure will provide protection of the reserve land and for seven beach front properties adjoining this land. Based on T&T's erosion modelling (refer section 2 of this AEE), the structure may also protect other properties on Glen Isla Place. In addition, the proposal provides benefits for the amenity and ecology of Three Mile Creek Reserve through dune restoration and planting. It is therefore considered that the capital value of assets protected by the proposal outweigh the maintenance costs associated with the proposal noting that the structure would be vested to WBOPDC upon completion.

(i) *Consider whether the adverse effects of physical mitigation works on the natural character, cultural sites and values, historic heritage and public access to the environment are greater than the value of the strategic assets to be protected;*

As discussed in Section 6 of this AEE, adverse effects on natural character and public access are anticipated to be less than minor. There are no known cultural sites or values, or historic heritage sites within the project site, however, an Accidental Discovery Protocol is proposed in case sites of significance are uncovered during works.

(j) Recognise that the NZCPS generally discourages hard protection measures but recognises in some cases they may be the only practicable means of protecting existing nationally or regionally important infrastructure;

As set out in Section 8.4 above, the proposal is considered consistent with the provisions of the NZCPS.

(k) Recognise and consider the environmental and social costs of permitting hard protection structures to protect private property, and consider whether there is any significant public or environmental benefit before locating these structures on public land;

The Applicant has considered a number of alternatives, as set out in Section 4.3. This preferred option is considered to avoid significant environmental and social costs and will result in the preservation and improvement of the ecological and natural character values of the dune system, which is both a public and an environmental benefit.

(l) Consider, where existing inner harbour or coastal protection structures have failed, whether replacement is a sustainable option;

The proposal combines hard and soft protection measures as soft protection methods alone have proven unsuccessful in withstanding significant storm events.

(m) Consider, where erosion occurs so rapidly, whether there is insufficient time to construct protection works; and

The proposal is anticipated to take 4-6 months to construct. There is considered sufficient time to construct the works.

(n) Consider what action is appropriate when property owners decide to relocate their own buildings as an individual response to erosion issues.

This matter is not relevant to this proposal.

The proposal is consistent with the NZCPS, RPS, Coastal Plan and is affordable for the affected community, now and into the future. It is therefore considered that the proposal is consistent with the Policy.

8.10 KATIKATI – WAIHI BEACH WARD RESERVE MANAGEMENT PLAN 2018

Chapter 6.65 of this Reserve Management Plan covers the 3.9ha area of Local Purpose Esplanade and Recreation Reserve around Three Mile Creek and river mouth.

Figure 24: Extent of Three Mile Creek Reserve (yellow outline).

The Reserve Management Plan policies specific to Three Mile Creek are:

6.65.1 Continue to manage the recreation reserve and Local Purpose reserve as a single entity.

6.65.2 Maintain rock revetment/dune and groyne structure in accordance with resource consent.

6.65.3 Continue to maintain the reserve as coastal access and neighbourhood recreational facility

6.65.4 Where public recreation, amenity and natural character values are not adversely affected, provide for community enhancement and maintenance of reserve land.

6.65.5 Investigate safety improvements for beach access and implement as funding of coastal protection works permit.

6.65.6 Extend and enhance pedestrian linkage to other walkway/cycleway connections.

6.65.7 Freedom Camping is prohibited in the reserve including any associated roads/car parks.

6.65.8 Generic objectives for Local Purpose and Recreation Reserves and generic policies apply.

In addition, objectives for local purpose and recreation reserves are recorded in the district-wide Reserve Management Plan.[35] They relate to:

> Protection of the natural environment, significant features, and beauty of the locality;

> Maintaining public access; and

> Maintaining the reserve's value as a soil and vegetation conservation area.

While WBOPDC have previously acknowledged that a hard protection structure is not entirely consistent with this policy,[36] the proposal is consistent with the above objectives and policies in that:

> The main purposes of the reserve, namely the protection of the natural environment, indigenous vegetation conservation, and providing public access, will continue to be provided for;

> The proposal does not affect the ability for WBOPDC to maintain the rock revetment/dune and groyne structures of Three Mile Creek;

> As discussed in Section 6.3 above, adverse effects on natural character and amenity are considered to be appropriately avoided, remedied and / or mitigated. It is noted that the Glen Isla dunes do not currently provide for recreational values;

> The proposal does not provide for Freedom Camping; and

> This erosion control response has been considered on its merits, proposed planning will utilise indigenous plant species, in accordance with the relevant generic reserve management policies.[37]

It is further noted that WBOPDC have provided their approval in principle for the proposal, as the owners of the reserve land

[35] Refer Part One: Reserve Management Plan – District-wide reserve management information, page 10.

[36] Refer to the Minutes of Projects and Monitoring Meeting No. PMC23-4, held on 31 October 2023.

[37] Refer Part One: Reserve Management Plan – District-wide reserve management information, particularly Policy 16 – Coastal Erosion Responses, and Policy 22 – Planting.

9. ASSESSMENT AGAINST PART 2 OF THE RMA

It is noted that case law in the Court of Appeal decision on *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 determined that:

> *"If a plan that has been competently prepared under the Act it may be that in many cases the consent authority will feel assured in taking the view that there is no need to refer to pt 2 because doing so would not add anything to the evaluative exercise. Absent such assurance, or if in doubt, it will be appropriate and necessary to do so. That is the implication of the words "subject to Part 2" in s 104(1), the statement of the Act's purpose in s 5, and the mandatory, albeit general, language of ss 6, 7 and 8."*

This decision confirms that it can be appropriate to consider Part 2 when assessing a resource consent in specific circumstances but otherwise an assessment against Part 2 will not add to the evaluative exercise. In this instance, the application is a Discretionary Activity under the Western Bay of Plenty District Plan. A comprehensive assessment has been provided against the relevant objectives and policies of the NZCPS, RPS, District Plan, all of which have been prepared having regard to Part 2. It is relevant that the RPS includes objectives and policies which relate directly to Part 2 matters and was changed to give effect to the NZCPS in 2015.

In this circumstance then, it is considered that an assessment against Part 2 would 'not add anything to the evaluative exercise' and is not therefore necessary.

10. NOTIFICATION

As a Discretionary Activity under the District Plan, notification of this application needs to be considered in accordance with tests set out in sections 95A and 95B of the RMA.

The Applicant requests that the application is publicly notified in accordance with s95A(3)(a).

It is therefore considered that an assessment against the other tests of sections 95A and 95B, including an assessment of potentially affected persons, is not required.

11. CONCLUSION

GIPS seek land use consent, as a discretionary activity, for the construction and establishment of a buried coastal protection structure at the Glen Isla dune, adjacent to private properties at 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place, Waihi Beach. The Applicant has requested that the application be publicly notified.

At the completion of construction, the approximately 200m long rock revetment would be completely buried with sand and recontoured and revegetated with indigenous dune species, to present as a natural dune face upon completion.

The structure is appropriately located outside of the CMA and designed to avoid and minimise potential adverse effects on coastal processes. Soft protection elements have been incorporated into the proposal, including the contouring and revegetation of dune faces with indigenous flora, which will contribute to a net ecological benefit and positive effects on natural character, landscape and visual amenity values.

Construction phase effects of the proposal, such as effects on noise, traffic and amenity, are considered to be appropriately managed by the timing of the works and proposed construction methodology.

A comprehensive suite of assessments have been undertaken to support the resource consent application. The conclusions from these assessments are summarised in Section 6.

Overall, the proposal has been designed to be consistent with the relevant provisions of the NZCPS, RPS, District Plan, and other relevant non-statutory plans such as the Western Bay of Plenty Coastal Erosion Policy, in that it avoids significant adverse effects, appropriately minimises or mitigates other effects, and provides for the protection and restoration of natural character at the coast.

In summary, for the reasons set out in this assessment of environmental effects, the Applicant considers that there are no impediments to granting a land use consent for the proposed works.

APPENDIX A

Records of Title

B

APPENDIX B

Coastal Process Assessment (Davis Coastal Consultants)

C

APPENDIX C

Landscape and Visual Effects Assessment (Isthmus Group)

D

APPENDIX D

Ecological Effects Assessment
(BlueGreen Ecology)

APPENDIX E

Memorandum – Location of Mean Highwater Springs, Glen Isla Place, Waihi Beach
(Davis Coastal Consultants)

APPENDIX F

Engineering Design Report (Davis Coastal Consultants)

G

APPENDIX G

Glen Isla Place Tree Protection Plan
(Arbor Care Ltd)

APPENDIX H

Construction Methodology (Davis Coastal Consultants)

APPENDIX I

Noise Trial Report (Marshall Day Acoustics)

APPENDIX J

Glen Isla Place Residents - Project Summary Documents