

SUMMARY STATEMENT OF BEVAN HUDSON – LEAD REPORTING PLANNER

This summary provides an overview of key matters relating to the section 42A (s42A) planners report, statements of evidence from the Applicant and information presented at the Hearing on 11 and 12 August 2025.

Key Matters

Reduction in southern end setback

1. Council acknowledges that the Applicant would accept a reduced setback, down to a minimum of 1.5m, along the southern section (Type 1) of the structure.
2. Mr. Davidson acknowledges for the Type 1 section of the proposed structure that a hard structure would be justified for coastal protection and that overall the structure is appropriately designed.
3. Mr. Davidson also considers that the reduced Type 1 setback would better align with the New Zealand Coastal Policy Statement (NZCPS) in that hard structures should be designed to "*minimise adverse effects on the coastal environment*". Locating the structure on the property boundary (or 1.5m off it) would reduce the impact that the hard structure has on the beach, coastal environment, and end effects on the area to the south.
4. In terms of coastal process effects Council would accept the reduced setback.
5. Evidence from the other Council experts Mr. Gimbley, Mr. Shaw and Mr. Styles on the reduced setback will be addressed in their summary statement.

Term of consent

6. As referred to in Paragraphs 65 and 66 of the Applicant's Legal Submission and discussed at the hearing, a Term of Consent condition was discussed. Council recommends that a term be included in the consent conditions.
7. This would ensure a finite period for the structure and provide for consideration of managed retreat options once it is removed.

Deeds Of Covenant

8. Council agrees with Paragraphs 53(d) and 53(e) of the Applicant's Legal Submission that only three of the Glen Isla Protection Society Incorporated (GIPS) properties have Deeds of Covenant registered on their titles that require relocation of additions / alterations once the toe of the dune reaches a certain distance. Some of the other

properties have conditions requiring building works to be *designed* to be relocatable.

Adaptive Management Approach

9. If the Commissioners wish to make provision for a more adaptive management approach, one option to consider would be appropriate consent conditions regarding a “trigger” for construction of the Type 2 structure section. This approach for the northern section of the structure could be dependent on the renewal of the 3 Mile Creek groyne consent and would allow for changes in design, if not renewed. This was addressed by Counsel for the reporting team in legal submissions.

Additional reason for consent

10. Council corrects Paragraph 84 of the s42A, noting that the construction noise will exceed the noise limits requirements of NZS 6803:1999 Acoustics – Construction Noise on the closest Applicant owned property. This is referred to in the evidence by Mr. Style’s and quantified in the summary statement from Mr. Whitlock (Applicant’s Acoustic Engineer) *“as being with the exception of a 2 dB noise infringement at the closest Applicant-owned property”*.
11. In accordance with Rule 4C.1.3.1 of the Operative District Plan 2012, construction noise that exceeds the requirements of NZS 6803:1999 Acoustics – Construction Noise, is assessed as a Discretionary Activity.
12. It is noted that written approvals have been provided from the properties at 9, 11, 12, 13, 14, 15 and 16 Glen Isla Place so any potential adverse effect on these properties have been disregarded.
13. This does not change the conclusion or proposed conditions in Mr. Style’s noise and vibration review in Attachment 11 of the s42A report.

Recommendation

14. I have had an opportunity to review my original conclusion that, on balance, the original proposal could not be supported. This was principally focussed on my assessment that the proposal was not well aligned with the national and regional policy direction which discourages hard protection structures particularly where they are aimed in protecting private property rather than public assets.

15. While my assessment of that policy intention remains unchanged, I acknowledge that the proposed approach is not inconsistent with a future policy of managed retreat provided that a term of consent is imposed and, if considered appropriate by the Panel, some conditions to address the removal of the structure and remediation of the site in the future if consent is sought to be surrendered or not renewed.
16. Given the proposed option put forward by the applicant at hearing, to relocate the Type 1 hard protection section closer to the property boundary, and Mr Davidson's assessment that a setback reduction of this nature will delay exposure and end effects, I have reached a greater level of comfort that the effects arising from coastal processes could be supported.
17. I consider that an adaptive management approach could be used for the northern (Type 2) section of the structure to ensure the proposal is more aligned with the intention of the NZCPS and regional policies, which encourage adaptive management approaches which provide for hard protection as a last resort.