Level 2, 33 Totara Street
Mount Maunganui 3116
+64 3 477 7884

15 May 2025

Western Bay of Plenty District Council
Attn: Bevan Hudson, Senior Consents Planner
Via email: Bevan.Hudson@westernbay.govt.nz

Kia ora Bevan

RE: RC14513(L) - Coastal Erosion Protection Structure on the Glen Isla Reserve at 95 Seaforth Road, Waihi Beach - GIPS Response to the Request for Further Information

This letter sets out the response from the Glen Isla Protection Society (**"GIPS"**) to the additional further information matters identified in the Western Bay of Plenty District Council (**"WBOPDC"**) letter dated 25 March 2025. Responses to each information request are provided in the following attachments:

- Memorandum responding to ecological queries, prepared by BlueGreen Ecology (**Attachment A**);
- Memorandum responding to landscape architecture queries, prepared by Isthmus (**Attachment B**);
- Memorandum responding to coastal engineering queries, prepared by Davis Coastal Limited (**Attachment C**);
- Memorandum responding to noise and vibration queries, prepared by Marshall Day Acoustics (**Attachment D**); and
- Memorandum responding to planning queries, prepared by Mitchell Daysh Limited (**Attachment E**).

In addition, Bay of Plenty Regional Council granted resource consent RM24-0537-LC.01 on 7 May 2025. A copy of the resource consent conditions and attachments are provided alongside this response for your information.

I trust the information in this response addresses the further information requests, however, if there are any outstanding matters or if the technical reviewers would like to discuss any elements of the responses with the GIPS technical team please do not hesitate to get in touch.

Yours sincerely,

Luke Faithfull
Mitchell Daysh Limited

BlueGreen Ecology Ltd
M +64 27 643 2185
E leigh@BlueGreenEcology.nz
W BlueGreenEcology.nz

Memo.

Responses to the Ecology s92 requests from Western Bay of Plenty District Council	**To:** Luke Faithfull, Mitchell Daysh
	From: Drs Vaughan Keesing and Leigh Bull
Project title: Glen Isla Place coastal protection structure	**Date:** 17 April 2025

In their letter dated 25 March 2025, Western Bay of Plent District Council (WBoPDC), pursuant to section 92 of the Resource Management Act 1991, requested further information relating to the Ecological Assessment[1] which formed part of the resource consent application for the Waihī Beach Coastal Protection Structure at 95 Seaforth Road, the adjoining esplanade reserve at Lot 18 and Lot 19 DPS 22035 and 12 Glen Isla Place, Waihī Beach. In this memo, we provide responses to each of the s92 requests pertaining to ecology.

WBoPDC REQUEST #1: *The Ecological Assessment prepared by BlueGreen Ecology does not assess potential effects on a temporal scale; rather there is a focus on the immediate effects of construction. Clarify the short- and longer-term effects of the activity, both immediately post-construction and in the future, particularly in relation to the likely exposure of the seawall due to erosion of the sand cover.*

BLUEGREEN RESPONSE:

We are unsure here the relevance or indeed the intent of the question as an assessment is usually undertaken to consider the values affected by an application, which in this case is the removal of a portion of sand dune and its plant and animal components, and replacement with a submerged wall under replaced sand which is then revegetated with a better native dune community.

The potential adverse effect associated with the proposal is the removal of the current surface components of the dune area as a direct result of construction, with processes in place to minimise / avoid harm to specific fauna (lizards, katipo, larger sand invertebrates – including ensuring salvage and translocation of specific habitat features and their fauna). The assessment and proposal then address, through remediation planting and management / maintenance, the impact and reinstates on to the recontoured dune a 'better than current' dune plant community which is currently dominated by exotics and weed species. The remedial

[1] BlueGreen Ecology (2024). Glen Isla Place Coastal Protection: Ecological Assessment. Report prepared for Glen Isla Protection Society Incorporated.

actions must reach a particular success, i.e. the establishment of the plants and a certain cover (60%) where upon the system is suitably reset (and better) and the proposal includes controls to achieve this

Moving on in time, the system is then, as it is now, exposed to ongoing natural environmental change which the applicants are not responsible for. However, the presence of the coastal protection structure will provide a degree of protection to the vegetated sand dune habitat landward of the structure.

Where erosion may occur to the southern end of the structure, the dunes immediately south of the wall will behave as a natural dune. It will have the same form, erosion rate and recovery as the balance of the natural dunes in that area.

WBoPDC REQUEST #2: *Provide an evaluation of the potential adverse effects on birds, lizards, and spiders (noting these have been dismissed in the Ecological Assessment).*

BLUEGREEN RESPONSE:

Avifauna Assessment

Method

The method used to undertake this assessment are consistent with the EIANZ guidelines for undertaking ecological impact assessments (Roper-Lindsay et al., 2018a), whereby ecological values are assigned (refer to Table 1 below) and the magnitude of effects identified (Table 2) in order to determine the overall level of effect of the proposal (Table 3). For the purpose of this assessment, we have determined the magnitude of effect at the local scale, that being the Waihi Ecological District.

According to Roper-Lindsay et al. (2018a), the overall level of effect (Table 3) can then be used to guide the extent and nature of the ecological management response required:

- Very High adverse effects require a net biodiversity gain.[2]
- High and Moderate adverse effects require no net loss of biodiversity values.
- Low and Very Low effects should not normally be a concern. If the assessment of effects takes into consideration impact management developed during project shaping, then it is essential that prescribed impact management is carried out to ensure Low or Very Low effects.

[2] Though when ecological compensation is required because biodiversity offsetting is not possible, the principles of no-net-loss or net-gain do not apply (Maseyk et al., 2018).

Table 1: Criteria for assigning ecological value to species (Roper-Lindsay et al., 2018a).

ECOLOGICAL VALUE	SPECIES CLASSIFICATION
VERY HIGH	*Nationally Threatened* (Nationally Critical, Nationally Endangered, Nationally Vulnerable, Nationally Increasing[3]) species found in the ZOI[4] either permanently or seasonally.
HIGH	Species listed as *At Risk – Declining* found in the ZOI either permanently or seasonally.
MODERATE	Species listed as any other category of *At Risk* (Recovering, Relict, Naturally Uncommon) found in the ZOI either permanently or seasonally; or Locally (ED) uncommon or distinctive species.
LOW	Nationally and locally common indigenous species.
NEGLIGIBLE	Exotic species, including pests, species having recreational value.

Table 2: Criteria for describing magnitude of effect (Roper-Lindsay et al., 2018a)

MAGNITUDE	DESCRIPTION
VERY HIGH	Total loss of, or very major alteration, to key elements/ features of the baseline conditions such that the post development character/ composition/ attributes will be fundamentally changed and may be lost from the site altogether; AND/OR Loss of a very high proportion of the known population or range of the element / feature.
HIGH	Major loss or major alteration to key elements/ features of the existing baseline conditions such that the post-development character, composition and/or attributes will be fundamentally changed; AND/OR Loss of a high proportion of the known population or range of the element / feature.
MODERATE	Loss or alteration to one or more key elements/features of the existing baseline conditions, such that post-development character, composition and/or attributes will be partially changed; AND/OR Loss of a moderate proportion of the known population or range of the element / feature.
LOW	Minor shift away from baseline conditions. Change arising from the loss/alteration will be discernible, but underlying character, composition and/or attributes of the existing baseline condition will be similar to pre-development circumstances/patterns; AND/OR Having a minor effect on the known population or range of the element / feature.
NEGLIGIBLE	Very slight change from existing baseline condition. Change barely distinguishable, approximating to the "no change" situation; AND/OR Having a negligible effect on the known population or range of the element / feature.

[3] Nationally Increasing is category that was devised by DOC (Michel, 2021) in 2021 to resolve a problem that would arise if the population of a taxon assessed as At Risk Recovering A should stabilise. Threatened – Nationally Increasing is assigned to "Small population that have experienced a previous decline (or for which it is uncertain whether it has experienced a previous decline) and that is forecast to increase >10% over the next 10 years or 3 generations, whichever is longer" (Rolfe et al. 2021). Thus, while such a threat category is not identified in Roper-Lindsay et al. (2018a), we have included it along with all other *Threatened* classifications in to the Very High ecological value category.

[4] Roper-Lindsay et al. (2018a) define the Zone of Influence (ZOI) as "*the areas/resources that may be affected by the biophysical changes caused by the proposed project and associated activities*."

Table 3: Criteria for describing the level of effect (Roper-Lindsay et al., 2018a)

LEVEL OF EFFECT		ECOLOGICAL AND / OR CONSERVATION VALUE				
		Very High	**High**	**Moderate**	**Low**	**Negligible**
MAGNITUDE	**Very High**	Very High	Very High	High	Moderate	Low
	High	Very High	Very High	Moderate	Low	Very Low
	Moderate	High	High	Moderate	Low	Very Low
	Low	Moderate	Low	Low	Very Low	Very Low
	Negligible	Low	Very Low	Very Low	Very Low	Very Low
	Positive	Net gain	Net gain	Net gain	Net gain	Net gain

Avifauna values

In general, vegetated sand dunes, such as the terrestrial vegetation component of the Project site, provide limited habitat for a range of common and widespread birds, including native Not Threatened (e.g. silver-eye) and Introduced species (e.g. chaffinch, blackbird). According to Roper-Lindsay et al. (2018a) (Table 1 above), these species are assigned Low and Negligible ecological value respectively.

Coastal stream mouths on sandy beaches, such as that adjacent to the Project site, provide foraging, roosting and / or breeding (above mean high water spring (MHWS)) habitat for wader and shorebirds. Table 4 below (taken from Ecological Assessment) provides a list of species for which the coastal margin adjacent to the project site may provide potential habitat throughout the year.

Table 4: Native coastal and shorebird species for which the coastal margin adjacent to the site may provide potential habitat

SPECIES		NZ THREAT CLASSIFICATION[5]	ECOLOGICAL VALUE[6]	HABITAT UTILISATION
Variable oystercatcher	*Haematopus unicolor*	At Risk - Declining	High	Roosting & foraging
Red-billed gull	*Larus novaehollandiae*	At Risk - Declining	High	Roosting & foraging
White-fronted tern	*Sterna striata*	At Risk - Declining	High	Roosting & foraging
Banded dotterel	*Charadrius bicinctus*	At Risk - Declining	High	Roosting & foraging
Northern NZ dotterel	*Charadrius obscurus*	Threatened – Nationally	Very High	Breeding, roosting & foraging
Black-backed gull	*Larus dominicanus*	Not Threatened	Low	Roosting & foraging
White-faced heron	*Egretta novaehollandiae*	Not Threatened	Low	Roosting & foraging
Pied stilt	*Himantopus h.*	Not Threatened	Low	Roosting & foraging
Paradise shelduck	*Tadorna variegata*	Not Threatened	Low	Roosting & foraging
Spur-winged plover	*Vanellus miles*	Not Threatened	Low	Roosting & foraging

Northern New Zealand dotterel is the only species that has been reported breeding adjacent to the project site. Previously, a single pair of Northern New Zealand dotterel have been recorded breeding at the Three Mile Creek mouth on two occasions (2021/22 and 2022/23 breeding seasons). The approximate location of the nest site is shown in Figure 1 below, and a photo provided in Figure 2. Nesting habitat for this species generally occurs on low, flat areas largely devoid of vegetation, where the nest is a simple scrape in the

[5] Robertson et al. (2021)
[6] Table 3

substrate, sometimes sparsely lined. When mobile, chicks generally seek cover under driftwood or vegetation if required. Thus, the spinifex foredune may provide cover to northern NZ dotterel chicks when breeding occurs there.

Chicks have not fledged in either season when breeding has occurred, with the latest attempt in 2022/23 failing due to the nest being washed away by the storms of Cyclones Hale and Gabrielle. Furthermore, we understand based on our discussion with Mrs Mel O'Sullivan[7] while on site, that dotterel have not bred at this location in the subsequent two breeding seasons (i.e. 2023/24 and 2024/25).

*Figure 1. Vegetation community map of the site. Approximate location of dotterel nest demarcated by red cross (**X**)*

[7] Until very recently, Mrs O'Sullivan was the owner and long-time permanent resident of 12 Glen Isla Place

Figure 2. Photo of dotterel nest habitat by Three Mile Creek mouth. Note spinifex foredune which will be avoided by works.

Assessment of Effects

The following potential effects of the proposal are assessed in the subsequent paragraphs:

- Permanent loss of habitat (foraging, roosting or breeding);
- Construction disturbance; and
- Mortalities and / or injuries due to construction activities.

For this assessment, we have assumed that species listed in Table 4 above could potentially be present

Permanent habitat loss

According to the Ecological Assessment (BlueGreen, 2024), the proposal will result in the loss of 0.007 ha of southern pohuehue vegetation, and 0.2425 ha of various exotic dune vegetation located in the central exotic terrace, hollow and riser slope. The loss of this vegetation will result in a **Negligible** magnitude of effect on common native Not Threatened and Introduced species, which are assigned **Low** and **Negligible** ecological value. As such, the overall level of effect on these species will be **Very Low**.

Areas of foraging, roosting and breeding coastal bird habitat have been identified, and the Project design has sought to avoid these areas (i.e. the area of spinifex foredune and coastal margin at the northern end of the Project site). As such, the proposed design will not result in any permanent habitat loss for avifauna, including northern New Zealand dotterel.

In fact, following the completion of construction at the northern end, replanting the area behind the existing northern spinifex foredune with native dune vegetation will provide higher quality habitat for northern New Zealand dotterel chicks than the existing exotic vegetation, and as such is considered to provide **Positive** magnitude of effect, resulting in an overall **Net gain** (refer to Table 3 above).

Construction disturbance

Disturbance activities can occur during the construction phase (e.g. noise, vibration and plant movement) and may result in avifauna displacement, decreased feeding rates, and unattended nests (leading to incubation failure and increased opportunities for predators), energy and time cost.

Potential effects of construction disturbance on nesting birds will be **avoided** through:

- Undertaking construction outside of the breeding season[8] where feasible; and
- If construction works are to occur during the breeding season, an Avifauna Management Plan will be prepared which will include pre-work surveys and the implementation of mitigation measures if birds are found to be nesting.

Such mitigation measures may include an exclusion zone around any nesting birds, within which construction works cannot be undertaken.

Given the short-term nature of the proposed works, along with the proposed measures above, the potential effects on nesting birds will be at the most **Negligible**. Therefore, based on the **Very High** ecological value of northern NZ dotterel, the overall level of effect of disturbance will be **Low**.

With regard to roosting and foraging birds, the magnitude of effect as a result of construction disturbance will also be **Negligible** given their mobile nature and the presence of foraging and roosting habitat elsewhere along Waihi beach. Based on the **Very High** to **Low** ecological values of the species potentially roosting and foraging within and adjacent to Project site (refer to Table 4 above), the overall level of effect will be **Low** to **Very Low**.

Mortalities and / or injuries

The mobile nature of most avifauna species means that the potential for direct mortalities or injuries associated with construction activities are likely to be confined to birds that may be breeding within the Project footprint.

Furthermore, the potential for mortalities and / or injuries to nesting birds will be **avoided** through the following measures:

- Undertaking construction outside of the breeding season where possible; and
- If construction works are to occur during the breeding season, an Avifauna Management Plan will be prepared which will include the requirement for pre-work surveys and the implementation of mitigation measures if birds are found to be nesting.

Such mitigation measures may include an exclusion zone around any nesting birds, whereby construction works cannot be undertaken.

[8] Breeding season is broadly considered to be between 01 August and 31 March, and the non-breeding season between 1 April and 31 July.

Summary of potential effects and proposed consent conditions

A summary of the overall level of potential effects of the proposal on avifauna is provided in Table 5 below. Effects are generally assessed as **Very Low**, with construction disturbance on New Zealand dotterel **Low**.

However, we note that it is essential that the impact management measures recommended in the preceding sections (including those developed during project shaping) are carried out to ensure the Low or Very Low effects transpire. As such, this will be achieved through consent conditions which require:

- Avoidance of the area of spinifex foredune and coastal margin at the northern end of the Project site through fencing off the protected vegetation area of the site;
- Undertaking construction outside of the breeding season where possible; and
- If construction works are to occur during the breeding season, an Avifauna Management Plan will be prepared which will include pre-work surveys and the implementation of mitigation measures if birds are found to be nesting.

I note that the activity will be subject to resource consent from Bay of Plenty Regional Council establishing these requirements.

Table 5: Summary of the overall level of potential effects of the proposal on avifauna.

POTENTIAL EFFECT	SPECIES	ECOLOGICAL VALUE[9]	MAGNITUDE OF EFFECT[10]	OVERALL LEVEL OF EFFECT[11]
Permanent habitat loss	Native Not Threatened species (e.g. silvereye, welcome swallow etc)	Low	Negligible	Very Low
	Introduced species (e.g. blackbird, chaffinch etc)	Negligible	Negligible	Very Low
	Northern NZ dotterel	Very High	Avoided	-
Construction disturbance	Native Not Threatened species (e.g. silvereye, welcome swallow etc)	Low	Negligible	Very Low
	Introduced species (e.g. blackbird, chaffinch etc)	Negligible	Negligible	Very Low
	Northern NZ dotterel	Very High	Negligible	Low
	Variable oystercatcher	High	Negligible	Very Low
	Red-billed gull	High	Negligible	Very Low
	White-fronted tern	High	Negligible	Very Low
	Banded dotterel	High	Negligible	Very Low
	Black-backed gull	Low	Negligible	Very Low
	White-faced heron	Low	Negligible	Very Low
	Pied stilt	Low	Negligible	Very Low
	Paradise shelduck	Low	Negligible	Very Low
	Spur-winged plover	Low	Negligible	Very Low
Injury and / or mortalities	Northern NZ dotterel	Very High	Avoided	-

References

[9] Table 1
[10] Table 2
[11] Table 3

BlueGreen. (2024). *Glen Isla Dune—Coastal Protection Project: Ecological Assessment* (Report prepared by BlueGreen Ecology Ltd for Glen Island Protect Society).

Maseyk, F. J. F., Ussher, G. T., Kessels, G., Christensen, M., & Brown, M. (2018). *Biodiversity offsetting under the Resource Management Act: A guidance document*. Prepared for the Biodiversity Working Group on behalf of the BioManagers Group.

Michel, P. (2021). *Amendment to the New Zealand Threat Classification System manual 2008: Revised categories 2021*. Department of Conservation.

Robertson, H. A., Baird, K. A., Elliott, G., Hitchmough, R., McArthur, N., Makan, T., Miskelly, C., O'Donnell, C. F., Sagar, P. M., & Scofield, R. P. (2021). *Conservation status of birds in Aotearoa New Zealand, 2021*. Department of Conservation, Te Papa Atawhai.

Roper-Lindsay, J., Fuller, S. A., Hooson, S., Sanders, M. D., & Ussher, G. T. (2018a). *Ecological impact assessment (EcIA). EIANZ guidelines for use in New Zealand: Terrestrial and freshwater ecosystems* (2nd ed.). Environment Institute of Australia and New Zealand.

Roper-Lindsay, J., Fuller, S. A., Hooson, S., Sanders, M. D., & Ussher, G. T. (2018b). *Ecological impact assessment (EcIA) EIANZ guidelines for use in New Zealand: Terrestrial and freshwater ecosystems (2nd Edition)*. Environmental Institute of Australia and New Zealand.

Lizards and macroinvertebrates

The assessment determined that while a small range of lizards are potentially present in this thin and outer edge of the wider Island View Reserve, and area with few habitat items, the presence of copper and shore skink could not be ruled out, but if present are most likely present in very small numbers. Nevertheless, their possible presence is proposed to be managed, as a requirement of consent conditions, by requiring a suitably qualified ecologist to be present during pre-commencement vegetation clearance (and woody material removal) to ensure, in the event they are located, lizards are suitably managed and moved to non-impacted areas of the wider dune environment and so adverse effects directly to such species will be avoided.

If either or both shore and copper skink are present, then following Roper-Lindsay et al. (2018) these taxa can be considered of **High** value due to their At Risk – Declining conservation status. The impact may be two-fold, harm directly and /or loss of habitat. The magnitude of harm, to a local population, we considered as **Negligible** because of the management recommended to occur, i.e. salvage of lizards. In theory, no lizard is harmed, and the population is not reduced and its ability to continue life phases is unaffected. With regard to the temporary removal of vegetated habitat, this will comprise some 70m^2 of High value and some 2425m^2 of low value vegetation habitat to be removed. The potential available connected habitat for these species is around 7ha (Island View Reserve). We consider that the following combined assessment is sufficiently robust because the High value habitat area is only a small proportion of the total (0.1%). Using the measured amounts of dune habitat accessible to local skink that will be affected (2495m^2), there will be a temporary reduction in local skink habitat in the order of 3.6% of that available along the local coastal edge for the duration of construction and until the remediation revegetation is established .The temporary effect will be **Low** and very low (based on High value and Low magnitude and Low value and Low magnitude respectively; refer to Table 3 above), but the salvaged lizards will persist in the adjacent unaffected areas, and it is highly unlikely that that habitat area is at or even near carrying capacity.

Remediation planting will have a positive effect on lizard habitat because pest and exotic plants will be replaced by indigenous species. Once planting is established and woody debris is returned, the habitat replacement will be a **Net gain** to the local native species (based on High value and Positive magnitude; refer to Table 3 above).

The same rationale is extended to the macroinvertebrates of the dunelands. Those found are not High value taxa, and the effects will be **Low** or less and temporary. Katipo spider were not found, and the habitat is unsuitable for this species given it is predominantly more stabilised dune area, with few woody debris and mostly exotic weed taxa. Nevertheless, the process of preclearance search and salvage removes the potential for direct harm to At Risk invertebrate taxa in the event they are found on site or are present within relocated material, as does salvage of the habitat features they prefer.

WBoPDC REQUEST #3: *To support the conclusion of the Ecological Assessment (that the project will have a "less than minor" effect and result in a "net ecological benefit at a local scale") provide an assessment of the longer-term effects of the seawall, including the potential effects on dunes in the reserve immediately to the south of the proposed seawall.*

BLUEGREEN RESPONSE:

In part the response to query 1 addresses some of this question, which is that where the remedial actions are successful, there is no ongoing effect related to the application. Our understanding is that the proposed seawall is to be dug into the dune, covered in sand and then revegetated to a suitable dune that will stabilise the sands, as much as any plant community can. Therefore, and on the assumption that the remedy is successful, there is no ongoing temporal adverse effect to consider. There may be a question of erosion and physical processes related to an exposure of the southern portion of the wall and as that relates to the southern thin connection to the Island Bay reserve dune system, but that is a geomorphological / coastal processes question rather than ecological. In that circumstance we understand that the proposed works will protect the habitat more than cause it greater threat.

WBoPDC REQUEST #4: *Provide of an assessment on indigenous fauna such as New Zealand dotterel and shore skink to support the conclusion of "net ecological benefit at a local scale".*

BLUEGREEN RESPONSE:

As outlined in the avifauna response to question 2 above, the replacement of the northern exotic dune vegetation with spinifex will extend the area in which northern NZ dotterel chick can seek shelter should birds breed in front of the project site (refer to Figure 2 above). This increases the area of dune vegetation available to breeding dotterel and is therefore a net ecological benefit at the local scale.

With respect to skink (shore and /or copper) the remedial revegetation will include native pant species that provide better food and habitat resources (e.g. pohuehue) than the current exotic species. Therefore, the larger area of native dune vegetation and (with the replacement of the woody debris etc) the habitat created will be of greater value to skink (and invertebrates). But we note that both skink species can be found in gardens very close to the coast and exotic vegetation communities too, and the remedial actions of this small area of the wider habitat while fully remediating the adverse effect will likely be of only a small additional benefit to the current skink assemblage, it is however, I terms of representing an indigenous foredune assemblage a considerable improvement on the current and so a net ecological gain more befitting its current status of the area.

WBoPDC REQUEST #5: *The Ecological Assessment states that "there is a reasonable possibility that the proposed sand cover of the southern portion of the wall will not persist for long". This appears to contradict its optimistic conclusion of a net ecological gain; particularly given the absence of measures to be applied should the sand cover disappear. Provide further clarification of what actions (mitigation) will be implemented if the sand cover is lost. What effect would this have on remedial plantings in the medium to long term.*

BLUEGREEN RESPONSE:

The coastal processes expert (Craig Davis of Davis Coastal) has stated that based on beach monitoring data over recent decades, the wall should remain covered except in very occasional storms, and will re-cover and vegetate after storm events. As noted above, the applicants are not responsible for natural coastal erosion processes. That said, the Ecological Assessment recommended a two times multiplier of the remedial action in the southern area to assist in ensuring establishment of this higher valued southern pohuehue is successful. If the sand cover is lost after the remedial plant establishment (which is monitored and managed to success), then the effect is one of a natural erosion event and no further action of the applicant should be required.

WBoPDC REQUEST #6: *Confirm if the activity is reliant on sand push-ups and the mechanism for this. If this forms part of the scope of work being considered what effects would the frequency have on remedial plantings and indigenous fauna.*

BLUEGREEN RESPONSE:

Our assessment did not assume that there would be the need for sand push ups (nor do we understand that any such occur now) and that the recovered wall sand could be successfully planted with and establish a dune species cover. We note that the coastal processes expert (Craig Davis of Davis Coastal)) advises that the wall cover is not reliant on sand push-ups.

WBoPDC REQUEST #7: *It is noted on page 20 of the Ecological Assessment that "where the installed wall is recovered in sand, then it is also necessary to stabilise the sands and retain a sand dune, as opposed to having an exposed stone wall, and so a need to revegetate the sand". This implies that the Applicant intends to cover and plant exposed parts of the seawall, indefinitely. Please clarify.*

BLUEGREEN RESPONSE:

The assessment considered that the wall being recovered in sand would need to be revegetated to firstly maximise the chance of stabilising the sands and secondly to provide quality dune habitat and representative vegetation.

To ensure the success of the replanting, planted vegetation will be managed and maintained for the period described above in the answer to question 1, during which time lost plants will be replaced. If sand is lost, the applicant will not be able to replace that sand as it will not have an available source of additional

sand. Some sand could be lost from time to time from the front face of the wall but it is unlikely that sand will be lost above the top of the wall due to the protection of the wall itself. Any sand lost from the front face of the wall is likely to be replaced through natural accretion over time. Where that is successful, we considered that the remedial actions required to balance the effects will have been achieved. If, after that remediation is deemed to have been successful, coastal processes cause erosion sufficient to remove the vegetation sand areas from the dune, inclusive of the buried wall, it will likely also have removed the front spinifex dune and, in total. that erosion should be considered a part of the natural process of this coast and an effect which the applicant is not responsible to manage.

WBoPDC REQUEST #8: *How does the proposed level of adverse effects align with the requirements of the New Zealand Coastal Policy Statement, Policy 11 and demonstrate that significant adverse effects will be avoided, remedied, or mitigated in accordance with this policy. Why have 'At Risk' indigenous fauna species not been considered in the Ecological Assessment with regard to Policy 11a(i).*

BLUEGREEN RESPONSE:

As stated in the Ecological Assessment (at Sections 4 and 6), there will be no significant adverse effects as effects are avoided or the overall level of effects are considered Very Low. Furthermore, anticipated effects will be temporary and the resultant features post-effects management (remedial actions of sand cover and revegetation, salvage and replacement) cause the values most intrinsic to the NZCPS to be remedied.

With regard to Policy 11(a)(i), as described in Section 3 of the Ecological Assessment), terrestrial vegetation at the Project site does not provide habitat for any 'Threatened' or 'At Risk' avifauna species. Similarly, no 'Threatened' or 'At Risk' lizards or macroinvertebrates were found at the site.

As further described in response to query 2 above, the High value taxa (i.e. 'Threatened' or 'At Risk' species) potentially present are managed by avoiding the highest value habitat, minimising the effect to the high value vegetation, , preparing an Avifauna Management Plan should works extend into the breeding season, having a suitably qualified ecologist present during pre-construction vegetation clearance, and managing any lizards or macroinvertebrates found, such that adverse effects are avoided.

Therefore NZCPS Policy 11 is adhered to, and the resultant values post-construction are as good as, but likely better, in terms of habitat and taxa presence in this coastal area.

WBoPDC REQUEST #9: *Demonstrate how the proposed works are consistent with the effects management requirements under the NPS-IB, including an assessment of Policy 4 regarding resilience to the effects of climate change.*

BLUEGREEN RESPONSE:

Section 7 of the Ecological Assessment applies the effects management hierarchy under the NPS-IB. The effects management firstly walks through the hierarchy: avoidance, minimisation, remedy and does not require to step further with the remedial actions leaving no residual effect requiring an offset.

In terms of resilience of indigenous biodiversity to climate change, the front dune which is the most representative indigenous biodiversity is not affected by the proposal and will be as susceptible to the effects of climate change as it would be without the proposed activity. The proposed vegetation removal and remediation will increase the proportion of indigenous biodiversity by removing pest and exotic plants, replacing these with indigenous species, and resulting in the presence of more native plants than currently present. If climate change either drowns the front dune or causes more storms, the activity has no adverse impact on the resilience of this coastal dune, it will be as it is now, at risk of loss. In fact, the project would protect any vegetated dune behind the coastal erosion structure thereby improving resilience of the dune environment.

WBoPDC REQUEST #10: *How is the loss of the ecologically significant southern pohuehue going to be addressed and what steps are being taken to remedy or mitigate the effect of this loss? Provide further information to support the conclusion that the loss of this Significant Natural Area is "very low at the local scale".*

BLUEGREEN RESPONSE:

As stated on page 20 of the Ecological Assessment "*We consider that the impacts on the southern pohuehue/knobbly club rush area requires remediation while the wider site requires mitigation to preserve the natural character and ecological functioning*."

As the report identifies, approximately 70m^2 of the southern pohuehue-knobbly club rush area will be lost during construction. This is proposed to be remedied through the revegetation of 140m^2 (double the affected area to accommodate the lag between loss and regenerated assemblage) with pohuehue and knobbly club rush. All planting is to be subject to a detailed Remediation Planting Plan, as a requirement of any consent conditions for the proposal, which includes maintenance and replanting requirements.

As stated in the report and addressed to a degree above, the loss of 70m^2 of this community is set against around 4ha of the same front dune along Island View Reserve and so represents 0.18% of the available local vegetation type. This arguably High value vegetation assemblage is thus affected by a Negligible magnitude of effect, and a temporary one at that, and therefore resulting in a Very Low level of effect.

WBoPDC REQUEST #11: *Please clarify future management of vegetation following the initial remedial plantings. Does the proposed Remediation Planting Plan condition adequately mitigate the effects of vegetation removal, both in the short and longer terms.*

BLUEGREEN RESPONSE:

Once remedial planting has been established (it is managed for 2 years or until 60% coverage is achieved to ensure establishment) and is confirmed by monitoring to have been successful as remedial revegetation, its management from there on, because the effects have been successfully remedied at that point, as we understand it, falls to the same authority that manages it now (i.e. WBoPDC).

WBoPDC REQUEST #12: *How will the Remediation Planting Plan mitigate the potential destabilisation of the dune and impacts following storm events.*

BLUEGREEN RESPONSE:

Storms of such magnitude would remove the existing values, and the council is unlikely to then recover those values through restoration. But in respect to this application for works, we understand that the Applicant does not need to mitigate storm effects once the sand covering has been successfully established in the dune plant assemblages required by the consent conditions. We understand that the Applicant accepts a condition of consent requiring the replacement of plants within the Reinstatement Area (the area of disturbed vegetation area within the construction footprint in the dune and is the targeted replanting area to preserve and enhance the ecological functioning of the IBDA-B) that are lost due to a maximum of two storm events during the establishment period (being 2 years or until 60% coverage is achieved).

WBoPDC REQUEST #13: *What effect will the proposal have on the ability of indigenous biodiversity to rehabilitate in the short term due to the settling of sand around the constructed structure (e.g. potential for sinkholes). What measures are proposed to ensure that there is dune renourishment and maintain the 0.5m buffer above the rocks.*

BLUEGREEN RESPONSE:

Craig Davis of Davis Coastal advises that the settling of sand around rocks involves very small movements compared to natural sand transfer and movement within the dune system. There should not be sizable sink holes and a 0.5m buffer is a nominal initial cover of the wall which we expect to increase naturally with vegetation establishment. The Applicant proposes that, prior to replanting of the Reinstatement Area, where a depression greater than 0.5m in depth is found, sand will be moved from the surrounding area, using raking (or a similar method), to contour the depression with the surrounding dune height prior to any planting occurring.

Ecologically, so long as the revegetation is successful, other colonists and fauna transferred will adapt and are suited to sand substrates that constantly change, and so we do not foresee an issue.

WBoPDC REQUEST #14: *Outline any regular monitoring proposed to track and manage the effects of sand movement and erosion resulting from the wall, including mitigation/management responses.*

BLUEGREEN RESPONSE:

This is not primarily an ecological issue, noting that the remedial ecological actions have a required monitoring regime to ensure that that ecological component of the project is successful.

WBoPDC REQUEST #15: *Does the proposal include for the installation of fencing/roped off areas to support dune stability and ecological recovery, along with ongoing protection of the dune from private property owners continuing to walk through the dune to access the beach.*

BLUEGREEN RESPONSE:

Craig Davis of Davis Coastal advises that fencing is as per the drawings. The area currently does not have any fencing and from an ecological perspective fencing may only be required in the short term to protect the planting while the remedial actions are managed to success. If fencing is not proposed, the effect will be no different than that of the existing situation.

WBoPDC REQUEST #16: *Please offer any proposed conditions of consent to address the above.*

BLUEGREEN RESPONSE:

We have reviewed the proposed conditions for the Bay of Plenty Regional Council earthworks consent and do not consider that any additions are required. The essence is that the construction effects are managed to minimise the area affected, avoid harm to specific valued species and that the areas proposed are remediated in the ways described in the draft plans and the success of those actions monitored and managed.

Isthmus.

To:	Luke Faithfull Partner – Mitchell Daysh	**Date:**	Thursday, May 15, 2025
From:	Brad Coombs, Isthmus Group Ltd (IGL)	**Job No:**	5034
Subject:	**Glen Isla Place Society (GIPS) Coastal Protection Structure second s92 Draft Response**		

Introduction and Overview

1. Glen Isla Place Protection Society Incorporated (GIPS) have applied for resource consent to build a coastal protection structure within the Three Mile Creek Reserve,[1] seaward of properties 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place at Waihī Beach.

2. Isthmus prepared a Landscape and Visual Assessment Report dated 11 October 2024, which formed part of the Assessment of Environmental Effects (AEE) accompanying the application. Western Bay of Plenty District Council (WBOPDC) issued a Section 92 request for further information in November 2024. Isthmus provided a response to that request which was included in the overall response to the request for further information. A second s92 request for further information has been issued by WBOPDC dated 25 March 2025. That request includes the following comments and requests for clarifications[2]:

> Landscape Architect
> The conclusions of the Landscape and Visual Effects Assessment (LVA) seem overly optimistic, and the methodology lacks sufficient detail and justification for the assumptions made to reach credible findings. The conclusions and scale of effects should be reviewed in light of the clarifications sought:
>
> 1. Update the LVA to include a description and assessment of effects on associative values. Additionally, provide an assessment of effects on landscape values derived from the interplay of physical, associative, and perceptual dimensions, as outlined in paragraphs 6.19 and 8.07 of Te Tangi a te Manu.
> 2. Detail your understanding of the specific characteristics and values of District Plan Outstanding Landscape Feature S24 to justify the conclusion that the proposal will avoid adverse effects on the characteristics contributing to the values of this overlay.
> 3. The landscape effects related to potential public access are assessed as *"high positive"* based on the proposal's protection of

[1] The Reserve is managed by the Three Mile Creek Reserve Management Plan, administered by the Western Bay of Plenty District Council.

[2] The numbering and formatting have been kept consistent with the s92 Further Information Request letter.

public land that could potentially be used for public access in the future. However, this scenario of public access is speculative, as there are no current plans to implement such an access route. Additionally, creating such access would require further disturbance of dunes, which conflicts with the LVA's conclusions and scale of effects on Natural Character. Provide further justification for the validity of this public access scenario, considering the likelihood of it happening and the implications in terms of landscape and visual effects or other consenting issues. Alternatively, remove it from the assessment and review the conclusions and scale of effects in light of this omission.

4. The visual amenity effects are rated as "moderate-high positive" compared to a "likely edge" from future climate change impacts. However, the assessment lacks details on the anticipated "likely edge," including the recovery timeline through natural sand movement, manual replenishment, or dune planting. The comparison between the proposal and an eroded coastal edge versus a restored one should account for varying effects. Provide further detail and assumptions regarding the anticipated *"likely edge"* condition, including consideration of effects across the construction, medium, and long-term timeframes from when an erosion event occurs, through its recovery.

5. The assessment of natural character effects emphasises the historical modification of the dune landform due to past erosion protection works. While this context is relevant, on-site observations indicate that this area does not appear to be entirely modified. Coastal engineers have identified that the dune, in its current state, is recovering with vegetation cover.

Update the assessment of natural character effects over the construction, medium, and long term, taking into account the current recovering condition. In the updated assessment, compare this with the alternative scenario where the proposal is not implemented. Consider the recovery measures that can reasonably be expected to be implemented in response to future erosion events, as described in 4. above, including natural sand movement, manual sand replenishment, and dune planting. Additionally, consider District Plan Rule 6.6.1.3 regarding the anticipated loss of dune landform and vegetation within Outstanding Landscape Feature S24 as a result of the proposal.

6. In relation to comments made on cumulative effects, provide additional commentary on whether the increase in rock walls proposed will contribute to reaching a tipping point in the landscape's capacity to accommodate change along this stretch of coastline, as outlined in paragraph 6.48 of Te Tangi a te Manu.

7. The recommendation to use rock of "various sizes" for the rock revetment may not meet engineering requirements. Since the LVA effects ratings assume this, please confirm if varying rock sizes will be used. If not, remove this recommendation and update the LVA conclusions and effect scale.
8. Update the design drawings to show that the sand crest at the north end of the seawall is retained and fenced off with temporary fencing, consistent with other protected dune vegetation areas on the drawings. This will clearly indicate that this area of dune vegetation is to be protected during the works. Additionally, provide confirmation on when it will be appropriate to remove this temporary fencing.

3. Each of the requests for clarification are responded to in order below.
4. The following clarifications provide additional information and understanding to assist the reviewer.
5. The Methodology and Approach are set out at Section 3 and in Appendix A of the Assessment and are commensurate with other assessments for similar projects which have been peer reviewed and successfully consented. Overall, there is more than six pages in the Assessment describing the Methodology used. The Methodology and Approach section references the national guidance in Te Tangi a te Manu, the Aotearoa New Zealand Landscape Assessment Guidelines (2022) (TTatM) which have been used to frame the Assessment. The work undertaken to complete the assessment is described further under each of the headings in the Assessment. In my opinion the Methodology used and the description in the Assessment are appropriate for the project, however further information and justification can be provided beyond the clarifications below.

1. Update the LVA to include a description and assessment of effects on associative values. Additionally, provide an assessment of effects on landscape values derived from the interplay of physical, associative, and perceptual dimensions, as outlined in paragraphs 6.19 and 8.07 of Te Tangi a te Manu.

Response:

6. TTatM describes Associative values on page 79:

> *'Associative' means intangible things that influence how places are perceived – such as history, identity, customs, laws, narratives, creations stories, and activities specifically associated with the qualities of a landscape. Such associations typically arise over time and out of the relationship between people and place…*

7. The typical factors that contribute to physical, associative and perceptual dimensions (as listed on pages 83 and 84 of TTatM) are described and assessed in so far as they are relevant to the project in sections 8 (natural character effects), 9 (landscape effects), 10 (visual amenity effects) and 11 (construction effects) in the Assessment.

8. Section 4 of the Assessment – Existing Environment describes the physical, associative and perceptual dimensions of the landscape Context (Waihī Beach settlement) and the project site itself, including the pattern of residential development, the relationship between the settlement and the beach and sea, the history and need for coastal protection structures at Waihī Beach and around the Three Mile Creek mouth, including the rock revetment seawall to the north of the creek mouth and the sandbag training groynes. Specific to the location of the proposed coastal protection structure, the Assessment describes and illustrates (through photos, maps and plans) the project site and its' surroundings.

9. Further to the descriptions of the physical, associative and perceptual values provided in the Assessment, the following associative values are also present within the wider environment of Waihī Beach:

    i. The name "Waihī" (Rising Water) is said to come from a stream which flows into the beach (believed to be at the North end of the beach – source: https://www.taongatauranga.net/waihi-beach---bowentown.html), the later town of Waihī taking its' name from the beach[3].

    ii. The Otāwhiwhi Marae is located at Bowentown, approximately 5km southeast of the project site, and is of the Ngāi Te Rangi tribe and Ngāi Tauwhao sub-tribe[4].

    iii. Several historic pā sites are located within a few kilometres of the nine kilometre stretch of Waihī Beach. Waihī Beach and its' surrounding context is relatively rich with cultural sites and narratives, however none are known at or close to the coastal protection structure site.

    iv. Waihī Beach is a popular beach town and holiday destination which swells in size over the summer months, with a high proportion of holiday homes and baches.

    v. Waihī Beach includes several holiday parks, accommodation providers, eateries and restaurants and a busy town centre to service the local resident and holiday maker community.

    vi. While there isn't a strong organised tourism services industry based at Waihī Beach, surfing, swimming, fishing and other beach and water-based activities are popular and are serviced by the local township, mainly accessed from the beach.

---

3 *"History of Waihī Beach". Ohinemuri Regional History Journal 9, May 1968. Retrieved 6 September 2014*

4 *tkm.govt.nz*. Te Puni Kōkiri.

10. The associative values described above relate to the wider Waihī Beach landscape context, however other than being a relatively small part of the beach environment in front of Glen Isla Place and adjacent to Three Mile Creek there do not appear to be any specific associative values that relate to the site of the coastal protection structure.
11. The scale and location of the coastal erosion protection structure is sufficiently discrete to ensure that it would not have any adverse effects on the associative values of the wider Waihī Beach environment.

2. Detail your understanding of the specific characteristics and values of District Plan Outstanding Landscape Feature S24 to justify the conclusion that the proposal will avoid adverse effects on the characteristics contributing to the values of this overlay.

Response:

12. Appendix 2 to the WBOP District Plan is the schedule of identified Outstanding Landscape features – Natural Features and landscapes. The schedules identifies S24:

> **S24 - Open Coastal Landscape Landward Edge Protection Yard**
> The area identified contains all land adjoining the open coastline, zoned Rural and within 100m of *MHWS*.

13. As summarised in Section 6.3 of the GIPS Assessment of Environmental Effects and paragraphs 4.27 – 4.28 of the LVA, the schedule of identified outstanding landscape features does not provide any further description or detail of the characteristics and values of S24 other than the succinct description of the area that it includes (an offset of land adjoining the open coastline).
14. S24 is a generic coastal offset line which includes the area from MHWS back to the top of the beach or the dune, dependent on the adjacent landuse and landform to the beach up to a maximum distance of 100m. In this part of Waihī Beach where the adjacent landuse is residential or urban there is a hard line at the top of the beach at the property boundary, regardless of the level of modification on the coastal side of the line. This includes the beach and the dune (if there is one) and coastal protection structures (where they are present). The area is shown on the map on Page 14 of the **Graphic Attachments** to the Assessment.
15. The map illustrates that the landward edge of the S24 outstanding landscape feature line is at the boundary with the adjacent residential land. The S24 feature includes the existing rock revetment seawalls north of Three Mile Creek, the sandbag training groynes on the beach, dune protection fences, access steps and other structures which are not natural, but are none the less part of the beach and dune environment. South of Glen Isla Place the landward boundary S24 moves further inland into the adjacent Island View Reserve land to capture the 100m offset from MHWS as described in the schedule. The 100m offset line

remains generic. There is no difference in the values on either side of the inland boundary line at Island View Reserve.

16. The broad and generic offset nature of the S24 landscape feature, including the presence of existing coastal protection structures which are similar in nature, but much more expansive, exposed and intrusive than the proposed structure at Glen Isla Place illustrates the ability for such structures to be within or form part of the edge of the S24 landscape feature, without affecting the characteristics and values that led to the identification of the landscape feature in the first place (the open beach and coastline, setback to the first dune, or to the residential land boundary). The open beach and coastline characteristics and values are not affected by the GIPS coastal protection structure after construction is complete.
17. The GIPs coastal protection structure will be consistent but less intrusive than other structures on the beach and the dune and will be consistent (but less obtrusive) than the beach and dune/seawall profile that is part of the S24 landscape feature
18. The GIPS coastal protection structure will not adversely affect the values of the S24 landscape feature. See further detail on cumulative effects below.

3. The landscape effects related to potential public access are assessed as *"high positive"* based on the proposal's protection of public land that could potentially be used for public access in the future. However, this scenario of public access is speculative, as there are no current plans to implement such an access route. Additionally, creating such access would require further disturbance of dunes, which conflicts with the LVA's conclusions and scale of effects on Natural Character. Provide further justification for the validity of this public access scenario, considering the likelihood of it happening and the implications in terms of landscape and visual effects or other consenting issues. Alternatively, remove it from the assessment and review the conclusions and scale of effects in light of this omission.

Response:

19. The location of the GIPS coastal protection structure will protect part of the existing dune environment and public land behind the structure from erosion, including the adjacent private properties and a mature Norfolk Pine tree. That is the purpose of the project. By protecting that dune environment and land, if future coastal erosion was to remove the sand dune on the seaward side of the structure and it became exposed, then there will be sufficient room behind the structure to provide public access at full tide conditions, when the beach may not be navigable. Without the protection structure, the dune could be eroded back to the property boundaries (or further) at which point there could be no provision of public access along the coastal edge under full tide conditions. In the meantime,

with the beach profile as it is, people walking past the seaward side of Glen Isla Place are walking along the beach.

20. If an access track was required in the future due to erosion, then a walking track would be likely to be consistent with other non-formed, but foot worn access tracks which tend to provide access to the beach, perpendicular to the alignment of the beach and the coastal edge. Such tracks are generally 300-500mm wide and are created by foot track through a relatively easy part of the dune. Should additional tracks be formed, then the vegetation could be fenced in the future to protect it from foot traffic. No such tracks currently exist parallel to the coastal edge, south of the site (at Island View Reserve) and there is insufficient room for such a track at the top of the seawall in some locations north of Three and Two Mile Creeks outside of the private property boundaries. If access along the dune becomes necessary in the future due to erosion, then rationalisation of access along the beach would need to be considered on the protected side of the structure however, this would be a matter from WBOPDC consideration given they are the land owners of the reserve in which any access way would be located in the future

4. The visual amenity effects are rated as "moderate-high positive" compared to a "likely edge" from future climate change impacts. However, the assessment lacks details on the anticipated "likely edge," including the recovery timeline through natural sand movement, manual replenishment, or dune planting. The comparison between the proposal and an eroded coastal edge versus a restored one should account for varying effects. Provide further detail and assumptions regarding the anticipated *"likely edge"* condition, including consideration of effects across the construction, medium, and long-term timeframes from when an erosion event occurs, through its recovery.

Response:

21. The photographs on Pages 5 and 6 of the **Graphic Attachments** illustrate the condition of the site. Photographs on Page 6 illustrate the eroded edge of the dune after Cyclone Gabrielle in February 2023. The eroded edge includes remnants of historic seawall structures – exposed rocks and a vertical edge to the face which is impossible to negotiate, limiting access to the coastal edge. The adjacent photograph taken in July 2024 shows that 18 months after Cyclone Gabrielle in July 2024 the sand had started to accrete and had covered the rocks and the vertical face.

22. Prior to the WBOPDC seawall and dune enhancement coastal protection works constructed at the Glen Isla Place dune in 2010/2011, remnant coastal protection was present in front of the Glen Isla Place properties. These protection structures were an engineered, Ohinemuri Council constructed barrier consisting of vertical steel posts and timber boards retaining a rock carpet behind and large gabion basket groynes at approximately 40m

centres perpendicular to the wall. By 2010 these barriers (shown below in Figure 1 and 2) which were located approximately 20m from the GIPS property boundaries, had fallen into a state of disrepair, however, these barriers protected the dune with the dune having extended out since these barriers were installed in the early 1980's. Since the removal of these barriers and the implementation of the unsuccessful 2010/2011 dune enhancement works, several metres of dune have been lost from the depth of the sand covered dunes adjacent to Glen Isla Place, with the narrowest dune area down to a minimum of 4.5m from the private property boundary. The history of coastal protection structures on the site and the effects of Three Mile Creek, climate change and sea level rise indicates ongoing erosion and the need for a coastal protection structure as proposed in this application.

Figure 1: Remnant seawall prior to the 2010/2011 coastal protection works.

Figure 2: Remnant seawall prior to the 2010/2011 coastal protection works.

23. The steel posts and rocks underlying the sand covered dune that were exposed by Cyclone Gabrielle in 2023 were likely remnants of previous protection barriers from prior to the Ohinemuri barriers and these remain a part of the post-storm existing environment.

24. The proposal includes active management of sand conditions by covering the coastal protection structure with sand and planting of the dune with indigenous coastal species. These measures are all designed to hasten the stabilisation of the dune and promote accretion of sand as happened naturally between February 2023 and July 2024 as illustrated in the photographs after Cyclone Gabrielle.

25. Left unprotected it is feasible that the entire dune and underlying historic structures could be eroded back to and including the adjacent properties. This would see rocks, boundary walls, potentially a swimming pool and private residential properties exposed and eroded into the sea without any protection. It is likely that the erosive power of the sea will increase with climate change, sea level rise and increased peak flow from Three Mile Creek, so this scenario is a realistic possibility in the medium to long term.

26. The location and design of a buried protection structure, the recontouring of the dunes and the active indigenous coastal planting are measures that are designed to integrate the structure into the natural environment. Such active mitigation tactics were not designed into or implemented for the rock revetment and groyne structures northwest of the site.

27. Under the current circumstances the GIPs coastal protection structure strikes a balance between the protection of landscape and natural character values of the beach environment at Waihī Beach and the protection of the Glen Isla Place residences, consistent with the protection provided to other residential land north of the Three Mile Creek mouth.

5. The assessment of natural character effects emphasises the historical modification of the dune landform due to past erosion protection works. While this context is relevant, on-site observations indicate that this area does not appear to be entirely modified. Coastal engineers have identified that the dune, in its current state, is recovering with vegetation cover. Update the assessment of natural character effects over the construction, medium, and long term, taking into account the current recovering condition. In the updated assessment, compare this with the alternative scenario where the proposal is not implemented. Consider the recovery measures that can reasonably be expected to be implemented in response to future erosion events, as described in 4. above, including natural sand movement, manual sand replenishment, and dune planting. Additionally, consider District Plan Rule 6.6.1.3 regarding the anticipated loss of dune landform and vegetation within Outstanding Landscape Feature S24 as a result of the proposal.

Response

28. The area around the Three Mile Creek mouth has been actively managed and modified to mitigate the effects of coastal erosion and land drainage over many years. The creek itself has been straightened and adjacent land has been drained to make it suitable for residential development. In 2010 and 2011, significant coastal erosion protection works were constructed over a significant area from the Three Mile Creek mouth to the northwest. Prior to the construction of those works there was evidence of ad hoc seawall construction along the foot of the dunes using concrete telephone poles, old railway irons and wooden walls, broken concrete, wooden poles concreted into the top of the beach and other unconsented efforts at erosion protection by well-meaning adjacent landowners[5]. See the description and photographs in response to 4, above.

29. The erosion from the adjacent Three Mile Creek is a contributing factor to erosion in front of Glen Isla Place. The photographs on Page 6 of the **Graphic Attachments** to the Assessment show that the existing dune edge in front of Glen Isla Place is built up on similar remnant coastal erosion works, which would be likely to fail during an erosive cycle, as they did in February 2023.

30. There is a stark contrast between the open coastal seascape and beach, which are highly natural and the land at the top of the beach, including the existing seawalls and groynes, residential development and urban patterns, which are highly modified. The site of the

[5] The author of this response named below provided landscape and natural character assessment services to the WBOPDC for the Three Mile Creek and Waihī Beach erosion protection works, including the presentation of evidence to the Environment Court in 2007 which ultimately consented the works. Photographs from 2007 are available to show the nature of coastal erosion at Waihī Beach prior to the construction of the coordinated and holistically-designed protection structures.

project is highly modified in comparison to the beach and the seascape, which is the area that is intended to be protected by the identification of Landscape Feature S24.

31. The active recovery measures incorporated into the project include the burying of the coastal protection structure, recontouring the dune and the planting of indigenous sand dune species which will assist in integrating the structure into the environment at the top of the beach.

6. In relation to comments made on cumulative effects, provide additional commentary on whether the increase in rock walls proposed will contribute to reaching a tipping point in the landscape's capacity to accommodate change along this stretch of coastline, as outlined in paragraph 6.48 of Te Tangi a te Manu.

Response:

32. The rock revetment seawall structures northwest of Glen Islan Place include large sand bag training groynes at Three Mile Creek and exposed rock revetment seawall stretching over a distance of some 1,300m in length. Further northwest where there is more room available and less apparent erosion, for example around the Flat White Café frontage, more natural efforts at erosion control, including planting and sand trap fences are being used to hasten the accretion of sand. Coastal protection structures and efforts are common at Waihī Beach from Bowentown through to the Esplanade at the North End, over 8.5km. Where there are suitable conditions including being able to achieve a suitable dune mass, coastal protection is encouraged through the management of natural dunes with planting and the protection of vegetation by restricting access to the dunes. Where there isn't sufficient room for dunes and planting or the conditions are not suitable, harder protection measures are required and have been implemented. Dune enhancement has been tried in front of Glen Isla Place and this was unsuccessful confirming that Glen Isla Place is not suitable for dune enhancement and requires a rock protection structure.

33. The GIPS coastal protection structure is 200m long and is comparatively subtle and sympathetic in its' design, providing sufficient room for future public access, should it be required and includes the burying of the structure, dune recontouring and planting. The dog leg arrangement of the wall which steps back away from the sea at the north end ensures that most of the wall will remain buried and only a portion (less than 100m) could be intermittently exposed.

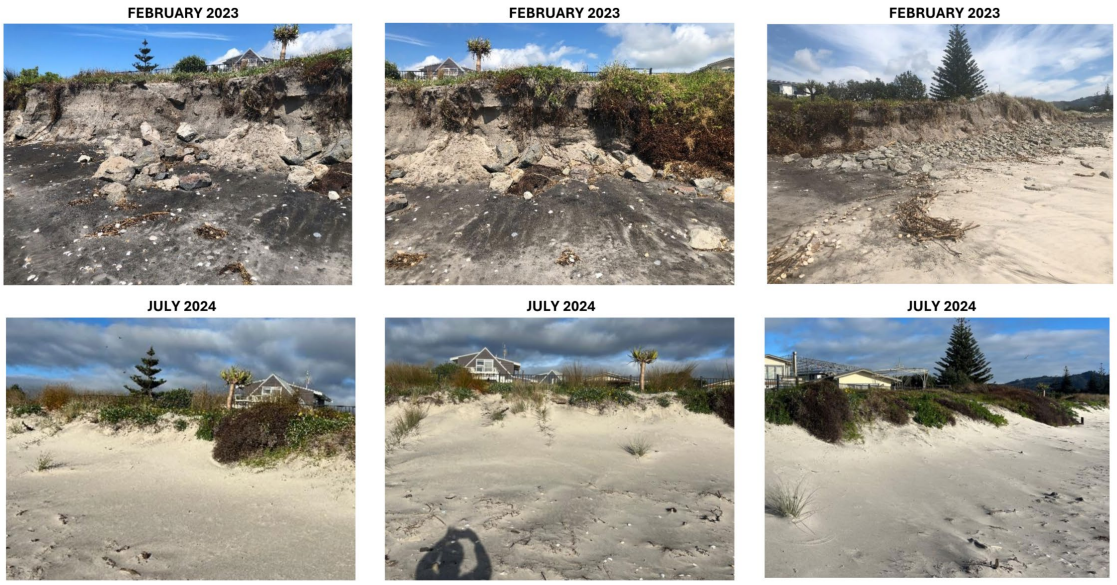

Figure 3: Examples of Glen Isla Place post-storm dune scouring and natural dune accretion

34. Waihī Beach is not reaching a tipping point in terms of the cumulative effects of rock walls on the existing landscape. The identification of landscape feature S24 including areas of rock walls illustrates this point. The landscape at Waihī Beach will continue to change. In some places it will be eroded. In others, more protection structures are likely to be built. Some areas will build out with deeper dunes through sand accretion. As the landscape at Waihī Beach evolves and changes, the GIPS buried coastal protection structure will be a very small and subtle part of that change. For the most part the dune planting will be positive to those passing on the beach and any length of the structure that is exposed will be less than 100m in length (due to the dog leg design) and likely be only the face exposed.

7. The recommendation to use rock of "various sizes" for the rock revetment may not meet engineering requirements. Since the LVA effects ratings assume this, please confirm if varying rock sizes will be used. If not, remove this recommendation and update the LVA conclusions and effect scale.

Response:

35. The recommendation to use rocks of 'a variety of sizes' merely reflects the organic nature of the rocks themselves. They will naturally be a variety of sizes and shapes. It is not intended that rocks would be selected for landscape reasons leading to them being unsuitable for the purpose of the construction of the wall. Ultimately the engineering requirement for the selection of certain sized rocks for the seawall construction will prevail, as is the case for other coastal protection structures at Waihī Beach.

8. Update the design drawings to show that the sand crest at the north end of the seawall is retained and fenced off with temporary fencing, consistent with other protected dune vegetation areas on the drawings. This will clearly indicate that this area of dune vegetation is to be protected during the works. Additionally, provide confirmation on when it will be appropriate to remove this temporary fencing.

Response:

36. The construction drawings (Attachment G to the first WBOPDC s92 response) by Davis Coastal Consultants have been updated to pull the north end of the wall back from the groynes, following the initial s92 Request for Further information. Based on the revised extent of the wall at the north end, the sand crest parallel to the groyne will be retained and will not be excavated to build the structures. In the event that excavation happens in this area it would be a compliance issue. The adjacent access way parallel to the groynes will be required to be kept open for public access to the beach.

37. Should fencing be required then it can be undertaken at the time of the confirmation of the location of the fence for the protection of the seaward area of the north end of the dune, as shown on the Davis Coastal Consultants drawings. Such a fence could be installed during the construction phase to demarcate the boundaries of the area to be excavated and to protect the higher part of the dune create and the walkway access.

Concluding Response to Request to Update the Assessment

38. The WBOPDC landscape advisor asked for the Landscape Assessment to be updated to provide clarifications and to revise the conclusions. The preparation of an addendum (this response) to be read in conjunction with the original Assessment and the commentary in the first WBOPDC s92 response, is the tidiest way to provide clarifications and updates.

39. The theme of the clarifications indicates that the reviewer considers that the site of the coastal protection structure has elevated landscape and natural character values associated with a lack of modification and the identification of the S24 landscape feature in the WBOP District Plan. Clarifications have been provided in relation to each of the queries above.

40. The landscape, visual and natural character effects of the proposal are summarised as being largely positive in the Assessment. The (temporary) effects during construction are assessed as low adverse. Given that the construction of the wall is a necessary step towards the completed project and the subsequent positive effects, the project is appropriate in the context of the existing environment of the site and the wider landscape of Waihī Beach for the following reasons:

    i. The open beach and seascape of Waihī Beach (including areas of existing coastal protection structures and groynes) identified within landscape feature S24 will not be adversely affected by the GIPS structure due to the limited scale and the proactive

mitigation measures, including the design and location of the structure, burying the structure, the recontouring of the dune and the indigenous coastal planting.

ii. The landward side of the beach (the upper beach, dunes, seawall structures, groynes and adjacent residential development) is a combination of largely natural in some places (for example at the Island View Reserve) and highly modified in others (for example in front of Glen Isla Place, at the Three Mile Creek mouth and for a distance of some 1.5km to the northwest of the project site. The project site is in the modified part of the dune backdrop to the beach and will be consistent with other parts of the beach profile.

iii. The elevated landscape and natural character values of Waihī Beach and the adjacent seascape will not be adversely affected by the construction of the structure (other than temporarily) and will ultimately be protected and enhanced with mitigation measures that are more sympathetic and effective than other public coastal protection structures at Waihī Beach, that is, the proposed GIPS structure is a better outcome from a landscape and natural character perspective.

41. I hope this response assists with the reviewers understanding of the potential landscape and natural character effects of the project. I will be happy to discuss, as required.

Yours sincerely

BRAD COOMBS
Principal Landscape Architect – Isthmus
Fellow and Registered NZILA TPO

DAVIS COASTAL CONSULTANTS
P.O. Box 185
Orewa
Phone 09 428 0040
021 627 193
Email coastal@daviscoastal.co.nz

Our Ref: 23028

15th May 2025

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

Per email: luke.faithfull@mitchelldaysh.co.nz

Dear Mr Faithfull

Memorandum - Section 92 RC14513
Coastal Engineering Aspects

This memorandum addresses aspects raised in the Additional Section 92 request from Western Bay of Plenty District Council dated 25 March 2025 under the subheading Coastal Engineering.

1. *The justification in the coastal report is that the northern extent of the Type 2 structure is to prevent erosion resulting from the Three Mile Creek meandering, and the resultant beach lowering that would be expected in the mouth of a creek. However, Three Mile Creek is constrained by existing rock and geotextile training walls, groynes, and is regularly dredged to maintain flow. This management of the creek has resulted in the beach accreting significantly in front of properties at 9, 11, and 13 Glen Isla Place. With consideration of the existing structures, please provide justification as to why the proposed design is the preferred solution. Additionally ensure that the alternatives considered have taken into consideration these existing structures.*

1.1 Coastal Management Approach

Management and design of a beach front requires a holistic analysis of the processes, features and effects. The coastal system at Waihi Beach is broad and shore linear with natural processes affecting stretches of coastline rather than isolated properties.

It is therefore, appropriate to consider the full extent of the residential enclave at Glen Isla. The area, or cell, addressed extends from the morphological change at Three Mile Creek, continuously past the developed backshore of Glen Isla residences, to Island View Reserve where there is a change in use. The lack of built structure at the Reserve allows alternative management.

Therefore, although while the groyne is in place, the risk from storm cut erosion damage may decrease to the north of the cell, it would be a significantly poorer solution to address only part of the cell. The extent that armouring of the northern end is required depends on the uncertainty of storm cut, long term retreat and the future of the groyne Consent. The armouring extending across the cell is the obvious solution.

1.2 Purpose of Structure to Address Erosion risk in Storm Events

The "justification" or purpose of the proposed armouring as set out in the Engineering Design Report, Davis Coastal Consultants, October 2024, (**Design Report**) is to allow the normal function of an enhanced (vegetated) dune under most conditions but provide protection from the risk of coastal erosion due to storm events and long-term retreat of the shoreline.

The risk of larger storm cut than has occurred to date is of particular concern to the Applicant. There is a real risk short term beach retreat could put the properties at risk. Historic studies of likely maximum storm cut estimate that short term events could result in erosion in the order of 20 - 40m. The *Assessment of Storm Cut Dune Erosion* (Eco Nomos 2003) for Environment Bay of Plenty noted for "… *sea walled areas north of Island View, the maximum likely storm cut dune line erosion ranges from 30-35 metres (50-year return period erosion) and 35-40 metres (100-year return period erosion).* The *Coastal Protection Areas Re-assessment* for the Western Bay of Planty District Council (T&T 2015) assessed the upper bound for short term retreat as 20m. However, the analysis was based on historic monitoring data obtained since 1990. Statistically there is a very high chance (70%) that the 1 in 100-year storm has not occurred over the 35 years (1990-2025) of monitoring.

1.3 Accretion due to Training Walls and Groyne

Based on the more landward dune line and lower foreshore, the Design Report notes in Section 3.4 that, for the properties adjacent to Three Mile Creek, "*…the risk of further erosion around the outlet has been decreased by the installation of the groynes but it is still higher than the surrounding beach".*

Comparison of historic shoreline in Section 3.5 of the Assessment of Coastal Processes, Davis Coastal Consultants, October 2024 (Coastal Processes Report) indicates the current (2024) shoreline more retreated than before the groyne in 1986-1999, except for a very localised area (20m approx.) immediately adjacent to the groyne. The groyne therefore, while improving the exacerbating effects of the stormwater discharge does not fully address them.

During large storm events the beach is lowered at the inlet allowing larger waves closer to shore and greater erosive energy to impact on the dunes. During the Gabriele storm large areas of planted back shore were lost, with greater landward excursion occurring adjacent Three Mile Creek and the groynes, than further away from the outlet.

1.4 Justification of Preferred Solution and Alternatives Consideration considering the groynes

Consideration of alternatives within the Design Report discusses and allows for the actions of the groynes. Section 3,3 of the report notes the area immediately around the groyne is more seaward than it would be without the groyne. However, the Report notes that soft engineering solutions alone such as renourishment and planting are not practicable.

This has been graphically demonstrated by the storm erosion suffered over the Gabrielle/Hale storm set. Large storm cut scarps with mature spinifex trailing over the face resulted demonstrating the limitation of natural dune measures for addressing large storm events. This is consistent with the typical natural response of coastal dunes confined by historic development. The groynes while promoting a slightly more landward dune position close to the groyne do not address the major storm cut events.

The maintenance of the training groynes and continuation of the dredging at Three Mile Creek is not within the control of the Applicant as it is a WBOPDC asset and may be discontinued at their discretion. The existing Consented life is understood to be relatively short. Future Consents will be subject to public consultation, Council budget and policy constraints and at the direction of elected representatives of the Community.

Coupled with this uncertain future management, it is likely that, as the most seaward structures, the groynes will be most at risk of damage from Climate Change driven sea level rise. Increasing damage to the groyne end following sea level rise may influence decisions on their future, long before the properties at northern Glen Isla are threatened.

The continued presence and operation of the groynes is therefore, not a factor that can be relied upon when considering the future management of this part of the shoreline. Any solution developed needs to be consistent with both the groynes remaining and their removal or failure.

The proposal provides for a natural dune area to be re-established and enhanced over the top of and in front of a backstop engineered structure. The proposal is completely consistent with the ongoing presence and operation of the groyne structures. Similarly, if the groynes are removed in future years the proposed solution is suitable to act independently to address the storm erosion events.

The more landward some parts of the Type 2 wall will tend not to be subject to exposure by storm events to the same extent the southern end is. However, it is in the range of possibilities that it will be required to protect the properties behind in an extreme event. Further, it would be very difficult to accurately predict at which stage any given part will be mobilised given the uncertainties of sea level rise and issues over the groynes raised above. It would therefore be difficult to decide at which point to terminate this section of wall, especially within a scenario of rising sea levels. It is a far more robust solution to continue the armouring to a terminal point with a shore perpendicular structure and "natural" feature.

Conversely, the more landward parts of the seawall will not have any appreciable effects on the dune system over the Consent period. They can readily be constructed and buried without permanent effect. The design decision was therefore to address the beachfront comprehensively from the watercourse through to the end of the residential development.

2. *Following on from the above question, if a softer engineering solution was proposed for the Type 2 frontage, the alignment of the Type 1 frontage could be pulled back closer to the property boundary. This would delay the exposure of the proposed rock structure and would reduce the effects of the beach and dune processes. Please provide details of alternative arrangements that may have been considered, particularly with consideration of the alignment and extent of the hard structures.*

The appropriate "soft engineering" solution for any sandy beach is the use of a natural vegetated dune system to provide a dynamic buffer to storm erosion. Within the "soft engineering solution" pedestrian access, plant fertilization and wind protection of the establishing vegetation is managed.

All these measures form part of the existing proposal. The proposed structure will be covered by 0.5m of sand and located in an area where it will only be exposed during extreme fluctuations in the beach profile areas. Accordingly, the current proposal is for a full soft engineering approach to management of the relevant shoreline.

Soft engineering methods manage the regular fluctuations of shoreline well. However, where the width of the dune system is constrained by backshore development, as it is at the subject site, the dune system can be completely removed by large storm events. There are therefore, risks at the site associated with the uncertain extent of storm retreat, and future shoreline retreat associated with rising sea level.

The Cyclone Gabriel/Hale storm sequence represents the most significant retreat on a 35 year monitoring record in some locations including the subject site. However, there is no basis to determine that similar and worse storm driven erosion will not occur at any time. As set out above considerably larger storm cuts are possible

The constraint of the dune system is the result of local government planning decisions to allow residential development in these locations. It is that historical planning that constrains the currently available management techniques for the shoreline.

With the dune managing short term fluctuation but further protection required from extreme events or climate change effects, the obvious solution is to;

1. Allow and enhance the process of dune fluctuation for management of short-term fluctuations.

2. Provide an engineering solution behind the viable extent of the fluctuation, that provides surety that the part of the dune and fixed assets behind the dune system are protected.

There is then a decision and judgement of where to locate the fixed line of engineered structure. The distance landward is limited by the location of existing backshore development and intended future use of that area.

As discussed in Section 3.4.2 of the Design Report, location of a structure further landward will tend to reduce the frequency and extent of any exposure of the structure. However, once landward of an area of regular dune fluctuation, moving the structure further landward provides diminishing benefits. At some stage it is so far landward it is out of the active zone and no benefit is gained by a more landward position. Conversely, on a constrained shoreline further movement landward may have increasing impacts on the values of the backshore.

As discussed, and suggested in the Section 92 request, the location of the northern end of the proposed engineered structure is sufficiently landward that, with the groyne structures present, it is unlikely to be exposed over its design life other than perhaps temporarily following an extreme storm event. It has been located with an allowance for provision of a 5-8m corridor of public reserve behind the protection, protecting a large established Norfolk Pine, allowing a vegetated backshore coastal dune environment and a potential future public access link.

The location of the more southern section requires more judgement. It has been located at the very upper extent of the known fluctuation of the dune system but maintaining backshore corridor at 5-6m. Based on the previous decades of monitoring data, only the upper course (1-1.5m) of rock would have been exposed by beach fluctuation and this would

have occurred just once over those decades. After such an event, as the wall is located within a healthy dune system, protected vegetation from within the 5-6m strip and remnant over the wall, will quickly recolonise sediment moved ashore post storm events, re-covering the wall. This natural replenishment of the beach since the Gabrielle storm sequence can be observed at the site and extensively along the Bay of Plenty coastline.

To locate the wall further landward would make little difference to the foredune, possibly preventing minor temporary exposure once in 30-50 years. However, such landward location would impinge on the backshore corridor. The 5-6m strip of land completes a link of public land from Seaforth Road along Three Mile Creek across the front of the Glen Isla Place properties to Island View Reserve. Once replanted it will provide continuation of the extensive planted backshore area in the Reserve and the vegetated sequence across backshore and foreshore. In the future, if high tide beach access becomes limited due to future sea level rise this area provides a ready link to the existing access along the southern bank of Three Mile Creek.

In effect locating the wall further landward neglects consideration of the future states of the beach and in particular fails to provide for future access under a sea level rise scenario. It is the better coastal management decision to maintain the 5-6m esplanade and associated future public access and/or natural backshore vegetation link.

Regards,

Craig Davis
BE, CPEng, IntPE(NZ), CMEngNZ

MEMO

MARSHALL DAY Acoustics

Project:	Glen Isla Coastal Protection Project	**Document No.:**	Mm 003 r01		
To:	Glen Isla Protection Society c/- Mitchell Daysh	**Date:**	2 April 2025		
Attention:	James Whitlock	**Cross Reference:**	Mm 001 r01, Mm 002		
Delivery:	Email	**Project No.:**	20240399		
From:	James Whitlock	**No. Pages:**	1	**Attachments:**	No
CC:	Allan Fraser Lincoln Fraser				
Subject:	Response to additional s92 query				

We have reviewed the additional Section 92 query from Western Bay of Plenty (WBOP) District Council (prepared by Styles Group) received by email on 25 March 2025.

In this memo we set out their question (in blue font) and answer it.

To date, we have provided two memos for this project. The first (Mm 001 r01, dated 12 July 2024) was a report on the noise and vibration trial we undertook in July 2024. The second (Mm 002 r02, dated 6 December 2024) was our response to the first set of Section 92 queries.

Question

The acoustic information provided with the application demonstrates that the noisiest construction activities can comply with the permitted construction noise limits at any potentially affected site between the hours of 07:30 and 18:00 Monday to Saturday. However, there is no assessment of the proposed activities outside of these hours. Please identify and assess the noise and vibration effects of construction activities that will take place outside of the general construction hours.

In our Section 92 response, we quoted the application which says 'No work will take place before 6am or after 8pm'. This means that there are two windows (1.5 hrs in the early morning and 2 hrs in the evening) where works could occur outside the 0730 – 1800hrs daytime period (as defined by NZS 6803).

We have reviewed our predicted rock drop noise levels. The table below shows, for each time slice between 6am and 8pm, whether those levels comply with the NZS 6803:1999 long-term construction noise limits at the closest non-GIPS dwelling (7 Glen Isla Place).

Note that we predict an infringement at the closest GIPS dwelling for every time slice.

Time slice	L_{Aeq} limit	L_{AFmax} limit	Complies at 7 Glen Isla? (Predicted levels are 61 dB L_{Aeq} and 77 dB L_{AFmax})
0600 – 0630hrs	45	75	No
0630 – 0730hrs	55	75	No
0730 – 1800hrs	70	85	Yes
1800 – 2000hrs	65	80	Yes

This means that, in order to comply with the construction noise limits at non-GIPS receivers, no rock drops must occur before 7.30am.

As for construction activities other than the rock drop, in our Mm002 r02 we predicted these noise levels and presented them in a 3D noise map. These results indicate the same compliance status as the rock drop. Infringement before 0730hrs and compliance after this.

We understand that the applicant will update their proposed hours of operation accordingly.

MITCHELL DAYSH

Memorandum

To: Glen Isla Protection Society

From: Ellen Robotham and Luke Faithfull

Date: 15 May 2025

Re: Response to second WBOPDC section 92 request for further information dated 25 March 2025

INTRODUCTION

The Western Bay of Plenty District Council ("**WBOPDC**") section 92 request for further information, dated 25 March 2025, has requested that identified provisions of the New Zealand Coastal Policy Statement 2010 ("**NZCPS**"), Bay of Plenty Regional Policy Statement ("**RPS**"), Bay of Plenty Reginal Coastal Environment Plan ("**Coastal Plan**"), and Western Bay of Plenty District Plan ("**District Plan**") be addressed as they relate to identifying, managing and mitigating effects in different scenarios over the life of the proposed structure.

The statutory assessment included at Section 8 of the application and Assessment of Environmental Effects ("**AEE**") provides a fulsome assessment against the relevant provisions of the NZCPS, National Policy Statement for Indigenous Biodiversity 2024 ("**NPS-IB**"), RPS and District Plan, and informed by the assessment of effects contained in Section 6 of the AEE.

The basis for these assessments was considering the "worst case" scenario, including climate induced sea level rise, storm surges and associated shoreline retreat that would result in the complete erosion of the Glen Isla sand dunes seaward and ultimately undermine the safety of existing residential waterfront properties at Glen Isla Place. An assessment of any lesser effect is considered favourable and more consistent with the relevant provisions than the statutory objectives and policy assessment that was undertaken in the AEE.

Nevertheless, each of the further information requests for 'Planning' assessment are responded to in order below.

QUESTION 1

Please provide an assessment of the following relevant New Zealand Coastal Policy Statement objectives and policies:

a. *Objective 3 – Precautionary Approach. I note that this policy favours a precautionary approach that enables for natural adjustments for coastal processes, natural defences, ecosystems, habitats and species to occur and it also talks to natural character and public access, amenity and other values of the coastal environment to meet the needs of future generations. The seawall appears contrary to the outcomes of this objective (adding here also that*

alternatives you have presented in the coastal assessment require updating based on the existing environment which includes natural and assisted accretion because of the consented structures in Three Mile Creek). There are strong linkages between Policy 3 and all other objectives and policies, and to RMA section 6. For clarity I advise that the assessment on page 42 of the application includes Objective 3 in the heading, but this is a typo and should be Objective 2.

It is understood that Question 1 is seeking an assessment of the proposal against Policy 3 of the NZCPS which states:

Policy 3 Precautionary approach

(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.

(2) In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that:

(a) avoidable social and economic loss and harm to communities does not occur;

(b) natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and

(c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.

Importantly, Policy 3 states that a 'precautionary approach' is to be adopted where effects on the coastal environment are 'uncertain, unknown, or little understood but potentially significantly adverse'.

The AEE was supported by detailed technical effects assessments relating to coastal processes, ecology, noise, and landscape and amenity. These assessments considered the potential effects of climate induced sea-level rise, predicted using best practice modelling, and provide confidence that the proposal will result in positive landscape effects, a net benefit to ecological effects, and that proposed management and mitigation measure proposed are sufficient to appropriately manage any actual or potential effects.

Further detail regarding potential adverse effects of the proposal on the coastal environment have been provided by way of responses to WBOPDC's request for further information dated 8 November 2025 and 25 March 2025. Coastal engineering, noise, landscape, ecology and planning responses restate that the conclusions under the primary assessments have not changed, and they reaffirm that adverse effects of the proposal on the coastal environment will be appropriately managed and, in the short-term, will result in net benefits to ecological values in the area.

Therefore, the adverse effects of the proposal on the coastal environment are not 'uncertain, unknown, or little understood, but potentially significantly adverse', as such, it follows that a precautionary approach in relation to this proposal is not necessary to adopt.

Nevertheless, in the event that a 'precautionary approach' was required, the proposal itself, being a coastal protection structure in a coastal hazard area which incorporates hard and soft engineering measures, would be consistent with Policy 3(2)(a) – (c) as the proposal:

> will protect the properties and Council reserve area which is located behind structure;

> is located sufficiently back from the CMA to allow coastal processes to continue and the structure will enable the dune environment (including flora and fauna) to be retained; and

> The stabilisation and protection of the dune environment will provide for natural character and landscape values and amenity in the area surrounding the works.

For completeness, I note that Objective 3 of the NZCPS requires that the principles of the Treaty of Waitangi are taken account of, the role of tangata whenua is recognised, and the involvement of tangata whenua is provided for. Objective 3 is assessed on page 42 of the AEE. Objective 2 of the NZCPS relates to the preservation of natural character and protection of natural features and landscape values and is assessed on page 44 of the AEE.

QUESTION 2

Please provide an assessment of the following relevant Bay of Plenty Regional Policy Statement objectives and policies:

a. *Matters of National Importance Policy MN1B – Recognise and provide for matters of national importance*

b. *Objective 2, Policy WL 7B: Avoid accelerated erosion and soil loss.*

c. *Objective 2, Policy CE 2B: Managing adverse effects on natural character within the coastal environment*

d. *Objective 2, Policy CE 8B: Ensuring subdivision, use and development is appropriate to the natural character to the coastal environment*

e. *Objective 2, Policy CE 4A: Protecting and restoring natural coastal margins*

Each of these provisions is quoted in full, with an assessment following.

Policy MN 1B: Recognise and provide for matters of national importance

(a) Identify which natural and physical resources warrant recognition and provision for as matters of national importance under section 6 of the Act using criteria consistent with those contained in Appendix F of this Statement;

(b) Recognise and provide for the protection from inappropriate subdivision, use and development of those areas, places, features or values identified in accordance with (a) in terms of natural character, outstanding natural features and landscapes, and historic heritage;

(c) Recognise and provide for the protection of areas of significant indigenous vegetation and habitats of indigenous fauna identified in accordance with (a);

(d) *Recognise and provide for enhancing and maintaining public access to and along those areas identified in accordance with (a);*

(e) *Recognise and provide for the relationship of Māori and their culture and traditions identified in accordance with (a) and Policy IW 2B; and*

(f) *Recognise and provide for protection to recognised customary activities.*

An assessment against Policy MN 1B is contained in pages 52-53 of the AEE. The Ecological Assessment and LVA (both appended to the AEE) use criteria consistent with those contained in Appendix 5 to the RPS to identify natural and physical resources that warrant recognition and provision for as matters of national importance. The proposal has been designed to appropriately manage effects on these natural and physical resources and their values as identified in the existing environment.

While it is not possible to apply these criteria to the future environment, it is noted that modelling included in the Coastal Processes Assessment shows shoreline retreat resulting in the loss of all dunes in front of Glen Isla Place, and encroachment into private properties at 9-16 Glen Isla Place over a 40-year timescale.[1] Therefore, if left as is, the value of this part of the dune habitat will reduce as it is eroded by climate induced sea-level rise, storm surges and associated beach retreat, until the dune no longer exists in this location.

Given the location of the proposed structure within the Council reserve area, it will result in the protection of dune habitat and associated ecological values between the structure and the private property boundaries from erosion and coastal hazards. Similarly, the protection of sand dune by the structure would also provide safe access along the top of the structure in the event of high seas / storm surges along the beach.

While there are no known sites of significance to Māori within the project area, an Accidental Discovery Protocol is proffered as a condition of consent to ensure a proactive approach is taken should items of potential significance or interest be uncovered during earthworks. The Applicant has extended multiple invitations to iwi, hapū and marae groups to engage on the proposal however, none of these invitations have been taken up.

Overall, it is considered that the proposal is consistent with Policy MN 1B.

Policy WL 7B: Minimising the effects of land and soil disturbance

Achieve regional consistency by controlling land and soil disturbance activities to:

(a) *Avoid accelerated erosion and soil loss; and*

(b) *Minimise silt and sediment runoff into water, or onto or into land that may enter water, so that healthy aquatic ecosystems are sustained.*

Policy WL 7B gives effect to Objective 29 of the RPS. These provisions relate to controlling land use to achieve water quality outcomes and are assessed at page 53 of the AEE. Land

[1] Refer to Sections 3.8 and 3.11 of the Coastal Processes Assessment for detailed discussion of coastal erosion and shoreline retreat.

disturbance, which is primarily sand, is only proposed to occur during construction and are subject to Regional Council land use consent RM24-0537-LC.01, provided as an attachment as part of the further information response package. The proposed earthworks will include provisions to limit soil disturbance to the identified construction footprint, implement erosion and sediment controls during works, and to implement a certified Remediation Planting Plan once earthworks are complete.

Land and soil disturbance activities are therefore appropriately controlled to avoid accelerated erosion and soil loss, and minimise silt and sediment runoff.

Objective 2

Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment.

Policy CE 2B: Managing adverse effects on natural character within the coastal environment

Preserve the natural character of the coastal environment and protect it from inappropriate subdivision, use and development by including provisions in regional and district plans, and when making decisions on resource consents to:

(a) Avoid adverse effects of activities on the attributes that comprise natural character in areas of the coastal environment with outstanding natural character as identified in the maps and tables in Appendix I and J;

(b) Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on the attributes comprising the natural character in all other areas of the coastal environment, recognising that areas identified in maps in Appendix I as having high or very high natural character can be especially sensitive to the adverse effects of inappropriate subdivision, use and development; and

(c) Recognise that open coastal water in the region is of at least high natural character

Policy CE 4A: Protecting and restoring natural coastal margins

Protect the natural functioning of coastal margins and identify opportunities to restore and enhance natural functioning to allow for:

(a) The continued natural functioning of physical processes, including changes arising as a result of climate change; and

(b) The capacity of natural features (such as beaches, estuaries, sand dunes, wetlands, coastal vegetation and barrier islands) to provide subdivision, use or development with a protective buffer from natural hazards.

Policy CE 8B: Ensuring subdivision, use and development is appropriate to the natural character of the coastal environment

When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:

(a) The level of natural character as shown in Maps in Appendix I, as described in Appendix J, and the level of protection to be afforded by Policy CE 2B;

(b) The criteria contained in Set 1 of Appendix F to further refine natural character for resource consents or site-specific mapping;

(c) Maintaining coastal margins in a natural state and protecting the natural values of beaches and dune systems, including their ability to reduce the impacts of coastal hazards such as tsunami and storm surge;

(d) The appropriateness of the introduction or accumulation of man-made modifications recognising activities that are:

(i) planned (consented, zoned or designated);

(ii) provided for in reserve management plans; or

(iii) identified in Appendix C, D and E; or

(iv) lawfully established;

(e) The provisions of Customary Marine Title Management Plans;

(f) Subject to Policy CE 2B avoiding significant adverse effects and avoiding, remedying or mitigating (including, where appropriate, through provision of buffers) other adverse effects on:

(i) Visually, ecologically or culturally sensitive landforms, including ridgelines, coastal cliffs, beaches, headlands, and peninsulas and visually prominent public open space;

(ii) Estuaries, lagoons, wetlands and their margins (saline and freshwater), dune lands, rocky reef systems and areas of eelgrass and salt marsh;

(iii) Terrestrial and marine ecosystems;

(iv) Natural patterns of indigenous and exotic vegetation and processes that contribute to the landscape and seascape value of the area; and

(v) Regionally significant surf breaks and their swell corridors, including those at Matakana Island and the Whakatāne Heads;

(g) Encouraging efficient use of occupied space through intensification and clustering of developments, rather than sprawling, sporadic or unplanned patterns of settlement and urban growth;

(h) Setting buildings and structures back from the coastal marine area and other waterbodies where necessary, practicable and appropriate to protect natural character, open space, public access and amenity values of the coastal environment, while recognising some structures may have a functional need to be located in the coastal environment, for which a setback would be inappropriate.

An assessment of the provisions copied above, alongside other relevant Coastal Environment policies, is included at pages 48-49 of the AEE.

With regard to Policy CE 2B, the proposal is considered an appropriate use and development in the Coastal Environment.[2] The proposal is not in an area identified as having Outstanding,

[2] In accordance with Policy CE 12B, refer page 48 of the AEE.

Very High or High Natural Character in Appendices J or I of the RPS. Significant adverse effects on natural character are avoided by burying the structure and enhancing the sand dunes with planting of indigenous vegetation. As coastal erosion occurs over time, the structure may become exposed as it increasingly performs the function for which it is being constructed, i.e. protection of land and structures from coastal erosion. The design and materials of the structure mitigate adverse effects of the eventual exposure of the structure. The proposal does not adversely affect open coastal water as it is located outside the Coastal Marine Area ("**CMA**").

For completeness, it is noted that the site is within Outstanding Landscape Feature S24 under the District Plan. The LVA and the s92 response to landscape matters prepared by Isthmus confirm that the proposed structure will be less obtrusive than existing coastal protection structures within S24 and will not adversely affect the values of the S24 landscape feature.

With regard to Policy CE 4A, the proposal will have positive effects on coastal processes in the short-term. Namely, proposed dune enhancement planting will protect and restore the capacity of the sand dunes to provide existing development with a protective buffer from coastal erosion. Although vegetated dune seaward of the structure will be lost as natural coastal erosion occurs, dunes landward of the structure and their capacity to buffer existing land uses from natural hazards will be protected.

With regard to Policy CE 8B:

> The proposal is not in an area identified as having Outstanding, Very High or High Natural Character in Appendices J or I of the RPS, significant adverse effects are avoided, and other adverse effects are mitigated in accordance with Policy CE 2B. As noted above, it is not appropriate to undertake an assessment of future values as any such assessment would be hypothetical, however, these are assumed to diminish over time as coastal processes erode the sand dunes.

> Criteria consistent with the criteria contained within Appendix F informed the assessment of natural character undertaken by the LVA. As noted above, an assessment of future values cannot be undertaken, however, these are assumed to diminish over time as coastal processes erode the sand dunes.

> Development of the proposal has had particular regard to maintenance of coastal margins and protecting the ability of dune systems to reduce impacts of coastal hazards by incorporating dune enhancement which will have a net benefit in the short-term. Longer-term, while the proposal cannot protect dunes located seaward of the structure from coastal erosion, the structure will protect a portion of the Council's reserve land and sand dune, including the flora and fauna within this area, and reduce the impacts of natural hazards such as storm surges on this area.

> Development of the proposal has had particular regard to the introduction of man-made modifications, such as the groynes along Three Mile Creek and dredging of the creek bed. As part of the first further information response, Davis Coastal Consultants updated the engineering drawings to ensure that the proposed structure will have less than minor

effects on the groynes, and Three Mile Creek itself, in both the short and longer term. The response to landscape queries prepared by Isthmus confirms that Waihi Beach is not reaching a "tipping point" in terms of cumulative effects, and the buried coastal protection structure will be a very small and subtle part of the wider landscape evolution and change at Waihi Beach.

- There are no Customary Marine Title Management Plans relevant to this site.
- Significant adverse effects and other effects on natural character are managed in accordance with Policy CE 2B as discussed above. Particular regard has been had to terrestrial ecosystems and natural patterns of indigenous and exotic vegetation through the Ecological Assessment and proposed Remediation Planting Plan.
- The proposal does not encourage further or intensified urban growth.
- The structure has been appropriately located outside the CMA, however, as a coastal protection structure, it has a functional need to be located in the coastal environment.

With regard to Objective 2, the above assessment demonstrates that the proposal will preserve, restore, and where appropriate, enhance natural character and ecological functioning of the coastal environment, both in the short term and the longer-term. The proposal therefore gives effect to Objective 2.

QUESTION 3

Please provide an assessment of all relevant Bay of Plenty Reginal Coastal Environment Plan (this Plan includes the entire costal environment (CMA and land dominated by the coast such as sand dunes)) objectives and policies (this is a section 104(1)(b) matter and is required under District Plan Rule 8.5.2(b)(x), with particular focus on:

a. Integrated Management

b. Natural Heritage

c. Iwi Resource Management

d. Coastal Hazards

Question 3 has asked for information required under District Plan Rule 8.5.2(b)(x), which sets out matters of discretion as follows:

8.5.2 Discretionary/Non Complying Activities

The matters in 8.4.1 and 8.5.1 and the following matters shall be used as a guide for assessing Discretionary Activities and Non-Complying Activities:

...

b. Coastal Erosion Areas – Primary Risk and Rural

...

x. Scientific information from a suitably qualified coastal expert which demonstrates that the land within the Coastal Erosion Area is not under any actual or potential risk from coastal erosion. For the purpose of meeting this rule any assessment of coastal

hazards shall include those standards outlined in the Bay of Plenty Regional Coastal Environment Plan.

An assessment of this matter of discretion, alongside other relevant matters of discretion, is contained on page 57 of the AEE.

As noted in the AEE, the intent of the assessment criteria at Section 8.5.2 of the District Plan appears to be focussed on the avoidance of buildings and structures that will be susceptible to the risks of erosion, rather than structures whose very purpose is to mitigate those effects on extant structures inland. The AEE does not challenge the existing scientific information that Waihi Beach will be subject to actual and potential risk from coastal erosion.[3] The proposal has been designed and located to avoid increasing the level of risk of social, environmental and economic harm from coastal erosion over a 100-year period using best practice methodology as set out in MfE (2024). These projections are more conservative than the minimum sea-level rise projections set by the Coastal Plan, being 1.2m (or 1.1m when Vertical Land Movement is taken into account) over 100 years.[4]

I also note that an assessment against the provisions of the Bay of Plenty Regional Coastal plan ("**Costal Plan**") identified in Question 3 was included in the resource consent application to the Bay of Plenty Regional Council. A copy of this application was provided to WBOPDC as part of the response to the first s92 request.

For completeness, an assessment against relevant provisions of each of the Coastal Plan topics identified in Question 3 is provided below.

Integrated Management

The relevant Integrated Management objectives are:

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:

---

[3] Section 3 of the Coastal Processes Assessment appended to the AEE describes coastal processes at the site, including storm tides, historic beach changes, future erosion hazard and sea level rise projections.

[4] Policies CH 2 and CH 5. Policy CH 5 states that a base sea-level rise of 0.9 m must be used as a minimal value for activities where future adaptation options are limited, such as regionally significant infrastructure and developments which cannot be relocated.

(i) cumulative effects; and

(ii) the effects of climate change;

(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.

The proposal is consistent with the Integrated Resource Management provisions because:

> It seeks to plan for and manage effects of climate change, specifically shoreline retreat resulting from sea-level rise and storm surges;

> Cumulative effects of the structure have been considered and appropriately managed;[5]

> It recognises the potential social, cultural and economic benefits that arise from protecting existing land use and part of the Glen Isla dunes, and recognises the constraints to continuing these land uses posed by coastal erosion;[6] and

> The structure has been appropriately located outside the CMA.[7]

Natural Heritage

The relevant Natural Heritage objectives are:

Objective 2

Protect the attributes and values of:

(a) Outstanding natural features and landscapes of the coastal environment; and

(b) Areas of high, very high and outstanding natural character in the coastal environment;

from inappropriate subdivision, use, and development, and restore or rehabilitate the natural character of the coastal environment where appropriate.

Objective 3

Safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems by:

(a) Protecting Indigenous Biological Diversity Areas A,

(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.

---

[5] Cumulative effects are considered through the Coastal Processes Assessment and Engineering Report appended to the AEE, and in the response to landscape matters prepared by Isthmus.

[6] Policy IR 1

[7] Policy IR 2

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.

Objective 5

Enable the restoration and rehabilitation of the natural heritage of the coastal environment, including:

(a) Kaimoana resources;

(b) Natural heritage landforms or features that would increase resilience to natural hazards, and

(c) Degraded cultural sites which tangata whenua wish to restore for natural heritage and cultural reasons.

The proposal is consistent with the Natural Heritage provisions because it:

> Has a functional need to locate in the coastal environment, is an appropriate form, scale and design to be compatible with the existing sand dune environment, and will not adversely affect the natural processes or ecological functioning of the CMA;[8]

> Is not located in an area of Outstanding Natural Character identified in Appendix I to the RPS, or an area of Outstanding Natural Features or Landscapes identified in Schedule 3 to the Coastal Plan.[9] Therefore, Policy NH 6 and Policy NH 7 are not relevant to the consideration of adverse effects on natural character, natural features and landscape. In accordance with Policy NH 8 and Policy NH 9, significant adverse effects on natural character that is not outstanding are avoided by reinstating the disturbed areas to follow natural contours of the sand dunes and undertaking enhancement planting with indigenous species. This approach is considered consistent with Schedule 4 to the Coastal Plan;[10]

> Is not located in an area identified as IBDA A, however, the ecological assessment confirms adverse effects on the 'northern spinifex foredune' area which meets the criteria of Policy 11(a)(i) and (iii) of the NZCPS will be avoided through fencing off this area of vegetation during the construction works;[11]

> The ecological assessment confirms that there are no significant adverse effects on indigenous vegetation arising from vegetation loss in the 'southern pohuehue assemblage' or the 'central exotic terrace, hollow and riser slope'. Other adverse effects on low value dune vegetation are appropriately remediated and mitigated through implementation of Remediation Planting Plan. The Remediation Planting Plan only uses indigenous species;[12]

---

8 Policy NH 1.

9 Policy NH 5.

10 Policy NH 8, NH 9 and NH 21.

11 Policy NH 5.

12 Policy NH 6, NH 8, NH 11, NH 14 and NH 21.

> The adverse effects on the ecological values of the 'southern pohuehue assemblage' and the 'central exotic terrace, hollow and riser slope' are considered acceptable. It is also noted that the site is proposed to be rehabilitated in a manner which results in a net ecological benefit, and supports resilience to natural hazards provided by sand dunes;[13]

> The Applicant has applied relevant Iwi Resource Management Policies, as assessed below.[14]

Iwi Resource Management

Objectives 13 to 18 relate to Iwi Resource Management. The most relevant of these objectives is:

> ***Objective 13***
>
> *Take into account the principles of the Treaty of Waitangi and provide for partnerships with the active involvement of tangata whenua in management of the coastal environment when activities may affect their taonga, interests and values.*

The relevant policies are:

> ***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.*
>
> ***Policy IW 4***
>
> *The following shall be taken into account during decision-making:*
>
> *(a) The consistency of the proposal with any iwi or hapū resource management*

[13] Policy NH 7(a) and (b)(vi).

[14] Policy NH 14.

plan recognised by an Iwi Authority and lodged with the Regional Council that applies to the area affected;

(b) 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

(c) The principles of Te Tiriti o Waitangi (the Treaty of Waitangi), recognising that these will continue to evolve and be defined.

As noted above, GIPS have extended invitations to engage with mana whenua who have an interest in Waihi Beach 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. No requests to engage have been received from any of the parties that the invitations were provided to.

The proposal has been developed taking into account the mātauranga-based policy-framework articulated in the Tauranga Iwi Management Plan 2016-2026, as detailed in Section 8.8 of the AEE.

The Applicant has, from a western science perspective, sought to avoid and remedy adverse effects on natural values of the coastal environment, including by protecting water quality of coastal and freshwaters and enhancing indigenous biodiversity values. The Applicant accepts the inclusion of an Accidental Discovery Protocol consent condition to prudently manage the risk of unearthing kōiwi or other artefacts during earthworks.

Coastal Hazards

The relevant Coastal Hazard objectives are:

Objective 20

Coastal communities are aware of risks from natural hazards, and mitigation actions are in place to enhance the resilience of existing and future communities.

Objective 21

Development and activities in the coastal environment are managed to take account of the dynamic nature of coastal processes.

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

With regard to the above objectives, it is noted that:

- The proposal is consistent with the relevant policies of the NZCPS and RPS, as assessed above and in the AEE;[15]
- The proposal has been designed and located to avoid increasing the level of risk of social, environmental and economic harm from coastal erosion over a 100-year period using best practice methodology as set out in MfE (2024). These projections are more conservative than the minimum sea-level rise projections set in CH 5, being 1.2m (or 1.1m when Vertical Land Movement is taken into account) over 100 years;[16]
- The proposal is consistent with the relevant Reserve Management Plan, as assessed in Section 8.10 of the AEE;[17]
- The proposal protects and reinforces the sand dunes that provide a natural defence from coastal hazards. The sand dunes will be recontoured to replicate a natural form and planted with native sand dune plant species. The existing public walking access along the true right bank of Three Mile Creek will be retained;[18] and
- Coastal erosion and inundation hazard zones have been identified with respect to the project site and considered in the design process.[19]

Policy CH 9 and Policy CH 10 provide specific guidance regarding the consideration of hard protection structures. As set out in Section 4.3 of the AEE, the Applicant considered a number of alternatives and undertook a public-private cost-benefit analysis of the proposal and also considered the success of the historical protection measures used at the site and elsewhere at Waihi Beach. The design, location and construction methodology have been informed by technical assessments, including ecological, landscape and visual, coastal processes, and noise to ensure that the proposal:

- Is located outside of the CMA;
- Has been designed and will be constructed by suitably qualified and experienced professionals;
- Avoids adverse effects on beach amenity and natural character by burying the structure, restoring dune contours, revegetating disturbed areas with indigenous plant species, and using materials, such as light-coloured rock, that are suitable for the environment;
- Retains public access along Three Mile Creek to the coast;
- Incorporates soft protection methods by way of dune enhancement and revegetation of indigenous dune species;

---

15 Policy CH 1, Policy CH 9.

16 Policies CH 2 and CH 5. Policy CH 5 states that a base sea-level rise of 0.9 m must be used as a minimal value for activities where future adaptation options are limited, such as regionally significant infrastructure and developments which cannot be relocated.

17 Policy CH 4.

18 Policies CH 6 and CH 7.

19 Policy CH 14.

- Will withstand coastal processes, including the effects of sea level rise projected using a methodology consistent with the most recent MfE (2024) guidance;
- Will not cause significant adverse effects at either end of the structure or on neighbouring land due to the landward position of the structure and the alignment and design of the structure avoiding or minimising these effects. Where minor scouring may occur at the southern end, it will be no greater than what is currently experienced and will not adversely affect foredune vegetation which is already exposed to such coastal erosion processes. In addition, this minor scouring will not adversely affect structures or public access; and
- Considers long-term management of the structure, as set out in Section 4 of the AEE.

Part Four of the Coastal Plan contains policies specific to activities in the CMA. Given there are no activities regulated by the WBOPDC proposed in the CMA, Part Four is not relevant to this proposal.[20]

It is therefore considered that the proposal is generally consistent with the relevant provisions of the Coastal Plan.

QUESTION 4

Please provide an assessment of the following relevant District Plan objectives and policies (acknowledging effects of the seawall in different scenarios over its life).

a. *Objective 5.2.1(5)*
b. *Policy 5.2.2(2)*
c. *Policy 8.2.2(4)*
d. *Policy 8.2.2(6)*
e. *Policy 8.2.2(8)*
f. *Summary of the relevance of residential zone objectives and policies given the scope of works occurring at No. 12 Glen Isla Place*

An assessment of relevant District Plan provisions is contained at Section 8.7 of the AEE. The provisions that WBOPDC have selected for assessment are copied in full below with a subsequent assessment. An assessment against these provisions was not included in the AEE because they were not considered relevant to the proposal.

Objective 5.2.1(5)

Greater public awareness, support and involvement in the protection and restoration of areas of ecological significance, particularly those in lowland and coastal areas.

Policy 5.2.2(2)

[20] The use of vehicles in the CMA is provided for by RM24-0537-LC.01, provided as an attachment as part of the further information response package.

Support and encourage the protection and enhancement of ecological corridors, networks and connections between significant native habitats and ecosystems.

The intent of these provisions appears to be to direct WBOPDC actions and are less relevant than other provisions of the chapter to the consideration of resource consent applications.

Insofar as these provisions relate to the GIPS proposal, exotic pest plants will be removed from the dune environment within the construction footprint, and disturbed areas of vegetation within construction footprint will be restored by burying the coastal protection structure, recontouring the dune and planting of indigenous sand dune species. The vegetated sand dunes of Three Mile Creek are not currently maintained by WBOPDC. The Reserve Management Plan for Three Mile Creek Reserve (which is assessed at Section 8.10 of the AEE) identifies Three Mile Creek as a recreation and amenity reserve and does not include provisions which encourage restoration or enhancement planting. However, the Ecological Assessment considers the proposal will result in a net benefit and the proposal will result in ecological values of the site becoming more closely aligned with the high value it is assigned as an IBDA-B area under the RPS and be more contiguous with the vegetation found in the adjoining Island View Reserve to the south of the site.

Policy 8.2.2(4)

Ensure that new subdivision, land use activities or other development is located and designed so as to avoid the need for further hazard protection works.

Policy 8.2.2(6)

Enable natural ecosystems in currently undeveloped areas to migrate inland as a result of dynamic coastal processes (including sea level rise as predicted by recognised national or international agencies).

Policy 8.2.2(8)

Prevent the use of concrete and block work foundations, floors and walls in the Coastal Erosion Areas.

The above policies give effect to the objectives of Section 8 – Natural Hazard, assessed at pages 55-57 of the AEE, which state:

Objective 8.2.1(1)

Minimisation of the risk of natural hazards to human life and the natural and built environment.

Objective 8.2.1(2)

Protection of the existing natural character of the coastal environment and other natural features having recognised ecological, landscape or other significance to the District.

With regard to the above provisions, it is noted that:

- The purpose of the proposal is to minimise the risk of natural hazards to existing built environment, being residential waterfront properties located at Glen Isla Place as well as the Councils reserve area located between the structure and the property boundaries;
- As described in Section 8 of the AEE and above, the proposal has been developed to avoid and appropriately manage adverse effects on natural character, and recognised ecological values and landscape values;
- The proposal does not enable any other new activities that would be reliant on further hazard protection works;
- As described at page 56 of the AEE, there is no available space for the dunes to migrate, and the proposal seeks to enhance the natural defence afforded by the dunes by undertaking enhancement planting. The project site is bound by existing built environment which constraints the ability of the sand dune to migrate inland. The proposed structure would protect the area of sand dune between the structure and properties and its associated ecological, amenity and public access values, and its ability to provide buffering from natural hazards; and
- The proposed coastal protection structure does not use concrete or block work. As described in Section 4 of the AEE and clarified in updated engineering drawings provided with the first s92 response, the majority of the structure is to be constructed of rocks sourced from a local Waihi quarry with a geotextile underlayer, and a small portion of the wall located on private property will be constructed of stabilised sand. The proposal does not involve the pouring of concrete, once rocks are placed within the construction footprint, the structure will be covered with sand and recontoured, with the construction footprint revegetated in accordance with the Remediation Planting Plan.

The relevant provisions of Section 13 - Residential are:

> ***Objective 13.2.1(5)***
>
> *Preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.*
>
> ***Objective 13.2.1(6)***
>
> *Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements.*
>
> ***Policy 13.2.2(8)***
>
> *The undertaking of non-residential activities should not generate adverse effects that would be incompatible with the character and amenity values of the area in which they are located.*
>
> ***Policy 13.2.2(9)***
>
> *The outcomes sought in relevant community plans that have been developed through consultation with the District's communities should be provided for in development proposals.*

The small part of the structure (at 12 Glen Isla Place) that will extend into the Residential Zone is to be constructed of stabilised sediment, and will be buried by approximately 1m. As with the rest of the construction footprint, the disturbed area will be recontoured and replanted with indigenous plant species in accordance with the Remediation Planting Plan, ensuring the structure is integrated into the natural environment and resulting in net benefit ecological values and positive amenity effects for those passing on the beach.

Construction noise and vibration effects are managed by limiting working hours to between 7.30am and 6pm, Monday to Saturday. This ensures compliance with relevant permitted standards.

It is therefore considered that the adverse effects will be temporary in nature and managed such that they are not incompatible with the surrounding area, and that the character and amenity of the existing coastal settlement at Glen Isla Place will be preserved and enhanced.

The Waihi Beach Ward Community Plan[21] acknowledges that residents have growing concerns about the effects of climate change and the potential impacts it could have in the future.[22] It also acknowledges that the community is very environmentally aware.[23] One of the Plan's four objectives is "*Promote a Sustainable and Nurtured Environment"* and that there is community support for biodiversity management projects for dune areas.[24] The proposal provides for the outcomes sought in the Waihi Beach Ward Community Plan insofar as it promotes a sustainable and nurtured environment by protecting existing built environment and vegetated sand dune landward of the structure, and will result in net benefit to ecological values of the Glen Isla dunes.

SUMMARY

Overall, the proposal has been designed to be consistent with the relevant provisions of the NZCPS, RPS, Coastal Plan and District Plan, in that it avoids significant adverse effects, appropriately minimises or mitigates other effects, and provides for the protection and restoration of natural character at the coast.

The overall conclusion of the assessment of relevant statutory provisions has not changed following the further assessment as directed by Council.

---

21 Waihi Beach Ward: Community Plan, dated 28 January 2020.

22 Section 1.9 Challenges, p. 9.

23 Section 1.10 Opportunities, p. 9.

24 Section 2.2 The Objectives and Action Items, pp. 11 and 14.