

RC14513L - TABLE OF CHANGES MADE TO THE PROPOSED CONDITIONS BY GIPS

The table below sets out the substantive changes made to the 'clean version' of the WBOPDC Draft Conditions provided by Ms Price following the adjournment of the hearing. The changes focus on improving clarity, removing unnecessary duplication between the BOPRC and WBOPDC conditions, aligning conditions with expert advice, and ensuring flexibility for practical implementation. Minor, inconsequential changes have not been described below.

Note: the condition numbers referenced are those identified in the WBOPDC Conditions set 'WBOPDC – Proposed Consent Conditions – Clean Version to Applicant 14.8.25' accept where the GIPS amendment have resulted in a change to the number. In those cases, the reference to the GIPS version condition number has also been included.

Condition	Change Made	Reason/Comment
Condition 1		No change however, the plans need to be confirmed based on the final location to be determined by the Hearings Panel
Condition 4	Deleted 'vegetation clearance and' and added 'and replanting'	The amendment has been made to provide for the intention of the condition which is provide for a site meeting following the completion of the construction of the structure and the reinstatement and replanting of the dune environment.
Condition 5	Redrafted to clarify the agreement process between Glen Isla Protection Society (GIPS) and WBOPDC, including individual deeds of covenant for each property owner.	The redrafting better reflects the agreement as currently drafted between GIPS and WBOPDC. The agreement requires GIPS to procure each of the waterfront property owners to enter into a separate deed of covenant with the Council. The deeds of covenant are individual to each property (It is contemplated the deeds will be registrable against the relevant titles). The "upon request" wording acknowledges that WBOPDC may not wish to be obliged to take a transfer of the consent after the



maintenance period, but it would be open for WBOPDC to require the transfer at any time, including if it wished for the consent to be surrendered.

Condition 13	(g) deleted	Avifauna matters provided for by the BOPRC Consent.
Condition 19	Changed 'school holidays' to '20 December to 30 January'	Amendment to clarify the timing of works as 'the term "school holidays" requires further definition because different schools (including private schools) have different term dates, and it is during the summer holidays that beach usage is at its maximum so being explicit as to the exclusion of works during this term will address any potential effects of the works during this time on the public.
Condition 22-25	Visual Effects Conditions 22-25 deleted in full	Deleted as provided for by the BOPRC Consent (condition 4.6) - associated with the temporary construction works only, no enduring elements to these conditions that need to be captured within the WBOPDC consent
Condition 26 (22 in the GIPS version)	Include reference to 'Works Footprint' and 'replicate a natural form'	Amended to reflect the 'Works Footprint' reference in the WMP (condition 13)
Condition 27 (23 in the GIPS version)	Deleted requirement for the RPP to be certified by WBOPC and added 'Advice Note: For the purpose of this conditions, the certified Remediation Planting Plan this that which is certified in accordance with Condition 10.3 of the Bay of Plenty Regional Council Consent Number: RM24-0537-LC.01.'	As per the direction from the Chair, we have removed duplicated conditions for the preparation, etc of the RPP and included an advice note that the planting would be completed in accordance with the certified RPP under the BOPRC consent. The condition still requires replanting following the earthworks.



Condition 28 - 33	Deleted in full	As per the direction from the Chair, we have removed duplicated conditions but have retained the requirement to 'Manage and Maintain' and the definitions of the different areas (Conditions 24-27 in the GIPS version).
Condition 38 (27 in the GIPS version)	(c)(iii) – replaced 'planted areas' with 'Reinstatement Area' (d) – add '(i) The date three years after the completion of planting; or'	Change to (c) - Reverted back to the original wording as the GIPS ecologists does not consider the 'Landscape Area' needs to be maintained to provide the ecological values benefits as that area is subject to coastal processes and natural changes in the foredune area. Change to (d) – Timeframe inserted as GIPS consider there should be an end point to the 'Maintenance Period' – the Regional Council consent provides for a term of 2 years but GIPS is willing to increase the Maintenance Period to 3 years for this consent.
Condition 39 – 'Adjacent Reserve to the South'	Deleted in full	Deleted requirement for spinifex planting south of the structure as, based on the technical advice from its Coastal Process and Ecological experts, GIPS does not consider this is necessary as: 1. The existing vegetation present is considered low value; and 2. At a location of 5m from the boundary, the end effects of the structure with be in the order of 2-5 m landward and 5-15 m in length; and 3. Any effects beyond 15m will not be a result of the structure therefore, a condition cannot be imposed to address this.
Condition 40 -42 – 'Sand and Vegetation	Deleted in full.	Deleted Sand and Vegetation Management Plan requirements as, based on the technical advice from its Coastal Process and Ecological experts, GIPS does not consider this is necessary as: 1. The vegetation disturbance and replanting works are provided for through the RPP conditions earlier thus creating duplication; and

**Management
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2. The proposal does not include sand management, nor is it considered necessary by the GIPS experts. However, if WBOPDC would like to use sand management and push ups as part of the wider Waihi Beach erosion response, they have the Three Mile Creek dredge material consent and also, will be applying for the wider Waihi Beach sand push ups consent.

Condition 53 (38 in the GIPS version)	Retained public access condition along the southern side.	While provided for in the BOPRC consent (condition 9.1(b)), the Regional consent has duration of 10 years. GIPS note that public access may need to be restricted for future maintenance works therefore, this condition is retained here for those activities which may occur after the 10 yr term of the BOPRC consent.
Condition 67	Deleted in full.	For the reasons set out in GIPS' Closing Legal Submissions (paragraphs 14 - 40), GIPS does not consider that a fixed term is appropriate.
Advice Note 9 – lizards and invertebrates	Deleted in full	Deleted references to lizard and invertebrate conditions as they are covered under the Bay of Plenty Regional Council consent.

