

Notes

Kia ora koutou, I wish to thank WBOPDC for the exceptional ease in which this hearing has been managed, and particularly Nanci Butler, and I wish to thank the Commissioners for their valuable time, and the ability to be able to talk to our original submissions.

Rt Hon Helen Clark and George Clark Submission

There are key points that I would like to read out from their submission.

Key Points of Objection – Proposed Rock Wall, Glen Isla Place, Waihi Beach

- Conflict with Policy & Legislation – NZ Coastal Policy Statement (2010) Policy 27(4) states that structures to protect private property should not be built on public land unless there is clear public benefit. The proposal also contradicts the Council's Coastal Erosion Response Policy (2017), the Resource Management Act (1991), and the Regional Council's Environment Plan, all of which favour soft engineering and managed retreat over hard structures.**
- High Ecological Risk – The site is one of only two viable Northern New Zealand Dotterel beach breeding areas at Waihi Beach, and is the only known nursing ground for chicks. The Dotterels nesting behaviour is not as simple as Dr Leigh Bull has stated in the evidence submitted. Consultation with the relevant groups/agencies would have been highly advised rather than coming to an incorrect conclusion about their breeding habits here at Waihi Beach.**
- Evidence Against Rockwall – International and NZ case studies show long-term negative impacts of seawalls/riprap. Soft solutions such as dune restoration and sand pushing have proven effective locally and along the Coromandel with minimal, temporary disruption.**

- **Negative Precedent** – Allowing this wall risks triggering further seawall developments along public coastline as sea levels rise, compounding erosion and habitat loss.
- **Local Context** – Over the last 10 years there has been no evidence of dune restoration or Coast Care collaboration at the affected Glen Isla section; there is evidence of ongoing dune degradation from garden waste dumping. The dune system at 12 Glen Isla Place has been dismantled and a gateway put in as noted by me on 2 June 2025 – This application appears to be for benefit of a few at the expense of the majority of Western Bay of Plenty rate payers and our natural environs.
- **Request** – Reject the rockwall proposal and instead adopt sustainable, environmentally responsible options that protect native species, public amenity, and the natural character of Waihi Beach for future generations.
- If the owners believe the way to protect their properties is the installation of a rock wall I suggest they apply for the same structure but on their own land -as all properties have significant vacant frontage.

My Submission.

I have read many of the submissions against the structure and acknowledge that points of law will be addressed in detail by others, with reference to relevant policies and legislation as outlined in my own submission. I will briefly touch on these, but leave that legal pathway to those best placed to pursue it, and instead focus on a few key points of difference.

The Glen Isla Protection Society's members are all holiday-home owners with limited involvement in our tight-knit community beyond the payment of rates. In contrast, our community-led groups do not have the wealth or deep pockets for legal proceedings, nor the ability to fund expert witnesses. What we bring instead is decades of experience, local knowledge, a common-sense

approach, deep commitment, a strong community conscience, and an unwavering passion for protecting the place we permanently call home.

This application benefits a few at the expense of the majority of Glen Isla Place residents, the permanent residents of Waihi Beach, and our flora and fauna — in particular, our avifauna. While our evidence focuses on the Northern New Zealand Dotterel, we also have an increasing number of Variable Oystercatchers who now permanently reside at Waihi Beach following the degradation of their previous habitats. (At Risk (Recovering)

We note the assumption that the works will result in a “higher quality” habitat; however, this will depend on many variables, and the reality is that no one can predict the future.

I would first like to address if I may:

RC14513 / COASTAL PROTECTION STRUCTURE AND ASSOCIATED ACTIVITIES

SUPPLEMENTARY EVIDENCE OF DOT WATCH AND SUBSEQUENTLY ANDREW FRASER (GIPS)

This submission is not an argument over RC14513 (Coastal Protection Structure and Associated Activities) or the supplementary evidence provided by myself and rebuked by Andrew Fraser (GIPS). The dune system in question has already been completely dismantled. Regardless of any submissions presented, there has been a complete disregard for the dune system. I can also confirm that there was a significant dune system in place and this is no longer the case.

I would welcome the commissioners to view this for themselves, as photos can not describe the state of the situation now. With previous property owner Mrs Sullivan being respectful of the dunes.

I also note that Mr and Mrs Bason the new owners of 12 Glen Isla nor Mel O’Sullivan are here to speak on behalf of GPIS so how much weight to you provide to Mr Frasers supplementary evidence.

I would like to refer you to point 21 in the aforementioned supplementary evidence.

Mr and Mrs Bason have been in contact with Coast Care and have already reestablished some of the native planting that was removed from their own land when the fence was installed, and they intend to carry out more planting on the dune by moving some established native dune plants from their own garden as well as buying some new plants.

It is important to note that the new owners, the Basons, have not been in contact with Coast Care. I have confirmed this directly with Sheanna Chadwick, Waihi Beach Restoration Coordinator for Coast Care, who advised this morning that there has been no contact from the Basons to discuss dune restoration. The email is with the consents officer and will be distributed today. This is a deliberate attempt to provide misleading information about environmental stewardship, provide even more weight to our overall argument.

You will note that my photographic evidence was taken on 02 June 25, after Ht Hon Helen Clark drew my attention to the dune system being dismantled in its entirety and what appears to be a deliberate footpath and gate from 12 Glen Isla.

The second photo was taken on 30 July after the storms and Mr Fraser is stating that the phenomenon 'Dot Watch' refers to was noted in his brief of evidence dated 25 July 2025 in which he stated (on page 14):

'Note, however, that some erosion or disturbance seems to have occurred in the vicinity of the path to 12 Glen Isla Place recently.'

There is no further disturbance or loss of dune other than one large log being deposited and the natural Drift line – the line of seaweed, shells, driftwood, and other debris left on the beach after the highest reach of the tide – this evident from my photograph. I also took a photo this morning – with no evident change to the frontage.

So, in essence my supplementary submission still remains in tact.

I can provide a message from her this morning, from Cairo if you wish this to be corroborated.

Secondly

I would like to touch on WBOPDC Process -

Failure to Consider Relevant Policies – WBOPDC Resolution, 31 October 2023

Limited NZCPS Consideration:

The WBOPDC report and minutes briefly referenced the *New Zealand Coastal Policy Statement* (NZCPS), which generally opposes hard engineering solutions like rock revetments, but did not explain its significance as a binding national directive under the *Resource Management Act 1991* (RMA). No copies, extracts, or detailed analysis were provided for elected members.

- **Lack of Detail & Transparency:**

The report failed to:

- **Highlight mandatory NZCPS provisions (e.g., Policy 25 – managing coastal hazards; Policy 27 – hard protection structures).**
- **Reference relevant RMA sections on coastal hazard management.**
- **Provide an alternatives analysis, as required before approving hard protection measures.**
- **Emphasise the legal obligation for councils to “give effect to” the NZCPS in all coastal decisions.**

- **Shifting Responsibility to BOPRC:**

WBOPDC noted the resource consent decision would be made by Bay of Plenty Regional Council (BOPRC) and publicly notified, implying elected members did not need to consider the NZCPS in depth. However, both councils are legally bound by the NZCPS and RMA.

- **Procedural Fairness Concerns:**

Elected members were not given sufficient information to make an informed decision, undermining transparency and best-practice decision-making.

- **Contradiction in Approach:**

WBOPDC is itself pursuing a resource consent for “soft” dune restoration along the full beach length—aligned with national policy, low-impact, and proven effective. This directly contradicts the hard engineering approach supported for the Glen Isla Protection Society’s proposed buried rock wall.

- **Existing Obligations:**

Previous consents for Waihi Beach seawalls require WBOPDC to investigate the “best practicable option” for long-term coastal hazard management—something arguably bypassed in the Glen Isla decision.

Conclusion:

These omissions amount to a failure to take into account mandatory statutory considerations, a breach of WBOPDC’s legal duty to “give effect to” the NZCPS, and a departure from the principles of transparency, procedural fairness, and best-practice decision-making under the RMA.

Thirdly and importantly

1. Ecological Significance

I note nesting evidence provided by Dr Leigh in her submission – this has not come from official records – neither Dot Watch or DOC/BCA Shorebird Ranger have been approached. I will cover these points now.

Three Mile Creek is the last intact section of Waihi Beach where Northern New Zealand Dotterel chicks can safely nest, hide and nest in the dune system and access safely feeding grounds. We have 11 breeding sites across Waihi Beach for this nationally vulnerable toanga species.

We have an exceptional 9.6% fledgling success rate here, which has taken 5 years of excuse my French, bloody hard mahi. That compared with a national average of just 0.23–1%. The site’s ecological value is immense, but highly sensitive to disturbance from construction, sediment changes, and human activity. Any damage would reverse years of community-driven predator control and conservation, including the efforts of the Tamariki Dot Watch team, whose work has become a model of intergenerational kaitiakitanga and we have had book published outlining just this.

Three Mile Creek is essentially the *only* intact section of Waihi Beach where chicks can safely move to the intertidal zone to feed. Any disturbance to this habitat would directly undermine years of predator control, local goodwill, and conservation investment since 2020, reversing hard-won gains in fledgling success. Having looked at precedent across the world as well as in NZ there are so many factors that could damage the area beyond its reasonable natural state. Any damage to this area would undo years, community effort, and conservation investment since 2020, erasing hard-won gains in fledgling survival.

4. Geomorphological Concerns – Sand Movement & Habitat Loss

Rock walls are *static, hard-engineering structures* in a dynamic coastal system. They fundamentally alter natural coastal processes:

- **Scour and End-wall Erosion:** Wave energy deflected off the wall increases erosion at the wall's ends, degrading adjacent sandy habitat.
- **Beach Narrowing:** By fixing the shoreline, rock walls accelerate the loss of upper beach sand — reducing both feeding and nesting areas.
- **Interruption of Longshore Drift:** Disrupted sand transport can cause downdrift erosion, impacting connected habitats.

5. Hydrodynamic Implications – Storm Surge & Habitat Viability

The site is already prone to storm inundation, as evidenced by Cyclones Hale and Gabrielle washing out nests. Rock walls **do not prevent flooding** — they reflect wave energy, increasing turbulence and erosion offshore and at the base. This can:

- Reduce the natural sand buffer protecting nesting and chick feeding areas.
- Increase frequency and severity of inundation events, compromising fledgling survival.
- Destroying the only natural piece of habitat left on Waihi Beach and compromising the integrity of the area in years to come.

6. Stakeholder Awareness and Consultation Failures

Dr. Leigh Bull liaised with Mel O'Sullivan, a GPS member, as noted in section 6.5 of the Statement of Evidence (25 July 2025). At that time, it would have been clear

that active local conservation groups existed, yet no approach was made to the appropriate agencies for prima facie evidence.

Mel O'Sullivan, a GPIS resident, was formerly a Dot Watch member, trained by DOC and Bay Conservation Alliance as a Shorebird Ranger at Miranda Shorebird Centre, and served as a valued registered nest volunteer until October 2023. GPIS therefore had direct knowledge of dotterel nesting grounds and conservation practices from the outset, but to date has avoided consulting relevant agencies or established conservation groups.

I personally informed Mrs. O'Sullivan on 19 January 2025 that Dot Watch would be objecting. Only through Dr. Leigh's report and a conversation with Mrs. O'Sullivan on 11 March 2025 did it emerge from GPIS that the site is a Northern New Zealand Dotterel breeding ground.

These omissions bypass best-practice environmental engagement and undermine trust, particularly given the site's ecological significance. As Dr. Leigh Bull confirms in her summary (point 2), the information provided is incomplete. DOC, Bay Conservation Alliance, the Bay of Plenty Regional Council Shorebird Ranger, and Dot Watch have never been approached for statistics or consultation on unusual nesting habits in the Bay of Plenty, including Waihi Beach.

3. Existing Breeding Records – Conservation Opportunity, Not Dismissal

While Dr. Leigh references only two failed fledging events at the Three Mile Creek mouth in 2021/22 and 2022/23 (due to storm events), this narrow focus ignores the site's broader ecological role. Multiple nests have occurred in the area, including at Island View Reserve (where eggs were vandalised on New Year's Day) and on the northern side of Three Mile Creek.

The entire breeding season must be considered, not just on assumptions and isolated events selectively cited by Dr. Leigh and Mrs. O'Sullivan. Additional nests exist; absence of evidence is not evidence of absence. Rather, it underlines the urgent need for targeted habitat protection and management. Open-source breeding season reports are available and should have been used, alongside proper consultation – not hearsay from a nest monitor who resigned in 2023, which appears to be the basis of Dr. Leigh's limited evidence.

I can confirm that I did not want to bring Mrs O'Sullivan into the argument, however there have to be valuable points raised from her speaking to Dr. Leigh on 11 March and nothing reported in the BlueGreen Ecological Report -a part from it was undertaken outside of Dotterel Season.

7. Precedent and Cumulative Impact

Approving a rock wall here risks setting a precedent for further hard-engineering along this sensitive coast. As Three Mile Creek and Brighton Reserve function as one ecological unit for the dotterel, cumulative habitat loss from these protection structures could have catastrophic consequences.

8. Application of the Precautionary Principle

Where there is credible risk of significant adverse effects on a *nationally vulnerable species* as part of the largest breeding site in NZ in its entirety, the onus is on the applicants to prove no net harm. With well-documented impacts of rock walls, the essential feeding function of Three Mile Creek, the sustained community-led conservation investment, and failures in stakeholder consultation, that burden has not been met.

We propose that the application is rejected. If the owners believe the way to protect their properties is the installation of a rock wall I suggest they apply for the same structure but on their own land -as all properties have significant vacant frontage, subject to the consent conditions recommended in Section 10.0 of the Updated Review of Ecological