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25 March 2025

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RE: RC14513(L) – Waihī Beach Coastal Protection Structure at 95 Seaforth Road, the adjoining esplanade reserve at Lot 19 DPS 22035 and 12 Glen Isla Place, Waihī Beach – Section 92 Request for Further Information

Pursuant to section 92 of the Resource Management Act 1991, Council requests the further information relating to the application:

Ecology

Wildland Consultants has identified that there is insufficient information to be able to accurately assess the level of effects for the proposed seawall across various stages, including construction, a 'stable' phase, and an erosion phase. To support completion of the Council staff report in relation to ecological issues, further information is required to inform a recommendation as to whether the effects at each stage are acceptable, along with any proposed conditions to address adverse effects.

1. The Ecological Assessment prepared by BlueGreen Ecology does not assess potential effects on a temporal scale; rather there is a focus on the immediate effects of construction. Clarify the short- and longer-term effects of the activity, both immediately post-construction and in the future, particularly in relation to the likely exposure of the seawall due to erosion of the sand cover.
2. Provide an evaluation of the potential adverse effects on birds, lizards, and spiders (noting these have been dismissed in the Ecological Assessment).
3. To support the conclusion of the Ecological Assessment (that the project will have a "less than minor" effect and result in a "net ecological benefit at a local scale") provide an assessment of the longer-term effects of the seawall, including the potential effects on dunes in the reserve immediately to the south of the proposed seawall.
4. Provide of an assessment on indigenous fauna such as New Zealand dotterel and shore skink to support the conclusion of "net ecological benefit at a local scale".
5. The Ecological Assessment states that "there is a reasonable possibility that the proposed sand cover of the southern portion of the wall will not persist for long". This appears to contradict its optimistic conclusion of a net ecological gain; particularly given the absence of measures to be applied should the sand cover disappear. Provide further clarification of what actions (mitigation) will be

implemented if the sand cover is lost. What effect would this have on remedial plantings in the medium to long term.

6. Confirm if the activity is reliant on sand push-ups and the mechanism for this. If this forms part of the scope of work being considered what effects would the frequency have on remedial plantings and indigenous fauna.
7. It is noted on page 20 of the Ecological Assessment that "where the installed wall is recovered in sand, then it is also necessary to stabilise the sands and retain a sand dune, as opposed to having an exposed stone wall, and so a need to revegetate the sand". This implies that the Applicant intends to cover and plant exposed parts of the seawall, indefinitely. Please clarify.
8. How does the proposed level of adverse effects align with the requirements of the New Zealand Coastal Policy Statement, Policy 11 and demonstrate that significant adverse effects will be avoided, remedied, or mitigated in accordance with this policy. Why have 'At Risk' indigenous fauna species not been considered in the Ecological Assessment with regard to Policy 11a(i).
9. Demonstrate how the proposed works are consistent with the effects management requirements under the NPS-IB, including an assessment of Policy 4 regarding resilience to the effects of climate change.
10. How is the loss of the ecologically significant southern pohuehue going to be addressed and what steps are being taken to remedy or mitigate the effect of this loss? Provide further information to support the conclusion that the loss of this Significant Natural Area is "very low at the local scale".
11. Please clarify future management of vegetation following the initial remedial plantings. Does the proposed Remediation Planting Plan condition adequately mitigate the effects of vegetation removal, both in the short and longer terms.
12. How will the Remediation Planting Plan mitigate the potential destabilisation of the dune and impacts following storm events.
13. What effect will the proposal have on the ability of indigenous biodiversity to rehabilitate in the short term due to the settling of sand around the constructed structure (e.g. potential for sinkholes). What measures are proposed to ensure that there is dune renourishment and maintain the 0.5m buffer above the rocks.
14. Outline any regular monitoring proposed to track and manage the effects of sand movement and erosion resulting from the wall, including mitigation/management responses.
15. Does the proposal include for the installation of fencing/roped off areas to support dune stability and ecological recovery, along with ongoing protection of the dune from private property owners continuing to walk through the dune to access the beach.
16. Please offer any proposed conditions of consent to address the above.

<u>Landscape Architect</u>

The conclusions of the Landscape and Visual Effects Assessment (LVA) seem overly optimistic, and the methodology lacks sufficient detail and justification for the assumptions made to reach credible findings. The conclusions and scale of effects should be reviewed in light of the clarifications sought:

1. Update the LVA to include a description and assessment of effects on associative values. Additionally, provide an assessment of effects on landscape values derived from the interplay of physical, associative, and perceptual dimensions, as outlined in paragraphs 6.19 and 8.07 of Te Tangi a te Manu.
2. Detail your understanding of the specific characteristics and values of District Plan Outstanding Landscape Feature S24 to justify the conclusion that the proposal will avoid adverse effects on the characteristics contributing to the values of this overlay.
3. The landscape effects related to potential public access are assessed as *"high positive"* based on the proposal's protection of public land that could potentially be used for public access in the future. However, this scenario of public access is speculative, as there are no current plans to implement such an access route. Additionally, creating such access would require further disturbance of dunes, which conflicts with the LVA's conclusions and scale of effects on Natural Character. Provide further justification for the validity of this public access scenario, considering the likelihood of it happening and the implications in terms of landscape and visual effects or other consenting issues. Alternatively, remove it from the assessment and review the conclusions and scale of effects in light of this omission.
4. The visual amenity effects are rated as "moderate-high positive" compared to a "likely edge" from future climate change impacts. However, the assessment lacks details on the anticipated "likely edge," including the recovery timeline through natural sand movement, manual replenishment, or dune planting. The comparison between the proposal and an eroded coastal edge versus a restored one should account for varying effects. Provide further detail and assumptions regarding the anticipated *"likely edge"* condition, including consideration of effects across the construction, medium, and long-term timeframes from when an erosion event occurs, through its recovery.
5. The assessment of natural character effects emphasises the historical modification of the dune landform due to past erosion protection works. While this context is relevant, on-site observations indicate that this area does not appear to be entirely modified. Coastal engineers have identified that the dune, in its current state, is recovering with vegetation cover.

   Update the assessment of natural character effects over the construction, medium, and long term, taking into account the current recovering condition. In the updated assessment, compare this with the alternative scenario where the proposal is not implemented. Consider the recovery measures that can reasonably be expected to be implemented in response to future erosion events, as described in 4. above, including natural sand movement, manual sand replenishment, and dune planting. Additionally, consider District Plan Rule 6.6.1.3 regarding the anticipated loss of dune landform and vegetation within Outstanding Landscape Feature S24 as a result of the proposal.
6. In relation to comments made on cumulative effects, provide additional commentary on whether the increase in rock walls proposed will contribute to reaching a tipping point in the landscape's capacity to accommodate change

along this stretch of coastline, as outlined in paragraph 6.48 of Te Tangi a te Manu.

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

Coastal Engineering

1. The justification in the coastal report is that the northern extent of the Type 2 structure is to prevent erosion resulting from the Three Mile Creek meandering, and the resultant beach lowering that would be expected in the mouth of a creek. However, Three Mile Creek is constrained by existing rock and geotextile training walls, groynes, and is regularly dredged to maintain flow. This management of the creek has resulted in the beach accreting significantly in front of properties at 9, 11, and 13 Glen Isla Place. With consideration of the existing structures, please provide justification as to why the proposed design is the preferred solution. Additionally ensure that the alternatives considered have taken into consideration these existing structures.
2. Following on from the above question, if a softer engineering solution was proposed for the Type 2 frontage, the alignment of the Type 1 frontage could be pulled back closer to the property boundary. This would delay the exposure of the proposed rock structure and would reduce the effects of the beach and dune processes. Please provide details of alternative arrangements that may have been considered, particularly with consideration of the alignment and extent of the hard structures.

Noise and Vibration

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

Planning

Please address the below as they relate to identifying, managing and mitigating effects in different scenarios over the life of the structure.

1. Please provide an assessment of the following relevant New Zealand Coastal Policy Statement objectives and policies:
    a. Objective 3 – Precautionary Approach. I note that this policy favours a precautionary approach that enables for natural adjustments for coastal processes, natural defences, ecosystems, habitats and species to occur and it also talks to natural character and public access, amenity and other values of the coastal environment to meet the needs of future generations. The seawall appears contrary to the outcomes of this objective (adding here also that alternatives you have presented in the coastal assessment require updating based on the existing environment which includes natural and assisted accretion because of the consented structures in Three Mile Creek). There are strong linkages between Policy 3 and all other objectives and policies, and to RMA section 6. For clarity I advise that the assessment on page 42 of the application includes Objective 3 in the heading, but this is a typo and should be Objective 2.
2. Please provide an assessment of the following relevant Bay of Plenty Regional Policy Statement objectives and policies:
    a. Matters of National Importance Policy MN1B – Recognise and provide for matters of national importance
    b. Objective 2, Policy WL 7B: Avoid accelerated erosion and soil loss.
    c. Objective 2, Policy CE 2B: Managing adverse effects on natural character within the coastal environment
    d. Objective 2, Policy CE 8B: Ensuring subdivision, use and development is appropriate to the natural character to the coastal environment
    e. Objective 2, Policy CE 4A: Protecting and restoring natural coastal margins
3. Please provide an assessment of all relevant Bay of Plenty Reginal Coastal Environment Plan (this Plan includes the entire costal environment (CMA and land dominated by the coast such as sand dunes)) objectives and policies (this is a section 104(1)(b) matter and is required under District Plan Rule 8.5.2(b)(x), with particular focus on:
    a. Integrated Management
    b. Natural Heritage
    c. Iwi Resource Management
    d. Coastal Hazards
4. Please provide an assessment of the following relevant District Plan objectives and policies (acknowledging effects of the seawall in different scenarios over its life).
    a. Objective 5.2.1(5)
    b. Policy 5.2.2(2)
    c. Policy 8.2.2(4)
    d. Policy 8.2.2(6)
    e. Policy 8.2.2(8)
    f. Summary of the relevance of residential zone objectives and policies given the scope of works occurring at No. 12 Glen Isla Place

This information is required to enable the Council to better understand the nature of the activity in respect of which the application for a resource consent is made, the effect it will have on the environment, or ways which any adverse effects may be mitigated.

In accordance with section 92A(1) of the Resource Management Act 1991 (RMA), you must respond to this request by **15 April 2025**. You may either:

(a) provide the information; or
(b) confirm in writing to Council that the applicant agrees to provide the information but require a longer period in which to do so,; or
(c) confirm in writing to Council that the applicant refuses to provide the information.

Pursuant to section 92A(3) of the RMA, the Council must consider the application under section 104 of the RMA even if the applicant; does not respond to the request, or agrees to provide the information under subsection 92A(1)(b) but does not do so, or refuses to provide the information under subsection 92A(1)(c).

Should you have any questions please contact me to discuss further.

Yours sincerely

Bevan Hudson
Senior Consents Planner