

8 November 2024

Luke Faithfull
Mitchell Daysh
Level 2
33 Totara Street
Mount Maunganui 3116

RE: RC14513(L) – Coastal Erosion Protection Structure (Buried Rock Riprap Wall) on the Glen Isla Reserve at 95 Seaforth Road, Waihi Beach – Section 92 Request for Further Information

Pursuant to section 92 of the Resource Management Act 1991, Council requests the further information relating to the application:

Planning

1. Please provide the Record of Title page(s) for the reserves.
2. Based on the plans it appears that the works will be within 12 Glen Isla Place. Can you confirm this forms part of the “subject site” and the extent of works within this site.
3. As referred to on page 16 of the application, please provide a copy of the BOPRC email dated 13 May 2024.
4. On page 31 of the application, there appears to be a typographical error in the first sentence which states that “*The site is not identified as an area of Outstanding, Very High or High Natural character in statutory planning documents*”. The site is within the S24 – Open Coastal Landscape Landward Edge Protection Yard, which is listed in Appendix 2 – Schedule of Identified Outstanding Landscape Features, of the District Plan. Can you please clarify the statement.
5. Has a single, combined access point been considered for pedestrians from the Glen Isla reserve to Waihi Beach, for short and long term access.
6. Please provide any “Augier” conditions that the applicant has agreed to, as per the specialist reports and/or through any consultation.

Bay of Plenty Regional Council Toi Moana (BOPRC)

As per the initial review referral, dated 25 October 2024 (which I understand you have received a copy of) which commented that:

1. The application appears to be inconsistent with a number of objectives and policies of the New Zealand Coastal Policy Statement (NZCPS), Bay of Plenty Regional Policy Statement and Bay of Plenty Regional Coastal Environment Plan (RCEP). Please provide an updated assessment of all the relevant clauses.

Transportation

1. Please advise what the duration of the transporting activity is.
2. Please confirm the daily and overall total number of rock loads /vehicle movements from Waihi Beach quarry to the site.
3. Can you provide a plan showing the route between the Waihi Beach quarry and the site, noting Council may have concerns with heavy vehicle / tractor and trailer movements through the Waihi Beach village.
4. Please provide an assessment of traffic related effects on properties that adjoin or are adjacent to the construction access.

Ecology

Please provide:

1. Records and/or any reports on previous attempts to plant the subject area, as referred to in the ecological assessment (e.g. 2011).
2. Details of how invertebrates, specifically katipo, are to be addressed during the construction process.
3. Details of how lizards are to be addressed in the construction process.
4. Further explanation of the justification for splitting the dune vegetation into different types, with widely varying rankings for ecological significance, when the dune unit, when considered at this scale, should perhaps be considered as a single unit.
5. Details on how the planting proposed for the southern end of the works will be integrated into the adjacent existing natural dune system (which will be further from the coast than the new dune structure).
6. Details of how and when the planting proposed for the newly constructed foredune will be reinstated if the dune structure and/or plantings are lost due to a storm event(s) shortly after the work is completed.

Landscape Architect

1. Table 5.3.3 from the Assessment of Coastal Processes describes the expected degree of wall exposure in ten-year increments. It illustrates that the upper 2-3 meters of the wall will be exposed in the long term (i.e. 20-30 years).

In Section 10.0 *Visual Amenity Effects*, it is noted that the sea wall is expected to be temporarily exposed due to large storm events and will become increasingly exposed over time due to climate change. Paragraph 10.8 then states: "*Effects on visual amenity in views from the beach are assessed overall as **Moderate-High positive.***" However, it is unclear what timeframe paragraph 10.8 relates to, and whether the increased long term exposure of the sea wall has been considered.

Please provide an assessment of the effects of the proposed sea wall on natural character and visual amenity in the short, medium and long term, including commentary on how the incremental exposure of the wall has influenced the nature and degree of effect over time. In addition to the proposed sea wall the assessment needs to provide commentary on the potential cumulative effects of the proposal and the existing, fully exposed seawall/rock revetment

approximately 200 meters north (see photo below). The latter appears to be a fair representation of the anticipated 20-30 year scenario referred above.



2. There is a crest in the existing dune at the northwest end of the proposed sea wall, adjoining the existing sandbags along the edge of Three Mile Creek (see site photo below). Figure 5.0a from the Construction Methodology Statement indicates that this will be removed as part of the works. However, during Council's site visit with the applicant's agent (Luke Faithful) on 30th October 2024, it was unclear whether this portion of the dune would remain intact or be removed.

The LVA states that there will be no private views of the proposed seawall except from adjacent dwellings on Glen Isla Place. However, there are dwellings to the north of Three Mile Creek that appear to have views of this portion of the dune, which seems to offer visual screening and protection of the back dune.

Confirmation of the retention or removal of this section of the dune is required. If removal is to occur, then the LVA needs to provide commentary on potential visual effects on the properties to the north of Three Mile Creek. If the dune is to be retained, then confirmation of whether the area is to be fenced to achieve vegetation protection is needed.



Noise and Vibration

1. The MDA memo states that the relevant construction noise limits are 75dB LAeq and 90dB LAFmax. These have been taken directly from Table 2 of NZS6803:1999 for “typical duration” works without any adjustment for the duration of the work. I understand that the likely best case scenario is four months to complete the works, but the applicant is seeking up to six months. The threshold between “typical duration” and ‘long term” works in NZS6803:1999 is 20 weeks, or five months. “Long term” works are subject to noise limits that are 5dB lower than those applying to “typical duration” works. Can the MDA advice be updated with permitted construction noise limits that reflect the possible ‘long term’ nature of the works? These will be 70dB LAeq and 85dB LAFmax.
2. There seems to be a bit of a discord between the construction methodology assumptions in the MDA memo and the way that the construction process was explained to us on the site visit. The MDA memo appears to be based on the rocks being dropped near the eastern end of the reserve north of 7 Glen Isla Place and the excavator being used in the reserve, whereas we were told that the rocks will be delivered by a truck, driven through the reserve and around the foreshore area and dumped near to where they will eventually be placed (which will vary as the works progress). Additionally, the excavator will only traverse the council reserve twice (once in, and once out) or more often if there is a severe storm forecast and the machinery has to be moved away from the beach area. The MDA memo appears to take this distance into account by stating that the works will be at least 35m from 7 Glen Isla Place (rather than the 55m or-so away where the rocks were dropped), but there is no diagram or clear explanation of this. Can MDA clarify that the noise level and vibration predictions in the memo are intended to reflect the proposed construction methodology and the effects at 7 Glen Isla Place?

3. As above, the MDA memo seems to be based on the proposed construction methodology and the levels and effects at 7 Glen Isla Place. These are separated by approximately 30–35m. On this basis, the MDA memo states that the permitted construction noise limits will be complied with. However, the works will be much closer to other dwellings on sites that are not part of the application site, such as 16 Glen Isla Place. The works appear to be around 10m from the nearest part of the dwelling on that site. Accordingly, I consider it likely that noise from the works will not necessarily comply with the permitted construction noise limits at some of the dwellings immediately adjacent to the works, and that resource consent will be necessary to enable this infringement. I understand that many or all of these dwellings are owned by the ‘applicant’ and that written approval to any infringement of the permitted standards will be forthcoming. Accordingly, I suggest that the application include noncompliance with the permitted construction noise standards at these properties as a reason for consent, and that the applicant provides written approval to these infringements and the construction noise and vibration effects generally.
4. I understand that the applicant may want to be able to work on Sundays and Public Holidays to take advantage of weather windows and tides. However, the permitted construction noise standards are much lower on these days and consent will be required to exceed these limits. Can the applicant confirm whether works will be undertaken on Sundays and Public Holidays or not, and if so, can MDA address this in terms of compliance and effects on the receivers that have not given written approval?
5. Following 1, 2, 3 and 4, I suggest MDA provide a diagram showing all properties on the northern and eastern sides of Glen Isla Place, along with 96 Seaforth Road, to label those that have given written approval to construction noise exceeding the permitted limits, and then label all other receivers with approximate noise level predictions for both the main works, and also for trucks and the excavator traversing the reserve (for the receivers close to the reserve).
6. The MDA memo compares the measured / predicted vibration levels to the DIN4150 standard designed to avoid damage to buildings (including cosmetic damage). Can MDA please provide a description of the likely effects of vibration on people? This should acknowledge the small sample of the ‘rock drop trial’ and that it is likely that there could be considerable variation in the levels during the works. (I would expect that there could be some isolated instances where levels could be 100% of those measured). The assessment of effects should also take into account the apparent predominant low frequency (<25Hz) nature of the vibration recorded.
7. The MDA memo states that the excavator movement generated vibration levels of “around 0.2 – 0.4 mm/S PPV” at 7 Glen Isla Place, where the machine was tracking around 32–33m away, and with Three Mile Creek in between. These levels seem high compared to vibration levels in more dense / cohesive soil conditions. Can MDA provide some comment on whether the sandy soil conditions in this area are likely to result in vibration levels that are higher, lower, or similar to vibration levels in other soil conditions such as dense / cohesive soils?

Other Matters

1. At the site visit you indicated that Written Approval of Affected Persons would be provided for the properties that fronted the beach side of the reserve. Please include any that have been provided.
2. Who on behalf of the Glen Isla Protection Society is the Applicant.

This information is required to enable the Council to better understand the nature of the activity in respect of which the application for a resource consent is made, the effect it will have on the environment, or ways which any adverse effects may be mitigated.

If the matters raised in the letter and subsequent response result in any requirement for additional information, then these will be considered to form part of this Section 92 request, and the application will remain on hold until those matters are satisfactorily addressed.

In accordance with section 92A(1) of the Resource Management Act 1991 (RMA), you must respond to this request by **29 November 2024**. You may either:

- (a) provide the information; or
- (b) confirm in writing to Council that the applicant agrees to provide the information but require a longer period in which to do so; or
- (c) confirm in writing to Council that the applicant refuses to provide the information.

Pursuant to section 92A(3) of the RMA, the Council must consider the application under section 104 of the RMA even if the applicant; does not respond to the request, or agrees to provide the information under subsection 92A(1)(b) but does not do so, or refuses to provide the information under subsection 92A(1)(c).

Should you have any questions please contact me to discuss further.

Yours sincerely



Bevan Hudson
Senior Consents Planner