

Decision Report

Glen Isla Protection Society Incorporated

RC14513(L)
to
Western Bay of Plenty District Council

9 September 2025

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Appendix 1: Hearing Attendances

Appendix 2: Consent Conditions

1 Introduction

[001] In October 2024 the Western Bay of Plenty District Council (**WBOPDC** or **Council**) received an application from the Glen Isla Protection Society Incorporated (**applicant** or **GIPS**) for resource consent under the Operative Western Bay of Plenty District Plan (**District Plan**) for the following activities:

- Establishment of a coastal protection structure (backstop wall) and associated earthworks in the Coastal Erosion Area – Primary Risk and Coastal Erosion Area – Rural; and
- Structures, earthworks and clearance of native vegetation within Natural Feature/Landscape – S24 – Open Coastal landscape Landward Edge Protection Yard.

on the Council recreation reserve at 95 Seaforth Road (Lot 18 DPS 22035) and the adjoining esplanade reserve at Lot 19 DPS 22035 and 12 Glen Isla Place, Waihi Beach.

The applications are granted for the reasons herein.

2 Appointments

[002] The WBOPDC, acting under section 34A of the Resource Management Act 1991, appointed independent commissioners Amy Robinson¹, Shadrach Rolleston² and Rob van Voorthuysen³ (chairperson) to hear and decide the applications.

3 Description of the Proposal

[003] The nature of the Site and the applicant's proposal is described in the resource consent application prepared by Mitchell Daysh⁴, the Section 42A Report⁵ prepared by Bevan Hudson⁶ and Anna Price⁷, and the evidence of the applicant's witnesses.

[004] We adopt those descriptions, but by way of brief summary:

- GIPS is a group of beachfront property owners at 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place, Waihi Beach; and
- GIPS proposes to establish a buried rock revetment structure (or backstop wall), supplemented with dune reshaping and replanting at Three Mile Creek Reserve⁸ on land legally described as Lot 18 DPS 22035 and Lot 19 DPS 22035. The intent is to protect the Reserve land and adjacent properties from further erosion, and future-proof the properties from the effects of sea-level rise for at least the next 30-50 years⁹.

[005] Readers of this Decision should refer to the above-mentioned documents for a fulsome description of the proposal. We discuss some more detailed aspects of the proposal in sections 5 to 7 of this Decision. However, it is important to note that we were presented with two options for the location of the backstop wall. GIPS's initial (and preferred) option had the southern Type 1 wall located 5m seaward of the property boundaries. A second option suggested by GIPS in response to concerns expressed by submitters had

¹ Amy Robinson is an independent commissioner. She has 20+ years' experience working in natural resource management planning. She has a MSc in earth sciences and extensive experience in RMA consenting.

² Shadrach Rolleston is an independent commissioner. He has a Bachelor of Resource and Environmental Planning (Hon), from Massey University, and over 20 years local and central government policy, planning and Māori resource management experience.

³ Rob van Voorthuysen is an experienced independent commissioner, having sat on over 450 Resource Management Act hearings throughout New Zealand since 1998. He has qualifications in natural resources engineering and public policy. In 2020 he was appointed as a Freshwater Commissioner by the Minister for the Environment and has sat on several Covid-19 Fast Track Consenting Act and Fast Track Approvals Act expert panels.

⁴ Glen Isla Protection Society, Glen Isla Dune – Waihi Beach Coastal Protection Project, Western Bay of Plenty District Council -Resource Consent Application and Assessment of Environmental Effects, 11 October 2024. Section 3 "Existing Environment" and section 4 "Description of the Proposal".

⁵ Section 42A Report sections 3 "Site and Locality", 4 "Background" and 5 "The Proposal".

⁶ WBOPDC Team Lead Consent Planning

⁷ WBOPDC Principal Planner

⁸ Local Purpose Esplanade and Recreation Reserve

⁹ Opening legal submissions, paragraph 1.

the southern portion of the backstop wall moved landward, such that it would be located 1.5m seaward of the property boundaries. We address the location of the backstop wall in section 5.8 of this Decision.

4 Process Issues

4.1 Written approvals, notification and submissions

[006] Written approvals were obtained from the owners and occupiers of 9, 11, 12, 13, 14, 15 and 16 Glen Isla Place. Accordingly, we have not had regard to any potential adverse effects on those persons or their properties.

[007] GIPS requested that the applications be publicly notified and 29 submissions were received. There were 28 submissions in opposition and one neutral submission. Mr Hudson summarised¹⁰ the submissions and we adopt his summary without repeating it here. We also received and read full copies of the submissions.

4.2 Officer's recommendation

[008] In his Section 42A Report Mr Hudson recommended that the applications be declined, primarily because in his view the proposal was not well aligned with the national and regional policy direction which discourages hard protection structures particularly where they are aimed at protecting private property rather than public assets. At the conclusion of the hearing, he advised that he had reached a greater level of comfort that the effects arising from coastal processes could be supported.

4.3 Site visit

[009] The commissioners undertook an unaccompanied site visit prior to the Hearing.

4.4 Consent category

[010] The AEE stated that:

- Coastal protection works including seawalls in the Coastal Erosion Area – Primary Risk and Rural require resource consent as a discretionary activity under Rule 8.3.4(a)(iv) of the District Plan; and
- Buildings/structures, earthworks¹¹ with a vertical face of greater than 1.5m, and clearance of native vegetation within Identified Natural Feature and Landscape S24 – Open Coastal landscape Landward Edge Protection Yard require resource consent as restricted discretionary activities under Rule 6.4.3.1.(b), (c) and (d).

[011] The Section 42A Report listed ten operative District Plan rules that triggered the need for consent. In addition to the rules listed in the AEE, Mr Hudson identified rules 4A.5(b), 8.3.3(c)(i), 8.3.3(c)(ii), 8.3.3(c)(iii), 8.3.4(a)(i), 13.4.1(c)(ii) and 18.4.1(c)(ii).

[012] Nevertheless, it was common ground that the components of the backstop wall triggering the need for consent are all inextricably linked and consequently under the commonly accepted 'bundling principle' the GIPS proposal is overall categorised as a discretionary activity.

[013] For completeness, we observe that the proposal meets District Plan permitted activity standards associated with transport and signage.

4.5 Hearing

[014] We held a hearing on Monday 11 and Tuesday 12 August 2025. Attendances are listed in Appendix 1.

[015] We received a brief verbal 'right of reply' (Reply) from counsel for the applicant (Morgan Slyfield) at the hearing. We adjourned the hearing pending the receipt of a further written Reply which we received on

¹⁰ Section 42A Report, section 6 "Notification and Submissions".

¹¹ The AEE stated that earthworks associated with an activity requiring resource consent as a discretionary activity also require resource consent under Rule 4A.5.b

Thursday 28 August 2025. We thereafter closed the hearing on Monday 1 September 2025, having satisfied ourselves that we required no further information from any of the parties.

5 Effects on the Environment

[016] Having reviewed the documentation we find that a range of matters require assessment:

- a) Alternatives;
- b) coastal processes;
- c) landscape and visual effects;
- d) ecological effects;
- e) transport effects;
- f) public access;
- g) backstop wall design, location and extent
- h) noise and vibration;
- i) Māori cultural values and interests
- j) use of reserve land;
- k) cost to ratepayers; and
- l) precedent.

[017] Having listed those matters we acknowledge the evidence was that by and large potential adverse effects associated with the construction of backstop wall were no more than minor and so our assessments are correspondingly brief.

[018] We also address the BOPRC consent that was granted in May 2025.

5.1 BOPRC consent

[019] On 7 May 2025 the Bay of Plenty Regional Council (BOPRC) granted Resource Consent RM24-0537-AP to the Glen Isla Protection Society Incorporated for a term of ten years expiring on 31 May 2035.

[020] The purpose of that consent is for:

- a) Land and soil disturbance associated with vegetation clearance and earthworks to enable the installation of a buried backstop wall within the sand dunes at Waihi Beach; and
- b) Disturbance of the foreshore by the use of vehicles associated with the installation of a buried backstop wall within the sand dunes at Waihi Beach

[021] We consider that the BOPRC consent is a relevant factor in our decision making as many of the issues that are before us were considered in the granting of the BOPRC consent. We discuss that further in section 7 of this Decision.

5.2 Alternatives

[022] Under RMA Schedule 4 Clause 6(a), if it is likely that the activity will result in any significant adverse effect on the environment, the application must (and by correlation our Decision should) describe any possible alternative locations or methods for undertaking the activity. While we do not think that Clause 6 is triggered in this case, we nevertheless address alternatives because most of the submitters considered that alternatives to the backstop wall should be pursued by the GPS. Those alternatives focused on 'soft engineering' options such as dune enhancement and dune replenishment, and managed retreat.

[023] GPS considered alternatives including do nothing, 'soft engineering', seawalls and structures made of various materials and configurations. The current buried backstop wall solution was selected because of the benefits of:

- enabling for construction outside the Coastal Marine Area;
- enabling a soft engineering and dune enhancement approach to be incorporated into the overall design;

- it's widely, tested and accepted design formulation for coastal erosion;
- rock revetments being proven solution at Waihi Beach, with the seawall walls situated north of Three Mile Creek managing recent large storm events;
- the ability to use locally sourced rock for the revetment; and
- utilising the services of a local contractor experienced with rock revetments.

[024] With regard to that options assessment, we observe that the existing seawall north of Three Mile Creek is not a suitable comparator to the GIPS proposal. The northern seawall is located at or seaward of the line of MHWS which makes it highly visible and restricts access along the beach at high tide. In contrast, the GIPS backstop wall is located landward of the current line of MHWS and will be buried under a reconstructed dune.

[025] Andrew Fraser (GIPS spokesperson) advised that due to erosion issues being experienced at the time, a seawall was built in front of the Glen Isla Place dune in 1983. That seawall was a vertical wall with steel posts and wooden rails. At the same time, rock filled gabion cages were installed perpendicular to the seawall every 40 metres or so and rocks were placed landward of the seawall. That seawall remained in place, protecting the waterfront properties at Glen Isla Place, at the time when five out of the seven GIPS waterfront properties were acquired by their current owners.

[026] The groynes at Three Mile Creek were constructed in 2009 and the other work to implement those consents was carried out in 2010-2011, at which time the existing seawall in front of Glen Isla Place was removed and dune enhancement involving the placement of large amounts of sand, including sand scraped from the beach, was undertaken with the plan being to replant the dune to stabilise it. Unfortunately, the dune enhancement failed and only lasted a few weeks before it was washed away during storm activity. No further dune enhancement work has been undertaken by the Council at this location since then.

[027] Consistent with that historical commentary, Craig Davis (GIPS's coastal engineering expert) considered that a soft engineering solution alone would not address erosion such as those associated with the Cyclone Gabrielle and Hale events or lesser events causing significant storm cuts that have the potential to threaten the existing backshore development. He advised that a recent WBOPDC report (Tonkin & Taylor 2025) assessed that a 5-35m storm cut at this location had a 5% chance of occurring within the next 10 years¹².

[028] Importantly, the GIPS proposal is not for "just" a backstop wall. It is to be a combination of both 'hard' and 'soft' coastal protection; the hard structure being entirely buried within a reconstructed and revegetated dune.

[029] We accept Mary Hill's (counsel for WBOPDC) submissions that the current proposal and managed retreat are not mutually exclusive. While proposals to locate substantial hard structures on private land are generally of concern, because they can foreclose future options for managed retreat, in this case the proposal is located on a public reserve managed under the Reserves Act and WBOPDC (as administering authority) has the ability to remove the backstop wall if necessary to implement a future policy of managed retreat, and to remediate the reserve if required. We return to that matter in section 8 of this Decision where we discuss consent duration.

[030] Having regard to the above matters, we find the applicant's assessment of alternatives to be fit for purpose.

5.3 Coastal processes

[031] We heard evidence from Craig Davis (for GIPS's), Jonathan Clarke (coastal engineer engaged by GIPS as an independent reviewer), and Adam Davidson (coastal engineer for the WBOPDC) on how the proposed structure will interact with coastal processes. All experts agreed that the structure will not result in adverse effects until it is exposed by either an episodic storm event or in the longer term, as it becomes located in the Coastal Marine Area as a result of sea level rise.

¹² EIC, paragraph 7.10.

- [032] All three coastal engineers agreed that the southern Type 1 structure is needed now and designed appropriately. Their opinions differed in relation to the northern Type 2 structure. Mr Davidson's opinion is that the need for this structure is reduced, primarily because of the protection currently afforded to this location by the presence of the Three Mile Creek training wall structure, which is consented to 2032. This matter is discussed in further detail in section 5.8 of this Decision.
- [033] The experts agreed that if located 1.5m seaward of the property boundaries, there would be more time before the structure would have adverse effects in terms of coastal processes. It is difficult to predict timing on this, however the experts concurred that predicted exposure could occur in 25 – 35 years' time. Once exposed, the structure has the potential to cause end effect erosion at the southern end, beach lowering in front of the wall and overtopping during storm events.
- [034] Submitters in opposition shared concern about these potential effects, in particular end effect erosion at the southern terminus of the wall.
- [035] We agree that these concerns are valid in terms of possible future effects, once the wall becomes exposed to coastal processes. These issues are further explored in section 5.8 of this Decision and can be appropriately managed by setting a duration on the consent (section 7.1).

5.4 Landscape and visual effects

- [036] Landscape, natural character and visual effects were assessed by Brad Coombs (for GIPS) and Will Gumbley (for the WBOPDC). Their final conclusions as to the scale of effects differ. Mr Coombs considered those effects will be positive, while Mr Gumbley considers they will be neutral. However, both experts supported the grant of consent, subject to conditions.
- [037] On the matter of location, when asked his opinion on whether it was more appropriate that the backstop wall be located 5m seaward from the property boundary or 1.5m away, Mr Coombs preferred the 5m offset on the basis that this would provide more landscape and landform to work with. He noted that once successfully established, *Spinifex* would rehabilitate the dune naturally following any disturbance as there would be more of a buffer behind the structure.
- [038] Mr Gumbley's opinion was that the difference between a 1.5m and a 5m setback distance would be minimal, and when questioned whether the level of effect in terms of landscape and visual amenity would change if the wall were to be located closer to the applicant's properties, he stated that in his opinion the level of effect would be the same.
- [039] Mr Gumbley considered a Sand, Vegetation and Management Plan (SVMP) should be produced and implemented by the applicant, whereas Mr Coombs did not agree that it was necessary. We discuss that particular matter in section 7 of this Decision.
- [040] Some submitters expressed concern about the loss of natural character and amenity value for beach users, particularly once the wall becomes exposed. We acknowledge that the level of adverse effects will increase once the wall is exposed compared to when it is buried, and we address this further in section 7 of this Decision.
- [041] Overall, we prefer the evidence of Mr Coombs and are satisfied that the potential adverse on landscape and visual amenity will be no more than minor.

5.5 Ecological effects

- [042] The ecological effects of the proposal were assessed by Dr Vaughan Keesing and Dr Leigh Bull for GIPS, and by Mr Willie Shaw for WBOPDC. The primary issues raised were in relation to potential effects on shorebirds, invertebrates, lizards and vegetation.

- [043] The experts agreed that the north *Spinifex* foredune had high ecological value and that it should be avoided. They also agreed that effects on invertebrates and lizards can be managed through conditions.
- [044] With regard to avifauna, submitters were particularly concerned about the potential effects on Northern NZ Dotterel. We heard evidence from Dr Bull on how these effects could be managed. By the end of the hearing, Mr Shaw stated he was satisfied that Dr Bull's evidence had appropriately addressed all of his concerns and there were no outstanding areas of disagreement.
- [045] Mr Shaw's opinion was that moving the structure closer to the property boundaries would be ecologically beneficial as it will enable the foredune to be wider at the southern end, with a greater likelihood that a cover of *Spinifex* can be maintained, which would improve the resilience of the overall dune system. Conversely, Drs Bull and Keesing considered the level of effect to be the same at either location.
- [046] We were persuaded by Dr Keesing's opinion that the effects of the proposal would be less than minor, and that once the revegetation of the dune had been established, it would result in a net ecological benefit at the site.
- [047] The BOPRC consent conditions impose the requirement for an Avifauna Management Plan and a Works Management Plan, which sets out requirements for managing the discovery of threatened invertebrates and lizards. Additionally, WBOPDC and GIPS have agreed on a condition requiring a Remediation Planting Plan. We are satisfied that these conditions will appropriately manage effects on ecology.

5.6 Transportation effects

- [048] Construction transport and access effects were canvassed in GIPS' AEE and were assessed for the WBOPDC by Philippa Browne¹³. She concluded that any potential adverse were limited to the construction of the backstop wall¹⁴. She noted that future maintenance activity would be minor, albeit that there was a residual risk that significant maintenance might be required in future. Ms Browne considered that the transportation effects of the GIPS proposal could be mitigated through transportation consent conditions addressing:
- restrictions on heavy vehicle access to the construction site during the hours between 8pm and 6am, except to undertake emergency work if required;
 - the preparation of a construction travel management plan (CTMP); and
 - the maintenance, repair and reinstatement of any damage to the 2.6km long stretch of public road between the Waihi Beach Quarry (which is located at 691 Waihi Beach Road) and the site's access point at 91 Seaforth Road.
- [049] The consent conditions we discuss in section 7 of this Decision have appropriately adopted Ms Browne's recommendations.
- [050] Ms Browne noted that the above public road route traversed Wilson Road and Waihi Beach Village, but it was preferable to alternative routes, including Citrus Ave, which was a local residential street that was less suitable to heavy vehicle movements. She also considered that a route via SH2 was 20.6km in one direction and would add significant travel time and costs to the movement of rocks from the quarry to the site. The SH2 route would also increase the exposure of heavy vehicles travelling that route to other traffic. On the basis of Ms Browne's evidence, we do not consider submitter's suggestions of alternative routes to be appropriate.
- [051] We also acknowledge James Whitlock's observation¹⁵ that the relevant section of Seaforth Road that will be traversed by the heavy vehicles transporting rock to the site currently carries 90 – 180 heavy vehicles

¹³ Traffic and Road Safety Engineer, employed by Aurecon NZ Ltd, currently on secondment as a Senior Transport and Safety Engineer with the Transportation Team at Western Bay of Plenty District Council.

¹⁴ Section 42A Report, Attachment 12, Transportation Technical Memorandum.

¹⁵ EIC Whitlock, paragraph 7.20.

per day. We accept this uncontested evidence that an additional 8 to 10 heavy vehicles per day associated with the GIPS proposal comprises a very small increase that will not affect noise levels for road-facing dwellings.

- [052] On the evidence, we are satisfied that the conditions recommended by Ms Browne will result in potential adverse transportation effects being no more than minor.

5.7 Public access

- [053] Public access to the beach fronting Glen Isla Place currently occurs through the reserve areas either side of Three Mile Creek. The predominant accessway appears to be through the reserve at 91 Seaforth Road on the northern side of the Creek. The GIPS proposal will not affect that access, other than temporarily during the backstop wall's construction phase.

- [054] In that regard WBOPDC's view is that there is no clear evidence of existing public access along the existing dune fronting the Glen Isla properties, parallel to the beach, as there are no worn trails through the dune such that would be evident from pedestrian use¹⁶. Our site visit confirmed this to be the case.

- [055] Relevantly, the BOPRC consent granted for the proposal requires by way of consent conditions:
- vehicle and machinery access to the foreshore and works site to be via the WBOPDC Reserve accessway at 91 Seaforth Road;
 - methods to stabilise the vehicle and machinery accessway to the foreshore at 91 Seaforth Road to protect it from damage and erosion;
 - the remediation of any damage to the sand dunes and its vegetation at this accessway;
 - except when vehicles or machinery are moving within this area, public access to the beach along the northern side of Three Mile Creek, and along the beach and foreshore seaward of the works site, is to be maintained at all times; and
 - public access along the southern side of Three Mile Creek to the beach must be maintained to the extent practicable and safe during works.

- [056] We consider that the BOPRC consent conditions adequately deal with public access to and along the beach during the period of construction. Those conditions can be supplemented by conditions on any WBOPDC consent that we grant.

- [057] Some submitters were concerned about public access along the beach being restricted in the future should sea level rise associated coastal erosion result in the southern portion of the backstop wall being regularly exposed to the tide. That is a possible future outcome, however, the evidence of Mr Davis¹⁷ is that 'realistically' it will be 25 to 35 years before MHWS might be located at the base of the southern portion of the backstop wall. At that time, access in front of the structure may become limited for one to two hours around high tide.

- [058] We do not consider that potential adverse effect to be of sufficient significance as to weigh against a grant of consent. In any case, should that short-duration effect arise, then access along the short length of foreshore fronting the Glen Isla properties will still be available through the WBOPDC reserve located landward of the backstop wall, should at that time the WBOPDC allow that access to occur.

- [059] In overall terms we find adverse effects on public access will be no more than minor.

5.8 Backstop wall design, location and extent

- [060] We understand that there was agreement between the coastal engineering experts that the design of both the southern Type 1 backstop wall and the northern Type 2 backstop wall was appropriate. Mr Davis adopted Jonathan Clarke's peer review recommendations regarding amendments to the rear of the backstop wall to address potential overtopping effects.

¹⁶ Section 42A Report, Attachment 16, Reserves and Facilities Memorandum.

¹⁷ Paragraph 6.21.

- [061] This leaves us to consider the location and extent of the backstop wall.
- [062] In terms of location, we acknowledge the desire of many submitters to locate the wall on the private property of the GIPS members. However, that is not what has been applied for. It is our role to assess the effects of what was actually applied for and not to redesign a wall in an alternative location. In that regard, we note Mr Slyfield's Reply submissions¹⁸ that *"A wall on the private properties would need to be constructed within a much more limited space, and in the interests of protecting as much of the properties as possible. For these two reasons it would be a very different type of wall than is presently proposed."*
- [063] We find that we have no jurisdictional scope to direct the backstop wall to be located on the private property of the GIPS members.
- [064] There was agreement amongst the coastal engineering experts that the southern Type 1 backstop wall was necessary to mitigate against storm induced erosion. GIPS applied to locate the landward edge of the wall 5m seaward of the private property boundaries. However, Mr Fraser advised that GIPS would be willing to accept a location where the landward edge of the wall at its southern end was located 1.5m seaward of private boundaries, if that was acceptable to the Council as landowner. At the hearing, Peter Watson (WBOPDC Reserves Manager) advised that this more landward location of the Type 1 backstop wall would be acceptable to the Council.
- [065] Having considered the evidence, we prefer the alternative landward location of the Type 1 backstop wall, namely, locating its southern landward edge 1.5m from the private property boundaries. Our primary reason for that is the evidence of Mr Davidson who advised us that in his opinion if the wall was located 5m from those boundaries it might become "exposed almost immediately" within a matter of several years due to wave action, whereas if it was located 1.5m from those boundaries it would not become regularly exposed until much later, perhaps several decades hence.
- [066] On this same matter Mr Clarke advised, as part of the Reply submissions¹⁹, that *"Based on the long term erosion rate, pushing the wall back to 1.5m from the boundary will result in ~10 years of additional time whereby there is a volume of sediment in the wider beach system that would allow for the structure being fully covered as the beach rebuilds."*
- [067] We also note that Mr Davidson's evidence considered²⁰ that locating the Type 1 backstop wall 1.5m from the property boundaries would reduce its impact on the beach, the coastal environment, and potential end effects on the reserve area to the south. The GIPS landscape and ecology experts considered their conclusions regarding the minor adverse effects of the backstop wall would hold true in its more landward location.
- [068] We now turn to the northern Type 2 wall. Mr Davidson suggested that the Type 2 wall was not required in front of the properties at 9, 11 and 13 Glen Isla Place as long as the Three Mile Creek groynes remained in place. He advised²¹ that a natural dune management approach (supporting and aiding the existing dune development using the material excavated from the channel) in front of those three properties would create much less disturbance to the natural environment during construction, at a lower cost.
- [069] Mr Davidson appeared to have no issue with what he termed "a significantly shorter hard structure layout between properties 12-15". From that evidence we understand Mr Davidson to support constructing the Type 2 backstop wall in front of 15 and 16 Glen Isla Place.

¹⁸ Paragraph 61.

¹⁹ We granted leave for evidence to be provided as part of the Reply.

²⁰ Davidson Summary Statement, paragraph 6.

²¹ Summary Statement, paragraph 2.

- [070] We prefer the evidence of Mr Davis and Mr Clarke on this matter, noting that costs are not a relevant consideration for us as they will be met by the applicants.
- [071] Mr Davis advised that in the case of a very large storm cut event the shoreline will retreat in a shore parallel manner irrespective of the Three Mile Creek groynes. He said this was amply demonstrated in Cyclone Gabrielle erosion where erosion occurred adjacent to the groynes. Mr Davis considered that waves incident to a shorter and angled northern part of the backstop wall would tend to run along that stretch and have the potential to outflank it if the wall was terminated too soon. Under the predicted 18m of storm cut he suggested that outflanking had a 22% chance of occurring over the next 50 years. On that basis he considered that the entirety of the northern Type 2 backstop wall was required.
- [072] Relevantly, with regard to Mr Davidson's opinion that the Type 2 wall was unnecessary as long as the groynes remained in place, Mr Watson explained that the consents for the groynes expire in 2032, and an options assessment as to their renewal is likely to be undertaken in around 2028/29.²² While we understand from Mr Watson's verbal responses to our questions that it is likely that WBOPDC will apply to replace those consents and retain the groynes, there is no certainty that will occur. We have already accepted Mr Davis's evidence that there is a need for the Type 2 wall even if the groynes remain in place.
- [073] In that regard we acknowledge Mr Slyfield's submission²³ that Mr Davis' evidence, supported by Mr Clarke, was that some part of the Type 2 wall would be necessary when the Type 1 wall was built to deal with potential end-wall effects at the northern end of the Type 1 wall. How much of the Type 2 wall would be needed would depend on the size of storm, but Mr Davis and Mr Clarke both considered the wall would be needed in front of numbers 13 and 11 Glen Isla Place now, and over time would also be needed in front of number 9, even if the Three Mile Creek groynes remained in place. They disagreed with Mr Davidson's opinion that no part of the Type 2 wall was needed to address end effects.
- [074] Having found that the Type 2 wall should be enabled now, we acknowledge and accept Mr Davidson's evidence that the likelihood of the Type 2 backstop wall being permanently buried means that post construction, any adverse effect that it has on coastal processes will be negligible²⁴.
- [075] Conversely, there are clearly additional positive effects (or benefits) from allowing the Type 2 wall to be constructed now, including:
- providing landscape and ecological enhancements compared to the status quo along the alignment of the Type 2 wall because the existing exotic vegetation will be replaced with a sand dune supporting indigenous coastal vegetation such as *Spinifex*; and
 - avoiding re-disturbance of the dune and foreshore area at a later date which would occur if the remainder of the Type 2 wall was deferred until such time as the Three Mile Creek groynes were no longer in place.
- [076] We also acknowledge Mr Davis's concerns regarding the practical difficulty of constructing the Type 2 backstop wall once the Type 1 backstop wall is in place if damage to the existing area of ecologically significant *Spinifex* dune and associated Dotterel breeding area is to be avoided.
- [077] We find that the Type 2 backstop wall should form part of any consent granted at this point in time and that it should be located in the position sought by the applicant. The location of the entire backstop wall that we find to be appropriate is shown on the plan prepared by Mr Davis titled²⁵ "Alternative Proposed Layout" that formed an appendix to his primary evidence.

²² Memorandum from Reserves and Facilities Manager (Peter Watson) dated 4 July 2025.

²³ Reply submissions, paragraph 9.

²⁴ BECA Coastal Engineering Review, page 4.

²⁵ File No: 23028, Sheet No: 04, Rev: A.

5.9 Noise and vibration

- [078] Construction noise and vibration effects were assessed by James Whitlock²⁶ (for GIPS), and Jamie Exeter²⁷ and Jon Styles (for the WBOPDC). All three experts agreed that the effects can be adequately managed by conditions and will be less than minor.
- [079] Marshall Day designed and supervised a 'rock drop' trial carried out in the Council reserve at 91 Seaforth Road on 9 July 2024. The vibration levels measured during the trial, and those predicted for the construction of the backstop wall of (0.2 – 0.8 mm/s PPV)²⁸ will likely be perceivable in some dwellings, but the risk of building damage is very low.
- [080] The District Plan does not contain vibration limits. Accordingly, Mr Whitlock applied the most appropriate residential building cosmetic damage limits set out in German Standard DIN 4150-3:2016. We agree that this Standard is routinely applied by District Plans and Requiring Authorities throughout New Zealand.
- [081] As part of the Section 42A Reporting officer's end of hearing presentation, Ms Hill tabled a Memorandum²⁹ from Jon Styles advising that he and Mr Whitlock had conferred and agreed on wording for a vibration condition that included numerical limits. We have reviewed the condition wording and find it to be appropriate.
- [082] We are satisfied that the potential adverse effects of noise and vibration will be no more than minor.

5.10 Māori cultural values and interests

- [083] GIPS' opening legal submissions³⁰ outlined how the AEE described GIPS' multiple invitations to engage with iwi and hapū representatives, none of which were taken up. Mr Hudson's Section 42A Report described the WBOPDC's notification of relevant iwi and hapū groups, which elicited no submissions.
- [084] Counsel for GIPS submitted that in those circumstances, there are no cultural matters for us to address. He observed that Mr Hudson and Mr Faithfull agreed it was appropriate to impose standard accidental discovery protocols. We received no evidence to the contrary, and so we accept counsel's submissions on this matter.

5.11 Use of reserve land

- [085] The proposed backstop wall will be located for the most part within public reserve land classified as Local Purpose Esplanade and Recreation Reserve, commonly referred to as Island View Reserve, with only a small portion within private property at the southern extent.
- [086] A number of submitters considered the use of reserve land to be inappropriate. However, it is not up to us to decide how WBOPDC reserve land should be used. That is the role of the WBOPDC and we understand that the Council, as administering body and landowner of the reserve, has already approved in principle to the private construction of consented coastal works on the reserve (Lot 18 and 19 DPS 22035 Waihi Beach) subject to the conditions, including:
- a resource consent being granted by BOPRC;
 - consent and construction fully funded by the property owners; and
 - agreement with Council on operational cost and responsibilities
- [087] On that basis we do not consider that submitter concerns about the use of the reserve to be a matter that we need to make any findings on. Submitters who disagree with WBOPDC's decision to allow the use of

²⁶ Principal at Marshall Day Acoustics

²⁷ Styles Group

²⁸ The relevant limits for short-term (transient) vibration events like rock drops and rattles/bumps from excavator movement vary from 5mm/s PPV to 15 mm/s PPV depending on the frequency of the vibration.

²⁹ Consulting Advice Note, 12 August 2025 titled "agreed vibration limit condition".

³⁰ Paragraph 18(g).

the reserve will need to address that directly with the Council or through other legal avenues such as judicial review.

- [088] In that regard Ms Hill submitted that we have no jurisdiction to inquire into the policy decision that Council has made as landowner to approve construction of the backstop wall on the reserve or its intent to inherit any consent granted for the wall.
- [089] Some submitters suggested that WBOPDC's 'approval in principle' should be finalised before the consent is decided. Counsel for GIPS submitted that would have been GIPS' preference also and GIPS had attempted to achieve that. However, as that has not been achieved, counsel correctly submitted that the backstop wall cannot be constructed until WBOPDC's agreement to utilise the reserve land is finalised. Accordingly, counsel proposed that this should be captured in the consent conditions. GIPS therefore volunteered a draft condition (condition 5) to that effect. Counsel submitted that landowner agreement was not strictly an RMA requirement, so that condition was volunteered partly to respond to submitter concerns and was offered on an *Augier* basis³¹.
- [090] Mr Watson recommended a condition of consent requiring the agreement be finalised and in place prior to the construction of the backstop wall commencing. In his verbal comments at the hearing Mr Watson advised that the applicant's 'offered' condition 5 was appropriate and acceptable to the WBOPDC.

5.12 Cost to ratepayers

- [091] Some submitters were concerned that, if approved, the vesting of the backstop wall in the WBOPDC would impose ongoing maintenance costs on ratepayers.
- [092] However, GIPS will cover the full costs of establishing the backstop wall (including its consenting), the dune reshaping, and the replanting until it has successfully established. GIPS has also offered to cover the costs of Council's subsequent maintenance of the structure for as long as the backstop wall remains in place³². In that regard, we understand that ongoing maintenance costs will be recovered from the benefiting landowners by way of a targeted rate³³. Counsel for GIPS submitted that any costs to the WBOPDC for maintaining the structure (or the planting) that exceed the amounts recovered under the targeted rate will be met by the members of GIPS³⁴.
- [093] While not overly relevant to our assessment of effects, we observe that to be an appropriate outcome.

5.13 Precedent

- [094] Several submitters were concerned that approval of the GIPS proposal would create an undesirable precedent that would facilitate the approval of similar backstop walls in other locations. However, the application before us is a discretionary activity which we have assessed on its merits based on the evidence presented.
- [095] Other applications for coastal protection structures would likely also be discretionary activities that would each be assessed on their individual merits and site-specific circumstances. Consequently, we find that concerns about precedent effects are unfounded. Even if we are wrong about that, we do not consider that precedent effects would weigh against a grant of consent.

6 Section 104 matters

6.1 Actual and potential effects on the environment

- [096] We have found that the adverse effects of the proposal on the environment will either be less than minor or, at worst, no more than minor.

³¹ Opening legal submissions, paragraph 64.

³² Opening legal submissions, paragraph 3(h).

³³ Section 42A Report, Attachment 16, Reserves and Facilities Memorandum.

³⁴ Opening submissions, paragraph 90.

6.2 Statutory Instruments

- [097] There are a number of statutory instruments that we must have regard to under s104(1)(b) of the RMA. Importantly, caselaw has established that “*have regard to*” requires us as decision makers to give genuine attention and thought to particular matters, but we do not necessarily have to accept them³⁵. That requirement differs from a requirement to “*give effect to*” which means “*implement*”.

6.2.1 New Zealand Coastal Policy Statement 2010 (NZCPS)

- [098] We accept Ms Hill’s submissions³⁶ that we are entitled to place weight on the NZCPS policies directly, even if it is evident that the District Plan gives full effect to them. We consider that doing so creates no ‘mischief’, responds to submitter’s concerns and results in a more comprehensive Decision. We also accept Ms Hill’s submissions that while the District Plan sought to implement the NZCPS through its Coastal Hazards Plan Change 2017 (PC74), the focus of that Plan Change was on managing coastal hazard risk, principally through the inclusion of 100-year hazard risk area mapping and rules for activities within the hazard risk area. PC74 did not seek to address Policy 27 of the NZCPS.
- [099] The Section 42A Report concluded that the GIPS proposal was inconsistent with NZCPS Objective 5 and Policies 6, 24, 25, 26 and 27. We agree with Mr Faithfull³⁷ that Policy 3 requiring a precautionary approach is not relevant because the effects of the proposal are not “*uncertain, unknown, or little understood, but potentially significantly adverse*”.

Objective 5

- [100] We do not consider the GIPS proposal to be inconsistent with Objective 5. In our view the backstop wall is not “new development” as such, rather it is a structure intended to protect existing development, namely the Glen Isla Place private properties owned by the collective applicants. GIPS has considered a range of responses to the threat that coastal erosion poses to that existing development. The proposed backstop wall will also protect the reserve area landward of the wall and it will result in the restoration of a vegetated dune once the wall is constructed, covered with sand and planted. That vegetated dune is likely to remain in place for several decades, as outlined in section 5.8 of this Decision.

Policy 6

- [101] Only part (1) of Policy 6 requires assessment because the relevant activities are located outside the coastal marine area. However, in our view Policy 6(1) has little if any relevance. The backstop wall is set back from the coastal marine area (clause (1)(j)) and the significant existing indigenous biodiversity area (the northern *Spinifex* dune) will be buffered insofar as it will be fenced and construction activity will be avoided within it. We do not consider the GIPS proposal is inconsistent with this Policy.

Policy 24

- [102] Arguably Policy 24 is more relevant to the WBOPDC’s District Plan development processes and its identification of hazard zones. Nevertheless, we are satisfied that the assessments undertaken by GIPS’s coastal process experts have had appropriate regard to relevant matters addressed by Policy 24.

Policy 25

- [103] Policy 25(e) is to “*discourage hard protection structures and promote the use of alternatives to them, including natural defences*”. On its face this provision would appear to weigh against the GIPS proposal. However, we note that past reliance on totally “*natural defences*” has proven to be inadequate. We see little merit in promoting an alternative that is unlikely to protect the properties from storm cut erosion events.

³⁵ Foodstuffs (South Island) Ltd v Christchurch City Council [1999] NZRMA 481 at p9.

³⁶ Paragraphs 6 to 8.

³⁷ EIC, paragraph 11.22

- [104] In terms of the 'discourage' element of Policy 25(e), while the backstop wall is a 'hard structure', it is to be constructed in an excavated trench, covered with sand and revegetated with indigenous plants. It is not a traditional 'hard structure' or seawall that is exposed and subject to tidal influences and waves at all times. When placed in a position 1.5m seaward from the property boundaries, the evidence is that it will not be regularly exposed by wave action for several decades.
- [105] We concur with Mr Faithfull's evidence³⁸ and note that both the GIPS and WBOPDC's coastal engineers agree that a hard structure is justified along the Type 1 section of the Glen Isla dunes. Having considered the evidence before us, we have also found that the northern Type 2 wall is justified.
- [106] In light of the specific circumstances of the GIPS proposal (including its location landward of the coastal marine area), we find that having regard to Policy 25 does not weigh against a grant of consent.

Policy 26

- [107] In our view Policy 26 is intended to encourage the protection, restoration or enhancement of natural defences against coastal erosion. In this case the natural defences are the beach and dune system fronting the properties, including the WBOPDC reserve area. That 'natural defence' is clearly prone to erosion in storm events. The GIPS proposal will restore a vegetated dune system (albeit one that is not 'natural' as it is a constructed feature but will nevertheless appear 'natural') underlain by the rock backstop wall. The wall itself will protect the reserve area located landward of the wall.
- [108] In light of the specific circumstances of the GIPS proposal, we find that having regard to Policy 26 does not weigh against a grant of consent.

Policy 27

- [109] We are not convinced that Policy 27 is actually relevant, given that it is targeted to "significant existing development". However, for the sake of completeness we have had regard to it.
- [110] GIPS has considered "relocation or removal", or as it is more commonly referred to managed retreat, and concluded it was not appropriate in the short to medium term. It remains an option in the longer term and can be reconsidered at the end of any fixed duration assigned to the backstop wall should consent be granted (Policy 27(1)(a)). The "do nothing" option is not viable as the properties are subject to erosion in severe storm events (Policy 27(1)(b)). We do not find Policy 27(1)(c) to be relevant as it relates existing infrastructure of national or regional importance. We do not consider either the WBOPDC reserve or the private properties to meet that criteria.
- [111] The evidence has considered the environmental and social costs of permitting the backstop wall to protect the private properties and we have found those costs (in this case referred to as adverse effects) to be no more than minor (Policy 27(1)(d)). A fixed duration will set a timeframe for considering a transition to what at that future point in time might be a more sustainable approach, including managed retreat (Policy 27(1)(e)).
- [112] Regarding Policy 27(2)(a), GIPS has considered approaches that reduce the need for hard protection structures, however as we have previously noted, such approaches have been tried and failed in the past. GIPS's coastal processes assessment and backstop wall design has taken into account climate change and the likely changing nature of the coastal hazard at this site (Policy 27(2)(b)). The evidence has assessed the costs and benefits (or adverse and positive effects) of available hazard risk reduction (or coastal erosion protection) options (Policy 27(2)(c)). We are satisfied that requiring the southern Type 1 wall to be located 1.5m landward of the property boundaries, together with the fact that at least in the medium term the wall will be covered by a vegetated dune, appropriately minimises adverse effects on the coastal environment (Policy 27(3)).

³⁸ EIC, paragraph 11.15.2.

- [113] Regarding Policy 27(4), we are not convinced that there is significant public benefit in locating the backstop wall in the WBOPDC reserve. There may be some limited public benefit if in the future the protected reserve area is utilised for public access, but we consider that to be unlikely. However, there is some environmental benefit in locating the backstop wall in the reserve, solely because the specific circumstances of the GIPS proposal include a restored and vegetated dune system.
- [114] Consequently, the GIPS proposal is not demonstrably consistent with Policy 27(4). However, having regard to Policy 27 in its entirety, including our reservation about whether or not it is actually applicable in this case, we do not find that lack of consistency weighs against a grant of consent.

Overall finding on NZCPS

- [115] In overall terms we find that having regard to NZCPS provisions that were in dispute does not weigh against a grant of consent. In making that finding we record that the GIPS proposal is not inconsistent with most of the NZCPS provisions that were in dispute, as set out above.

6.2.2 Regional Policy Statement and Regional Plans

- [116] The Bay of Plenty Regional Policy Statement (RPS) is relevant. We agree with Mr Faithfull that the area of contention relates to the promotion of natural defences against coastal hazards as opposed to the use of hard structures. We have already canvassed that matter in section 5 of this Decision and our assessment of the superior NZCPS provisions. We see little merit in repeating that assessment here as our conclusion on that matter would be the same.
- [117] Having said that, we record our agreement with Mr Faithfull's opinion on relevant RPS matters that were summarised in his evidence³⁹.
- [118] We have not found it necessary to assess the Regional Coastal Environment Plan in any detail as it is more relevant to the consents already granted by the BOPRC. To the extent that it may be relevant, we find that the backstop wall clearly has a functional need to be located in the coastal environment given it is intended to protect against coastal erosion. We also concur with Mr Faithfull's opinion that the backstop wall "sits comfortably" with the RCEP decision-making provisions contained in Policies CH9 and CH10, for the reasons that he set out in his evidence⁴⁰.

6.2.3 Operative Western Bay of Plenty District Plan

- [119] The Operative Western Bay of Plenty District Plan is clearly a relevant matter for us to address. The Section 42A Report outlined the relevant sections, namely:
- Section 4C – Amenity
 - Section 5 – Natural Environment
 - Section 6 - Landscape
 - Section 8 – Natural Hazards
 - Section 18 – Rural
- [120] We have read the Section 42A's assessment of those provisions⁴¹ and agree that the GIPS proposal is consistent with Amenity Objective 4C.1.2.1 (1) and Policies 4C.1.2.2 (1)-(3); Natural Environment Objective 5.2.1(1), (3) & (5) and Policies 5.2.2(1), (2) & (5); Landscape Feature Objectives 6.2.1 (1) and Policies 6.2.2(1) and Rural Zone Objectives 18.2.1 (3)(5) & (6) and Policies 18.2.2(10). Consequently, we adopt those assessments but do not repeat them here.

³⁹ EIC, paragraphs 12.4.1 to 12.4.3.

⁴⁰ EIC paragraphs 13.6.1 to 13.6.7

⁴¹ Section 10 titled "Objectives and Policies of the Operative District Plan – Section 104(1)(b)(vi)".

- [121] The Natural Hazards provisions are clearly of relevance and interest, and so we set out our own assessment of them here. The relevant provisions are Objectives 8.2.1(1) & (2) and Policies 8.2.2(1), (2), (3), (5) and (7).
- [122] We do not consider Policies 8.2.2(6)⁴² and (8)⁴³ to be relevant. In particular, for the consent duration that we find to be appropriate in section 7.1 of this Decision, the GIPS proposal is not an activity which has the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment (Policy 8.2.2(2)).
- [123] On the evidence we are satisfied that the GIPS proposal will minimise the risk of natural hazards to human life and the natural and built environment (Objective 8.2.1.(1)). It will protect the natural character of the significant *Spinifex* foredune and restore a natural vegetated dune that will likely remain viable in the short to medium term (Objective 8.2.1.(2)).
- [124] On the evidence we are satisfied that the GIPS proposal:
- is the best practicable option (Policy 8.2.2(1));
 - for the consent duration that we find to be appropriate in section 7.1 of this Decision, the GIPS proposal is not an activity which has the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment (Policy 8.2.2(2));
 - will enable the development of the Glen Isla Place private properties that have been developed for urban purposes (Policy 8.2.2(3));
 - the placement of the backstop wall will not necessitate further hazard protection works (Policy 8.2.2(4));
 - the placement of design of the backstop wall and its associated dune restoration and vegetation planting will mitigate potential adverse environmental effects (Policy 8.2.2(5)); and
 - the design of the proposal will encourage the conservation (the existing *Spinifex* foredune) and enhancement (the vegetated dune to be created over the backstop wall) of natural features such as sand dunes (Policy 8.2.2(7)).
- [125] We find that having regard to the relevant provisions of the Operative District Plan does not weigh against a grant of consent.

6.3 Other matters

- [126] We do not consider that there are other matters relevant to our determination, including non-statutory documents relating to WBOPDC reserves and reserve management including the Western Bay of Plenty Coastal Erosion Response Policy 2017 and the Katikati - Waihi Beach Ward Reserve Management Plan 2018. Such documents are relevant to the Council's 'landowner' decision to allow the backstop wall to be located in the reserve whereas our role is to assess the potential effects on the environment of doing so. We have done that and our findings are set out in section 5 of this Decision.

7 Conditions

- [127] Mr Hudson did not include any recommended consent conditions in his initial Section 42A Report. The applicant provided a suite or recommended conditions as part of the opening legal submissions that were provided to us on 6 August 2025.
- [128] As we noted in section 5.1 of this Decision, on 7 May 2025 the BOPRC granted Resource Consent RM24-0537-AP to the Glen Isla Protection Society Incorporated for a term of ten years expiring on 31 May 2035. The purpose of that consent is for:
- a) Land and soil disturbance associated with vegetation clearance and earthworks to enable the installation of a buried backstop wall within the sand dunes at Waihi Beach; and

⁴² The site is not undeveloped.

⁴³ The backstop wall does not utilise concrete and block wall foundations.

- b) Disturbance of the foreshore by the use of vehicles associated with the installation of a buried backstop wall within the sand dunes at Waihi Beach

[129] Consent RM24-0537-AP imposes a comprehensive suite of conditions that address many of the matters canvassed in section 5 of this Decision. In particular it requires a Works Management Plan to be certified by the BOPRC. Additionally, and relevantly, the BOPRC conditions also require:

- a) works to only occur Monday to Friday Between 7:30 am and 6 pm, although on no more than three days per fortnight works may occur on Saturdays or on weekdays between 6 am to 8 pm. Works are not allowed during public holidays or school holidays;
- b) signage;
- c) all vegetation clearance and earthworks shall be completed within 183 calendar days⁴⁴;
- d) deliveries to site on an "as required" basis to minimise stockpiling of rock and sand, as far as practicable⁴⁵;
- e) restoration of the sand dunes to replicate a natural form immediately upon completion of the vegetation clearance and earthworks, to ensure the sand placement results in a dune that is well integrated into the natural landform⁴⁶;
- f) vehicle and machinery access to the foreshore and works site to be via the WBOPDC Reserve accessway at 91 Seaforth Road⁴⁷
- g) the preparation of an Avifauna Management Plan (AMP) if the vegetation clearance and earthworks are to be undertaken between 1 August and 31 March (inclusive of both dates). The AMP is subject to BOPRC certification⁴⁸. The AMP must detail a pre-work bird nest inspection of the works site and surrounding area and measures to be implemented to avoid adverse effects on nesting birds;
- h) erosion, sediment and dust control measures⁴⁹;
- i) public access to the beach along the northern side of Okawe Stream (Three Mile Creek), and along the beach and foreshore seaward of the works to be maintained at all times. Public access along the southern side of Okawe Stream to the beach must be maintained to the extent practicable and safe during works⁵⁰;
- j) planting within 20 working days of the completion of vegetation clearance and earthworks in accordance with a Remediation Planting Plan (RPP) that is to be certified by the BOPRC⁵¹. The purpose of the RPP is to preserve the ecological values and functioning of the Indigenous Biological Diversity Area – B (IBDA-B) and to ensure that a naturalised appearance of new planting is achieved at the site;
- k) the management of plantings (including managing pest plants and weeds, replacing plants that have died off or been lost due to a maximum of two storm events, watering, and the installation and maintenance of wind fencing where required in the opinion of the ecologist for the purpose of minimising windblown sand, to protect plants while they are establishing, and to protect the dune from erosion prior to planting) during a Maintenance Period which is the earlier of two years after the completion of planting; or when in the opinion of the suitably qualified and experienced ecologist, the date the reinstated area achieves a 60% coverage of indigenous species⁵²;

[130] Some of the conditions that were attached to GIPS's opening legal submissions duplicated conditions imposed by the BOPRC. That included matters relating to a Works Management Plan, visual effects, earthworks and vegetation clearance, ecology, remediation planning and maintenance thereof, timing of works, erosion and sediment controls and dust management. In some cases, the conditions attached to GIPS's opening legal submissions were less comprehensive than the BOPRC conditions.

⁴⁴ Condition 4.4.

⁴⁵ Condition 4.6

⁴⁶ Condition 4.7

⁴⁷ Condition 5.3

⁴⁸ Condition 6.1

⁴⁹ Conditions 8.1 to 8.5

⁵⁰ Condition 9.1

⁵¹ Conditions 10.1 to 10.3

⁵² Conditions 10.4 and 10.5.

- [131] At the commencement of the hearing, we advised the parties that we saw no merit in imposing conditions on the WBOPDC landuse consent that unnecessarily duplicated matters that were already more comprehensively addressed in the BOPRC consent. Doing so would create compliance and enforcement uncertainty and would be highly inefficient.
- [132] Helpfully, as part of the Section 42A Reporting officer's end of hearing presentation, Anna Price⁵³ tabled a suite of proposed WBOPDC conditions that had resulted from conferencing between her and Mr Faithfull. Those agreed conditions eliminated some, but certainly not all, of the areas of duplication outlined above.
- [133] Conditions that remained in contention (namely those sought by WBOPDC but not accepted as being necessary by GIPS) related to a *Spinifex* planting programme for a minimum of 100m southwards of the new structure and a "Sand and Vegetation Management Plan". At the hearing we observed that we had no scope to impose conditions requiring the ongoing "push up" or placement of beach sand on the backstop wall following its construction and initial burial as that did not form part of the application before us.
- [134] We accept Mr Slyfield's Reply submissions⁵⁴ on that matter. He stated that GIPS cannot be required to undertake perpetual sand replenishment of the dune in front of the backstop wall, given that such sand replenishment would be an activity that itself would require resource consent. He also submitted that GIPS' obligations for dune enhancement cannot extend beyond the initial dune re-shaping and planting programme, because ongoing sand replenishment (like ongoing vegetation management) was not directly connected to the effects of the backstop wall, and it was not lawful to require GIPS to assume responsibility for managing or mitigating the effects of natural processes.
- [135] Regarding the suggested *Spinifex* planting programme in the reserve to the south of the site, we understand that was intended to compensate for any 'end effect' erosion of the southern reserve resulting from wave action on the southern portion of the Type 1 backstop wall. However, in answer to our questions, Mr Watson advised that if such erosion occurred in the future, then the Council would utilise its existing consent for the rock wall north of Three Mile Creek (which authorises the deposition of sediment excavated from Three Mile Creek against the dunes to the south of Three Mile Creek) to remediate that erosion. Mr Watson also advised that WBOPDC had recently relodged a consent application with BOPRC to facilitate dune repair and dune restoration along the entire length of Waihi beach to enable greater reliance on natural dune protection. We understand that consent, once granted, will enable 'sand push' up into any erosion sites.
- [136] Consequently, given the backstop wall is to vest in WBOPDC once suitable vegetation on the constructed dune has established and the consents for the wall will be transferred to the Council, we do not consider the suggested *Spinifex* planting programme for a minimum of 100m southwards of the wall to be necessary.
- [137] Relevant to our finding on that matter, in answer to our questions Mr Davidson advised that if the Type 1 backstop wall was located 1.5m from the property boundaries then scour of the southern reserve might not occur for "30 odd years" or so. That is beyond the duration of consent that we discuss in section 7.1 of this Decision.
- [138] Nor do we find the suggested "Sand and Vegetation Management Plan" to be either appropriate or necessary. The BOPRC consent conditions adequately deal with construction earthworks, including the placement of sand to bury the backstop wall and the creation and initial maintenance of the dune system that will overlie the wall. The conditions imposed by BOPRC include comprehensive conditions related to a Remediation Planting Plan ("RPP") that is to be provided to the BOPRC for written certification. Those conditions adequately deal with vegetation management until such time as the Reinstatement Area⁵⁵ achieves 80% coverage with indigenous vegetation species.

⁵³ WBOPDC consents planner.

⁵⁴ Paragraph 56.

⁵⁵ The area within the Works Footprint that is the targeted replanting area.

[139] At our request, a revised suite of conditions was provided as part of the Reply submissions, along with a table describing the further changes made to the suite of agreed conditions that were tabled by Ms Price and Mr Faithfull at the end of the hearing. We find those further changes to be generally acceptable, in particular:

- we accept Condition 5 should reflect the agreement as currently drafted between GIPS and WBOPDC;
- avifauna matters are adequately dealt with in BOPRC Resource Consent RM24-0537-AP;
- visual effects associated with the temporary construction works are adequately dealt with in BOPRC Resource Consent RM24-0537-AP;
- it is sufficient to cross-refer to the certified RRP required under BOPRC Resource Consent RM24-0537-AP without requiring a separate RRP to be submitted for WBOPDC certification;
- based on our findings as set out above, there is no need for a Sand and Vegetation Management Plan as vegetation disturbance and replanting works are provided for in BOPRC Resource Consent RM24-0537-AP and the GIPS proposal does not include ongoing sand management;
- also as set out above, we find there is no need to require spinifex planting in the reserve south of the structure; and
- advice notes relating to lizard and invertebrate conditions are not required as those matters are dealt with in BOPRC Resource Consent RM24-0537-AP.

[140] The conditions we have imposed are contained in Appendix 2.

7.1 Consent duration

[141] GIPS did not seek a term of consent. Counsel for GIPS submitted that Mr Watson (on behalf of the WBOPDC as landowner) had suggested the inclusion of a fixed term. Counsel understood that was primarily to ensure there was clarity around the duration for which the backstop wall would be maintained at GIPS' cost into the future.

[142] Ms Hill submitted⁵⁶ that there are sound reasons for imposing a term of consent on a structure of this nature, not limited to ensuring that the structure does not foreclose options for managed retreat in the future, as was acknowledged by Mr Slyfield. We agree with Ms Hill that a term of consent is consistent with the NZCPS provisions which promote consideration of managed retreat (Objective 5, Policy 25(c)) and Policy 27(e), which promotes transition mechanisms and timeframes for moving to more sustainable approaches.

[143] My Slyfield submitted that a term of consent was not required. We understand his main reasons to be:

- there is no evidential support to say that effects in 25-30 years' time are so uncertain that a full reconsideration of the wall would be required;
- the term would expire after the re consenting of the Three Mile Creek groynes;
- other cases have not imposed fixed terms; and
- a fresh examination of the backstop wall can occur should any consent be required under the Regional Coastal Plan in the future.

[144] We are not persuaded by those submissions.

[145] Our understanding of the evidence, as confirmed by questions we posed to the experts at the hearing, is that it is likely that the backstop wall will be regularly exposed by wave action in 25 to 35 years' time. The re consenting of the Three Mile Creek groynes is of little consequence because we have found in favour of approving the Type 2 wall. We are aware of other cases where fixed terms have been imposed on seawalls. Any future BOPRC consent process relating to occupation of the Coastal Marine Area would not be able to assess many of the 'non-Coastal Marine Area' matters that we have traversed in this Decision and which should be revisited when the WBOPDC landuse consent for the backstop wall expires.

⁵⁶ Paragraph 17.

- [146] Regarding an appropriate consent duration, importantly in our view, the evidence is that at some stage in the future the southern Type 1 portion of the backstop wall will become regularly exposed as a result of sea level rise. In answer to our questions, Mr Davis considered that might be the case in around 25 to 35 years' time. When that situation arises, we consider that the appropriateness of retaining the backstop wall should be reassessed in light of alternatives including managed retreat. At that time there should be no presumption in favour of retaining the wall. That is best achieved by requiring a fresh consent for the wall to be sought if the wall's owner at that time wishes to retain it.
- [147] Mr Slyfield seemed to acknowledge this in his Reply submissions⁵⁷ where he stated "... *GIPS accepts that in the face of current projections of climate change and sea level rise, there will need to be a different response to coastal erosion in this location at some future time.*" We agree, and that is the primary reason why we consider a fixed term is appropriate.
- [148] While not a determinative matter, we also observe that if at some future stage consent is required under the Regional Coastal Plan for occupation of the CMA, then we do not consider that to be an unduly onerous burden because there would be no associated construction activity that was the focus of much of this hearing and the conditions contained in BOPRC consent RM24-0537-AP.
- [149] We asked the Section 42A Reporting officers to consider an appropriate consent duration and they advised that 25 years was a suitable period. That aligns with Mr Davis's evidence about when the backstop wall might be regularly exposed and, on that basis, we find that a 25-year consent duration is appropriate.
- [150] Relevantly, Ms Price and Mr Faithfull had agreed on the wording of a consent condition relating to remediation of the site. It requires that at least one year prior to either the expiry of the consent or a notice to surrender the consent, the consent holder is to inform Council of its intentions regarding either a reconsenting process to provide for the retention of the wall, or if a reconsenting process is not proposed, the details of a consenting process and proposed works to decommission the wall and rehabilitate the site.
- [151] We find that 'site remediation' condition to be appropriate and understand it is offered on an *Augier* basis.

8 Determination

- [152] Pursuant to the powers delegated to us by the Western Bay of Plenty District Council under section 34A of the Resource Management Act 1991, we record that:
- having read the applicant's AEE and its supporting reports, their evidence and legal submissions;
 - having read the Section 42A Report and considered the views of the experts engaged by the Council;
 - having considered all of the written submissions and the views expressed by the lay submitters who attended the hearing, and
 - for the reasons set out in this Decision
- we grant the application from the Glen Isla Protection Society Incorporated (applicant or GIPS) for resource consent under the Operative Western Bay of Plenty District Plan (District Plan) for the following activities:
- Establishment of a coastal protection structure (backstop wall) and associated earthworks in the Coastal Erosion Area – Primary Risk and Coastal Erosion Area – Rural; and
 - Structures, earthworks and clearance of native vegetation within Natural Feature/Landscape – S24 – Open Coastal landscape Landward Edge Protection Yard.
- on the Council recreation reserve at 95 Seaforth Road (Lot 18 DPS 22035) and the adjoining esplanade reserve at Lot 19 DPS 22035 and 12 Glen Isla Place, Waihi Beach.
- [153] The granted consent is subject to the conditions attached as Appendix 2 to this Decision.

⁵⁷ Paragraph 26.

[154] It is conceivable that the conditions we impose may contain minor errors or omissions. Accordingly, should the applicant or the Council identify any minor mistakes or defects in the attached conditions, then we are prepared to issue a revised schedule of amended conditions under s133A of the RMA correcting any such matters. Consequently, any minor mistakes or defects in the amended conditions should be brought to our attention prior to the end of the 20-working day period specified in section 133A of the RMA.

Signed by the commissioners:



Amy Robinson



Shadrach Rolleston



Rob van Voorthuysen (chairperson)

Dated 9 September 2025

Appendix 1: Hearing Attendances

Party	Name	Role
GIPS	Morgan Slyfield Andrew Fraser Denis Boyd Vaughan Keesing Leigh Bull James Whitlock Brad Coombes Craig Davis Jonathan Clarke Luke Faithfull	Counsel GIPS representative Works contractor Ecology Avifauna Noise and vibration Landscape and visual effects Coastal engineering Coastal engineering peer review Planning
WBOPDC	Mary Hill Adam Davidson Willie Shaw Will Gumbley Jon Styles ⁵⁸ Pip Browne ⁵⁹ Peter Watson Bevan Hudson Anna Price	Counsel Coastal engineering Ecology Landscape and visual effects Noise and vibration Transportation Council Reserves Manager Planning Planning
Submitters ⁶⁰	Robert Gillespie Pippa Coombes (also spoke for Hon Helen Clark and George Clark) Keith Hay for Katikati Waihi Beach Residents and Ratepayers Association James Cowern for Waihi Beach Environment Society Inc Anthony Thompson Nigel Goodhue Doug Longdill	

⁵⁸ Evidence taken as read and attendance excused.

⁵⁹ Evidence also taken as read and attendance excused.

⁶⁰ Kate Graham for Tauranga Branch Royal Forest and Bird Protection Society tabled an apology for non-attendance due to illness. Bill (William) Rackham offered to appear and answer questions from us but we had no matters of clarification arising from his submission.

Appendix 2: Consent Conditions

General conditions

1. The activity must be carried out in general accordance with the following plans and reports, except where modified by conditions of this resource consent:

Document Title	Author	Reference / Version	Date
Glen Isla Protection Society, Glen Isla Dune Waihi Beach Coastal Protection Project Application and Assessment of Environmental Effects	Mitchell Daysh Limited	Revision 0	11 October 2024
Construction Methodology Statement	Davis Coastal Consultants	Revision C	October 2024
Engineering Design Report	Davis Coastal Consultants	Revision B	November 2024
Coastal Protection Project, Glen Isla Dune - Alternative Proposed Layout	Davis Coastal Consultants	Sheet 04 REV A	22 July 2025

Location

2. The activities authorised by this resource consent must be located:
 - a. On the WBOPDC Recreation and Esplanade Reserves at Lot 18 DPS 22035 and Lot 19 DPS 22035 and Lot 12 DPS 22035 (12 Glen Isla Place, Waihi Beach);
 - b. Within the duneland adjacent to the reserves described in (a);
 - c. As shown on Davis Coastal Consultants Alternative Proposed Layout, sheet 04 REV A, dated 24 July 2025; and
 - d. As shown on Davis Coastal Consultants Proposed Sections, sheet 03, dated 23 August 2024.

Notification of Works

3. No less than five (5) working days prior to the start of works under this consent the consent holder must request (in writing) a site meeting with the consent authority's Compliance and Monitoring Team and Reserves and Facilities Manager or nominee (See Advice Note 2). This request shall include details of who is to be responsible for site management and compliance with consent conditions (See Advice Note 3 – Notification to Council).
4. No less than five (5) working days prior to the completion of earthworks and replanting under this consent, the consent holder must notify and request (in writing) a site meeting with the WBOPDC Compliance and Monitoring Team and Reserves and Facilities Manager or nominee.

WBOPDC Reserves Agreement

5. Prior to the commencement of any works authorised by this consent, the following agreements must be entered into:
 - a. A written agreement between the Glen Isla Protection Society Incorporated and the WBOPDC (Reserves and Facilities) that specifies that the resource consent will be formally transferred to WBOPDC (Reserves and Facilities) upon request by WBOPDC after completion of the works and written notice of the transfer will be provided to the consent authority.
 - b. A deed for each waterfront property (9, 11-16 Glen Isla Place) between the owner of that property and the WBOPDC (Reserves and Facilities) that specifies:
 - i. Responsibility for ongoing maintenance and repair of the coastal protection structure.
 - ii. The payment of any reasonable costs of maintaining the coastal protection structure.
 - iii. The payment of any repair costs of significant damage due to severe storm events; and

Appendix 2: Consent Conditions

iv. The term of the deed.

5A. Unless and until written Notice of Transfer is given to the consent authority, GIPS will remain the consent holder responsible for implementation of this consent.

Advice Note: *The consent holder offered and agreed to be bound by these conditions on an Augier basis.*

Structure Design

6. No less than 20 working days prior to the commencement of construction, the consent holder must submit to the consent authority a set of final detailed engineering drawings and specifications for the coastal protection structure. The final design must be:
 - a. Prepared, signed, and dated by a Chartered Professional Engineer (CPEng) with relevant experience in coastal engineering; and
 - b. In general accordance with the design drawings and specifications approved under Condition 1.
7. All works must be carried out in general accordance with the final detailed design drawings.

As-Built Drawings and Certification

8. Within 20 working days of completion of construction of the entire structure, the consent holder must provide:
 - a. A complete set of as-built drawings certified by the supervising CPEng.
 - b. A statement from the engineer confirming that the structure has been constructed in accordance with the approved detailed design and is structurally sound.
 - c. A location plan showing the structure's position relative to cadastral boundaries.

Works

9. No less than 20 working days prior to commencing any vegetation clearance and / or earthworks, the consent holder must submit a Works Management Plan (WMP) prepared by a suitably qualified and experienced person to the consent authority for written certification. Certification is for the purpose of confirming the WMP meets the requirements of Condition 13.
10. The purpose of the WMP is to detail the methods to be implemented during construction works to meet the conditions of this consent.
11. Work must not start until written certification of the WMP has been received.
12. Any updates to the WMP must be submitted to the consent authority for certification prior to implementation of any changes.
13. The WMP required by Condition 9 must include, but is not limited to:
 - a. Roles and responsibilities for managing construction activities and personnel contact details;
 - b. A monitoring and maintenance regime that addresses the potential risk of damage during storm events and potential interference by the public;
 - c. A plan delineating the full extent of the vegetation clearance and earthworks 'Works Footprint';
 - d. The extent of the Works Footprint must be clearly marked and visible to all workers and the public before and throughout the works period;

Appendix 2: Consent Conditions

- e. Timing and duration of vegetation clearance, earthworks and construction, including work hours and days (in accordance with Conditions 17 - 20), and considering the tides;
 - f. Methodology and sequencing for vegetation clearance and earthworks associated with progressive wall construction;
 - g. The methods to avoid effects on protected dune vegetation as shown on plans referenced in condition 2(c) and (d) above;
 - h. Details on equipment storage and refuelling activities associated with the works; and
 - i. A contingency plan for the vegetation clearance and earthworks that details methods for implementing emergency measures to reduce potential environmental impacts during unplanned events, such as extreme weather or tidal events.
14. Unless otherwise agreed in writing by the consent authority in accordance with Condition 15, all vegetation clearance and earthworks must be completed within 183 calendar days of commencing any vegetation clearance and / or earthworks.
15. The timeframe specified in Condition 14 may be extended by the consent authority in writing if work is delayed due to a force majeure event or law or regulation restrictions (including pandemic restrictions) that are beyond the control of the consent holder and delay work from occurring.
16. Where strong onshore weather conditions, storms or extreme tides are forecast that could inundate the Works Footprint during construction, the works site must be made safe, and works must cease in accordance with the requirements of the WMP required by Condition 9.

Timing of works

17. Works authorised by this consent and associated heavy vehicle movements shall occur:
- a. Monday to Friday; and
 - b. Between 7:30 am and 6 pm.
18. On no more than three days per two-week period, the consent holder may extend working hours to include:
- a. Between 6 pm and 8 pm from Monday to Friday; and/or
 - b. Between 7:30 am and 6 pm on a Saturday.
19. No works shall occur during Sundays, public holidays or between 20 December to 30 January.
20. Works must not be undertaken at night or once, in the opinion of the site manager, daylight becomes unsuitable.
21. A record of all days and times when construction work has taken place outside of 7:30 am and 6 pm, Monday to Friday (Condition 17) must be kept by the consent holder and provided to the consent authority on request.

Remediation Planting and Maintenance

22. Prior to the replanting of the Works Footprint, the consent holder must fill any wind erosion holes and sink holes greater than 0.5 metres in depth by moving sand from the surrounding area to replicate a natural form.

Appendix 2: Consent Conditions

23. The consent holder must carry out planting within the first planting season following the completion of remediation earthworks. Planting must be completed in accordance with the certified Remediation Planting Plan ("RPP"). Where practicable, plants shall be sourced from the same ecological district as the site.

Advice Note: *For the purpose of these 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.*

24. Should a storm event wash away or damage plants in the Reinstatement Area during the Maintenance Period, the consent holder must Manage and Maintain the affected area as soon as practicable in accordance with the RPP.
25. The consent holder must Manage and Maintain any plants that die or are damaged in the Reinstatement Area within the Maintenance Period in accordance with the RPP.
26. At least 10 working days before the end of the Maintenance Period, the consent holder must provide evidence from a suitably qualified coastal dune ecologist confirming compliance with Condition 27.d.ii.
27. The following definitions apply to Conditions 22 and 24-26:
- a. Reinstatement Area, is the area within the Works Footprint and is the targeted replanting area to preserve and enhance the values and ecological functioning of the IBDA-B;
 - b. Landscape Area is the area outside the Reinstatement Area. The purpose of this landscape planting is to provide for the naturalised appearance of the dune environment following the completion of the works and this area is not subject to ongoing management beyond the initial planting activity;
 - c. Manage and Maintain means, during the Maintenance Period:
 - i. Managing pest plants and weeds within the Reinstatement Area;
 - ii. Control of pest animals, especially rabbits;
 - iii. Where plants within the Reinstatement Area have died off or been lost, replanting at 1 metre spacings or less as soon as reasonably practicable when suitable plants are available for planting, and provided relevant substrate (i.e., sand) is available to plant into;
 - iv. Provision, as necessary, of any water supply requirement; and
 - v. Installation and maintenance of wind fencing where required in the opinion of the ecologist for the purpose of minimising windblown sand, to protect plants while they are establishing, and to protect the dune from erosion prior to planting;
 - d. Maintenance Period means:
 - i. The date three years after the completion of planting; or
 - ii. In the opinion of the suitably qualified and experienced ecologist, the date the Reinstatement Area achieves 80% coverage of indigenous species.

Noise and Vibration

28. The consent holder must submit a Construction Noise and Vibration Management Plan (CNVMP) to the consent authority for certification no less than ten (10) working days prior to commencement of the construction works authorised by this consent. The objectives of the CNVMP are to identify and adopt the best practicable option to ensure that the authorised noise and vibration limits (Conditions 34 and 35) are complied with.

Appendix 2: Consent Conditions

29. The CNVMP must include the details of all work undertaken between 7:30 am and 8 pm, Monday to Saturday, and provide specific details of the mitigation measures that will be adopted to ensure that the project construction noise and vibration limits are complied with at these times.
30. The CNVMP must be prepared with reference to Annex E of NZS 6803:1999 Acoustics – Construction Noise and by a suitably qualified and experienced person.
31. The CNVMP must set out methods and procedures requiring vibration monitoring to demonstrate compliance with the limits set out in this consent.
32. All construction work and subsequent maintenance work must be conducted in accordance with the certified CNVMP.
33. The consent holder must advise the occupants of all buildings within 100 m of the site boundary of the construction and maintenance works at least five (5) working days before the construction work or maintenance begins. The advice must be provided in writing and include the following information:
 - a. A general description of the construction or maintenance works including the duration of the project and the working hours on site.
 - b. The approximate dates and durations of the activities that will generate the highest levels of construction noise and vibration.
 - c. A contact name and phone number to advise of any sensitive times for high noise levels and for any questions or complaints regarding noise and vibration throughout the project.
 - d. A copy of this letter and a list of the properties advised shall be provided to Council prior to work commencing (monitoring@westernbay.govt.nz).
34. Construction noise must comply with the following noise limits at any occupied building that is not part of the application site or where written approval to the application was not provided:
 - a. 7:30 am to 6 pm – 70 dB LAeq and 85 dB L_{Amax} Monday to Saturday; or
 - b. 6 pm to 8 pm – 65 dB LAeq and 80 dB L_{Amax} Monday to Friday.

Construction noise must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise.

35. Construction vibration must be measured and assessed, and comply with the guideline peak particle velocity (PPV) values set out in, the German Industrial Standard DIN 4150-3:2016: 'Vibrations in buildings – Part 3: Effects on structures' (DIN4150) at all times. These guideline PPV values for dwellings are:

For “short-term” vibration sources:

- 5 mm/s for frequencies between 0 – 10 Hz
- 5 – 15 mm/s PPV for frequencies between 10 – 50Hz
- 15 – 20mm/s for frequencies ranging from 50 – 100Hz

For “long-term” vibration sources:

- 5 mm/s for all frequencies.

Advice Note: The DIN4150 standard defines “short-term” and “long-term” vibration.

Appendix 2: Consent Conditions

36. Vibration monitoring must be undertaken by a suitably qualified and experienced person during the first two weeks of heavy machinery being used on the site. The results must be used to assess compliance with the project vibration limits for avoiding building damage and reported in writing to the consent authority within two weeks of the measurements being undertaken.

If non-compliance with the relevant limits (Condition 35) is identified, the work responsible for the non-compliance must stop and not resume until a report has been provided to, and verified by, the consent authority to set out the measures and methodology that will be adopted to ensure ongoing compliance.

In the event of any non-compliance, building condition surveys must also be undertaken at the affected buildings by a suitably qualified person before the construction work continues. Further vibration monitoring must be undertaken once the construction work resumes for a period of at least one week to determine compliance with the project limits.

Public Access

37. Except when vehicles or machinery are moving within this area as authorised by RM24-0537-LC.01, public access to the beach along the northern side of Three Mile Creek, and along the beach and foreshore seaward of the works site must be maintained at all times.
38. Public access along the southern side of Three Mile Creek to the beach must be maintained, to the extent practicable and safe, during any maintenance works authorised by this consent.

Transportation

39. No heavy vehicles will be permitted to access the site between the hours of 8 pm and 6 am, except to undertake emergency work if required.
40. The consent holder must submit a Construction Traffic Management Plan (CTMP) to the consent authority for certification ten (10) working days prior to the commencement of the construction works authorised by this consent. The CTMP must detail the procedures, requirements and standards necessary for managing traffic effects during construction of the project so that safe, adequate and convenient movements for all the transport modes are maintained through the construction period.

Advice Note: *In the event that it is required, the CTMP shall be submitted with a Corridor Access Request (CAR).*

41. The CTMP must address, but not be limited to, the following:
 - a. The construction program and associated traffic volumes estimated for each construction phase.
 - b. Driver protocols aimed at ensuring safe driving practices and full compliance with the law including speed limits, appropriate following distances, and affording priority to private residents and public traffic.
 - c. The details of the intended traffic arrangements and provision for the delivery of heavy vehicle loads to the site.
 - d. Appropriate temporary traffic management measures to be installed at the site access, and trigger levels for construction traffic which may need to alter the CTMP (i.e., for some aspects of the construction or days when higher than indicated movements are expected).
 - e. The timing of construction traffic to minimise disruption to, and any potential safety effects on, users of the local transport network.

Appendix 2: Consent Conditions

- f. Requirements for the monitoring of construction traffic; and
 - g. Specific items for consideration in the Glen Isla Coastal Protection structure may include:
 - i. Temporary Speed Limit on Seaforth Road of 30 km/h.
 - ii. Temporary no parking signage on Seaforth Road to allow for turning vehicles.
 - iii. All temporary traffic control and site works entrances follows COPTTM (or NZGTTM, whichever is operative at the time).
42. Any damage to the public road or reserve which can be directly attributed to the traffic movements associated with the activity on the site must be repaired or made good within 4 weeks of being identified for remediation. Repairs (temporary and permanent) must be completed to a standard that is accepted by the consent authority.
43. A separate CTMP must be prepared in accordance with Conditions 40 and 45 above for any significant maintenance works that are required to be undertaken on the structure.

Signage

44. Before the commencement of any works authorised by this consent, the consent holder must erect a prominent sign(s) adjacent to the works site in a location visible to the public. The sign(s) must be maintained throughout the construction period.
45. The sign(s) must clearly display the following information:
- b. The consent holder;
 - c. The main site contractor;
 - d. A 24-hour contact telephone number for the consent holder or appointed agent; and
 - e. A clear explanation that the contact telephone number is for the purpose of receiving complaints and / or information from the public about activities resulting from the exercise of this consent.
46. Any signs installed on site must meet the performance standards of Rule 4D.5 of the Operative District Plan and continue to comply on an enduring basis.

General Maintenance

47. In accordance with any agreement provided under Condition 5, the consent holder must maintain the coastal protection structure in a structurally sound and effective condition at all times.
48. Maintenance activities shall include, but not be limited to:
- a. Replacement of damaged, displaced, or eroded structural elements;
 - b. If necessary, supplementing or strengthening elements that are not performing correctly.
49. The consent holder must undertake a visual inspection of any visible parts of the structure at least once every 12 months, and within one month of any significant storm event (defined as a coastal storm with predicted waves or surge above a 5-year average return interval).
50. A record of each inspection, including any maintenance works where they occur, must be maintained, including:
- a. Date of inspection and/or maintenance works;
 - b. Condition of the structure and surrounding area;
 - c. Any maintenance works undertaken or required;

Appendix 2: Consent Conditions

d. Photographic evidence of condition.

51. The consent holder must provide the following to the consent authority upon request:

- a. The record of inspections and maintenance required by Condition 50; and
- b. An assessment by a suitably qualified person (if applicable) confirming that the structure remains structurally sound and fit for purpose.

Term of Consent

52. This consent shall expire on 9 September 2050.

Remediation of site

53. At least 2 years prior to either the expiry of the consent or the notice to surrender the consent, the consent holder shall provide details to the Council's Compliance and Monitoring that set out the consent holder's intention with regards to:

- a) Whether a reconsenting process will be commenced to provide for the retention of the structure; or
- b) If a reconsenting process is not proposed, the consenting process and/or proposed works which will be undertaken to decommission the structure approved under this consent and rehabilitate the site.

Review of Consent Conditions

54. WBOPDC may, on each anniversary of the consent commencing under s116 RMA, serve notice on the consent holder under section 128 (1) of the RMA, of its intention to review the conditions of this resource consent for the following purposes:

- a. Review the adequacy of any monitoring requirements and incorporate into the consent any auditing, monitoring or reporting requirements that are necessary to deal with any adverse effects on the environment arising from the exercise of this consent; or
- b. Respond to and address any planting and maintenance issues that may have an effect on the stability of the dune and/or the dune vegetation; or
- c. Deal with any adverse effect on the environment which may arise from the exercise of this consent and which it is more appropriate to deal with at a later stage.

Additional Advice Notes:

- 1 *This consent lapses on the expiry of 5 years after the date of receiving this consent unless the consent is given effect to.*
- 2 *The consent holder must notify the consent authority, in writing, of their intention to begin works prior to commencement of such works. Such notification should be sent to consent authority's Compliance and Monitoring Team (monitoring@westernbay.govt.nz) and Reserves and Facilities Manager and include the following details:*
 - a. *Resource consent reference number (RC14513L).*
 - b. *Name and telephone number of the project manager and site owner.*
 - c. *Site address to which the consent relates.*
 - d. *Activity to which the consent relates.*
 - e. *Expected duration of works.*

Appendix 2: Consent Conditions

Notifying the consent authority of the intended start date enables cost effective monitoring to take place. the consent holder is advised that additional site visits and administration required by the consent authority officers to determine compliance with the consent conditions will be charged to the consent holder on an actual and reasonable basis.

- 3 Full compliance with the conditions of consent is necessary to conduct the activity to which this consent relates. your progress towards satisfying the conditions of consent will be monitored by a consent authority representative and failure to meet these conditions may result in enforcement action being taken in accordance with the consent authority's monitoring compliance and enforcement strategy. this may involve the issuing of an infringement notice (instant fine) and/or a monitoring fee. for clarity:*
 - a. the named consent holder will be responsible for any breach of conditions and compliance costs relating to the consent which occur before the transfer of the consent.*
 - b. the consent holder is responsible for ensuring that all contractors conducting works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
 - c. the transfer of the holder's interest in a consent has no effect until written notice of the transfer is given to the consent authority.*
- 4 This consent is granted under the resource management act 1991 and is not an authority under any other act, regulation or bylaw.*
- 5 The consent holder must pay the consent authority any administrative charges, which are fixed in accordance with section 36 of the resource management act 1991.*
- 6 This consent does not authorise access to enter or perform any activities on private property other than the properties as part of this application site.*
- 7 In the event of an urupā, taonga (significant artifacts), kōiwi (human remains) or archaeological sites (whether recorded or unrecorded) being disturbed and/or discovered during activities authorised by this consent, the consent holder must immediately cease further works, secure the area in a way that ensures any remains or artefacts are untouched, and contact Heritage New Zealand Pouhere Taonga and all relevant iwi/hapū for advice.*
- 8 If an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work in the vicinity of the discovery, and contact Heritage New Zealand and all relevant iwi/hapū for advice. Heritage New Zealand contact details: email info@lowernorthern@heritage.org.nz; phone 07 577 4530.*
- 9 Any repair works may trigger the need for additional consents and approvals which would be sought ahead of any repairs being undertaken.*
- 10 You may object to this decision, including any conditions of consent, by notifying the consent authority within 15 working days of receipt of this decision. However, you are advised that you may not commence the activity as authorised by this consent until your appeal is resolved as prescribed by section 116 of the Resource Management Act 1991.*

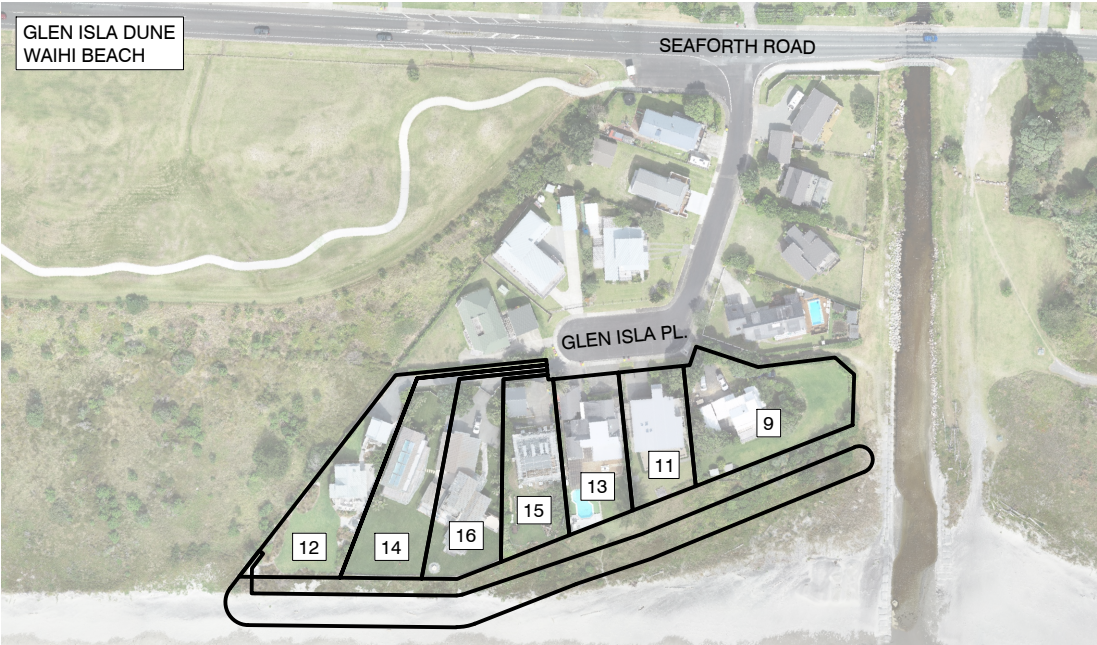
COASTAL PROTECTION PROJECT

GLEN ISLA DUNE

FOR
GLEN ISLA PROTECTION SOCIETY

PREPARED BY
DAVIS COASTAL
CONSULTANTS

RESOURCE CONSENT



Western Bay of Plenty District Council
APPROVED
Under delegated authority
For Application Number: RC14513(L)
Reference: RCA240547348

Bevan Hudson
Senior Consents Planner
On behalf of Commissioner Rob van
Voorthuysen, Amy Robinson and
Shadrach Rolleston
Date: 9 September 2025

DRAWING SCHEDULE			
NO	TITLE	REV	DATE
01	DRAWING SCHEDULE AND LOCATION PLAN	A	10.10.24
03	PROPOSED SECTIONS	-	23.08.24
04	ALTERNATIVE PROPOSED LAYOUT	A	24.07.25

			DESIGN: DAVIS COASTAL CONSULTANTS
			SURVEY: SEAM SPATIAL
			DRAWN: JMA
			CHECKED: -
			DATE: OCTOBER 2024
			SCALE: NTS
			CAD FILE: 23028-02 Glen Isla Place Waihi
A	RESOURCE CONSENT ISSUE	10.10.2024	
-	RESOURCE CONSENT ISSUE	23.08.2024	
No.	REVISION DETAILS	DATE	

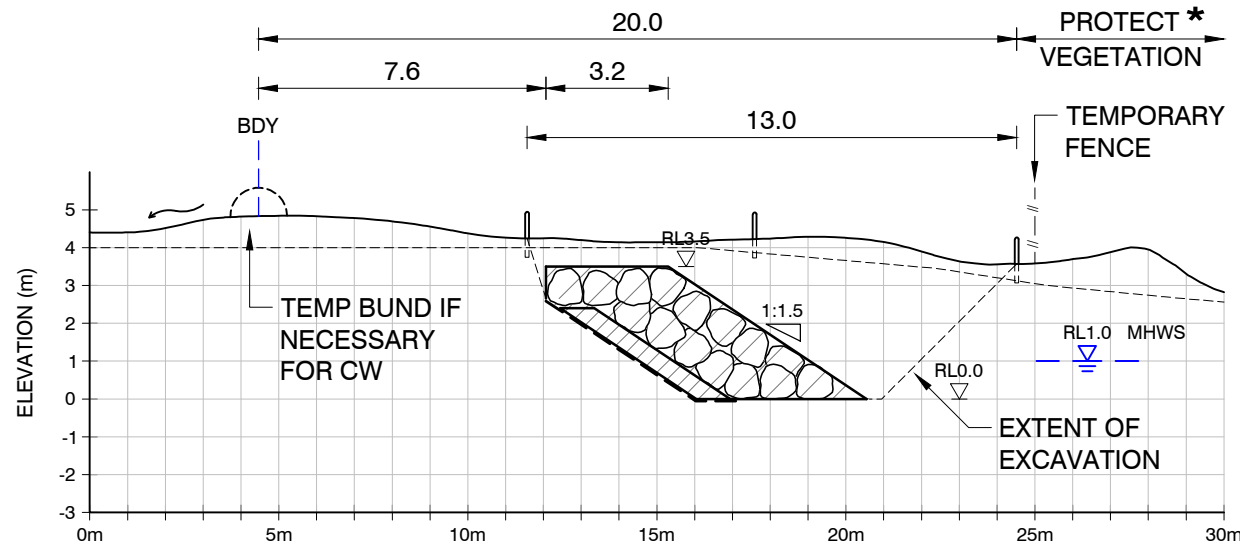
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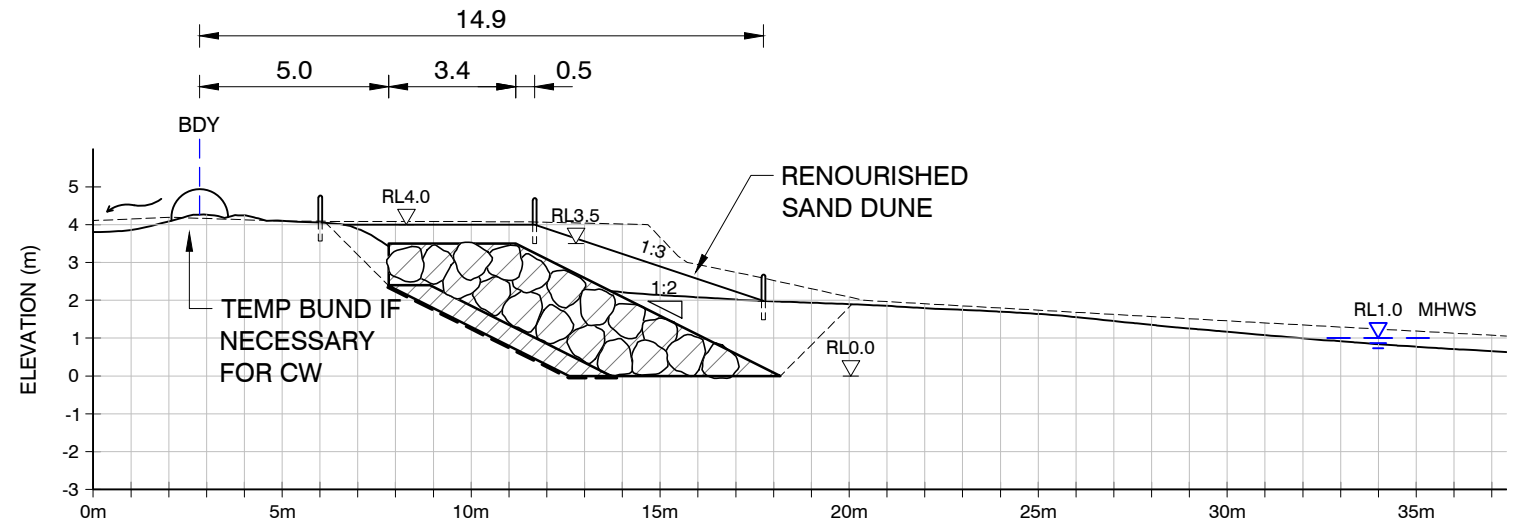
COASTAL PROTECTION PROJECT
GLEN ISLA DUNE
WAIHI BEACH



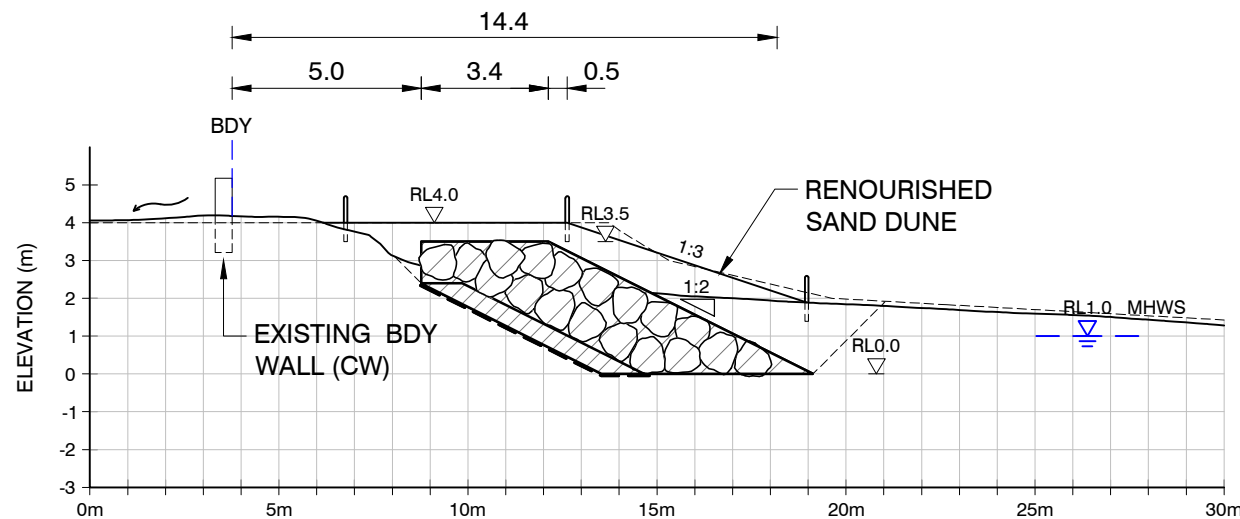
COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE:	FILE NO:
	DRAWING SCHEDULE AND LOCATION PLAN	23028
	SHT NO:	01
	REV:	A
SERIES:		RESOURCE CONSENT



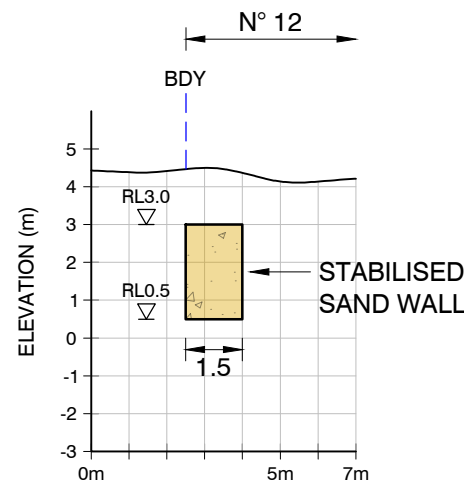
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SCALE 1:200



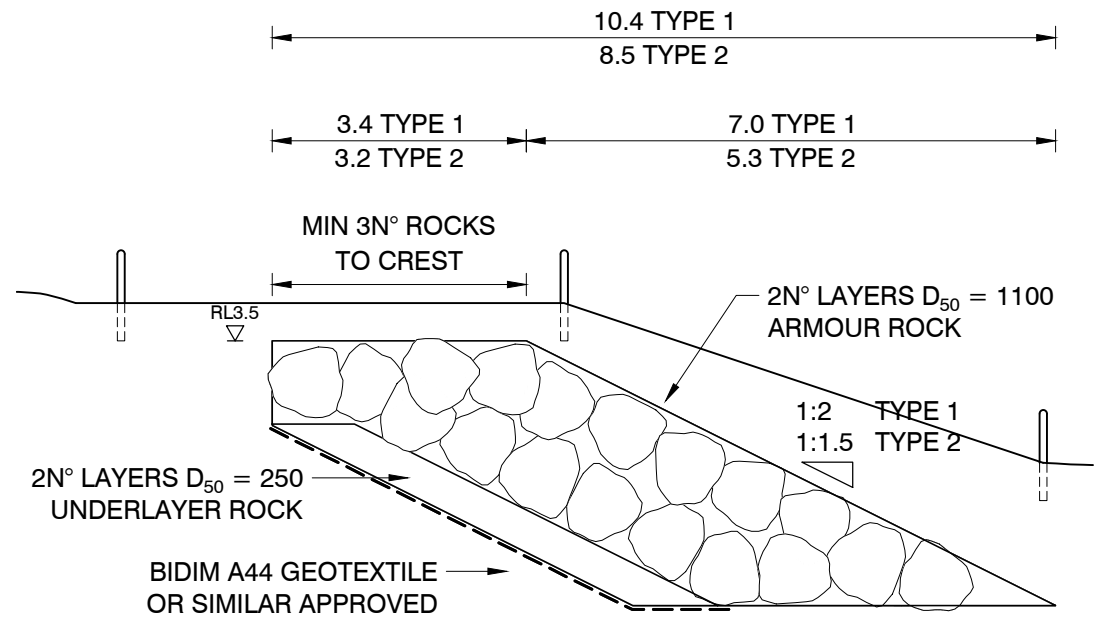
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02 **No 12 GLEN ISLA - TYPE 1**
SCALE 1:200



C
02 **No 16 GLEN ISLA - TYPE 1**
SCALE 1:200



D
02 **SECTION**
SCALE 1:200



TYPICAL RIPRAP SECTION
SCALE 1:100

NOTES		
* AREA OF EXISTING HIGH QUALITY DUNE VEGETATION TO BE DEFINED ON SITE BY ECOLOGIST AND PROTECTED BY TEMPORARY FENCE FOR DURATION OF WORKS		
KEY		
—	EXISTING SURFACE - 2024	
- - - - -	HISTORIC SURFACE - 2011	

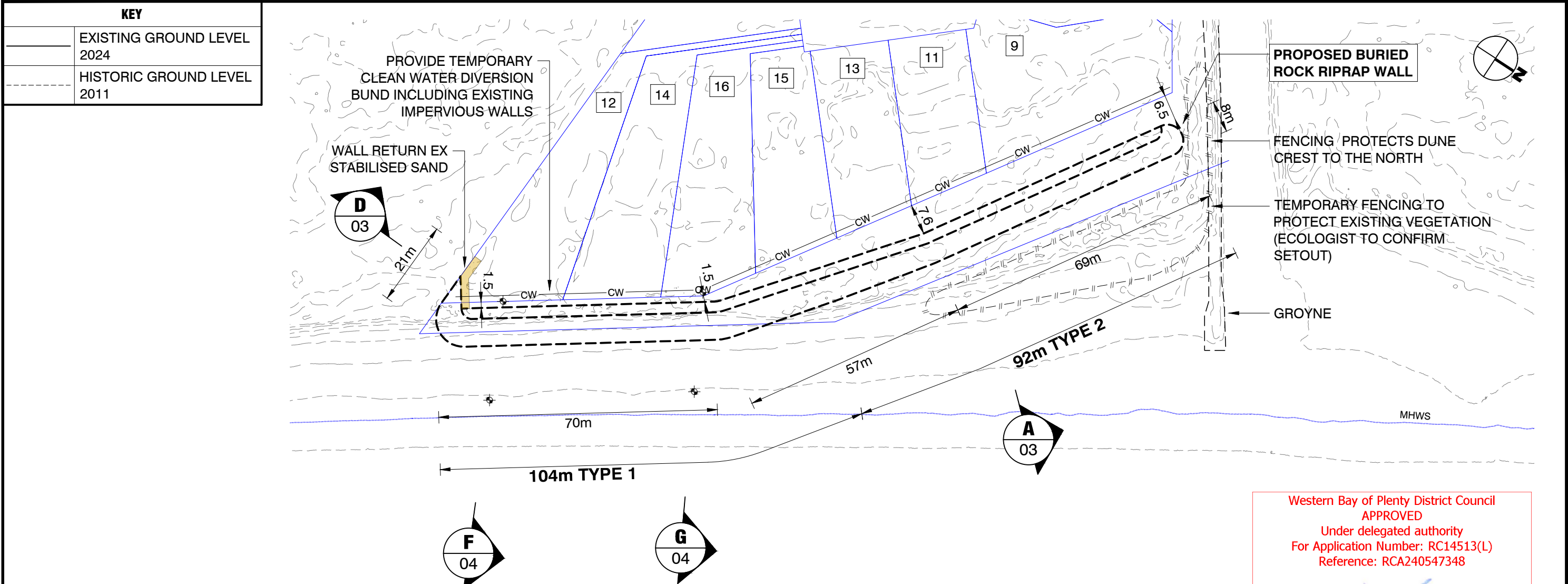
Western Bay of Plenty District Council
APPROVED
Under delegated authority
For Application Number: RC14513(L)
Reference: RCA240547348

Bevan Hudson
Senior Consents Planner
On behalf of Commissioner Rob van Voorthuysen, Amy Robinson and Shadrach Rolleston
Date: 9 September 2025

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

JOB TITLE:
**COASTAL PROTECTION PROJECT
GLEN ISLA DUNE
WAIHI BEACH**

 DAVIS COASTAL CONSULTANTS	COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE: PROPOSED SECTIONS SERIES: RESOURCE CONSENT	FILE NO: 23028
			SHT NO: 03
			REV: -

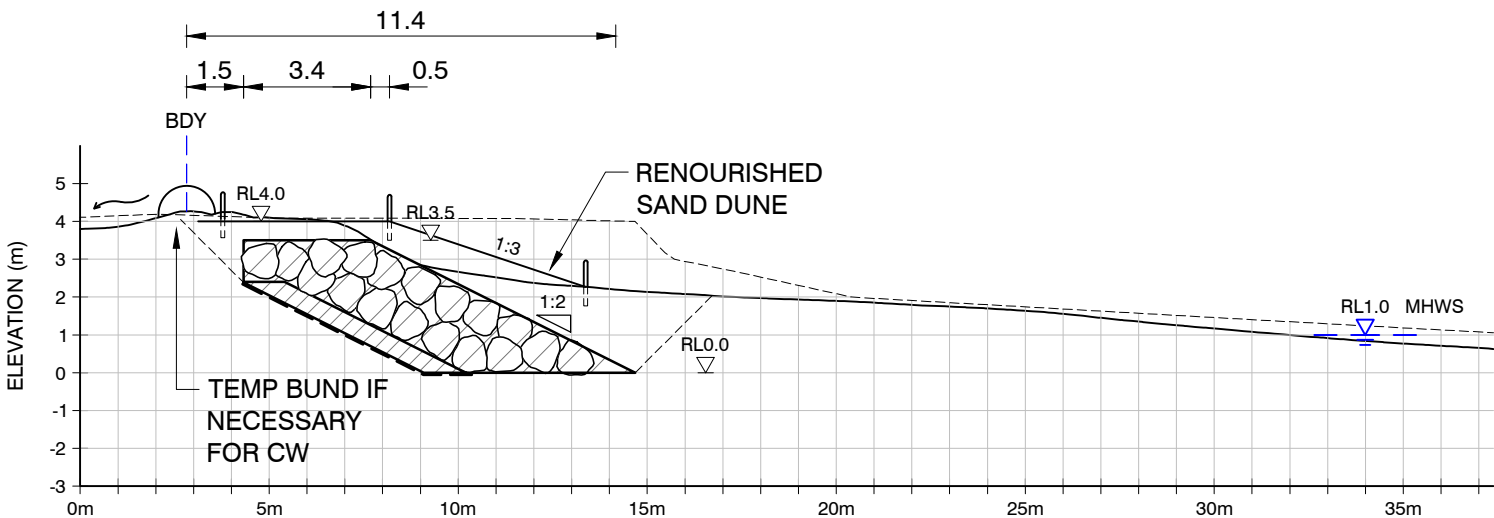


ALTERNATIVE PROPOSED LAYOUT

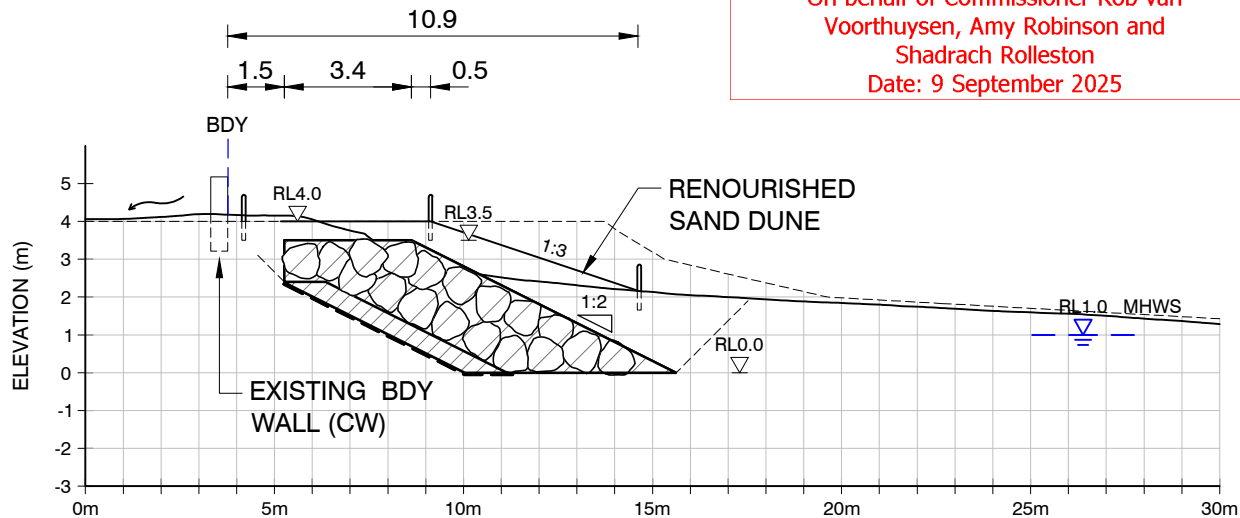
SCALE 1:1000

Western Bay of Plenty District Council
APPROVED
Under delegated authority
For Application Number: RC14513(L)
Reference: RCA240547348

Bevan Hudson
Senior Consents Planner
On behalf of Commissioner Rob van Voorthuysen, Amy Robinson and Shadrach Rolleston
Date: 9 September 2025



F 04 No 12 GLEN ISLA - TYPE 1
SCALE 1:200



G 04 No 16 GLEN ISLA - TYPE 1
SCALE 1:200

			DESIGN: DAVIS COASTAL CONSULTANTS	JOB TITLE: COASTAL PROTECTION PROJECT GLEN ISLA DUNE WAIHI BEACH		COASTAL MANAGEMENT AND ENGINEERING P.O. Box 185 Orewa Phone: 09 428 0040 Mobile: 021 627 193 Email: coastal@daviscoastal.co.nz	DRAWING TITLE: ALTERNATIVE PROPOSED LAYOUT	FILE NO: 23028
			SURVEY: SEAM SPATIAL					SHT NO: 04
			DRAWN: JMA					REV: A
			CHECKED: -					
			DATE: July 2025					
A	SITE LEVELS AS AT 23.07.2025 ADDED	24.07.2025	SCALE VARIES @ A3	NOT FOR CONSTRUCTION				
-	ALTERNATIVE WALL LAYOUT ADDED	22.07.2025	CAD FILE: 23028-02 Glen Isla Place Waihi					
No.	REVISION DETAILS	DATE						SERIES: RESOURCE CONSENT