

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 Regional 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 Regional Coastal Environment Plan (this Plan includes the entire coastal 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 mātaihai, 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 GPS 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 Plan²¹ 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.