

Officer's Report for non-notified resource consent application



Section 42A Resource Management Act 1991 (RMA)

Date: 6/05/2025

Prepared by: Tracey Bowers
Senior Consents Planner

Approved by: Paula Golsby
Principal Advisor, Consents

Application details

Application ID: RM24-0537-AP

Applicant: Glen Isla Protection Society (GIPS) Incorporated

Application: New application to disturb land and soil in sand dune country, and to disturb the Coastal Marine Area (CMA), for the purposes of installing a buried coastal protection structure at Waihi Beach.

Location of activity: 12 Glen Isla Place – southern wall return

Western Bay of Plenty District Council Recreation and Esplanade Reserves at Lot 18 DPS 22035 and Lot 19 DPS 22035, Waihi Beach;

The CMA adjacent to the reserves and Okawe Stream (Three Mile Creek), Waihi Beach.

1 Summary of proposal

Mitchell Daysh has applied on behalf of the applicant (GIPS) for consent to install a buried coastal protection structure on Western Bay of Plenty District Council (WBOPDC) reserve land at Waihi Beach. The structure has the purpose of protecting the reserve land and adjacent properties at Glen Isla Place from further erosion and to future proof the properties from the effects of sea-level rise.

The installation of the structure will require vegetation clearance and earthworks on the sand dunes within the reserve, and the disturbance of the foreshore within the Coastal Marine Area (CMA) from the movement of vehicles and machines to and from the works site. The southern return of the wall will be located partially within the 12 Glen Isla Place property boundary.

The structure is situated above mean high water springs (MHWS)¹, placing it outside the CMA (Figure 1). Its location in this area triggers the need for earthworks² and vegetation clearance³ consents from the Plenty Regional Council (BOPRC) associated with its installation. The structure itself does not require resource consent from BOPRC, given its location outside of the CMA. However, the structure requires resource consent from the WBOPDC, which the applicant has applied for and has requested public notification of that application.

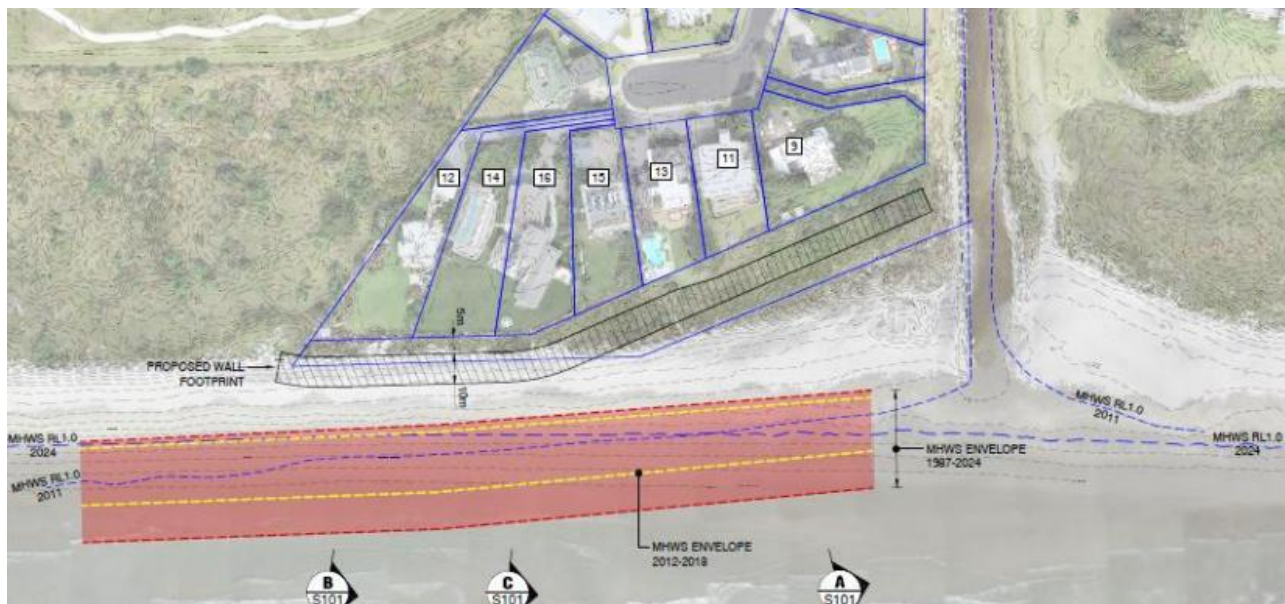


Figure 1. Historic extent of MHWS 1987-2024.

Works and structure extent:

The earthworks and vegetation clearance ('the works') associated with the installation of the structure will be located in the back and foredune area, seaward of 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place. The length of the proposed structure is approximately 200 metres (m) with the maximum width of the construction trench being approximately 13 m at the northern end. At the southern end, a return continuing approximately 20 m landward is proposed, with no construction works extending into the neighbouring DOC reserve area.

The works will be setback from the property boundaries of 12, 14 and 16 Glen Isla Place by approximately 5 m. The setback will increase to approximately 7.6 m from the Norfolk Pine between 11 and 13 Glen Isla Place, and then decrease towards the northern end to approximately 6.5 m. No works clearance will occur in the area of northern spinifex vegetation, and this will be fenced off during works.

¹ Memorandum – Location of Mean High Water Springs Glen Isla Place, Waihi Beach. Davis Coastal Consultants (attached as Appendix E of the application documents)

² Defined in the RNRP as any activity that exposes, disturbs, places or deposits land and soil. Such activities include, but are not limited to, tracking, roading, cleanfill sites, cut and fill operations, quarrying, mining, and recontouring. Some activities are excluded from the definition of earthworks but none of these apply to the proposed activity.

³ Defined in the RNRP as the disturbance of land and soil resulting from the disturbance of vegetation by removal, clearance, destruction, and crushing of all forms of scrub, tree, and ground cover vegetation. Some activities are excluded from the definition of vegetation clearance but none of these apply to the proposed activity.

The total area of disturbance, subject to final design of the structure, is approximately 2,500 square metres (m²). The depth of excavation will vary along the length of the structure location to achieve a relative level (RL of 0.0m). The maximum depth of excavation will be 5m at the northern end of the structure.

The proposal seeks to minimise the extent of land disturbance and vegetation removal by undertaking all construction activities within a dedicated “construction trench”. An aerial image and cross section of the proposed construction trench is shown in Figure 2 and Figure 3.



Figure 2. Location of vegetation removal and construction trench (blue), proposed structure (black dashed line) and northern spinifex vegetation fenced off (marked up). **Figure 3.** Indicative cross section of excavation in the northern section of the structure.

1.1 Method of Works

A construction methodology has been provided with the application from Davis Coastal Consultants⁴.

The project is expected to take 4 months to complete, however, the applicant proposes to provide for an additional 6-month allowance for adverse weather, unexpected delays, and unforeseen issues. Works are proposed to occur between the months of April and November.

Construction access for the delivery of machinery and rock is proposed through the WBOPDC reserve at 91 Seaforth Road. Rock delivery will be by rubber tyred trailer through the reserve and along the beach seaward of the groynes. Delivery of the excavator will occur through this access at the start of the project, it will then be left on site for the duration of the project in a location outside the CMA, and within the works footprint.

Rock material will be delivered to site on an 'as required' basis to minimise stockpiling and to maintain efficient construction. Stockpiled rocks will be temporarily placed on heavy gauge geotextile during the workday, and then moved to within the construction corridor at the end of the day.

The works will be carried out between 7.30 am and 6 pm Monday to Friday. However, provision for Saturday works and extended working hours (between 6 am and 8 pm) up to three days a fortnight is requested. Work will not be undertaken at night or once daylight becomes unsuitable, or during school holidays and public holidays. Works will cease and the site will be made safe if storm events threaten the works footprint.

The only activity in the CMA will be vehicle movements, and during these times signage and spotters from the construction team will ensure that the health and safety of beach users is provided for.

Works will start from the southern end, where machinery access to the excavation can be obtained from the seaward side of the dune. Works will then move to the northern section starting at the northern end, where earthworks will occur within the construction corridor only. Works will be staged as follows:

- A continuous uphill clean water diversion bund will be formed and will incorporate existing property boundary walls.
- During one tidal cycle, a length of footing of approximately 10 m long will be excavated and backfilled to the first lift (geotextile and first armour layer).
- Initially, excavated sand will be deposited seaward of the construction area but not within the CMA, where it will subsequently be used as backfill over completed sections. In later sections the sand can be directly placed as backfill over a completed section of the wall installation.
- The second and third lifts (geotextile and rock underlayer), will be in larger (approximately 50 m long sections) as it is above ground and outside of tidal and groundwater effects.

⁴ Coastal Protection Project, Glen Isla Dune, Waihi Beach. Construction Methodology Statement, Davis Coastal Consultants, October 2024, Job Ref 23028, Rev A.

- The structure will then be covered by the armour rock before the wall is buried in sand, with 0.5 m of sand spread over the upper wall crest to meet existing ground level and adjacent contours.
- The disturbed dune will be revegetated with mix of indigenous dune plant species as defined in a planting plan. Wind fencing will be installed to minimise windblown sand erosion and protect plants while they establish.

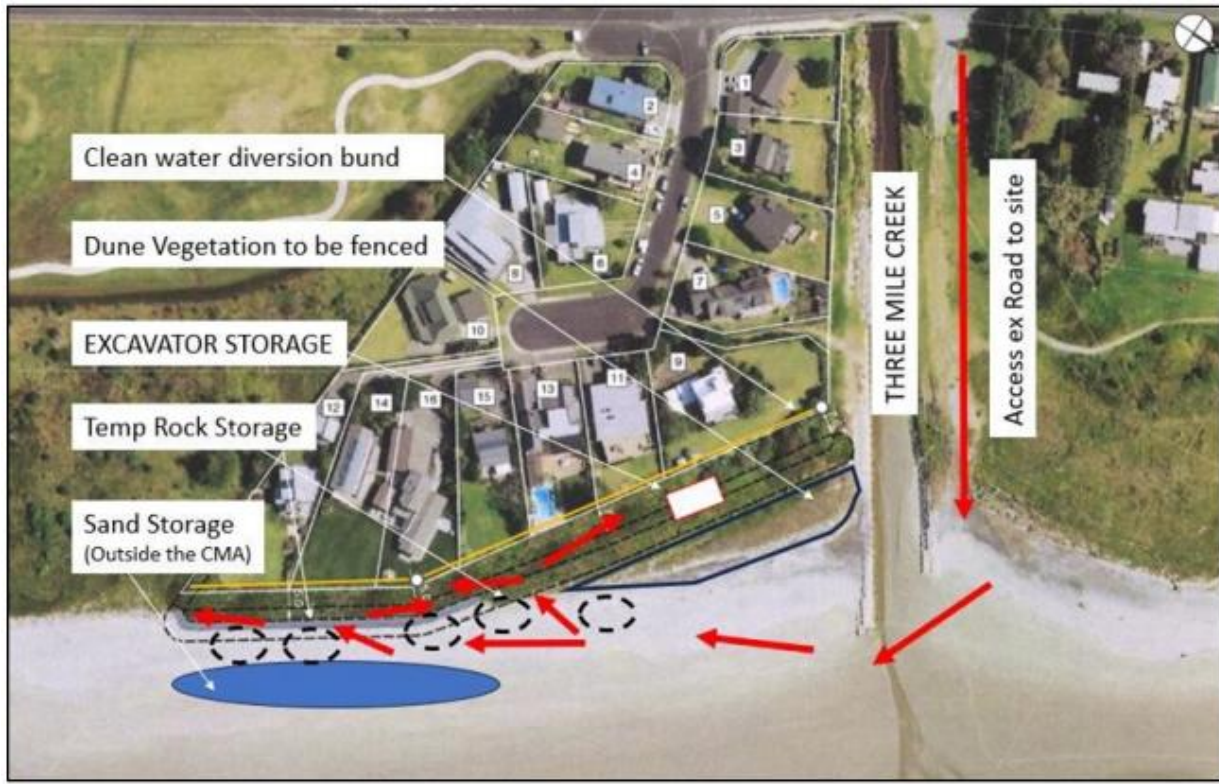


Figure 4. Structure located within dotted line extent in the foredunes, construction method, clean water diversion bund location, stockpiles and site access (red arrows).

1.2 Amendments to the application

The applicant has updated technical drawings detailing the extent of the construction footprint in the northern section. These drawings have been updated in the application document.

Following the notification decision, the applicant has proposed adjusting the weekday working hours from the original 7 am - 5 pm to 7:30 am - 6 pm (with provision for Saturday works and extended working hours (between 6 am and 8 pm) up to three days a fortnight). This change is intended to align with the 'NZS 6803:1999 acoustics construction noise' standard.

Background

In 1983, a seawall was constructed south of Three Mile Creek, approximately 20 m seaward of the boundary of the Glen Isla Place properties. This seawall included gabion groynes that extended 12 m from the wall at 40 m centres. The seawall fell into disrepair in 2010.

In 2008 WBOPDC was granted resource consent 62912 (expiry 30/11/2032), to install rock revetment in front of the dunes along Shaw Road (north of Glen Isla Place) and authorised beach

scraping and sand push ups and planting in front of Glen Isla Place.⁵ The works at Glen Isla Place were carried out in 2011, and remnants of the previous seawall were removed at this time. Within weeks, the works were washed away by a severe storm. No further beach replenishment has been carried out under this consent.

Significant erosion of the remaining dune area occurred during Cyclones Hale and Gabrielle in early 2023 which resulted in the loss of up to 3 m in horizontal dune width. A loss of up to 15 m of dune has occurred since 1983.

WBOPDC have an existing consent (RM19-0613) for the continued dredging of Three Mile Creek and deposition of sand spoil from that dredging is located seaward of the dunes in front of 9 Glen Isla Place. This consent is exercised every 1 or 2 months, and machinery access to the stream and beach is via the same council reserve as proposed in this application.

The applicant seeks a consent term of 2 years.

2 Compliance History

The applicant has not been prosecuted by Bay of Plenty Regional Council previously.

3 Description of the environment

Please refer to my Notification Assessment Report dated 20 January 2025 for a complete description of the existing environment.

4 Planning framework

4.1 Regional Natural Resources Plan (RNRP)

- Resource consent is required under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R4 of the RNRP to undertake a **discretionary** activity being the disturbance of land and soil as a result of earthworks in sand dune country within 50 metres of the Coastal Marine Area.
- Resource consent is required under section 9(2)(a) of the Resource Management Act 1991 and Rule LM R10 of the RNRP to undertake a **discretionary** activity being the disturbance of land and soil as a result of vegetation clearance in sand dune country.

4.2 Bay of Plenty Regional Coastal Environment Plan (RCEP)

- Resource Consent is required under section 12(1)(c) of the Resource Management Act 1991 and Rule DD14 of the RCEP to undertake a **discretionary** activity being to disturb the foreshore by the use of vehicles.⁶

The location of the proposed structure is not within the CMA as determined by an analysis and calculation of the location of MHWS; therefore, no occupation consent is required under the RCEP. If, at some time in the future, the structure is deemed to be within the CMA the

⁵ Resource consents 62913 and 62914 were also granted for earthworks and occupation of the CMA associated with the rock revetment structures authorized by 62912

⁶ i.e. where the use is not permitted by Rules DD R7 or DD R8

consent holder will be required to authorise the structure under the operative regional coastal plan at that time.

4.3 Summary

All activities requiring consent from BOPRC are to be assessed as **discretionary** activities.

5 Notification

The Principal Advisor, Consents (acting under delegated authority) has granted approval to process the applications non-notified (Section 95A-95G RMA) because the proposed activity does not result in any adverse environmental effects that are more than minor, there are no adversely affected persons, there are no affected statutory acknowledgement groups, the views of CMT applicants have been sought (and no current orders apply in the area), and no special circumstances apply requiring public or limited notification of these applications.

6 Consultation

- The applicant has sought comment from iwi and hapū groups who have registered an interest in the area of the activity and have extended invitations to meet and discuss the proposal. Other than a response from Ngāti Te Wai Hapu deferring to Te Whanau a Tauwhao ki Otawhiwhi received on 31 July 2024 via email, no responses have been received on the invitations to engage.
- BOPRC provided the applicant with a list of the Marine and Coastal Area Act (MACAA) applicants adjacent to the proposed works in accordance with the BOPRC in house GIS mapping tool (Geoview) prior to consent lodgement, the applicant notified and sought the view of these applicants in accordance with section 62A of the MACAA. Following lodgement, the applicant notified and sought the view of a further eight MACAA applicants in the Western Bay of Plenty that were identified in 'The Office of Treaty Settlements and Takutai Moana' website⁷, that were not previously identified by BOPRC, no responses were received. All MACAA applicants notified are:
 - Ngati Whanaunga;
 - Ngati Hako;
 - Ngati Pukenga;
 - Nga Hapu o Ngati Ranginui Settlement Trust;
 - Ngati Tara Tokanui;
 - Ngai Te Rangi;
 - Nga Hapu o Ngai Te Rangi.

Later notified

- Hauraki Maori Trust Board

⁷ [Te Tari Whakatau - Western Bay of Plenty](#)

- Pomare Paora Trust
 - Te Hapu o Titoko Ngai Tama⁸
 - Ngati Maru
 - Ngati Tamatera
 - Te Kupenga o Ngati Hako
 - Te Whanau a Mekomoko⁹
 - Waaka and Holloway Whanau
- The applicant has consulted with neighbouring landowners including residents of 1-20 Glen Isla Place.
 - Written approval has been provided by landowners of properties adjacent to the site at 9, 11, 12, 13, 14, 15 and 16 Glen Isla Place.
 - The applicant sought approval in principle from the WBOPDC to place the structure on the Reserve land. The Council approved in principle the construction of a consented structure by the applicant subject to conditions.

7 Different consents required from WBOPDC and BOPRC

This proposal requires different consents from WBOPDC and BOPRC, which have responsibility for regulating different, but to some extent overlapping, aspects of it.

The applicant has applied for land use consent from WBOPDC (RC14513(L)) due to the location of the structure within the Coastal Erosion Area, the dimensions of the structure, the clearance of indigenous vegetation within an Identified Natural Features and Landscape area, and earthworks associated with the activity. The district land use consent for the structure (if granted) would provide for an enduring term while the structure is located on land outside of the coastal marine area.

As it is not currently in the CMA there is no regional council jurisdiction to regulate the structure itself. If at some point in the future any part of the structure comes within the CMA, any necessary approvals will need to be sought to authorise its occupation under the operative coastal environmental plan applying at that time.

Applications to BOPRC seek to authorise the land disturbance associated with vegetation clearance and the earthworks required to install the structure on land in or proximate to coastal dunes and the disturbance of the foreshore associated with the construction vehicle movements. BOPRC's assessment is focussed on effects arising from the disturbance of land associated with vegetation

⁸ No Map was available identifying the area of the application. Following notification, BOPRC was advised the MACAA application area does not include Waihi Beach.

⁹ No Map was available identifying the area of the application. Feedback from Te Whānau a Mekomoko representative identifies that the customary marine title application does not extend to Waihi.

clearance¹⁰ and earthworks until such time as it is stabilised and revegetated suitably. In determining the key effects to focus on for the purposes of the BOPRC application, I have been guided by the objectives and policies of the relevant planning instruments, including the Regional Policy Statement (RPS), the National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB), RCEP and RNRP in particular (noting that these documents have given effect to Part 2 and the New Zealand Coastal Policy Statement (NZCPS)). Focus of BOPRC's assessment:

- As stated above, resource consent is not required from BOPRC for the structure itself, but rather the land and vegetation disturbance associated with putting the structure in place. The assessment of the structure, its form, location and design are matters that will be considered in the context of the district council resource consent application.
- Coastal processes may affect the dune and the vegetation around the structure. These effects are natural beach processes rather than being associated with the proposed earthworks activity. Therefore, the changes to the dune shape, or loss or damage to the vegetation as a result of coastal processes that would occur regardless of whether the proposal were to proceed are not relevant matters BOPRC to consider.
- The stabilisation and revegetation of the land disturbed as a result of earthworks and vegetation clearance until such time as it is stabilised and revegetated suitably to remedy the effects on the IBDA-B from the earthworks and vegetation clearance activity is the focus of BOPRC's consideration. This includes consideration of ecological, water quality, and natural character / landscape effects associated with the land disturbance.
- Effects from the use of vehicles on the foreshore are relevant during the construction phase of the activity. This includes potential for damage dunes, shellfish, and nesting birds, water quality (if the discharge of contaminants occurs to the CMA, and noise and vibration generated within the CMA (see below).
- Noise and vibration from the use of vehicles within the CMA is relevant to the BOPRC consent applications. Effects of noise and vibration generated outside of the CMA, on land, will be assessed by the WBOPDC as described in section 7.1 of this report.

8 Statutory analysis

Section 104(1) of the RMA requires that when considering an application for resource consent the consent authority must, subject to Part 2 and section 77M, have regard to:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provisions of—

(i) a national environmental standard:

(ii) other regulations:

¹⁰ Refer to Land and Soil Disturbance by Vegetation Clearance Advisory Note 2, RNRP Land Management Chapter, page 21

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(vi) a plan or proposed plan; and

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

As a discretionary activity, and in accordance with s.104B of the RMA, the consent authority may grant or refuse the application and if it grants the application, it can impose conditions under s.108.

8.1 Assessment of environmental effects – s104(1)(a)

8.1.1 Adverse effects

The actual and potential adverse effects of the proposal were assessed in my Notification Assessment Report dated 20 January 2025. The level of adverse effects on the environment were assessed as less than minor, and effects on people were also assessed as less than minor, with no adversely affected persons identified. The Notification Assessment took into account the mitigation measures proposed by the applicant as they form part of the application.

Section 104(1)(a) requires an assessment of all effects, both adverse and positive. Section 104(3)(a)(ii) requires that the consent authority must not have regard to an effect on a person who has given written approval for the application. As set out in section 7 of this report, written approval has been provided by landowners of properties adjacent to the site at 9, 11, 12, 13, 14, 15 and 16 Glen Isla Place. Any effects on these persons must therefore be disregarded.

To avoid repetition, and for the purposes of assessing adverse effects of the activity under s104(1)(a), I rely on the adverse effects assessment in my Notification Assessment Report. The key adverse effects and the consent conditions that have been proposed by the applicant to avoid, remedy or mitigate adverse effects are summarised in Table 1.

Table 1. Adverse effects and consent conditions

Environmental Effect	Consent Conditions
Noise	As described in section 1.2, the applicant has proposed amended weekday working hours of 7:30 am to 6:00. The applicant proposes works will be carried out in accordance with the Construction Noise Standards which set out recommended upper limits for construction work noise in residential areas. These limits are considered a reasonable level of noise and are in accordance with policy NS 4 of the RCEP. Works will not be undertaken on Sundays, school holidays or public holidays. The working days may be extended to include Saturdays, and an extension of working hours (between 6 am and 8 pm) up to three days a fortnight. Works will not be undertaken at night or once daylight becomes unsuitable. The works in the CMA will be required to comply with the Permitted activity Rule NS 3 of the RCEP.
Public Access	Construction works will be limited to 6 months from commencement.

	Public access will be maintained at all times along the northern side of Three Mile Creek, and along the southern side of Three Mile Creek when practicable during works.
Erosion and sedimentation and Water Quality	A Construction Management Plan (CMP) will be provided to BOPRC for certification before works start. The CMP will demonstrate how the works will be managed to meet the conditions of consent, detail erosion and sediment controls, construction methods and staging, delineate the vehicle access route to the construction site to avoid shellfish beds, works timing and duration, methods to protect Avifauna, Herpetofauna and invertebrates, contingency plans for halting construction due to unplanned events such as extreme weather events. Stabilisation of the dune with vegetative ground cover in accordance with a Remediation Planting Plan (RPP) within 20 working days of the earthworks completion. Plants shall be indigenous species sourced from the same ecological district, shall be replaced after storm events or if they die off, require management and maintenance of the plants, Works to be completed during low to mid tide and no equipment or machinery or stockpiles to be left in a position where they can enter water. Work practices proposed to reduce sediment discharge into the sea, include vehicle movements only on the dry foreshore (above sea level), and the earthworks will be carried out in small sections to suit the low tide windows daily. Clean stormwater will be diverted away from the active works site. Vehicle and machine refuelling will occur outside of the CMA in a dedicated laydown area. Machinery and equipment are to be kept in good condition, clean, and free from leaks.
<u>Ecology</u> Indigenous Vegetation, birds, lizards and spiders IBDA-B	The area of northern spinifex will be protected from disturbance, by fencing. Disturbance will be isolated to the construction corridor, and no vegetation outside that corridor will be disturbed. Suitably qualified ecologist to inspect site prior to works to carry out bird nesting assessment if works are to occur during the bird nesting period of August to March. Works carried out in accordance with the Avifauna Management Plan to be prepared by an ecologist. Suitably qualified ecologist to be present at commencement of vegetation clearance and woody material removal to inspect for and relocate any lizard, katipo, and beetle larvae within the works area. Ecologist to prepare a planting plan in accordance with the recommendations from the Blue Green Ecology and Isthmus reports, provided with the application, and response to further information received on the 29 November 2024, which details the planting density, species, methodology of site preparation and planting methods, maintenance including water supply, re-establishment of plants that have died or been lost to storm events. Plant maintenance shall continue for up to two years or until reinstatement areas receive 60% plant coverage. Replanting up to two more times within the maintenance period if plants are washed away due to storm erosion.

	A machinery hygiene protocol will be in place to avoid the effects associated with pest plant species. Vehicles will not traverse any shellfish beds or vegetation in the CMA and vehicle use will occur outside of any bird nesting area during the nesting season. Advice notes will recommend plants are ordered 18 months before works start to ensure an adequate and timely supply. A 7-year lapse date will be included to ensure that works, and dune re-planting and thus stabilisation are carried out before the consent expires.
Landscape, natural character, and visual effects, and natural heritage effects	Return of dunes to natural landform with naturalised planting. Natural landform reinstatement to be certified by a Landscape Architect following earthworks. Planting to be undertaken in accordance with a BOPRC certified planting plan.
Dune stability	Sand dunes will be reshaped to previous contours. Any sand settlement holes will be filled in prior to planting. Dunes will be replanted with indigenous dune vegetation suitable for the environment, and planting maintained and replenished after storm events if washed away.
Cultural Values	Advice notes will describe that should there be an accidental discovery of archaeological the applicant must follow the Heritage New Zealand Accidental Discovery Protocol. Public access will be maintained at all times along the northern side of Three Mile Creek, and along the southern side of Three Mile Creek when practicable during works. As described in the conditions above, freshwater and coastal water will be protected from contamination, erosion and sediment manged, and vehicle use will not impact kai moana.
Review	Review conditions enable review of the consent to respond to and address the following: • Planting and maintenance issues that affect the stability of the dune and/or the IBDA-B • Deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is more appropriate to deal with at a later stage; and/or • Require the adoption of the best practicable option to remove or reduce any adverse effect on the environment; and/or • Respond to unforeseen adverse effects on taonga, sites, areas, features or resources of significance or special value to tangata whenua.

Based on the proposed methodology which will be included as conditions of consent as well as the suite of conditions discussed in Table 1, I consider that the adverse effects of the proposal will be avoided, remedied or mitigated such that there are no unacceptable adverse effects.

8.1.2 Positive effects

Should the consent be granted, the application details that the proposal will result in the following positive effects:

- The proposal will enable the construction of a structure which will protect Three Mile Creek Reserve land and adjacent existing residential development from coastal erosion.
- Planting and maintenance of the area will significantly enhance the vegetation biodiversity at this location and reduce weed species supporting the natural dune systems.
- The earthworks required for the construction of the rock wall will result in the removal of large areas of the IDBA-B area which will have to be re-established. Although there will be a temporary loss in the vicinity of the works, it is acknowledged that the provision of an engineered coastal structure will be providing ongoing protection to the IDBA-B areas behind the wall, which may otherwise have been subject to future coastal erosion without the wall.
- The proposed site remediation will result in net ecological benefit and predominantly positive effects on natural character, landscape, and visual amenity.

I agree with the applicant's assessment, regarding the enhancement of vegetation biodiversity on the re-established dune. The positive effects associated with the structure providing protection for coastal erosion are not within the scope of the BOPRC assessment.

8.2 Relevant plans and policy statements

8.2.1 Introduction

The applicant has also sought a land use consent from the Western Bay of Plenty District Council (WBOPDC) with resource consent number RC14513(L). The relevant rules, objective and policies of the Western Bay of Plenty District Plan will be assessed by the WBOPDC.

In the regional consent application, the applicant has provided (section 8 of the AEE¹¹) an assessment of the proposal against the objectives and policies of the following documents and concluded that overall, the proposal is consistent with the policy direction:

- Regional Coastal Environment Plan (RCEP);
- Bay of Plenty Regional Natural Resources Plan (RNRP);
- Bay of Plenty Regional Policy Statement (RPS);
- National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB);
- New Zealand Coastal Policy Statement (NZCPS)

The objectives and policies relevant to the BOPRC application focus on ecological effects on the dune flora and fauna and the IDBA-B values; the dune structure and function and stability, the management of erosion and scour, and disturbance to the CMA from vehicle access.

¹¹ Glen Isla Dune Waihi Beach, Coastal Protection Project, Bay of Plenty Regional Council - resource consent application and assessment of environmental effects, 11 October 2024.

Objectives and Policies that are not relevant to this regional application are those related to the authorisation of structures in the CMA and coastal environment.

8.2.2 Regional Coastal Environment Plan (RCEP)

I have completed a comprehensive policy assessment against the RCEP, which is detailed in Appendix A to this report. Overall, I agree with the applicant's conclusion and consider the proposal consistent with the relevant provisions of this plan for the following reasons:

- The proposed works will temporarily affect the dune shape, resilience to coastal processes, and vegetation. These effects will be remedied by reshaping the dunes and reestablishing indigenous vegetation, enhancing the Indigenous Biological Diversity Areas B (IBDA-B) and maintaining resilience to coastal processes. Beach access will remain open, allowing customary activities and kai gathering.
- Significant adverse effects on the IBDA-B are avoided by protecting northern spinifex, restoring disturbed dune areas according to the proposed planting plan, maintaining planting areas for two years, and protecting fauna. The natural character will be temporarily affected during construction but will benefit from replanting in the long term.
- The natural character of the coastal environment will be maintained, and visual effects mitigated by reinstating the dune landform and indigenous vegetation. This supports the values of the IBDA-B and ecological corridors and aligns with the Iwi Resource Management policies of the RCEP.
- Tangata Whenua have been engaged, but no responses have been received. There are no identified sites of cultural significance or known archaeological sites in the project area. The applicant will comply with the Heritage New Zealand Pouhere Taonga Act 2014 if any discoveries are made. The proposal will not restrict access to the CMA and is consistent with the Iwi Resource Management policies of the RCEP.
- The proposal is limited to earthworks and vegetation clearance activities and does not include structures. The dunes will be reinstated to maintain natural protection against coastal hazards. Public access to the CMA will be maintained, but access through the site will be limited to protect the vegetated dune. Vehicle disturbance to the CMA will be mitigated, and noise managed according to district plan limits.

I note, for completeness, that in accordance with Policy direction of the RCEP¹², priority is to be given to the use of soft protection works such as dune care, beach nourishment and vegetation, before any choice of a hard options is made as part of a proposed solution to a coastal erosion problem.

The proposal seeks to install a hard protection structure within the existing sand dune, and to reestablish the dune to its original landform and complete indigenous dune planting in the disturbed areas. This proposal is for the purpose protecting the reserve land and adjacent properties at Glen Isla Place from further erosion and to future proof the properties from the effects of sea-level rise.

As described in section 9, resource consent is not required from BOPRC for the structure itself, but rather the land and vegetation disturbance associated with putting the structure in place. The assessment of the structure, its form, location and design are matters that will be considered in the context of the district council resource consent application. Therefore, an assessment against this policy, and consideration of alternatives is not relevant to the BOPRC consent application.

¹² Policy CH9

8.2.3 Regional Natural Resources Plan (RNRP)

The applicant has provided an assessment against the relevant objectives and policies of the RNRP and concluded the proposal is consistent with the direction of these. I agree with and adopt this assessment pursuant to s42A(1B)(b) of the RMA. However, I add further comments on the following relevant provisions:

Kaitiakitanga (KT): Objective KT O4, and Policies KT P13, 15, 16, and 19, seek to ensure that the concerns and interests of tangata whenua are considered, recognising that different iwi and hapū may have distinct concerns or practices, and measures to address environmental effects. The applicant has invited relevant iwi and hapū to engage directly to understand their connection with the project area and provide feedback on the potential effects of the proposal. Although no response was received, these measures align with the objective and policy direction.

Integrated Management of Land and Water (IM): Objective IM O2 seeks to ensure stewardship of natural resources, by sustaining ecosystems and maintaining and protecting cultural, ecological, amenity, natural character and landscape values. Policy IM P1 requires that sustainable land practices suited to the site characteristics are used to prevent erosion and maintain or improve the protective function of sand dunes and the exiting quality and values of the site. The proposal achieves this through the restoration of the IBDA-B and dune following works in accordance with a planting plan prepared by a landscape architect in accordance with ecologist's recommendations.

8.2.4 Bay of Plenty Regional Policy Statement (RPS)

The applicant has provided an assessment against the relevant objectives and policies of the RPS and concluded the proposal is consistent with the direction of these. I agree with and adopt this assessment pursuant to s42A(1B)(b) of the RMA.

I note that the RCEP gives effect to the RPS, as the RCEP was made operative (3 December 2019) after the RPS came into effect (1 October 2014). Minor amendments to the RPS have been made since the RCEP was made operative, but these are unrelated to the proposed activities¹³. I consider that the proposal is consistent with the RCEP and therefore it is also consistent with the outcomes sought by the RPS. However, the RCEP does cross reference to some policies in the RPS, I have addressed those policies here for completeness.

- Policy CH1 of the RCEP requires council to have regard to RPS policies on natural hazards relative to the coastal environment and policies CE 8B(c) and CE 12B. I consider that natural hazard policies relevant to the scope of the proposal in the coastal environment have been addressed in the RCEP assessment.
- Policies CE 8B(c) direct development is appropriate to maintain the natural state, protect natural values, and the ability of coastal margins to reduce the impacts of coastal hazards such as tsunami and storm surge. The proposal seeks to restore the dunes to their natural form, the values of the IBDA-B will be restored with indigenous vegetation, which will maintain protection against coastal hazards. Policy CE 12B relates to protection structures and is outside of the scope of this application and assessment.

¹³ Updates to the RPS since the RCEP became operative relate to urban development and the incorporation of the visions and objectives of the Kaituna River Document

8.2.5 National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

The NPS-IB applies to the terrestrial coastal environment. The objective and relevant policies require the maintenance and promotion of indigenous biodiversity restoration. The indigenous biodiversity of the IBDA-B has been assessed, and the proposal will avoid impacts on northern spinifex (which has high ecological value) and will restore indigenous vegetation in the disturbed dune according to a planting plan. Therefore, this proposal aligns with the objective and policies.

8.2.6 New Zealand Coastal Policy Statement (NZCPS)

The RPS and RCEP were made operative after the NZCPS came into effect and give effect to the NZCPS. I have concluded that the proposal is consistent with the RPS and RCEP and therefore consider that it is also consistent with the outcomes sought by the NZCPS.

8.3 RMA Part 2 matters

The matters listed in Part 2 of the RMA of relevance to this resource consent application include Sections 6, 7 and 8. These have been assessed in the application AEE (section 8). While I agree with the assessment provided, I also conclude that adequate regard to these sections has been provided in the NZCPS, RCEP, RNRP and RPS. The proposal is consistent with the policy direction of these documents, so I have not considered it necessary to revisit Part 2 of the RMA or make an overall broad judgement pursuant to the High Court direction in *R J Davidson*.

8.4 Summary of Statutory Assessment

I have assessed the proposal against the relevant requirements of s.104.

The effects of the proposal are associated with cultural values, ecological values of the IBDA-B, public access, erosion and stability of the dunes, landscape, natural character and visual effects. I have concluded that any adverse effects are environmentally acceptable and can be managed through the recommended conditions of consent, which the applicant has agreed to. In addition, positive effects will arise from restoration of the IBDA-B which will provide enhanced indigenous vegetation biodiversity at the works site.

I have assessed the proposal against the most relevant provisions of the NZCPS, NPS-IB, RPS, RCEP and RNRP and, overall, I consider it to be consistent with these. I note that while hard structures are generally discouraged through the NZCPS and RCEP, the Regional Council consent applications relate only to the disturbance of land associated with vegetation clearance and earthworks until such time as it is stabilised and revegetated suitably. The structure itself is subject to a resource consent application currently being processed by Western Bay of Plenty District Council. Having regard to my conclusions about the proposal being consistent with the relevant policy instruments, I also conclude that it is consistent with the purpose and principles (Part 2) of the RMA.

I therefore consider that overall, the adverse effects of the proposal are avoided, remedied or mitigated and environmentally acceptable.

9 Recommendation & Term of consent

Having considered all relevant matters under Sections 104 and 104B, and for the reasons set out in this report, I recommend granting resource consent RM24-0537 subject to the attached conditions.

The applicant has requested a consent duration of 2 years.

I consider a longer term of 10 years is required for the following reasons:

- There are uncertainties on the timing of a decision of the land use consent application with the WBOPDC.
- The vegetation clearance and earthworks are expected to take 6 months; however, commencement and works may be subject to delays.
- The replanting will occur immediately following completion of earthworks, however up to two years of plant maintenance is required.

I therefore consider a term of 10 years is suitable to provide for potential delays to the WBOPDC consent, possible delays to works, and to provide time for plant establishment and dune stabilisation.



Tracey Bowers
Senior Consents Planner

Date: 6 May 2025

Decision under delegated authority

I agree with the recommendation and adopt the assessment and reasons provided by the Senior Consents Planner in the report above. Accordingly, I grant the resource consent for 10 years, subject to the attached conditions.

I note there has been a minor change to the proposed construction hours since the decision to process the application non-notified. I consider this change to be within the scope and effects envelope of the application and do not consider there to be any additional effects beyond those assessed in the notification assessment.

This decision is made under delegated authority by:



Paula Golsby
Principal Advisor, Consents

Date: 7 May 2025

Reasons for the decision

- 1 *The decision meets the purpose of the Resource Management Act 1991 and is consistent with the provisions of Part 2 of the Act.*
- 2 *The activity is a discretionary activity and is consistent with the relevant provisions of the New Zealand Coastal Policy Statement, Bay of Plenty Regional Policy Statement, the National Policy Statement for Indigenous Biodiversity, the Bay of Plenty Regional Coastal Environment Plan and the Bay of Plenty Regional Natural Resources Plan.*
- 3 *The effects of the activity are considered to be adequately avoided, remedied or mitigated, subject to compliance with consent conditions.*
- 4 *The term is considered appropriate.*

Officer's Report for non-notified resource consent application



Section 42A Resource Management Act 1991 (RMA)

APPENDIX A: Regional Coastal Environment Plan (RCEP) Objective and Policy Assessment

Regional Coastal Environment Plan (RCEP)		
Relevant Objectives and Policies ¹⁴		Comment
Integrated Management		
Objective 1	Achieve integrated management of the coastal environment by: a) Providing a consistent, efficient and integrated management framework; b) Adopting a whole of catchment approach to management of the coastal environment; c) Recognising and managing the effects of land uses and freshwater-based activities (including discharges) on the coastal marine area; d) Enabling the exercise of kaitiakitanga e) Planning for and managing: i. cumulative effects; and ii. the effects of climate change;	This objective seeks to ensure the coastal environment is managed in a holistic and sustainable manner by balancing environmental protection with sustainable development and cultural values. I consider the proposal aligns with this objective as it avoids, remedies, or mitigates potential adverse effects, and results in positive effects on the indigenous biodiversity of the dune. The proposal avoids adverse effects on fauna (birds, lizards, katipo, and beetle larvae) and high ecological value vegetation (northern spinifex). The proposal seeks to restore the indigenous vegetation values of the IBDA-B, landscape and natural character values, and the dune's stability and function through natural dune shape restoration and naturalised planting. This will

¹⁴ Note some objectives and policies are not produced in full but summarised instead

	f) Promoting the sustainable management of the Bay of Plenty coastal fisheries; and g) Providing for the future urban growth management areas identified in Appendix E of the RPS without compromising other regionally significant values of the coastal environment	maintain the dune's erosion resistance, avoiding cumulative effects on dune erosion and susceptibility to coastal processes The proposal includes appropriate erosion and sediment controls to mitigate adverse effects from stormwater discharges. Adverse effects of noise will be mitigated by complying with Construction Noise Standards. No work will be done on Sundays, school holidays, or public holidays, and public access to the beach will be maintained at all times except when vehicles or machinery are moving. The applicant has sought feedback and extended invitations to meet and discuss the proposal with relevant iwi and hapū and has sought the views of all MACAA applicants.
Natural Heritage		
Objective 3	Safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems by: ... (b) Maintaining Indigenous Biological Diversity Areas B; (c) Promoting the maintenance of indigenous biodiversity in general; and (d) Enhancing or restoring indigenous biodiversity where appropriate.	The IBDA-B will be restored and maintained immediately following the earthworks activities. Restoration involves reshaping the dune and revegetation according to a planting and maintenance plan developed by an ecologist. Indigenous plants suitable for the location will be used, replacing the existing mixture of indigenous and pest plant species. The proposed method of works will avoid adverse effects on fauna inhabiting the site, such as birds, lizards, beetles, and the katipo spider. The proposed works will result in the maintenance and enhancement of indigenous biodiversity in the dunes.
Objective 4	Prevent the further loss of the quality and extent of rare and threatened habitats in the coastal environment of the region. These include coastal forest, seagrass beds, saltmarsh wetlands and sand dunes.	Sand dunes will be restored and revegetated, ensuring no loss of the dune or the quality and extent of the habitat. Impacts on rare vegetation, such as the northern spinifex, will be avoided, while other vegetation will be replanted and enhanced with indigenous plants suitable for the environment.
Policy NH 1	In relation to the natural heritage of the coastal environment, activities may be considered appropriate if they contribute to the restoration and rehabilitation of natural heritage or cultural values associated with natural heritage (including kaimoana resources and cultural landscape features) or if: They are: Are compatible with the existing built environment and level of modification to the environment...	I consider that the proposal can be considered appropriate because: - The works are compatible with the level of modification that has occurred within the surrounding environment; - The works are of an appropriate form compatible with the environment and natural heritage values will be maintained; - There will be no significant adverse effects on natural processes or the ecological functioning of the coastal marine area; and - The site is not located within an ONFL, area of ONC, or an IBDA-A.

	• Are compact, and do not add to sprawl or sporadic development; and • Have a functional need to be located in or near the coastal environment in general, or in or near a specific part of the coastal environment and no reasonably practicable alternative locations exist; and • Are of an appropriate form, scale and design to be compatible with the existing landforms, geological features and vegetation or will only have temporary and short-term effects on such features; and • Will not, by themselves or in combination with effects of other activities, have significant adverse effects on the natural processes or ecological functioning of the coastal marine area; or • Involve the operation, maintenance, or upgrading of existing regionally significant infrastructure; and • They will not have unacceptable adverse effects on the values and attributes of an Outstanding Natural Feature and Landscape (ONFL), an area of Outstanding Natural Character (ONC) or an Indigenous Biological Area A (IBDA A) identified in Policy NH 5.	
Policy NH 5	Adverse effects must be avoided on taxa that meet the criteria listed in Policy 11(a)(i) or (ii) of the NZCPS.	The northern spinifex is considered to have high ecological value and significance, that meet the criteria in NZCPS policy 11(a)(i). The construction methodology has been designed to avoid impacting the northern spinifex foredune and therefore the proposal is consistent with the outcome sought by this policy.
Policy NH 6	When assessing the extent and consequence of any adverse effects on the values and attributes of the areas listed in Policy NH 5 and identified in Schedules 2 and 3 to this Plan and Appendix I to the RPS: (a) ... (b) Recognise that a minor or transitory effect may not be an unacceptable adverse effect; (c) Recognise the potential for cumulative effects that are more than minor;	Within the earthworks footprint, there will be excavation of the dune and complete removal of dune vegetation. Direct effects on birds, katipo spiders, lizards, and beetles will be avoided by implementing an avifauna management plan and conducting pre-works site inspections and species relocations by an ecologist. Habitats for these species will be restored following the works through dune reshaping and replanting with indigenous dune plant species. I consider these effects to be less than minor and transitory on the values and attributes of the IBDA-B. The values will be restored and enhanced following the dune restoration and planting. I do not consider these to be unacceptable

	(d) Have regard to any restoration and enhancement of the affected attributes and values....	adverse effects as they are temporary, and the values will be restored and enhanced following the works. I have not identified any adverse cumulative effects associated with the works requiring resource consent from the Regional Council.
Policy NH 8	Significant adverse effects must be avoided, and other adverse effects avoided, remedied or mitigated, on the values and attributes of: (a) Any Indigenous Biological Diversity Area B (as identified in Schedule 2, Table 2); and (b) Natural features and natural landscapes (including seascapes) in the coastal environment that are not listed as outstanding in Schedule 3.	As described above for policy NH 6, there will be no significant adverse effects on the values of IBDA-B. The adverse effects will be managed by avoiding impacts on northern spinifex, restoring the disturbed areas in accordance with the planting plan, and maintaining the areas for two years, thereby remedying and mitigating adverse effects.
Policy NH 9	Significant adverse effects on natural character in areas that are not identified as outstanding in Appendix I to the RPS are to be avoided, and other adverse effects avoided remedied or mitigated.	The Landscape and Natural Character Assessment identified that the site contributes to the natural character of Waihi Beach through its naturalised dune landform and planting. The proposal will result in low level of adverse effects during vegetation clearance and earthworks, which will be minimised by the proposed works methodology and timing of works. Upon completion, the effects on natural character are assessed as moderate-high positive, with natural character increasing due to the higher quality planting. I consider that adverse effects on natural character are temporary during works and subsequently avoided following site restoration.
Policy NH 11	There should be no net loss as a result of subdivision, use and development of the quality and extent of established mangroves seagrass beds, saltmarsh wetlands, bird roosting sites, sand dunes and coastal forest in the areas identified in Schedule 2. Where a biodiversity offset is proposed, it should be developed in a manner consistent with the principles contained in Schedule 13.	There will be no net loss of sand dunes and bird roosting sites as a result of the proposal as the site will be restored and improved with indigenous planting following works. A biodiversity offset is not proposed.
Policy NH 13	Maintain ecological interconnections that are necessary to sustain indigenous species, including migratory routes, intact ecological sequences and ecological corridors. Irreversible and other significant adverse effects on these interconnections should be avoided, including significant cumulative adverse effects; other effects should be avoided, remedied or mitigated.	The disturbance will be confined to the works footprint, leaving other areas of the dune, its vegetation, and habitats unaffected. Consequently, ecological corridors will be preserved during the works. After the works are completed, the dune shape and vegetation will be restored, to continue providing habitat for indigenous species and maintain the value of the IBDA-B.

Policy NH 14	Recognise and provide for Māori cultural values and traditions when assessing the effects of a proposal on natural heritage, including by: (a) Avoiding significant adverse effects, and avoiding, remedying, mitigating or offsetting other effects, on habitats of indigenous species that are important for traditional or cultural purposes; and on cultural and spiritual values associated with natural features and natural landscapes; (b) Avoiding, remedying or mitigating cumulative adverse effects on the cultural landscape; (c) Assessing whether restoration of cultural landscape features can be enabled; and (d) Applying the relevant Iwi Resource Management policies from this Plan and the RPS.	Consultation with iwi, hapū, and MACAA applicants has been carried out; however, no responses were received. I consider it reasonable to conclude that the proposal is consistent with the outcomes sought by Policy NH 14 because: • There are no significant cultural sites recorded at the site; • There are no recorded archaeological sites at the site and the Applicant proposes to implement an Accidental Discovery Protocol to manage the risk of unearthing any kōiwi or other wāhi tapu during earthworks; • The works do not prevent access to the CMA for the purposes of gathering kai moana or other cultural practices; and • The works will be managed in a manner that is consistent with the outcomes sought by the Tauranga Moana Iwi Management Plan. In particular, fresh- and coastal water quality will be protected, vehicle use on the foreshore will not impact kai moana resources, effects of erosion will be managed, and no discharges of hazardous substances are anticipated.
Policy NH 19	The guidelines contained in Schedule 4 Management Guidelines for Natural Features and Landscapes should be considered during the development of a proposal to undertake an activity in the coastal environment unless more specific provisions apply in a relevant district or city plan. These guidelines will be taken into account during the consideration of resource consent applications to undertake activities in the coastal marine area	The guidelines recommend that the natural duneland and foredunes landform is protected from inappropriate use and development considering the landform pattern which is a typical visual component of the natural character of the coastal environment. The proposal will reinstate the dunes to their natural form, and plant and maintain dune vegetation to mitigate visual effects; no significant adverse effects on natural character have been identified.
Policy NH 20	Subdivision, use and development in the coastal environment should consider the use of design techniques, materials and colours that assist in avoiding significant adverse effects on natural character values and attributes. Markers or high visibility materials may be required to provide for safety where relevant. Development in the coastal environment may require set-back from beaches and sand dunes to avoid significant adverse effects on natural character.	
Policy NH 21	Planting associated with remediation or mitigation of effects on natural heritage should use appropriate native species and give preference to the use of eco-sourced native plants. The introduction of exotic plants into areas of Outstanding Natural	The proposal includes planting and maintenance of indigenous dune species in the works footprint of the dune, and some maintenance planting to other areas in a manner consistent with this policy.

	Character (as identified in Appendix I to the RPS) or an Indigenous Biological Diversity Area A is inappropriate.	
Iwi Resource Management		
Objectives 13 - 18	Objectives 13 to 18 include the following themes: • Take into account the principles of the Treaty of Waitangi; • Provide for active partnerships and tangata whenua involvement • Tangata whenua are able to undertake customary activities. • Significant sites are protected. • Sites where customary activities or ability to collect kai are restricted or compromised are restored. • Tangata Whenua are involved in monitoring and Cultural health indicators used. • Appropriate mitigation or remediation occurs where activities have adverse effects on mauri, relationships, customs and traditions	The applicant has engaged with tangata whenua in order to understand their relationship with the project area, and how their relationship can be recognised and provided for, as well as their role as kaitiaki, however no feedback was received. For the reasons stated under Policy NH 14 and below I consider the proposal has been progressed in a manner consistent with the Iwi Resource Management objectives and policies: • The applicant has extended invitations to engage to iwi, hapū and marae. However, only Ngāti Te Wai Hapu responded, deferring to Te Whanau a Tauwhao ki Otawhiwhi, and no other responses were received. • The site is not identified as an Area of Significant Cultural Value, is not listed in the Historic Heritage Inventory, has no identified archaeological sites, and is not mentioned in the Tauranga Moana Iwi Management Plan or consultation feedback. There are no Statutory Acknowledgements in the area that could be affected by the proposal. Review conditions allow for addressing unforeseen adverse effects on taonga or significant sites. • The proposed earthworks will temporarily disrupt beach access on the southern side of Three Mile Creek, but access will be maintained on the northern side and other local access points, ensuring cultural practices like gathering kai moana are not hindered. • The applicant will implement an Accidental Discovery Protocol to manage the risk of unearthing kōiwi or wāhi tapu during earthworks. Views from applicants seeking customary marine title under the Marine and Coastal Area Act were sought, but no responses were received. • The proposed vegetation removal and earthworks methods limit the extent of the earth disturbance, the disturbance is temporary, and the proposal aligns with the iwi management plan, thus it is considered in accordance with policy direction.
Policy IW 1	Proposals which may affect the relationship of Māori and their culture, traditions and taonga must recognise and provide for: (a) Traditional Māori uses, practices and customary activities relating to natural and physical resources of the coastal environment such as mahinga kai, mahinga mātaitai, wāhi tapu, ngā toka taonga, tauranga waka, taunga ika and taiāpure in accordance with tikanga Māori; (b) The role and mana of tangata whenua as kaitiaki of the region's coastal environment and the practical demonstration and exercise of kaitiakitanga; (c) The right of tangata whenua to express their own preferences and exhibit mātauranga Māori in coastal management within their tribal boundaries and coastal waters; and (d) Areas of significant cultural value identified in Schedule 6 and other areas or sites of significant cultural value identified by Statutory Acknowledgements, iwi and hapū resource management plans or by evidence produced by tangata whenua and substantiated by pūkenga, kuia and/or kaumatua; and.	

	(e) The importance of Māori cultural and heritage values through methods such as historic heritage, landscape and cultural impact assessments.	- The activity does not restrict tangata whenua access to the coastal environment or coastal marine area, except for the temporary restriction within the works footprint. Alternative access is maintained nearby. Overall, the proposed works do not restrict long-term access along this section of the CMA. - A review condition is recommended to address any unforeseen adverse effects on taonga, sites, areas, features or resources of significance or special value to tangata whenua.
Policy IW 2	Avoid and where avoidance is not practicable remedy or mitigate adverse effects on resources or areas of spiritual, historical, or cultural significance to tangata whenua in the coastal environment identified using criteria consistent with those included in Appendix F set 4 to the RPS. Where adverse effects cannot be avoided, remedied or mitigated, it may be possible to provide positive effects that offset the effects of the activity.	
Policy IW 3	To recognise the sensitivity associated with identifying sites, areas and resources of significance to Māori.	
Policy IW4	The following shall be taken into account during decision-making: The consistency of the proposal with any iwi or hapū resource management plan recognised by an Iwi Authority and lodged with the Regional Council that applies to the area affected; Recognition provided under any other legislation – including but not limited to: Treaty of Waitangi settlements; gazetting of Rohe Moana and Mātaitai under the Kaimoana Customary Fishing Regulations 1998 and the customary rights recognitions available under the Marine and Coastal Area (Takutai Moana) Act 2011 and The principles of Te Tiriti o Waitangi (the Treaty of Waitangi), recognising that these will continue to evolve and be defined	
Policy IW5 & IW6	Decision makers shall recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga. Those relationships must be substantiated for evidential purposes by pūkenga, kuia and/or kaumātua. Applications for coastal permits should include sufficient evidence of consultation with tangata whenua likely to be affected by the proposed activity or those who otherwise have tribal jurisdiction	

	over the location of the proposed activity. Tangata whenua that may be affected by a proposal include those: (a) That have mana moana or mana whenua over an affected area; (b) That are ahi kā; (c) That are landowners; (d) Groups that have recognition under other legislation; or (e) Tangata whenua who have lived in an affected area for a long time	
Policy IW 10	Include a review condition in coastal permits where necessary, to address unforeseen adverse effects on taonga, sites, areas, features or resources of significance or special value to tangata whenua, which may arise from the exercise of the consent	
Policy IW 11.	To avoid use and development which would restrict the access of tangata whenua to sites used for cultural practices, gathering kaimoana and areas of cultural significance in the common marine and coastal area, unless: (a) The restriction is consistent with one or more of the clauses (a) to (k) listed in Policy RA 4; or (b) Alternative access can specifically be provided for; or (c) The effects of the loss of access can be adequately remedied or mitigated.	
Coastal Hazards		
Objective 21	Development and activities in the coastal environment are managed to take account of the dynamic nature of coastal processes.	The proposal considers the dynamic coastal processes, tidal limits, and storm surge protection. It includes consent conditions for a contingency plan to halt construction and implement emergency measures during extreme weather. Monitoring and maintenance of dune vegetation and wind fencing are also proposed to ensure stability until vegetation is established. The earthworks will cause temporary disturbance, but restoration of the dune and vegetation will restore and maintain the dunes' protective function. The proposal will not disturb dunes or their vegetation outside of the works footprint preserving these natural defences.
Objective 22	Development is managed to recognise the future effects of climate change and to maintain or enhance the natural biological and physical processes which occur in the coastal environment.	
Objective 23	Recognise and provide for the protection and enhancement of natural defences to coastal hazards	

Policy CH 1	Regional, city and district councils shall have regard to: RPS policies on natural hazards relevant to the coastal environment, and • RPS Policies CE 8B(c), CE 12B; and • NZCPS Policies 24, 25, 26 and 27.	The coastal environment will be restored to its natural state, and the values of the IBDA-B will be reinstated after the works. Natural patterns of indigenous vegetation will be reestablished, mitigating the effects on natural character. The dune landform will be reinstated to maintain protection against coastal hazards and erosion.
Policy CH 2	The design of redevelopment and the design and location of activities in the coastal environment shall avoid increasing the level of risk of social, environmental and economic harm from coastal erosion or inundation over a 100-year period.	
Policy CH 6	In accordance with RPS Policies CE 4A, CE 7B and CE 8B(c), and NZCPS Policy 26, regional, city and district councils should when making decisions on resource consent applications, protect, restore or enhance natural values and features that provide a natural defence from coastal hazards. Natural defences include, but are not limited to, fore dunes, back dunes, dune vegetation, active offshore sand reservoirs, estuarine vegetation, wetlands, coastal cliffs and coastal cliff vegetation.	The dune landform will be restored to its natural shape and form and will be revegetated with indigenous plants which will provide defence from coastal hazards by reducing erosion and scour and sediment loss at this location.
Policy CH 7	Any lowering of the dune system or any breaches in the dune system shall be avoided. Any re-shaping of dunes shall only occur to increase or maintain the level of natural protection from coastal hazards, and includes re-shaping required for dune planting and the provision of formal coastal access ways.	There will be a temporary breach of the dune during earthworks. However, the works methodology involves staging the works to progressively excavate and fill the dune, reducing the period of risk. After the works, wind fencing will protect the dune from wind induced erosion while the planting becomes established. There are no formal accessways through the dune system; pedestrian access is directed along the Three Mile Creek accessway to prevent damage to the dune vegetation.
Recreation		
Objective 24	Maintain and enhance integrated access to the coastal environment to support people's recreational activities, safe ocean and harbour access for recreational boats and enjoyment of coastal open space and natural heritage qualities, unless vehicle access restrictions are necessary in accordance with	The earthworks and beach access restrictions at the location of the works are temporary. Beach access will be maintained at all times at nearby locations, ensuring no permanent effect on beach access. Conditions are proposed to restrict vehicle access in the CMA to protect shellfish beds, vegetation, birds, water quality, and to avoid disturbance to the beach

	Policy 20 (1) of the NZCPS, which sets out when to control use of vehicles on beaches, foreshore, seabed and adjacent public land.	during public and school holidays and Sundays. These measures are in accordance with the direction of policy 20(1) of the NZCPS.
<u>Policy RA 4</u>	Public walking access along the coastal marine area may only be restricted in the following situations, and where it is restricted the restriction should cover as small an area as possible and alternative access routes or methods should be provided: • To protect threatened indigenous species • To protect significant areas of indigenous vegetation or habitats of indigenous fauna, including bird-roosting areas, shorebird nesting areas and those indigenous biological diversity areas identified in Schedule 2 that are sensitive to disturbance; • To protect sites and activities of cultural value to Māori, including for cultural events; • To protect historic heritage; • To protect any other regionally significant sites or values; • To protect public health or safety, having regard to land use and land-based activities occurring adjacent to the coastal marine area; • To avoid or reduce conflict between public uses of the coastal environment; • For management of short-term activities or special events; • For defence purposes in accordance with the Defence Act 1990; • To ensure a level of security consistent with the purposes of a resource consent; • To protect sites from erosion; or in other exceptional circumstances sufficient to justify the restriction	Public access to the CMA will be maintained throughout the proposed works, although access on the southern side of Three Mile Creek will be temporarily restricted. Signs are already in place to restrict access over the planted dunes, preventing damage and erosion, and protecting indigenous species, including birds and vegetation. Fencing and signage will be installed to prevent public access to the works site.
Activities and Disturbance in the CMA		
Objective 30	Activities and structures in the coastal marine area are located, designed and undertaken in a manner that is appropriate given the values and existing uses of their location	The proposed activity in the CMA will result in temporary disturbance associated with vehicle access during works and dune restoration activities such as for the delivery of plants; conditions as described in Objective 24 above have been included and are appropriate given the values of the site.
Objective 44	Exotic or introduced plants and harmful aquatic organisms are prevented from establishing in the coastal marine area and the	Existing exotic plants within the works footprint will be removed and replaced with indigenous vegetation suitable for the environment. The proposal includes a machinery hygiene protocol to ensure that machinery is cleaned before arriving

	adverse effects of existing infestations of exotic plants and harmful aquatic organisms in the coastal environment are remedied or mitigated	on site, preventing the spread of pest plant species within the dune and Three Mile Creek which needs to be crossed during works.
Policy DD 2	Restrict the use of vehicles on the foreshore and seabed to those which have a legitimate need to use such areas	The proposal requires vehicles and machinery to traverse the CMA to access the works area. Vehicle use in the dunes is restricted to within the works footprint, and appropriate measures have been proposed to avoid and remedy the adverse effects on dunes, bird roosting and nesting areas, and the IBDA-B values. To mitigate potential adverse effects on the coastal environment, the applicant proposes the following measures: • Limiting vehicle speed. • Using the shortest route between the beach access and the works area. • Ensuring no discharge of contaminants from machinery. • Avoiding traversal over shellfish beds or vegetation in the CMA. • Subject to the requirements of the Avifauna Management Plan if works are within the bird nesting season of 1 August to 31 March
Policy DD 7	Activities that cause disturbance of the foreshore and seabed shall: (a) Be undertaken at times of the day or year and using methodologies, that will avoid significant adverse effects and remedy or mitigate other adverse effects on the environment, particularly on: (b) The feeding, spawning and migratory patterns of indigenous fauna, including bird roosting, nesting and feeding, and whitebait runs; i. Indigenous ecosystems and habitats that are particularly vulnerable to modification, including: estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; and ii. Habitats of indigenous species that are important for recreational, commercial, cultural or traditional purposes, including traditional Māori gathering, collection or harvest of kaimoana; and	For the reasons set out in my assessment of other RCEP objectives and policies, the requirements of this policy have been given effect to by the proposal and the relevant consent conditions as described in section 9.1 of the s.42 report.

	(c) Ensure that the foreshore or seabed is, as far as practicable, reinstated in a manner which is in keeping with the natural character and visual amenity of the area; (d) Avoid significant adverse effects on biota caused by the release of contaminants; and (e) Be undertaken at times of the day or year, and using methodologies, that will avoid as far as practicable, remedy or mitigate adverse effects on: i. Recreational use of the coastal marine area; and Other lawfully established activities in the coastal marine area.	
Noise in the CMA		
Objective 42	The generation of unreasonable levels of noise or light in the coastal marine area is avoided.	The objective seeks to avoid unreasonable levels of noise in the CMA, and policy Ns 3 provides guidance that best management practices shall be used to manage noise.
Noise Policy NS 3	In the coastal marine area outside the Tauranga Harbour, Port Zone and Ōhiwa Harbour, apply best management practices to manage noise, except in relation to Policy NS 4.	The proposal will generate noise in the CMA during vehicle movement, the applicant proposes to limit work hours and days while complying with the District Plan noise limits and NZS 6803:1999 Acoustics – Construction Noise. I consider these are best management practice and therefore the proposal aligns with the objective and policy direction.

Resource Consent

Resource Consent RM24-0537-AP

Following the processing of the Application received on the 11 October 2024, the Bay of Plenty Regional Council has granted the applicant(s):

Glen Isla Protection Society Incorporated

Consent(s) to:

RM24-0537-LC.01 Earthworks or Excavation Expiry 31 May 2035

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

The Resource Consent hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 7th day of May 2025

For and on behalf of The Bay of Plenty Regional Council



Fiona McTavish
Chief Executive



Bay of Plenty Regional Council

Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 7 May 2025, **hereby grants**:

A resource consent:

- **Under section 9(2)(a) of the Resource Management Act 1991 and Rule LMR4 of the Bay of Plenty Regional Natural Resources Plan to undertake a discretionary activity being to disturb land and soil as a result of earthworks.**
- **Under section 9(2)(a) of the Resource Management Act 1991 and Rule LM10 of the Bay of Plenty Regional Natural Resources Plan to undertake a discretionary activity being to disturb land and soil as a result of vegetation clearance.**
- **Under section 12(1)(c) of the Resource Management Act 1991 and Rule DD14 of the Bay of Plenty Regional Coastal Environment Plan to undertake a discretionary activity being to disturb the Coastal Marine Area.**

subject to the following conditions:

1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions for the:
- (a) Land and soil disturbance associated with vegetation clearance and earthworks to enable the installation of a buried coastal protection structure within the sand dunes at Waihi Beach; and
 - (b) Disturbance of the foreshore by the use of vehicles associated with the installation of a buried coastal protection structure within the sand dunes at Waihi Beach.

2 Location

- 2.1 The activities authorised by this resource consent shall be located:
- (a) On Western Bay of Plenty District Council Recreation and Esplanade Reserves at Lot 18 DPS 22035 and Lot 19 DPS 22035, Waihi Beach;
 - (b) Within the foreshore adjacent to the Reserves described in (a);
 - (c) As shown on BOPRC Consent Plan RM24-0537/01 – Location
 - (d) As shown on BOPRC Consent Plans RM24-0537/02 and RM24-0537/03 – Earthworks and Structure extent.

3 Notification of Works

- 3.1 (a) No less than five working days prior to the overall start of works under this consent the consent holder shall request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions (See Advice Note 3).
- 3.2 No less than five working days prior to the completion of vegetation clearance and earthworks under this consent, the consent holder shall notify and request (in writing) a site meeting with a representative of the Bay of Plenty Regional Council (See Advice Note 3).

4 Works

- 4.1 All activities shall be carried out in accordance with the Resource Consent Application received by the Bay of Plenty Regional Council on 14 October 2024, prepared by Mitchell Daysh, titled Glen

Isla Protection Society, Glen Isla Dune Waihi Beach Coastal Protection Project, and dated 11 October 2024, and the following documents:

- (a) Construction Methodology Statement, Rev C, dated November 2024, prepared by Davis Coastal Consultants, referenced as BOPRC Consent Appendix RM24-0537/01;
- (b) Engineering Design Report, Rev B, dated October 2024, prepared by Davis Coastal Consultants, referenced as BOPRC Consent Appendix RM24-0537/02;
- (c) The Works Management Plan certified in accordance with condition 4.2;
- (d) Design drawings referenced as BOPRC Consent Appendix RM24-0537/03;
- (e) Vegetation clearance and earthworks extent referenced as BOPRC Consent Plan RM24-0537/02 and RM24-0537/03;
- (f) Machinery accessway and works corridor in the dunes, referenced as BOPRC Consent Plan RM24-0537/04;
- (g) Rock and sand temporary stockpile location, referenced as BOPRC Consent Plan RM24-0537/04;
- (h) The Avifauna Management Plan certified in accordance with condition 6.1, if such a plan is required;
- (i) The Remediation Planting Plan certified in accordance with condition 10.2; and

- 4.2 (a) No less than 20 working days prior to undertaking vegetation clearance and earthworks, the consent holder must submit a Works Management Plan (WMP) prepared by a suitably qualified and experienced person to the Bay of Plenty Regional Council (BOPRC) for written certification by an Environmental Engineer.
- (b) Certification is for the purpose of confirming the WMP meets the requirements of condition 4.3;
- (c) Work shall not start until written certification of the WMP has been received;
- (d) Any updates to the WMP must be submitted to the BOPRC for certification in accordance with this condition prior to implementation of any changes.
- (e) The purpose of WMP is to detail the methods to be implemented during works to meet the conditions of this consent.
- 4.3 The WMP required by condition 4.2 must include, but is not limited to:
- (a) An erosion and sediment control plan for the vegetation clearance, earthworks, and vehicle disturbance that meets the requirements of the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/01'. This plan must identify the mapped location and type of all erosion and sediment controls, along with the duration these measures will be in place and their maintenance. This plan must include, but is not limited to:
1. Methods to stabilise the vehicle and machinery accessway to the foreshore at 91 Seaforth Road to protect it from damage and erosion;
 2. Wind fencing of the disturbed dune area;
 3. Clean water diversions; and
 4. Progressive stabilisation of the works area;
- (b) A monitoring and maintenance regime that addresses the potential risk of damage during storm events and potential interference by the public;
- (c) A map delineating the full extent of the vegetation clearance and earthworks 'Works Footprint'.
- (d) Timing and duration of vegetation clearance and earthworks, including work hours and days, and considering the tides;
- (e) Methodology and sequencing for vegetation clearance and earthworks associated with progressive wall construction;
- (f) The methods to avoid effects on avifauna as described in the avifauna management plan certified in accordance with condition 6.1, if such a plan is required;
- (g) The methods to identify, relocate and report on lizards, katipo, and the sand scarab beetle larvae as required by condition 6.2;
- (h) The methods to avoid effects on protected dune vegetation as shown on BOPRC Consent Plan RM24-0537/05.
- (i) Details on vehicle and machinery access to the beach, movement along the beach and foreshore, and storage;
- (j) Plan(s) prepared by a suitably qualified ecologist that delineates the vehicle access route to the works site to avoid traversing shellfish beds and vegetation;
- (k) Details on equipment storage and refuelling; and
- (l) A contingency plan for the vegetation clearance and earthworks that details methods for implementing emergency measures to reduce potential environmental impacts during unplanned events, such as extreme weather or tidal events.

- 4.4 (a) Unless otherwise agreed in writing by the Bay of Plenty Regional Council in accordance with clause (b), all vegetation clearance and earthworks shall be completed within 183 calendar days of commencement,
- (b) The timeframe specified in clause (a) may be extended by the Bay of Plenty Regional Council if work is delayed due to:
1. A condition of the substantive decision on the application for consent (RC14513(L) with Western

Bay of Plenty District Council (see Advice Note 16); or

2. A force majeure event or law or regulation restrictions (including pandemic restrictions) that are beyond the control of the consent holder and delay work from occurring.

- 4.5 Where strong onshore weather conditions, storms or extreme tides threaten to inundate the Works Footprint during vegetation clearance and earthworks, the works site shall be made safe, and works shall cease in accordance with the requirements of the WMP required by condition 4.2.
- 4.6 The consent holder shall manage deliveries to site on an “as required” basis to minimise stockpiling of rock and sand, as far as practicable. Any temporarily stockpiles of rock and/or sand must:
- (a) Be within the locations identified in BOPRC Consent Plan RM24-0537/04;
 - (b) Moved into the Works Footprint by the end of each working day;
 - (c) Placed on heavy gauge geotextile and shall not be placed on top of any vegetation; and
 - (d) Not be placed or stored in the Coastal Marine Area (see Advice Note 13).
- 4.7 (a) The consent holder must restore the sand dunes to replicate a natural form immediately upon completion of the vegetation clearance and earthworks authorised by this consent, to ensure the sand placement results in a dune that is well integrated into the natural landform.
- (b) The consent holder must provide certification from a suitably qualified and experienced landscape architect or another suitably qualified or experienced professional (agreed in writing by the BOPRC) that the requirements of clause (a) have been met. Certification must be submitted to the BOPRC within 5 working days of completing vegetation clearance and earthworks.
- 4.8 The consent holder must remove any waste from within the work site if unearthed during works. These materials must be disposed of at a facility authorised to accept such material.

5 Vegetation Clearance and Earthworks Disturbance Extent

- 5.1 (a) Disturbance from vegetation clearance and earthworks authorised under this consent is limited to the area of the Works Footprint as specified in the Works Footprint map required by condition 4.3 (c).
- (b) The extent of the Works Footprint must be clearly marked and visible to all workers and the public before and throughout the works period.
- 5.2 (a) The only activity that may occur on the foreshore is the use of vehicles and machinery for the purpose of delivering machinery and materials to the works site (see Advice Note 13);
- (b) Vehicles using the foreshore shall take the shortest practicable route to and from the works site;
- (c) Vehicles and machinery may not enter the sea, except where necessary to traverse Okawe Stream (Three Mile Creek) where it crosses the beach;
- (d) Vehicles must avoid damaging existing structures in proximity to the area of vegetation clearance, earthworks and vehicle access routes (see Advice Notes);
- (e) Vehicles using the foreshore shall not exceed a speed of 15 kilometres per hour; and
- (f) Vehicles using the foreshore shall not traverse shellfish beds or vegetation.
- 5.3 (a) Vehicle and machinery access to the foreshore and works site shall be via the Western Bay of Plenty District Council Reserve accessway at 91 Seaforth Road, as identified on RM24-0537/04;
- (b) The consent holder shall use methods described by condition 4.3(a)(1) to protect the sand dunes and its vegetation at the accessway from damage and erosion;
- (c) The consent holder must remediate any damage to the sand dunes and its vegetation at the accessway, as soon as practicable to the satisfaction of the Bay of Plenty Regional Council.
- 5.4 (a) Machinery to be kept on site shall be stored within the Works Footprint, except when inclement weather occurs or is forecast to occur, during which time the machinery may be kept in the Western Bay of Plenty Reserve at 91 Seaforth Road.
- (b) Refuelling shall occur outside of the coastal marine area in a dedicated laydown area.

6 Ecology

- 6.1 (a) If the vegetation clearance and earthworks are to be undertaken between 1 August and 31 March (inclusive of both dates), the consent holder must submit an Avifauna Management Plan (AMP) to the Bay of Plenty Regional Council for certification ten working days prior to

commencement of any works between 1 August and 31 March (inclusive of both dates).

Certification is for the purpose of confirming the requirements of clause (b) are met;

(b) The AMP must be prepared by a suitably qualified and experienced ecologist and must include as a minimum:

1. The results of a pre-work bird nest inspection of the works site and surrounding area (as deemed necessary by the ecologist), and the vehicle access route where it is located within sand dunes and the foreshore; and

2. Measures to be implemented to avoid adverse effects on nesting birds.

(c) The consent holder must implement the most recent AMP certified in accordance with clause (a), prior to the commencement of vegetation clearance and earthworks.

- 6.2 (a) The consent holder shall ensure that a suitably qualified and experienced ecologist is present at the start and throughout the duration of vegetation clearance and woody material removal to inspect the area for lizards, Katipo and Sand Scarab beetle larvae.
- (b) If lizards, Katipo, or the Sand Scarab Beetle Larvae are found within the vegetation clearance and earthworks area, they must be relocated outside of the works site (see Advice Note 15).
- (c) The consent holder must provide a report prepared by a suitably qualified and experienced ecologist to the Bay of Plenty Regional Council within 20 working days of any relocation occurring, detailing the date, numbers of each species found and relocated.

7 Timing

- 7.1 (a) Works authorised by this consent shall occur:
1. Monday to Friday; and
 2. Between 7:30 am and 6 pm.
- (b) On no more than three days per fortnight the consent holder may extend working hours to include:
1. Saturdays; and/or
 2. Working hours from 6 am to 8 pm;
- (c) No works shall occur during public holidays or school holidays; and
- (d) Works shall not be undertaken at night or once daylight becomes unsuitable.

8 Erosion and Sediment Controls and Dust Management

- 8.1 The consent holder shall:
- (a) Ensure that erosion and sediment controls are designed and constructed in accordance with the Works Management Plan certified in accordance with condition 4.2;
 - (b) Ensure that the erosion and sediment controls are installed before works start, and maintained in an effective capacity and good working order at all times during works and until the site is stabilised;
 - (c) Divert uncontaminated catchment runoff away from the area of vegetation clearance and earthworks; and
 - (d) Ensure that any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Bay of Plenty Regional Council staff is completed within 24 hours or as soon as is safely practicable.
- 8.2 The consent holder shall maintain records of:
- (a) The date and time of every inspection of erosion and sediment controls on the site; and
 - (b) The date, time and description of any maintenance work carried out.
- 8.3 The consent holder shall send a copy of records required by condition 8.2 to the Bay of Plenty Regional Council within 48 hours of their request.
- 8.4 The consent holder shall:
- (a) Adopt a proactive strategy for dust control, specifically by complying with the principles of dust management as set out in the Bay of Plenty Regional Council Guideline No. 2010/01 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the property boundary.
 - (b) Ensure that, outside of normal working hours, staff are available on-call to operate dust suppression measures; and
 - (c) In the event that wind conditions make dust control impracticable, ensure that any machinery generating airborne dust stops operating until effective dust control is re-established.

8.5 The consent holder shall ensure that there is no tracking of sand onto the road.

9 Public Access

- 9.1 (a) Except when vehicles or machinery are moving within this area, public access to the beach along the northern side of Okawe Stream (Three Mile Creek), and along the beach and foreshore seaward of the works site shall be maintained at all times.
(b) Public access along the southern side of Okawe Stream to the beach must be maintained to the extent practicable and safe during works.

10 Planting

- 10.1 (a) Prior to the replanting of the Reinstatement Area, the consent holder shall fill any wind erosion holes and sink holes greater than 0.5 metres in depth by moving sand from the surrounding area to achieve the requirements of condition 4.7.
- 10.2 The consent holder shall carry out planting within 20 working days of the completion of vegetation clearance and earthworks (see Advice Note 16). Planting shall be carried out in accordance with:
(a) The Remediation Planting Plan (RPP) certified in accordance with condition 10.3; or
(b) An alternative planting plan certified by the Bay of Plenty Regional Council that is in accordance with the planting requirements detailed in the substantive decision on the application for consent (RC14513(L) with Western Bay of Plenty District Council (see Advice Note 14).
- 10.3 (a) At least 20 working days prior to the commencement of planting, the consent holder shall submit a Remediation Planting Plan ("RPP") to the Bay of Plenty Regional Council for written certification;
(b) The purpose of the RPP is to preserve the ecological values and functioning of the Indigenous Biological Diversity Area – B (IBDA-B) and to ensure that a naturalised appearance of new planting is achieved at the site by:
1. Reinstatement of disturbed or destroyed vegetation within the Reinstatement Areas and the Landscape Area, following the initial planting works;
2. The replanting of new plants within the Reinstatement Area that die off; and
3. Ensuring plants are arranged in naturalised groupings, avoiding the appearance of bands or lines of particular species.
(c) The RPP must be prepared by a suitably qualified and experienced ecologist, and as a minimum, include the following:
1. Identification of who will oversee the replanting and the plant maintenance activities.
2. A detailed planting plan showing:
i. Reinstatement Areas' and the 'Landscape Areas' to be planted;
ii. The locations, species and density of planting;
iii. The size of plants at the time of planting.
3. Planting in general accordance with the recommendations outlined in section 7 of BOPRC Consent Appendix RM24-0537/04, including the 'Revegetation Planting Mix';
4. Details of site preparation and planting methods that are suitable for coastal dune conditions and seasons;
5. A description of how the consent holder will Manage and Maintain the 'Reinstatement Areas' to ensure successful establishment of plantings, including monitoring, watering, wind fencing, dune stabilisation measures and weed control strategies; and
6. A description of how the consent holder will Manage and Maintain vegetation lost after storm events, or vegetation that dies off.
(d) Certification is for the purpose of confirming the RPP meets the requirements of clauses (a)-(c).
(e) Planting shall not commence until written certification of the RPP has been received.
(f) Any updates to the RPP must be submitted for certification in accordance with this condition prior to implementation of any changes.
- 10.4 (a) The consent holder must Manage and Maintain plants in the Reinstatement Area for the duration of the Maintenance Period;
(b) At least 10 working days before the end of the Maintenance Period, the consent holder shall provide evidence from a suitably qualified ecologist confirming compliance with condition 10.5(d) (2);
(c) All planting maintenance and weed control shall be undertaken in accordance with the RPP certified in accordance with condition 10.3;
(d) Should a storm event wash away or damage plants in the Reinstatement Area during the Maintenance Period, the consent holder must Manage and Maintain the affected area as soon as practicable in accordance with the RPP. The requirement to Manage and Maintain due to storm events occurring during the Maintenance Period applies where plants are washed away as a result

of no more than two events;

(e) The consent holder shall Manage and Maintain any plants that die or are damaged in the Reinstatement Area within the Maintenance Period in accordance with the RPP; and

(f) Where practicable, plants shall be sourced from the same ecological district as the site.

10.5 The following definitions apply to conditions 10.3 and 10.4:

(a) Reinstatement Area, is the area within the Works Footprint and is the targeted replanting area to preserve and enhance the values and ecological functioning of the IBDA-B;

(b) Landscape Area, is the area outside the Reinstatement Area. The purpose of this landscape planting is to provide for the naturalised appearance of the dune environment following the completion of the works and this area is not subject to ongoing management beyond the initial planting activity;

(c) Manage and Maintain means, during the Maintenance Period:

1. Managing pest plants and weeds within the 'Reinstatement Area';

2. Where plants within the Reinstatement Area have died off or been lost due to a maximum of two storm events, replanting at 1 metre spacings or less as soon as reasonably practicable when suitable plants are available for planting, and provided relevant substrate (i.e., sand) is available to plant into;

3. Provision, as necessary, of any water supply requirement; and

4. Installation and maintenance of wind fencing where required in the opinion of the ecologist for the purpose of minimising windblown sand, to protect plants while they are establishing, and to protect the dune from erosion prior to planting;

(d) Maintenance Period means the earlier of:

1. The date two years after the completion of planting; or

2. In the opinion of the suitably qualified and experienced ecologist, the date the Reinstatement Area achieves 60% coverage of indigenous species.

11 Signage

11.1 Before the start of works under this consent, the consent holder shall erect a prominent sign(s) adjacent to the works site visible to the public and maintain it throughout the period of the works. The sign shall clearly display the following information:

(a) The consent holder;

(b) The main site contractor;

(c) A 24-hour contact telephone number for the consent holder or appointed agent;

(d) A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance resulting from the exercise of this consent.

12 Unexpected Contamination

12.1 (a) If unexpected contamination is discovered that has not been previously identified, through the presence of soil staining, odour, uncharacterised fill, construction and demolition waste, the consent holder shall immediately cease work in the vicinity of the unexpected contamination and shall notify the Bay of Plenty Regional Council (in writing) within 24 hours (see Advice Note 3).

(b) The consent holder shall engage a suitably qualified and experienced practitioner in site contamination to prepare a plan to test and manage the previously unidentified contaminated material in accordance with the current version of the Ministry for the Environment Contaminated Land Management Guidelines No.5 - Site Investigation and Analysis of Soils and No.1 - Reporting on Contaminated Sites in New Zealand.

(c) The plan required by clause (b) shall be submitted to the Bay of Plenty Regional Council for certification by suitably qualified and experienced practitioner in site contamination that the requirements of this condition are met. Contaminated soils referred to in clause (a) must not be disturbed until certification has been received and further work on contaminated soils must be undertaken in accordance with the certified plan (see Advice Note 7).

13 Review of Consent Conditions

13.1 (a) The Bay of Plenty Regional Council may, once per year during either May or November, serve notice on the consent holder of its intention to review the conditions of this consent. The purpose of the review is to add, delete or modify consent conditions to:

1. Review the adequacy of any monitoring requirements and incorporate into the consent any auditing, monitoring or reporting requirements that are necessary to deal with any adverse effects on the environment arising from the exercise of this consent; and/or

2. Respond to and address any planting and maintenance issues that may have an effect on the stability of the dune and/or the Indigenous Biological Diversity Area-B (IBDA-B).

3. Deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is more appropriate to deal with at a later stage; and/or

4. Require the adoption of the best practicable option to remove or reduce any adverse effect on

the environment; and/or

5. Respond to any unforeseen adverse effects on taonga, sites, areas, features or resources of significance or special value to tangata whenua, which may arise from the exercise of the consent.
- (b) The consent holder shall pay the fair and reasonable costs associated with a review.

14 Lapse Period

- 14.1 This consent will lapse 7 years after the date of commencement unless:
- (a) The consent is given effect to before the lapse date; or
- (b) An application is made to extend the lapse period before the lapse date, and such an application is granted.

15 Term of Consent

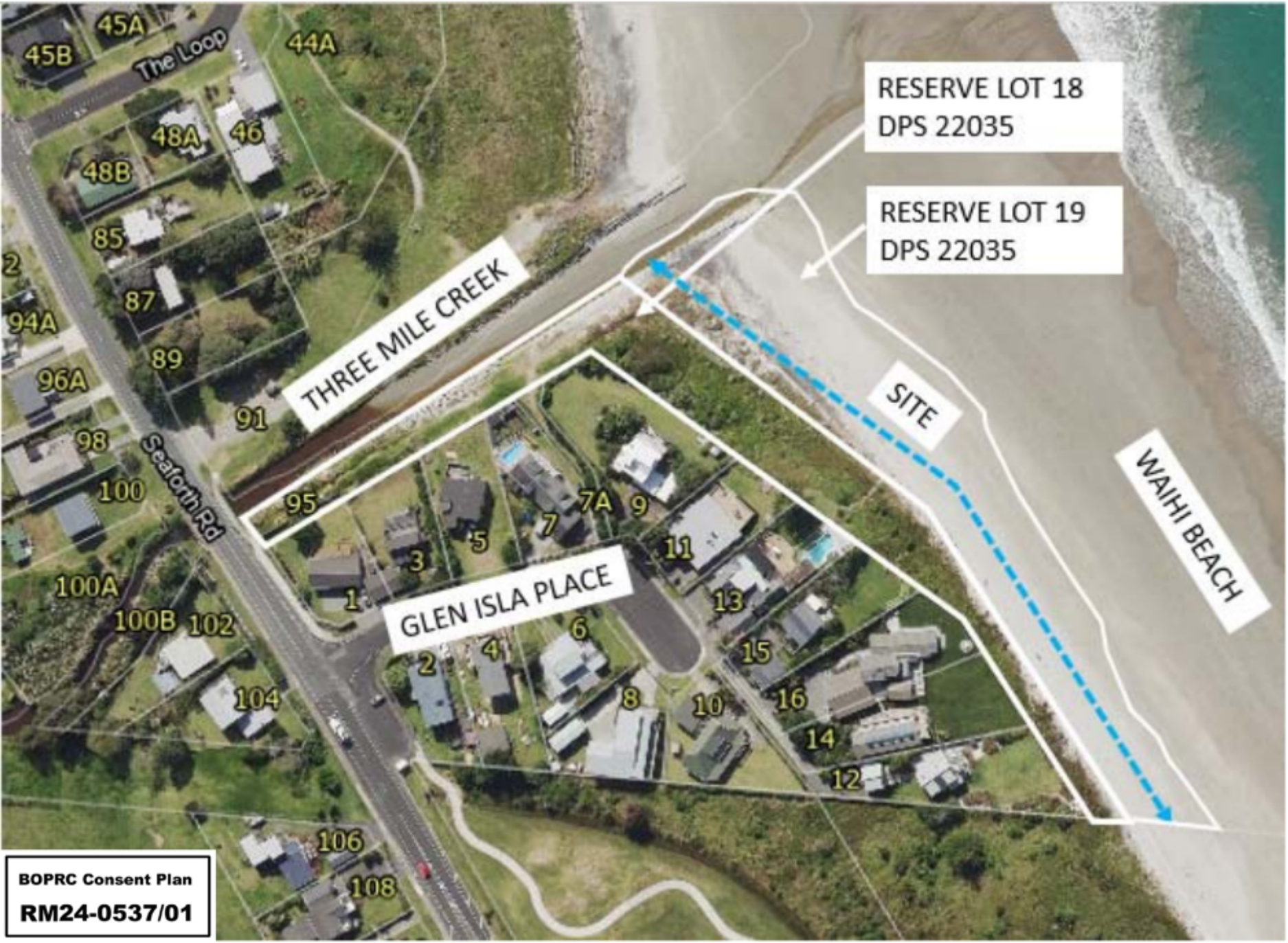
- 15.1 This consent shall expire on 31 May 2035.

Advice Notes

- 1 All conditions must be fulfilled to the satisfaction of the Bay of Plenty Regional Council.
- 2 No archaeological sites, whether recorded or unrecorded, may be destroyed, damaged or modified without the consent of Heritage New Zealand (under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014). If an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work in the vicinity of the discovery, and contact Heritage New Zealand and all relevant iwi/hapū for advice. Heritage New Zealand contact details: email info@lower-northern@heritage.org.nz; phone 07 577 4530. Bay of Plenty Regional Council can provide the contact details of the relevant iwi and hapū in this area.
- 3 Send reports, notifications and plans required by conditions of this consent (in writing) to the Regulatory Compliance Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or notify@boprc.govt.nz. Please include the consent number RM24-0537-LC.01.
- 4 The consent holder is advised that if accidental tracking off-site occurs, that any material that is tracked off-site shall be cleaned up and no further machinery or vehicles are to leave the site until measures are implemented to prevent any further tracking of soil or sediments off-site.
- 5 The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.
- 6 Non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
- 7 Additional consents may be required for the disturbance of contaminated land in accordance with Rule DW R25 of the Bay of Plenty Regional Natural Resources Plan.
- 8 (a) The named consent holder will be responsible for any breach of conditions and compliance costs relating to the consent which occur before the transfer of the consent.
(b) The transfer of the holder's interest in a consent has no effect until written notice of the transfer is given to the Bay of Plenty Regional Council.
- 9 This consent is granted under the Resource Management Act 1991 and is not an authority under any other act, regulation or bylaw.
- 10 The consent holder shall pay the Bay of Plenty Regional Council any administrative charges, which are fixed in accordance with section 36 of the Resource Management Act 1991.
- 11 The emission of noise in the Coastal Marine Area is required to comply with the Permitted activity Rule NS3 of the Bay of Plenty Regional Coastal Environment Plan. Any non-compliance with this rule requires a

separate resource consent.

- 12 This consent does not authorise access to enter or perform any activities on private property.
- 13 Definitions:
1. The Coastal Marine Area (CMA) is defined in the Bay of Plenty Regional Coastal Environment Plan (RCEP) as: The foreshore, seabed, and coastal water, and the air space above the water:
 - (a) Of which the seaward boundary is the outer limits of the territorial sea; and
 - (b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, where
 - (i) The landward boundary of the coastal marine area and the river mouth for each of the rivers is as set out in Table 1, Schedule 1 of the RCEP as agreed and set by the Regional Council, the relevant territorial authorities and the Department of Conservation in 2008.
 - (ii) For rivers not identified in Table 1, Schedule 1 of the RCEP, the agreed and set "mouth" is a straight line representing a continuation of the mean high water springs on each side of the river; and the landward boundary of the CMA is whichever is the lesser of (i) the point 1 km upstream from the mouth of the river or (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5
 2. Foreshore means any land covered and uncovered by the flow and ebb of the tide at mean spring tides and, in relation to any such land that forms part of the bed of a river, does not include any area that is not part of the coastal marine area.
- 14 Consent is also required from the Western Bay of Plenty Regional Council for the proposal. This has been applied for under application number RC14513(L).
- 15 The consent holder is advised that a wildlife permit under the Wildlife Act 1953 from the Department of Conservation is required before any land disturbance works at the site. This permit authorises the catching, handling, releasing, and incidental killing of wildlife species, including lizards. The activity must be conducted in accordance with the obtained permit.
- 16 It is recommended that the consent holder order indigenous plants early to ensure a suitable supply as required by the planting plan. Due to limited availability, it is advisable to place an order at least 18 months before the plants are needed.
- 17 Existing structures referred to in condition 5.2 include but are not limited to the sand bag groins at Okawa Stream (Three Mile Creek).



RESERVE LOT 18
DPS 22035

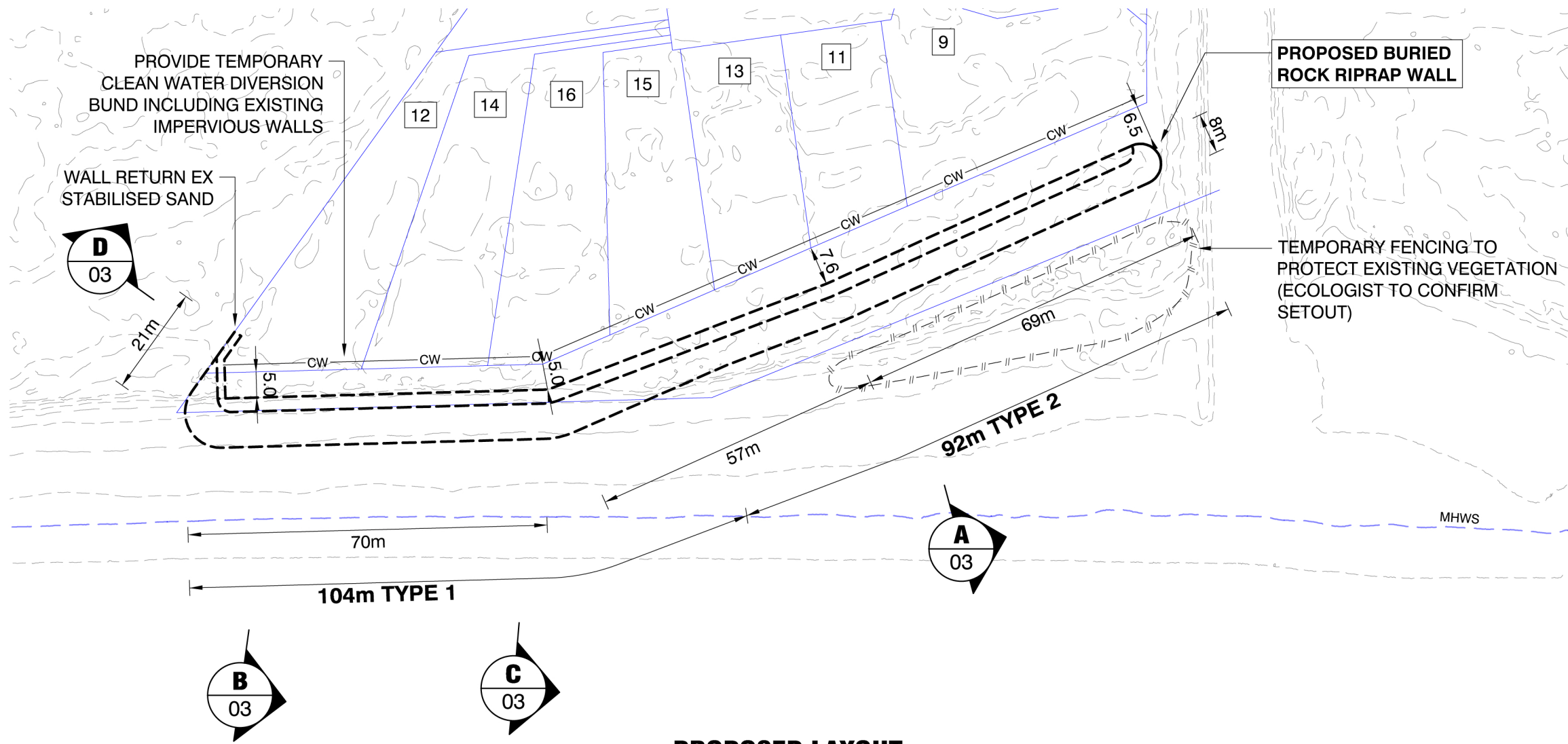
RESERVE LOT 19
DPS 22035

THREE MILE CREEK

SITE

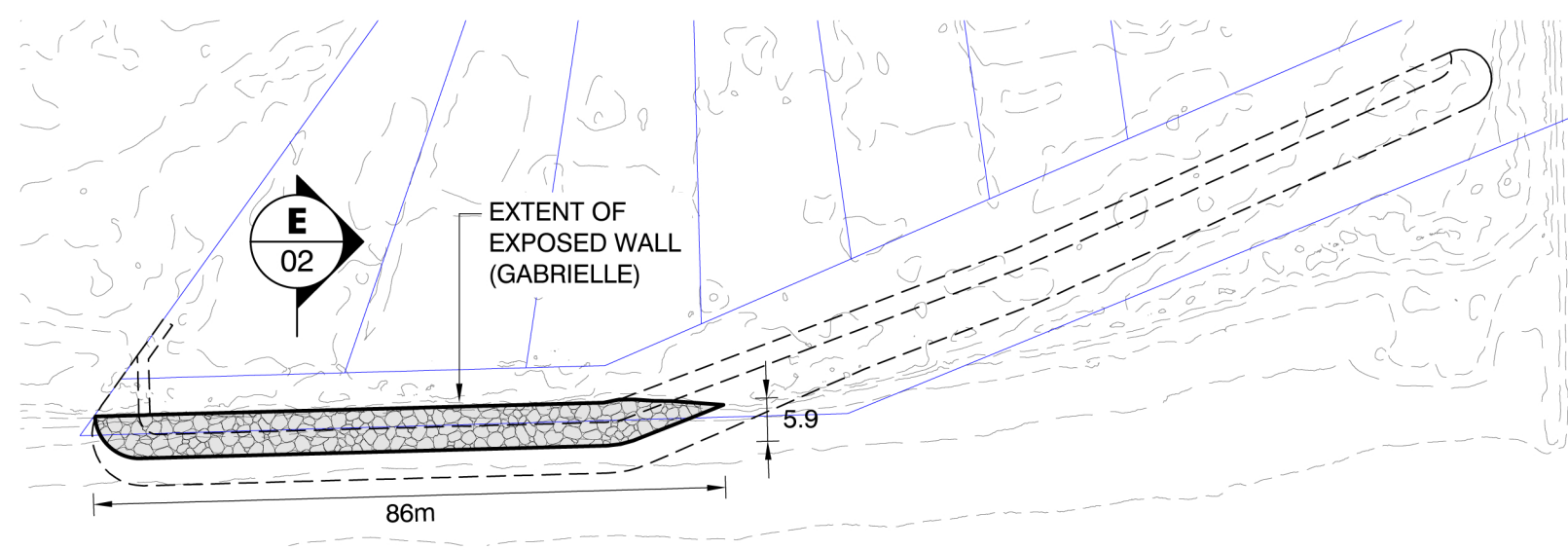
WAIHI BEACH

GLEN ISLA PLACE

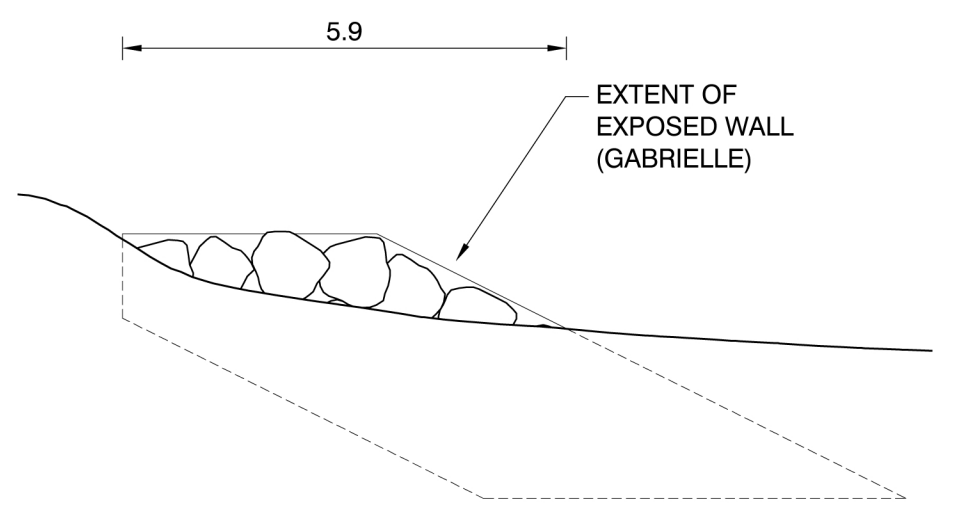


BOPRC Consent Plan
RM24-0537/02

PROPOSED LAYOUT
SCALE 1:1000



POTENTIAL EXPOSED WALL - 1% AEP STORM CONDITION
SCALE 1:1000



E ELEVATION
02 SCALE 1:100

			DESIGN: DAVIS COASTAL CONSULTANTS
			SURVEY: SEAM SPATIAL
			DRAWN: JMA
			CHECKED: -
			DATE: November 2024
			SCALE: VARIES @ A3
			CAD FILE: 23028-02 Glen Isla Place Waihi
A	WALL LENGTH AMENDED	26.11.2024	NOT FOR CONSTRUCTION
-	RESOURCE CONSENT ISSUE	23.08.2024	
No.	REVISION DETAILS	DATE	

NOT FOR CONSTRUCTION

JOB TITLE:
COASTAL PROTECTION PROJECT
GLEN ISLA DUNE
WAIHI BEACH



COASTAL MANAGEMENT
AND ENGINEERING
P.O. Box 185
Orewa
Phone: 09 428 0040
Mobile: 021 627 193
Email: coastal@daviscoastal.co.nz

DRAWING TITLE:	PROPOSED LAYOUT
FILE NO:	23028
SHT NO:	02
REV:	A
SERIES:	RESOURCE CONSENT



Legend

 Indigenous Biological Diversity

BOPRC Consent Plan

RM24-0537/06



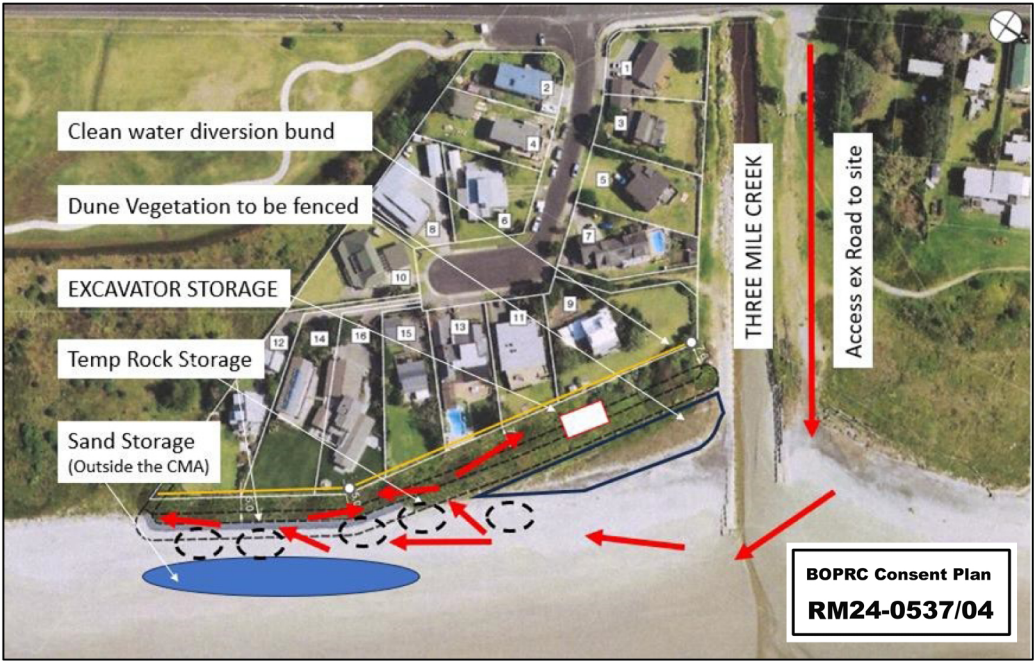
HORIZONTAL DATUM: New Zealand Geodetic Datum 2000 For practical purposes, NZGD2000 equates to WGS84 VERTICAL DATUM: Mean Sea Level PROJECTION: New Zealand Transverse Mercator 2000 © Bay of Plenty Regional Council, 2013 © Sourced from Land Information New Zealand data. CROWN COPYRIGHT RESERVED

Indigenous Biological Diversity Site - B (yellow)

Projection: NZGD_2000_New_Zealand_Transverse_Mercator

SCALE 1: 2,257

Date Printed:
22 January 2025



Clean water diversion bund

Dune Vegetation to be fenced

EXCAVATOR STORAGE

Temp Rock Storage

Sand Storage
(Outside the CMA)

THREE MILE CREEK

Access ex Road to site

BOPRC Consent Plan
RM24-0537/04

BOPRC Consent Plan

RM24-0537/05





Legend

 Indigenous Biological Diversity

BOPRC Consent Plan

RM24-0537/06



HORIZONTAL DATUM: New Zealand Geodetic Datum 2000 For practical purposes, NZGD2000 equates to WGS84 VERTICAL DATUM: Mean Sea Level PROJECTION: New Zealand Transverse Mercator 2000 © Bay of Plenty Regional Council, 2013 © Sourced from Land Information New Zealand data. CROWN COPYRIGHT RESERVED

Indigenous Biological Diversity Site - B (yellow)

Projection: NZGD_2000_New_Zealand_Transverse_Mercator

SCALE 1: 2,257

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