4 Resource consent requirements

The requirements for Resource Consents are determined by the rules in the Operative Water and Land Plan ("Water and Land Plan") and the Operative Western Bay of Plenty District Plan ("District Plan"). The rules which apply are determined by the zoning of the site, any identified limitations in the plan and the nature of the activities proposed. An assessment of the proposal against these documents is provided below and overleaf

4.1 Water and Land Plan

The site is shown on Map T/U13 –Paeroa Waihi Beach. The section of the creek subject to this application is notated as a "modified watercourse with ecological value".

The creek is listed as a "habitat and migratory pathway of indigenous fish species" within Schedule 1A of the Plan. The species that are listed as being present within the creek include: Banded Kokopu; Redfinned Bully; Common Bully; Inanga; Common Smelt; Longfinned Eel; and Shortfinned Eel.

The works footprint is located within the "Riparian Management Zone" ("RMZ") as defined within the *Definitions* section of the Plan. The creek is also defined as a "land drainage canal" by way of Table 45 of Rule 70B.

4.1.1 Activities requiring consent

Proposed activity	Rule	Comment	Activity status
Earthworks within the RMZ to trim the creek bank for installation of the structure and integrate the crest of the structure into the existing landform	1C	The volume and area of the proposed earthworks to be undertaken within the RMZ will exceed the thresholds for both permitted and restricted discretionary activities.	Discretionary activity
Temporary discharge of sediment laden stormwater from the earthworks footprint into the creek	37	Permitted activity performance standards (b) to (k) set down under Rule 30 are likely to be able to be complied with. However, by the very nature of works being undertaken along the creek bank, the suspended solids concentration of the discharge is likely to exceed 150g/m³.	Discretionary activity
Temporary damming of the base flow of the creek	48	During construction the base flow in the creek will need to be temporarily dammed and diverted to isolate the segment of the creek to provide for a semi dry creek bed to work in. The flow may be diverted by way of the use of pumps, diversion channels or temporary culverts. The dam could comprise an embankment formed of aggregate or some temporary engineered structure such as geosynthetic sand containers. The bed of the creek within the isolated segment would not be totally dry due to the likelihood that groundwater upwells from the invert. Any groundwater trapped within in the isolated segment of creek bed may also require pumping to same discharge point as the temporary diverted base flow of the creek.	Discretionary activity
Placement and use of an erosion	71	Due to fact the proposed structures are not replacing or upgrading existing lawfully established structures, are located	Discretionary activity

protection structure within the creek bed (including excavation of the creek bed and banks to facilitate the construction of the concrete channel and rock revetment) and placement and use of a potential temporary culvert within the creek bed as part of temporary work s.		in a Schedule 1 stream, in the case of temporary culvert not able to comply the relevant hydraulic performance standards, and are located within an urban area, they are a discretionary activity.	

Overall, consent is sought from BOPRC as a discretionary activity.

4.2 District Plan

4.2.1 Zonings, overlays and designations

The site is identified on District Planning Map U04. The Planning Map shows the following features:

- Most of the southern side of the creek is zoned Commercial with 40-44 Wilson Road zoned Medium Density Residential and 46-50 Wilson Road zoned Residential. All of the land parcels zoned Commercial are within the extents of the Town Centre Boundary.
- The majority of the northern side of the creek is zoned Commercial Transition with 47-53 Edinburgh Street zoned Medium Density Residential
- Reserve overlays affect the unformed public road to the north of 50 Wilson Road (at the upstream extent of the site) and the esplanade reserve that runs form the eastern boundary of 47 Edinburgh Street to 50 Wilson Road.
- Designations 142 and 188 are in place over several land parcels located on the southern side of the creek. The Requiring Authority is WBOPDC and the designation purpose is for a service lane.
- The majority of the site is affected by the Flood Hazard overlay.

4.2.2 Definitions

It is considered that the works to install the proposed erosion protection structures will be consistent with the definition of "earthworks" provided within Section 3 of the Plan. Further, it is considered that the erosion protection structures meet the definition of a "building/structure".

4.2.3 Activities requiring consent

Proposed activity	Rule	Comment	Activity status
Earthworks and establishment and use of the structures within a Flood Hazard Zone.	Rule 8.3.3(c)	The erosion protection structures are not located within an approved building site and the earthworks will exceed the 5 m^3 threshold.	Restricted discretionary activity
Establishment and use of the	Rule 4A.1.4	The erosion protection structures and earthworks are not provided for as a permitted,	Non-complying activity

structures within the Commercial Transitional, Commercial, Residential and Medium Density Residential zones.		controlled, restricted discretionary or discretionary activity within the Residential, Medium Density Residential, Commercial or Transitional Commercial Zones. The structures and earthworks are also not provided for by a Reserves Management Plan (where overlays affect individual land parcels) nor as an infrastructure or network activity under Section 10. Designations 142 and 188 are not for the purposes of constructing and using erosion protection structures. Consequently, Rule 4A.1.4 applies and the activity shall be considered a non-complying activity.	
Earthworks and establishment and use of the structures outside the Flood Hazard Zone.	Rule 4A.5(b)	Earthworks in association with an activity requiring non-complying Resource Consent (in this case the establishment and use of the structures in the Commercial Transitional, Commercial, Residential and Medium Density Residential zones) are considered a non-complying activity.	Non-complying activity.

Overall, consent is sought from WBOPDC as a non-complying activity.

4.3 Existing Resource Consents

The "existing environment" has been defined through case law as comprising activities which are authorised under a Resource Consent.

The applicant currently holds Resource Consent 51005 from the BOPRC to place and use rock rip rap and gabion baskets in the bed and banks of the creek in the vicinity of the Dillion Street Bridge abutments.

The applicant also holds Resource Consent 65697 which authorises regular "dredging" of the creek downstream of the Dillion Street Bridge during periods when the creek is used as a pathway for spawning and migration of indigenous fish species.

A key environmental effect associated with the construction of the erosion protection structures subject to this Resource Consent application is the disruption to macroinvertebrates and indigenous fish species. It is considered that the effects permitted by Resource Consent 65697 on instream fauna are of a similar magnitude and range to the effects of the works that are the subject of this application.

5 Assessment of effects on the environment

5.1 Introduction

The following assessment identifies and assesses the types of effects that may arise from the proposed works. This assessment also outlines the measures that the applicant proposes to avoid, remedy or mitigate any potential adverse effects on the environment.

Actual and potential effects on the environment have been identified as including:

- Hydraulic effects;
- Aquatic ecology effects;
- Cultural and archaeological effects;
- Amenity effects;
- Public access and safety effects; and
- Positive effects.

5.2 Hydraulic effects

A detailed hydraulic assessment of the likely impact the construction and use of the proposed erosion protection structure will have on the hydraulic behaviour of the creek has been completed; see Appendix C of this report.

In summary, the assessment concludes that the proposed structure results in the following changes in hydraulic capacity within the reach of the creek at the site:

- 4.5% less capacity than existing cross sections in "significant floods".
- 13.8% greater capacity than existing cross sections in "floods".
- 58.4% greater capacity than existing cross sections in "normal flows" due to the significantly greater width at low elevation compared to the existing channel cross sections.

Therefore, the assessment finds that the concrete channel provides enhanced performance, in terms of conveyance capacity, during normal and flood flow scenarios (which have a high to medium probability of occurrence) while being able to meet its primary objective of reduction in stream bank erosion. Using conservative modelling assumptions for extreme flood conditions, the proposed channel offers marginally less conveyance capacity than the existing channel. This difference is small and overall is likely to be offset by the greater capacity of the proposed channel under less severe flood conditions (or at the start of an extreme flood).

The assessment includes an allowance for predicted sea level rise in the tail water level. In addition, the detailed design process will ensure overland flows of stormwater can continue to discharge into the creek over the crest of the structures as is currently occurring on site.

On the basis of the above it is considered that any adverse effects of the proposed structure on the hydraulic performance of the creek are likely to be less than minor. Further, it is likely that the extent of areas currently identified by numerical modelling as being susceptible to flooding (using current creek morphology) are likely to reduce following the construction of the proposed structure.

5.3 Aquatic ecology effects

An ecological assessment of the likely impacts resulting from the construction and use of the proposed erosion protection structure on instream ecology has been undertaken; this assessment is annexed to this report as Appendix D. In summary, the assessment concludes that there are two main categories of adverse effects associated with the proposal:

- Construction related effects on water quality (pH and suspended sediments);
- Loss of habitat associated with the permanent replacement of around 420 m of low quality, modified stream habitat, in more or less natural substrates, with a concrete lined channel.

However, subject to the following mitigation measures being implemented, any adverse effects will be minor:

- Isolating individual segments of the creek during construction to ensure the potential for bed and bank sediments to become mobilised and discharged downstream is minimised.
- Appropriate management of concrete wastewater slurry. This could include collection and disposal off site and/or dosing of slurry prior to disposal on land on site to achieve a neutral pH.
- Undertaking a fish rescue and relocation operation prior to in-stream works commencing and ensuring the in-stream works avoid the peak sensitivity period for upstream migration of whitebait, smelt and eels of August to November inclusive (only when the creek mouth is open and there is a connection to the coast).
- The minimum design recommendations for providing onsite mitigation set out in the Ecological Assessment (fish baffles, channel invert set below average bed level).
- The off-site compensation options, encompassing riparian restoration, or inanga spawning habitat improvement, or wetland creation. The option selected by WBOPDC will be confirmed within the detailed design drawings submitted to the BOPRC and WBOPDC (as the consent authority) for approval prior to construction works commencing on site.

5.4 Cultural and archaeological effects

New Zealand Archaeological Association's Archsite shows that Registered Archaeological Site U13/1294, a pit and terrace, is located at the rear of 38-40 Wilson Road approximately within 10-15 m of the creek. This is in close proximity to the works site.

Registered Archaeological Site U13/1246 is located near 14 The Crescent and therefore is well separated from the works site.

It is noted that the majority of the site is either actively eroding through fluvial processes or the subject of landform modification to facilitate urban development. The applicant will seek advice from Heritage New Zealand once the detailed design process is completed and decide whether it is appropriate to manage the potential to encounter in situ archaeological material by way of an Accidental Discovery Protocol ("ADP") or an Archaeological Authority application process.

The applicant has engaged with Ngai Tauwhao, Ngai Te Rangi, Ngati Hako and the Hauraki Maori Trust Board regarding the proposal. An onsite hui was held on 13 September 2016. Ngai Tauwhao attended the onsite hui and indicated that they had no fundamental concerns with the proposal but were understandably interested in ensuring any potential impacts on taonga such as tuna and inanga were appropriately managed. Follow up email dialogue occurred with Ngai Te Rangi and Ngai Tauwhao and this was around their suggestion that the creek should continue to provide habitat for tuna (eels), inanga and macro invertebrates.

Ngati Hako have provided a response confirming they do not have any particular concerns with the proposal.

Records of the engagement process are annexed to this report as Appendix E.

It is considered that all potential adverse effects of the proposal on archaeological resources can be mitigated through the ADP or Archaeological Authority process so that they are minor. In terms of cultural effects, Ngai Tauwhao and Ngai Te Rangi's interest in ensuring the creek continues to

provide habitat for inanga and tuna is addressed through the fish passage design criterion in the structure and upstream compensatory options. Therefore it is considered all cultural effects raised by Tangata Whenua have been addressed.

5.5 Amenity effects

The proposed concrete channel represents an engineered structure which will result in adverse visual effects when compared to the currently unprotected creek banks. However, the creek can only be accessed from public land and roads at the upstream and downstream extremities of the site, as well as from a WBOPDC owned car park near the centre of the site (24 Wilson Road). Generally, the creek is inaccessible to the public and due to the landform and presence of commercial buildings and dwellings, is only visible from a few discrete locations along its alignment.

For these reasons the adverse visual effects from the introduction of the concrete channel into the creek environs will generally only affect the land owners whose properties are to gain the benefit of the structure. As stated in Section 3.1 of this report a range of options for the geometry of the concept channel and materials for construction have been canvassed over the last three years. The concrete channel concept was also the only acceptable option to landowners due to the vertical sides resulting in the least encroachment into property and disturbance to land from construction. The landowners also considered the concrete channel provided them with opportunities to create useable, flat land right up to the vertical side of the concrete channel.

The creek was artificially cut through the backdune landform and has a land drainage canal status under the Water and Land Plan. The creek is completely surrounded by intense residential and commercial development. Consequently, the creek does not exhibit natural character value and therefore the protection of the creek bed and banks with the proposed concrete channel will not adversely affect natural character values at the site.

The construction of the concrete channel will result in the loss of riparian vegetation, both indigenous and exotic, but none of the indigenous vegetation is threatened or of ecological significance. The landowners are likely to reinstate vegetation within their land parcels following completion of the construction works.

The upstream compensation options will introduce new natural character values into the Broadlands Block reach of the creek and result in positive effects.

Noise, dust and vibration are the other components of amenity effects. The machinery utilised to undertake the construction works will cause a level of mechanical and engine noise, as well as vibration at the site. It is considered the main receptors of these short term construction based effects will be the landowners who are parties to this Resource Consent. These parties are fully aware of and accept the potential adverse effects during the construction period.

A detailed Works Management Plan ("WMP") will be prepared and submitted for the approval of the BOPRC and WBOPDC once the detailed design phase is completed and a contractor has been appointed. The WMP will contain measures to manage acoustic emissions, vibration and dust which are likely to result from the works.

On the basis that all potential adverse amenity themed effects will be confined to an area which is encircled by buildings and not publicly accessible, short lived, and can be suitability mitigated by compliance with either a management plan or generic standards, it is considered they are likely to be minor.

5.6 Public access and safety effects

Number 24 Wilson Road is the only land parcel on the true right bank of the creek where public access to the creek is available. 24 Wilson Road is owned by WBOPDC and is a sealed car park and not a reserve. At the upstream extent of the site the Broadlands Block is connected to Edinburgh Street. Edinburgh Street is a public road and the Broadlands Block is a WBOPDC reserve. Therefore the public can access the creek at the upstream extent of the site. Following construction of the proposed structure there will be no change in public access.

The works will begin upstream from the Dillon Street Bridge. Pedestrian and vehicular access over the Dillon Street Bridge will not be interrupted during the construction works.

An appropriately designed handrail will be constructed on the crest of the proposed erosion protection structure to ensure people do not fall into the creek.

On the basis of the above, public access to the creek will be unaffected following the construction of the proposed structure and the provision of a handrail into the structure will result in health and safety benefits that are not currently provided.

5.7 Positive effects

The proposed construction of the erosion protection structure will result in the following positive effects:

- Prevent further erosion of creek banks and the associated loss of high value residential and commercial land, as well as WBODPC owned car park and reserve assets.
- Reduce the risk of creek bank erosion exposing and undermining WBODPC underground infrastructure in the vicinity of the creek banks.
- Provision of a greater channel width in the lower part of the cross section thereby improving capacity during low flow and flood conditions which occur more regularly than significant flood conditions.
- Retention of fish passage up the creek.
- Creation of enhanced biodiversity through the provision of new riparian or wetland habitat targeted at indigenous fish species.
- Resolve a legacy issue for WBOPDC whereby the creek is sited on private land with no easement in favour of WBOPDC while the community expectation is that WBOPDC are responsible for the operation and maintenance of the creek. Upon completion of construction the creek will be fully contained within land under the ownership and therefore control of WBOPDC. WBOPDC will then be able to lawfully access, inspect and maintain the erosion protection structure to ensure it remains functional and that stormwater conveyance within the creek is optimised.

5.8 Mitigation and monitoring

To ensure all potential adverse effects of the proposed erosion protection structure are acceptable on an on-going basis, WBOPDC has developed mitigation measures and has drafted a set of suggested conditions of consent. These are set out in detail within Section 7 of this report.

6 Statutory assessment

6.1 RMA assessment

6.1.1 Section 104D RMA

Section 104D of the RMA is relevant to WBOPDC's determination of the application, as the proposal requires non-complying land use consent. In order for WBOPDC to consider the application under s 104, it must first be satisfied that the application can pass through the "Gateway Test". The Gateway Test has two limbs; these are:

- The adverse effects of the activity on the environment will be minor; or
- The application is for an activity that will not be contrary to the objectives and policies of the Plan.

Only one of the two limbs must be met in order that WBOPDC can proceed to consider the application under s 104. It has been established within Section 5 of this report that all potential adverse environmental effects of the activity are likely to be minor. The activity has also been assessed against the objectives and policies framework of the District Plan within Section 6.5 of this report. That assessment has concluded that the activity is consistent will all relevant objectives and policies. Consequently, it is considered that the application can satisfy both limbs of the Gateway Test and thus be advanced to a s 104 assessment.

6.1.2 Section 104 RMA

Section 104 of the RMA requires that when considering an application for Resource Consent, the BOPRC and WBOPDC must, subject to Part 2, have regard to:

1 Any actual and potential effects on the environment of allowing the activity.

2 Any relevant provisions of:

- National Environmental Standards;
- A Regional Policy Statement or Proposed Regional Policy Statement; and
- A Plan or Proposed Plan.

3 Any other matters considered relevant to determine the application.

The effects of the activity have been assessed in Section 5 of this report. An assessment of the application against the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES Soil"), Regional Policy Statements and Plans is provided below and Sections 6.2-6.5 of this report.

6.1.3 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principles of the Act. The purpose of the RMA is to promote the sustainable management of natural and physical resources.

6.1.3.1 Section 5

The proposed works are necessary to ensure ongoing erosion of the creek banks does not result in the loss of dwellings, underground infrastructure and highly valuable commercial land which makes up the Waihi Beach Town Centre. All significant environmental effects associated with the construction and use of the proposed structure can be mitigated. This is because the proposed structure will improve the hydraulic performance of the creek during normal and flood flow

conditions, the design of the structure will provide for fish passage, and the permanent replacement of around 420 m of low quality, modified stream habitat in more or less natural substrates with a concrete lined channel will be offset by upstream ecological enhancement work.

Consequently, it is considered that the proposal will provide for the social, cultural and economic wellbeing of the Waihi Beach community and the general public and therefore accords with the purpose of the RMA.

6.1.3.2 Section 6

Regard has been given to:

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.
- The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
- The relationship of Maori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other taonga.

The proposal accords with the matters of national importance set down within the RMA. Part of the creek (east of 16 Wilson Road) is located within the coastal environment[6]. The proposed structure will not affect natural character values and public access to and along the creek. Further, the proposed structure will reduce sediment losses to water. Ngai Tauwhao have visited the site and advised that the subject to the implementation of the mitigation outlined in this report the proposed structure will not impact on their culture or traditions.

6.1.3.3 Section 7

Regard has been given to:

- Kaitiakitanga.
- The maintenance and enhancement of amenity values.
- Intrinsic values of ecosystems.
- Maintenance and enhancement of the quality of the environment.
- The effects of climate change.

The Tangata Whenua are the kaitiaki for the site and engagement with them has occurred. Amenity values and the quality of the environment in the locale will be maintained as a result of the proposed structure mitigating erosion and sedimentation of the creek, and that there will be negligible effects on instream ecosystems. The potential for future sea level rise to increase tail water within the creek has been factored into the hydraulic assessment contained in Appendix C of this report.

6.1.3.4 Section 8

There is nothing encompassed within the proposal which is contrary to the principles of Te Tiriti o Waitangi.

[6] As defined within the Proposed Regional Coastal Environment Plan.

6.2 NES soil assessment

The NES Soil is not relevant to the application as the site is not a "piece of land" as defined by Clause 5(7) of the regulations.

6.3 Bay of Plenty Regional Policy Statement

The newly Operative Bay of Plenty Regional Policy Statement ("RPS") is a strategic document which provides an overview of the major resource management issues and set out the direction for managing the use, development and protection of the natural and physical resources of the region.

An assessment of the proposal against the relevant objectives and policies contained within the RPS is provided in Table 6-1 below.

Table 6-1: RPS objective and policy assessment

Objective/Policy	Comment
Objective 2 *Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment.* Policy CE 8B - Ensuring subdivision, use and development is appropriate to the natural character to the coastal environment. *When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:* ... *d) The appropriateness of the introduction or accumulation of man-made modifications recognising activities that are:* *(i) planned (consented, zoned or designated);* *(ii) provided for in reserve management plans; or* *(iii) identified in Appendix C, D and E; or* *(iv) lawfully established.* ... *(f) Subject to Policy CE 2B avoiding significant adverse effects and avoiding, remedying or mitigating (including, where appropriate, through provision of buffers) other adverse effects on:* ...	A small portion of the site is located in the coastal environment, as described in the Proposed Regional Coastal Environment Plan. The backshore area at the site has been transformed into an urban area and town centre through historic drainage of dune swales, back dune levelling, and establishment of dwellings and commercial buildings. Consequently, upstream of the Dillon Street Bridge, natural character values associated with the coastal environment are so severely degraded, that they are non-existent, and the introduction of the proposed structure as a man-made modification cannot affect these values. The alignment and elevation of the proposed structure will generally match the current geomorphology of the creek. The ecological functioning of the segment of creek located within coastal environment will be maintained through the provision of fish passage into the design of the structure and upstream compensation works. Therefore the proposal is considered to be consistent with the objective and policy.
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.* Policy IR 4B -Using consultation in the identification and resolution of resource management issues. *Encourage the timely exchange, consideration of, and response to, relevant information by all parties with an interest in the resolution of a resource management issue by:*	Tangata whenua have visited the site and advised on the specific cultural values attached to the site. These relate to providing habitat for existing taonga species such as tuna and inanga. The applicant has provided for the maintenance and enhancement of habitat for tuna and inanga within the proposal and therefore the proposal is consistent with the objective and policies.

(a) Consulting as widely as practicable in the preparation, implementation and review of policy statements *and plans;* *(b) Consulting all potentially affected parties and interest groups in the planning, implementation and review of councils' own operational activities in relation to the use, development and protection of natural and physical resources; and* *(c) Encouraging all parties undertaking resource use, development and protection activities to consult with others who may be affected.* Objective 15 *Water, land, coastal and geothermal resource management decisions have regard to iwi and hapū resource management planning document.* Policy IW 4B - Taking into account iwi and hapū resource management plans. *Ensure iwi and hapū resource management plans are taken into account in resource management decision making processes.* Policy IW 6B - Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects. *Encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from the use and development activities as part of consultation for resource consent applications and in their own resource management plans.*	
Objective 31 *Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities.* Policy NH 4B - Managing natural hazard risk on land subject to urban development. *Require a Low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) by controlling the form, density and design of:* *(a) Greenfield development;* *(b) Any urban activity within the existing urban area that involves the construction of new and/or additional buildings or reconstruction of or addition to existing buildings (including any subdivision associated with such activities); and* *(c) Rural lifestyle activities;* *except that a Low level of risk is not required to be achieved on the development site after completion of the development where the development site is located within a natural hazard zone of Low natural*	The design of the proposed structure has considered the potential for the inundation hazard at the site to be exacerbated. The hydraulic assessment shows that the installation and use of the proposed structure will not exacerbate the inundation of the area surrounding the creek except for during a significant (~2% AEP) flood event. The hydraulic assessment has made an allowance for future sea level rise causing an increase in tail water within the creek. Overall it is considered the existing inundation risk at the site (as shown on the District Planning Maps) will not be increased as a result of the proposed structure and therefore consistency with the objective and policy is achieved.

hazard risk and that natural hazard zone will maintain a Low level of natural hazard risk after completion of the development. Policy NH 11B - Providing for climate change *Incorporate the effects of climate change in natural hazard risk assessment. Authoritative up-to-date projections of changes in sea level, rainfall, temperature, and storm frequency and severity will be used as updated scientific data become available.* *Use the following projections as minimum values when undertaking coastal hazard assessments:* *(a) A 100-year time frame;* *(b) A projection of a base sea-level rise of at least 0.6 m (above the 1980–1999 average) for activities/developments which are relocatable;* *(c) A projection of a base sea-level rise of 0.9 m (above 1980–1999 average) for activities where future adaptation options are limited, such as regionally significant infrastructure and developments which cannot be relocated; and* *(d) An additional sea-level rise of 10 mm/annum for activities with life spans beyond 2112.*	

6.4 Bay of Plenty Regional Water and Land Plan assessment

An assessment of the proposal against the relevant objectives and policies contained within the Water and Land Plan is provided in Table 6-2 below.

Table 6-2: Water and Land Plan Objectives and policies assessment

Objective/Policy	Comment
Objective 9 *Land use and land management practices are appropriate to the environmental characteristics and limitations of the site, and avoid, remedy or mitigate adverse effects on the life-supporting capacity of soil resources, the receiving environment and heritage values.* Objective 10 *Stewardship of natural resources which:* *(a) Sustains the life-supporting capacity of soil, water and ecosystems.* *(b) Maintains, and where appropriate, protects cultural, ecological, amenity, natural character and landscape values through management practices that avoid, remedy or mitigate adverse effects.* Objective 17 *Riparian margins are appropriately managed to protect and enhance their soil conservation, water quality and heritage values.*	The proposed structure will occupy an area of creek bank that is actively eroding. Therefore, sedimentation of the creek will be reduced as a consequence of the establishment of the proposed structure. Reduced sedimentation of the creek will be beneficial to the macro invertebrates and fish that inhabit the stream. The site comprises an intensely developed urban area, some of which forms the Waihi Beach Town Centre. Therefore, it is considered appropriate to environmental characteristics of the site to construct and use an ancillary erosion protection structure to ensure the land use activities on site are not compromised by ongoing erosion. Landscape values will not be affected due to the creek being located behind and set down below dwellings and commercial buildings. The cultural and ecological values of the creek will be maintained through the works management plan, the fact the proposed structure will provide fish passage for, amongst

Objective/Policy	Comment
Objective 19 *Protect vulnerable areas from erosion.* Policy 21 *To manage land and water resources in the Bay of Plenty within an integrated catchment management framework to:* ... *(k) Promote and encourage the adoption of sustainable land management practices that are appropriate to the environmental characteristics and limitations of the site to:* *(i) Protect the soil and avoid, remedy or mitigate the adverse effects of erosion.* ... *(iii) Achieve the appropriate management of riparian areas, including the retirement and planting of riparian areas of streams, rivers, lakes, wetlands and estuaries.* *(iv) Avoid, remedy or mitigate adverse effects on water quality in the receiving environment.* ... *(l) Manage land and water resources according to realistic management goals that are appropriate to the existing environmental quality and heritage values (including ecosystem values) of the location.* Policy 31 *To promote the adoption of the stewardship of soil and water resources, ecosystems, and cultural, amenity, natural character and landscape values.* Policy 32 *To allow resource use and development where there are beneficial effects on the social, cultural and economic wellbeing of people and communities; and adverse effects on the environment are avoided, remedied or mitigated.*	other species, inanga and tuna, and compensation (wetland or riparian enhancement) will be implemented upstream of the works site. For all of the reasons above, it is considered that the proposal is consistent with the objectives and policies.
Objective 55 *Aquatic ecosystems, aquatic habitats of indigenous species, spawning areas and migratory pathways of fish, and significant aquatic vegetation are maintained and enhanced.* Objective 57 *Adverse effects on fish passage and migration along rivers and streams is avoided, remedied or mitigated.* Objective 58 *Activities in, on, under or over the beds of streams, rivers and lakes:*	The ecological assessment has found that the creek provides poor/reduced habitat quality for aquatic species. Notwithstanding this, it is possible that a range of native fish species utilise the stream habitat through the site and/or migrate through the site to upper catchment tributaries. The proposed structure will provide for the passage of fish species whilst ensuring the hydraulic performance of the creek is improved. The riparian or wetland compensation work upstream of the site will see new and enhanced habitat created as part of the proposal. There is currently very limited public access to the creek as it is predominantly located on

Objective/Policy	Comment
(a) Do not significantly impede the flow of flood waters, except where the activity is necessary for flood control purposes. ... *(c) Avoid, remedy or mitigate adverse effects on natural hydrological processes of the stream, river or lake, or downstream areas.* *(d) Do not lead to accelerated erosion of the beds and banks of streams, rivers and lakes.* *(e) Maintain existing public access to and along the margins of rivers and lakes, where appropriate.* *(f) Avoid or mitigate the contamination of water by sediment.* ... *(h) Avoid, remedy or mitigate adverse effects on ecological values.* <u>Objective 60</u> *Derelict, abandoned and unauthorised structures in, on, under or over the beds of streams, rivers and lakes that are causing adverse environmental effects are removed.* <u>Policy 98</u> *To require activities in the beds of rivers, streams and lakes to be undertaken in a comprehensive and integrated manner that recognises and provides for the water quality, water quantity (including flood hazards), soil conservation, aquatic ecosystem issues in the water body, and areas of significant natural character.* <u>Policy 99</u> *All new activities in the beds of streams, rivers and lakes, reconstruction of existing structures, re-planting of plants, and existing activities upon renewal of consents, are required to comply with the requirements of Table 21.* <u>Policy 111</u> *To maintain legal public access to and along the margins of rivers and lakes when assessing the effects of activities in the beds of streams, rivers and lakes, or land disturbance activities, through the resource consent process, except where restriction is necessary to:* *(a) Prevent the occurrence or exacerbation of erosion of river or lake banks or beds.* *(b) Preserve the natural character of streams, rivers, lakes and wetlands.* *(c) Protect private property rights.* *(d) Safeguard ecological or intrinsic attributes of streams, rivers and lakes.*	private land. Following of the vesting of the creek bed in WBODPC, there will be potential for future public access along the creek bed. There are numerous erosion protection structures currently in place along the creek banks and within the bed. These existing structures appear not to be supported by an engineering design or hold Resource Consents. The proposal will result in these structures being removed. On the basis of the above, it is considered that the proposal is consistent with the objectives and policies.

Objective/Policy	Comment
(e) Preserve sites of natural and cultural heritage. *(f) Avoid conflict between competing uses.* *(g) Protect cultural values of tangata whenua.* *(h) Provide for other exceptional circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.* *(i) Protect the primary soil conservation functions of riparian plantings.* *(j) Protect the integrity of river and flood control works.* *(k) Protect public health and safety*	

6.5 Western Bay of Plenty District Plan assessment

It has been established that non-complying land use consent is required under the Plan. With a view to satisfying the Gateway Test set down within s 104D of the RMA, an assessment of the application against the relevant objectives and policies contained in the Plan is presented in Table 6-3 below.

Table 6-3: District Plan objectives and policies assessment

Objective/Policy	Comment
Objective 5.2.1.3 *Preservation of the natural character of the District's coastal environment (including the coastal marine area), rivers, lakes, and their margins.* Objective 5.2.2.9 *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.*	A small portion of the site is located in the coastal environment, as described in the Proposed Regional Coastal Environment Plan. This small section of coastal environment is characterised by intensive housing, commercial buildings, a bridge, roading and erosion protection structures and a creek that has been artificially cut through the backdune landform. The backdune has been completely levelled to facilitate the creation of urban area. The proposed structure will prevent further erosion of the creek bed and banks from occurring. Therefore it is considered the proposal will maintain the character of the area and thus is consistent with the objectives.
Objective 8.2.1.1 *Minimisation of the threat of natural hazards to human life and the natural and physical environment.* Policy 8.2.2.2 *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.*	The hydraulic assessment concludes that the proposed structure will not exacerbate the inundation hazard at the site. This is because the proposed structure will maintain the hydraulic performance of the creek. As evidenced by the current erosion occurring to the creek banks, there is a demonstrable need for the structure. On this basis it is considered that the proposal can be considered to be consistent with the objectives and policies.

Objective/Policy	Comment
Policy 8.2.2.5 *Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.*	
Objective 13.2.1.1 *Efficient use of the finite land resource for urban development* Objective 13.2.1.6 *Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements*	The proposed structure will ensure the current and future use of the residential and commercial land, public car park, underground infrastructure, church and police station can continue. The continued viability of these resources will ensure demand for these facilities and development is not displaced elsewhere. The nature and scale of the proposed structure is such that the amenity values will be maintained. This is principally because the structure is largely screened from public viewing locations due to the presence of buildings and the morphology of the creek. Consequently, it is considered that the proposal can be considered to be consistent with the objectives.

The policy assessment set out above confirms that the proposed activity is not contrary to the objectives and policies of the District Plan. Accordingly, the proposal satisfies both tests under s 104D and can proceed for consideration and determination under s 104.

6.6 Other matters

6.6.1 Iwi management plans

The Iwi Management Plans ("IMPs") listed on the BOPRC website as being relevant to the site are the Tauranga Moana IMP 2016-2026 and the Hauraki IMP.

The proposal is consistent with the relevant objectives and policies of the Tauranga Moana IMP because either riparian or wetland habitat will be created within the creek (Policy 6.3) and freshwater fisheries will be sustained (Policy 22.1).

The proposal is also consistent with the relevant objectives of the Hauraki IMP because WBOPDC will:

- Restore the riparian margin of the creek (Papatuanuku Objective (b)) by planting indigenous vegetation along the creek (Tane Mahuta Objective (g)), or restore a wetland upstream within the creek (Tangaroa Rerenga Wai Maori Objective (c))
- Restore and increase inanga spawning in the creek (Tangaroa Rerenga Wai Maori Objective (d)).

6.7 Notification

6.7.1 Public notification

Section 95A(2) sets out circumstances where public notification of an application must occur. It is considered that the only test pertinent to this application is whether (under s 95D), the consent authority considers that the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Having regards to the tests set down in s 95A, the following points are noted:

- An assessment of effects on the environment is provided in Section 5 of this report. This assessment ultimately concludes that the adverse effects on the environment are likely to be minor.
- The applicant does not request public notification of the application.
- There is no rule in the Water and Land Plan, District Plan or any National Environmental Standard that requires public notification of this application
- No special circumstances are considered to exist in relation to the application.

On the basis of the above, this application for Resource Consent meets the tests of the RMA to be processed without public notification.

6.7.2 Limited notification

For applications that are not publicly notified, under section 95B, the consent authority must give limited notification of the application to any affected person, unless (in the case of affected persons) a rule or national environmental standard precludes limited notification of the application.

Section 95E states that a consent authority must consider a person to be an affected person if the activity's adverse effects on the person are minor or more than minor (but not less than minor). A consent authority must not consider a person affected if they have provided written approval to the activity.

Having regard to the requirements above, the following persons are considered to be potentially adversely affected by the application:

- The landowners listed within Appendix B.
- Tangata Whenua.
- The Department of Conservation ("DOC").

All landowners, except for D Stuart and S Fell as the owners of the land parcel located at 20-22 Wilson Road[7] have provided written approval to the proposal.

As set out in Section 5.4 of this report the applicant has engaged with Ngai Tauwhao, Ngai Te Rangi, Ngati Hako and the Hauraki Maori Trust Board regarding the proposal. Records of the engagement process are annexed to this report as Appendix E.

Based on the responses received from Tangata Whenua to date, it is considered that, Ngai Tauwhao and Ngai Te Rangi's interest in ensuring the creek continues to provide habitat for inanga and tuna is addressed through the fish passage design criterion in the structure and upstream compensatory options. Therefore it is considered all cultural effects raised by Tangata Whenua have been addressed such that they are minor.

[7] Legally described as 29 and 30 DP 37325.

WBOPDC have discussed the proposal with DOC and are currently awaiting their response.

6.7.3 Section 95 conclusions

The activity is likely to have minor adverse effects on the environment and the written approvals of all potentially affected persons are expected to be obtained. Therefore this application can be processed on a non-notified basis.

7 Proposed conditions of consent

We would appreciate the opportunity to comment on draft conditions prior to the consent being granted.

Aside from the anticipated general conditions, the applicant offers the following specific conditions to be imposed by the consent authorities.

Notification of works

1. The consent holder shall notify the Chief Executive of the Regional Council and District Council or delegate in writing no less than five working days prior to commencing any works under this consent.
2. The consent holder shall erect a public notice at the Dillon Street Bridge providing notice of the construction works and advise the period over which the activity will be occurring. The notice shall be erected at least two days before the commencement of the works and remain there for the duration of the works. The sign shall clearly display, as a minimum, the following information:
    - The name of the consent and consent holder.
    - The main site contractor.
    - A 24 hour contact telephone number for the consent holder or appointed agent.
    - A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about any problem that may occur as a result of the exercise of this consent.
3. Within five working days following completion of the reconstruction works authorised under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional and District Council or delegate.

Timing of works

4. No works are to be undertaken in the wet bed of the creek channel during the period 1 August to 30 November inclusive, in any year for the duration of this consent. Provided that this condition shall not apply in the event the creek mouth is blocked with sediment and no connection between the creek and the coastal marine area is in place.

Detailed design

5. The consent holder shall submit a detailed design for the erosion protection structure authorised by this consent to the Chief Executive of the Regional and District Council or delegate for approval no less than 20 working days prior to commencing construction works under this consent. The detail design shall confirm the following:
    - The final elevation and design of the crest of the structure.
    - The extent of earthworks required to integrate the structure into the landform.
    - How stormwater will drain into the structure (both for piped outfalls and for secondary flow paths).
    - The details of the handrail/fence on top of the structure.
    - Confirmation of the fish passage measures to be constructed in the structure.
    - A design for the upstream compensatory riparian and/or wetland enhancement works.

Environmental management

6. The consent holder shall remove any and all existing unlawful erosion protection structures within the site.
7. The consent holder shall submit a "Works Management Plan" to the Chief Executive of the Regional and District Council or delegate for approval, no less than 20 working days prior to commencing construction works under this consent. The minimum requirements of the Works Management Plan shall include the following:
    - Fish trapping and relocation plan.
    - Erosion and sediment control plan.
    - Dust control plan.
    - Vibration monitoring plan.
    - Details of how the contractor will:
        - Ensure the structure will be constructed in segments to isolate the works footprint from the creek.
        - Dam, divert, pipe or pump the base flow of the creek around or through the works footprint.
        - Collect and dispose of groundwater that seeps into the works footprint.
        - Provide laydown and stockpile areas, access to the creek bed and banks, and any haul routes required.
        - Dispose of concrete slurry.
        - Manage acoustic emissions.
8. No refuelling activities or fuel storage shall be carried out within 10 metres of the banks of Two Mile Creek. The consent holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.
9. The works area shall be stabilised with either rock, aggregate, concrete or vegetation following the completion of the physical works under this consent to the satisfaction of the Chief Executive of the Regional and District Council or delegate.

Archaeology

10. In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall consult with Tangata Whenua and Heritage New Zealand, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained where necessary.

Maintenance

11. The consent holder shall ensure that the structures authorised by this consent are maintained in a safe and structurally sound condition at all times, and shall undertake any maintenance work immediately, if so directed by the Chief Executive of the Regional or District Council or delegate.

Certification

12. Within 30 working days of completion of construction works under this consent the consent holder shall submit a certificate signed by an appropriately qualified engineer to certify that the works have been undertaken in accordance with good engineering practice, the detailed

design approved under condition 6 above and information submitted within the application for this consent

Term

This consent shall expire on 31 January 2052.

8 Conclusion

Erosion of the creek banks at the site continues to threaten residences, underground infrastructure and other structures on private land, as well as resulting in the loss of residential and commercial land. Through extensive dialogue between WBOPDC and the landowners it has been agreed that the proposed structure is required for erosion protection purposes and that WBOPDC will be responsible for designing, consenting and construction of the structure.

A range of options for the geometry of the concept channel and materials for construction have been canvassed and the owners have made it very clear to WBOPDC that the "do nothing" option is not an appropriate option.

The key potential adverse effects associated with the construction and use of the proposed structure relate to impacts on the hydraulic performance of the creek and indigenous fish species that inhabit the creek. The hydraulic assessment demonstrates that the proposed channel will provide enhanced conveyance capacity, during normal and flood flow scenarios and marginally less conveyance capacity for extreme flood conditions, than the existing channel.

The ecological assessment concludes that construction based effects on changes to pH and elevated suspended sediments, as well as a longer term loss of habitat associated with the permanent replacement of low quality stream habitat with a concrete lined channel can be suitably mitigated. The mitigation required relates to the management of construction effects (pH and suspended sediments), avoiding peak spawning periods for inanga (only when the creek is connected to the coast), fish trapping and relocation, provision in the channel design for fish baffles and /or setting the proposed channel invert below the current average bed level, and off-site compensation options (encompassing riparian restoration, or inanga spawning habitat improvement, or wetland creation). WBOPDC can and will implement all of this requisite mitigation.

The proposal will also see the resolution of a legacy issue for WBOPDC whereby the creek is sited on private land with no easement in favour of WBOPDC, but the community expectation is that WBOPDC are responsible for the operation and maintenance of the creek. Upon completion of construction the creek will be fully contained within land under the ownership and therefore control of WBOPDC. WBOPDC will then be able to lawfully access, inspect and maintain the erosion protection structure to ensure it remains functional and that stormwater conveyance within the creek is optimised.

Overall it is considered that the proposal to construct and use the erosion protection structure will allow for enhanced use and longevity of the Waihi Beach Town Centre, WBOPDC underground infrastructure, public car parks and residences within the environs. This end is achievable whilst at the same time ensuring the existing amenity and public access values are maintained.

The above ends are considered to accord with the directions provided by the policy framework of the Water and Land Plan and District Plan. It is also considered that the proposal will provide for the social and economic wellbeing of the landowners adjoining the creek, as well as the wider Waihi Beach Community, and is consistent with all relevant matters contained within Part 2 of the RMA.

Accordingly, it is respectfully requested that these Resource Consent applications be granted on a non-notified basis.

LEGEND

- Property boundaries
- Existing Contour
- Top of bank
- Bottom of bank
- Fence line
- Wall
- Edge of Building
- Extent of 7m wide channel
- Extent of FILL
- Extent of CUT

A3 SCALE 1:2000

0 20 40 60 80 100 (m)

ORIGINAL IN COLOUR

DRAWING STATUS: CONSENT ISSUE

REVISION DESCRIPTION	BY	DATE
0 Consent Issue	RCH	9/16

DESIGNED :	MSP	Aug. 16
DRAWN :	JZM	Aug. 16
DESIGN CHECKED :	MSP	9/16
DRAFTING CHECKED :	PCR	9/16
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2. Survey in terms of NZTM and reduced levels in Moturiki Datum.
3. Aerial photo supplied by Western Bay of Plenty District Council.
4. Final location of concrete channel to be confirmed through detailed design.

REFERENCE :

Western Bay of Plenty District Council

Tonkin+Taylor
Level 1, 525 Cameron Road, Tauranga
Tel. (07) 571 7360 Fax. (09) 307 0265
www.tonkintaylor.co.nz

CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Site Plan

SCALES (AT A3 SIZE): 1:2000

DWG. No. 85 1969.302-10

REV. 0

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CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Proposed Layout – Sheet 1 of 3

SCALE (AT A3 SIZE) 1:500
DWG. No. 85 1969.302-20
REV. 0

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A3 SCALE 1:500

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ORIGINAL IN COLOUR

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REVISION DESCRIPTION	BY	DATE
0 Consent Issue		24/9/16

DESIGNED : MSP Aug. 16
DRAWN : JZM Aug. 16
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WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Proposed Layout – Sheet 2 of 3

SCALE (IF AS SIZE) 1:500
DWG. No. 851969.302-21
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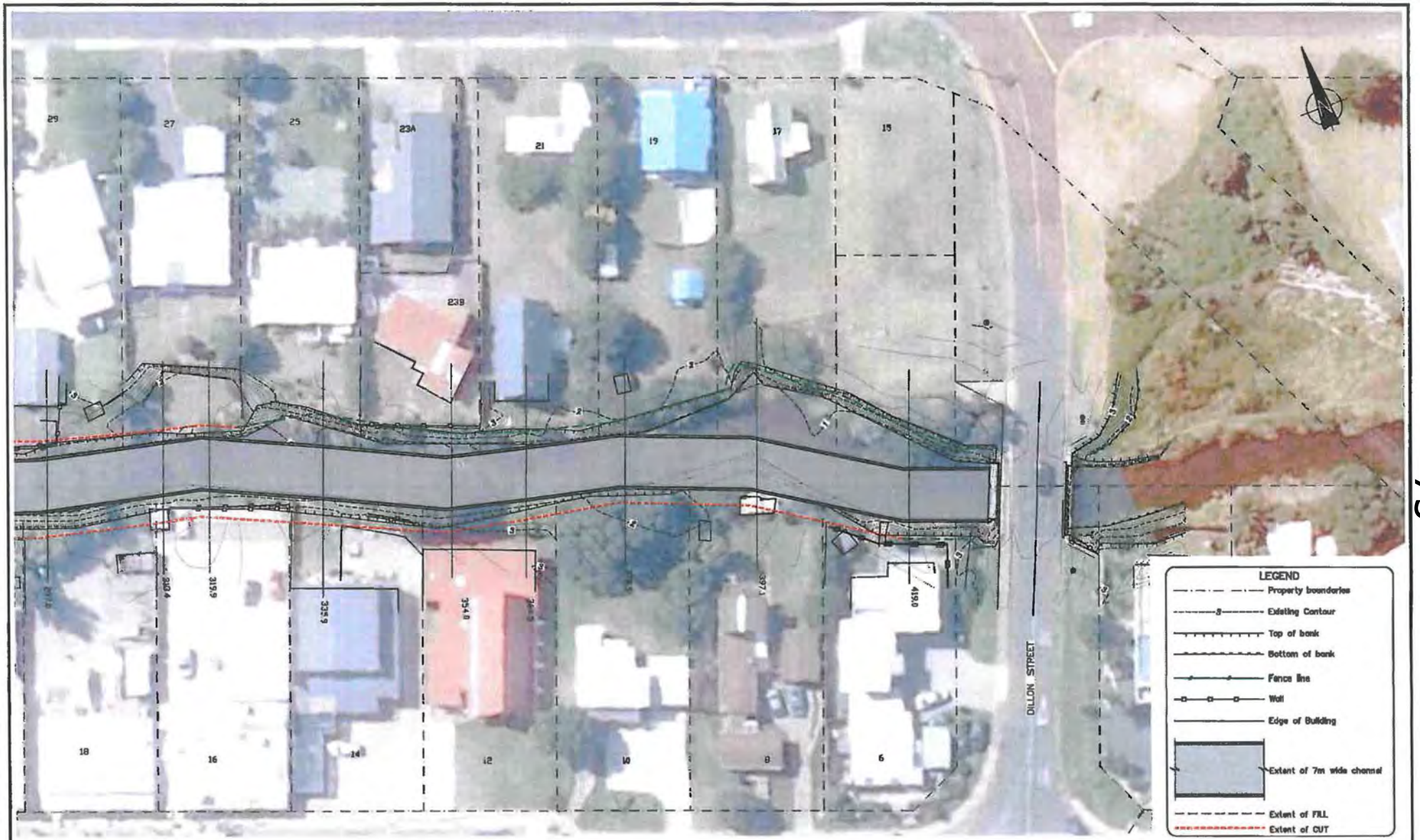

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REVISION DESCRIPTION	BY	DATE
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DRAWN :	JZN	Aug. 16
DESIGN CHECKED :	DKE	Sep. 16
DRAFTING CHECKED :	EJH	9/11
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4. Final location of concrete channel to be confirmed through detailed design.

REFERENCE :

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CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Proposed Layout – Sheet 3 of 3

SCALES (AT A3 SIZE): 1:500

DWG. No. 85 1969.302–22

REV. 0

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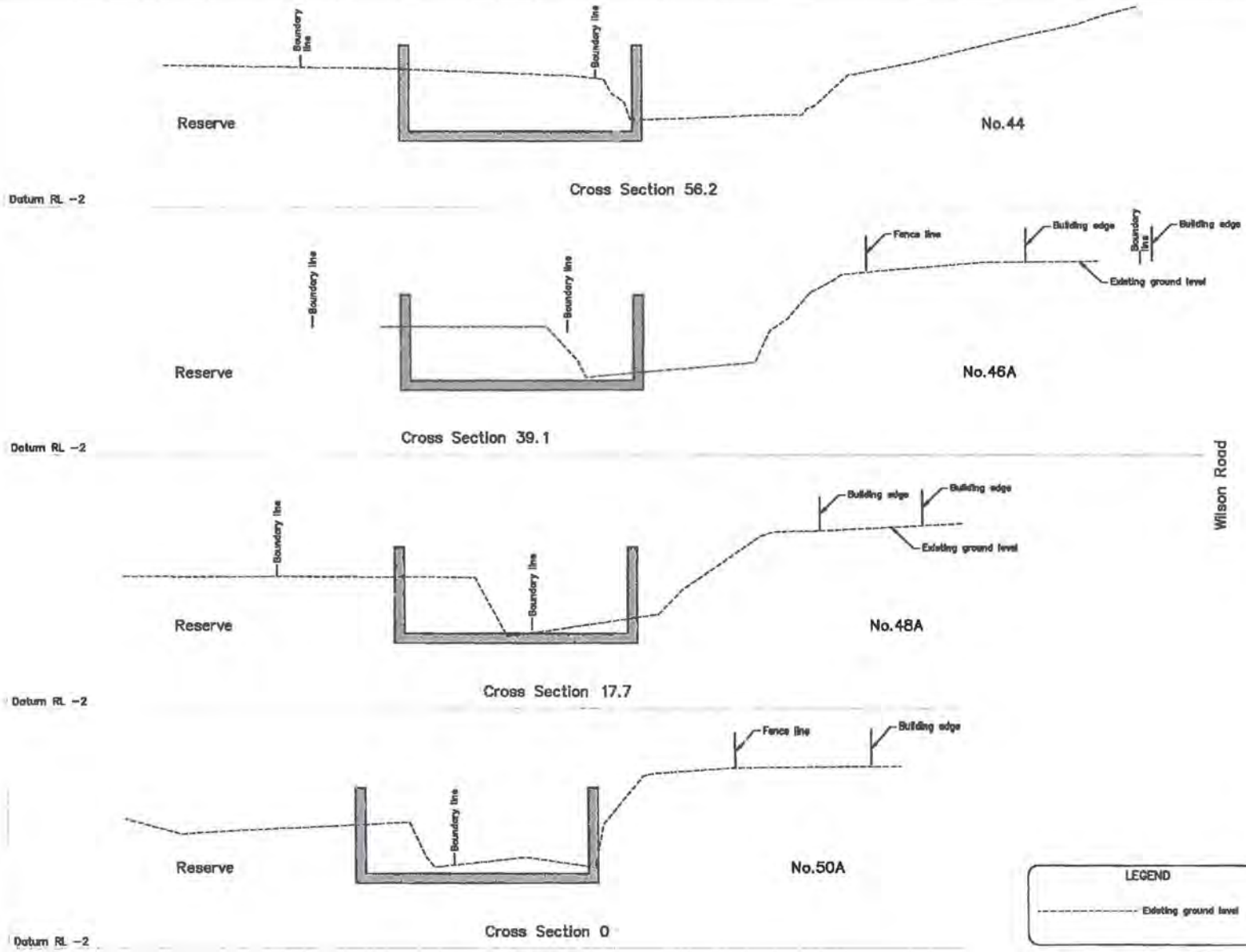

A3 SCALE 1: 125

0 1 2 3 4 5 6 7 (m)

REVISION DESCRIPTION	BY	DATE
0 Consent Issue	EW	30/11/16

DESIGNED :	MSP	Aug.16
DRAWN :	JZM	Aug.16
DESIGN CHECKED :	DMC	30/11/16
DRAFTING CHECKED :	PCH	30/11/16

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2. Final location of concrete channel to be confirmed through detailed design.
3. Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landform and maintain stormwater drainage.
4. Appropriately designed handrail/fence may be required on top of concrete channel crest.

REFERENCE :

Western Bay of Plenty District Council

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CLIENT, PROJECT: WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE: CREEK BANK EROSION PROTECTION WORKS
Cross Sections 0m to 56.2m

SCALE (IF AS BUILT): 1: 125 | DWG. No. 85 1969.302-30 | REV. 0

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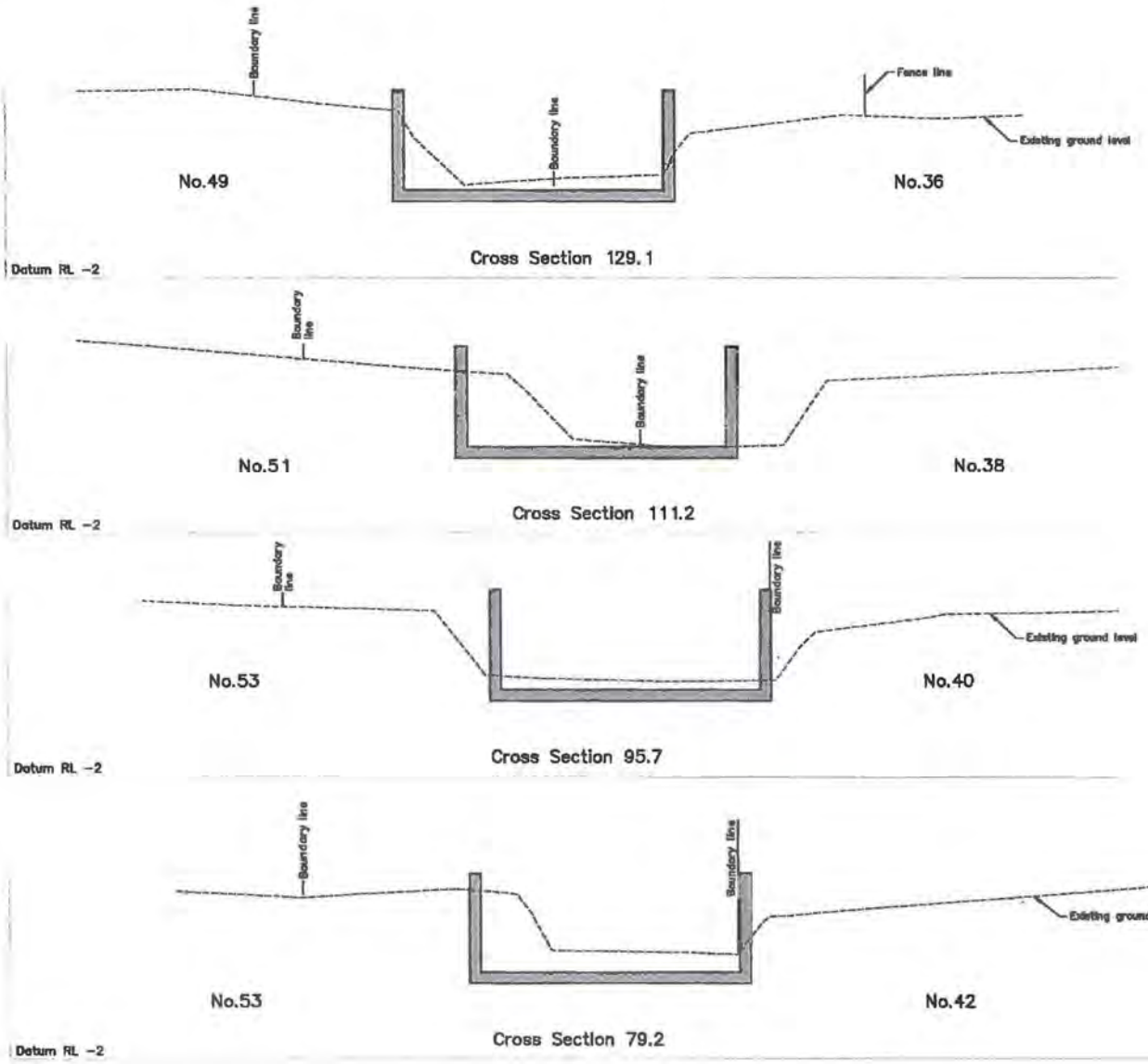

Edinburgh Street

Wilson Road

LEGEND

Existing ground level

A3 SCALE 1: 125

0 1 2 3 4 5 6 7 (m)

REVISION DESCRIPTION	BY	DATE
0 Consent Issue		

DESIGNED :	MSP	Aug. 16
DRAWN :	JZM	Aug. 16
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CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Cross Sections 79.2m to 129.1m

SCALES (AT A3 SIZE): 1: 125
DWG. No. 85 1969.302-31
REV. 0

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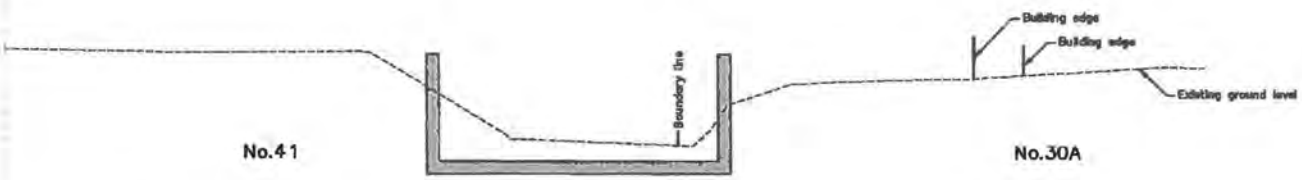
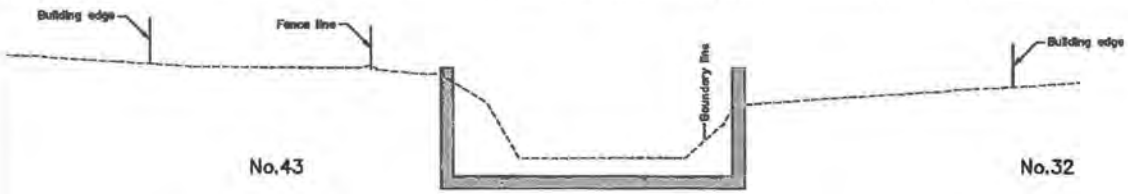


Cross Section 192.8

Datum RL -2

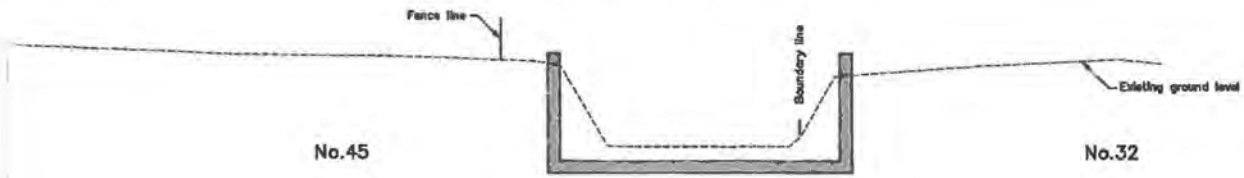


Cross Section 176.3

Datum RL -2

Edinburgh Street

Wilson Road



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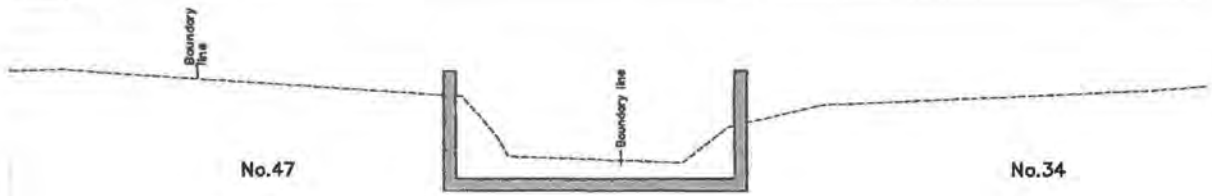

Cross Section 148.6

Datum RL -2

LEGEND

---------- Existing ground level

A3 SCALE 1: 125

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		DESIGNED :	MSP Aug.16
		DRAWN :	JZM Aug.16
		DESIGN CHECKED :	DRC Sep 16
		DRAWING CHECKED :	DCR Sep 16
		CAD FILE : \\85 1969.302-30_36.dwg	
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NOTES:
1. Levels in Terms of Moturiki Datum.
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4. Appropriately designed handrail/fence may be required on top of concrete channel crest.

REFERENCE :

Western Bay of Plenty District Council

Tonkin+Taylor
Level 1, 525 Cameron Road, Tauranga
Tel. (07) 571 7360 Fax. (09) 307 0265
www.tonkintaylor.co.nz

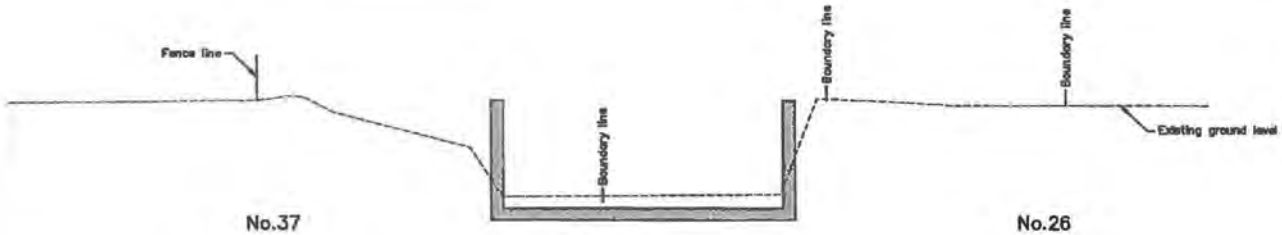
DRAWING STATUS: CONSENT ISSUE

CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Cross Sections 148.6m to 192.8m

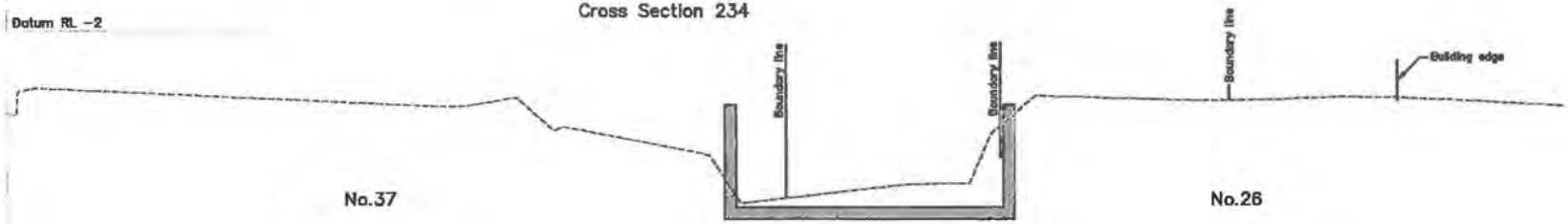
SCALES (AT A3 SIZE): 1: 125
DWG. No. 85 1969.302-32
REV. 0

T:\Tauranga\Projects\85\85\85\1969.3020\Working\detail\CAD\DWG\85\1969.302-30_36.dwg, 32, 3/08/2016 12:27:45 p.m., dwm, 1:1



Cross Section 234

Datum RL -2

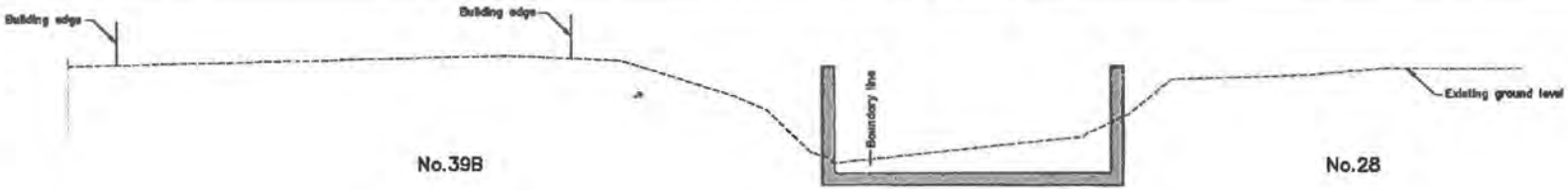


Cross Section 224.1

Datum RL -2

Edinburgh Street

Wilson Road



Cross Section 215

Datum RL -2

Cross Section 204.2

Datum RL -2

LEGEND

Existing ground level

A3 SCALE 1: 125

0 1 2 3 4 5 6 7 (m)

		DESIGNED :	MSP Aug. 16
		DRAWN :	JZM Aug. 16
		DESIGN CHECKED :	DMB
		DRAFTING CHECKED :	CLH
		CADFILE : \\851969.302-30_36.dwg	
		APPROVED :	
0	Consent Issue	CLH	CMR
REVISION DESCRIPTION		BY	DATE

NOT FOR CONSTRUCTION

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NOTES:
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DRAWING STATUS: CONSENT ISSUE

CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Cross Sections 204.2m to 234.0m

SCALE (AT A3 SIZE): 1: 125

DWG. No. 851969.302-33

REV. 0

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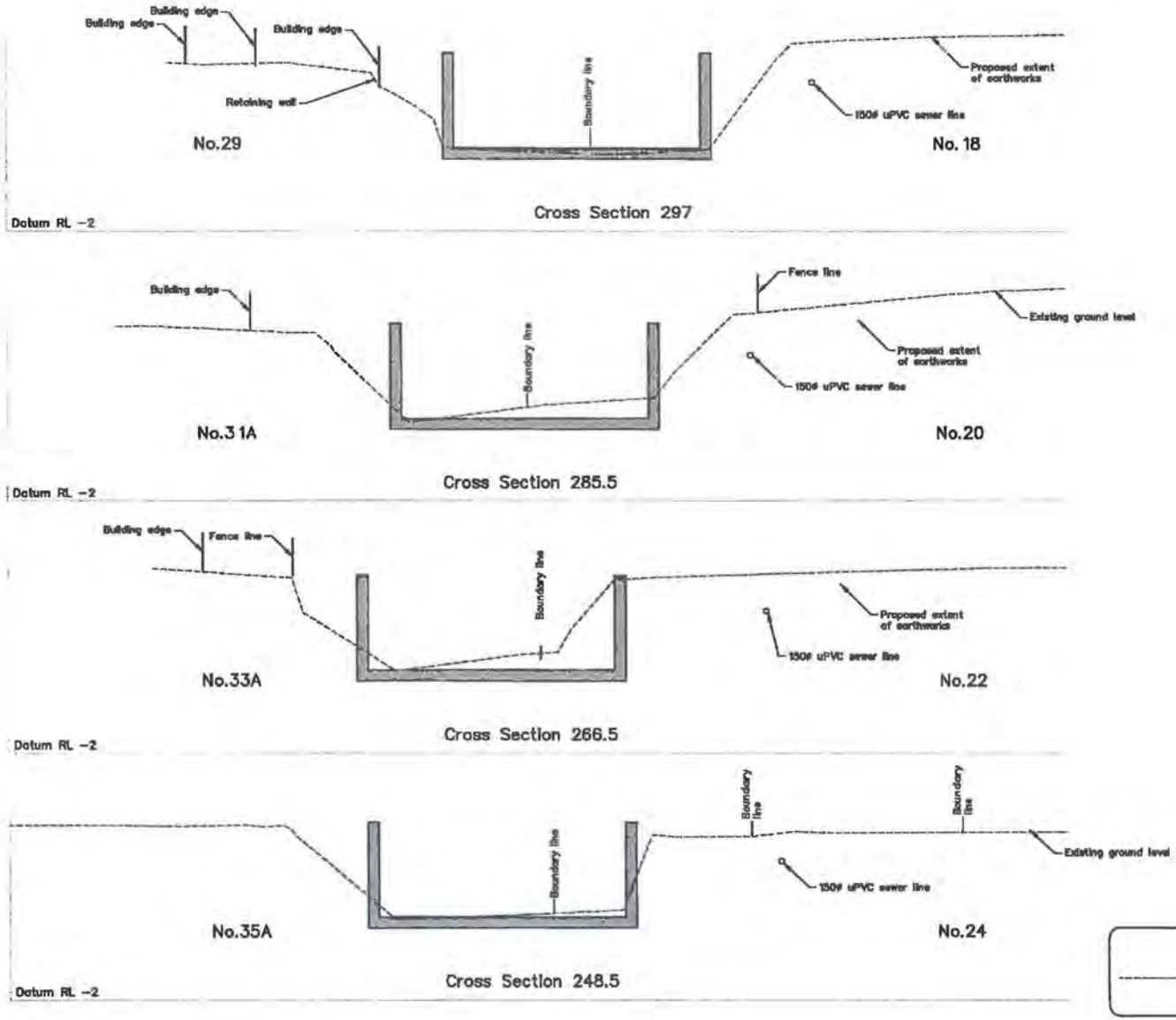

Edinburgh Street

Wilson Road

A3 SCALE 1: 125

0 1 2 3 4 5 6 7 (m)

REVISION DESCRIPTION	BY	DATE
0 Consent Issue		

DESIGNED :	MSP	Aug. 19
DRAWN :	JZH	Aug. 19
DESIGN CHECKED :		
DRAWING CHECKED :		
CADFILE : \\85 1969.302-30_36.dwg		
APPROVED :		

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DRAWING STATUS: CONSENT ISSUE

CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Cross Sections 245.5m to 297.0m

SCALES (OF A3 SIZE): 1: 125
DWG. No. 85 1969.302-34
REV. 0

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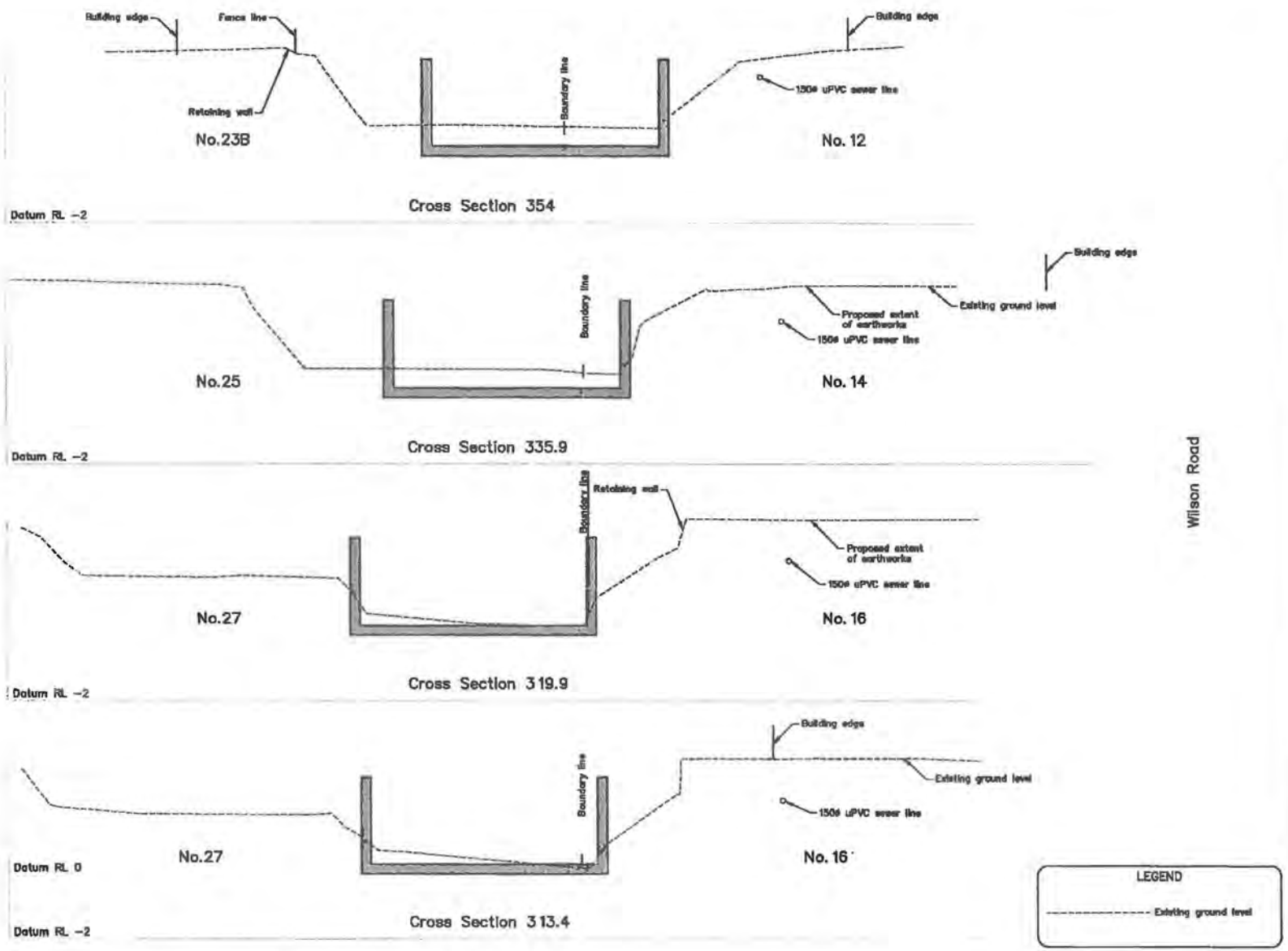

A3 SCALE 1: 125

0 1 2 3 4 5 6 7 (m)

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		DRAWN :	JZM Aug.16
		DESIGN CHECKED :	DRC Sept.16
		DRAFTING CHECKED :	RJH Sept.16
		CADFILE : \\85 1969_302-30_36.dwg	
		APPROVED :	
0	Consent Issue	RJH 9/16	
REVISION DESCRIPTION		BY	DATE

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www.tonkintaylor.co.nz

DRAWING STATUS: CONSENT ISSUE

CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Cross Sections 313.4m to 354.0m

SCALE (IF AS SIZE)	DWG. No.	REV.
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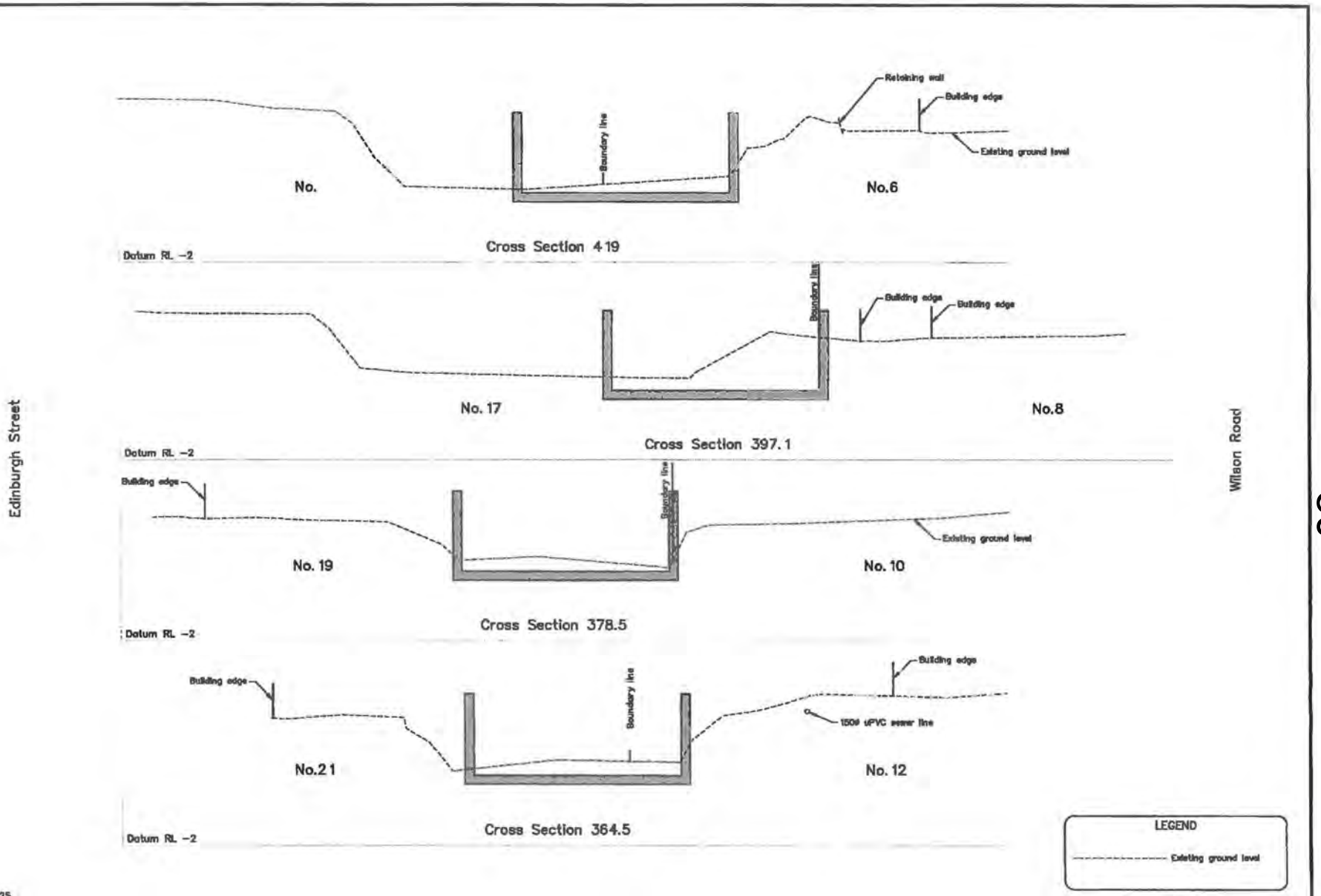

A3 SCALE 1: 125

0 1 2 3 4 5 6 7 (m)

REVISION DESCRIPTION	BY	DATE
0 Consent Issue	PLH	01/8

DESIGNED :	MSP	Aug. 15
DRAWN :	JZM	Aug. 15
DESIGN CHECKED :	MHE	6/8/15
DRAWING CHECKED :	PLH	6/8/15
CADFILE : \\85 1969.302-30_36.dwg		
APPROVED :		

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www.tonkintaylor.co.nz

DRAWING STATUS: CONSENT ISSUE

CLIENT, PROJECT
WESTERN BAY OF PLENTY DISTRICT COUNCIL
TWO MILE CREEK – WAIHI

TITLE
CREEK BANK EROSION PROTECTION WORKS
Cross Sections 364.5m to 419.0m

SCALES (AT A3 SIZE): 1: 125
DWG. No. 85 1969.302–36
REV. 0

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Appendix B: Land parcel details and Certificates of Title

Land parcel details

Address	Owner	Legal description	Certificate of Title
6 Wilson Road	Peter Hikaka	Lot 6 DP 37326	979/4
8 Wilson Road	Ajaks Holdings Ltd	Lot 5 DP 37326	979/273
10 Wilson Road	Coastal Investments (2007) Ltd	Lot 4 DP 37326	979/249
12 Wilson Road	The Presbyterian Church Property Trustees	Lot 3 DP 37326	1287/34
14 Wilson Road	Robnsue Hope Properties Ltd	Lot 2 DP 37326	976/32
16 Wilson Road	Fleurette and Robert Harwood	Lot 1 DP 37326	979/10
18 Wilson Road	Largo Holdings Ltd	Lot 31 DP 37325	979/38
20 Wilson Road	Donald Stuart and Shane Fell	Lot 30 DP 37325	1705/23
22 Wilson Road	Donald Stuart and Shane Fell	Lot 29 DP 37325	55B/102
Behind 24 Wilson Road	WBOPDC (local purpose drainage reserve)	Lot 6 DPS 59283	None
Behind 26 Wilson Road	WBOPDC (local purpose drainage reserve)	Lot 5 DPS 59283	None
26 Wilson Road	NZ Police	Lot 1 DPS 59283	None
28 Wilson Road	John Watt	Lot 26 DP 37325	25A/450
30A Wilson Road	Darryn Curle	Lot 2 DP 351287	210154
32 Wilson Road	Kenneth and Susan Mustard	Lot 24 DP 37325	979/46
34 Wilson Road	Marieka Bogaerd and Guy Rencher	Lot 23 DP 37325	983/184
36 Wilson Road	Oscar Alphers and Lydia Sulima-Rogaczewski	Lot 22 DP 37325	983/21
38 Wilson Road	Threes Company 2004 Ltd	Lot 21 DP 37325	2A/1167
40 Wilson Road	Jillian and Geoffrey Dell and Ruby Trustees Ltd	Lot 20DP 37325	979/202
42 Wilson Road	Allen and Raewyn Rountree and Redoubt Trustees Ltd	Lot 19 DP 448018	566434
44 Wilson Road	Robert Quantrill	Lot 18 DP 448018	566433
46A Wilson Road	Andrew and Anita Coombe and Diprose Miller Trustees Ltd	Lot 2 DP 328690	117054

48A Wilson road	Scott Stewart and Allen Needham Trustees Ltd	Lot 3 DP 328690	117055
50A Wilson Road	Brian, Maxine and Susan Love	Lot 2 DP 347651	747527
15A Edinburgh Street	WBOPDC		
17 Edinburgh Street	Robert Wilkins	Lots 138 DP 1263	1086/5
19 Edinburgh Street	Shona Hamilton and Alfred, Errol, Mark, Malreen and Nigel Hotham	Lot 137 DPS 1263	1226/75
21 Edinburgh Street	Geoffrey and Josephine Hall	Lot 136 DPS 1263	1255/55
23B Edinburgh Street	Timothy Aughton and NZ Trustee Services Ltd	Lot 2 DP 344382	182175
25 Edinburgh Street	Dianne Lynds	Lot 134 DPS 1263	1086/28
27 Edinburgh Street	Glenda Heappey	Lot 133 DPS 1263	1237/76
29 Edinburgh Street	Kenneth and Sondra Mander	Lot 132 DPS 1263	1086/40
31A Edinburgh Street	Murray and Nicola Tames	Lot 2 DP 348701	199932
33A Edinburgh Street	Sallyann and Thomas Spence	Lot 1 DP 350435	206282
35A Edinburgh Street	Gunn Ventures Ltd	Lot 1 DP 350426	206253
37 Edinburgh Street	WBOPDC	Lot 128 DP 1263	1082/295
39A Edinburgh Street	Sheryl and William Trench	Lot 127 DPS 1263	1226/74
41 Edinburgh Street	Lindsay and Melissa Sattler	Lot 126 DPS 1263	1428/37
43 Edinburgh Street	Debra Kingsford-Tinling and Terence Tinling	Lot 125 DPS 1263	1202/259
45 Edinburgh Street	Hayden McCormick and Stephanie Wong	Lot 1 DPS 14885	14A/266
47 Edinburgh Street	Boyd and Johanne Clark	Lot 2 DPS 36047	32C/498
49 Edinburgh Street	Anthony and Nicola Scott	Lot 3 DPS 36047	32C/499
51 Edinburgh Street	Hayden and Tanya Lyle and Wallis Family company ltd	Lot 4 DPS 36047	32C/500
53 Edinburgh Street	Tracey Gunn, Leanna and Simon Scott	Lot 5 DPS 36047	32C/501
8 Hillview Road	WBOPDC (Broadlands Block)	Lot 2 DPS 65226	60A/141

No address	WBOPDC (Local purpose drainage reserve)	Lot 1 DPS 36047	None
No address	WBOPDC (unformed public road)	Lot 136 DP 37325	None

COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General of Land

Identifier **SA979/4**
Land Registration District **South Auckland**
Date Issued 16 October 1950

Prior References
SA969/164

Estate	Fee Simple
Area	827 square metres more or less
Legal Description	Lot 6 Deposited Plan 37326

Proprietors
Peter Rangihuatau Hikaka

Interests

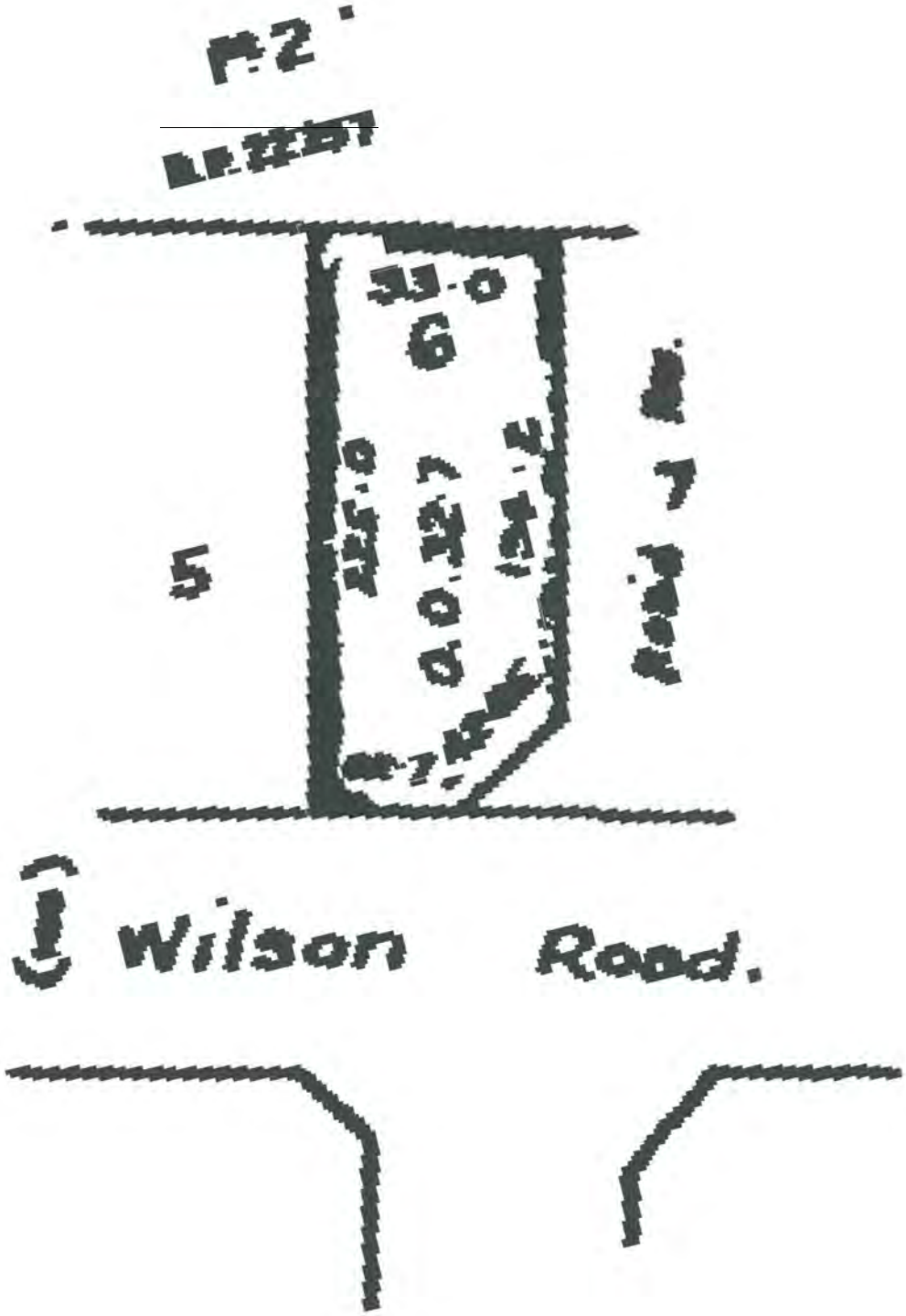
B572687.3 Mortgage to (now) Westpac New Zealand Limited - 14.10.1999 at 12.35 pm

B684727.1 Variation of Mortgage B572687.3 - 2.11.2001 at 10.12 am

7582917.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation (including flooding, overland flow, storm surge, tidal effects and ponding) as a natural hazard - 18.10.2007 at 9:00 am

8574273.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies Inundation (including flooding, overland flow, storm surge, tidal effects and ponding as natural hazards - 23.8.2010 at 10:43 am

10323759.7 Variation of Mortgage B572687.3 - 2.2.2016 at 12:16 pm


5
6
7
Wilson Road.

COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

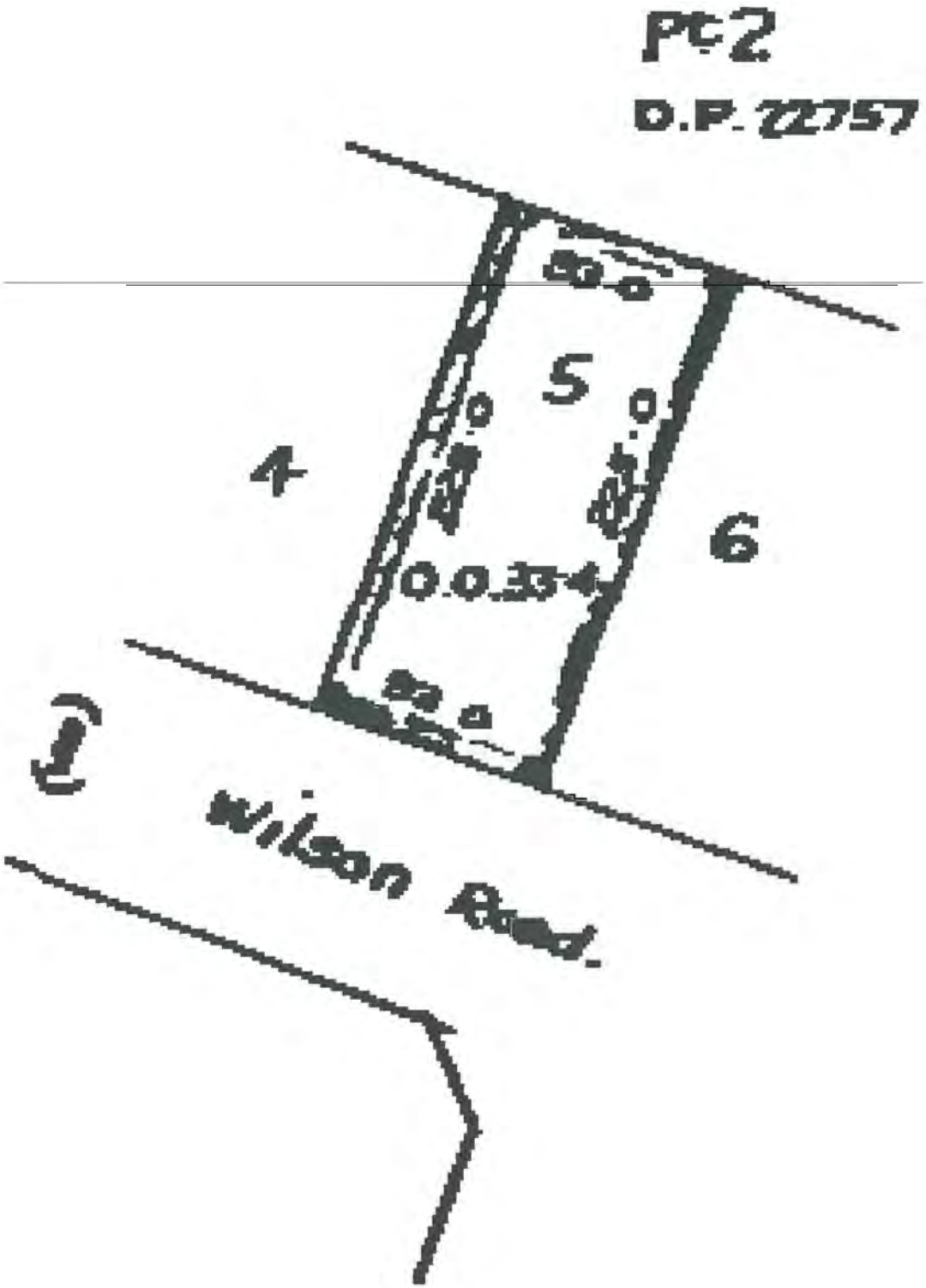
Identifier	**SA979/273**
Land Registration District	**South Auckland**
Date Issued	07 November 1950

Prior References
SA969/164

Estate	Fee Simple
Area	845 square metres more or less
Legal Description	Lot 5 Deposited Plan 37326

Proprietors
Ajaks Holdings Limited

Interests


Pt 2
D.P. 22757
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4
6
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COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

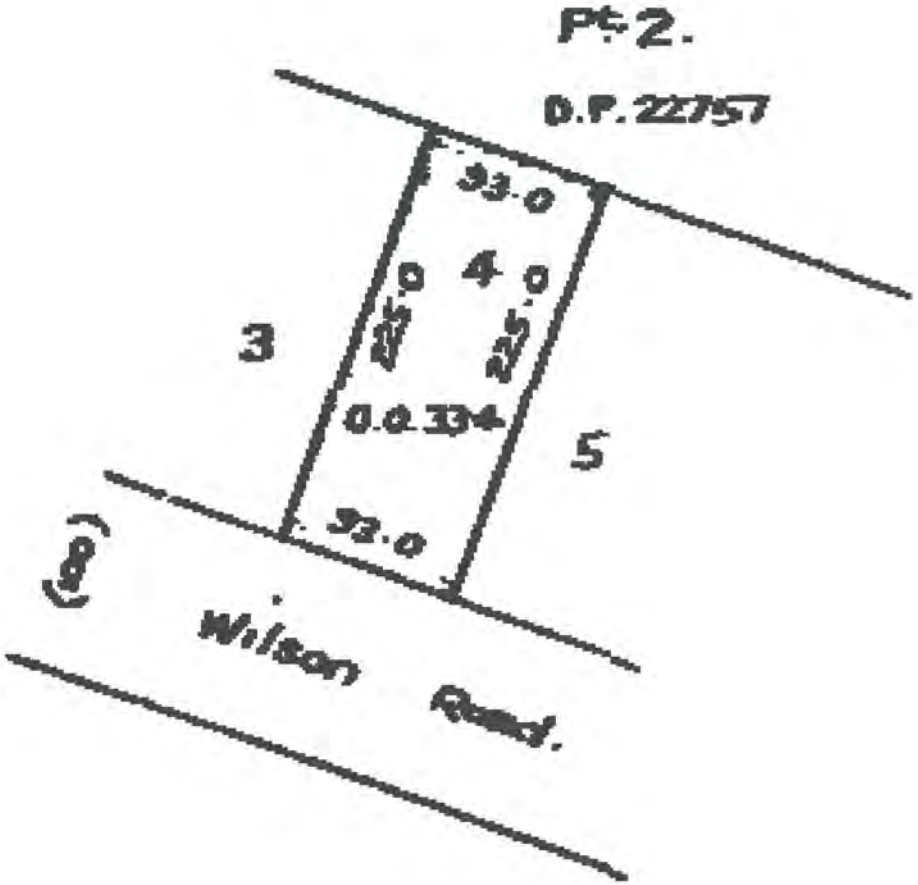
Identifier	**SA979/249**
Land Registration District	**South Auckland**
Date Issued	06 November 1950

Prior References
SA969/164

Estate	Fee Simple
Area	845 square metres more or less
Legal Description	Lot 4 Deposited Plan 37326

Proprietors
James Oliver Walshe as to a 1/2 share
Mikala Jane Walshe as to a 1/2 share

Interests
10630494.2 Mortgage to ANZ Bank New Zealand Limited - 1.12.2016 at 2:31 pm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D.P. 22757
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25.0
25.0
3
0.0.334
5
32.0
Wilson Road.

COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

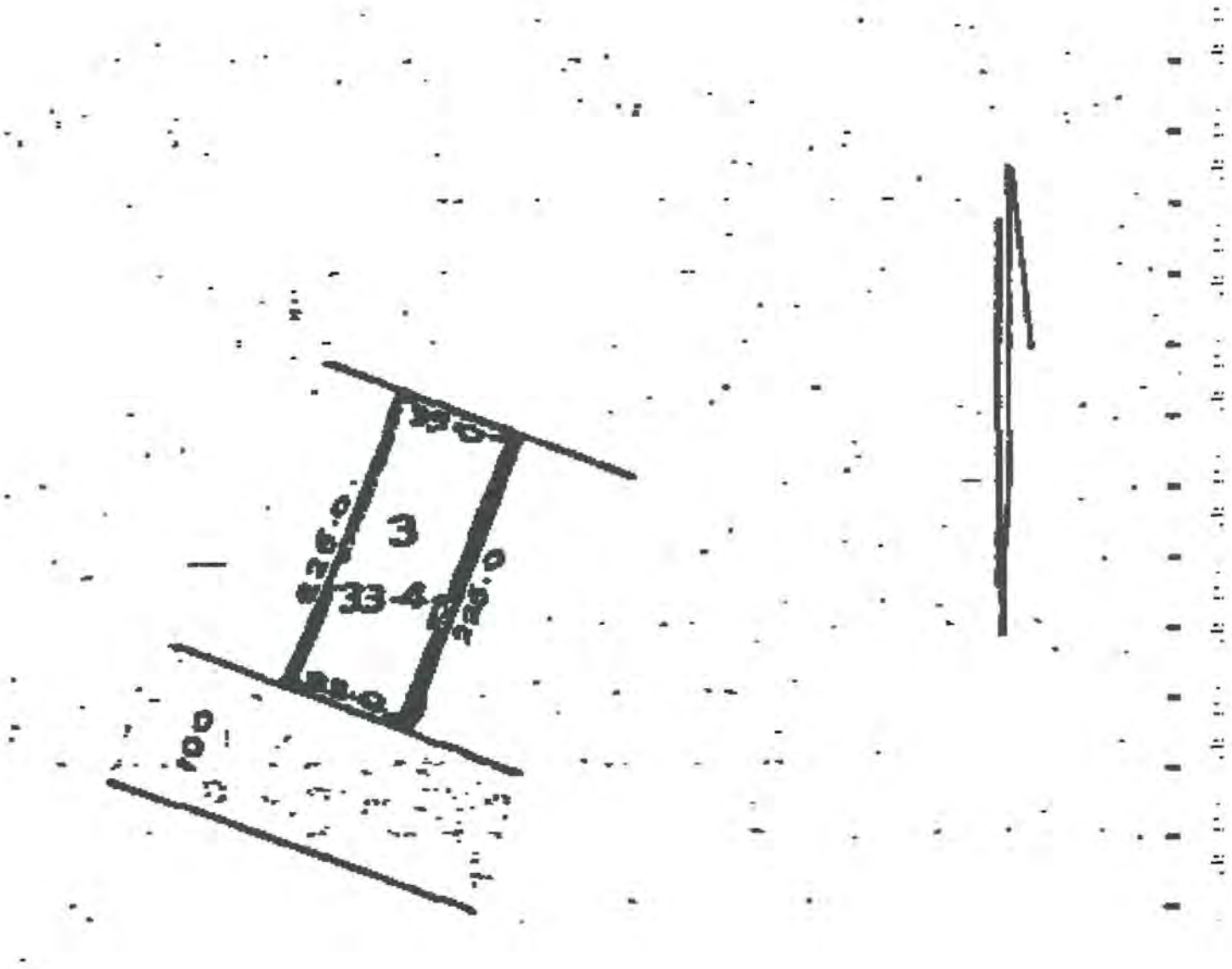
Identifier	**SA1287/34**
Land Registration District	**South Auckland**
Date Issued	21 March 1957

Prior References
SA969/164

Estate	Fee Simple
Area	845 square metres more or less
Legal Description	Lot 3 Deposited Plan 37326

Proprietors
The Presbyterian Church Property Trustees

Interests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33.0
33.0
100

COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

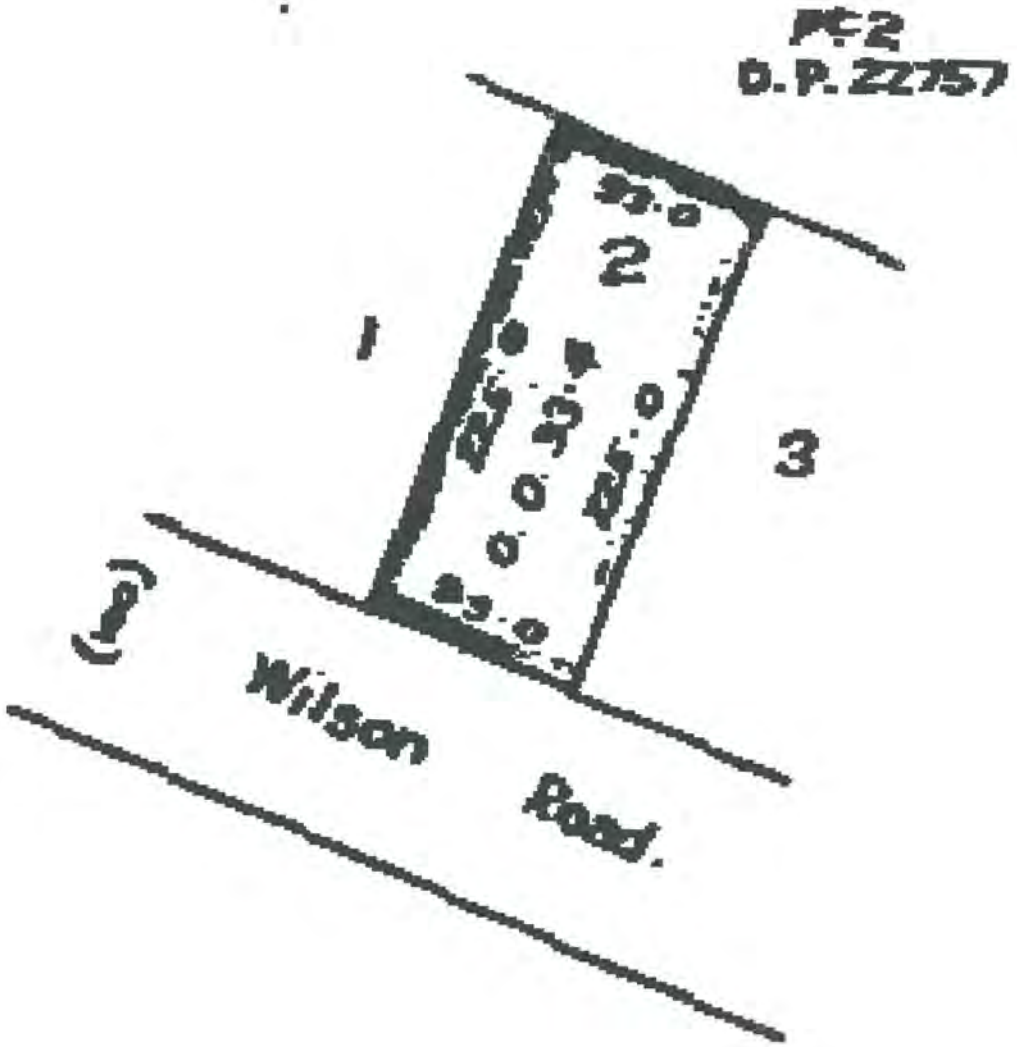
Identifier	**SA976/32**
Land Registration District	**South Auckland**
Date Issued	15 September 1950

Prior References
SA969/164

Estate	Fee Simple
Area	845 square metres more or less
Legal Description	Lot 2 Deposited Plan 37326

Proprietors
ROBnSUE Hope Properties Limited

Interests
B637300.2 Mortgage to The National Bank of New Zealand Limited - 4.12.2000 at 1.30 pm


Pt 2
D.P. 22757
2
1
3
Wilson
Road.

COMPUTER FREEHOLD REGISTER
UNDER LAND TRANSFER ACT 1952

Search Copy

R.W. Muir
Registrar-General
of Land

Identifier	**SA979/10**
Land Registration District	**South Auckland**
Date Issued	16 October 1950

Prior References
SA969/164

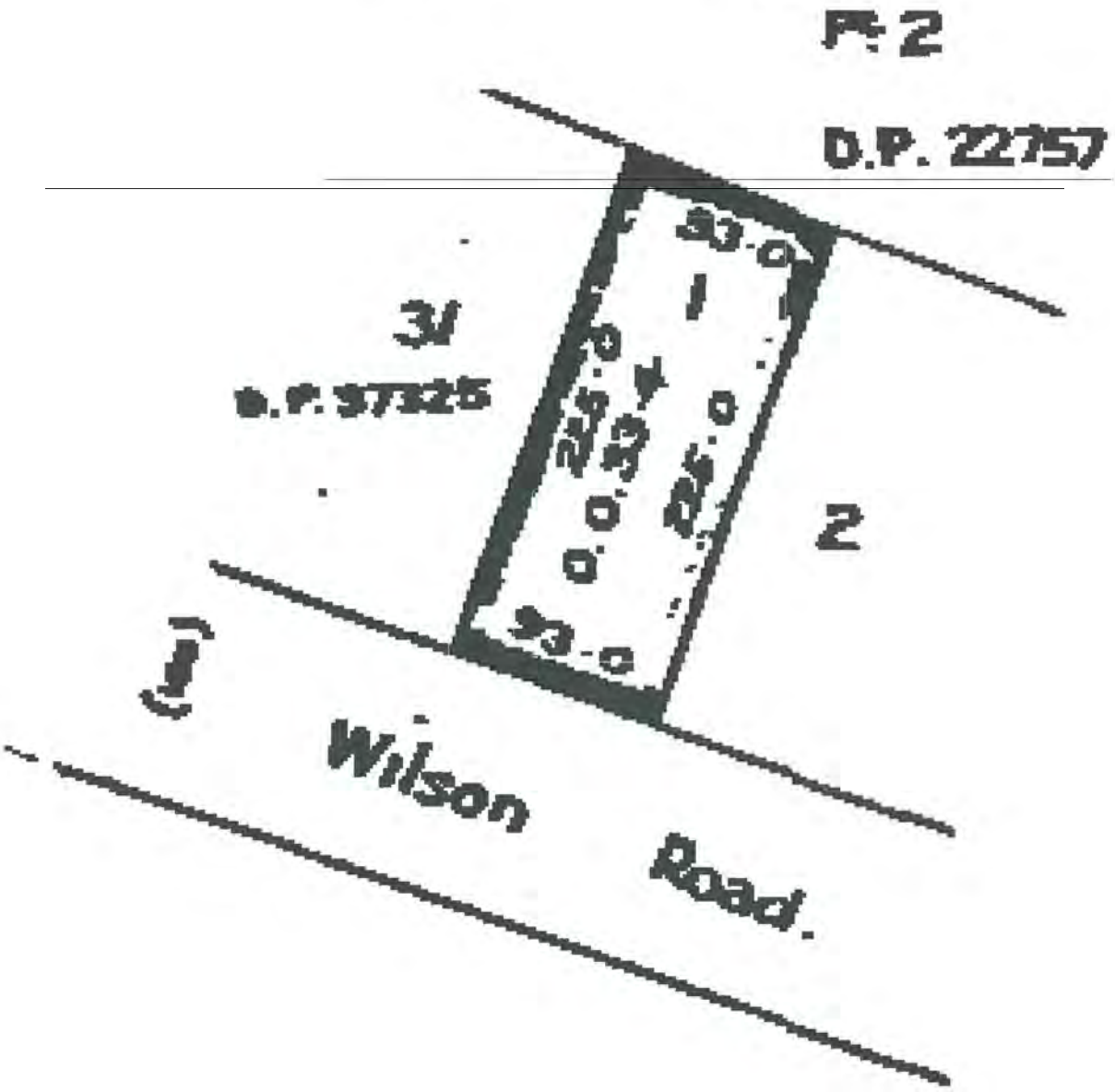
Estate	Fee Simple
Area	845 square metres more or less
Legal Description	Lot 1 Deposited Plan 37326

Proprietors
Robert Ogilvy Harwood as to a 1/2 share
Fleurette Helga Louisa Harwood as to a 1/2 share

Interests

Appurtenant hereto is a right of way specified in Easement Certificate H219359 - 20.2.1979 at 11.59 am

Subject to a right of way over part marked B on DPS 25013 specified in Easement Certificate H219359 - 20.2.1979 at 11.59 am

7761409.2 Mortgage to Westpac New Zealand Limited - 1.4.2008 at 9:31 am

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