

Submission on application - resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): Denise Tetari

Submission on an application

Application from: RC 14513 (L)

Resource consent

A resource consent for: Waihi Beach Coastal Protection Structure

I ~~am~~ ^{am not} a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I ~~am~~ ^{am not} directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to: Building of a rock wall
by the Glen Isla Protection Society for the construction
of a coastal protection structure

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I am a neutral party regarding the application.
I oppose the application for the following reasons.
- Environmental impact on bird-life
- Detrimental changes to the foreshore / due to the rock wall.
- Nature will never be conquered, it will just find another way which means that neighbouring properties will be at risk

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

To oppose the application in its entirety.
The discussion regarding rock walls along Waikī Beach has been going on for years costing the rate payer alot of money.
I would like the Council to put on every beachfront property title a disclosure statement that states the Council will not approve any wall structure that will benefit one persons property to halt erosion at the cost of everyone that uses the beach.

~~I wish~~ / do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

~~I request~~ / do not request, pursuant to **section 100A** of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

Date:

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)

X6 J6 L
4/2/25

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

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Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): Doug Longdill
[REDACTED]

Submission on an application

Application from: Waihi Beach Coastal Protection Structure (RC14513)

Resource consent

A resource consent for: Waihi Beach Coastal Protection Structure

I **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

Submission relates to

Please add additional pages if required.

My submission is

include -

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

See attachment 1

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

A handwritten signature in black ink, appearing to read 'D. Longdill'.

Attachment 1

Submission on application for Waihi Beach Coastal Protection Structure (RC14513)

I have read the application and advise that I oppose the application in full.

My reasons are as follows

1. Rock walls have a history of eventually lowering the level of the beach. This reduces the amenity value of the beach to the public as it reduces the time available to walk along the sandy beach without the tide encroaching. While the applicant plans to cover the rip rap wall with sand, the intention clearly is that to become effective the rocks will become exposed.
2. Rock walls create what are known as 'end effects' where they end, and the normal dune system takes over. The sand in these areas become scoured out through surges of the sea,
3. Rock walls have not proven to be a long-term solution and generally deteriorate after 20 or so years. This leaves a mess and a cost for the Council and hence the general rate payer to pick up
4. There are now other more sustainable and proven solutions to arrest the erosion of the dune system. These include coastal planting, dune weeding and the use of 'sand push ups' through mechanical means as and when required.
5. The application is not based on sound science and seems to ignore the long history of failed attempts to arrest dune erosion by way of hard structures at Waihi Beach. I refer to the work done by Terry Healy of the University of Waikato back in 1993.

Dr Healy provided a comprehensive 55-page report that was commissioned by the Western Bay of Plenty District Council entitled **Coastal erosion, set back determination and recommendations for management of the Waihi Bowentown and Pukehina beach and dunes.**

No where in this report does Dr Healy recommend or support the use of hard structures to protect land and or dunes.

I will now comment on some aspects of the application.

Mitchell Daysh report.

- We would disagree with the content of section 4.3.2. that asserts that that soft engineering approaches are unsuccessful. On the contrary, they have proven to be very effective in other parts of the beach, namely around the Surf Life Saving club.
- We also disagree with the assertion on page 29 that the end effects will be negligible. Scouring at the wall ends will be inevitable.
- We are concerned about several features of the proposed construction stage (p. 35). We submit that the mechanical excavation of the dune area will be highly disruptive from a dune integrity perspective, as well as contributing to unacceptable levels of noise and vibration to surrounding properties.

D J Long
16/2/2025

I wish / Do not wish to be heard in support of my submission.

✓ *If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/do not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

Date:

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)

P J Langer 16/2/2025

Submission on application - resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

Mrs Rebecca Marshall

Submission on an application

Application from:

Resource consent

A resource consent for:

RC14513(L) Waikhi Beach Coastal
Protection Structure.

I ~~am~~/ **am not** a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I ~~am~~/ **am not** directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

the construction of a
buried rock rip rap wall and associated activities
on the council recreation reserve at 95
Seafarth Road, the adjoining esplanade reserve
and 12 Glen Isla Place, Waikhi.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I strongly oppose the construction of this rockwall for the following reasons.

- ① It should not be built on public land as stated on page 25 of the New Zealand Coastal Policy 2010 under Policy 27(4) "hard protection structures where considered necessary to protect private assets should NOT be located on public land if there is no significant public or environmental benefit in doing so. The only people to benefit from this proposed rockwall are the private home owners which makes this land grabbing to the detriment of others. Please see attached

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I wish that this resource consent be refused.

If these property owners (Glen Isla Protection Society) want to build a rock rip rap wall then by all means do so but on their property using their accessway to the beach to transport the necessary construction materials, vehicles etc.

~~I wish~~/do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/~~do not request~~, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Reasons that I strongly oppose the construction of this rock wall continued

- ② Despite MDA vibration and noise limit testing I have grave concerns for the potential damage to my property. Due to the construction of the rock wall in 2010 and the vibrations from the dumping of the rocks on the reserve next to 3 mile creek cracks appeared in the walls of our property and damage occurred. There is no guarantee that this won't happen again if this construction goes ahead.
- ③ The harmful and detrimental impact that this construction and rock wall will have on the environment. Recent weather events have shown that mother nature can be completely unpredictable. In the event of another cyclone and heavy rain the presence of a rock wall will redirect the sea, causing flooding of the 3 mile creek and possibly the houses on that side of Glen Isla Place. Also Island Reserve will be at greater risk of flooding due to the addition of a rock wall.

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

Date:

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)

P. Marshall
15th February 2025

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

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You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Form 13

Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter:

Full Name(s):

Ian Marshall

This is a submission on an application from:
For a resource consent for:

RC 14513

Waihi Beach Coastal Protection Structure

I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I am/ am not directly affected by an effect of the subject matter of the submission that:

- (a) — adversely affects the environment; and
(b) — does not relate to trade competition or the effects of trade competition.

[* Delete this paragraph if you are not a trade competitor].

The specific parts of the application that my submission relates to are:

Construction of a coastal wall on public land

[Please add additional pages if required]

My submission is: [include – (a) whether you support or oppose the application or specific parts of it; (b) whether you are neutral regarding the application or specific parts of it; or (c) the reasons for your views].

It should not be constructed on public land as there is no public or environmental benefit to the community. The NZ Coastal Policy 2020 refers accordingly.

I believe it will have a detrimental effect on the public and the environment:

1. The Dunes next to the creek, which have never been subject to erosion, will be lost during the construction phase and will not come back to its natural state.
2. The public land on Island Reserve will be at greater risk of flooding and damage
3. Public land will be used for the sole benefit of private land owners increasing their real estate and only benefiting these private land owners
4. Public Access to the beach will be compromised, not only during construction, but when complete
5. The public's enjoyment and use of the beach will be compromised, not only during construction, but when complete
6. The construction method that is proposed has already, in past works, caused major damage to structures within a very large area. My property was subject to this damage. I do not want to be exposed to this and the mental anguish that will come with it.

[Please add additional pages if required]

give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought

I Trust that the NZ Coastal Policy 2020 will be followed and that this resource consent be refused.

I believe I would have nothing to object to if this wall was built on private land and involved no use of public land for access etc. The construction method would need to change to accommodate the access to the wall via the applicants private land. I assume this will be done on another resource consent application

or

I wish (do not wish) to be heard in support of my submission.

[*If others make a similar submission, I will consider presenting a joint case with them at the hearing]. [*Delete if you would not consider presenting a joint case.]

I request/do not request*, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. [*Select one]

A copy of this submission must be sent to the applicant/ agent as soon as practicable

	
Signature of submitter (or person authorised to sign on behalf of submitter)	
Date: 17-02-25	
(A signature is not required if you make your submission by electronic means.)	

Electronic address for service of person giving written approval:	
Telephone:	
Postal address (or alternative method of service under section 352 of the Resource Management Act 1991):	

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

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You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

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- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
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Submission on application – resource consent or esplanade strip subject to public or limited notification



Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): Roger Course

Submission on an application

Application from: The Glen Isla Protection Society

Resource consent

A resource consent for: A Coastal Protection Structure at 95 Seaforth Road WAIHI BEACH

The Esplanade Reserve at Lot 9 DPS 22035 & 12 Glen Isla Place

Lot 12 DPS 22035 & Lot 19 DPS 22035

I ~~am~~/am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

~~I am/am not directly affected by an effect of the subject matter of the submission that:-~~
~~(a) adversely affects the environment; and -----~~
~~(b) does not relate to trade competition or the effects of trade competition:-~~

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to: _____

Construction of a proposed "backstop wall" in the dune area adjacent to the following properties:

Numbers 12, 14, 16, 15, 13, 11 and 9 Glen Isla Place WAIHI BEACH

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

Submission attached.



I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I wish to have the Application for the Resource Consent RC14513L declined.

I wish/~~do not wish~~ to be heard in support of my submission.

~~*If others make a similar submission, I will consider presenting a joint case with them at the hearing.~~

(*Delete if you would not consider presenting a joint case).

I request/~~do not request~~, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person authorised to sign this form:



*not required if submitting electronically

Date:

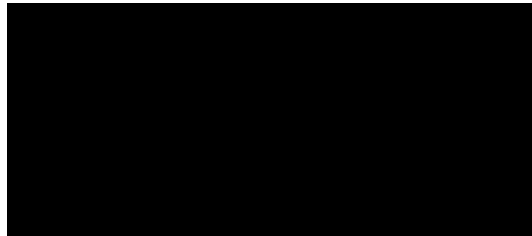
17 February 2025

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)



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You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**SUBMISSION REGARDING THE RESOURCE CONSENT APPLICATION RC14513(L) FOR A
COASTAL PROTECTION STRUCTURE AT GLEN ISLA PLACE WAIHI BEACH**

**95 SEAFORTH ROAD, THE ESPLANADE RESERVE AT LOT 9 DPS 22035
AND 12 GLEN ISLA PLACE WAIHI BEACH LOT 12 DPS 22035 AND LOT 19 DPS 22035**

Submission prepared
by Roger Course

February 17 2025

To the Consenting Authority:

I am opposed to the granting of the proposed Resource Consent RC145139(L) for a Coastal Protection Structure at Glen Isla Place Waihi Beach for the following reasons.....

It's not in accordance with Bay of Plenty Regional Councils Coastal Environment Plan or WBOP District Council Policies regarding Coastal Erosion in Councils own property.

What is proposed as a "backstop wall" is actually a rock revetment seawall.

The environmental situation is exaggerated and doesn't adequately allow for natural erosion and accretion processes.

A seawall, "backstop" or "front stop" is not the best option.

The proposal amounts to privatisation of a public reserve.

The proposal is not in accordance with the BOP Regional Coastal Environment Plan or WBOP District Council's Erosion Policy

The Regional Council resource management policies to achieve integrated management of the coastal environment include:

Policy CH 9.....*When determining if new hard protection structures are appropriate the consent authority shall:*

(b) Give priority to the use of soft protection works, such as dune care, beach nourishment and vegetation restoration.

(c) Consider whether hard protection structures are the only practical means to protect regionally significant infrastructure.

Policy CH 10....*Require any new hard protection structures to be:*

(a) Located landward of the coastal marine area where the primary purpose of the structure is to protect private property.

(c) Designed to avoid as far as possible and adverse effects on beach amenity and natural character, and to ensure public access to and along the coastal marine area is not restricted and enhanced where practicable.

(e) Designed to withstand coastal processes including sea-level rise.....

Reference to the WBOP District Council's Coastal Erosion Policy regarding Council Land notes that the Council has "no legal obligation to protect its own or private property from erosion.....It could also be argued that those private owners who have been defended in the past have already enjoyed considerable benefit at public expense."

Further in the General Approach to Erosion Mitigation for Council Owned Land the appropriate management option includes; "do nothing, adaptive approach or hold the line".

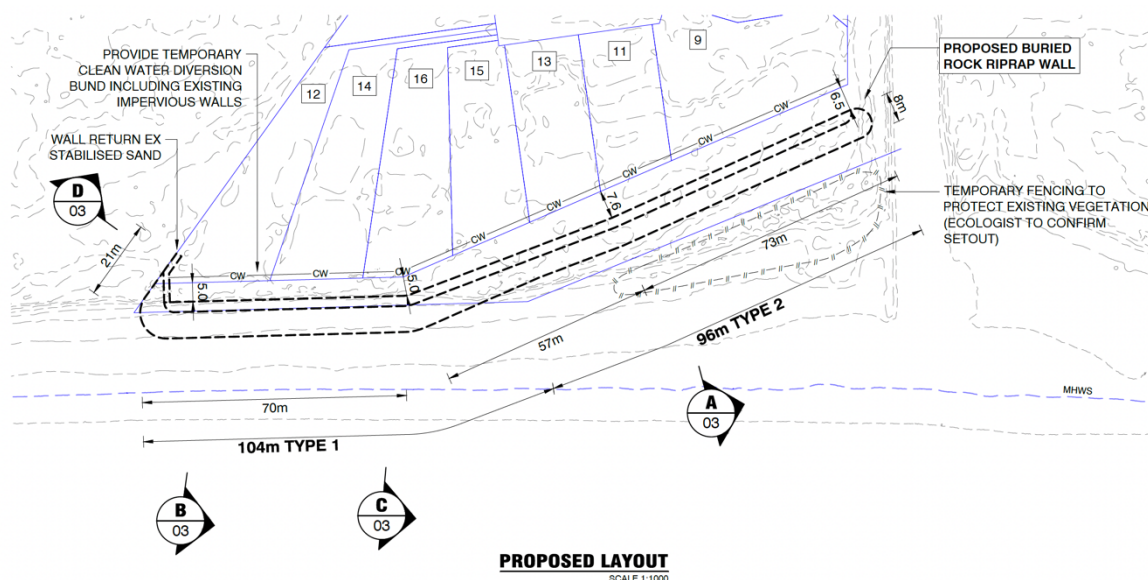
What is proposed as a "backstop wall" is actually a rock revetment seawall.

Although the proposal initially is shown to be a "backstop wall", a hidden seawall, the proposal also indicates that following severe storm events it is very likely that the "wall" will be exposed. There is no indication in the proposal that this exposure will be reversed.

What the "backstop wall" eventually will be is just another seawall with all the issues involved.

There is no possibility, and particularly so at the southern end, that this proposed rock wall could be described as a "backstop wall".

Allowance for the 5.0m separation from the property boundaries, and for the width of the wall itself, means in reality that any rock wall would be located out on the beach past the dunes for some distance, along for at least 70.0m, and right on the edge of the beach for the remainder. This is a "front stop" rock revetment seawall as the Proposed Layout included in the Resource Consent Application indicates.



Clearly the Applicants, whose original Resource Consent Application for a rock revetment seawall was declined, are making another attempt to get what they initially wanted.

Experience indicates that once any sort of seawall is in place there will be little or no possible action to promote dune recovery or growth. Seawalls protect the land behind them but the beach in front is usually lost as they do not promote accretion, the reality is they often cause more harm than good, particularly in regard to "end effects". Anyone familiar with Waihi Beach will have observed this phenomenon at the South End of Shaw Road where the existing seawall frequently causes serious "end effects".

Time	Wall Exposure
0-10 years	Wall buried, 1-2 possible exposures of upper 1-1.5m
10-20 years	Top of 1m wall exposed for long periods. During storms upper 1.5-2.0m exposed during storm events greater than any that have occurred in the last 20 years.. Wall covers back up but upper meeting exposed
20-30 years	Upper 2-3m of face of wall exposed at all times. High tide may reach structure in large storm events.
30-40 years	MHWS at base of wall. Access in front may become limited for 1-2hr around high tide
40-50 years	High tide at wall. Scouring during storm events may threaten toe and remedial to toe may be required. Over topping may require raising wall crest.
50 -100 years	With beach retreat and sea level rise as predicted, significant upgrade may be required on the wall including increase in outer armour size which could be overlayed on the outer face. Foundation would need to be lowered or improved. Over topping may require raising wall crest.

Table 5.3.3 – Wall Exposure

Information provided by the Applicants, refers to the Wall Exposure Table above. The possible Wall Exposure prediction indicates that within 20 years the Upper 2-3 metres will be exposed at all times. This scenario set out in the Table is incredibly optimistic as it is obvious that part of the "wall" would be immediately be exposed.

10 years is a relatively short time and even if was possible to bury any of the rocks, possibly by sand replenishment or beach scraping, it should be quite again quite obvious that the "backstop wall" will be a "front stop wall" in no time at all. My experience of being involved with the previous Resource Consent for the Waihi Beach Seawall, and my subsequent observations, is that the negative effects tend to be minimised by the various supporting experts involved. These quoted exposure times will have been exaggerated to make the situation look better for the Resource Consent Applicants.

All consideration and evaluation of this proposed wall should be that it is a **seawall** with all the issues that are involved.

The Design Report from Davis Coastal Consultants as part of the support documents for this Consent Application, Part 3.4.1, when describing seawall performance on sandy beaches says the following.....*Seawalls or coastal armouring solutions for mobile sand dune beaches have a history of generally poor performance in New Zealand and, indeed, in many places internationally.....Significant end effects are likely to be associated with the location, (if too far forward).*

The same design report when discussing the potential effects of seawalls in Part 5.2 admits that issues resulting from seawalls are...*frontal effects, end wall effects, blockage of littoral drift when projecting into the surf zone (groin effect) and beach width fronting armour likely to diminish.*

The Report further goes on to say.....*that if a wall is placed more landward it may however, be entirely adequate.*

As previously pointed out the proposed seawall is not nearly far enough away from the fragile dune area to be a "backstop wall". To truly be a "backstop wall" it would have to be located as far back as possible or at least further back than is proposed in the Resource Consent.

There is a possibility for the wall to be located even further back than proposed, in the eastern parts of the Consent Submitter's properties, however both this Design Report and the Consent Application fail to suggest this.

The environmental situation is exaggerated and doesn't adequately allow for natural erosion and accretion processes.

One of the primary factors in any scenario is predicted sea-level rise. Sea-level rise and Climate Change are the subject of much debate. Recent developments and research indicate that predictions have been at the extreme end of the scale, and that an exaggerated climate scenario is being used to scare the public and to justify interventions on a large scale.

The WBOP District Council comments in regard to sea-level and climate change include.
*"Over time, with a predicted sea-level rise of 1.0m in the next 100 years coupled with more frequent and extreme weather events, what we currently consider to be an extreme 1 in 100 year coastal hazard events will trend to becoming the average event.....
Today's coastal properties may survive for the next 30 years (the life of an average mortgage) but whether they will remain a viable investment for the 30 years after that is uncertain".*

The BOP Regional Council in its policy in regard to sea-level rise uses a base level of 0.9m sea-level rise in the next 100 years and a beyond 2112 a rise of 10mm per year after that.

The sea-level rise figures quoted in the Consent Application for 2065 varies from a minimum of 0.19m and a maximum of 0.39m, and for 2115 a minimum of 0.45m to a maximum of 1.1m.

Whatever the scenario, extreme or conservative, there is a possibility that some amount of sea-level rise will occur.

A site visit to this area reveals that only 3 properties could be described as currently "at risk", the site visit also revealed that these "at risk" properties have lawns and landscaping to the full extent of their seaward boundaries. Located as they are, in the foredune area, these lawns and landscaping prevent any build-up of a decent area of protective healthy dune.

There is a relevant saying, it goes, "**when waterfront property values fall you can start believing in climate change**".



Photographs included in attachments to the Consent Application indicate the extent of the natural accretion that has occurred following an erosion event.



Although the recent loss of replenished dunes following the cyclones Gabrielle and Hale is alarming there is also evidence of the ability of the natural dunes to self-replenish when combined with "dune care" and keeping the public and property owners out of areas of concern. In this instance it may be all that is required.

An interesting aspect when looking at the attached aerial photograph included with the Consent Application and showing the various historic shoreline locations from 1948 until 2024, is that in 1948 all the beachfront properties were in the ocean or the dune system. This photograph also illustrates how the shoreline can vary, it is after all subject to natural processes, and if the shoreline and the dune system, are allowed to function.

In regard to a proposed "backstop wall", evidence from observations of the existing rock revetment suggests that once uncovered, as will most definitely will occur, the "backstop wall" would soon be a "front stop wall" or a revetment, if it wasn't already immediately following installation.



Figure 3.5a: Historic coastlines overlaid on 2024 aerial

It is not the best option.

If worst case projections do eventuate the proposed wall will not prove to be a good solution because of the damage to the beach such seawalls cause, including preventing the natural cycle of erosion and accretion. Further if the projected sea-level rise occurs we may find this proposal to protect these properties will cause more harm than good.

Evidence given at the Environment Court hearing in regard to the Waihi Beach Seawall where the Appellants were submitting in favour of a "backstop wall" included comment from

coastal engineers to the effect that locating a "backstop wall" , *just 6-8m inland should not be contemplated*, and further that, *restorative processes could take weeks or even up to 5 years*.

Approaching the 2006 Seawall proposal the District Council acknowledged that the best long term solution to coastal erosion was diversion of the creeks along Waihi Beach. For reasons of affordability eventually this option was discarded in favour of creek training and a creek training groyne was installed at 3 Mile Creek.

The groyne was designed to reduce erosion around the mouth of the creek and enable sand and dune development adjacent to the groyne.

Among the common deficiencies with respect to groynes as noted by Tonkin and Taylor are; *lack of understanding of coastal processes operating at the site and failure to consider lee side erosion effects*.

It follows that the design of the Glen Isla Groyne would benefit from further investigation as any improvement to the benefits it brings may prove the proposed "seawall" unnecessary. Observation of the seaward mouth of the groyne indicates there has been a significant amount of accretion on both sides.

The problem for the 3 properties most at risk here, and to a lesser extent the other beachfront properties, is simply their development has left little room for a healthy dune to function. Consideration should be given to allowing more room for dune development within the frontage of these properties initially, instead of consideration of this proposed seawall.

The loss of the beach replenishment sand following cyclones Halle and Gabrielle may be a result of poor or unfortunate timing, or lack of appropriate method and application as has been evidenced along the northern part of Shaw Road several years ago. Dune care has been shown to have good results if it is followed up adequately and human traffic to the area is avoided.

If the proposed seawall goes ahead there would be significant disruption to the existing dune area where the rock wall is located. The development itself would involve the removal of a large part of the existing dune to place the rocks and this poses an erosion risk in itself. The area would require considerable repair, including planting and dune care.

There appears to be no requirement in the proposal to avoid all pathways and access across the area of the proposed "backstop seawall". I remain extremely sceptical as to whether or not adjacent residents would involve themselves with looking after any planting and dune care following the installation of this rock wall..

Whilst not being a good or a favoured option, it seems however that the proposed location of this "backstop seawall" could be improved significantly. The further back a "backstop wall" is, the more chance it has of being successful. This proposed rock wall could be located further back by incorporating private property all without endangering what is left of the dune system and therefore leaving room for "dune care" and other dune improvements.

Aerial photographs indicate that this is possible without interfering with the existing buildings, the removal of a swimming pool that is located close to the eastern boundary and dune area would probably also be required.

Any loss of private property seems a small sacrifice if these properties are indeed at risk.

A further aspect of this proposed solution, and why it isn't a good option, is that the proposed "seawall" is not in accordance with "desired outcomes" worked out by supporting and opposing groups during the pre-hearing process for the 2006 Seawall Resource Consent Application.

During this pre-hearing discussion stage before the issue of the Resource Consent for the Waihi Beach Seawall in 2006 members of the following local community groups..... Friends of the Beach, the Waihi Beach Protection Society, and the Waihi Beach Ratepayers Association along with the Ward Councillor and the Community Board Chairperson at that time, groups both opposed and in favour of the rock revetment proposal, agreed on a number of "desired outcomes" for the design of any proposed coastal protection works.

It was agreed that any, "solution being considered should be; effective, environmentally acceptable and sustainable, be affordable to, and be supported by our community".

More specifically, outcomes of any solution should also be able to; *offer a measure of protection to the 'at risk' beachfront properties, mitigate the effects of the creek outfalls, and restore the natural amenity values of the beach and dune system*".

A further agreement was that any man made protection works are designed to be permanently concealed.

Looking at this proposal I'm not seeing any of these being genuinely achieved except mitigation of the creek effects.

The proposal amounts to privatisation of a public reserve.

Most of the Appellants buildings have been in this location for some time, they have over time improved, added to and renewed the buildings whilst being aware of the precarious nature of their location.

A visit to the area reveals that the type of buildings is more of the permanent nature, larger than the family bach", these are not your "average joe" buildings, they have obviously been constructed without consideration of the possibility of erosion and relocation. Their Owners now expect to be able to take public reserve land to use to protect their property and consequently improve their perceived property values.

This Application for a Resource Consent could be described as a private property protection scheme with very little or no public benefit that most likely will be at the expense of the beach and the coastal environment.

These properties have ample room to use to construct their own backstop wall. This solution would locate their very own "protection works" further back from the erosion risk without endangering what is left of the dune system. Looking at the proposal it also appears that the residents are not even prepared to have the "seawall" immediately adjacent to their property boundaries.

If they are really concerned about the protection of their properties it would seem a very obvious solution to have a "backstop wall" inside their property boundaries.

The Appellants appear to have little regard for the fragile nature of their environment and to the negative environmental effects resulting from "seawalls", the loss of high tide beach access and end effects that will result.

Conclusion

In conclusion I submit that the District Council reject this Resource Consent Application, it's not in accordance with the Regional or District Council Policies.

This proposal for a "backstop wall" is disingenuous, it is actually a rock revetment seawall.

The environmental situation is exaggerated and doesn't adequately allow for natural erosion and accretion processes.

There are better options than this proposed seawall.

The proposal amounts to a form of annexation of a public reserve for private property protection when there is a private property option available.

I submit that this application for a Resource Consent be declined.

Roger Course
Waihi Beach

February 2025

Submission on application - resource consent or



esplanade strip subject to **Form 13** public or limited notification

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): R Harray _____

Submission on an application

Application from: Glen Isla Protection Society _____

Resource consent

A resource consent for: Waihi Beach Protection structure (RC 14513) _____

I **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I **am** directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and
(b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

- The environment as a habitat for dotterals
- Damaging neighbouring property through vibration
- Restricting access to the beach
- Appearance of the beach if sand is washed away and rocks are exposed
- Goes against council policy on coastal erosion responses 2017

My submission is

include –

(a) whether you support or oppose the application or specific parts of it; (b) whether you are neutral regarding the application or specific parts of it; or (c) the reasons for your views.

Glen Isla Protection Society response

We are opposed to the granting of the proposed Resource consent RC14513.

There are a number of points to consider with the plan to distribute rocks over 200 metres of public land on the beach front by Glen Isla Place:

Natural Rejuvenation

Natural dune systems are a defence against coastal erosion. Council Policy Coastal Erosion Responses Policy 2017

The environmental situation has been exaggerated. The sand at Waihi Beach comes and goes naturally with tidal and weather events. After the two cyclones in 2023 (where sand was washed away and the consideration of the proposed rock wall originated), we have watched intently as the sand accretion is to almost the same level as it was previously. Natural vegetation has rejuvenated to a very high standard, especially in front of number 9.

Also, with the ongoing placement of sand (removed regularly by diggers from 3 Mile Creek) to the area directly in front of the properties, there is no need for a rock wall. **Enhancement of dune systems is to be encouraged - Council Policy Coastal Erosion Responses Policy 2017**

Appearance and maintenance

The proposed wall, like others, will have a finite lifespan. While the proposed rocks will be covered with sand and plantings, there has been no consideration given to what happens when bigger waves, as per Cyclone Gabrielle, wash the sand away and expose the rocks underneath. Who will replace the sand and vegetation if it is washed away? "No visual rocks" is a key point of the proposal, but no provision has been made for ongoing natural depletion of the sand and ongoing maintenance of the site.

While these coastal protection structures may protect the land and assets behind them such works interfere with the natural functioning of coastal and inner harbour processes. Hard coastal defences are not only costly to construct but they have a finite lifespan and require maintenance and eventual upgrading or replacement. With currently rising sea levels the cost associated with the maintenance of defences will certainly increase.

In the past, any rock structures placed on Waihi Beach have been unsuccessful with many rocks and smaller stones subsequently being washed back over the beach and into the surf. This becomes a hazard to beach users. There is no guarantee that this won't happen again. Who will be responsible to clean up any rocks left on the beach?

Historically along Waihi Beach there has been more damage and erosion caused to the land directly behind rock walls as the waves push into and beyond the rock structure and erode the land directly behind it. Reference should be made to existing rock walls north of 3 Mile Creek where this has occurred. There is no guarantee that this won't happen at Glen Isla Place.

Beach accessibility

Consider whether the proposal maintains and enhances public walking access to the inner harbour or open coast, or where that is not practicable provides alternative linking access close to the coastal marine area

Recognise and consider the environmental and social costs of permitting hard protection structures to protect private property, Council Policy Coastal Erosion Responses Policy 2017

At high tide, the public will not be able to walk along the beach directly in front of the rock wall. It appears the 8m deep structure will extend beyond the high tide mark. Will the residents be happy for the public to use the structure as an alternative link to access the beach? Or will they see it as a private extension to their property that no one other than themselves can use for access? Or will they use the dune concept as a reason for the public not to have access?

At high tide, the rock wall at Shaw Road and The Loop prevents access along the beach. Given the wall will extend 8 metres towards the ocean, there is no guarantee this will not happen at Glen Isla and no mention of beach access/high tide marks vs the rock wall in the proposal.

Protected species

Recognise and consider the environmental and social costs of permitting hard protection structures to protect private property,

The environmental cost is high, especially to protected species and other birdlife at the beach.

Over Christmas it was noted dotterels used the beach directly in the vicinity of the proposed wall for feeding and resting on a **daily** basis. In the past they have nested in the area directly in front of number 9 Glen Isla Place, where the dune and vegetation is most abundant. They are an endangered species and the rock wall poses an immediate risk to their natural habitat. The day we left Waihi Beach to return to Auckland there were four dotterels feeding and resting directly in the vicinity of where the rock wall is proposed. We have also seen a pair of dotterells frequently resting with a pair of resident oyster catchers in front of number 9. There is no provision

or consideration for the impact to the birdlife if the rock wall goes ahead. The proposal states there were no dotterels seen in the area on the day they looked. That statement is totally misleading and incorrect.

Damage to neighbouring properties

In the past, work on 3 Mile Creek has resulted in damage to a number of properties through vibration caused by heavy machinery and the dumping of rocks. We know of two properties that received substantial insurance payouts for damage to ceilings and internal walls. Will WBOP district council cover the cost of any damage to neighbouring properties if consent is granted? If not, who covers the damage? Insurance companies will no longer oblige as the concern of potential damage has already been raised. Insurance will not cover damage to properties when it is known that work could potentially cause building damage. While the proposal is to try and 'reduce the chance of any damage', no guarantees are in place. A guarantee to cover the cost of repairing any damage to neighbouring properties is needed, if not by council then by the residents who want the wall.

Council policy

The Council's own policy on beach erosion is clear - that rocks are not considered a good option. There is no **inherent threat to life and/or property or existing nationally or regionally important infrastructure** - **(Council Policy Coastal Erosion Responses Policy 2017)** in terms of any of the residents or their beachfront property.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

The application for the structure should be declined for the reasons listed. The sand from clearing the stream on a regular basis could be used to replace sand taken by wave action and then vegetation encouraged to help consolidate the sand. This would then be within Council Policy for erosion responses

I do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.

(*Delete if you would not consider presenting a joint case).

I do not request, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person



Date: 19 February, 2025

Electronic address for service of [REDACTED]

Phone [REDACTED]

Postal address or alternative [REDACTED]

(section 352, Resource Management Act 1991)

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application – resource consent or esplanade strip subject to public or limited notification



Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): Barry & Lorraine Gallagher

Submission on an application

Application from: Glen Isla Protection Society Incorporated

Resource consent

A resource consent for: The construction of a coastal protection structure (RC14513)

I **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

Submission relates to

Please add additional pages if required.

We are the owners of the property situated at 4 Glen Isla Place, Waihi Beach. Our submission relates to :

- Site Location and Context - Section 3.1
- Structure Design and Dune Restoration -Section 4.1
- Coastal Processes -Section 6.2
- Transport Impacts -Section 6.5
- Noise and Vibration - Section 6.7

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

We oppose the application with reasons being :

Section 3.1 -Site Location and context

The proposal is for the structure to be located on the Glen Isla Reserve at 95 Seaforth Road Waihi Beach. Apparently the primary reason for the structure is to protect the properties of the applicants who have chosen to purchase beachfront properties knowing the risks involved in doing so. In some cases, these properties have had additions completed since purchase. There is no good reason for the structure to be on Council Reserve. If the structure is to be given consent, **it should be located within the boundaries of the applicant's properties and not on the Reserve land as proposed.**

Section 4.1 – Structure Design and Dune Restoration

- The design at the southern end of the proposed structure includes a return of approximately 20 metres landward. Over time there is potential for this return to contribute to flooding of the DOC reserve at the Southern side of Glen Isla Place, thus putting the properties at number 2,4,6,8 & 10 Glen Isla Place also at risk of flooding. This will have an affect on our ability to obtain insurance in the future; and also a detrimental impact on premiums if cover remains available. Equally, the same applies to the northern end of the proposed structure; adverse weather conditions will force flood waters around the end of the proposed structure and and back up 3 Mile Creek potentially flooding properties at number 1,3,5 & 7 Glen Isla Place. **If Consent is to be granted, then it needs to include a requirement for the applicants or the council(s) to put into place further flood protection around the drainage swale that runs through the DOC reserve backing onto Glen Isla Place, and also to the Southern side of 3 Mile Creek. This would need to be done without impeding the current beach access on either side of 3 Mile Creek in any way.**
- While the proposed structure, as set out in the Resource Consent Application is expected to be remain mostly buried, we are concerned that there is no intention by the applicant (or the Council) to ensure that the structure is recovered with sand in the event it is exposed by an adverse weather event. At this point, the Resource Consent Application is solely reliant on the structure being recovered by nature. **If consent is to be granted, then there must be a requirement for the applicants or the Western Bay of Plenty District Council or the Bay Of Plenty Regional Council, to re-cover the structure with sand within a reasonable period of time ~ we believe within 3 months would not be unreasonable and would provide a window of opportunity for this to occur naturally.**

Section 6.2 – Coastal Processes

Please note our comments in the second bullet point under Section 4.1 above.

Section 6.5 – Transport Impacts

No serious consideration appears to have been given to alternative access points for the delivery of both construction materials and construction machinery. The proposed access point via the Three Mile Creek Reserve is in close proximity to several Glen Isla Place properties who are not party to Resource Consent Application. It was the use of this access point by heavy machinery in 2010/2011 that resulted in several properties suffering vibration damage, some of a serious nature. Council will be well aware of this.

As well as moving the required machinery onto the beach, the plan is for 5 to 6 loads of rock to be delivered daily during the construction phase; this is a significant increase in traffic both on Seaforth Road and through the Reserve.

The cleanup following the “Rena disaster” in 2011 utilised the beach access off the end of Broadway without any known issues. **If consent is to be granted, the beach access point for both heavy machinery and construction materials must not be via the Three Mile Creek Reserve. An option is via the beach access at the end of Broadway.**

Section 6.7 – Noise and Vibration.

Having recently completed an expensive major renovation to our property, we are extremely concerned at the possibility of our property suffering vibration damage as a result of the proposed works. We acknowledge that a vibration test has been completed and make the following observations about that:

- The applicants made no attempt to advise us that the test was taking place, thus removing our ability to be on site to observe proceedings or have our own independent consultant present. This suggests a level of deceit from the applicants.
- A 15 minute “test” does not in our view, provide a realistic representation of the likely impact of the construction program.
- The Resource Consent Application references expected noise and vibration levels complying with a German standard; they may comply with a “foreign standard” but that does not guarantee that neighbouring properties will not suffer vibration damage.

As is widely known, Residential property insurance does not provide cover for vibration damage. Whilst the applicants are of the view that no vibration damage is likely, they are unprepared to provide a formal guarantee to that affect. **If consent is to be granted, a condition should be the provision of a bond by the applicants, to be held by an INDEPENDENT solicitor. In relation to our property only, we would expect this Bond to be for a minimum of \$150,000,**

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

We oppose the Resource Consent Application in its current form. For our agreement to be forthcoming, the following amendments or conditions would need to be imposed:

- The structure must be located within the boundaries of the applicant's properties, and not on the Reserve land as proposed.
- The applicants and/or the Western Bay of Plenty District Council and/or the Bay of Plenty Regional Council, must be required to install additional flood protection measures within the DOC reserve that backs onto the South side of Glen Isla Place, thus protecting the properties at 2,4,6,8,& 10 from flooding resulting from the planned 20 metre landward return that runs back past number 12 Glen Isla Place.
- The applicants and/or the Western Bay of Plenty District Council and/or the Bay of Plenty Regional Council, must be required to install additional flood protection measures on either side of 3 Mile Creek, without impeding beach access on either side
- A requirement for either the applicants, the Western Bay of Plenty District Council, or the Bay of Plenty Regional Council, to re-cover the structure with sand within a reasonable period of time in the event that it becomes exposed for any reason. We believe within 3 months would not be unreasonable and would provide a window of opportunity for this to occur naturally. If the structure is to be on the applicants properties rather than the Council Reserve as currently proposed, this requirement would be waived.
- Access to the Beach for both heavy machinery and construction materials is not to be via the Three Mile Creek Reserve; an option is via the beach access point at the south end of Broadway.
- The provision of a bond by the applicants, to be held by an INDEPENDENT solicitor. **In relation to our property only, we would expect this Bond to be for a minimum of \$150,000,**

We do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

We request/do not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. **(SEE BELOW)**

In relation to the above paragraph, we understand that the Council has already appointed 3 Commissioners to hear and decide the application; we are comfortable with this.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

Date:

19 February 2025

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)

Note to submitter

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You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application – resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

WILLIAM NORMAN ROCKHAM

Submission on an application

Application from:

GLEN ISLA PROTECTION SOCIETY (INC)
TO CONSTRUCT A COASTAL PROTECTION STRUCTURE
ON THE BEACHFRONT AT GLEN ISLA PLACE,
WAKAMAKA BEACH.

Resource consent

A resource consent for:

OPPOSITION TO AN APPLICATION TO
CONSTRUCT A COASTAL PROTECTION
STRUCTURE:
RESOURCE CONSENT APPLICATION RC14513(L)

I ~~am~~ am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I ~~am~~am not directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

~~(b) does not relate to trade competition or the effects of trade competition.~~

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

RC14513(L)

MY SUBMISSION IS SUMMARISED IN THE
ATTACHED ANNEX.

RECEIVED

20 FEB 2025

WESTERN BOP
DISTRICT COUNCIL

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I AM IN OPPOSITION TO THE APPLICATION.
MY REASONS FOR OPPOSING ARE SUMMARISED IN
THE ATTACHED LETTER (ANNEX)

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I SEEK THAT THE APPLICATION IS DECLINED
AND HAVE SUMMARISED MY REASONS IN THE
ATTACHED ANNEX.

~~I wish~~/do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

~~I request~~/do not request, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

Date:

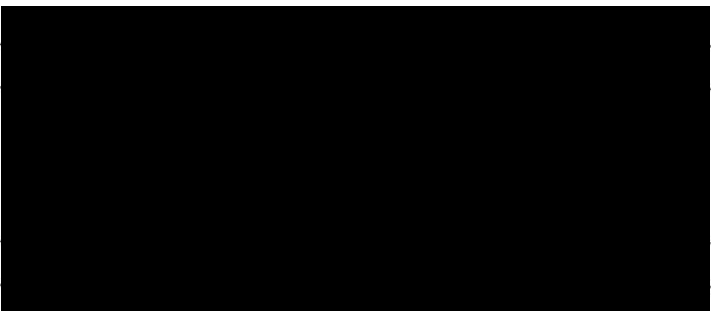
Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)


20 FEBRUARY 2015



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- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

William Rackham
1 Glen Isla Place
Waihi Beach 3611

20 February 2025

To whom it may concern,

**OPPOSITION TO AN APPLICATION BY GLEN ISLA PROTECTION SOCIETY INCORPORATED.
TO CONSTRUCT A BEACHFRONT COASTAL PROTECTION STRUCTURE, AND ASSOCIATED ACTIVITIES
AT GLEN ISLA PLACE WAIHI BEACH. RESOURCE CONSENT APPLICATION RC14513(L)**

This letter is an Annex to FORM 13, that summarises my opposition to the Resource Consent Application: Ref; RC14513(L)

As a resident of Glen Isla Place, Waihi Beach. I am directly affected by this Resource Consent Application because I believe the proposed 200 metre long rock riprap wall will adversely affect my property. The surrounding environment and fragile birdlife ecology of the beachfront coastline will also be devastated, or significantly impacted if this project proceeds with the proposed associated construction activities.

I am the owner and permanent resident of 1 Glen Isla Place Waihi Beach. My property is situated on the corner of Glen Isla Place and Seaforth Rd, adjacent to 3 Mile Creek and approximately 100 metres from the entrance of 3 mile creek. I have owned my property since 2013, almost 12 years.

My submission is based on information provided to me by a representative of the Glen Isla Protection Society Incorporated. I have carefully considered their proposal alongside my own observations of the beachfront at Glen Isla Place and 3 mile creek over many years since my childhood, and for the past 12 years as a property owner and resident of Glen Isla Place.

1. I respectfully seek that this application is declined for the following reasons:

- a) The proposal to construct a 200 metre rock wall on the beachfront at the south side of 3 Mile creek presents a high potential to adversely impact my property and other properties at Glen Isla Place. The beach and sand dunes that currently exist near Glen Isla Place and adjoining beach reserves in the vicinity of 3 Mile Creek would be destroyed and suffer from numerous environmental and ecological impacts.
- b) I strongly believe there is a probability that the proposed design and position of the riprap wall comes with a high risk of deflecting seawater towards 3 Mile Creek. This will create a surge effect into 3 mile creek during some tidal conditions that will present a serious flooding threat to my property and other Glen Isla Place properties situated along the sides of 3 mile creek. There is also potential for damage to the surrounding reserves near Glen Isla Place including both sides of 3 Mile creek. The bridge, and at least two properties on the western side of Seaforth Rd may also be damaged from sea water being deflected northwards along the proposed wall towards 3 Mile Creek.
- c) The construction and associated construction activities will devastate a bird habitat on the Glen Isla Place Beachfront that has ecological importance and requires preserving. I have observed Dotterels nesting and feeding there many times since purchasing my property.

- d) The current condition of the sand dunes in front of the beachfront houses at Glen Isla Place is very good. There is no convincing evidence to me to suggest an urgent need to construct a rock wall on the beach to protect the 7 beachfront properties.
- e) There is currently no sign of erosion past the point of the remnants of the old seawall in front of 16 Glen Isla Place that have existed for almost 40 years, since the 1970's and 80's. I have noticed that following Cyclone Gabrielle, significant regrowth of the sand dunes and vegetation has occurred to a large extent naturally along the beachfront of Glen Isla Place.
- f) I spend time on the beach daily, and I swim in front of Glen Isla Place throughout the year. I am concerned that the construction of a rock wall along the beachfront, and the associated construction activities will block reasonable access along a section of the beach at high tide in a similar way that has occurred in front of Shaw Rd and The Loop. The anticipated 6 month construction period and associated activities is unacceptable because it will obstruct reasonable public access to the beach and other recreational activities on the beach.

2. I believe the following matters of concern must be considered by Western Bay of Plenty District Council, and the applicant(s). I respectfully request an explanation and reassurance in response to all of my concerns:

- a) If the owners of 7 beachfront properties insist that a wall is necessary to protect their properties, a wall of similar design or sand filled bags could be constructed within the boundaries of their own properties on the proviso that access to the construction area is solely via their properties. This would reduce my concerns regarding the risk of flooding and damage to my property, the beach environment, ecology (bird life), and the existing dunes.
- b) Assuming the above, 2(a) would be acceptable to the applicant. All construction, compliance, monitoring and ongoing maintenance must be completed from within the beachfront properties and at the owner(s) costs.
- c) Sand dredged from 3 Mile creek under the 3 Mile creek Maintenance plan should be re-used to push up and protect the existing dunes in front of the beachfront properties to provide a more natural environment. Council Contractors have occasionally done this in the past, but mostly, the sand is simply dumped on the beach and left to wash back into the creek on the following high tide. I have observed this happening many times over the past 12 years.
- d) Introduce a revegetation plan in conjunction with Coast Care to push up, rebuild, enhance, maintain, and manage the existing sand dunes and bird habitat at both sides of 3 Mile Creek.
- e) There is no satisfactory consideration, mention, or mitigation within the supporting documents of this application to address any potential adverse impacts to the neighbouring properties, or damage to the beach and reserves surrounding Glen Isla Place that will surely suffer from flooding if water is deflected towards 3 Mile Creek, and the Island View Reserves during extreme weather and tidal events. **That said, I have noticed the design documents appear to show a groin at the southern end of the proposed wall that is probably incorporated into the design to protect the property at 12 Glen Isla Place.**
- f) Suggestions to integrate sand filled bags within the boundaries of the beachfront properties instead of building a rock wall on the beach have apparently been ignored or rejected by the beachfront property owners behind this proposal. This is a far more sustainable option and should be considered a more viable alternative than building a rock wall on the beachfront.

- g) There is no physical indication of where the beachfront property boundaries, or proposed construction zone(s) currently exist. They must be clearly identified, and marked to identify exactly where the proposed structure and construction zone is intended to be situated.
- h) The proposal for the construction of a 200 metre long rock wall suggests it is intended to protect the sand dunes at Glen Isla Place. However, the proposal seems to lack transparency to me, it only serves the narrow perceptions of a few beach front property owners who have formed a society to protect their properties without adequately consulting or considering how their proposed rock wall will impact on other people's lives, properties, and the nearby environment. The supporting documents of this proposal lack the credibility to satisfactorily address my concerns. The focus appears to be on building a rock wall as the only solution to ultimately protect their beachfront properties under the camouflage of a dune protection scheme.
- i) **I question the legitimacy of the Davis Coastal Consultants Engineering report that the applicant has founded their application on. Unfortunately, it seems to lack impartiality. I believe the engineering report must be thoroughly reviewed independently, with the terms and objectives to be agreed on by all parties involved to reach the most satisfactory outcome.**
- j) I have included numerous photographs in support of my submission with a brief description.

Yours sincerely



William Rackham
Ph 021352529



Photo 1: 23 January 2025, shows the current condition of the beachfront at Glen Isla Place.



Photo 2: 23 January 2025, view from above 3 Mile Creek shows the current condition of beachfront sand dunes.



Photo 3: 23 January 2025, a view from the south end of Glen Isla Place shows the current condition of beachfront sand dunes.



Photo 4: View of sand dunes from the beach access track adjacent to 9 Glen Isla Place 23 January 2025.

Photos 5,6,7 and 8 show the Dotterel habitat that exists on the beachfront south side of 3 mile creek. 23 January 2025.



Photo 5: Dotterel habitat 23 January 2025.



Photo 6: Dotterel habitat January 2025.



Photo 7: Dotterel habitat January 2025.



Photo 8: Dotterels feeding at 3 Mile creek entrance January 2025.

The following 5 photos were taken on 23 January 2025 to show the current condition of the dunes, the regrowth of dunes and some remains of the sea wall in front of 16 Glen Isla Place. The remains of the sea wall are estimated to be between 35 and 40 years old.



Photo 9: Shows remains of old seawall in front of 16 Glen Isla Place. 23 January 2025.



Photo 10: Shows remains of old seawall in front of 16 Glen Isla Place, 23 January 2025.



Photo 11: Shows Remains of old seawall in front of 16 Glen Isla Place 23 January 2025.



Photo 12: Shows Remains of old seawall in front of 16 Glen Isla Place 23 January 2025.



Photo 13: Remains of Old Sea wall at 16 Glen Isla Place, 23 January 2025.

Submission on application - resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

KIM BULDER

Submission on an application

Application from:

GLEN ISLA PROTECTION SOCIETY
INCORPORATED

Resource consent

A resource consent for:

TO CONSTRUCT A BEACHFRONT
COASTAL PROTECTION STRUCTURE
+ ASSOCIATED ACTIVITIES AT
GLEN ISLA PLACE WAHI BEACH
RESOURCE CONSENT APPLICATION RC14513
(L)

~~I am~~ / **am not** a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I **am** / ~~am not~~ directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) ~~does not relate to trade competition or the effects of trade competition.~~

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

RC14513 (L)

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I oppose the application.

I believe As a permanent resident, beachgoer and 8+ year observer of Wahi Beach, Construction of a structure in the dunes will disrupt the coastal environment and impact the fragile birdlife ecology in this area.

The dunes in this area are already healthy and have regenerated naturally. Old walls are still visible indicating no negative dune movement for decades; old walls ^{parts} also show how unsightly and potentially hazardous they can be.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I request that the application be denied.

It is not in benefit of the coastal environment and appears to be serving a small number of private properties. Any desire to protect these properties should be undertaken on their private land and accessed only via their properties.

~~I wish~~/do not wish to be heard in support of my submission.

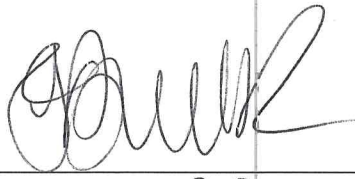
*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/do not request, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically



Date:

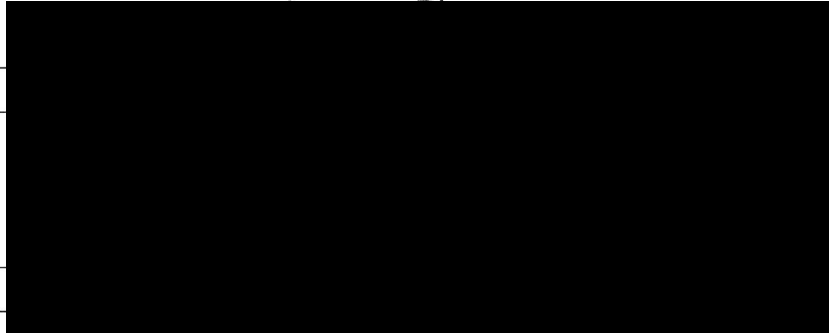
22 FEBRUARY 2025

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)



Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

**Submission on application -
resource consent or
esplanade strip subject to
public or limited notification**

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991



Western
Bay of Plenty
District Council

RECEIVED

25 FEB 2025

WESTERN BOP
DISTRICT COUNCIL

Name of submitter

Name(s):

Lorne Thomas FELL

Submission on an application

Application from:

Glen Isla Place Protection
Society Inc.

Resource consent

A resource consent for:

Coastal Erosion Protection
Structure on the Glen Isla
Reserve at 95 Seaforth
Road Waihi Beach -
REF: RC14513(L)

I ~~am not~~ a trade competitor for the purposes of section 308B of the Resource Management Act 1991.
am not

Submission relates to

Please add additional pages if required.

my complete opposition to the granting
of a Resource Consent Application
presented/applied for by the Glen Isla
Place Protection Society Inc.

My submission is

include -

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

see attached full Submission document
with supporting evidence including
multiple photographic evidence

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

The application be declined
Applicants be advised to re-submit for construction on their own properties

I ~~wish~~ / do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing. (*Delete if you would not consider presenting a joint case).

I request/~~do not request~~, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

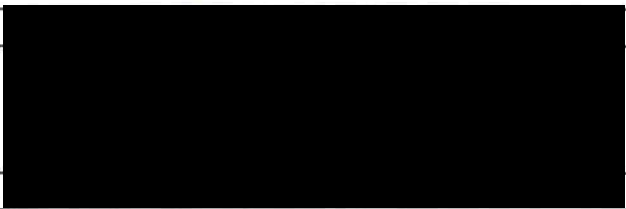
Date:

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)


17/02/2025


Submission of Lorne Thomas Fell re Application for Resource Consent by Glen Isla Place Protection Society (GIPS) to construct rock wall seaward off Glen Isla Place Waihi Beach.

1. This application by Glen Isla Place Protection Society to construct a rock revetment wall seaward of Glen Isla Place Waihi Beach is similar in many respects – that is construction access site and actual construction of the wall – to the Western Bay of Plenty District Council rock wall off Shaw Road Waihi Beach in 2010.
2. The Western Bay of Plenty District Council Shaw Road rockwall access was situated on the Northern side of 3 Mile Creek which is very close to my Northern Boundary and the heavy machinery used in that rock wall caused serious vibration which damaged not just my home but several other nearby homes in Glen Isla Place.
3. That is because the ground structure is practically all sand with a thin layer of clay and topsoil. The water table at my property is 1.6 meters and across the road at No.4 Glen Isla Place the water table is 1.2 meters.
4. Despite my home receiving serious damage caused by vibration from the heavy Council machinery on the Council access the Western Bay of Plenty District Council denied that they were the cause of the vibration which damaged my home and others nearby. The access for Council and resulting damage was only stopped following a Noise Abatement Notice being served on Council by Council staff but by that time serious damage had already been caused to my home and others nearby through vibration by heavy machinery.
5. My Insurance company advised that I was not covered for Vibration and declined my claim which I appealed – the Insurance company received a 5 page legal document which caused them to cover all my damage which was \$76,525.55 **Western Bay of Plenty District Council paid my Insurance company \$30,751 for the damage to my home.** I understand my neighbors house at 9 Glen Isla Place cost \$58,000 to repair. I had no part in payments discussion between Council and Insurance Company as Council had forced a “Confidentiality Agreement” on my Insurance company who at that time was SIS Insurance.

EXHIBIT No.1

6. This new application by GIPS - subject of this Submission - is following a similar course of construction/access as Western Bay of Plenty District Council in using that access beside 3 Mile Creek with the use of heavy machinery and material (rocks) for their rock wall.
7. GIPS has advised through their lawyer in email dated 29/11/2024 “GIPS sole work is to co-ordinate an effort between neighboring property owners” . I advised in return email dated 30/11/2024” This statement by GIPS is a joke/untrue and a lie. GIPS has not co-ordinated/have not had a robust consultation as required by Council and have not made any effort to obtain any written consent from neighbors” . In my personal view this is a continuation of lies by GIPS and is not in accord with the Incorporated Societies Act of 2022..



8. The applicants Solicitor has advised that he and GIPS will not provide a Guarantee that no damage to other properties will be caused by the intended construction. I produce a letter from my Lawyers REJTHAR STUART dated 31 July 2024 to Glen Isla Place protection Society Barrister Mr Morgan SLYFIELD required a "guarantee of no damage". Mr SLYFIELD's response on 8 August 2024 stated "The various guarantees sought in your letter are therefore unnecessary". **So any guarantee of no damage as a result of the applied for Resource Consent was refused by GIPS .**

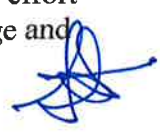
Exhibit No 2 &.3

9. If GIPS and their Barrister are so certain there will be no damage then why won't they provide a required GUARANTEE.??? The answer is simple – they don't want to give a guarantee as they know full well that damage will more than likely be caused and this would be clear evidence of liability.
10. GIPS and their Solicitor have claimed that any damage will be covered by 3rd party Insurance but to date have not advised who that 3rd party Insurance Company is and neither have that 3rd party Insurance company advised that they will cover resulting damage or even advised the name of their company.
11. My Insurance company has forwarded me a statement dated April 25, 2024 which clearly states "Vibration from or to land or buildings" This policy does not cover loss, cost or liability, directly or indirectly caused by, arising from, or involving vibration from or to either the land or buildings. On 1 November 2024 I received confirmation via phone call from AA Insurance that the current vibration damage as a result of the Vibration Test is not covered in my Insurance Policy so that means – as GIPS has denied being the cause -that I have to pay for any and all repairs myself ,

Exhibit No.4

12. This of course will leave myself and other home owners having to pay for any resulting damage ourselves and this has been clearly obvious from GIPS Vibration Test of 9 July 2024 which resulted in 11 wall cracks in my bottom lounge and 3 cracks in my bedroom above that lounge – all closest rooms to where the vibration test was carried out and GIPS simply denied they were the cause of that damage leaving me to pay for repairs myself. .

Exhibit No.5

13. Cost of plaster repairs and re-paint as a result of GIPS vibration test of 9 July 2024 for my bottom lounge and upstairs bedroom from BOUZAID plasterers Waihi is \$2,800. Two plasterers have stated damage was caused by "vibration". GIPS cannot deny as they have made no effort to have damage inspected and clearly will continue to deny despite the very clear damage and specialist plasterers report.
- 

14. New Zealand Law Firm “Aspiring Law” states and I quote “First off , as a landowner you have the right of support for the land in its natural state. In plain English that means **no one adjacent or subjacent to you should do anything to their land that affects the stability of yours.**

EXHIBIT No.6

15. I have received what I took as a threat from a member of GIPS (Mr Alan Mckenzie FRASER) in July 2023 when he stated that if I apply for a High Court Injunction to stop damage to my home “ The neighbors won't like you”. That actually came true when Committee member of GIPS (Mrs Melanie O'SULLIVAN) caused an intended confrontation by her outside my home including throwing rubbish onto my property and making loud slanderous statements– all caught on my video/sound security system. She then made a totally false and lying Police complaint of “Threatening:” against my neighbor and I. I have a copy of the incident on camera and also copy of her false Police complaint after I applied under the Official Information Act.

. It is an extremely serious matter when such a false and lying complaint is made to NZ Police by a Committee member of GIPS which could result in an innocent person being charged with a crime punishable by a term of imprisonment.

16. I retain full video sound Security camera recording of the incident.
17. Making a false Police complaint against Mr Gallagher and I as GIPS Committee member did is an offence under Section 24(a) 1981 Summary Offences Act and punishable by a term of imprisonment. GIPS Committee member Mrs O'SULLIVAN committed this offence.
18. Under Section 24(1) of the Incorporated Societies Act 2022 an officer of an Incorporated Society must “act in good faith in what the officer believes to be the best interests of the Society”.
19. On top of that I have been lied to – several times - my house has been damaged by GIPS vibration test / I have had a threat made to me – which ultimately came true from a GIPS member and then a GIPS Committee member made the false and lying criminal complaint against my neighbor and I - as a result I have had to upgrade my security system to protect my home and myself from any further GIPS members false allegations .



20. Prior to the vibration test by GIPS of 9 July 2024 I had spoken with members of GIPS who are all well aware of my fear that my home will be once again damaged and they were well aware that I should be kept informed yet I received no notification of the Vibration test until I received a Text the night before – this gave my neighbors and I no chance to have an independent vibration company monitor and report independently on the results. This was clearly done intentionally - despite a denial - so we could not have an independent company report on the results. In my view this was totally deceitful by GIPS.
21. Not one member of GIPS – including their Barrister despite being invited by me – have visited my home to see the damage for themselves even though I have invited members of GIPS to visit and see for themselves – YET they claim they are not responsible when they haven't even seen the damage for themselves and or/had anyone else see and advise on the damage for them. .
22. I produce 8 aerial photographs showing the position my home is in to 3 Mile Creek and the access that the applicants intend to use for their heavy machinery. Mr Allan FRASER who is the principal named applicant was present at the vibration test yet he made ZERO move to inform me of the date/time of that test when he knew of my very deep concern that vibration would once again damage my home and knows where I reside full time. See attached photo of the machinery at the Vibration test site with the digger North of the access track.

EXHIBIT No.7 & 7(a)

23. I produce evidence from Consulting Civil and Structural Engineers – Bert Kroon and Associates – dated 20 October 2010 – in the form of a letter to SIS Insurance Ltd (my Insurance company at that time) relating to the damage caused to my home by Vibration caused by Western Bay of Plenty District Council during the Shaw Road rock wall construction in 2010 where the Council had their operating access-way for that construction in the same area as GIPS intends to operate from and through. That report concludes as follows:

“Conclusion..In my opinion, the damage is a consequence of the operating machinery's continuing movement causing a seismic type shaking of the ground surface which is then transmitted through the sand strata resulting in the shaking of Mr Fell's house. It appears that Mr Fells' house has been subjected to shaking more so than other nearby houses in Glen Isla Place located further from the machinery where significantly less cracking is evident suggesting dynamic attenuation of the shaking and consequent diminishing structural response”.

EXHIBIT No.8.

This is exactly why I am opposing this application – **the damage will be caused by heavy machinery and NOT the dropping off of rocks –this is what occurred and caused damage in 2010.** It is a lie for anyone to claim that it is the dropping off of rocks which causes such damage and the evidence is clearly written in the above quoted Consulting Civil and Structural Engineers report This has never been disputed or denied and the reason for that is its true.

So clearly heavy traffic – that is trucks carrying rocks/plus other heavy machinery operating adjacent to my home will cause similar damage to that of in 2010 Shaw Road Rock Retention wall through Vibration..



24. If Resource Consent is granted with this current application and with NO guarantees of No damage to nearby homes there is every chance that such damage will occur to nearby homes and this damage will not be covered by Insurance and I have no doubt will be denied by GIPS just as they did with their vibration test - leaving home owners to pay for GIPS damage ourselves.
25. In 2011 when the ship "RENA" struck Astrolabe reef and sunk Western Bay of Plenty District Council again bought heavy machinery to the same access way area as in the 2010 damage and I advised the Council CEO – Mr Glen SNELGROVE – that I would seek a High Court Injunction to stop my home from being damaged so Council shifted their operations to Broadway for their access – they knew at that time my home would be damaged again and now GIPS are following the same path knowing that damage may well occur to nearby homes when there is an alternative area of access for them which would prevent any damage yet they are determined to proceed in a manner which may well cause damage– I believe this attitude may well be caused by financial costs but if so that is GIPS problem and responsibility.
26. In the event that my house is damaged in any way I will immediately seek an Abatement Notice to cease construction and follow up with an application for a High Court Injunction to stop further damage. I have informed GIPS Barrister of this and suggested GIPS finds a method that does not damage nearby homes before they start construction – he has acknowledged receipt of that information with no comment.
27. If my home is damaged I have every intention to lay criminal damage charges under the 1961 Crimes Act Section 269 (1) and (2) (a) or under Section 11 (1) (a) (2) 1981 Summary Offences Act against all persons who are responsible for such damage. I am fully conversant with Criminal Law and will apply it if I my home/property is damaged. GIPS have been fully informed through their Barrister.

EXHIBIT No. 9(a) & (b)

If Western Bay of Plenty District Council in their Submission support the application by GIPS they would do so knowingly and recklessly having full knowledge of the Council payment for Vibration damage in 2010 they caused to not just my home but others nearby and would be complicit both civilly and criminally with the applicant/s in the event damage is caused to nearby properties by such a rock wall construction. Council has been advised that criminal charges may be laid in the event of my home being damaged and further that civil Court action may also eventuate. The evidence is very clear of previous damage and the probability of new damage.



28. There are 2 other access ways available to transport equipment and rocks to the intended site and that is Mako Avenue and the Southern end of Broadway where Council operated from when the Rena sunk in 2011 but GIPS is fixated on operating from an area near/close to my home which will cause damage. In Winter months 3 Mile Creek is impossible – at times - to cross with high outlet water flows to sea whereas Mako Avenue and Broadway do not cause such disruption.

29. Under Property Law in New Zealand I have the right to natural support from neighbors land meaning they cannot excavate their land in a way that causes subsidence to my property and Further if GIPS builds a structure that could reasonably be expected to damage my property they can be “considered negligent”. Refer Property Law Act 2007.

30. The Consent application by GIPS quotes on Page 35 “Regarding vibration effects, Section 4C.1,18.4.(t) – Noise and vibration, of the District Plan contains the Explanatory Statement identifies: “Vibration from activities has not been an issue in the District”. This is completely false as I have detailed evidence that it was VIBRATION/SHAKING which caused severe damage to my home and other nearby homes in the Shaw Road rock wall construction of 2010 and the fact that Western Bay of Plenty District Council paid out \$30,751 for vibration damage to my home in 2010 which received damage in excess of \$76,525.55.. .

EXHIBIT No. 10

31. If there are “no vibration issues” as quoted above in this Resource Consent Application why then did Western Bay of Plenty District Council in 2010 pay my Insurance company \$30,751 for damage to my home caused by vibration.?? and why did my Insurance company pay out a total \$76,525.55 (including Council payment) for vibration damage to my home plus I am advised Council paid a further approximately \$58,000 for damage to my neighbors home and varying amounts to other home owners during 2010 Shaw Road rock wall construction.? The answer is obvious and clear to anyone. - Vibration.!

32. GIPS quoting that false statement in the District Plan on Page 35 4C.1.18.4(t) is in my personal view intentional and they quoted it knowing that it was a false reference/ just to improve their application chances and I believe that was a known lie by the applicants and was deceitful in their Application. In a Court of law when its proven that a document submitted has false claim/statement then that document is not accepted by the NZ Courts.



33. It is a serious matter when applicants knowingly make such false and misleading claim and this affects the credibility of this Application. Evidence of the Council for the Vibration damage 2010 is recorded in Council records and Insurance records at that time where they paid out for the damage caused by Vibration .
34. Marshall Day Acoustics for the applicants GIPS replied to questions prepared by Styles group who forwarded the questions relating to this application and Marshall Day Acoustics replied on date 6 December 2024 claiming that the predicated noise level at 7 Glen Isla Place will be 61db with a vibration test record of 0.55 mm/sPPV and a question on Page 4 states "These levels seem high compared to "vibration levels of around 0.2-0.4mm/sPPV at 7 Glen isla Place, where the machine was tracking 32-33m away and with 3 Mile Creek in between. They state"*These levels seem high compared to vibration levels in more dense/cohesive soil conditions.*'
35. *Prior to that on Page 4 Marshal Day Acoustics states "We agree that there could be considerable variation during the works.*
36. *The word "considerable" is very important – in other words they simply do not know what the vibration levels will be and thats totally unacceptable.*
37. ***This is a clear admission by Marshall Day (the applicants) that the claimed vibration levels may well vary considerably – that is what Marshall Day own report states on Page 4 so from that they do not know what levels of Vibration may eventuate from the works and admit to "considerable variation.."***
38. *Also on Page 4 in answer to Question 7 its admitted "Water content has an appreciable effect on Vibration propagation in sandy soils."*
39. *The water table level at 7 Glen Isla Place is 1.6metres and at 4 Glen Isla Place its 1.2 metres – that is shallow which will show that when the vibration from the machinery hits the water table it will have an immediate flow on effect to nearby properties and that is how and where the vibration damage may occur.*
40. *I submit this is an admission by Marshall Day Acoustics as to how water has an appreciable effect on propagation in sandy soils – in other words the vibration effect will be more severe in the proposed ground area than in the average soils and the soil here is not an average soil -its completely sandy so the vibration effect will be more intense.*
41. *On Page 4 its further stated "Vibration waves that travel downwards can also reflect off a saturated water table bringing some vibration energy back to the surface". Remember this construction will be in Winter months at most likely the wettest time of the year. So thats an admission that energy will return back to the surface further bringing more vibration energy.*

EXHIBIT No.16

42. *..And that is where and how the damage to nearby homes will occur.*



43. GIPS were advised/informed by Western Bay of Plenty District Council that they should consult and consult “robustly” with their neighbors – which includes me -and all they have done is send out a flier (I got one delivered to my letterbox and that was it!)/sent out vibration test results as a result to some properties letter boxes and have their Lawyer answer questions from one of my neighbors and I and now this has all halted.. This is not consulting and in my view this and the Vibration test fiasco shows complete arrogance by GIPS members. .

44. I note that the applicants intend to construct the rock wall 5-6 meters seaward (public land) of their boundaries and submit that my personal view is that this is just a straight out land grab to enhance the value of their own properties at the expense of the public. If they are so intent on constructing such a wall it should not be on public land so as to improve the value of their own properties but built on their own properties and constructed within their own properties.

45. I produce 8 aerial photographs taken 22 July 2024 to this hearing showing that there is an extremely large sand build up in front of the applicants properties and this is mixed with natural growth which is holding the sand front together – now the applicants are applying to destroy that natural build up and growth with their intended rock wall and that may cause long term natural damage. I produce photographs as proof.

EXHIBIT No.16

46. I produce 3 land photographs I took 23 July 2024 at 1435hrs showing large NATURAL sand build up in front of the applicants properties and this will be destroyed by a rock wall construction.

EXHIBIT No.11(a,b & c)

47. As is evidenced by the aerial photographs the main property to be gained by any such rock wall is owned by Mr Allan McKenzie FRASER who as I understand is the initial and main applicant. He has built his building closer to the seafront than other residents and that was his choice – now he wants to make a construction on Public land for his own benefit while placing other properties in danger of damage.

48. I produce a paper headed “Social,cultural,environmental and economic impacts from Harbour and coastal erosion”. It states on Page 1; The following information identifies some of the likely impacts of coastal and harbor erosion on the Western Bay of Plenty District. Information is drawn from Wellington City Council's “Sea level Rise Options Analysis as well as Western Bay and Bay of Plenty Regional Council”.

EXHIBIT No.12

49. On Page 2 of the above it states “Approaches” - Taking a 'hard defences approach could result in immediate adverse environmental effects such as loss of scenic quality, loss of access, loss of resilience to storm attack and reduction of sediment supply to the coast. Medium term effects could include beach narrowing, loss of sediment, loss of amenity, and loss of natural habitat.



50. I have suggested - in July 2023 - to Mr FRASER of GIPS that a better option to save damage to nearby properties would be to use sandbagging the same as at 3 Mile Creek entrance and his response was "I am not having sand bags I am having a rock wall".

51. A Statement made by Mr Allan FRASER on behalf of the Glen Isla Place protection Society Inc. in the Coastal Protection Project – Marshall Day Acoustics report Noise and Vibration Trial Summary 12 July 2024 he states "ensures there will be no physical effects on properties in the vicinity".

EXHIBIT No.13

52. On 29 October 2024 GIPS Barrister emailed my Lawyer stating "If Mr Fell has any questions or would like to discuss any aspect of the project, please let me know". As a result I replied through my Solicitor on 30 October 2024 extending an invitation to GIPS lawyer to visit my home/see for himself my home damage/site of construction and discuss face to face with me "any aspect of the project". I provided both my phone landline number and mobile phone number and on 22/11/2024 he phoned me and during discussion he said I was not how he had been advised and how good a conversation we were having.. I again invited him to visit my home speak to me and see for himself the full situation – he stated he would speak with GIPS and come back to me indicating his interest in a visit to see for himself. I have not heard from him since even after I forwarded him further information on 4 December 2024 giving him more information and quoting "No surprises " for him .He has simply shut down all contact.

53. **GIPS have no legal right to damage other persons properties while pursuing their own interests and no Authority has the legal right to authorize such a construction which results in damage to other property especially that by knowingly granting such a Resource Consent it may well result in such damage**

54. The design of the rock wall at Glen Isla Place is a "dog leg" type wall which will cause high seas to strike into the South end of the wall and cut into the Seaforth Road Reserve which could cause immense damage to the natural sand dunes of the Reserve. If one looks at the Shaw Road rock wall – the Southern end clearly shows that this is what happens where the rock wall ends – there is considerable sand dune loss between where the Shaw Road rock wall ends at its Southern end and to 3 Mile Creek. GIPS knows this but are forging ahead despite the potential serious erosion damage to those sand dunes of the Reserve. This is also referred to in the application for Resource Consent by MITCHELL DAYSH dated 11 October on Page 29 where its stated "During the 30-50 year period, some storm scour may occur at the southern end. This erosion is likely to be in the order of 2.5m on a 5-15m length of shoreline".

55. No one cannot predict when high seas may cause such erosion at the Southern end of the rock wall and into the Seaforth Road Reserve – it could happen at any time even during the first storm after construction and the Reserve could be severely damaged as a result just to satisfy GIPS at the expense of the public who have access to the Reserve.



56. On Page 25 of the New Zealand Coastal Policy 2010 under Policy 27(4) its stated "Hard protection structures, where considered necessary to protect private assets should NOT be located on public land if there is no significant public or environmental benefit in doing so". GIPS application is to have construction built on public land which is totally against the new Zealand Coastal Policy Statement of 2010. This clearly spells out that the New Zealand Coastal Policy is totally against this Application being granted.

EXHIBIT No.14

57. By constructing the rock wall on public land for their own benefit will obviously increase the value of their properties and I personally believe this is one of the reasons for this rock wall – to increase their own property values.

58. I have had to incur substantial Financial and mounting costs to date to protect my home and myself from GIPS members lies and their actions/behavior – This includes for the damage their Vibration test caused on 9 July 2024 as Vibration is not covered in my Insurance Policy - as previously stated in this Submission. This cost is now close to \$6,000 and mounting.

59. On 29 November 2024 GIPS lawyer – Mr Morgan SLYFIELD – forwarded me email which in part stated "GIPS has already confirmed there will be insurance cover put in place to cover any damage caused. I took it from our discussion that this is the key issue needing to be resolved, and I have conveyed that to GIPS. On that understanding and since your property is the nearest non - GIPS property to the work area, GIPS is prepared to agree to pay for a building inspection of this sort, if in return you will provide support for the project in the form of a written approval to the consent applications". I took that as a **subtle form of intended Blackmail by GIPS** as did my family and I firmly rejected it to GIPS lawyer leaving him in no doubt as to what I thought of GIPS suggestion.

60. The comment by GIPS Barrister "that this is the key issue needing to be resolved and I have conveyed that to GIPS" has fallen on deaf ears within GIPS. They have obviously ignored Mr SLYFIELD's recommendation.

61. If I had accepted GIPS suggestion as above I could then not lay criminal damage charges/ could not Sue for damages to my home/ could not make complaint under the Incorporated Societies Act of 2022/ could not make my current Submission to Consent hearing/ would have to endure denials by GIPS of damage to my home/I would have to take legal action against GIPS Insurers for damage/would not be able to apply for an Abatement Notice and/ or a High Court Injunction to stop damage – I therefore completely rejected GIPS suggestion.



62. I am now 81 years of age and I most definitely do not need the threat of further damage and or damage- with the intended rock wall construction to my home- and the appalling behavior of GIPS members towards me- at my time of life.

63. There was no "robust consulting" as required by Council which stated in writing "The application should include a robust notification assessment , and if possible, the written approval of any person considered to be affected. " . There was no "written approval" sought by GIPS from me at any stage in which Council also advised GIPS this had to be completed.. GIPS simply ignored Council in this respect. Now GIPS and their Barrister have effectively shut the door for any consultation over this Rock Wall Consent application.

64. There are alternative accessways for GIPS to operate their heavy machinery from and one of those is Mako Avenue – if this option was taken there would be no damage to homes close to the construction of the rock wall yet GIPS is ignoring this option and fully intends to operate from beside 3 Mile Creek and that will damage nearby properties..

65. GIPS claims that it was the dropping of rocks from heavy trucks in 2010 that caused the damage to homes – that is completely false – the truth is that it was heavy machinery travelling beside 3 Mile Creek that caused the vibration damage to nearby homes and the same damage will happen again if the consent is granted in the Application's current format.

66. The area where the intended rock wall is to be built is an area where endangered birds (e.g. Dotterels) nest for many years. I have seen them nest in this area for the last 40 years as its right in front of my home. The sea wall construction will clearly destroy that habitat. That is very obvious to anyone. In the Weekend Sun Newspaper of 24 January 2025 there is a story detailing Dotterel nesting sites in BOP and states "The new Zealand dotterel (*Anahynchus obscurus*) is a threatened shorebird and is a characteristic bird of sandy beaches in the Northern Part of the North Island." It will be disaster if that endangered bird's nesting sites are destroyed as a result of the granting of this Resource Consent just to satisfy 6 property owners and their habitat will be destroyed if Consent is granted.

EXHIBIT No.15

67. It is my view that GIPS has breached Section 54 of the Incorporated Societies Act 2022 and I have already made a complaint to the office of the Registrar of Incorporated Societies and Companies Office.

68. This Submission is submitted as a complete and total objection against this Resource Consent application which should be declined/refused for the following reasons:



1. My home/property may well be damaged during construction of GIPS rock wall. GIPS do not deny this.
2. My home has already been damaged by GIPS Vibration test of 9 July 2024.
3. There is an alternative access for the construction process but GIPS has turned a blind eye to that and continues to go forward in a manner which may well cause serious damage to nearby homes.
4. GIPS refuses to provide any guarantee that nearby homes/properties will not be damaged.
5. I am fearful of my home/property being damaged again and the costs I will have to pay for repairs and the huge stress I will have to endure as I had to in 2010 damage.
6. My neighbors homes may also receive damage.
7. GIPS is applying to construct the rock wall on public land and I submit that in my personal view it is a GIPS Land grab of Public land to enhance the value of their own properties.
8. The natural sand dunes where the construction is proposed will be damaged – perhaps severely.
9. The design of the rock wall will in due course cause erosion to the South end of the wall and damage the Seaforth Road Reserve.
10. The GIPS Vibration test which did not give nearby home owners the chance to observe or have a different Vibration test company record the results.
11. Marshall Daysh in their application have admitted that there will be vibration and cannot give any clear statement or evidence of how bad that vibration will be.
12. GIPS behavior in respect of this application has been shameful and in one case criminally..
13. The Application has quoted “no vibration issues” which is completely false and misleading and is a total lie making the Application a false document.
14. The endangered bird “Dotterel” habitat which has existed for many years in the area where the rock wall is to be built will be destroyed by the construction.
15. **There is no Insurance cover under my AA Insurance policy to cover for Vibration damage to my home and AA Insurance state there is no cover for the Vibration Test carried out by GIPS 9 July 2024 . This alone should be enough to refuse granting of this Resource Consent.**
16. **In my personal view GIPS is not a fit and proper Society – a fit and proper Society does not provide false information and lie and a member of GIPS has already made false and lying complaint to Police and some members of GIPS have lied to me.**



I have no opposition to the building of a rockwall on the seaside and on the Applicants own properties at Glen Isla Place Waihi beach as long as :

1. It is built on the applicants own properties and not public land.
2. The construction site is located on the Applicants own properties.
3. Access to the building/construction site is through the Applicants own properties only.
4. There is no damage caused to nearby properties.
5. The wildlife habitat (Dotterells) is not damaged or destroyed.
6. There is no damage to the foreshore.
7. A written Guarantee of no damage to nearby properties is signed by the applicants.
8. A written guarantee/agreement of full and immediate payout for all costs is signed by all the applicants in the event of damage to nearby properties.

If GIPS rejects having the rock wall built on their own properties and access to on their own properties for that construction it can only mean that they don't want damage to their own properties/do not want their nicely mowed front lawns destroyed from their own actions and all the time will not be caring about causing damage to other nearby properties/damage to public land and the destruction of wildlife habitat as long as their properties are not impacted.

If they want such a rock wall construct it from and on their own properties – not from and on public land.

If the wall is built on the applicants own properties as described above and there is no damage to the environment/wildlife habitat and nearby properties there will be no requirement for any resulting civil or criminal Court proceedings. The responsibility is for the Applicants to not damage nearby properties / not damage the environment and not damage nearby wildlife habitats.


L. F. FEU
24/02/2025

Subject: RE: Lorne Thomas FELL - claim No.P040549399
From: AAI General Claims Queries NZ <Myclaim@aainsurance.co.nz>
Date: 11/11/2024, 2:05 PM
To: Lorne <firefox61@kinect.co.nz>
CC: CC ClaimCenter NZ <cc_claimcenter@suncorp.co.nz>

EXHIBIT 1.

Hi Lorne,

Thank you for your email.

Claim P040549399 (current claim) -

Unfortunately, I regret to advise, your current policy doesn't cover damages to your home caused by vibrations. Sorry, we are unable to assist you this time purely due to no policy response.

SIS claim in 2010:

I can confirm we paid you \$76,525.55 and were able to recover \$30,751.00 from Bay of Plenty district council.

We do not have any of the paperwork held on file as this claim was 14 years ago. But we can supply you a copy of the claim notes by post when ready.
Hope this is fine with you.

Please confirm.

Thank you.

Kartik Sompura (he/him)

Customer Service Manager – Home Claims

Call me on 0800 500 216 | Visit us at aainsurance.co.nz

AA Insurance Limited | Level 4, 46 Sale Street, Auckland 1010 | PO Box 992, Shortland Street, Auckland 1140



-----Original Message-----

From: Lorne <firefox61@kinect.co.nz>
Sent: Thursday, November 7, 2024 11:34 AM
To: AAI General Claims Queries NZ <Myclaim@aainsurance.co.nz>
Subject: Re: Lorne Thomas FELL - claim No.P040549399

CAUTION: This email originated from outside of the organisation. Do not act on instructions, click links or open attachments unless you recognise the sender and know the content is authentic and safe.

Hi Kartik,

31 July 2024

Client Ref:

Glen Isla Protection Society Incorporation
C/- A M Fraser
14/16 Glen Isla Place
WAIHI BEACH

Email: allan@newcrest.co.nz

Dear Allan,

GLEN ISLA PLACE ROCK WALL - GAURANTEE REQUIRED

1. We act for Lorne Thomas Fell.
2. It is understood the Glen Isla Protection Society Incorporation is to lodge a Resource Consent Application for the intended construction of a rock revetment wall at Glen Isla Place Waihi Beach in the coming weeks as described in your Coastal Protection Project Noise and Vibration Trial Summary of 12 July 2024.
3. My client has instructed that this causes him great concern as his house may once again receive damage like what his property experienced in the Western Bay of Plenty District Council 2010 Shaw Road Rockwall construction works where his house was badly damaged as a result.
4. My client has already let known to residents of your Society his concerns over further damage as a result of your intended new rock wall. Further damage similar to 2010 has already occurred to his house following your vibration test near his home on 9 July 2024, which resulted in cracks in his downstairs lounge and upper bedroom closest to where the Vibration test was carried out.
5. My client urgently requires a full written guarantee to cover the following issues:
 - (a) That no damage of any kind will be inflicted or caused to his home as a result of any construction or delivery works if your Consent Application is granted to construct a rock wall;
 - (b) My client has instructed that in an event where your intended works does result in damage to my client's house that you and all members of the Society immediately pay for all damage; and
 - (c) That if damage to clients home does appear that you will immediately and without any hesitation halt all works related in all ways to the construction of the Glen Isla Place rock wall while damage is fixed.

This guarantee is required by my client prior to your application for resource Consent.

My client reserves his right to take legal action if the guarantee is not agreed to and damage to his home occurs.

We require a response by 9 August 2024.

Yours faithfully

REJTHAR STUART LAW

ASHLEIGH GAMBLE
Solicitor

Email: ashleigh@rejtharlaw.co.nz

Supervising Director: Pat Stuart

8 August 2024

Ashleigh Gamble
Rejthar Stuart Law
Tauranga

By email: ashleigh@rejtharlaw.co.nz

Dear Ashleigh

Glen Isla Protection Society / Coastal Protection Works

I act for Glen Isla Protection Society (GIPS), and respond to your letter of 31 July 2024.

The vibration test on 9 July 2024 was conducted under the supervision of independent experts (Marshall Day), who actively monitored the vibrations at your client's boundary. The vibrations measured in that location (which would have reduced further between the boundary and your client's house) were so low that there is no chance that building damage could have occurred. The unsupported allegations in the second sentence of your paragraph 4 are therefore denied.

Further, the vibration test on 9 July 2024 ensures that GIPS' proposed coastal protection works can be designed and managed to avoid any damage occurring to your client's property. The various guarantees sought in your letter are therefore unnecessary.

As you may know, on 28 July 2024 your client and Mr Gallagher had an unpleasant interaction with one of the GIPS committee members, Mrs O'Sullivan, and as a result Mrs O'Sullivan filed an incident report with the police. GIPS wishes to ensure all interactions concerning GIPS and/or its proposed coastal protection works are *courteous, respectful and objective*. To ensure this is the case, I request that any further interaction by Mr Fell concerning GIPS or the project is conducted in writing through me.

Yours sincerely



Morgan Slyfield
Barrister

direct 04 915 9277
mobile 021 915 927
email morgan.slyfield@stoutstreet.co.nz
240808b

STOUT STREET CHAMBERS

Level 6, Huddart Parker Building, 1 Post Office Square
PO Box 117, Wellington 6140

Regulatory to AA Ins. in expectation GPS damage.

From: Maddison Fatu (AA Insurance Customer Service)
Sent: Monday, October 7, 2024 12:46 PM
To: Lorne Fell
Subject: Information about insurance claims

EXHIBIT 4

AA Insurance

**Thanks for
your enquiry**

Information about insurance claims (Reference 866774)

Maddison Fatu (AA Insurance)

Hi Lorne,

Thanks for contacting AA Insurance to discuss your home cover. We apologise for our delayed response.

We're sorry to hear about what's happened, and we hope the situation get sorted soon.

Your home cover

While we can confirm your insurance cover based on your policy terms and conditions, we're unable to confirm if it would be covered under a new claim based on your situation and the damages made to your home by the vibrations.

Your home policy documents can be found [here](#), and this does outline "this policy does not cover loss, cost or liability, directly or indirectly caused by, arising from, or involving vibration from or to either the land or buildings". This means we will not be able to cover damages caused by Vibration to the home; however, as we've covered this in the past, it would be best to discuss this directly with our Claim team to confirm the cover we can provide going forward.

We have forwarded your email directly onto our Claims team, who will reach out to you as soon as they can to discuss

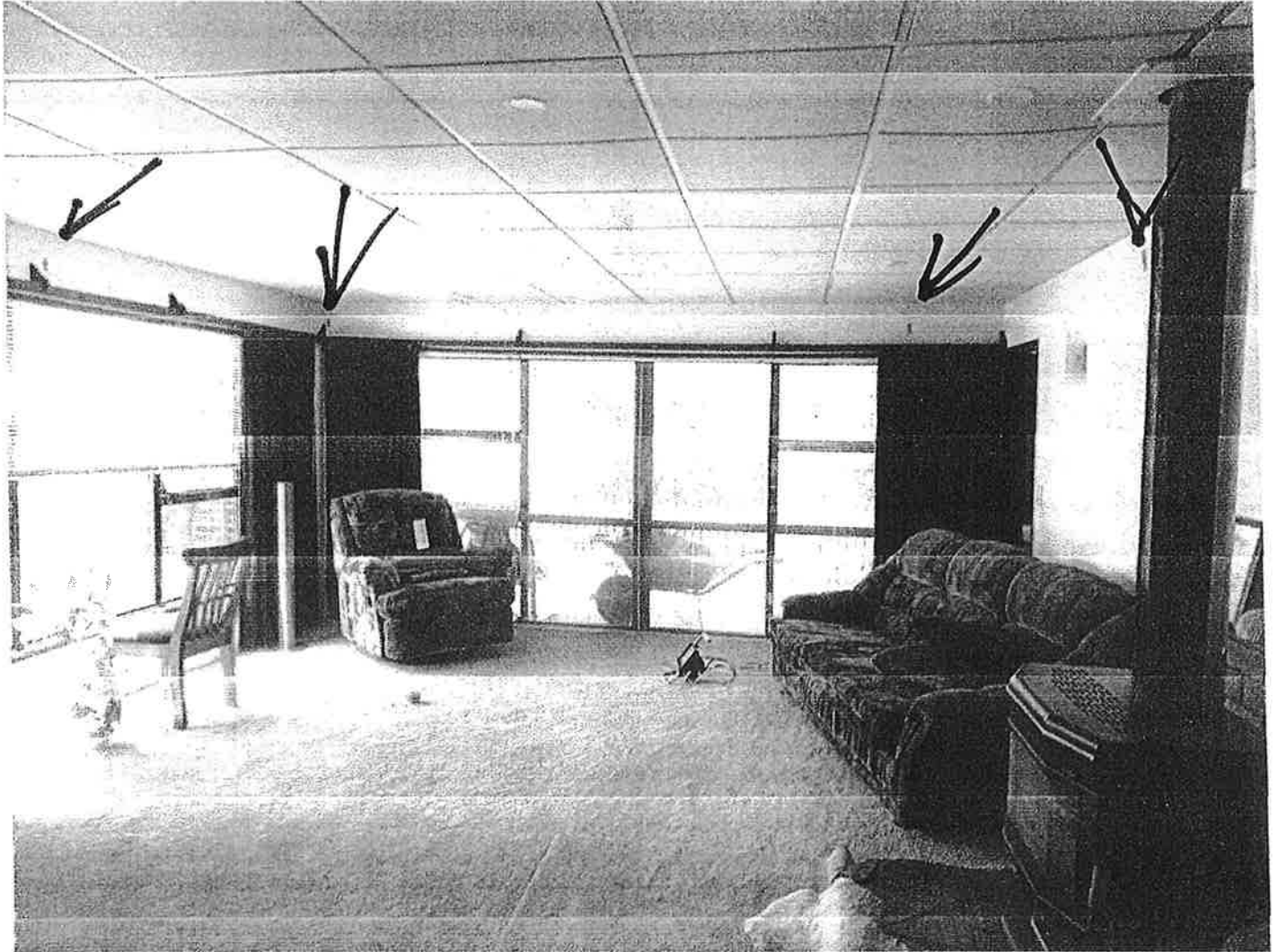
EXHIBIT No. 5

From: Mark Moynihan <markmoynihan216@gmail.com>

Date: 10/13/2024, 3:58 AM

To: firefox61@kinect.co.nz

—20241012_135601.jpg—

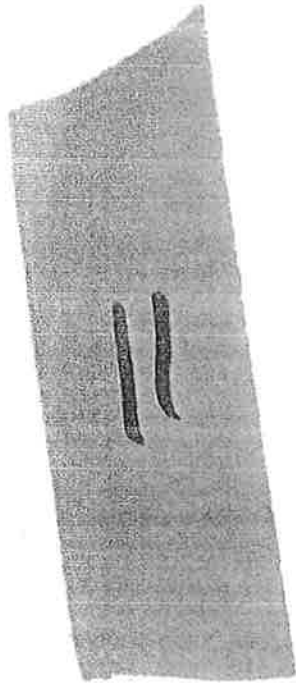


—Attachments:—

20241012_135601.jpg

3.2 MB





3



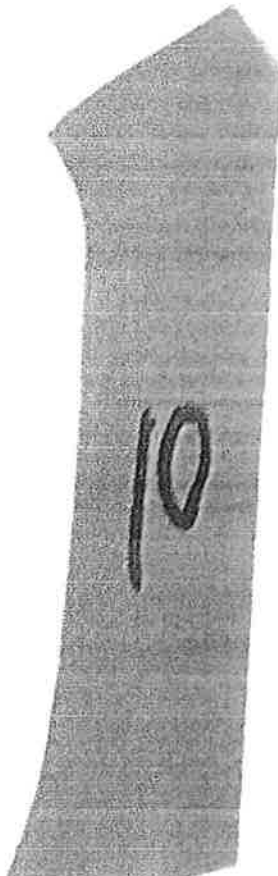




EXHIBIT No. 6

Janice Hughes
Director

Aspiring Law[®]

Your local law firm, wherever you are.

[AML/CFT requirements](#)[Privacy policy](#)[Terms of engagement](#)[Unacceptable Conduct Policy](#)[Website terms and conditions](#)

© Aspiring Law

Duty of care

Every landowner has a duty of care not to use his or her land in a way that causes a neighbour's land to collapse. Major headaches can occur around the likes of earthworks, including excavation. First off, as a landowner you have "the right of support for the land in its natural state". In plain English, that means no-one adjacent or subjacent to you should do anything to their land that affects the stability of yours. That can include the likes of excavation, and drawing off underground water or silt. For example, go and whip out that retaining wall at your peril. However, it's important to note that, where land is unstable, an adjoining landowner usually does not have a duty to stabilise it, only a duty not to remove any support already present. Also, if a landowner replaces a natural support with an artificial support, they don't incur liability. There is no particular liability, either, when a support, such as a retaining wall, has been removed by natural causes, like a flood.

An owner of higher land is likely to be liable to an adjoining owner of lower land if soil he or she has placed on the land escapes to the lower land, for example by the collapse of a retaining wall.

So, what's the legal remedy for damage caused by the withdrawal of land support? Damages, usually – and that can, in some instances, include claims for damage to affected buildings.

If you're the one doing the excavating, it's really important you understand you typically remain liable, even after the property's sold – liability does not automatically pass down to new owners. Contractors, particularly the likes of excavators, also need to take heed – when you work on a property, you carry a duty to exercise reasonable care. A landowner who suffers damage due to your actions can take a claim against you, and that includes not only your client, but also any affected neighbours.

A territorial authority also owes a duty of care to a landowner in relation to the inspection of buildings during construction, and consequently it might be liable, not only to the owner of the building it inspected, but to adjoining owners if damage is caused to their land.

Again, every case is different, and there can be legal exceptions, depending on the circumstances.

Do your homework

Like most things legal, prevention is way better than the cure. If you are doing anything on your property that poses potential risk to another, make sure you have done your homework, scoped the work thoroughly, and called in the experts where needed.

If you're unfortunate enough to incur damage to your land through the actions of others, as hard as it might be, first step is to keep your cool. This can be a complex area, so it's best to see your lawyer, explain the situation and get their initial advice, so you can be informed, and fully understand your options. Sometimes, depending on the circumstances and urgency, from there it can be more neighbourly and conducive to long-term relations to try and resolve the situation one-to-one with your neighbour. In other cases, it will be preferable for the lawyer to represent your interests, especially where there is risk of further damage.

[Funding residential property](#)

[Commercial property](#)

...

PUBLISHED:

12 November 2018

FROM:

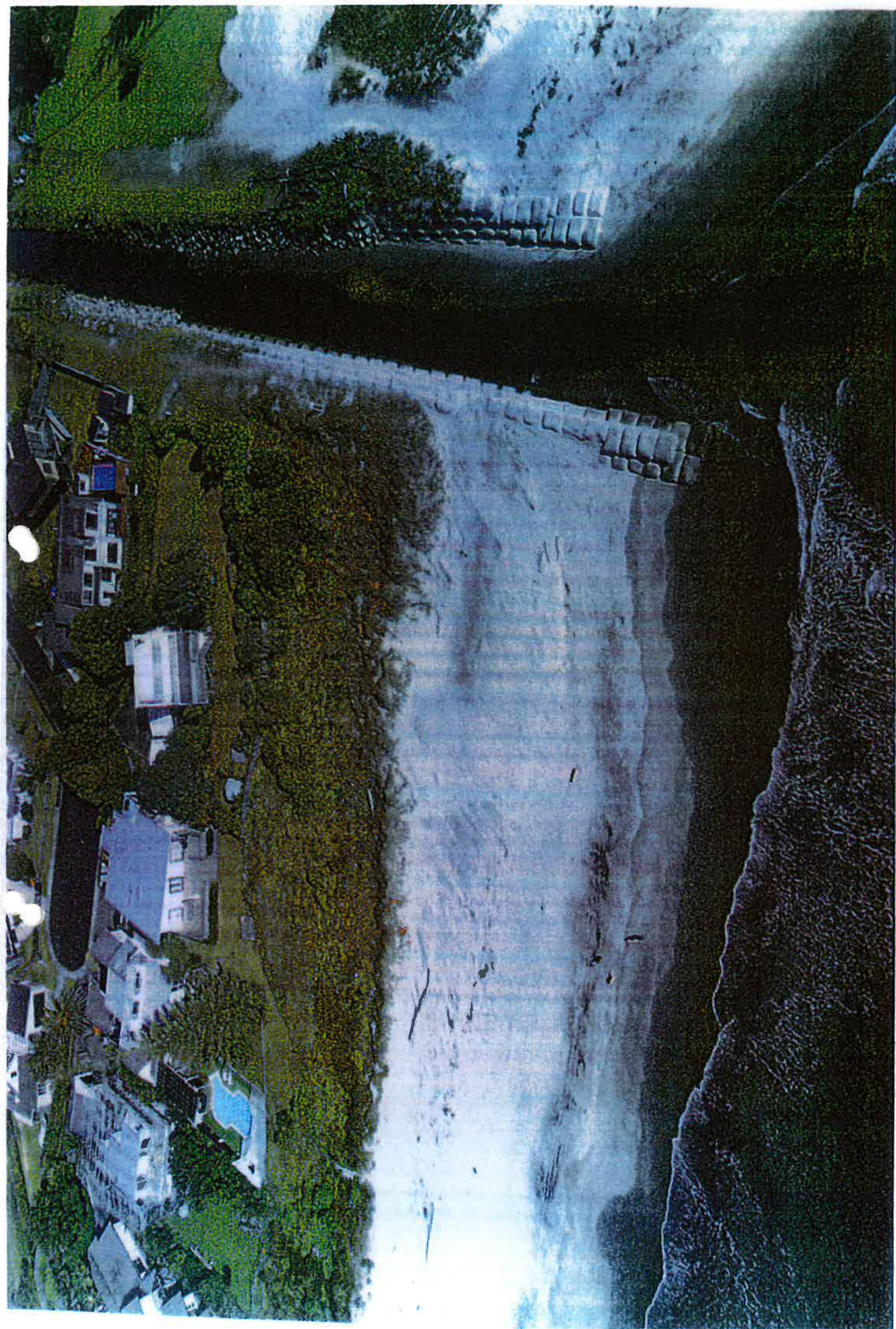
[The Residential property team](#)

[The Commercial property team](#)

[The Business & Commercial team](#)





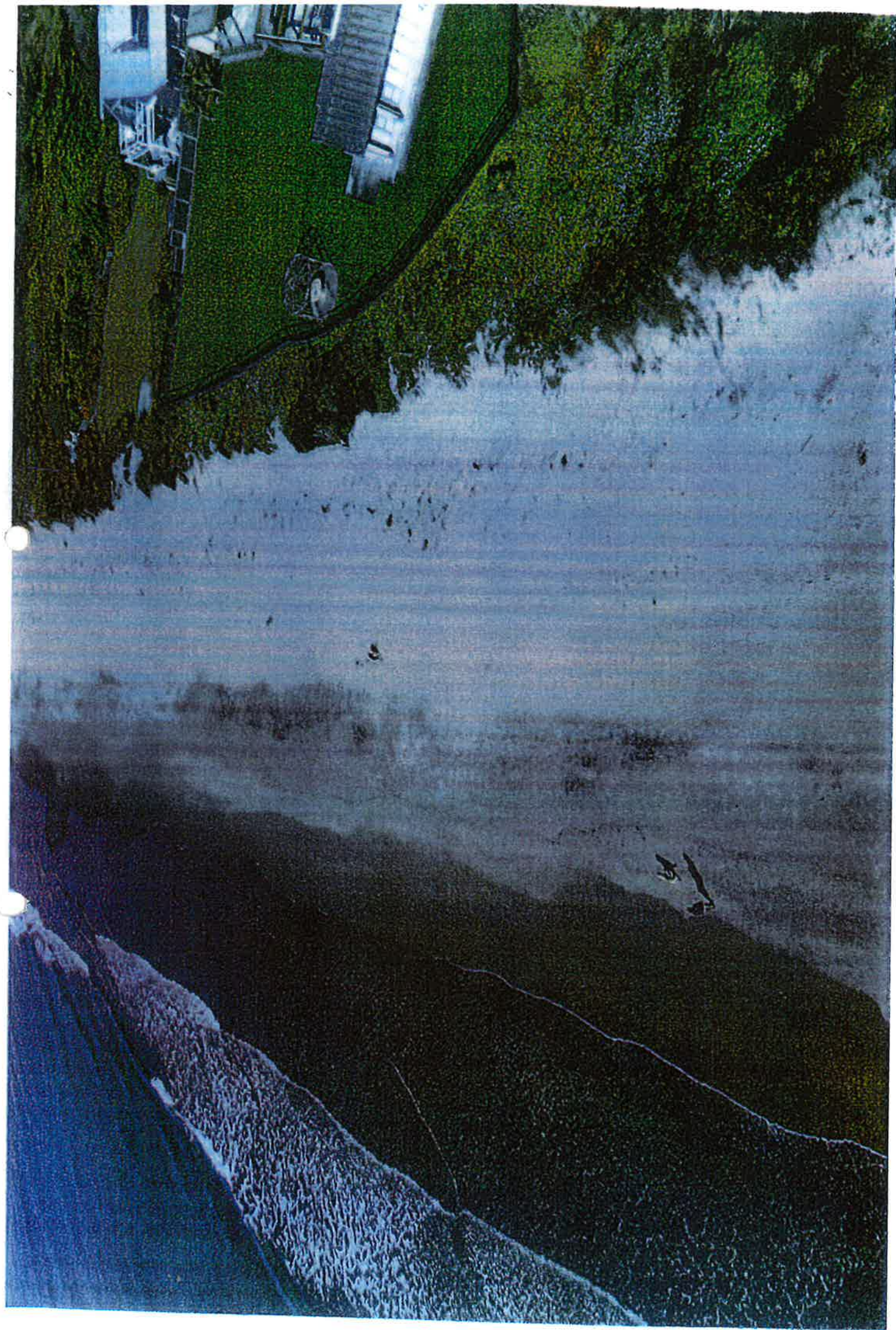














(01) 28 14

2011/2012

EXHIBIT
NO. 8

Bert Kroon B.E.
Principal
Max Bosselmann B.E.
Consultant

108 Sealey Street
P O Box 763
Thames, New Zealand

Telephone: 07 868 7823
Facsimile: 07 868 3269
Email: info@bertkroon.co.nz

20 October 2010

SIS Insurance Ltd
C/- Robin Kent
P O Box 66
NGATEA 3541

Our Ref: 5599

Dear Robin

Re: Fell (3875343)

As requested, I have visited the property owned by Mr Lorne Fell at 7 Glen Isla Place, Waihi Beach and inspected fresh cracking in the interior wall linings of Mr Fell's house. I also inspected the exterior cladding of the house, as well as concrete paths, driveways and garage floors but could not detect any fresh cracking in those.

Mr Fell, who is retired and is home for long periods during daytime, advised that the cracking of the interior linings occurred in conjunction with and as a consequence of construction work being undertaken in close proximity to his house. He advises that when machinery is working, he can feel his house shake and that the shaking is accentuated in the upstairs part of the house while the intensity of the shaking varies according to the nature of the work being undertaken at the time.

The house is a light timber framed two storey house with a suspended timber floor on piles and an attached single storey garage with a concrete floor. External sheathing is horizontal fibrolite weatherboard and internal lining is gib board. The roof is pressed metal tiles.

The house is in an exposed position, built about thirty years ago, presumably to the relevant building code requirements applicable at the time with the plans being approved, and the construction inspected, by the then Ohinemuri County Council.

The house is founded on sand as evidenced by a hand auger bore put down in the rear garden area of the property between the house and the area where construction work is taking place. The bore log obtained is as follows:

Hand Auger Bore

0.00m to 0.20m	Black friable topsoil becoming sandy with increasing depth.
0.20m to 0.70m	Light grey uniform compact dune sand.
0.70m to 0.90m	Dark grey uniform loose dune sand.
0.90m to 1.50m	Beige uniform compact coarse sand.
1.50m to 1.90m	Beige/brown uniform compact coarse sand.
1.90m to	Brown uniform compact coarse sand.
2.10m	Ground water-table encountered.
	Bore stopped – no progress. Unable to fill auger – bore collapsing.

Although I was not able to penetrate the ground below the water-table, we do know from our knowledge of the area that the sand in this area of Waihi Beach is underlain by soft saturated silts and peat.

Between the house and the area where construction work is taking place, a stream, known as Three Mile Creek, runs in an easterly direction out to the sea. The stream bed consists of alluvial material while the banks are of sand armoured with large sand filled bags. The depth of water flowing normally in the stream is up to about 200mm and the stream bed is 1.90m to 2.00m below adjacent ground level. This reach of the stream is not tidal and water level in the stream correlates with the level of the ground water-table in the hand auger bore.

Mr Fell's house is on the southern right bank of the stream while the construction work is being undertaken on the northern left bank, some 80m to 100m from the house.

Although I have not observed the construction activity at length or in detail, it has been described to me by Mr Fell. The construction work is for a rock seawall which has been designed, supervised and is being constructed by contractors employed by the Western Bay of Plenty District Council.

The work involves the receiving of material for the construction of the seawall on the beach. The principal material is rip-rap comprising large heavy boulders which are tipped off the back of large trucks on the left bank of the stream prior to being selected and taken down onto the beach for placement. Other machinery used includes diggers, loaders, tractors and bulldozers. One machine in particular has been identified as being more problematic than others. It is a large 30 tonne digger on narrow tracks which has had its boom modified. Evidently its weight is therefore closer to 37 tonne and as such causes much shaking when it travels in the area on the left bank of the stream. Other times when strong shaking occurs is when two machines are operating at the same time or when machinery is being serviced/maintained.

The cracking currently visible is considered to be due to the shaking of the ground caused by movement of the heavy machinery inducing a horizontal dynamic load on the house. This would account for the cracking to the vertical and horizontal joints in the interior gib board lining, which is more pronounced in the upper walls than in the lower.

At this stage I have not photographed or documented the cracking. This can be done if required.

There is no vertical cracking in the external wall cladding, probably due to the weatherboards sliding along each other. Wall bracing designed to the relevant New Zealand Standard for horizontal loading allows for a certain amount of flexing of timber frames. Whether this "design deflection" has been exceeded or not, is impossible to tell without sophisticated movement monitoring while the shaking is taking place. Mr Fell advises that the shaking has been sufficient to rattle items on tables and shelves, and that on one occasion, Western Bay of Plenty District Council staff were present when the rattling caused a can of fly spray to fall off a shelf. Such shaking/movement would be enough to cause the cracking.

No inspection of the timber framework to see if the shaking has caused any damage to the framing has been carried out, since this cannot be done without removal of the lining. However, on checking with a spirit level, the house was found to be plumb suggesting there has been no permanent displacement of the structure.

Subsequent to my first inspection on Tuesday 14 September 2010, Mr Fell noticed cracking in the concrete garage floor where his boat is kept. I inspected this on Monday 4 October 2010 and observed a hairline crack across the floor, but not quite from wall to wall. The middle third of the crack appears to have been there for some time, although it was not detected during my first inspection. The outer thirds of the crack are fresh. Mr Fell advises that the garage was added to the house about 15 years ago.

Conclusion

In my opinion, the damage is a consequence of the operating machinery's continuing movement causing seismic type shaking of the ground surface which is then transmitted through the sand strata resulting in the shaking of Mr Fell's house. It appears that Mr Fell's house has been subjected to shaking more so than other nearby houses in Glen Isla Place located further from the machinery where significantly less cracking is evident suggesting dynamic attenuation of the shaking and consequent diminishing structural response.

Yours faithfully



Bert Kroon

New Zealand Legislation Crimes Act 1961

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

- Warning: Some amendments have not yet been incorporated

269 Intentional damage

- (1) Every one is liable to imprisonment for a term not exceeding 10 years who intentionally or recklessly destroys or damages any property if he or she knows or ought to know that danger to life is likely to result.
- (2) Every one is liable to imprisonment for a term not exceeding 7 years who—
 - (a) intentionally or recklessly, and without claim of right, destroys or damages any property in which that person has no interest; or
 - (b) intentionally or recklessly, and without claim of right, destroys or damages any property with intent to obtain any benefit, or with intent to cause loss to any other person.
- (3) Every one is liable to imprisonment for a term not exceeding 7 years who intentionally destroys or damages any property with reckless disregard for the safety of any other property.

Compare: 1961 No 43 s 298

Section 269: replaced, on 1 October 2003, by section 15 of the Crimes Amendment Act 2003 (2003 No 39).

New Zealand Legislation
Summary Offences Act 1981

If you need more information about this Act, please contact the administering agency: **Ministry of Justice**

11 Wilful damage

- (1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000 who intentionally —
- (a) damages any property; or
 - (b) sets on fire any tree or other vegetation.
- (2) For the purposes of subsection (1), a person does an act intentionally if he does it intentionally or recklessly, and without lawful justification or excuse or claim of right.
- (3) The fact that the person charged had an interest in the property at the material time shall not prevent his act constituting an offence against this section if he did it with intent to defraud or to cause loss to any other person.
- (4) For the purposes of subsection (3), where any property is subject to any mortgage or charge, each of the parties to the mortgage or charge shall be deemed to have an interest in the property.

Compare: 1927 No 35 s 6(1), (3)–(6); 1952 No 43 s 2; 1960 No 7 s 5; 1967 No 154 s 2(1)

Section 11(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 11(2): amended, on 1 October 2003, by section 34 of the Crimes Amendment Act 2003 (2003 No 39).

4C. Amenity

Explanatory statement

Activities can be offensive because of the nature of the activity and the sensitivity of the surrounding environment. In both cases Council wishes to manage and reduce adverse effects to maintain and enhance amenity values and the quality of the environment. Managing the effects of activities may give greater flexibility in location but it will only be to the degree that the character of the environment is retained. In particular the amenity of any zone should not be adversely affected by the location of out-of-character activities.

The distinction between Permitted, Controlled and Discretionary Activities is largely related to the known adverse effects of activities that are not of appropriate character i.e. activities that congregate more people, operate during evening hours, generate more traffic or create greater noise.

4C.1 Noise and vibration

Explanatory statement

Council's aim is to maintain a reasonable balance between the objective of maintaining a high quality living environment free from intrusive noise and the need to recognise that some reduction in environmental quality is inevitable in close proximity to lawfully established industrial uses and that higher than normal noise levels are also acceptable when they occur on a temporary or infrequent basis as part of the accepted management of the principal activity, e.g. farming.

In some areas the loading/unloading of materials at night and the movement on-site of vehicles 24 hours a day is an issue for adjoining landowners. The noise levels of the District Plan are intended to control this type of adverse effect.

FALSE
|| Vibration from activities has not been an issue in the District. In many cases Council can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.

4C.1.1 Significant issues

1. The potential for the operation of non-residential activities within residential areas to generate noise which detracts from existing amenity.
2. The potential for the operation of non-rural activities in rural and isolated natural environment areas to generate noise which detracts from existing amenity.
3. The potential for Permitted Activities within one zone to generate noise which detracts from the existing amenity of nearby zones.

2

Any temporary interruption of public access is considered appropriate for protecting the health and safety of the public around an active construction area and will be managed through the use of signage and spotters from the construction team.

With regard to long-term effects on public access along the beach, these are more linked to the impacts of sea level rise and therefore, while not a direct effects of the proposal, sea level rise has been considered in the Coastal Processes Assessment (**Appendix B**).

While public access along the coast will not be affected in the short-term, this access is anticipated to become more restricted as the effects of climate change driven sea-level rise and shoreline retreat occur. By the 30-40 year period, when MHWS is predicted to be at the base of the structure, public access in front of the wall may become limited during high tides. This is consistent with the impacts that will be seen along the extent of the beach where other coastal protection structures are located.

Overall, the proposed location of the structure is the best practicable option and will not contribute to public access issues on the wider beach. It is therefore considered that the proposal will not result in any adverse effects on public access along the coast and to the wider beach environment due to its location in the dune system.

6.7

NOISE AND VIBRATION

The Applicant engaged Marshall Day Acoustics ("**Marshall Day**") to undertake a trial of construction noise and vibration effects associated with the proposal. The findings of this trial are attached in full as **Appendix I**.

The noise trial simulated the anticipated construction activities by operating the machinery and equipment that will be used by the contractor and involved tipping large rocks onto the sand at distances that match the separation distance to the nearest residential dwellings, being 7 and 9 Glen Isla Place, from the proposed works.

The key conclusion of the trial report is that noise and vibration levels during the works will comply with the District Plan construction noise standards of 75dB L_{Aeq} and 90 dB L_{AFmax} . During the trial, Marshall Day measured noise levels of 72dB L_{Aeq} and 88 dB L_{AFmax} at 35 metres.

Regarding vibration effects, Section 4C.1, 18.4.1(t) – Noise and vibration, of the District Plan contains the Explanatory Statement identifies:

'Vibration from activities has not been an issue in the District. In many cases Council can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.'

7. CONSULTATION

Through development of the project, GIPS have consulted with and / or extended invites to engage to:

- > Neighbouring landowners, including residents of 1-10 Glen Isla Place;
- > Ngāti Ranginui Iwi Society Inc;
- > Ngāti Te Wai;
- > Te Runanga o Ngai Te Rangi Iwi Trust;
- > Te Runanga o Ngāti Pukenga Iwi;
- > Te Whanau a Tauwhao ki Otawhiwhi;
- > WBOPDC; and
- > BOPRC.

7.1 RESIDENTS OF 1-8 AND 10 GLEN ISLA PLACE

GIPS have held numerous formal and informal conversations with neighbouring properties at Glen Isla Place since early 2024. A range of correspondence and information documents on the proposal has been provided to the Glen Isla residents (provided as **Appendix J**) through the development of the proposal and prior to lodgement of the application.

GIPS understand that key concerns raised by residents of Glen Isla Place include:

- > Adverse noise and vibration effects of construction;
- > Traffic impacts; and
- > Walking access to the coastal margin.

The impacts of the proposal on these matters have been detailed in Section 6.

7.2 IWI, HAPŪ AND MARAE

GIPS have extended multiple invitations to engage to iwi, hapū and marae who were identified as having a cultural association with Waihi Beach.

A high-level summary of the proposal and an invitation to meet to discuss the proposal was sent to Ngāti Ranginui Iwi Society Inc, Ngāti Te Wai, Te Runanga o Ngai Te Rangi Iwi Trust, Te Runanga o Ngāti Pukenga Iwi, and Te Whanau a Tauwhao ki Otawhiwhi on 2 July 2024, again on 29 July 2024 and on 27 August 24.

MEMO

Project:	Glen Isla Coastal Protection Project	Document No.:	Mm 002 r02		
To:	Glen Isla Protection Society	Date:	6 December 2024		
Attention:	Allan Fraser	Cross Reference:	Mm 001 r01		
Delivery:	Email	Project No.:	20240399		
From:	James Whitlock	No. Pages:	8	Attachments:	Yes
CC:	Lincoln Fraser	Luke Faithfull			
Subject:	Response to s92 queries				

We have reviewed the Section 92 queries from Western Bay of Plenty (WBOP) District Council (prepared by Styles Group) received by email on 14 November 2024.

In this memo we set out their questions (in blue font) and answer each one.

We note that to date we have only prepared that memo, which was a report on the noise and vibration trial we undertook in July 2024, not an assessment of effects. Nevertheless, we have addressed Mr Styles' queries relating to effects.

Question 1

The MDA memo states that the relevant construction noise limits are 75dB L_{Aeq} and 90dB L_{AFmax} . These have been taken directly from Table 2 of NZS6803:1999 for "typical duration" works without any adjustment for the duration of the work. I understand that the likely best case scenario is four months to complete the works, but the applicant is seeking up to six months. The threshold between "typical duration" and "long term" works in NZS6803:1999 is 20 weeks, or five months. "Long term" works are subject to noise limits that are 5dB lower than those applying to "typical duration" works.

The applicant is seeking six months to account for potential bad weather and other unforeseen issues, but all going well the work will be completed in 4 months.

Our predicted noise levels show compliance with the long-term duration noise limits at all dwellings (save the applicant's house), and compliance with the typical duration limits at all dwellings. So the outcome and compliance status in terms of noise is the effectively the same.

Question 2

There seems to be a bit of a discord between the construction methodology assumptions in the MDA memo and the way that the construction process was explained to us on the site visit.

The MDA memo appears to be based on the rocks being dropped near the eastern end of the reserve north of 7 Glen Isla Place and the excavator being used in the reserve, whereas we were told that the rocks will be delivered by a truck, driven through the reserve and around the foreshore area and dumped near to where they will eventually be placed (which will vary as the works progress).

Additionally, the excavator will only traverse the council reserve twice (once in, and once out) or more often if there is a severe storm forecast and the machinery has to be moved away from the beach area. The MDA memo appears to take this distance into account by stating that the works will be at least 35m from 7 Glen Isla Place (rather than the 55m or-so away where the rocks were dropped), but there is no diagram or clear explanation of this.

Can MDA clarify that the noise level and vibration predictions in the memo are intended to reflect the proposed construction methodology and the effects at 7 Glen Isla Place?

Yes, the intention of the trial was to measure noise and vibration at distances relevant to the works.

Our memo outlines the measurements we made during a *trial* methodology, which we designed and carried out to capture relevant noise and vibration data. We then used that data to predict levels during the actual works occurring in the foreshore area.

We understand that we were not permitted to use the foreshore area for the trial, so we were limited to the WBOP reserve land. We set up the source and monitor locations in the trial so they were directly relevant to the actual works. Although since developing the trial, the proposed source-receiver distances of the actual works have increased, which will reduce noise and vibration levels.

Question 3

As above, the MDA memo seems to be based on the proposed construction methodology and the levels and effects at 7 Glen Isla Place. These are separated by approximately 30-35m.

On this basis, the MDA memo states that the permitted construction noise limits will be complied with. However, the works will be much closer to other dwellings on sites that are not part of the application site, such as 16 Glen Isla Place.

The works appear to be around 10m from the nearest part of the dwelling on that site. Accordingly, I consider it likely that noise from the works will not necessarily comply with the permitted construction noise limits at some of the dwellings immediately adjacent to the works, and that resource consent will be necessary to enable this infringement.

I understand that many or all of these dwellings are owned by the 'applicant' and that written approval to any infringement of the permitted standards will be forthcoming.

Accordingly, I suggest that the application include noncompliance with the permitted construction noise standards at these properties as a reason for consent, and that the applicant provides written approval to these infringements and the construction noise and vibration effects generally.

Yes – the owners of all beachfront dwellings (9, 11, 12, 13, 14, 15 and 16 Glen Isla Place) are members of the Glen Isla Protection Society (GIPS), and they have all provided written approvals. This is why we didn't assess the levels at their façades. But we have done so in response to this s92 request and included them below (GIPS members coloured grey). Note that we modelled three scenarios, as per the proposed construction plan:

- Rock drop adjacent to 15 Glen Isla Place (the northern-most drop location)
- Rock drop adjacent to 12 Glen Isla Place (the southern-most drop location)
- North end works - tractor arrival and departure, Marooka crawler and excavator works

The predicted noise levels below are for the scenario that generates the highest noise level at 1 metre from the dwelling façades. Predicted vibration levels are in the ground outside the dwelling (rather on the dwellings themselves, because vibration transfer is unknown).

Receiver	Predicted noise level (dB LAeq)	Predicted vibration level (mm/s PPV)
16 Glen Isla Place	72	0.80
15 Glen Isla Place	69	0.65
13 Glen Isla Place	68	0.65
12 Glen Isla Place	68	0.65
14 Glen Isla Place	67	0.65
11 Glen Isla Place	66	0.60
9 Glen Isla Place	64	0.50
8 Glen Isla Place	56	0.55

Receiver	Predicted noise level (dB LAeq)	Predicted vibration level (mm/s PPV)
7 Glen Isla Place	61	0.55
5 Glen Isla Place	59	0.50
3 Glen Isla Place	57	0.50
1 Glen Isla Place	55	0.45
10 Glen Isla Place	58	0.60
6 Glen Isla Place	58	0.55
96 Seaforth Road	53	0.35
4 Glen Isla Place	48	0.55
2 Glen Isla Place	47	0.50

same as
7. Glen Isla

These results show compliance for all dwellings, except 16 Glen Isla Place. This dwelling is owned by the applicant, and written consent has been provided.

Question 4

I understand that the applicant may want to be able to work on Sundays and Public Holidays to take advantage of weather windows and tides. However, the permitted construction noise standards are much lower on these days and consent will be required to exceed these limits. Can the applicant confirm whether works will be undertaken on Sundays and Public Holidays or not, and if so, can MDA address this in terms of compliance and effects on the receivers that have not given written approval?

As set out in Section 4.2 of the application:

'Working hours will be 7am – 5pm, Monday – Friday when enabled by the tide. Work will not be undertaken at night or once daylight becomes unsuitable. However, the work is tidally and storm dependent and work may continue outside working hours for up to three days a week every two weeks. This may include Saturday working outside school holiday periods. No work will take place before 6am or after 8pm.'

Therefore, no work is proposed on Sundays or Public Holidays.

Question 5

Following 1, 2, 3 and 4, I suggest MDA provide a diagram showing all properties on the northern and eastern sides of Glen Isla Place, along with 96 Seaforth Road, to label those that have given written approval to construction noise exceeding the permitted limits, and then label all other receivers with approximate noise level predictions for both the main works, and also for trucks and the excavator traversing the reserve (for the receivers close to the reserve).

See the figures attached to this memo. We have provided a 3D diagram for each of the three scenarios.

Question 6

The MDA memo compares the measured / predicted vibration levels to the DIN4150 standard designed to avoid damage to buildings (including cosmetic damage).

Can MDA please provide a description of the likely effects of vibration on people? This should acknowledge the small sample of the 'rock drop trial' and that it is likely that there could be considerable variation in the levels during the works. (I would expect that there could be some isolated instances where levels could be 100% of those measured). The assessment of effects should also take into account the apparent predominant low frequency (<25Hz) nature of the vibration recorded.

Vibration amenity effects are caused mainly by building owners' concerns about building damage, which we have covered off with our DIN4150 assessment. But we agree that occupants will feel vibration at levels much lower than those that would cause cosmetic damage.

Here is a description of potential effects at various vibration levels. They are generally based on British Standard BS 5228-2:2009 *Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration*, but we have supplemented them with our own descriptions for 2mm/s and 5mm/s (which weren't provided in the Standard):

- 0.14mm/s PPV Just perceptible in the particularly sensitive environments
- 0.3 mm/s PPV Just perceptible in normal residential environments
- 1 mm/s PPV Typically acceptable with prior notification
- 2 mm/s PPV Clearly perceptible but typically acceptable (during daytime only) in dwellings and workplaces if it occurs intermittently, and with effective prior engagement.
- 5mm/s PPV Highly unsettling in dwellings and workplaces. If prolonged, some occupants may want to leave the building. Computer screens will shake, and items could fall off shelves if they are not level.
- 10 mm/s PPV Likely to be intolerable for any more than a very brief period.

In our memo, we predicted 0.7 mm/s PPV at the closest dwelling (9 Glen Isla Place). We agree that there could be considerable variation during the works. So, if we double this value to 1.4 mm/s PPV (and ignore the potential reduction in vibration level as it transfers from the ground into the house structure), we can compare with the effects listed above. This indicates vibration will be clearly perceptible, but typically acceptable with prior notification, particularly if it occurs intermittently (which it will, for the rock dropping activity). We understand that 4 – 5 rock drops a day are planned for 60 to 80 working days.

Regarding the low frequency vibration content, it is not dissimilar to frequencies generated by trains and heavy vehicles, which is to say, familiar to most people. In terms of low-frequency damage risk, we have applied the most stringent PPV value from DIN 4150-3 which, for transient vibration events, applies between 1 – 10 Hz.

Overall, the risk of damage to dwellings is small, and with good communications about the works timing and duration (which we understand is already occurring), any vibration effects on neighbours will be acceptable.

Question 7

The MDA memo states that the excavator movement generated vibration levels of "around 0.2 – 0.4 mm/s PPV" at 7 Glen Isla Place, where the machine was tracking around 32-33m away, and with Three Mile Creek in between. These levels seem high compared to vibration levels in more dense / cohesive soil conditions. Can MDA provide some comment on whether the sandy soil conditions in this area are likely to result in vibration levels that are higher, lower, or similar to vibration levels in other soil conditions such as dense / cohesive soils?

The attenuation with distance was less than we expected in sandy soils, but this wasn't an issue when the levels themselves are as low as we measured. Water content has an appreciable effect on vibration propagation in sandy soils, so the proximity to the creek and ocean, and the rain that occurred at the site several days before our measurements may have had an effect.

Vibration waves that travel downwards (P and S waves, as opposed to surface Rayleigh waves) can also reflect off a saturated water table, bringing some vibration energy back to the surface.

There is no value in commenting on what vibration level would be like in other soil conditions, because only the soil at the site is relevant. Our measurements are the best evidence of its propagation characteristics.



11/11/11



2000
California

July 11, 1949

25



Social, cultural, environmental, and economic impacts from harbour and coastal erosion

The following information identifies some of the likely impacts of coastal and harbour erosion on the Western Bay of Plenty District. The information has been categorised as social, cultural, environmental or economical.

Information is drawn from Wellington City Council's 'Sea level Rise Options Analysis', as well as Western Bay and Bay of Plenty Regional council' information on ecological, archaeological and heritage sites.

Social

Predicting the potential social effects of coastal and harbour erosion is complex, as they will largely be determined by the approach taken to address erosion. Below are possible effects:

Recreation values

Harbour and coastal areas play a significant role in the life of New Zealanders and are often valued for the recreation activities that they provide.

Recreational activities (sun bathing, picnicking, swimming, surfing, fishing, boating, diving, etc.) may be affected if existing beaches are reduced in width or disappear altogether.

Social inequality

Coastal protection usually costs more than the market value of undeveloped rural land, but less than the value of developed land and structures. Coastal protection works are therefore more likely to be prioritised in areas with higher land value.

This may lead to inequality in areas with lower land values (typically areas with lower socioeconomic characteristics, rural areas and conservation areas), where residents will be at greater risk of the social effects of displacement.

Political and social tensions

Political and social tensions may arise as a result of the measures undertaken to address harbour and coastal erosion. For example, the large investment required in coastal and harbour areas may not be considered an appropriate economic response by people living elsewhere.

Community well-being

Many of the social effects noted above can impact on the well-being of the community as a whole. However, a positive impact on community well-being from harbour and coastal erosion can be an increase in community empowerment.

Displacement can also contribute to problems of overcrowding on the remaining land, depending on how much suitable land remains, and how well the resettlement is managed. Overcrowding has a knock-on effect on health.

Health - Living with stress and uncertainty

Mental health issues including anxiety, depression and suicide can arise from the loss of property, historic and cultural sites of value, community networks (if people are forced to relocate, income, displacement from homes, and the uncertainty of risk).

Approaches

Taking a 'hard defences' approach could result in immediate adverse environment effects such as loss of scenic quality, loss of access, loss of resilience to storm attack and reduction of sediment supply to the coast. Medium term effects could include beach narrowing, loss of sediment, loss of amenity, and loss of natural habitat.

The benefits of this are that the beaches are maintained, a natural coastal landscape is created/preserved, a functioning coastal ecosystem is preserved/created and the amenity value of the coast is sustained.

Wave reflection from sea walls worsens loss of sediment from beaches. In the long term the natural sedimentary system is altered as sediment that was formerly yielded by coastal erosion is no longer available and thus the coastal ecosystem adjusts. This necessitates changes elsewhere in the coastal system outside the area directly affected the defences.

In the case of 'groynes' (hard jetty-like structures) or offshore breakwaters the natural coastal system is altered and its ability to cope with changing environmental conditions (sediment supply, storms, sea level change) is reduced. The net effect is to require yet more coastal engineering intervention. The ultimate manifestation of this approach is the replacement of all sandy coasts with hard defences e.g. Taiwan.

Beaches and dunes may suffer erosion as a result of the reduction of sediment input. The marine ecosystem may suffer from lack of sediment inputs.

There are no negative environmental impacts from a 'managed retreat' approach. Managed retreat offers the opportunity for potential environmental enhancement as new tidal salt marshes are encouraged to expand.

With a 'soft defences' approach there is evidence that recharged beaches do have poor fauna and flora compared to natural beaches, especially in short to medium term and thus a negative impact on the ecosystem is likely to be the major immediate societal cost.

Nicety

Some hard structures (e.g. seawalls, groynes) can affect factors that contribute to the environment's amenity values, such as visual effects, natural character, and public access.

Economic

Economic impacts can include loss of productivity of land, infrastructure and property.

Loss of property and land

Harbour and coastal erosion may adversely affect peoples' incomes due to a loss of rural productive land. Erosion on or nearby a property can result in a reduction in the value or price of the property. Affected property owners could also find that it is difficult to get insurance or a mortgage for housing if it has or is likely to be affected by erosion.

The loss of property will arise if coastal protection works are not undertaken, or are not successful.

All construction activities will be very carefully managed to ensure there will be no physical effects on properties in the vicinity and that any disruption is minimised. We do not expect that any heavy vehicles associated with the construction will use the Glen Isla Place Cul de Sac

GIPS are contacting you as our Neighbours, to introduce the proposed project. If you would like to discuss any aspect of the project or to assist you with any other information you may request, we would be pleased to hear from you.

Kind Regards

Allan Fraser

On Behalf of the Glen Isla Protection Society Inc.

Mob. 021 925 482

- (b) take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and
- (c) evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.
- (3) Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.
- (4) Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.

Policy 28 Monitoring and reviewing the effectiveness of the NZCPS

- (1) To monitor and review the effectiveness of the NZCPS in achieving the purpose of the Act, the Minister of Conservation should:
 - (a) in collaboration with local authorities collect data for, and, as far as practicable, incorporate district and regional monitoring information into a nationally consistent monitoring and reporting programme;
 - (b) undertake other information gathering or monitoring that assists in providing a national perspective on coastal resource management trends, emerging issues and outcomes;
 - (c) within six years of its gazettal, assess the effect of the NZCPS on regional policy statements, plans, and resource consents, and other decision making; and
 - (d) publish a report and conclusions on matters (a) to (c) above.

Policy 29 Restricted Coastal Activities

- (1) The Minister of Conservation does not require any activity to be specified as a restricted coastal activity in a regional coastal plan.
- (2) Local authorities are directed under sections 55 and 57 of the Act to amend documents as necessary to give effect to this policy as soon as practicable, without using the process in Schedule 1 of the Act, with the effect that:
 - (a) any activity specified as a discretionary activity and a restricted coastal activity becomes a discretionary activity only;
 - (b) any activity specified as a non-complying activity and a restricted coastal activity becomes a non-complying activity only.
- (3) Any application for a coastal permit for an activity specified as a restricted coastal activity that has been publicly notified before the date the amendments in clause (2) are made shall continue to be treated as an application for a restricted coastal activity for the purposes of section 117 of the Act.
- (4) Any other application for an activity specified as a restricted coastal activity made before the date of the amendments in clause (2), shall be considered as a discretionary or non-complying activity in accordance with the regional coastal plan or proposed regional coastal plan's classification and section 117 does not apply.

Weekend Sun 24/11/2025
Watch out for dotterel nesting sites in BOP

Those enjoying Bay of Plenty beaches this summer are being reminded to watch out for dotterel nesting sites.

The New Zealand dotterel (*Anarhynchus obscurus*) is a threatened shorebird, with two distinct subspecies.

The Northern New Zealand dotterel (*tūturiwhatu* (*Anarhynchus obscurus aquilonius*)) is a characteristic bird of sandy beaches in the northern part of the North Island.

With a recovering conservation status, and population of more than 2500, the bird breeds on beaches along the North Island coastline, according to the Department of Conservation.

"New Zealand dotterels are now one of our rarest birds due to their love of coastal habitat which in summer happens to be the favourite playground of many people, not to mention introduced predators."

According to Western Bay of

Plenty District Council, often beach-goers will find nesting sites already cordoned off by the amazing wildlife protection groups in the rohe (district).

DOC advises when visiting dotterel areas to stay out of roped-off areas and follow the signs; keep dogs and vehicles off beaches and sandspits; and if you see a NZ dotterel feigning injury, it may 'drag' a wing as if it is broken, it has a nest or chicks nearby. So move away slowly and carefully.

Submission on application – resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): Rt Hon Helen Clark and George Clark

Submission on an application

Application from: Glen Isla Protection Society Inc
% Mitchell Daysh Limited, 33 Totara Street, Mount Maunganui, 3116

Resource consent

A resource consent for: RE: RC14513 – Coastal Erosion Protection Structure (Buried Rock Riprap Wall) on the Glen Isla Reserve at 95 Seaforth Road, Waihi Beach

I **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

Submission relates to

Please add additional pages if required.

Please refer to the signed, attached letter of objection dated 24 February 2024.

Objection to proposed Waihi Beach Coastal Protection Structure (RC14513)

We are writing to make a formal objection to the proposed rock riprap wall for coastal protection at Glen Isla Place, Waihi Beach, as outlined in the *Glen Isla Dune – Waihi Beach Coastal Protection Project Resource Consent Application*.

The Clark family has a longstanding personal connection to Waihi Beach. George Clark came to the beach on holiday from the 1920s, and then retired to Waihi Beach with his late wife in 1987. My

sisters and I have holidayed at Waihi Beach from the 1950s, and since 1987 our holiday base has been at my parents' home at 72 Seaforth Rd.

Our family walks the beach regularly, including past Three Mile Creek, along the coastline abutting the seafront homes in Glen Isla Place, and along the Island View Reserve beachfront. We witness firsthand the fragile beauty of this environment and the need to protect it from further degradation. The proposed riprap wall would negatively impact this valued area, which is cherished by locals, and visitors alike.

The impact of the riprap wall in the area immediately north of Three Mile Creek, which is the nearest beach access point for my father's home on Seaforth Road, has been highly adverse for the beach and for our ability to enjoy it. At high tide there is often no beach and it is too dangerous to swim there, as one runs the risk of being tossed onto rocks. The disappearance of the beach at high tide also has an impact on bird life.

It is clear that hard coastal protection structures like riprap walls have a disruptive and adverse impact on the environment. New Zealand's *Coastal Policy Statement (2010)*, specifically Policy 27(4), states that unless there is clear public benefit, structures that protect private property should not be located on public land. This principle should be applied to the current proposal. Instead of resorting to hard engineering, solutions which are sustainable and environmentally responsible should be implemented.

The wider environmental and ecological consequences of the proposal are potentially staggering, particularly given that the area for which the riprap wall is proposed is on one of only two viable Northern New Zealand Dotterel (NNZD) breeding sites at Waihi Beach – the other being at the North End of the beach. Our family is deeply concerned about the declining numbers of NNZD. This endangered species has suffered huge habitat loss, along with facing other threats which conservation management efforts have sought to mitigate.

A balanced approach which emphasises sustainability, fairness, and environmental preservation is needed at Waihi Beach. The *Blue Green Ecological Assessment (August 2024)* has failed to account for seasonal native bird breeding patterns at Three Mile Creek. It should be noted that the *Davis Coastal Consultants* report which assessed the proposed riprap wall structure's impact on the coastal environment and its design process, did raise concerns. In light of these contradictory assessments, independent assessments need to be conducted, or, failing that, there need to be peer reviews of the existing reports to be commissioned, with the agreement of all relevant parties.

There are numerous case studies, both from New Zealand and internationally, illustrating the long-term detrimental effects of riprap walls, and highlighting successful alternatives such as dune restoration and sand pushing. The latter strategies have proven effective in managing coastal erosion with minimal and temporary impacts which are often no longer visible just days after completion. This strategy is working at Waihi Beach itself to the south of Glen Isla Place.

The proposal to use a riprap wall in the vicinity of Three Mile Creek and Glen Isla Place contradicts local policies and legislation, including the Council's own *Coastal Erosion Response Policy (2017)* and the *Resource Management Act (1991)*, both of which emphasise the importance of public and environmental benefits in coastal protection efforts. The proposed wall would have a significant adverse effect on the beach, and its construction would set a dangerous precedent for further expansion of seawalls along our public coastline, particularly as sea levels rise.

To date, there is no visible evidence of remedial work, planting, or evident collaboration with Coast Care, to restore the dunes in the area near the seaward houses on Glen Isla (9-12). Additionally,

ongoing issues with garden waste dumping further threaten the integrity of the dune system in front of the houses.

The Bay of Plenty Regional Council's Environment Plan supports the use of soft engineering and managed retreat over hard protection, aligning with broader environmental objectives. The potential for permanent shoreline retreat, as indicated by hazard studies at Waihi Beach, makes the proposed seawall an unsustainable option that will only exacerbate environmental degradation over time.

In conclusion, my family and I strongly oppose the proposed riprap wall, and respectfully request that alternative, more sustainable methods of coastal protection, such as dune restoration and sand pushing, be considered. It is the long-term health of our environment and local ecosystems, the protection of native species like the NNZD, and the preservation of the natural beauty of Waihi Beach for future generations which must be prioritised.

We also fully support the comprehensive submission compiled and submitted by Waihi Beach Dot Watch.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

We oppose the application. Please refer to the attached letter of objection dated 24 February 2024. We seek that the resource consent is declined on the basis of the following submission points:

- a) The Lack of Weight and Consideration of Relevant National and Local Policies and Legislation. In particular *NZ Coastal Policy Statement 2010, Policy 27(4)*.

'UNLESS THERE IS PUBLIC BENEFIT, STRUCTURES THAT PROTECT PRIVATE PROPERTY SHOULD NOT BE LOCATED ON PUBLIC LAND'.

- b) Environmental and Ecological Impacts, including habitat loss and species impact (Northern NZ Dotterel).
- c) Cumulative and Long-Term Effect of the buried rock riprap wall and loss of beach.
- d) The current proposal is inconsistent with best practices and sets a dangerous precedent for future decision-making.
- e) The lack of any evidence of remedial work by GIPS to manage dune conservation and dune reinstatement to date.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

The current resource consent application is declined. If that is not the case then we respectfully request that independent hydrological evaluation be undertaken to consider potential water redirection effects on surrounding property, and proposed mitigation measures, that *Coastal Process Assessment* report and the *Engineering Design Report*, be independently commissioned, or

at the very least, undergo peer review with consensus from all relevant parties to assess the effects that the resource consent will have on all the aforementioned bullet points.

I do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

Due to current commitments, I will be unable to attend. I hereby delegate authority to Pippa Coombes to represent our submission at any related hearing/s

I request pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person authorised to sign this form:

Rt Hon Helen Clark

*not required if submitting electronically

Date:

24 February 2025

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

72 Seaforth Road
Waihi Beach, 3611
078634016

24 February 2025

To Whom It May Concern,

Objection to proposed Waihi Beach Coastal Protection Structure (RC14513)

We are writing to make formal objection to the proposed rock riprap wall for coastal protection at Glen Isla Place, Waihi Beach, as outlined in the *Glen Isla Dune – Waihi Beach Coastal Protection Project Resource Consent Application*.

The Clark family has a longstanding personal connection to Waihi Beach. George Clark came to the beach on holiday from the 1920s, and then retired to Waihi Beach with his late wife in 1987. My sisters and I have holidayed at Waihi Beach from the 1950s, and since 1987 our holiday base has been at my parents' home at 72 Seaforth Rd.

Our family walks the beach regularly, including past Three Mile Creek, along the coastline abutting the seafront homes in Glen Isla Place, and along the Island View Reserve beachfront. We witness firsthand the fragile beauty of this environment and the need to protect it from further degradation. The proposed riprap wall would negatively impact this valued area, which is cherished by locals, and visitors alike.

The impact of the riprap wall in the area immediately north of Three Mile Creek, which is the nearest beach access point for my father's home on Seaforth Road, has been highly adverse for the beach and for our ability to enjoy it. At high tide there is often no beach and it is too dangerous to swim there, as one runs the risk of being tossed onto rocks. The disappearance of the beach at high tide also has an impact on bird life.

It is clear that hard coastal protection structures like riprap walls have a disruptive and adverse impact on the environment. New Zealand's *Coastal Policy Statement (2010)*, specifically Policy 27(4), states that unless there is clear public benefit, structures that protect private property should not be located on public land. This principle should be applied to the current proposal. Instead of resorting to hard engineering, solutions which are sustainable and environmentally responsible should be implemented.

The wider environmental and ecological consequences of the proposal are potentially staggering, particularly given that the area for which the riprap wall is proposed is on one of only two viable Northern New Zealand Dotterel (NNZD) breeding sites at Waihi Beach - the other being at the North End of the beach. Our family is deeply concerned about the declining numbers of NNZD. This endangered species has suffered huge

habitat loss, along with facing other threats which conservation management efforts have sought to mitigate.

A balanced approach which emphasises sustainability, fairness, and environmental preservation is needed at Waihi Beach. The *Blue Green Ecological Assessment* (August 2024) has failed to account for seasonal native bird breeding patterns at Three Mile Creek. It should be noted that the *Davis Coastal Consultants* report which assessed the proposed riprap wall structure's impact on the coastal environment and its design process, did raise concerns. In light of these contradictory assessments, independent assessments need to be conducted, or, failing that, there need to be peer reviews of the existing reports to be commissioned, with the agreement of all relevant parties.

There are numerous case studies, both from New Zealand and internationally, illustrating the long-term detrimental effects of riprap walls, and highlighting successful alternatives such as dune restoration and sand pushing. The latter strategies have proven effective in managing coastal erosion with minimal and temporary impacts which are often no longer visible just days after completion. This strategy is working at Waihi Beach itself to the south of Glen Isla Place.

The proposal to use a riprap wall in the vicinity of Three Mile Creek and Glen Isla Place contradicts local policies and legislation, including the Council's own *Coastal Erosion Response Policy (2017)* and the *Resource Management Act (1991)*, both of which emphasise the importance of public and environmental benefits in coastal protection efforts. The proposed wall would have a significant adverse effect on the beach, and its construction would set a dangerous precedent for further expansion of seawalls along our public coastline, particularly as sea levels rise.

To date, there is no visible evidence of remedial work, planting, or evident collaboration with Coast Care, to restore the dunes in the area near the seaward houses on Glen Isla (9-12). Additionally, ongoing issues with garden waste dumping further threaten the integrity of the dune system in front of the houses.

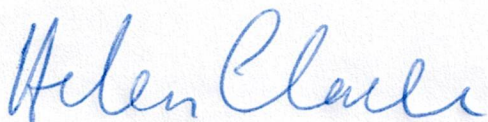
The Bay of Plenty Regional Council's Environment Plan supports the use of soft engineering and managed retreat over hard protection, aligning with broader environmental objectives. The potential for permanent shoreline retreat, as indicated by hazard studies at Waihi Beach, makes the proposed seawall an unsustainable option that will only exacerbate environmental degradation over time.

In conclusion, my family and I strongly oppose the proposed riprap wall, and respectfully request that alternative, more sustainable methods of coastal protection, such as dune restoration and sand pushing, be considered. It is the long-term health of our environment and local ecosystems, the protection of native species like the NNZD, and the preservation of the natural beauty of Waihi Beach for future generations which

must be prioritised. We also fully support the comprehensive submission compiled and submitted by Waihi Beach Dot Watch.

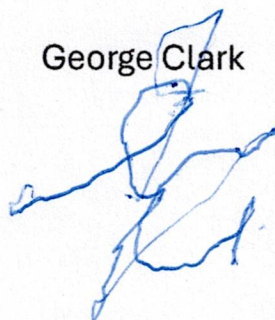
Thank you for your time and consideration of this matter.

Yours faithfully,



Rt Hon Helen Clark

George Clark



Submission on application – resource consent or esplanade strip subject to public or limited notification

*Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource
Management Act 1991*



Form 13

Name of submitter

Name(s): M R McConnochie

Submission on an application

Application from: Mitchell Daysh Limited For Glen Isla Protection Society

Resource consent

A resource consent for: Sea Wall ("coastal protection structure") – Glen Isla Place, Waihi Beach.
RC14513(L)

I **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

Submission relates to

Please add additional pages if required.

Opposition to the excavation and the erection of a sea wall on Waihi beach at Glen Isla Place.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I oppose the creation of rock walls on Waihi beach.

The affected Tauranga County dwellings were supposed to have been built to be readily removable in event of erosional high seas, which acknowledges both the likelihood of such events and an obligation not to go building walls, or other hard surfaces on the beach. The council should hold the owners to their obligation.

I fear the council will regard granting of this application as precedent for much greater destruction of any remaining natural beach environment toward the main end at Waihi Beach (ie the extension of existing walls).

Figure 5.0b in Appendix 6 of the Resource Application ("Indicative excavation to place wall") closely resembles the cross-section used in the proposal for the extant sea walls at Waihi Beach. Neither resembles the resultant rock revetment we now endure; little sand accumulates at the foot of the stacked rocks. Rather than absorb wave energy as sand does, the rocks accelerate the sea water flow which causes scouring of sand.

The erosional edge effects of the proposed Glen Isla wall will transfer storm damage in to adjoining public land with consequent loss of public amenity.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

Date:

27/02/25

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

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You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application - resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

Nigel Goodhue
Jessica Goodhue

Submission on an application

Application from:

Alen Isla Protection Society Inc.

Resource consent

A resource consent for:

RC14513 - To construct a coastal
protection structure and associated
activities on the Council recreation
reserve at 95 Seaforth Rd, the
adjoining esplanade reserve at Lot 19
DPS 22035 and 12 Alen Isla Pl, Waihi Beach.

I ~~am~~/am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I ~~am~~/am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

Please see attached.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

Please see attached.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

Please see attached.

I wish/~~do not wish~~ to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I ~~request~~/do not request, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically



Date:

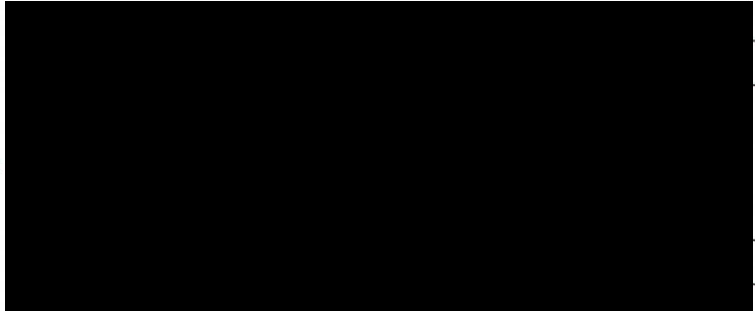
21/2/2025

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)



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You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION ON APPLICATION FOR RESOURCE CONSENT

To Western Bay of Plenty District Council
rcsubmissions@westernbay.govt.nz
Cc: Mitchell Daysh Limited
33 Totara Street, Mount Maunganui, 3116
Attn: Luke Faithfull
luke.faithfull@mitchelldaysh.co.nz

DETAILS OF SUBMITTER

Name Nigel Goodhue
Jessica Goodhue
Address for Correspondence nigandjess@gmail.com

Resource Consent Number: RC14513
Name of Applicant: Glen Isla Protection Society Incorporated
Description of Proposal: To construct a coastal protection structure (buried rock riprap wall) and associated activities on the Council recreation reserve at 95 Seaforth Road (Lot 18 DPS 22035), the adjoining esplanade reserve at Lot 19 DPS 22035 and 12 Glen Isla Place, Waihi Beach.

Submission Details

1. We **oppose** the application in its entirety.
2. We are directly affected by effects of the activity to which the application relates that adversely affect the environment and do not relate to trade competition or the effect of trade competition.
3. The specific parts of the application and the reasons for the submission are:
 - a. The resource consent application fails to adequately address and mitigate the actual and potential effects of the activity over the intended lifetime of the structure.
 - b. Locating a sea wall within a Council Reserve, is not an appropriate use of public land where it will result in an adverse effect on public use.

- c. The activity, over its intended lifetime, is inconsistent with the New Zealand Coastal Policy Statement and the Western of Plenty District Council Plan.

Background and Context

- 4. My name is Nigel Goodhue and I write this submission on behalf of Jessica and myself. We have had a long association with Waihi Beach as a holiday destination for the past 20 plus years. Our current family bach, for the previous 15 years, is located inland from Ayr Street. We access the beach from Ayr Street to Three-mile Creek for a variety of recreational activities.
- 5. I hold a Master's of Science degree from University of Waikato in coastal and estuarine related processes and have previously worked in a consulting role assessing sea level rise and coastal inundation. I no longer work in the coastal environmental field and this submission is not presented as expert evidence; however, I hold a broad understanding of coastal processes which I have drawn on in making this submission.
- 6. I am familiar with the current coastal protection works that generally run from Ayr Street to the southern end of The Loop and front the southern section of Shaw Road (consented by BOPRC 62912-62914 in 2006). These existing rock riprap-style seawalls currently provide protection for the properties located immediately landward. The presence of the existing seawall has had adverse effects on the amenity, recreational and ecological values in a number of ways:
 - a. Loss of accessible beach at high tide – at many sections of the seawall there is no longer accessible beach for several hours each side of hightide (depending on amplitude of the tide and the state of the sea). This severely limits all recreational activity in this area.
 - b. Reduction in amenity values for beach users. Sourced boulders are inconsistent with the natural sand dune systems.
 - c. Reduced ecological values with a loss of connection between the upper dune system (above rock wall) and lower dune system (if present). This limits, for instance, the ability for dune plants to colonise the lower section, stabilising sediment.

7. It is acknowledged that the existing seawalls are located within the CMA (below high-water mark) and were consented with this intention.

Proposed activity

8. The proposed seawall will be of similar design and material as these existing consented seawalls. It is evident from the application that the intention of the seawall is that it will become exposed over the duration of its lifetime and incorporated into the Coastal Marine Area. The technical assessment predicts that within a 30- to 40-year time frame, loss of dune planting to the point of full exposure to the toe of the structure may occur and within 40-50 years underscoring may have occurred requiring remedial actions¹. At the point where the toe is exposed (MHWS) there will be:
 - a. Significantly reduced public access to the beach resulting in negative effects on the public use and access along the beach.
 - b. Negative impact on amenity values due to the exposure of large rock boulders that are out of character with the existing sand dune system.
 - c. Loss of ecological value with an upper dune system becoming separated from the CMA.
9. A large (or smaller cumulative) storm event(s) could expose the sea wall within a much shorter time frame resulting in the adverse effects described above.
10. The application and technical assessment largely focus on the effects of the construction of the seawall and the timeframe immediately following its establishment and conclude with the activity having an overall positive effect².
11. Detailed consideration of the actual and potential longer-term effects (loss of public access and amenity) is largely absent in the assessments. Furthermore, where they are discussed, the acceptance of these effects is based on their consistency with the

¹ Section 6.2 - Western Bay of Plenty District Council - Resource Consent Application and Assessment of Environmental Effects; Mitchell Daysh Limited. 11 October 2024

² Section 6.1 - Western Bay of Plenty District Council - Resource Consent Application and Assessment of Environmental Effects; Mitchell Daysh Limited. 11 October 2024

existing seawalls at Waihi Beach³. It is inappropriate to accept that the loss of public access, amenity, and ecological values is adequately mitigated simply by pointing to the consistency of these effects with those caused by existing seawalls.

12. The application has provided no mitigations or remedial action for these effects. It is noted that the application states that agreement has been signed with WBOPDC to vest the structure to WBOPDC once completed⁴. While no further details are provided on the agreement, and acknowledging it is outside this consent process, WBOPDC bearing financial costs for the maintenance of the sea wall over its intended life is inappropriate.

Regulatory assessment

13. The Assessment of the applicable regulations has focused on the establishment and construction of the seawall and has been largely based on it being located outside of the CMA. This assessment has failed to recognise the potential and actual effects of it being located within the CMA within its intended lifetime.
14. The application needs to be fully assessed against the provisions of the Coastal Policy Statement. This should include Policies 3, 6, 11, 13 and 15. For the purpose of this submission we have reviewed the activity and supporting application against key Policy 27 (Strategies for protecting significant existing development⁵ from coastal hazard risk) in the Appendix attached to this submission.
15. In conclusion, the proposed seawall is considered highly inconsistent with the CPS, WBOPDC District Plan, in particular the direction provided by Policy 27 of the CPS.

³ Section 6.3 & 6.6 - Western Bay of Plenty District Council - Resource Consent Application and Assessment of Environmental Effects; Mitchell Daysh Limited. 11 October 2024

⁴ Section 4 - Western Bay of Plenty District Council - Resource Consent Application and Assessment of Environmental Effects; Mitchell Daysh Limited. 11 October 2024

Relief sought

16. Based on:
 - a. The social and environmental effects of the seawall being more than minor over its intended lifetime and the inadequate mitigation to reduce these effects; and
 - b. The high-level of inconsistency with the Coastal Policy Statement and District Plan.
17. We seek the application to be **declined**.
18. If the commissioners are inclined to grant consent, we wish to see the following:
 - a. The structure is not located within the Council Reserve land and is limited entirely to private property; and
 - b. The consent holder is responsible for the intended life of the seawall to mitigate any effects of reduced public access and amenity values by re-establishing a soft dune system following the exposure of the seawall.
19. We wish to speak in support of our submission.



Nigel Goodhue



Jessica Goodhue

Dated 27 February 2025

Assessment against Policy 27 of the Coastal Policy Statement 2010

In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes:	
Promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk;	The proposed activity does not promote sustainable risk reduction approaches by relocation or removal of existing development or structures at risk. Planning information including the well-established coastal hazard area and the information on the dynamic nature of the shore line location in this area have been available for several decades. It is anticipated that this information was available to the owners of the subject sites when making informed risk decisions on use and development of their properties.
Identifying the consequences of potential strategic options relative to the option of “do-nothing”;	Has been completed and determined unacceptable in the application; the reasons given for this are limited.
Recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations;	The housing development is not existing infrastructure of national or regional importance.
Recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and	This has not been undertaken and the application fails to acknowledge or consider any social, or the full environmental, costs.
Identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.	While this aspect is likely intended for Councils to adapt into district/regional plans, the application has not considered any transition mechanisms and timeframes for moving to more sustainable approaches
In evaluating options under (1):	
focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions;	The application does not contain a thorough risk management approach (see below).
take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and	The proposed seawall has focussed on a maximum 50-year timeframe in which it is acknowledged it may fail (end of life). There has been no consideration of 100-year timeframe as required by the CPS.
evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.	Not undertaken at a social and environmental level over the intended lifetime of the structure.
Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.	The structure of basic rock rip rap within a Council (public) reserve is not designed to minimise adverse effects on the coastal environment.
Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so	Proposed seawall location within a Council (public) reserve does not comply with this Policy.

Submission on application - resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

Dot Watch Waihi Beach

Submission on an application

Application from:

Glen Isla Protection Society

Resource consent

A resource consent for:

I ~~am~~ **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I **am** ~~am~~ directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

Please refer to attached annex (pages 1-20) and appendices A - G

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

Opposed to the full application

Please refer to attached annex (pages 1-20) and appendices A - G

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

That the resource consent application is declined in its current format.

Please refer to attached annex (pages 1-20) and appendices A - G

I wish ~~to be heard~~ to be heard in support of my submission.

~~*If others make a similar submission, I will consider presenting a joint case with them at the hearing.~~

~~(*Delete if you would not consider presenting a joint case).~~

I request/~~to be heard~~, pursuant to **section 100A** of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

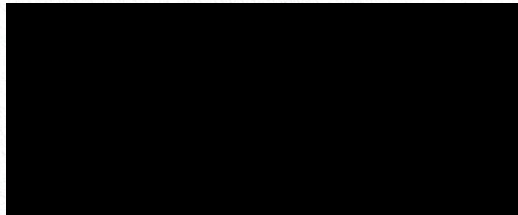
Date:

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)



Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Appendix A

Case Studies

Case Studies New Zealand

Research highlights the adverse effects of rock revetment walls on ecosystems nationwide and instances that illustrate the challenges and failures associated with hard engineering choices.

1. Ōhiwa Harbour (2017): Hard structures caused beach narrowing and sediment loss, reducing shorebird habitats (NZ Coastal Society).
2. Pakiri Beach (2018): Severe erosion of unprotected beaches led to the loss of sandy stretches and degradation of habitats (Wright).
3. Kāpiti Coast (2020): Disrupted sediment transport accelerated erosion and harmed biodiversity (NZ Coastal Policy Statement Review).
4. Mount Maunganui and Papamoa Beach (2019): Rock revetment walls inhibited dune rebuilding and degraded habitats vital for tūturiwhatu (Lowe & McKinnon).

Previous Lessons from Waihi Beach

In 2011, a seawall was constructed at Waihi Beach to protect private beachfront properties. The seawall was built despite opposition from local communities, coastal scientists, and Māori groups. Critics argue that this structure symbolises a failed approach to coastal management, as it protects private assets at the expense of public beach space and may exacerbate erosion in other areas.

These cases highlight the complexities and potential adverse outcomes of using hard engineering solutions like riprap sea walls and sand dune coverings in coastal erosion management. They emphasise the importance of considering natural coastal processes and the potential for unintended environmental consequences when implementing such interventions.

These sources provide in-depth details about the challenges and outcomes of using hard engineering solutions like rip rap and sand dune coverings in New Zealand.

The 2011 Waihi Beach dune enhancement project exemplifies the limitations of hard engineering solutions. The rock revetment wall worsened erosion and disrupted sediment movement, failing to protect the shoreline effectively. Local communities, excluded from decision-making processes, resisted artificial solutions that disregarded natural coastal dynamics.

Sustainable alternatives, such as dune restoration, native vegetation planting, and bioengineering, offer effective, environmentally sensitive approaches to coastal protection

International Case Studies

While rip rap sea walls with sand dune coverings can offer temporary protection against coastal erosion, their long-term environmental consequences often outweigh their benefits. Both internal and International experiences underscore the need for holistic, ecosystem-based coastal management strategies that prioritise the preservation of natural processes and habitats.

When sand dunes covering rip rap sea walls fail and are washed away, the consequences can be severe, exposing the underlying artificial structure to increased erosion, wave action, and environmental degradation. Below is an exploration of what typically happens when these systems fail, along with notable case studies

What Happens When Sand Dunes Fail under Rip Rap Walls.

1. Exposure of Rip Rap:
 - Once the protective sand dune is washed away, the riprap sea wall is left fully exposed to wave energy. This can accelerate scouring at the base of the structure, destabilising it over time.
2. Increased Coastal Erosion:
 - Without the dune to absorb and dissipate wave energy, adjacent beaches and shorelines often experience heightened erosion due to the reflective properties of the rip rap.
3. Loss of Habitat:
 - Dune ecosystems, which provide nesting grounds for birds, turtles, and other wildlife, are entirely lost, leaving species with fewer options for survival.
4. Aesthetic and Recreational Impact:
 - The natural appearance of the coastline is compromised as the bare rocks or concrete of the rip rap become visible. This can reduce the area's attractiveness for tourism and recreation.
5. Economic Impacts:
 - Failed dunes lead to increased maintenance costs for riprap walls and surrounding infrastructure. In some cases, repeated repairs become economically unsustainable.

6. Worsening of Downstream Effects:

- When dunes fail, the resulting sediment deficits exacerbate erosion further along the coastline, leading to a cascading effect of environmental and infrastructural damage.

Case Studies of Sand Dune Failures – Riprap

1. Gold Coast, Australia

- Background: In the 1970s, the Gold Coast built riprap sea walls, known locally as "A-lines," with sand dune coverings to protect beachfront properties from storm surges and erosion.
- Failure: During extreme weather events, including Cyclone Debbie in 2017, heavy rainfall and storm surges washed away the dunes, exposing the underlying sea walls. Due to the harsh nature of the walls adjacent beaches were severely eroded, resulting in the loss of sandbanks and significant damage to nearby ecosystems.
- Outcome: The failure prompted emergency beach nourishment projects, costing millions of dollars. Critics argued that reliance on hard infrastructure led to more frequent and severe erosion.

2. New Jersey, United States

- Background: After Hurricane Sandy in 2012, sand dunes were reconstructed over rip rap sea walls to restore natural defenses along New Jersey's coast.
- Failure: Subsequent storms in 2015 and 2016 eroded these dunes, leaving rip rap walls exposed. The dunes, lacking deep-rooted vegetation and built on top of unstable sediment, failed to withstand repeated wave action.
- Outcome: The exposed walls caused scouring, intensifying erosion in neighboring areas and requiring additional sand replenishment projects. The failure highlighted the unsuitability of artificial dunes in high-energy environments.

3. Hemsby, England

- Background: In Norfolk, rip rap sea defences with sand dune coverings were installed to protect the coastal village of Hemsby from North Sea storms.
- Failure: In 2018 and 2020, storm surges washed away the dunes, leaving the rip rap defences exposed and ineffective. Several homes near the cliff edge collapsed as the coastline retreated rapidly.
- Outcome: The failure triggered emergency evacuations and sparked debates about managed retreat versus continued reliance on artificial defences.

4. Maui, Hawaii

- Background: In West Maui, rip rap walls covered with sand dunes were installed to combat beach erosion threatening beachfront properties.

- Failure: Seasonal high tides and storm events washed away the dunes within a few years of installation, exposing the rip rap walls. The resulting erosion led to significant beach loss, harming coral reef ecosystems reliant on sand deposition.
- Outcome: Lawsuits from environmental groups forced local authorities to reconsider their approach, leading to increased investment in "living shoreline" alternatives.

5. Bay of Plenty, New Zealand

- Background: Alongshore development near Mount Maunganui used rip rap and artificial dunes to protect infrastructure.
- Failure: Storm surges during the 2018 ex-tropical cyclone Fehi eroded dunes, exposing the rip rap. Subsequent waves caused rapid scouring at the base of the sea walls, worsening beach erosion and sediment loss.
- Outcome: Significant public funds were required for repairs, and discussions about managed retreat gained traction due to the unsustainable nature of the defences.

Appendix B

Relevant Environmental Court Cases

Examining Environmental Court cases in New Zealand concerning resource consent applications for coastal seawalls offers insight into how such proposals are evaluated under the Resource Management Act (RMA). Below are notable examples where resource consents for seawalls were either granted or declined:

1. Opuia Coastal Preservation Inc v Far North District Council (2017)

In this case, the Environment Court considered the potential effects of a coastal development project on neighbouring properties. The court emphasised the need for robust environmental assessments and adequate mitigation measures to prevent harm to adjacent landowners. It ruled that the council and developers must adopt a precautionary approach and require ongoing monitoring to ensure no adverse effects arise from construction or natural shifts in coastal waters.

This case illustrates how New Zealand courts expect resource consent applicants to implement thorough safeguards to mitigate potential risks associated with coastal works. It underscores the importance of independent reviews and transparency.

This case is crucial to this consent application, full independent evaluation is essential and should include a request for independent hydrological and coastal engineering assessments to evaluate potential water redirection effects and propose mitigation measures.

2. Waihi Beach Seawall Approved

In 2007, the Conservation Minister approved a resource consent for constructing a rock seawall at Waihi Beach. The decision acknowledged that, while seawalls are not the ideal solution for managing coastal erosion, they may be necessary in the short term to protect existing structures, provided long-term sustainable solutions are also pursued.

Although consents have been issued in the past for seawalls at Waihi Beach (e.g., at The Loop and Shaw Road), these were only granted temporary consent (for 25 years) by the Environment Court, with explicit recognition that they were not suitable long-term solutions. Additionally, these consents were granted before the NZCPS 2010, which has since introduced stricter requirements and stronger discouragement of seawalls.

3. Pakawau Community Seawall Consent Declined

In April 2019, the Tasman District Council declined a resource consent application by the Pakawau Community Residents Association to construct a 345-meter rock revetment seawall. The decision was based on concerns that the proposed seawall would have adverse effects on the coastal environment, including potential exacerbation of erosion in adjacent areas and loss of public beach access, which outweighed the benefits of protecting private properties.

These cases illustrate the Environment Court's approach to balancing coastal protection needs with environmental preservation and public access considerations under the RMA.

Glen Isla Protection Society Incorporated

Constitution rules

Introductory rules

Name

1. The name of the society is Glen Isla Protection Society Incorporated (in these **Rules** referred to as the '**Society**').

Charitable status

2. The **Society** is not and does not intend to be registered as a charitable entity under the Charities Act 2005.

Definitions

3. In these **Rules**, words have the meaning set down in the Act. In all other instances, unless the context requires otherwise, the following words and phrases have the following meanings:

'**Act**' means the Incorporated Societies Act 2022 or any Act which replaces it (including amendments to it from time to time), and any regulations made under the Act or under any Act which replaces it.

'**Annual General Meeting**' means a meeting of the **Members** of the **Society** held once per year which, among other things, will receive and consider reports on the **Society's** activities and finances.

'**Committee**' means the **Society's** governing body.

'**Committee Member**' means a member of the **Committee**, including the **President**, **Vice President**, **Secretary** and **Treasurer**.

'**Dispute**' means any disagreement or conflict that is a dispute for the purposes of section 38 of the Incorporated Societies Act 2022.

'**General Meeting**' means either an **Annual General Meeting** or a **Special General Meeting** of the **Society**.

‘Interested Member’ means a member who is interested in a matter for any of the reasons set out in section 62 of the Incorporated Societies Act 2022 provided that being an owner of beachfront property at or near Glen Isla Place, Three Mile Creek or the Island Bay Reserve or funding or guaranteeing any of the **Society’s** work shall not, of itself, constitute an interest in any matter.

‘Interests Register’ means the register of interests of Officers, including **Committee Members**, kept under these **Rules**.

‘Matter’ means:

1. the **Society’s** performance of its activities or exercise of its powers; or
2. an arrangement, agreement, or contract (a transaction) made or entered into, or proposed to be entered into, by the **Society**.

‘Member’ means a person properly admitted to the **Society** who has not ceased to be a member of the **Society**.

‘Notice’ to Members includes any notice given by post, courier or email; and the failure for any reason of any Member to receive such Notice or information shall not invalidate any meeting or its proceedings or any election.

‘President’ means the **Committee Member** responsible for, among other things, overseeing the governance and operations of the **Society** and chairing **General Meetings**.

‘Register of Members’ means the register of **Members** kept under these **Rules**.

‘Rules’ means the rules in this document.

‘Secretary’ means the **Committee Member** responsible for, among other things, keeping the **Register of Members**, the **Register of Interests**, and recording the minutes of **General Meetings** and **Committee** meetings.

‘Special General Meeting’ means a meeting of the **Members**, other than an **Annual General Meeting**, called for a specific purpose or purposes.

‘Treasurer’ means the **Committee Member** responsible for, among other things, overseeing the finances of the **Society**.

‘Vice President’ means the **Committee Member** elected or appointed to deputise in the absence of the President.

‘Working Days’ mean as defined in the Legislation Act 2019. Examples of days that are not **Working Days** include, but are not limited to, the following: a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, ANZAC Day, the Sovereign’s birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day.

Purposes

4. The primary purposes of the **Society** are to:

- protect and enhance the natural and coastal environment in the vicinity of Glen Isla Place, Three Mile Creek, and the Island View Reserve at Waihi Beach,
- design, obtain permissions and approvals for, and construct coastal protection measures to protect that environment,
- to manage and, if necessary to own, such protection measures,
- to do such other things necessary or desirable to achieve the above purposes.

5. The **Society** must not operate for the purpose of, or with the effect of:

- any **Member** of the **Society** deriving any personal financial gain from membership of the **Society**, other than as may be permitted by law, or
- returning all or part of the surplus generated by the **Society's** operations to **Members**, in money or in kind, or
- conferring any kind of ownership in the **Society's** assets on **Members**

but the **Society** will not operate for the financial gain of **Members** simply if the **Society**:

- engages in trade,
- for matters that are incidental to the purposes of the **Society**, pays a **Member** of the **Society** that is a body corporate that is not, or are the trustees of a trust that are not, carried on for the private pecuniary profit of any individual,
- reimburses a **Member** for reasonable expenses legitimately incurred on behalf of the **Society** or while pursuing the **Society's** purposes,
- provides benefits to members of the public or of a class of the public and those persons include **Members** or their families,
- pays a **Member** a salary or wages or other payments for services to the **Society** on arm's length terms (terms reasonable in the circumstances if the parties were connected or related only by the transaction in question, each acting independently, and each acting in its own best interests; or are terms less favourable to the Member than those terms),

- pays any **Member** interest at no more than current commercial rates on loans made by that **Member** to the **Society**, or
 - provides a **Member** with incidental benefits (for example, trophies, prizes, or discounts on products or services) in accordance with the purposes of the **Society**.
6. No **Interested Member** is allowed to take part in, or influence any decision made by the **Society** in respect of payments to, or on behalf of, the **Interested Member** of any income, benefit, or advantage.
 7. Any payments made to an **Interested Member** must be for goods and services that advance the charitable purpose and must be reasonable and comparable to payments that would be made between unrelated parties.

Act and Regulations

8. Nothing in this Constitution authorises the **Society** to do anything which contravenes or is inconsistent with the Act, any regulations made under the Act, or any other legislation.

Registered office

9. The Registered Office of the **Society** shall be at such place in New Zealand as the **Committee** from time to time determines, and changes to the Registered Office shall immediately be notified to the Registrar of Incorporated Societies in a form and as required by the Act.

Other powers

10. In addition to its statutory powers, the **Society** may (subject to exercising the care and skill that a prudent person of business would exercise in managing the affairs of others) for the purposes of carrying on any operation within the scope of its objects:
 - use its funds to pay the costs and expenses to advance or carry out its objects,
 - employ or contract with such people as may be appropriate, and
 - invest in any investment.

Members

Minimum number of members

11. The **Society** shall maintain the minimum number of **Members** required by the **Act**.

Types of members

12. The classes of membership and the method by which **Members** are admitted to different classes of membership are as follows:

- **Member:** A **Member** is an individual or body corporate admitted to membership under these **Rules** and who or which has not ceased to be a **Member**.
- **Life Member:** A **Life Member** is a person honoured for highly valued services to the **Society** elected as a **Life Member** by resolution of a **General Meeting** passed by a two-thirds majority of those **Members** present and voting. A **Life Member** shall have all the rights and privileges of a **Member** and shall be subject to all the same duties as a **Member** except those of paying subscriptions.
- **Honorary Member:** An **Honorary Member** is a person honoured for services to the **Society** or in an associated field elected as an **Honorary Member** by resolution of a **General Meeting** passed by a two-thirds majority of those present and voting. An **Honorary Member** has no membership rights, privileges or duties.

Becoming a member: consent

13. Every applicant for membership must consent in writing to becoming a **Member**.

Becoming a member: process

14. An applicant for membership must complete and sign any application form, supply any information, or attend an interview, as may be reasonably required by the **Committee** regarding an application for membership.
15. The **Committee** may accept or decline an application for membership. The **Committee** must advise the applicant of its decision (but is not required to provide reasons for that decision).

Obligations and rights

16. Every **Member** shall provide the **Society** with that **Member's** name and contact details (including postal address, telephone number(s), and any email address) and promptly advise the **Society** of any changes to those details.
17. Membership does not confer on any **Member** any right, title, or interest (legal or equitable) in the property of the **Society**.

Other obligations and rights

18. All **Members** (including **Committee Members**) shall promote the interests and purposes of the **Society** and shall do nothing to bring the **Society** into disrepute.
19. A **Member** is only entitled to exercise the rights of membership (including attending and voting at **General Meetings**, accessing or using the **Society's** premises, facilities, equipment and other property) if all subscriptions and any other fees have been paid to the **Society** up to date, but no **Member** or Life **Member** is liable for an obligation of the **Society** by reason only of being a **Member**.
20. Any **Member** that is a body corporate shall provide the **Secretary** with the name and contact details of the person who is the organisation's authorised representative, and that person shall be deemed to be the organisation's proxy for the purposes of voting at **General Meetings**.
21. The **Committee** may decide what access or use **Members** may have of or to any premises, facilities, equipment or other property owned, occupied or otherwise used by the **Society**, including any conditions of and fees for such access or use.

Subscriptions and fees

22. The annual subscription and any other fees for membership for the then current financial year shall be set by resolution of a **General Meeting** (at which it may also be decided whether payment can be made by periodic instalments).
23. Any **Member** failing to pay the annual subscription (including any periodic payment), any levy, or any capitation fees, within 2 calendar month(s) of the date the same was due for payment shall be considered as unfinancial and shall (without being released from the obligation of payment) have no membership rights and shall not be entitled to participate in any **Society** activity or to access or use the **Society's** premises, facilities, equipment and other property until all the arrears are paid. If such arrears are not paid within 3 calendar months of the due date for payment of the

subscription, any other fees, or levy the **Committee** may terminate the **Member's** membership (without being required to give prior notice to that **Member**).

Ceasing to be a member

24. A **Member** ceases to be a **Member**:

- on death (or if a body corporate on liquidation or deregistration, or if a partnership on dissolution of the partnership), or
- by resignation from that **Member's** class of membership by notice to the **Secretary**, or
- on termination of a **Member's** membership under these **Rules**.

with effect from (as applicable):

- the date of death of the **Member** (or if a body corporate from the date of its liquidation or deregistration, or if a partnership from the date of its dissolution), or
- the date of receipt of the notice of resignation by the **Secretary** (or any subsequent date stated in the notice of resignation), or
- the date of termination of membership under these **Rules**, or
- the date specified in a resolution of the **Committee**.

Obligations on resignation

25. A **Member** who resigns or whose membership is terminated under these **Rules**:

- remains liable to pay all subscriptions and other fees to the **Society's** next balance date,
- shall cease to hold himself or herself out as a **Member** of the **Society**, and
- shall return to the **Society** all material provided to **Members** by the **Society** (including any membership certificate, badges, handbooks and manuals).
- shall cease to be entitled to any of the rights of a **Society Member**.

Becoming a member again

26. Any former **Member** may apply for re-admission in the manner prescribed for new applicants, and may be re-admitted only by resolution of the **Committee**.
27. However, if a former **Member**'s membership was terminated following a dispute resolution process, the applicant may be re-admitted only by a **General Meeting** on the recommendation of the **Committee**.

General meetings

Annual General Meetings

28. An **Annual General Meeting** shall be held once a year on a date and at a location determined by the **Committee** and consistent with any requirements in the **Act**, and the **Rules** relating to the procedure to be followed at **General Meetings** shall apply.

Annual General Meetings: business

29. The business of an **Annual General Meeting** shall be to:
 - confirm the minutes of previous **Society** Meeting(s),
 - adopt the annual report on **Society** business,
 - adopt the **Treasurer**'s report on the finances of the **Society**, and the annual financial statements,
 - set any subscriptions for the current financial year,
 - consider any motions,
 - consider any general business.
30. The Committee must, at each Annual General Meeting, present the following information:
 - an annual report on the affairs of the **Society** during the most recently completed accounting period,
 - the annual financial statements for that period, and
 - notice of any disclosures of conflicts of interest made by **Committee Members** during that period (including a brief summary of the matters, or types of matters, to which those disclosures relate).

Special General Meetings

31. **Special General Meetings** may be called at any time by the **Committee** by resolution. The **Committee** must call a **Special General Meeting** if the **Secretary** receives a written request signed by at least 20 per cent of **Members**. Any resolution or written request must state the business that the **Special General Meeting** is to deal with.
32. The **Rules** relating to the procedure to be followed at **General Meetings** shall apply to a **Special General Meeting**, and a **Special General Meeting** shall only consider and deal with the business specified in the **Committee's** resolution or the written request by **Members** for the Meeting.

Procedure

33. The **Committee** shall give all **Members** at least 10 **Working Days'** Notice of any **General Meeting** and of the business to be conducted at that **General Meeting**.
34. The **General Meeting** and its business will not be invalidated simply because one or more **Members** do not receive the **Notice** of the **General Meeting**.
35. All financial **Members** may attend, speak and vote at **General Meetings**:
 - in person, or
 - by a signed original written proxy (an email or copy not being acceptable) in favour of some individual entitled to be present at the meeting and received by, or handed to, the **Secretary** before the commencement of the **General Meeting**, or
 - through the authorised representative of a body corporate as notified to the **Secretary**, and
 - No other proxy voting shall be permitted.
36. No **General Meeting** may be held unless at least 5 eligible financial **Members** attend, excluding any proxies. This will constitute a quorum.
37. If, within half an hour after the time appointed for a meeting a quorum is not present, the meeting – if convened upon request of **Members** – shall be dissolved; in any other case it shall stand adjourned to a day, time and place determined by the **President** of the **Society**, and if at such adjourned meeting a quorum is not present those present in person or by proxy shall be deemed to constitute a sufficient quorum. Any decisions made when a quorum is not present are not valid.

38. **General Meetings** may be held at one or more venues using any real-time audio, audio and visual, or electronic communication that gives each member a reasonable opportunity to participate.
39. All **General Meetings** shall be chaired by the **President**. If the **President** is absent, the **Vice President** shall chair that meeting.
40. Any person chairing a **General Meeting** has a deliberative and, in the event of a tied vote, a casting vote.
41. Any person chairing a **General Meeting** may:
- With the consent of any that **General Meeting** adjourn the **General Meeting** from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
 - Direct that any person not entitled to be present at the Meeting, obstructing the business of the Meeting, behaving in a disorderly manner, being abusive, or failing to abide by the directions of the chairperson be removed from the Meeting, and
 - In the absence of a quorum or in the case of emergency, adjourn the Meeting or declare it closed.
42. The **Committee** may put forward motions for the **Society** to vote on ('**Committee Motions**'), which shall be notified to Members with the notice of the **General Meeting**.
43. Any **Member** may request that a motion be voted on ('**Member's Motion**') at a **General Meeting**, by giving notice to the **Secretary** at least 7 **Working Days** before that meeting. The **Member** may also provide information in support of the motion ('**Member's Information**').

Minutes

44. Minutes must be kept by the **Secretary** of all **General Meetings**.

Resolution in lieu of meeting

45. A written resolution put forward by the **Committee** may be passed in lieu of a meeting if it is approved by no less than 75% of the number of **Members** who are entitled to vote. A **Member** may give their approval to such a resolution by signing

the resolution or by signing or otherwise indicating their approval and communicating that approval to a **Committee Member** by electronic means.

Committee

Composition

46. The **Committee** will consist of up to eight **Committee Members** who are:

- **Members;**
- natural persons;
- not disqualified by these **Rules** or the **Act**; and
- except for the Treasurer, each nominated by the owner of the freehold interest in at least one of the following properties at Waihi Beach:
 - 9 Glen Isla Place
 - 11 Glen Isla Place
 - 12 Glen Isla Place
 - 13 Glen Isla Place
 - 14 Glen Isla Place
 - 15 Glen Isla Place
 - 16 Glen Isla Place,

with each such owner nominating one person such that there can be a **Committee Member** to represent each of the above properties if the owner of that property so wishes.

47. The **Committee** will include:

- a **President**,
 - a **Vice President**,
 - a **Secretary** and a **Treasurer**, who may be the same person, and
- not fewer than 1 or more than 4 other **Committee Members**.

Qualifications

48. Prior to election or appointment, every **Committee Member** must consent in writing to be a **Committee Member** and certify in writing that they are not disqualified from being appointed or holding office as a **Committee Member** by these **Rules** or the **Act**.
49. The following persons are disqualified from being appointed or holding office as a **Committee Member**:
- a person who is under 16 years of age,
 - a person who is an undischarged bankrupt,
 - a person who is prohibited from being a director or promoter of, or being concerned or taking part in the management of, an incorporated or unincorporated body under the Companies Act 1993, the Financial Markets Conduct Act 2013, or the Takeovers Act 1993,
 - a person who is disqualified from being a member of the **Committee** of a charitable entity under section 31(4)(b) of the Charities Act 2005,
 - a person who has been convicted of any of the following, and has been sentenced for the offence, within the last 7 years:
 - an offence under subpart 6 of Part 4,
 - a crime involving dishonesty (within the meaning of section 2(1) of the Crimes Act 1961),
 - an offence under section 143B of the Tax Administration Act 1994,
 - an offence, in a country other than New Zealand, that is substantially similar to an offence specified in subparagraphs (i) to (iii),
 - a money laundering offence or an offence relating to the financing of terrorism, whether in New Zealand or elsewhere,
 - a person subject to:
 - a banning order under subpart 7 of Part 4 of the Incorporated Societies Act 2022; or
 - an order under section 108 of the Credit Contracts and Consumer Finance Act 2003; or
 - a forfeiture order under the Criminal Proceeds (Recovery) Act 2009; or

- a property order made under the Protection of Personal and Property Rights Act 1988, or whose property is managed by a trustee corporation under section 32 of that Act,
- a person who is subject to an order that is substantially similar to an order referred to in paragraph (f) under a law of a country, State, or territory outside New Zealand that is a country, State, or territory prescribed by the regulations (if any) of the new Incorporated Societies Act,
- any person who is disqualified or does not comply with any qualifications for officers as prescribed from time to time by a resolution of the **Committee**.

Election or appointment

50. The election of **Committee Members** to any vacant positions on the **Committee** (which may include the **President**, **Vice President**, **Secretary** and **Treasurer**), shall be conducted as follows:

- At least 7 **Working Days** before the date of the **Annual General Meeting**, the **Secretary** shall give **Notice** to all **Members** by posting or emailing to them such information (not exceeding one side of an A4 sheet of paper) as may be supplied to the **Secretary** by or on behalf of each nominee, in support of the nomination.
- Only financial **Members** who are not disqualified from being appointed or holding office as a **Committee Member** by these **Rules** or the **Act** may stand for election and vote in elections.
- If there are insufficient valid nominations received under this Rule, but not otherwise, further nominations may be received from the floor at the **Annual General Meeting**.
- Votes shall be cast in such a manner as the chairperson of the **Annual General Meeting** shall determine.
- Two **Members** (who are not nominees) or non-**Members** appointed by the chairperson of the **Annual General Meeting** shall act as scrutineers for the counting of the votes and destruction of any voting papers.
- The failure for any reason of any financial **Member** to receive such **Notice** shall not invalidate the election.
- In the event of any vote being tied the tie shall be resolved by the incoming **Committee** (excluding those in respect of whom the votes are tied).

Term

51. The term of office for all **Committee Members** shall be 5 year(s), expiring at the end of the **Annual General Meeting** In the year corresponding with the last year of each **Committee Member's** term of office.
52. No **Committee Member** shall serve for more than 3 consecutive terms.
53. No **President** shall serve for more than 3 consecutive years as **President**.

Removal

54. Where a complaint is made about the actions or inaction of a **Committee Member** (and not in the **Committee Member's** capacity as a Member of the **Society**) the following steps shall be taken:
 - The **Committee Member** who is the subject of the complaint, must be advised of all details of the complaint.
 - The **Committee Member** who is the subject of the complaint, must be given adequate time to prepare a response.
 - The complainant and the **Committee Member** who is the subject of the complaint, must be given an adequate opportunity to be heard, either in writing or at an oral hearing by the **Committee** (excluding the **Committee Member** who is the subject of the complaint) if it considers that an oral hearing is required.
 - Any oral hearing shall be held by the **Committee** (excluding the **Committee Member** who is the subject of the complaint), and/or any oral or written statement or submissions shall be considered by the **Committee** (excluding the **Committee Member** who is the subject of the complaint).
 - If the complaint is upheld the **Committee Member** may be removed from the **Committee** by a resolution of the **Committee** or of a **General Meeting**, in either case passed by a simple majority of those present and voting.

Cessation of Committee membership

55. A **Committee Member** shall be deemed to have ceased to be a **Committee Member** if that person ceases to be a **Member**.
56. Each **Committee Member** shall within 10 **Working Days** of submitting a resignation or ceasing to hold office, deliver to the **Secretary** all books, papers and other property of the **Society** held by such former **Committee Member**.

Functions

57. From the end of each **Annual General Meeting** until the end of the next **Annual General Meeting**, the **Society** shall be governed by the **Committee**, which shall be accountable to the **Members** for the advancement of the **Society's** purposes and the implementation of resolutions approved by any **General Meeting**.

Officers' duties

58. At all times each **Committee Member**:

- shall act in good faith and in what he or she believes to be the best interests of the **Society**,
- must exercise all powers for a proper purpose,
- must not act, or agree to the **Society** acting, in a manner that contravenes the **Act** or these **Rules**,
- when exercising powers or performing duties as a **Committee Member**, must exercise the care and diligence that a reasonable person with the same responsibilities would exercise in the same circumstances taking into account, but without limitation, the nature of the **Society**, the nature of the decision, the position of the **Committee Member** and the nature of the responsibilities undertaken by him or her,
- must not agree to the activities of the **Society** being carried on in a manner likely to create a substantial risk of serious loss to the **Society** or to the **Society's** creditors, or cause or allow the activities of the **Society** to be carried on in a manner likely to create a substantial risk of serious loss to the **Society** or to the **Society's** creditors, and
- must not agree to the **Society** incurring an obligation unless he or she believes at that time on reasonable grounds that the **Society** will be able to perform the obligation when it is required to do so.

Powers

59. Subject to these **Rules** and any resolution of any **General Meeting** the Committee may:

- exercise all the **Society's** powers, other than those required by the **Act** or by these **Rules** to be exercised by the **Society** in **General Meeting**, and
- enter into contracts on behalf of the **Society** or delegate such power to a **Committee Member**, sub-committee, employee, or other person.

Sub-committees

60. The **Committee** may appoint sub-committees consisting of such persons (whether or not **Members** of the **Society**) and for such purposes as it thinks fit. Unless otherwise resolved by the **Committee**:
- the quorum of every sub-committee is half the members of the sub-committee but not less than 2,
 - no sub-committee shall have power to co-opt additional members,
 - a sub-committee must not commit the **Society** to any financial expenditure without express authority, and
 - a sub-committee must not further delegate any of its powers.

General issues

61. The **Committee** and any sub-committee may act by resolution approved in the course of a conference call using audio and/or audio-visual technology or through a written ballot conducted by email, electronic voting system, or post, and any such resolution shall be recorded in the minutes of the next **Committee** meeting.
62. Other than as prescribed by the **Act** or these **Rules**, the **Committee** or any sub-committee may regulate its proceedings as it thinks fit.
63. Subject to the **Act**, these **Rules** and the resolutions of **General Meetings**, the decisions of the **Committee** on the interpretation of these **Rules** and all matters dealt with by it in accordance with these **Rules** and on matters not provided for in these Rules shall be final and binding on all **Members**.

Conflicts of interest

64. An Officer or a member of the **Committee** and/or member of a sub-committee who is an **Interested Member** in respect of any matter being considered by the **Society**,

must disclose details of the nature and extent of the interest (including any monetary value of the interest if it can be quantified):

- to the **Committee** and or sub-committee; and
 - in an **Interests Register** kept by the **Committee**.
65. Disclosure must be made as soon as practicable after the member of the **Committee** and/or sub-committee becomes aware that they are interested in the matter.
- A member of the **Committee** and/or sub-committee who is an **Interested Member** regarding a matter;
 - must not vote or take part in the decision of the **Committee** and/or sub-committee relating to the matter; and
 - must not sign any document relating to the entry into a transaction or the initiation of the matter; but
 - may take part in any discussion of the **Committee** and/or sub-committee relating to the matter and be present at the time of the decision of the **Committee** and/or sub-committee (unless the **Committee** and/or sub-committee decides otherwise).
66. However, a member of the **Committee** and/or sub-committee who is prevented from voting on a matter may still be counted for the purpose of determining whether there is a quorum at any meeting at which the matter is considered.
67. Where 50 per cent or more of **Committee Members** are prevented from voting on a matter because they are interested in that matter, a **Special General Meeting** must be called to consider and determine the matter, unless all non-interested members agree otherwise, and where 50 per cent or more of the members of a sub-committee are prevented from voting on a matter because they are interested in that matter, the **Committee** shall consider and determine the matter.

Committee meetings

Frequency

68. The **Committee** shall meet as required at such times and places and in such manner (including by audio, audio and visual, or electronic communication) as it may determine and otherwise where and as convened by the **President** or **Secretary**.

Procedure

69. The quorum for **Committee** meetings is at least one-half of the number of **Committee Members**.
70. The **President** shall not have a casting vote at meetings of the **Committee**.

Disputes

How a complaint is made

71. A **Member** or an officer may make a complaint by giving to the **Committee** a notice in writing that:
- a. states that the **Member** or officer is starting a procedure for resolving a dispute in accordance with the **Rules**; and
 - b. sets out the allegation to which the dispute relates and whom the allegation is against; and
 - c. sets out any other information reasonably required by the **Society**.
72. The **Society** may make a complaint involving an allegation against a **Member** or an officer by giving to the **Member** or officer a notice in writing that:
- a. states that the **Society** is starting a procedure for resolving a dispute in accordance with the **Rules**; and
 - b. sets out the allegation to which the dispute relates.
73. The information given under rule 72 must be enough to ensure that a person against whom an allegation is made is fairly advised of the allegation concerning them, with sufficient details given to enable them to prepare a response.
74. A complaint may be made in any other reasonable manner permitted by the **Rules**.

Person who makes complaint has right to be heard

75. A **Member** or an officer who makes a complaint has a right to be heard before the complaint is resolved or any outcome is determined. If the **Society** makes a complaint:
- a. the **Society** has a right to be heard before the complaint is resolved or any outcome is determined; and
 - b. an officer may exercise that right on behalf of the Society.

76. Without limiting the manner in which the **Member**, officer, or **Society** may be given the right to be heard, they must be taken to have been given the right if:
- a. they have a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - b. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - c. an oral hearing (if any) is held before the decision maker; and
 - d. the **Member's**, officer's, or **Society's** written statement or submissions (if any) are considered by the decision maker.

Person who is subject of complaint has right to be heard

77. Rules 78 and 79 apply if a complaint involves an allegation that a **Member**, an officer, or the **Society** (the respondent):
- a. has engaged in misconduct; or
 - b. has breached, or is likely to breach, a duty under the **Rules** or the **Society's** bylaws or the Act; or
 - c. has damaged the rights or interests of a **Member** or the rights or interests of **Members** generally.
78. The respondent has a right to be heard before the complaint is resolved or any outcome is determined. If the respondent is the **Society**, an officer may exercise the right on behalf of the **Society**.
79. Without limiting the manner in which a respondent may be given a right to be heard, a respondent must be taken to have been given the right if:
- a. the respondent is fairly advised of all allegations concerning the respondent, with sufficient details and time given to enable the respondent to prepare a response; and
 - b. the respondent has a reasonable opportunity to be heard in writing or at an oral hearing (if one is held); and
 - c. an oral hearing is held if the decision maker considers that an oral hearing is needed to ensure an adequate hearing; and
 - d. an oral hearing (if any) is held before the decision maker; and
 - e. the respondent's written statement or submissions (if any) are considered by the decision maker.

Investigating and determining dispute

80. The Society must, as soon as is reasonably practicable after receiving or becoming aware of a complaint made in accordance with the **Rules**, ensure that the dispute is investigated and determined. Disputes must be dealt with under the **Rules** in a fair, efficient, and effective manner.

Society may decide not to proceed further with complaint

81. Despite rule 80, a society may decide not to proceed further with a complaint if:

- a. the complaint is trivial; or
- b. the complaint does not appear to disclose or involve any allegation of the following kind:
 - i. that a **Member** or an officer has engaged in material misconduct;
 - ii. that a **Member**, an officer, or the **Society** has materially breached, or is likely to materially breach, a duty under the **Rules** or the **Society's** bylaws or this Act;
 - iii. that a **Member's** rights or interests or **Members'** rights or interests generally have been materially damaged.
- c. the complaint appears to be without foundation or there is no apparent evidence to support it; or
- d. the person who makes the complaint has an insignificant interest in the matter; or
- e. the conduct, incident, event, or issue giving rise to the complaint has already been investigated and dealt with under the constitution; or
- f. there has been an undue delay in making the complaint.

Society may refer complaint

82. The **Society** may refer a complaint to:

- a. a subcommittee or an external person to investigate and report; or
- b. a subcommittee, an arbitral tribunal, or an external person to investigate and make a decision,

and the **Society** may, with the consent of all parties to a complaint, refer the complaint to any type of consensual dispute resolution (for example, mediation, facilitation, or a tikanga-based practice).

Decision makers

83. A person may not act as a decision maker in relation to a complaint if 2 or more **Members** of the **Committee** or a complaints subcommittee consider that there are reasonable grounds to believe that the person may not be:
- impartial; or
 - able to consider the matter without a predetermined view.

Records

Register of Members

84. The **Secretary** shall keep an up-to-date **Register of Members**, recording for each **Member** their name, contact details, the date they became a **Member**, and any other information required by these **Rules** or prescribed by Regulations under the **Act**.

Contents of Register of Members

85. The information contained in the **Register of Members** shall include each **Member's**:
- phone number (landline and/or mobile)
 - email address (if any)
86. Every **Member** shall promptly advise the **Secretary** of any change of their contact details.

Finances

Control and management

87. The funds and property of the **Society** shall be:
- controlled, invested and disposed of by the **Committee**, subject to these **Rules**, and
 - devoted solely to the promotion of the objects and purposes of the **Society**.

Balance date

88. The **Society**'s financial year shall commence on 01/04 of each year and end on 31/03 (the latter date being the **Society**'s balance date).

Winding up

Process

89. The **Society** may be wound up, or liquidated, or removed from the Register of Incorporated Societies in accordance with the provisions of the **Act**.
90. The **Secretary** shall give **Notice** to all **Members** of:
- the proposed motion to wind up the **Society** or remove it from the Register of Incorporated Societies, and
 - the **General Meeting** at which any such proposal is to be considered,
 - the reasons for the proposal, and
 - any recommendations from the **Committee** in respect to such notice of motion.
91. Any resolution to wind up the **Society** or remove it from the Register of Incorporated Societies must be passed by a two-thirds majority of all **Members** present and voting.

Surplus assets

92. If the **Society** is wound up, or liquidated, or removed from the Register of Incorporated Societies, no distribution shall be made to any **Member**.
93. On the winding up or liquidation or removal from the Register of Incorporated Societies of the **Society**, its surplus assets after payment of all debts, costs and liabilities shall be vested in Waihi Beach Protection Society Incorporated.
94. However, on winding up by resolution under this rule, the **Society** may approve a different distribution to a different entity from that specified above, so long as the **Society** complies with these **Rules** and the **Act** in all other respects.

Alterations to the Rules

Amending these Rules

95. The **Society** may amend or replace these **Rules** at a **General Meeting** by a resolution passed by a two-thirds of majority of those **Members** present and voting.
96. Any proposed motion to amend or replace these **Rules** shall be signed by at least 20 per cent of eligible **Members** and given in writing to the **Secretary** at least 7 **Working Days** before the **General Meeting** at which the motion is to be considered and accompanied by a written explanation of the reasons for the proposal.
97. At least 5 **Working Days** before the **General Meeting** at which any amendment is to be considered the **Secretary** shall give to all **Members** notice of the proposed motion, the reasons for the proposal, and any recommendations the **Committee** has.
98. When an amendment is approved by a **General Meeting** it shall be notified to the Registrar of Incorporated Societies in the form and manner specified in **the Act** for registration and shall take effect from the date of registration.

Other

Common seal

99. The common seal of the **Society** must be kept in the custody of a **Committee Member**.
100. The common seal may be affixed to any document:
 - by resolution of the **Committee**, and must be countersigned by 2 **Committee Members**,
 - by 1 **Committee Member** and the **Secretary**, or
 - by such other means as the **Committee** may resolve from time to time.

Contact person

101. The **Society** shall have at least 1 but no more than 3 contact person(s) whom the Registrar can contact when needed.
102. The **Society's** contact person must be:
 - At least 18 years of age, and

- An Officer, and
- Ordinarily resident in New Zealand, and
- Not disqualified under the Act from holding that office.

and shall be appointed by the **Committee**

103. Any change in that contact person or that person's name or contact details shall be advised to the Registrar of Incorporated Societies within 20 **Working Days** of that change occurring, or the **Society** becoming aware of the change.

Bylaws

104. The **Committee** from time to time may make and amend bylaws, and policies for the conduct and control of **Society** activities and codes of conduct applicable to **Members**, but no such bylaws, policies or codes of conduct applicable to **Members** shall be inconsistent with the **Act**, regulations made under the **Act**, or these **Rules**.

Mā tō tātou takiwā
For our District

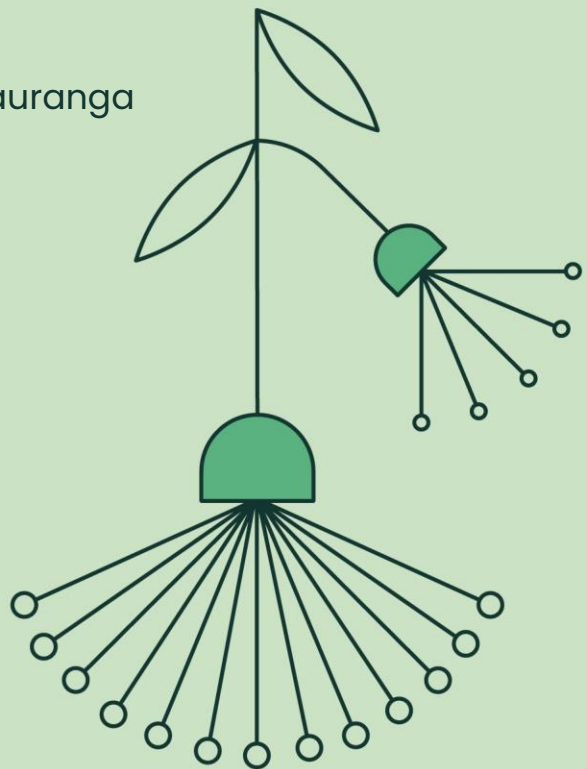
Projects and Monitoring Committee

Kōmiti Whakakaupapa me Aroturuki

PMC23-4

Tuesday, 31 October 2023, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



Projects and Monitoring Committee

Membership:

Chairperson	Cr Don Thwaites
Deputy Chairperson	Cr Allan Sole
Members	Cr Tracey Coxhead Cr Richard Crawford Cr Grant Dally Mayor James Denyer Cr Murray Grainger Cr Anne Henry Cr Rodney Joyce Cr Margaret Murray-Benge Deputy Mayor John Scrimgeour Cr Andy Wichers
Quorum	Six (6)
Frequency	Quarterly

Role:

- To monitor and review the progress of the Council's activities, projects and services.

Scope:

- To monitor the effectiveness of Council and agency service agreements / contracts.
- To monitor the implementation of Council's strategies, plans and policies, and projects as contained in the Long Term Plan or Annual Plan.
- To monitor agreements between Tauranga City Council and Western Bay of Plenty District Council and recommend to the respective Councils any changes to agreements, as appropriate.
- To monitor the on-going effectiveness of implemented joint projects, plans, strategies and policies with Tauranga City Council.
- To monitor performance against any Council approved joint contracts with Tauranga City Council and/or other entities.
- To monitor Community Service Contract performance, set service delivery requirements and receive annual reports from service delivery contractors.
- Monitor performance against the Priority One approved contract.
- Subject to agreed budgets and approved levels of service, make decisions to enable delivery of the operational and capital programme of Council.

Power to Act:

To make decisions to enable and enhance service delivery performance, in accordance with approved levels of service and subject to budgets set in the Long Term Plan or any subsequent Annual Plan.

Power to Recommend:

To make recommendations to Council and/or any Committee as it deems appropriate.

Power to sub-delegate:

The Committee may delegate any of its functions, duties or powers to a subcommittee, working group or other subordinate decision-making body, subject to the restrictions on its delegations and provided that any sub-delegation includes a statement of purpose and specification of task.

Notice is hereby given that an Projects and Monitoring Meeting will be held in the Council Chambers, 1484 Cameron Road, Tauranga on:
Tuesday, 31 October 2023 at 9.30am

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1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

3 IN ATTENDANCE

4 APOLOGIES

5 CONSIDERATION OF LATE ITEMS

6 DECLARATIONS OF INTEREST

Members are reminded of the need to be vigilant and to stand aside from decision making when a conflict arises between their role as an elected representative and any private or other external interest that they may have.

7 PUBLIC EXCLUDED ITEMS

8 PUBLIC FORUM

A period of up to 30 minutes is set aside for a public forum. Members of the public may attend to address the Board for up to five minutes on items that fall within the delegations of the Board provided the matters are not subject to legal proceedings, or to a process providing for the hearing of submissions. Speakers may be questioned through the Chairperson by members, but questions must be confined to obtaining information or clarification on matters raised by the speaker. The Chairperson has discretion in regard to time extensions.

Such presentations do not form part of the formal business of the meeting, a brief record will be kept of matters raised during any public forum section of the meeting with matters for action to be referred through the customer relationship management system as a service request, while those requiring further investigation will be referred to the Chief Executive.

9 PRESENTATIONS

10 REPORTS**10.1 WAIHĪ BEACH ROCK REVETMENT – COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS****File Number:** A5730344**Author:** Peter Watson, Reserves and Facilities Manager**Authoriser:** Cedric Crow, General Manager Infrastructure Services**EXECUTIVE SUMMARY**

A request has been made by private landowners to seek Council's approval in principle to construct a partially buried rock revetment structure within Council's reserve at Glen Isla Place, Waihi Beach. This approach is consistent with the direction provided by the Operations & Monitoring Committee on 14 February 2017, Resolution OP1.2. for the section of houses between 41 Shaw Road and the Flat White Café.

As a result of the storm damage from cyclones earlier this year, the landowners are seeking Council landowner approval to construct the works at their own expense on Council land.

It is recommended that Council provide landowner approval for the construction of a consented coastal erosion protection structure within the Council beachfront reserve land between 9 and 12 Glen Isla Place, Waihi Beach, refer to Attachment 1.

The exact nature of the works is subject to the design and consenting process. The landowners' preference is for a rock revetment that will be buried apart from a short section. Attachment 1 includes a series of photos that show the current state of the dune system which included rocks from the original sea wall constructed by Ohinemuri County Council.

RECOMMENDATION

1. That the Reserves & Facilities Manager's Report dated 31 October 2023 titled 'Waihi Beach Rock Revetment – Council Landowner Consented Coastal Protection Works' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That Council notes that assessment against its Coastal Erosion Response Policy indicates no need to protect Council's reserve with a hard structure.
4. That Council, as administering body and landowner of the reserve, approves in principle to the private construction of consented coastal works on Council reserve, Lot 18 and 19 DPS 22035 Waihi Beach, subject to the conditions, including:
 - A resource consent being granted by Bay of Plenty Regional Council (BOPRC);
 - Consent and construction fully funded by the property owners;

- Agreement with Council on operational cost and responsibilities; and

Or

5. That Council does not approve the private construction of a buried rock revetment structure or other consented works on the Waihi Beach reserve, Lot 18 and 19 DPS 22035.

BACKGROUND

Waihi Beach Sea Wall or 'rock revetment' forms part of a coastal erosion protection system and was constructed in 2011. It consists of two lengths of rock revetments separated by Two Mile Creek.

East of Three Mile Creek it was originally intended to construct a buried rock revetment structure as a means of coastal erosion protection for the beachfront properties along Glen Isla Place. During the consenting process for the Waihi Beach Coastal Protection structure, (circa 2008) a decision was made to replace the buried rock revetment structure with a dune rehabilitation and enhancement scheme.

Several of the Glen Isla Place property owners objected to this change of direction on what protection measures were to be installed, however, the matter was ultimately considered before the Environment Court and a decision made by the court for the consent to include a dune rehabilitation and enhancement scheme.

The sand dune enhancement was included in the area East of Three Mile Creek sand pillow groyne, however, the majority of the introduced sand was quickly lost from the dunes through storm wave action.

The key design goals of the coastal protection system were developed based on discussions with recognised consultant experts, Council, and from consultation with tangata whenua, local community stakeholder groups and beachfront residents.

The goals included important aspects such as (note, this is not an exhaustive list):

- The rock revetment wall is to provide erosion protection to the landward assets, but not to provide protection from inundation and flooding;
- Public access to the beach to be maintained; and
- Access to be provided along Council reserve landward of the wall where possible.

Other specific goals were included to limit the location and extent of a sea wall on the frontage along approximately one kilometre of the beach.

Funding for the capital cost and maintenance of the protection system is recovered by a targeted rate.

Over the past few years, the rock revetment has been monitored and has generally performed in accordance with the design and consent requirements.

However, dune enhancement at Glen Isla Place East of Three Mile Creek, which was part of the dune enhancement system, has failed, with severe erosion occurring due to the enhancement being located within the active beach.

This has become apparent to nearby property owners who have noticed the substandard performance and engaged with Council on revised options for protection. Currently, these property owners consider they are paying through a targeted rate for a "failed soft option" dune enhancement and recognise that funding of any alternative options would be an issue for Council.

The property owners have stated that, if Council grants permission for a hard structure to be built in the Council reserve area, then the property owners' group are prepared to undertake the following activities:

1. Prepare and fund applications to BOPRC for a Resource Consent to cover the extent of these works.
2. Prepare and execute necessary documentation for the construction of these works.
3. Provide the financial capacity to meet the costs associated with the resource consent application and the physical construction of the works.

Council staff would continue to provide technical overview and guidance in this process to ensure Council's interests are protected.

The finished works would need to be vested in Council and form part of the existing maintenance regime currently undertaken on the existing rock revetment and dune enhancement works each year.

As part of the vesting of these works to Council, the resource consent would need to be transferred to Council to ensure ongoing compliance is maintained and that a consistent approach is maintained with the current coastal protection works undertaken by Council.

LANDOWNER APPROVAL

The residents request that Council provide landowner approval for the construction of consented works. This approval is from Council in its capacity as landowner and does not imply that any regulatory approval will be granted. Consent for the work will be required from BOPRC and possibly Western BOP District Council.

COUNCIL LAND

Council owns and administers the reserve Lot 18 and 19 DPS 22035 adjacent to Glen Isla Place.

SIGNIFICANCE AND ENGAGEMENT

In terms of the Significance and Engagement Policy this decision is of medium significance as the decision on the coastal works will be made through the BOPRC Resource Consent process.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

Interested/ Affected Parties	Completed/Planned Engagement/Consultation/Communication	
Name of interested parties/groups	Beachfront residents between 9 and 12 Glen Isla Place support the proposal.	Planned
Tangata Whenua	Not yet consulted but would form part of the application process for a resource consent(s) by the property owners.	
General Public	The BOP Regional Council consent notification status would determine the consultation process.	

ASSESSMENT AGAINST THE COASTAL EROSION RESPONSES POLICY

BOPRC has jurisdiction to determine whether coastal structures are appropriate. As a result, WBOPDC's Coastal Erosion Responses Policy 2017 is designed to guide decisions about Council's own assets i.e., Council's activities as a landowner or infrastructure provider, not as a regulator. Refer Attachment 2.

Whilst appreciating that there is some level of inconsistency with Council's Erosion Responses Policy 2017 as this Policy relates to Council owned assets, the intention of the landowners is to give effect to what was originally sought by Council, being a rock revetment wall in front of the Isla Place properties. The rock wall was subsequently overturned in the Environment Court process and replaced with beach renourishment (sand dune) which has not performed its intended function.

Given the subject area is a very small section of the coastline covered by Council's Coastal Permit, there is no intention to amend the policy to accommodate the recommendations above.

Council has also previously given approval in principle for the proposed rock revetment between 41 Shaw Road and the Flat White Café. The intent of this report is consistent with the early approval for the Shaw road proposal.

COUNCIL ASSETS

The policy essentially focusses on WBOPDC's own assets and lists three approaches:

- Hold the line;
- Adaptive approach; or
- Let nature take its course.

In this location, apart from the beach and dune system and the reserve, there are no Council recreational/amenity/infrastructure assets to protect.

The outcome of the Coastal Erosion Response Policy Assessment concluded that as Council assets were limited to sand dunes and a reserve, protection of this asset could not be justified.

However, given that the original intent of Council to have a rock revetment at this location, a rock revetment being funded by the property owners would achieve this outcome.

CONCLUSION AND RECOMMENDATION – COASTAL PROTECTION OPTIONS

When considering the options, which address the erosion issues between no. 9 to no. 12 Glen Isla Place, the most viable option for private landowners is to construct a buried backstop wall as originally intended (note part of the wall would be exposed in front of No's , 12, 14, and 16) and its construction would result in the lowest risk profile and is understood to have the most support from benefitting adjoining property owners.

It would be located on Council land and would be maintained in a similar manner to the existing rock revetment structure. Council now has the option to agree to its construction, or not, on Council reserve.

The recommendations relate to whether Council provides approval to construct coastal protection works on Council land, subject to conditions and a Resource Consent application to the BOPRC being approved.

In granting approval, Council needs to be satisfied that the consultation on the proposal will occur through the resource consent process and BOPRC decision making. The proposal will require several consents from BOP Regional Council, which will more than likely require to be publicly notified. The consent process will also require consultation with tangata whenua who will have input to the process. At this point in time, the owners have not engaged with tangata whenua because they perceive minimal value in doing so if Council as landowner does not give its approval in principle.

Option A

Recommendation 4

That Council, as administering body and landowner of the reserve, approves in principle to the private construction of consented coastal works on Council reserve, Lot 18 and 19 DPS 22035 Waihi Beach, subject to the conditions, including:

- A resource consent being granted by Bay of Plenty Regional Council (BOPRC);
- Consent and construction fully funded by the property owners;
- Agreement with Council on operational cost and responsibilities.

Assessment of advantages and disadvantages including impact on each of the four well-beings: • Economic • Social • Cultural • Environmental	Property owners along Glen Isla Place beachfront can provide protection to their individual properties. The original sea wall project consenting was a lengthy undertaking and appealed to the Environment Court. Approving a buried sea wall risks raising all the same issues. While Council is not the consent applicant, it will have given landowner permission and therefore will be considered to support the proposal. The property owners need certainty around the ability to construct a coastal protection structure if the consent is approved and that is why this decision from Council in its capacity as landowner is required ahead of the design and consenting process. Tangata whenua and the community will have an interest in the proposal and may consider that Council should have consulted direct rather than via the consent process. Either way, consultation is required.
Costs (including present and future costs, direct, indirect, and contingent costs).	Capital costs are privately funded. Ongoing maintenance costs are estimated at \$2,000p.a. with a ten yearly storm restoration cost estimated at \$20,000 for each major storm.
Other implications and any assumptions that relate to this option.	Assuming Council grants permission to construct coastal protection works on the reserve, properties would remain essentially untouched. At the end of the works, Council would own both the consent and the consented works. Key activities that will be managed by private property owners include: 1. Obtaining resource consent from BOPRC including consultation. 2. A signed document confirming that property owners will be fully funding both the consent process and contracting for physical works. 3. An agreement between property owners and Council regarding the operational costs and responsibilities. 4. The risk profile of this option will reduce from its current HH to MM with a significant risk of loss of beach amenity i.e., no sand visible at high tide. This is a similar social, cultural, and environmental outcome as the existing sea wall.
Option B Recommendation 5 That Council does not approve private construction of a rock revetment extension or other consented works on the Waihi Beach reserve, Lot 125 DP35465.	
Assessment of advantages and disadvantages including	Tangata whenua and the community will have an interest in the proposal and may consider that Council should have consulted direct rather than via the consent process.

impact on each of the four well-beings: • Economic • Social • Cultural • Environmental	Disadvantages: Beach front owners who wish to protect their properties. The properties remain more at risk to coastal processes.
Costs (including present and future costs, direct, indirect, and contingent costs).	The dune enhancement costs will continue. The property owners will consider that these costs are contributing to a failed situation and may act against Council.

STATUTORY COMPLIANCE

The recommendations meet:

- Legislative requirements/legal requirements through the proposed agreement between Council and landowners and the Resource Management Act 1991 requirements.
- Current Council plans/policies/bylaws; aligns with Katikati/Waihi Beach Ward Reserve Management Plan policy 6.65.2 – Maintain rock revetment/dune and groyne structure in accordance with resource consent and
- Regional/national policies/plans. Subject to approved Coastal Permit from the BOP Regional Council

As with the Shaw Road proposal, a change to the Waihi Beach Coastal Protection Revenue and Financing Policy maybe required if the project proceeds, however it is likely that the existing targeted rate will cover any future operational costs of Council.

FUNDING/BUDGET IMPLICATIONS

For the buried rock revetment, it is recommended that all consent and construction costs are privately funded, and maintenance and operational costs are recovered through the existing targeted rate.

The Consent process, and if successful the construction, will be fully funded by the property owners.

Budget Funding Information	Relevant Detail
Capex: \$TBC – private landowners	Design, consents, and construct buried rock revetment wall.
\$2,000	Annual maintenance costs. May require a review of the Revenue and Financing Policy for the coastal works if the consent is approved.

ATTACHMENTS

1. **Waihi Beach – Rock Revetment Report** 
2. **Coastal Erosion Responses Policy** 

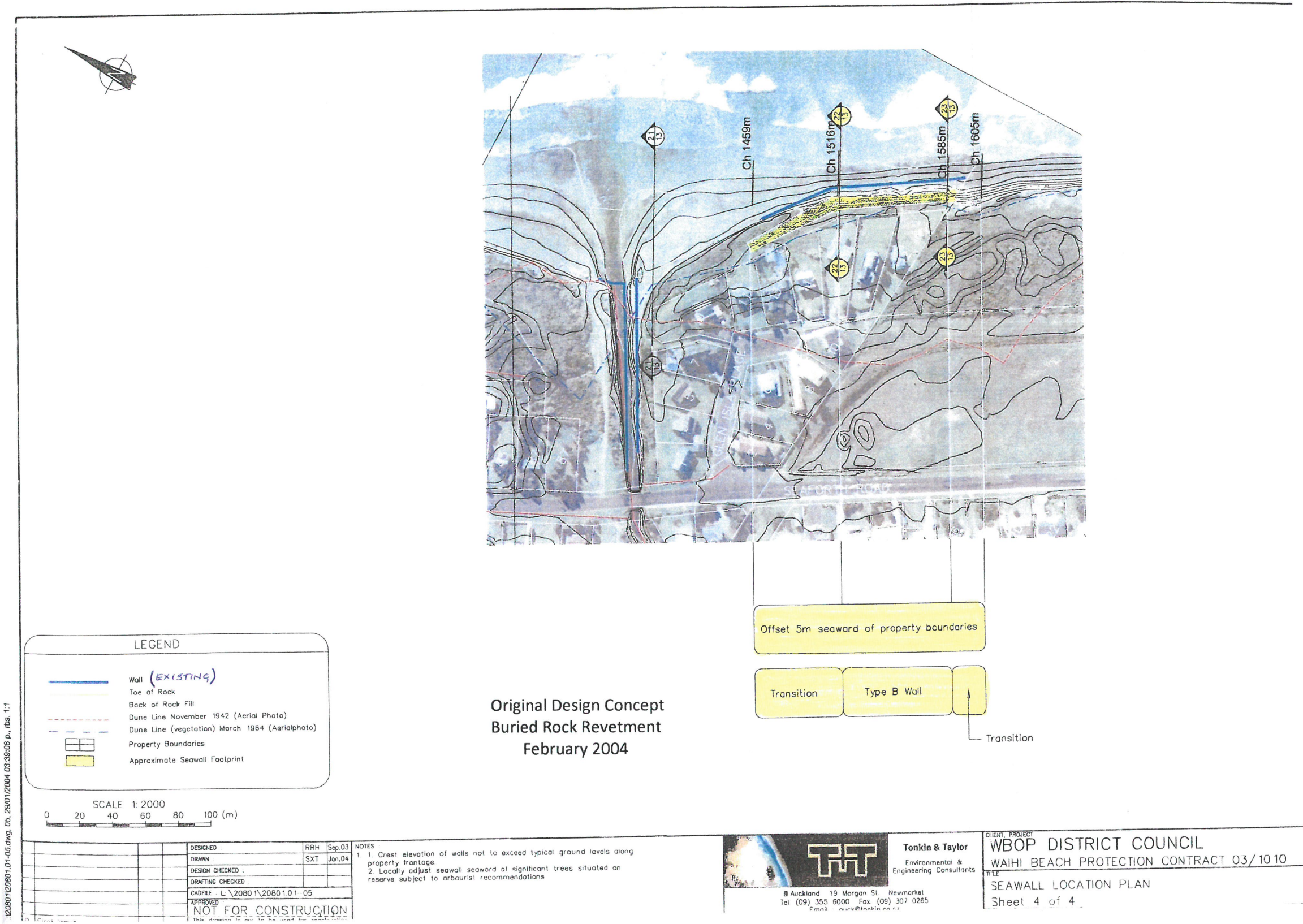
GLEN ISLA PLACE – WAIHI BEACH

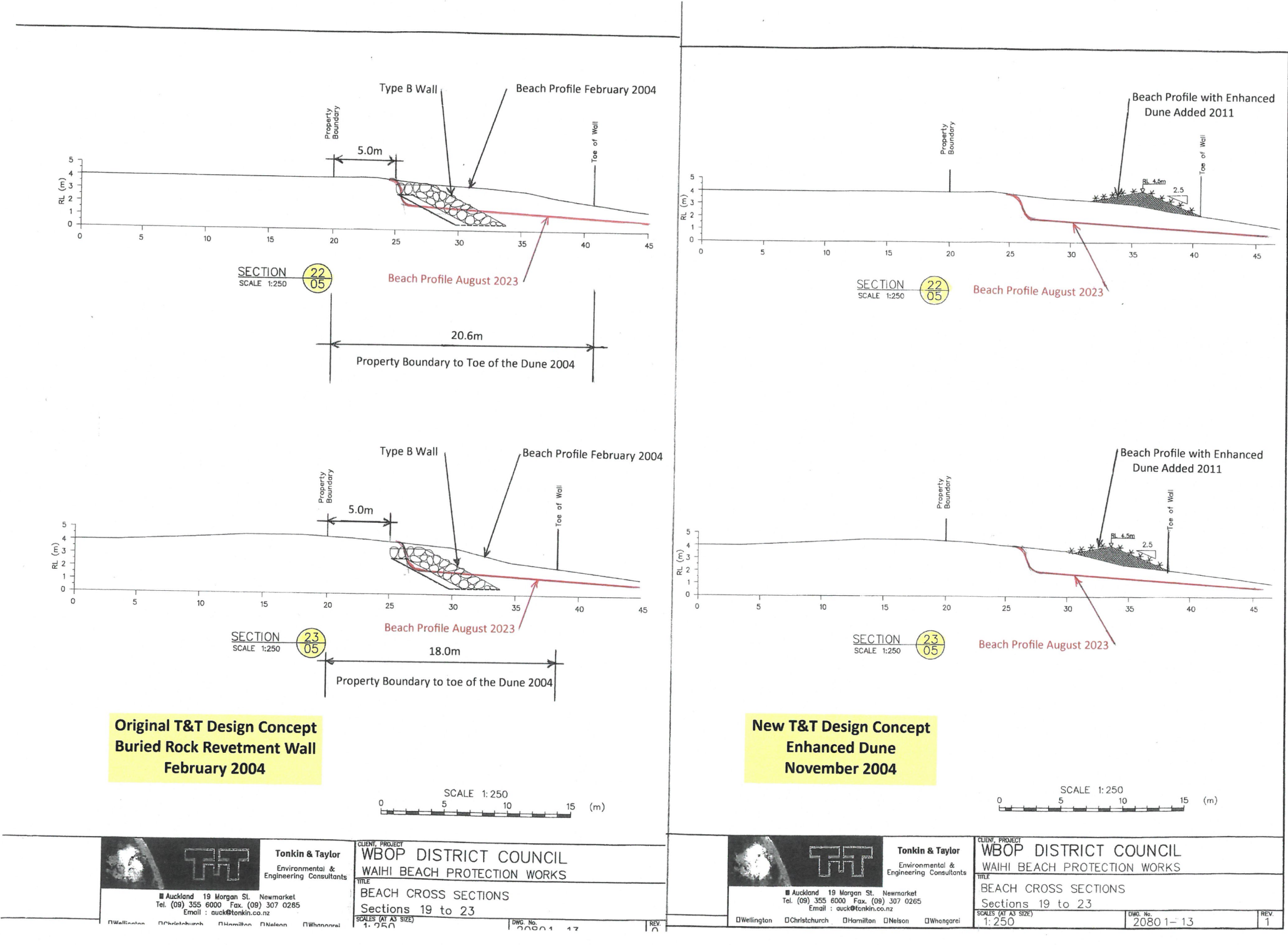
WATERFRONT EROSION PROTECTION

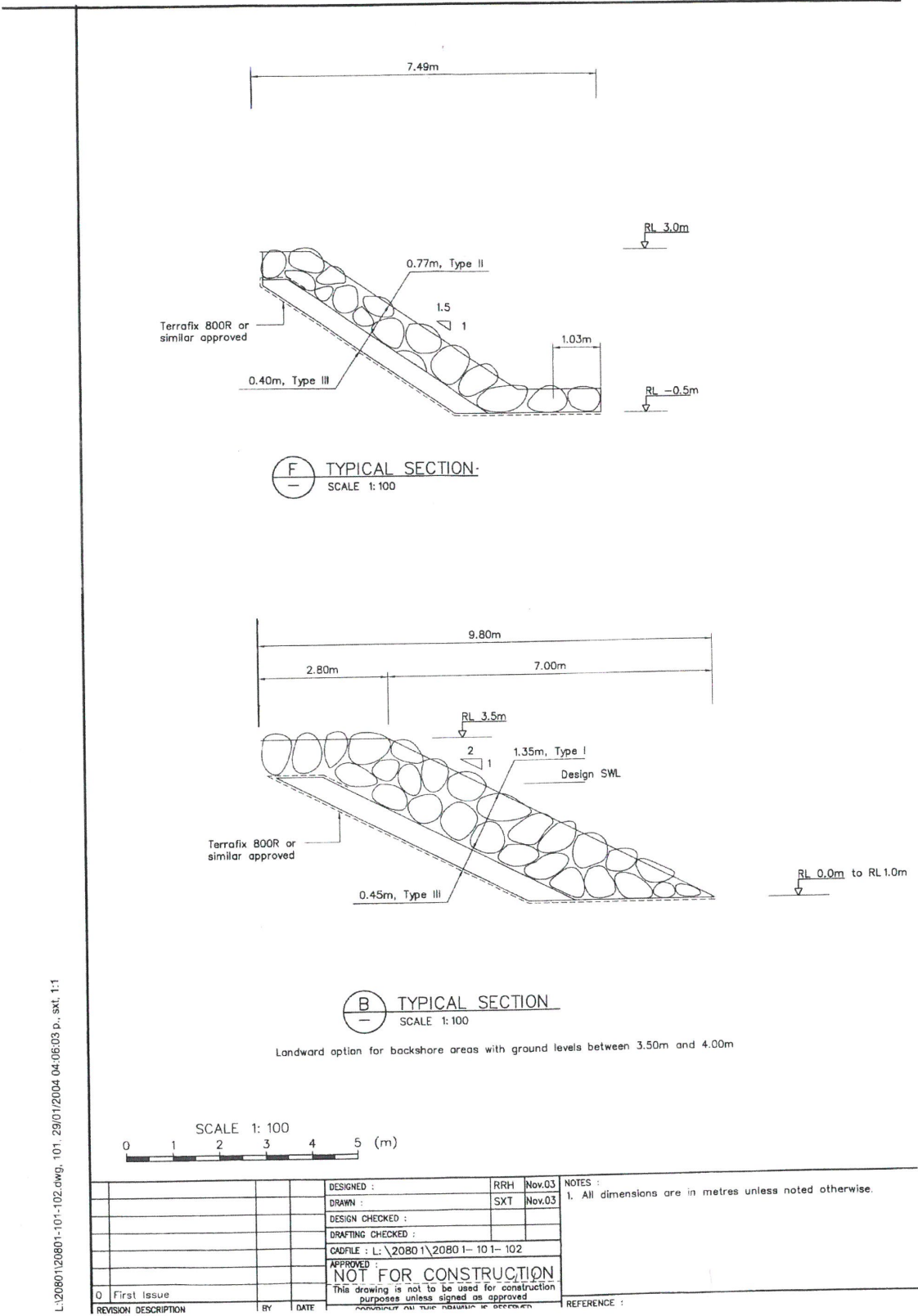




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WAIHI BEACH PROTECTION WORKS
EXTRACT FROM TONKIN AND TAYLOR FEBRUARY 2004 REPORT
NARRATIVE RELATED TO THE GLEN ISLA PLACE WATERFRONT

We note that the existing stormwater discharge from Ayr Street results in significant local erosion. We recommend diverting the stormwater back towards Seaforth Road.

The toe of the wall is between 8 m and 2 m landward of the existing steel post and timber fence.

5.9 10 The Loop to 32 The Loop

This section comprises Type B set back along the face of the existing dunes. The Landward extent of the wall is situated between 2 m and 12 m seaward of the property boundaries. The wall is founded at around 0 m RL.

Informal access will be provided at six locations including the public access ways by 10 The Loop and 20 The Loop. Access will be facilitated by placing rock armour in this location with horizontal flat planes.

The toe of the wall is situated at the existing steel post and timber fence.

5.10 34 The Loop to 38 The Loop

This is a transition area starting with Type B and finishing with the Type F profile. The wall is situated 5 m seaward of the private property boundary and the base of the wall is founded between 0 m RL and 1.0 m RL.

5.11 13 Glen Isla Place to 15 Glen Isla Place

This is a transition area starting with Type F and finishing with the Type B profile. The wall is situated 5 m seaward of the private property boundary and the base of the wall is founded at 1.0 m RL.

5.12 16 Glen Isla Place to Seaforth Reserve

This area is protected by a Type B profile transitioning to a Type F profile in Seaforth Reserve. The wall is situated 5 m seaward of the private property boundary and the base of the wall varies from 0.5 m to 1.0 m.



NOTES:

- Possible location of Sea Wall and Scale
- Dimensions taken from Tonkin + Taylor February 2004 Scheme for Glen Isla Place Waterfront.
- Sand cover over buried or partially buried Sea Wall to be planted on completion with Dune plants including sand trapping plants like Spinifex and Pingao grass.
- For sections through the Wall types B&F refer to cross-section details above.
- Detailed Coastal Engineering Wall design to follow.

Council Policy



Coastal Erosion Responses Policy 2017

1. Relevant Legislation

- Local Government Act 2002
- Local Government Act 1974
- Resource Management Act 1991
- Civil Defence Emergency Management Act 2002
- Reserves Act 1977

2. Policy Objectives

- 2.1. To provide a framework for consistent decision-making by Council where Council-owned coastal land is affected by coastal erosion or subsidence.
- 2.2. To respond to coastal erosion and subsidence of Council-owned coastal land in a way that:
 - (a) gives effect to the New Zealand Coastal Policy Statement;
 - (b) gives effect to the Bay of Plenty Regional Policy Statement;
 - (c) takes account of the Bay of Plenty Regional Coastal Environment Plan; and
 - (d) Is affordable for the affected community both now and into the future.

3. Background

3.1. Physical Environment

Coastal and inner harbour erosion hazards result from the interaction of coastal and harbour processes with human activities and structures, and can adversely affect the economy, health, wellbeing and safety of people and communities. Where coastal / inner harbour erosion or flooding threatens valuable coastal and inner harbour land and infrastructure, coastal protection structures have commonly been constructed. While these coastal protection structures may protect the land and assets behind them such works interfere with the natural functioning of coastal and inner harbour processes.

Hard coastal defences are not only costly to construct but they have a finite lifespan and require maintenance and eventual upgrading or replacement. With currently rising sea levels the cost associated with the maintenance of defences will certainly increase.

Council Policy



Coastal Erosion Responses Policy 2017

Natural dune systems are a defence against coastal erosion. Enhancement of dune systems is to be encouraged.

New Zealand has experienced an average relative sea-level rise of 18 cm over the past 100 years and as a result coastal storm inundation has been experienced in the past, is a problem now and will become more frequent in the future. Over time, with a predicted sea level rise of +1 m in the next 100 years coupled with more frequent and intense weather events, what we currently consider to be extreme 1 in 100 year coastal hazard events will trend to becoming the average event. In the future 1 in 100 year coastal events will lead to deeper flooding and greater economic and social consequences.

In the next 20 to 30 years coastal hazard events may be manageable but beyond this inundation risks will grow much more rapidly even with modest sea level rise. Communities must therefore consider all the available options now to avoid locking in expensive and irreversible planning, investment and development decisions. Today's coastal properties may survive for the next 30 years (the life of an average mortgage) but whether they will remain a viable investment for the 30 years after that is uncertain.

3.2. Council Obligations

In most cases Council is not under any legal obligation to protect its own land or private property from erosion.

There is a view that by Council providing limited protection to some private properties in the past it is obliged to continue this approach or provide compensation if Council changes its approach to erosion. There are some counter arguments to this view. If a policy change is introduced for a good reason there is no case for compensation. Changes in policy also frequently reflect changes in Central Government's and Regional Council's approaches to erosion or the emergence of new research. It could also be argued that those property owners who have been defended in the past have already enjoyed considerable benefit at public expense, therefore a former injustice to the ratepayer is being put right.

However, each situation will be assessed on its merits and Council's general approach to erosion mitigation is set out in this Policy. In particular, there are some areas such as the existing rock revetment wall at Waihi Beach that have their own unique set of legal and consenting circumstances that will be relevant in determining Council's response. Waihi Beach rock revetment wall is subject to a resource consent condition requiring Council to undertake comprehensive investigations by 31 December 2020 to determine the best practicable option for the long term management of the coastal hazard risk at Waihi Beach.

Council Policy



Coastal Erosion Responses Policy 2017

3.3 Community Values

Coastal protection structures may restrict public access and reduce existing values along the coastal and inner harbour margin, such as recreational, aesthetic, and natural character values. These values (as opposed to property values) are rarely quantified and therefore are generally not reflected adequately in decision-making. This results in a conflict between the protection of (often private) property values, and retention of the public asset, the inner harbour and coastal system itself and its associated values.

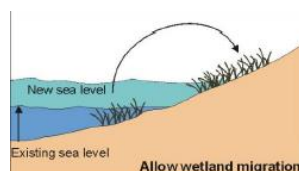
While a policy that explicitly provides future funding only for the exclusive protection of *Council-owned coastal land and strategic assets* may prove unpopular from a local, short term perspective, from a wider district and long term perspective it makes economic and intergenerational sense. Any public intervention to protect private property on the inner harbour or coast would be a cost to ratepayers and a gain to individual property owners.

4. General Approach to Erosion Mitigation

4.1. Council will adopt a precautionary approach to inner harbour and coastal erosion protection and to the future subdivision and intensification of the inner harbour margins and coastal settlements. In particular, where Council has good information on the level of hazard risk or the area is already prone to erosion Council will ensure that any new subdivision, landuse or other development is located and designed so as to avoid the need for future inner harbour and coastal hazard hard engineering protection works.

4.2. For *Council-owned coastal land* potentially at risk from inner harbour and coastal erosion hazards, Council will undertake an assessment (refer to Section 5) to determine the most appropriate erosion management option of "let nature take its course", "adaptive approach" or "hold the line" which means:

- "Let nature take its course" - coastal processes of erosion (the gradual wearing away of beaches and cliffs by the natural wave action) and accretion (the gradual build up of beaches and dunes from sand deposited by natural wave action) are left to occur naturally, without any human intervention. For currently undeveloped inner harbour and coastal margins Council will promote a "let nature take its course" approach to allow the dynamic natural processes (including sea level rise) to take place.

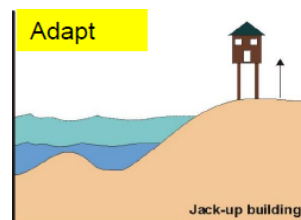


Council Policy

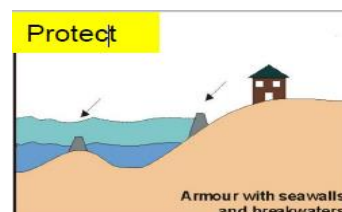


Coastal Erosion Responses Policy 2017

- "Adaptive approach" - manage hazard situations by abandoning assets or relocating assets and activities away from the coastal processes threatening them, thereby removing the hazard. Council will assess the merits of taking an "adaptive approach" on the future management of inner harbour and coastal erosion. This means taking at least a minimum 100 year view in relation to the effects of sea level rise and climate change.



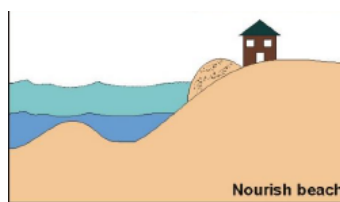
- "Holding the line" - protect the existing foreshore and/or strategic assets from further erosion, in line with the New Zealand Coastal Policy Statement, by promoting the use of soft engineering options (dune replanting/beach nourishment) over hard engineering solutions (timber seawalls/rock revetments) where appropriate. Council will need to balance the life expectancy and value of the strategic assets to be protected and the lifespan of any proposed coastal protection structure. Hard rock structures have a longer lifespan (+80 years) than timber structures (30-50 years) but are more costly to construct, maintain and upgrade.



Council Policy



Coastal Erosion Responses Policy 2017



Diagrams source Ministry for the Environment 2001 Guidance

4.3. District Plan Provisions

- Council will continue to apply the rules in the District Plan that cover subdivision and development in the Coastal Erosion Areas and Coastal Inundation Areas of the residential zones of Waihi Beach and Pukehina and the Coastal Erosion Areas along the rural open coast.
- Council will assess the merits of restricting development intensification and the introduction of setback rules, similar to those in the Coastal Erosion Areas and Coastal Inundation Areas of Waihi Beach and Pukehina, for those areas of the inner harbour prone to erosion, or likely to be inundated by sea level rise, through future Plan Changes to the District Plan. This is to avoid locking the Council into expensive and potentially irreversible decisions in relation to the provision of infrastructure.

4.4. Council Advocacy and Investigations

- Council will advocate to Central Government for better national guidance on natural hazards (including coastal erosion). Council supports the progress being made in the development of a National Policy Statement on Natural Hazards.
- Council will advocate to the Bay of Plenty Regional Council to consider the introduction of a rule in any future Regional Coastal Environment Plan to extinguish existing use rights so that buildings damaged by coastal erosion cannot be rebuilt as of right and replacement is either a prohibited or discretionary activity.
- Council will within the first 10 years of this policy investigate modelling the inundation effects of a minimum 1m sea level rise on the Tauranga inner harbour, Maketu estuary and Little Waihi estuary.

4.5. Provision of information and education

- Council will note the possibility of erosion or inundation on the Land Information Memorandum (LIM) of the properties in locations that formed part of the OPUS report entitled "Tauranga Inner Harbour High Level Coastal Erosion Study August 2015."

Council Policy



Coastal Erosion Responses Policy 2017

- Council will continue to provide the community with the latest relevant technical investigations and reports.

5. Criteria for assessing coastal erosion responses

5.1 Where coastal erosion of Council-owned coastal land affects existing coastal protection structures and/or strategic assets, any decision to maintain, replace, relocate or abandon that structure or strategic asset will only be made after consideration of the criteria included at section 5.3 below.

5.2 Where coastal erosion of Council-owned coastal land occurs in an area where there are no existing coastal protection structures but that coastal erosion is affecting or is likely to affect a strategic asset, then any decision by Council to respond will only be made after consideration of the criteria at section 5.3 below.

5.3 Assessment criteria:

- (a) Assess whether there is a clear need for the works in terms of a risk assessment based on a methodology that assesses the inherent threat to life and/or property or existing nationally or regionally important infrastructure;
- (b) Take a holistic approach to reduce any significant adverse environmental effects elsewhere in the relevant coastal system irrespective of the ownership of potentially affected coastal land;
- (c) Address the issue of end effects of the proposed works where it affects private or public land;
- (d) Consider whether the proposal maintains and enhances public walking access to the inner harbour or open coast, or where that is not practicable provides alternative linking access close to the coastal marine area;
- (e) Consider whether the proposal will not or may not have an adverse effect on amenity values (as defined in section 2 of the RMA);
- (f) Consider whether the proposal demonstrates and includes the outcomes of consultation with major stakeholder and community groups;
- (g) Consider the ability and willingness of individuals and/or the wider community to pay for the costs of maintaining the shoreline in a fixed position indefinitely;
- (h) Consider whether the construction and maintenance costs of protection works are greater than the capital value of the strategic assets to be protected;
- (i) Consider whether the adverse effects of physical mitigation works on the natural character, cultural sites and values, historic heritage and public access to the environment are greater than the value of the strategic assets to be protected;

Council Policy



Coastal Erosion Responses Policy 2017

- (j) Recognise that the NZCPS generally discourages hard protection measures but recognises in some cases they may be the only practicable means of protecting existing nationally or regionally important infrastructure;
- (k) Recognise and consider the environmental and social costs of permitting hard protection structures to protect private property, and consider whether there is any significant public or environmental benefit before locating these structures on public land;
- (l) Consider, where existing inner harbour or coastal protection structures have failed, whether replacement is a sustainable option;
- (m) Consider, where erosion occurs so rapidly, whether there is insufficient time to construct protection works; and
- (n) Consider what action is appropriate when property owners decide to relocate their own buildings as an individual response to erosion issues.

6. Council Statutory Responsibilities

- 6.1 Council administers and is a consent authority in terms of the Reserves Act 1977.
- 6.2 Council administers inner harbour and coastal margin *esplanade reserves and strips* on behalf of all ratepayers, residents and stakeholder groups but also recognises the concerns of special interest groups.
- 6.3 Council recognises that it has responsibilities under other legislation, particularly:
 - (a) Resource Management Act 1991 – The particular provisions of the Resource Management Act (RMA) that Council is required to recognise and provide for within Part II (Matters of National Importance) of the Act and relate to the preservation of the natural character of the coastal environment, the maintenance and enhancement of public access to and along the coastal marine area, and the relationship of tangata whenua to their coastal waahi tapu sites and the exercise of kaitiakitanga;
 - (b) Local Government Act 2002 – Managing the effects of erosion on Council's strategic assets using a range of approaches gives effect to the purpose of local government under the Act to meet the current and future needs of communities for good-quality local infrastructure in a way that is efficient and most cost-effective; and
 - (c) Civil Defence Emergency Management Act 2002: The Act requires all levels of government to work collaboratively to reduce the risk to people and their property through the sustainable management of hazards.

Council Policy



Coastal Erosion Responses Policy 2017

7. Timeframe of this Policy

- 7.1 The policy is to take an initial 30 year timeframe
- 7.2 The policy will be reviewed every 10 years or as required

8. Associated Council Policies and Plans

- Western Bay of Plenty District Council's Long Term Plan
- Western Bay of Plenty District Council's Annual Plan
- Western Bay of Plenty District Council Operative District Plan
- Western Bay of Plenty District Council; Reserve Management Plans
- Western Bay of Plenty District Council; Coastal Assets Management Plans
- Western Bay of Plenty District Council; Utilities Assets Management Plans
- Western Bay of Plenty District Council; Transportation Assets Management Plans
- Western Bay of Plenty District Council Significance and Engagement Policy

9. Relevant National and Regional Policies and Plans

- 9.1 New Zealand Coastal Policy Statement
- 9.2 Bay of Plenty Regional Policy Statement
- 9.3 Bay of Plenty Regional Coastal Environment Plan

10. Definitions

Affected community means in relation to any funding arrangement for proposed coastal erosion responses, the community that will contribute to the cost of any such response/s.

Coastal erosion means in relation to Council-owned coastal land, erosion resulting from the interaction of coastal and harbour processes, and/or subsidence of that land.

Council-owned coastal land means esplanade reserves, coastal walkways and all other foreshore land owned by Council.

Council Policy



Coastal Erosion Responses Policy 2017

Council-owned coastal protection structure means measures aimed at protecting Council-owned coastal land and strategic assets from the effects of coastal erosion.

Esplanade Reserves means a reserve within the meaning of the Reserves Act 1977:

- (a) which is either
 - (i) a local purpose reserve within the meaning of section 23 of that Act, if vested in the territorial authority under section 239; or
 - (ii) a reserve vested in the Crown or a regional council under section 237D; and
- (b) which is vested in the territorial authority, regional council, or the Crown for a purpose or purposes set out in section 229 of the RMA 1991.

Esplanade Strips means a strip of land created by the registration of an instrument in accordance with section 232 of the RMA 1991 for a purpose or purposes set out in section 229 of the RMA 1991

Strategic asset(s) means for the purposes of this policy that Council considers the following assets to be strategic assets:

- The roading network as a whole
- Reserves listed and managed under the Reserves Act 1997 excluding:
 - (a) Reserves identified for investigation for disposal in an adopted Reserve Management Plan
- Land held under other Acts or as fee simple but listed as reserves or considered as reserves.
- Water reticulation network as a whole
- Wastewater plant and network as a whole
- Stormwater reticulation network as a whole
- Library network
- Pensioner housing network.

Group	Policy, Planning and Regulatory Services	Contact (3rd Tier Manager)	Policy and Planning Manager
Supersedes	n/a		
Creation Date	28 August 2017	Resolution Reference	PP
Last Review Date	n/a	Resolution Reference	PP n/a
Review Cycle	Every 10 years	Date	28 August 2027
Authorised by	Policy Committee	Date	16 August 2016

10.2 TE PUKE TRANSPORT CHOICES

File Number: A5690834

Author: Calum McLean, Senior Transportation Engineer

Authoriser: Cedric Crow, General Manager Infrastructure Services

EXECUTIVE SUMMARY

A decision is being sought to implement the Waka Kotahi 100% funded 'Transport Choices' project, which aims to provide separated cycleways on Cameron Road and Boucher Avenue, Te Puke.

The cycleway design is 100% complete. The next project stage is physical works procurement and then construction. Waka Kotahi requires that the final project plans be issued by 27 October 2023 and that the project be delivered by 30 June 2025.

Engagement has been undertaken with the Te Puke community. Most respondents do not support the project however the feedback received suggests that the impact that the project will have on the road environment is misunderstood. The project will deliver multiple safety benefits that will make the roads safer for all road users.

RECOMMENDATION

1. That the Senior Transportation Engineer's report dated 31 October 2023 titled 'Te Puke Transport Choices' be received.
 2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
 3. That the Projects and Monitoring Committee approves the implementation of the Transport Choices project on Cameron Road and Boucher Avenue, to the value of funding allocated by Waka Kotahi.
- OR
4. That the Projects and Monitoring Committee does not approve the implementation of the Transport Choices project on Cameron Road and Boucher Avenue.

BACKGROUND

In August 2022 Council applied for investment from the Government's Transport Choices package which seeks to reduce carbon emissions by constructing urban cycleways.

In November 2022, Council was provisionally granted \$2.33M to design and construct separated cycleways on Cameron Road and Boucher Avenue to provide safe cycling routes between Fairhaven School, Te Puke Intermediate School, Te Puke Primary School, and Te Puke College.

Community engagement was carried out from July 2023 to September 2023. The findings are summarised below.

The detailed design of the cycleways is 100% complete. Council approval is sought to proceed to physical works procurement and construction.

The estimated cost of the construction of both cycleways is \$6.75M, which includes MSQA fees and 30% contingency. If approval is granted to proceed with the project, staff will apply for more funding from Waka Kotahi. If additional investment is not forthcoming the scope of the project will be reduced to match the available budget.

Staff have discussed with Waka Kotahi whether an alternative route could be introduced as a substitute for the Cameron Road/Boucher Avenue route. Waka Kotahi staff advised that there is insufficient time available to Council to develop a design for a new route and undertake consultation and engagement with the community, prior to the 27 October 23 deadline for final project plans.

The Waka Kotahi funding cannot be used for any other activity.

A copy of the draft layout plans for the cycleways are included, refer to Attachments 2 and 3.

SIGNIFICANCE AND ENGAGEMENT

In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it will only affect the Te Puke community and the project is not ratepayer funded.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

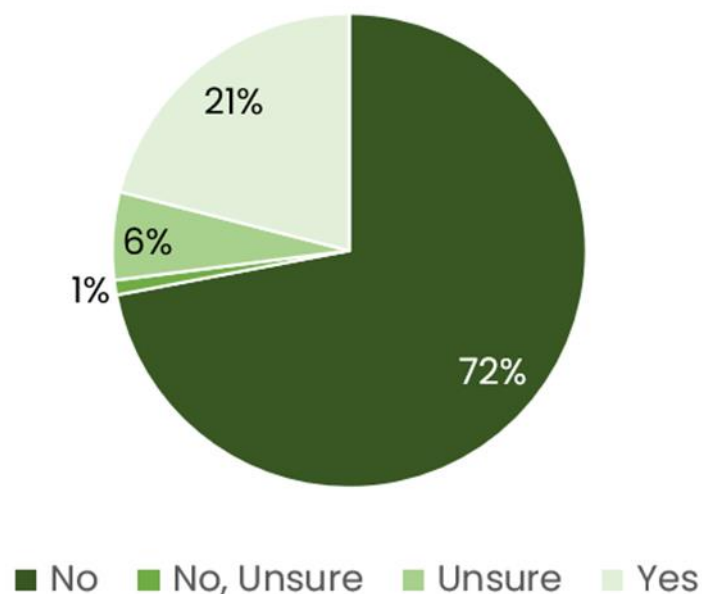
Interested/Affected Parties	Completed Engagement/Consultation/Communication	
Tangata Whenua	- Has not been undertaken specifically for this project. - Letters of support were received from both Waitaha and Tapuika iwi, supporting Council's Walking and Cycling Action Plan for Te Puke. This project aims to implement the highest priority items in that plan.	Completed
General Public	'Key stakeholder pre-engagement – face to face meetings with Te Puke Community Board, affected businesses, and schools.	

	• Mailbox letter drop to all properties along the proposed route including all side streets • Te Puke township DL Flyer mailbox drop • Media release • Project information display and survey forms – Te Puke library • Newspaper advertising in the Te Puke Times • Social media posts on Council and Community Facebook pages	
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A total of 391 feedback submissions were received.

To the question:

'Do you support the concept of a proposed cycleway and safety improvements along Cameron Road and Boucher Avenue?'



Four common themes emerged from the submissions received:

Impact of loss of on-street parking

Respondents are most concerned about the perceived loss of on-street parking. Most children attending primary or intermediate school travel to school by car. Parents are concerned that removal of on-street parking outside schools to accommodate separated cycleways will make it more difficult to drop-off and pick-up their children.

Traffic count surveys have been undertaken to accurately assess the impact that construction of the cycleways will have on on-street parking. The findings indicate that there will continue to be sufficient on-street parking if people are prepared to walk slightly further than they are used to (see table 1 below).

Street	Existing spaces	Spaces remaining	Peak use	Side street parking
Raymond Avenue	62	0	11	14
Cameron Road	223	60	85	228
Boucher Avenue	155	11	62	188
Jocelyn Street	30	15	27	69
Total	470	86	185	499

Table 1: Assessment of on-street parking before and after project implementation

Insufficient demand for cycleways.

There are multiple reasons why cycling is uncommon on NZ roads:

- Too much traffic / risk of crashes / excessive speeds / poor driving
- Narrow roads / no cycle lanes / no provision for cyclists
- Lack of visibility / vehicles emerging from driveways

The Transport Choices Programme aims to address these concerns by creating infrastructure that better accommodates walking and cycling, giving people the confidence to embrace alternative modes of transport.

- Lack of road sense / don't understand road rules / too young (children)
- Stranger danger / abduction (children)

Council's involvement with Travel Safe provides an opportunity to improve road safety education within the community and especially the schools.

- Hills / too far to ride
- Adverse weather

These are becoming less of a barrier to cycling as new technologies emerge (e-bikes, e-scooters) and employers implement facilities (secure bike racks, changing facilities/showers) that make cycling less onerous in inclement conditions.

Money would be better spent elsewhere

Several submitters considered the project to be a waste of ratepayer's and/or taxpayer's money. There were suggestions that the money would be better spent on other roading activities e.g., maintenance, however, this will not be possible. Funding from the Transport Choices programme may only be spent implementing a cycle route between Cameron Road and Boucher Avenue. It may not be used on operational activities such as road

maintenance or renewals. If the project does not proceed, the funding will be allocated to another Transport Choices programme elsewhere in the country.

Narrowing the road carriageway will diminish road safety

Peak traffic is observed during Kiwifruit season when there is a substantial increase in the number of trucks using Te Puke roads. Traffic speed is a concern for the community and respondents fear that narrowing the road carriageway to incorporate separate cycleways will make the road more dangerous.

A speed survey carried out on Cameron Road determined that the 85thile operating speed on Cameron Road is 54kph. At 54kph the probability that a child would survive a collision with a car is 5%.

Research has shown that narrowing road carriageways has the effect of reducing traffic speed. Drivers slow down and drive more cautiously in response to the reduction in manoeuvrability and perceived risk of lane encroachment.

A report detailing all feedback received is included, refer to Attachment 1.

ISSUES AND OPTIONS ASSESSMENT

Option A	
That the Projects and Monitoring Committee approves the implementation of the Transport Choices project on Cameron Road and Boucher Avenue, to the value of funding allocated by Waka Kotahi.	
Assessment of advantages and disadvantages including impact on each of the four well-beings • Economic • Social • Cultural • Environmental	Advantages: • Responds to two strategic priorities: 1. Providing resilient, well maintained, and efficient infrastructure, and 2. Responding to climate change. • Provides safer cycling infrastructure particularly for students travelling to and from school. • Narrowing the carriageway will help reduce traffic speeds, resulting in less crashes and improved survivability. • Increased uptake in cycling or walking improves community health & wellbeing outcomes. Disadvantages: • Public opposition. • To lessen the impact of reduced car-parking availability, it relies on uptake of walking & cycling – which is a long-term change (short term pain for long term gain). • Potential negative impact on other Te Puke projects public consultation. •
Costs (including present and future costs, direct, indirect, and contingent costs).	100% externally funded. Operating/maintenance costs will be partly funded from Transport subsidies (no additional Council funding required).

Option B	
That the Projects and Monitoring Committee does not approve the implementation of the Transport Choices project on Cameron Road/Boucher Avenue.	
Assessment of advantages and disadvantages including impact on each of the four well-beings • Economic • Social • Cultural • Environmental	Advantages • Current levels of on-street parking are maintained. • Complies with wishes of majority of community. • No disruption to road users, maintains the status quo. Disadvantages • Health and safety benefits are not realised. • Discourages multi-modal shift. • Reduction in vehicle emissions is not realised.
Costs (including present and future costs, direct, indirect, and contingent costs).	No present costs, however, the implementation of essential safety upgrades (e.g., zebra crossings at schools) may require to be partly or fully funded by Council at a later date.

STATUTORY COMPLIANCE

The recommendation(s) meets:

- Legislative requirements/legal requirements
- Current council plans/policies/bylaws
- Regional/national policies/plans.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
N/A	Project is 100% funded from Waka Kotahi Transport Choices Package.

ATTACHMENTS

1. **Transport Choices Survey Responses Report** 
2. **Te Puke Cycleway – Draft General Arrangement Plan – Section 1** 
3. **Te Puke Cycleway – Draft General Arrangement Plan – Section 2** 

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
PROJECTS AND MONITORING MEETING NO. PMC23-4
HELD IN THE COUNCIL CHAMBERS, 1484 CAMERON ROAD, TAURANGA
ON TUESDAY, 31 OCTOBER 2023 AT 9.30AM**

1 KARAKIA

Whakatau mai te wairua	Settle the spirit
Whakawātea mai te hinengaro	Clear the mind
Whakarite mai te tinana	Prepare the body
Kia ea ai ngā mahi	To achieve what needs to be achieved.
Āe	Yes

2 PRESENT

Cr D Thwaites (Chairperson), Cr T Coxhead, Cr R Crawford, Cr G Dally, Mayor J Denyer, Cr M Murray-Benge, Deputy Mayor J Scrimgeour and Cr A Wichers.

VIA ZOOM

Cr A Sole and Cr R Joyce.

3 IN ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Deputy CEO/General Manager Strategy and Community), A Henderson (General Manager Corporate Services), A Curtis (General Manager Regulatory Services), C Crow (General Manager Infrastructure Group), P Watson (Reserves and Facilities Manager), S Parker (Cycleways Manager), J Paterson (Transportation Manager), C McLean (Senior Transportation Engineer) H Wi Repa (Governance Systems Advisor), C Irvin (Senior Governance Advisor) and R Leahy (Governance Advisor).

OTHERS IN ATTENDANCE

5 members of the public including:

Alan Fraser (Waihi Beach Landowner)

Andrew Fraser (Waihi Beach Landowner)

4 APOLOGIES

APOLOGY

RESOLUTION PMC23-4.1

Moved: Cr M Murray-Benge

Seconded: Deputy Mayor J Scrimgeour

That the apologies for absence from Cr A Henry and Cr M Grainger be accepted.

CARRIED

5 CONSIDERATION OF LATE ITEMS

Nil.

6 DECLARATIONS OF INTEREST

Nil.

7 PUBLIC EXCLUDED ITEMS

Nil.

8 PUBLIC FORUM

8.1 ROBBIE FREW - TE PUKE CYCLEWAY

Te Puke Resident, Robbie Frew was in attendance to speak in objection to the proposed Te Puke Cycleway. The following comments were provided:

- Mr Frew was supportive of a cycleway but not on Cameron Road and Boucher Avenue.
 - Schools in the area were not supportive of the cycleway as it did not address their safety concerns.
 - A more appropriate route for the cycleway would be to link the existing Te Puke Te Ara Kahikatea Pathway to Maketu.
-

8.2 ADELE ALEXANDER – TE PUKE CYCLEWAY

Te Puke resident, Adele Alexander was in attendance to speak in objection to the proposed Te Puke Cycleway. The following comments were provided:

- Ms Alexander had conducted her own resident survey on the Te Puke Cycleway.
 - The Council-led survey focussed on the design options for the cycleway rather than if the cycleway was wanted.
 - There were some cyclist groups in Te Puke that would support the cycleway, however the majority of residents surveyed were opposed.
 - There was limited parking available for school pick up and drop offs. The cycleway would worsen this problem.
 - There was a broad demographic that responded to the survey.
 - Most residents who responded to the survey felt that Council had not provided them with enough information about the cycleway.
 - The survey showed that 74 percent of people who participated in the survey used bikes. Residents were not opposed to cycleways but preferred a destination cycleway rather than one that went through the main streets of Te Puke.
-

9 PRESENTATIONS

Nil.

10 REPORTS

10.1 WAIHĪ BEACH ROCK REVETMENT – COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS

The Committee considered a report dated 31 October 2023 from the Reserves and Facilities Manager who took the report as read.

Mr Alan Fraser and Mr Andrew Fraser (both Waihi Beach Landowners) spoke to the report and, along with the Reserves and Facilities manager provided the following comments:

- The Environment Court had previously rejected a rock revetment wall in the area.
 - Mr Fraser stated that there was clear erosion on the affected properties as a result of Three Mile Creek. The affected landowners were willing to pay for a rock revetment wall to mitigate the erosion, however this should be on Council land.
 - A Resource Consent for the sand dune enhancement highlighted the need for the proposed rock revetment wall to have a five metre setback from the private property boundaries.
-

- The existing rock revetment has served its purpose and function, it was not designed to stop overtopping. Council was pleased with how it repelled the effects of Cyclone Gabrielle.
 - If the rock revetment wall went ahead, it would be vested into Council assets. Consideration as to whether the asset would be replaced in the future would form some of the discussions prior to final approval of the project.
 - The New Zealand Coastal Policy Statement objected to hard engineering in dynamic coastal environments. Bay of Plenty Regional Council was legislatively required to give effect to this Policy Statement when issuing Resource Consents.
 - Research on the affects on Island View Reserve South would be undertaken through the design process.
 - Council supported the project despite it being inconsistent with Council's Erosion Responses Policy 2017.
-

RESOLUTION PMC23-4.2

Moved: Cr M Murray-Benge

Seconded: Mayor J Denyer

1. That the Reserves & Facilities Manager's Report dated 31 October 2023 titled 'Waihi Beach Rock Revetment - Council Landowner Consented Coastal Protection Works' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
3. That Council notes that assessment against its Coastal Erosion Response Policy indicates no need to protect Council's reserve with a hard structure.
4. That Council, as administering body and landowner of the reserve, approves in principle to the private construction of consented coastal works on Council reserve, Lot 18 and 19 DPS 22035 Waihi Beach, subject to the conditions, including:
 - A resource consent being granted by Bay of Plenty Regional Council (BOPRC);
 - Consent and construction fully funded by the property owners;
 - Agreement with Council on operational cost and responsibilities.
5. That Council notes this decision is not totally consistent with Council's Erosion Responses Policy 2017. Council is not intending to alter its policy as a result. This recommendation is in acknowledgement of s80 of the Local Government Act 2002.

CARRIED

10.2 TE PUKE TRANSPORT CHOICES

The Committee considered a report dated 31 October 2023 from the Senior Transportation Engineer who took the report as read, and made following comments:

- The Cycleways Manager advised the Committee that Waka Kotahi had put the funding on hold for the implementation and construction of the project.
- Waka Kotahi are awaiting the direction of the incoming Government before making a decision on the funding.
- Redesigning the cycleway to minimise the amount of carparks that required removal would increase the costs considerably and involve the removal of street trees in the area.
- A shift to multi-modal transport options was necessary as Council was unable to upgrade roads to accommodate more cars.

The Committee made the following comments:

- Community consultation showed that the community did not support the cycleway. There was public perception that this was a pre-determined decision by Council.
 - Community Consultation from Council should consider including the option to keep the status quo.
 - There were other areas in Te Puke for a cycleway that would have been more appropriate and amenable to the community.
-

RESOLUTION PMC23-4.3

Moved: Cr A Wichers

Seconded: Cr G Dally

1. That the Senior Transportation Engineer's report dated 31 October 2023 titled 'Te Puke Transport Choices' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the Projects and Monitoring Committee does not approve the implementation of the Transport Choices project on Cameron Road and Boucher Avenue.

CARRIED

10.50am The meeting adjourned.

11.08am The meeting reconvened.

11 INFORMATION FOR RECEIPT**11.1 OPERATIONAL RISK AND SCORECARD REPORT QUARTERLY UPDATE ENDING 30 SEPTEMBER 2023**

The Committee considered a report dated 31 October 2023 from the Executive Assistant Infrastructure Services. The report was taken as read, with the following comments made:

- The orange alerts signaled there was a lot of work going on in the risk areas and contingencies were being worked through.
 - Site clearing on the Ōmokoroa roundabout may commence construction this summer, but was not expected to begin this calendar year. Council was working through issues relating to landowner consent and property procurement.
 - A draft design for access to Youngson Road was being worked through with affected landowners.
-

RESOLUTION PMC23-4.4

Moved: Cr T Coxhead

Seconded: Cr R Crawford

That the Executive Assistant, Infrastructure Group's report, dated 31 October 2023 titled 'Operational Risk and Scorecard Report Quarterly Update Ending 30 September 2023' be received.

CARRIED

The Meeting closed at 11.17am.

Confirmed as a true and correct record by Council on 23 November 2023.

Appendix F

Synopsis of Relevant Policies and Legislation

Coastal Erosion Response Policy 2017

The Western Bay of Plenty Council Coastal Erosion Response Policy 2017, attached in Appendix D, is a policy statement that the WBOPDC must consider when making decisions. It outlines its policy objectives as follows:

2. Policy Objectives

2.1. To provide a framework for consistent decision-making when Council-owned coastal land is affected by coastal erosion or subsidence.

2.2. To respond to coastal erosion and subsidence of Council-owned coastal land in a way that:

- (a) Gives effect to the New Zealand Coastal Policy Statement;
- (b) Gives effect to the Bay of Plenty Regional Policy Statement;
- (c) Takes account of the Bay of Plenty Regional Coastal Environment Plan; and
- (d) Is affordable for the affected community, both now and in the future.

4. General Approach to Erosion Mitigation

4.1. The Council will adopt a precautionary approach to inner harbour and coastal erosion protection, as well as to future subdivisions and intensification of inner harbour margins and coastal settlements. Where reliable information indicates a hazard risk or an area is already prone to erosion, the Council will ensure that any new subdivision, land use, or development is located and designed to avoid the need for future hard engineering protection works.

5.5. Criteria for Assessing Coastal Erosion Responses

(j) Recognise that the NZCPS generally discourages hard protection measures but recognises in some cases they may be the only practicable means of protecting existing nationally or regionally important infrastructure;

(k) Recognise and consider the environmental and social costs of permitting hard protection structures to protect private property, and consider whether there is any significant public or environmental benefit before locating these structures on public land;

6. Statutory Responsibilities

The policy also acknowledges the Council's statutory responsibilities under Section 6:

6.1. The Council administers and acts as a consent authority under the Reserves Act 1977.

6.2. The Council manages inner harbour and coastal margin esplanade reserves and strips on behalf of all ratepayers, residents, and stakeholder groups, while also recognising the concerns of special interest groups.

6.3. The Council recognises its responsibilities under other legislation, particularly:

- (a) Resource Management Act 1991 – The particular provisions of the Resource Management Act (RMA) that Council is required to recognise and provide for within Part II (Matters of National Importance) of the Act and relate to the preservation of the natural character of the coastal environment, the maintenance and enhancement of public access to and along the coastal marine area, and the relationship of tangata whenua to their coastal waahi tapu sites and the exercise of kaitiakitanga;
- (b) Local Government Act 2002 – Managing the effects of erosion on Council's strategic assets using a range of approaches gives effect to the purpose of local government under the Act to meet the current and future needs of communities for good-quality local infrastructure in a way that is efficient and most cost-effective; and
- (c) Civil Defence Emergency Management Act 2002: The Act requires all levels of government to work collaboratively to reduce the risk to people and their property through the sustainable management of hazards.

NZ Coastal Policy Statement 2010

The *NZ Coastal Policy Statement 2010* (attached in Appendix C) is a national policy statement that regional and district councils must consider when making decisions.

Policies 24 to 27 relate to coastal hazards, with Policy 27 being particularly relevant to this situation. A key point in Policy 27(4) states that “unless there is public benefit, structures that protect private property should not be located on public land.” This consent application is not consistent with section 17(4).

As demonstrated by the seawalls at The Loop and Shaw Road, such structures provide no public benefit. On the contrary, they can cause significant public losses due to their adverse effects on the beach.

Policy 27: Strategies for Protecting Significant Existing Development from Coastal Hazard Risk

1. In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk should include:
 - a. Promoting and identifying long-term sustainable risk reduction approaches, such as the relocation or removal of existing development or structures at risk.

- b. Identifying the consequences of potential strategic options relative to the option of 'do-nothing'.
- c. Recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources for future generations.
- d. Recognising and considering the environmental and social costs of permitting hard protection structures to protect private property.
- e. Identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches.

2. When evaluating options under (1):

- a. Focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions.
- b. Take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change.
- c. Evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options.
- 3. If hard protection structures are considered necessary, ensure that their form and location minimise adverse effects on the coastal environment.
- 4. Hard protection structures, where necessary to protect private assets, should not be located on public land unless there is significant public or environmental benefit.

Relevance of Policy 26 and Alternatives

Policy 26 of the NZCPS also has relevance, as it advocates for the use of natural buffers like beaches and dunes, this is particularly relevant to the use of “push-ups,” a more practicable alternative we advocate in this situation.

Practicable and Environmentally Soft Alternatives

There are more sustainable, environmentally friendly alternatives to manage existing risks, as demonstrated by the Broadway Road homeowners, whose properties are at far greater risk. These alternatives have not been adequately considered, which is why consenting to this structure in this location would be inconsistent with Policy 27(2)(a). This decision would set a poor precedent and discourage policy compliance by other beachfront owners.

Public Land Considerations

If any part of the proposed structure is located on public land, this would be inconsistent with Policy 27(4) of the NZCPS (as mentioned above).

Resource Management Act 1991 (RMA)

The RMA governs coastal development and mandates sustainable management of natural resources, including coastal waters. Resource consents for seawalls and similar works must consider the environmental impact and potential effects on neighbouring properties.

Section 6 RMA and Inability to Mitigate Adverse Effects

The adverse effects of these structures cannot be avoided or mitigated. They include significant impacts on 'Matters of National Importance' under Section 6 of the RMA, such as:

Natural character of the coastal environment: Section 6A requires the preservation of the coast's natural character and protection from inappropriate use and development.

Public access: The adverse effects on public access to and along the coast, especially at higher tide levels, will extend over longer periods as sea levels rise.

The Environment Court has noted that the requirement to "recognise and provide for" section 6 matters implies that they have significant priority. These matters are of national importance and should be given more weight than regional or district goals (see [Environment Guide Section 6](#)).

Section 7 RMA

Impacts on Section 7 Matters

The proposed structure impacts various "Other Matters" identified in Section 7 of the RMA, to which you, as decision-makers must give particular regard. Relevant matters include:

- Section 7(c): Maintenance and enhancement of amenity values (e.g., recreational and aesthetic values of the beach).
- Section 7(d): Intrinsic values of ecosystems.
- Section 7(f): Maintenance and enhancement of the quality of the environment.
- Section 7(g): Any finite characteristics of natural and physical resources.
- Section 7(i): The effects of climate change.

Bay of Plenty Regional Coastal Environment Plan (RCEP)

This provides a comprehensive framework for managing activities within the coastal environment, emphasising sustainable practices and the protection of natural resources. In the context of the proposed construction of a coastal protection structure on council reserve land, several provisions within the RCEP are particularly pertinent:

A. Policy on Hard Protection Structures:

Policy NH 11: This policy advocates for the avoidance of hard protection structures, such as seawalls and rock revetments, due to their potential adverse effects on coastal processes and natural character. It emphasises the consideration of alternative solutions, including soft engineering approaches and managed retreat, before resorting to hard protection measures.

B. Assessment Criteria for Coastal Structures:

Policy CD 10: Outlines specific criteria for assessing applications for coastal structures. Key considerations include:

- Environmental Impact: Evaluating potential adverse effects on coastal ecosystems, water quality, and sediment transport.
- Alternative Solutions: Demonstrating that non-structural measures have been thoroughly considered and deemed impractical.
- Public Access: Ensuring that the proposed structure does not unduly restrict public access to and along the coastal marine area.
- Natural Character: Maintaining the natural character and landscape values of the coastal environment.
- Integration with the New Zealand Coastal Policy Statement (NZCPS):

The RCEP is designed to give effect to the objectives and policies of the NZCPS. This includes Policy 25 and Policy 27 (NZCPS) as outlined above.

Resource Consent Process

The RCEP stipulates that any proposal for constructing a coastal protection structure requires resource consent from the Bay of Plenty Regional Council. The application must provide comprehensive assessments, including:

Environmental Impact Assessments (EIA): Detailed studies on how the proposed structure may affect coastal ecosystems, biodiversity, and natural processes.

Risk Assessments: Evaluations of how the structure might influence coastal hazards, such as erosion and inundation, both on-site and in adjacent areas.

Consultation Records: Documentation of engagement with stakeholders, including local communities, iwi, and environmental groups, ensuring their concerns are considered in the decision-making process. We have no evidence that these groups have been consulted with.

WAIHI BEACH:

DUNE REPAIR USING SAND PUSH UPS:

APPLICATION AND ASSESSMENT OF ENVIRONMENTAL EFFECTS



Prepared for Western Bay of Plenty District Council:

Prepared by:

Jim Dahm, Eco Nomos Ltd

November 2024

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1 INTRODUCTION

Western Bay of Plenty District Council (WBoPDC) is seeking resource consent to:

- Conduct dune repair/reinstatement along the length of Waihi Beach using sand pushed up from the adjacent beach
- Use of vehicles in the Coastal Marine Area (CMA) and above MHWS connected with the above activity

The proposed dune repair is a form of soft protection and is a Controlled Activity under Rule DD 9 of the Bay of Plenty Regional Coastal Environment Plan.

The resource consents are sought to facilitate dune repair and dune restoration along the entire length of the beach and to enable greater reliance on natural dune protection to avoid the need for additional sea walls (see Section 2 for further details).

The consents are sought to enable dune repair anywhere along the full (approximately 8.8 km) length of the beach – as shown in Figure 1. The activity is likely to be most required in areas where there are public assets (e.g. car parks, accessways) close to the sea. However, on rare occasions, there may be a need to undertake the activity at other locations, so consent is sought for the entire length of the beach.



Figure 1: Area for which the consent for dune repair is sought.

The Council does hold an existing resource consent for the activity over a short length of the beach, designed to protect and restore a dune within the end effects zone of a Council-built seawall. (BoPRC Consent No. 62912). However, erosion following Cyclone Gabrielle indicated that the current consent does not adequately provide for the extent of dune repair required in this area after severe erosion. Private homeowners also hold a resource consent for the activity to protect private land and dwellings over a short length fronting Broadway Road (BoPRC Resource Consent RM21-0666-AP). The resource consent sought by the Council is not intended

to replace the landowner's consent as the Council does not propose to take over dune repair to protect private property in this area. However, it does wish to include the area within the scope of the consents sought as there is also public infrastructure (e.g. roads, parking, accessways) which may require periodic dune repair.

Specific details of the proposed activity and the resource consent sought are provided in Sections 2 and 3.

The activities for which consent is sought have been widely and successfully used in dune repair and dune restoration along the Bay of Plenty and eastern Coromandel coasts for over 20 years with only minor and temporary effects which are generally no longer evident within 2-3 days of completion of the work (see Section 5). This reflects the fact that the activity is simply designed to reinstate natural dune protection quickly and does not involve using any hard structures. The approach also has considerable environmental benefits as it avoids hard protection structures in many situations where they would otherwise be required. Hard structures typically have significant and ongoing adverse effects on the beach's natural and human use values. It can also be challenging to get the beneficiaries of these structures to remove them, even when only approved as temporary measures and consent has lapsed. Accordingly, having an environmentally friendly alternative that avoids the need for hard engineering structures and associated difficulties is a major benefit.

Consent is sought for 35 years, the maximum period that can be granted for activities in the CMA. As discussed in Section 2.2, the need for this environmentally friendly approach and its practicality are likely to remain relevant for at least this period and probably much longer.

2 ISSUES AND PURPOSE

2.1 ISSUES

Waihi Beach is subject to periods of severe storm erosion, which can significantly erode the frontal dune, threaten nearshore private and public assets, and disrupt public access (Figure 2). Erosion can also adversely impact other values, including biodiversity and cultural values and sites within the dunes (e.g. urupa, middens).

Previous studies indicate that, at present, erosion and related issues are primarily associated with dynamic shoreline fluctuations rather than permanent long-term erosion (Eco Nomos, 2003; Tonkin and Taylor, 2015). However, permanent erosion is likely to increase in significance with projected future sea level rise (Tonkin and Taylor, 2015).

Historically, threats to nearshore development have primarily been managed by placing shoreline armouring to protect the beachfront assets—significant engineered structures now front The Loop and parts of Shaw Road (e.g. Figure 3). However, while providing effective property protection, these structures can severely affect the beach's natural and human use values (Figure 3). They can also aggravate erosion on adjacent unprotected properties (e.g. see bottom photo in Figure 2). These adverse effects are likely to become increasingly severe in the long term, with the projected rise of sea levels and the accompanying aggravation of erosion. These deficiencies are significantly at odds with national and regional policy and, increasingly, such structures are no longer being consented to as long-term solutions to erosion hazards unless infrastructure of regional or national importance is at risk. While short-term consents have sometimes also been issued for sea walls as interim property protection measures, they are very costly. These interim measures have also generally been unable to avoid significant adverse environmental effects. Experience elsewhere also indicates that it is challenging to get an agreement to remove such structures once installed, even if explicitly constructed and consented to as only interim structures.

Over the last few decades, considerable effort has been devoted to developing and implementing alternative solutions that maintain and protect the popular beaches of the Bay of Plenty and eastern Coromandel while providing increased protection for nearshore assets. These measures include:

- Setbacks and associated development controls used to identify existing and potential future hazard areas and ensure development in these areas is appropriately located to avoid, reduce and/or mitigate erosion risk. They also improve future adaptive capacity (e.g. through relocatability requirements).



Figure 2: Examples of dune erosion issues at Waihi Beach (all above sites were later successfully managed using dune repair).



Figure 3: Seawall on Waihi Beach showing the absence of beach at high tide

- Community-based dune restoration (Coastcare programme) to restore and enhance the natural values of dunes, including the natural protection they provide from coastal hazards

However, there are limitations to these measures. The setbacks and associated controls do not provide hazard mitigation for existing at-risk dwellings constructed before these measures were introduced; they only apply to new dwellings and renovations constructed since the measures were adopted. Similarly, the width of the remnant dune buffer between existing properties and the sea is often insufficient in many places to allow complete reliance on natural dune protection without human intervention.

These limitations mean that after major erosion events, high-value nearshore assets (private and public) are often at high risk from any additional erosion without appropriate intervention (Figure 2), frequently giving rise to an urgent need to secure these assets.

Other measures may also play a role in any medium-long-term adaptive management strategy at this site (e.g. managed retreat, buy-outs, beach nourishment). However, these measures are generally complicated and expensive (typically \$millions) options.

In the interim, dune reinstatement by push-ups provides the most cost-effective and appropriate mitigation. The objective of this consent is to enable prompt and appropriate use of push-ups when required.

2.2 PURPOSE AND BENEFITS OF PUSH-UPS

The essential purpose of push-ups is to facilitate more rapid repair of a frontal dune following a period of wave and/or wind erosion. i.e. To rapidly reinstate natural dune protection and associated erosion mitigation benefits.

On coasts like this, where the major erosion component is associated with dynamic shoreline fluctuations (i.e. rather than a permanent trend for retreat), natural dune repair processes will also repair dunes following erosion (see Figure 4). Natural dune repair processes involve a windblown transfer of sand from the beach to the dune, with this sand trapped by the key native dune-building species (i.e. spinifex and pingao), gradually repairing the eroded dune (Figure 4). However, these natural repair processes are very slow and can take some years to fully reinstate severely eroded dunes, even without further storms and erosion. In addition, during decadal periods of erosion, further storm erosion can occur before natural dune recovery has occurred. In the interim, nearshore assets remain exposed to a higher risk from erosion (or, in some situations, coastal inundation) due to the depleted dune protection. Accordingly, it is not always possible to wait for natural dune repair.

The proposed activity involves pushing up sand from the beach to restore natural dune dimensions, mimicking natural dune repair in that it involves the transfer of sand from the beach to the dune. However, by undertaking the dune repair with machinery, the dune repair can be completed very quickly, as soon as natural beach conditions allow – which is often within only a few weeks of an erosion event. This activity enables the natural protection the dune provides to be quickly reinstated following erosion, avoiding the need for other more environmentally damaging interim measures such as sea walls. It is also much cheaper than sea walls, typically 1-2% of the cost.

As the reinstated dune serves as a sacrificial erosion buffer, it must be reinstated from time. The frequency of reinstatement varies from site to site and with other factors, such as climatic periods. For example, the southern half of Whangapoua Beach in the eastern Coromandel was eroded severely on occasions in the 1970s, experienced no significant (i.e. asset threatening) dune erosion in the period from 1979 to 2007, but has required at least three major and 2-3 lesser and more localised dune repair projects in the period from 2008-2024. Similarly, parts of Pukehina Beach have required dune significant dune repair on at least four occasions since 2003 (particularly since 2018). Other sites, like the southern end of Tairua Ocean Beach, have only required one major dune repair exercise over the last 25 years.

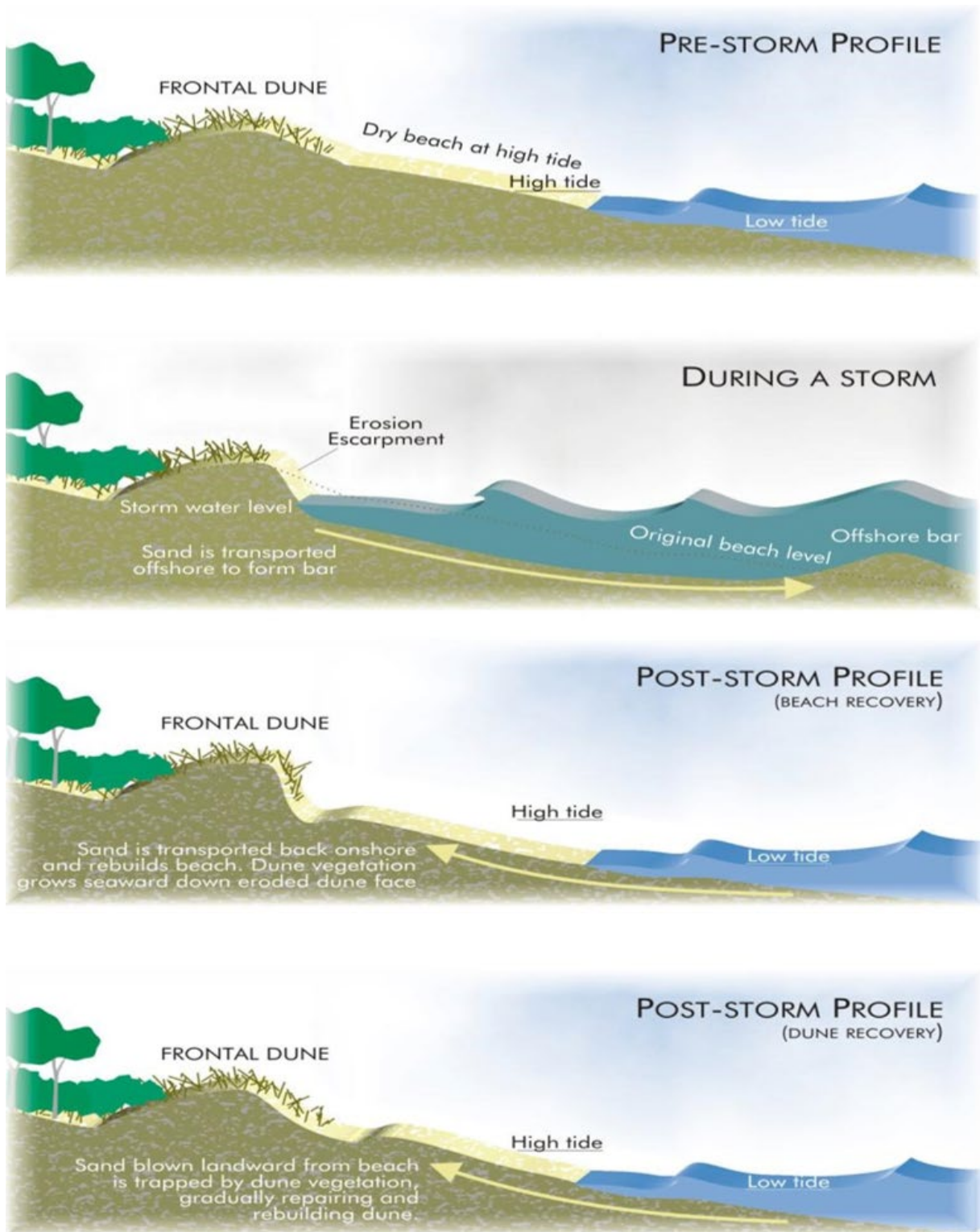


Figure 4: Sketch providing a simplified illustration of natural beach and dune erosion and recovery

Over the last 20 years, push-ups have successfully managed severe erosion problems on both the Bay of Plenty and eastern Coromandel coasts, including work at Waihi Beach (Figure 2). In many (probably most) of these cases, interim hard engineering works, or other costly solutions (e.g. landward relocation of houses) would otherwise likely have been required.

It is envisaged the method will be used for a variety of hazard mitigation purposes at Waihi Beach, including:

- Protection of nearshore public assets (e.g. car parks) and cultural sites
- Reinstatement of beach accessways following dune erosion
- Assisting with Coastcare and other dune restoration
- Reinstatement of dunes damaged by wind erosion and/or human damage – such as the recent dune repair at Albacore Avenue (FIG).
- Protect high-value biodiversity and cultural sites in dunes exposed to wave or wind erosion.

While not the primary reason for the consent, there may also be some cases where the work is used to reinstate erosion dunes to protect private property; where Council deems this appropriate and in accordance with their Coastal Erosion Responses Policy or existing resource consent requirements (e.g. to manage end effects from rock walls managed by Council) and where appropriate funding agreements are reached with relevant landowners.

Beach conditions will limit the scope of dune repair practicable at any location and time at the time of the works. If a wide high tide dry beach has recovered by the time of the works, the dune can often be reinstated close to maximum measured natural dune dimensions. With lesser beach recovery, lesser dune reinstatement is required. The scale of reinstatement is practicable and appropriate for any given situation and requires suitable expert input in the design of works.

As shoreline movements on this coast are dominated by dynamic shoreline fluctuations (i.e. rather than any long-term trends for permanent shoreline advance or retreat), push-ups are likely to remain a valuable hazard mitigation technique for many decades, probably beyond 100 years for areas where the shoreline is backed by undeveloped dunes or existing development is well set back. In developed areas with a limited width of dune buffer between the beach and development, the approach's effectiveness will decrease over time as permanent shoreline retreat becomes increasingly significant with projected future sea level rise. However, with existing sea level rise projections (MfE, 2024) and the additional space provided over time by setbacks and associated controls, push-ups are likely to remain a valuable technique for at least 50-60 years and possibly longer (dependent on factors such as future sea level rise scenarios and accompanying erosion). Accordingly, consent is sought for the maximum consent duration of 35 years prescribed for activities within the coastal marine area (CMA).

2.3 OTHER ALTERNATIVES

Currently, sea walls have tended to be the main alternative used to manage immediate erosion risk to nearshore assets – on both the eastern Coromandel and Bay of Plenty coasts. While there are other potential alternatives (e.g. landward relocation of threatened houses, buy-outs, beach nourishment), these are very difficult and expensive options and presently tend not to be adopted as interim measures where there are viable alternatives. However, landward replacement of existing at-risk dwellings is being affected over time through existing setbacks and associated controls.

On high-value beaches, sea walls have significant adverse environmental effects – including loss of beach width (e.g. elimination of high tide beach) and impacts on both natural and landscape/visual character (e.g. Figure 3) as well as localised aggravation of erosion on adjacent unprotected areas (see bottom photo in Figure 2). With projected future sea-level rise, existing erosion is likely to be considerably aggravated (Tonkin and Taylor, 2015), which will significantly exacerbate the beach loss and other impacts of existing sea walls if they remain. For example, the closure slopes adopted by Tonkin and Taylor (2015) (see Table 1-1 in their Appendix D) suggest that permanent erosion of at least 40-50m (and potentially much more) is likely to occur at Waihi Beach for every 1m of future sea-level rise. With current national guidelines (MfE, 2022 & 2024), the sea-level rise scenarios most frequently used for coastal hazard assessment and planning (i.e. SSP3-7.0M and SSP5-8.5M) both project sea-level rise of at least 1m over the next 100 years.

Accordingly, existing national and regional policies tend to disfavour the use of sea walls strongly. Where consents are granted for sea walls on high-value beaches, they tend to be granted as interim measures only with limited consenting periods, as with the existing sea walls fronting Shaw Road and The Loop.

As interim measures, push-ups have significant advantages over engineered rock seawalls as:

- They avoid the significant ongoing adverse effects associated with sea walls, with any adverse effects of push-ups being both minor and temporary (see Section 5)
- A major push-up to protect any given area typically costs less than 1 the cost of a sea wall to protect the same area.
- Resource consenting difficulties are much less
- The required interim protection can be implemented far more quickly (i.e. usually within a few weeks or months as opposed to several years, if ever, with more challenging to consent options such as sea walls)

In addition, push-ups complement existing risk-reduction measures (e.g., setbacks and associated controls) that often do not provide adequate protection in the short term. The dune

repair work essentially buys time for these longer-term measures to have effect, avoiding the need for more complex, environmentally damaging and expensive options.

3 DETAILS OF PROPOSED ACTIVITY

3.1 CONSTRUCTION

3.1.1 SAND SOURCE

Sand for the dune repair will be drawn from the beach directly seaward of and/or adjacent to the repaired dune, pushed up from below high tide to the dune. This ensures that natural processes quickly repair the beach. Based on experience at Waihi Beach (and other Bay of Plenty and eastern Coromandel beaches), the beach area where the sand is drawn from typically fully recovers within 2-3 days.

The sand is drawn from above mid-tide elevations, where no shellfish beds occur. Checks will also be conducted prior to each operation to ensure there are no juvenile shellfish in the sands to be disturbed.

Sand will not be drawn from areas at or near low tide where shellfish beds might occur, even though most shellfish beds at Waihi Beach are below low tide elevations. When beach conditions are suitable for push-ups, adequate sand occurs in areas further landward.

3.1.2 MAXIMUM AVERAGE VOLUMES PER UNIT LENGTH

The scale of dune repair required will vary according to the scale of erosion and beach conditions at the time of the works.

The objective will generally be to reinstate sufficient dune width to ensure an adequate buffer against (at least) 1-2 severe erosion events. Beach profile monitoring data indicates that dune erosion at Waihi can be significant – the top edge of an eroded dune scarp potentially extending up to 15-30m landward from the most accreted dune toe. However, erosion of this scale only tends to occur over a series of erosion events, with lesser erosion during individual storms.

The maximum average volume required to be pushed up to effect the desired dune repair will vary, up to 15-20 m³/m. Most commonly, the average volumes needed are likely to be in the range of 8-12 m³/m. Accordingly, consent is sought for push-ups with an average maximum volume of 20 m³/m along the length of the works, though on most occasions lesser push-ups are likely to be required.

The only locations where average volumes in excess of 20 m³/m may be required are dune areas adjacent to stream entrances where longshore migration of stream entrances during flood and storm wave conditions can cause significant dune erosion. Currently, the stream entrances on Waihi Beach are reasonably well controlled by geotextile and/or rock protection works, so this risk is regarded as low. Nonetheless, to allow for the potential failure of these works during extreme storms and the need to undertake urgent repair, it is recommended that the consent

allow for the 20 m³/m to be exceeded in areas close to stream entrances, subject to appropriate justification, rather than increasing the allowable unit volume to cover these localised (and unlikely) issues. In theory, it could be possible to conduct such works under urgency if ever required, with retrospective consent obtained. However, this would add unnecessary difficulty for work with only minimal and temporary adverse effects, which work may need to be conducted urgently.

The other significant limitation on push-up dune repair is the width of the high tide dry beach available when the works are undertaken. Apart from emergencies (discussed further below), there is no point in dune repair extending beyond the seaward edge of the available high tide beach. Otherwise, the dune will likely erode quite quickly back to more natural positions, even during relatively moderate wave events that would not usually cause dune erosion. Accordingly, the works will generally only be conducted when there is a suitable dry beach width under spring high tide conditions (as observed under low wave conditions). The primary reason for this is cost-effectiveness, as only limited dune repair is possible when there is a limited high tide beach width.

However, while most work is not likely to be undertaken when there is only a limited (say <3-5m) high tide dry beach width, there will be exceptions. For example, if nearshore assets are close to the eroded shoreline, it can sometimes be necessary to do some work to lessen the risk, even if the beach width is inadequate for the full desired dune repair. Similarly, if there is clear evidence that the beach is in recovery mode (e.g., onshore migrating bars are evident on the beach face), In that case, it can sometimes be useful to commence work before the high tide beach itself has recovered (e.g. to avoid peak use periods, dotterel breeding, etc). Such action has been required at some other sites in the past and is a reasonable precaution given the proximity of development to the sea in many areas of Waihi Beach.

The decision on beach width requirements is therefore best made by a specialist practitioner according to the prevailing circumstances. It is neither necessary nor appropriate to place beach width constraints in consent conditions as this can unnecessarily complicate or delay urgent repair work.

3.1.3 LONGSHORE EXTENT AND TOTAL VOLUMES

It is envisaged that the most common use of the approach will be in northern areas where nearshore development (e.g. public assets, private property and dwellings) is located close to the coast (i.e. the area from island View Reserve to the northern end of the beach). However, from time to time, there may also be a need elsewhere for various purposes (e.g. reinstatement of beach accessways, dune restoration, protection of cultural sites and repair of dunes damaged by human activities or by wind and wave erosion). Accordingly, consent is sought for the full length of the beach.

The total volume involved in any dune repair exercise will vary, depending on the scope and longshore extent of the required works. This will vary according to factors such as longshore extent of the erosion damage, the purpose of the works and beach conditions at the time of the works. Unfortunately, the maximum longshore extent of works cannot be reasonably predicted.

Accordingly, total volumes are best limited by the maximum average unit rate of 20 m³/m rather than imposing an arbitrary total volume. There is no risk in this approach as the works have only minor and temporary effects (see Section 5), and there is also no point in any party undertaking works that are not required. In addition, the consent requires a short report prepared by a suitable expert for any proposed push-up work over 1000 m³, which includes detailing and outlining the justification for the scale of the proposed works.

The larger push-up volumes (i.e. 15-20 m³/m) will typically only be required over limited lengths (e.g. where erosion is exacerbated by streams, sea walls, rip-heads, or other factors) or after rare and severe erosion or multiple erosion events.

The maximum total volume to be pushed up in any given situation will vary markedly according to the longshore extent and scale of erosion (i.e. the area where action is required) and by the width of high tide beach available (a key limiting factor). Push-ups will not reinstate dunes wider than those that have existed naturally as there is no point in such work – natural processes would simply erode the dune back to positions quite rapidly. Assessment of the maximum appropriate dune reinstatement for any given circumstances is generally a reasonably straightforward matter for a suitably experienced coastal scientist or engineer.

The sand for the dune repair will generally always be drawn from the beach directly seaward of the area being protected and up to 50m on either side, as this is the most cost-effective approach and minimises machine use on the beach. The only situation in which sand might have to be drawn from further afield would be if shellfish occurred in the sands directly seaward of the site, preventing their use. That has not been required to date in any dune repair work along the Bay of Plenty and eastern Coromandel coasts. Sand from a stream source was used in an early (2003) dune repair exercise in a limited area of Pukehina Beach, but it is not the best practice and is not proposed for any work under this consent on Waihi Beach.

The number of times a push-up may be required in any given year is impossible to reliably predict as this depends totally on natural conditions (e.g. how many storms occur, the scale of the erosion damage, the rate of beach recovery, etc). However, there have been examples in the past when more than one severe storm has occurred in a year (e.g. 3 events in relatively quick succession in 1996/97). Similarly, dune repair may need to be spread over 3-4 repair episodes depending on the beach recovery rate. For example, three separate repair episodes have been required at Pukehina to date since Cyclone Gabrielle, and a fourth over a limited length. This requirement reflected a combination of urgency and slow beach recovery. Accordingly, it is not appropriate to limit the number of dune repair events in any given year as this could seriously impact urgent work, which is particularly not appropriate given the effects of the activity are minor and temporary (see Section 5). In addition, there is no good reason for Council to do more push-up work than is required. A report is also required for all works apart from minor repairs (i.e. all works >1000 m³).

3.2 PLANTING

Native sand trapping vegetation (spinifex and pīngao) is critical to natural dune function, including natural dune building and repair and minimising wind erosion. As such, it is always desirable to ensure a reasonable cover of these species is present to revegetate the reinstated dune.

However, as the push-up dune repair will, most commonly, simply reinstate a narrow sacrificial dune buffer, it is generally not wise to plant the push-up itself, as the plantings will be lost if there is a significant erosion event. It is better instead to have plantings further landward that can grow seaward over the reinstated dune.

In the situation where there is existing spinifex and/or pingao populations landward of the push-up, additional planting may not be required as these populations will send stolons seawards over the reinstated dune – usually providing complete cover of the dune within 1-2 years in the absence of further wave erosion.

In situations where there is no native dune building vegetation (spinifex and pingao) immediately landward of the reinstated dune, it is recommended that:

- i. In cases where public land lies immediately landward, dune restoration be undertaken with Coastcare to restore a suitable width of spinifex immediately landward of the push-up. If there is an inadequate dune width further landward, planting should be done in the most landward areas of the reinstated dune.
- ii. In cases where private land lies immediately landward, the Council has no control other than an advocacy role. In these cases, the Council will advocate for landowners to undertake appropriate planting on their private land as per i.

Where reasonably practicable and appropriate, any existing spinifex stolons hanging down the eroded dune face can be lifted before the push-up rather than buried. The stolons can then be laid on the reinstated dune face, speeding up the re-establishment of a spinifex cover.

It is also important to ensure that the spinifex zone remains free of exotic weeds, particularly exotic perennial grasses (e.g. lawn grasses) and garden plants (e.g. arctotis, gazanias, agapanthus, etc). This exotic vegetation can displace and reduce the effectiveness of the native sand-binding vegetation. While exotic species can help hold sand, they are ineffective at dune building and repair. Little to no additional dune repair will occur in areas without spinifex and pīngao being dominant. And the exotic species are also less effective at trapping windblown sand. Accordingly, the key advantages of the spinifex/pingao zone are lost if this zone is dominated or replaced by exotic species.

3.3 GENERAL DETAILS OF THE WORK

Other than minor dune repair (e.g., works involving <1000 m³), a suitably qualified and experienced coastal scientist or coastal engineer will design the works undertaken. A short report will also be prepared for each of these projects detailing the proposed works, including location, longshore extent, the sand volumes anticipated to be moved, proposed monitoring and how the various consent conditions will be met (including measures to avoid, remedy or mitigate any adverse effects on indigenous flora, fauna, natural character, historic heritage sites or cultural values).

The work details will be circulated to BoPRC, relevant local iwi, DoC and WBoPDC reserves staff at least 5 working days in advance. When work is to be conducted during the shorebird breeding season, the relevant DoC and local shorebird monitoring staff will be consulted well in advance (at least 10 working days except for any rare emergency works) to identify appropriate limitations and controls on the work to avoid nesting birds or new chicks.

The dune reinstatement work will be undertaken by experienced contractors using an excavator/digger, a tracked bobcat and/or a bulldozer. The exact equipment used will depend on the scale of work required, the beach conditions at the time, and the contractor's availability. If debris needs to be removed from the beach (e.g. rocks or remnants of old structures etc), a tractor and trailer may also need to be used. However, removing such debris from the CMA is already permitted under the RCEP.

Any use of reserve areas for access and/or storage of machinery will be agreed with WBoPDC reserve staff to ensure damage is minimised and decide on any reinstatement required following completion of the works.

Vehicle access to and from the beach will also be agreed with reserve management staff from Western Bay of Plenty District Council. Most vehicle access will likely occur via existing vehicle access points (e.g. Three-Mile Creek, seaward end of Albacore Avenue). The nearest vehicle access will generally be used to minimise the distance machinery has to travel along the foreshore. In accessing the work areas, machinery and vehicles will be driven along the high tide mark, or as close to the high tide mark as possible.

Vehicle movements and that portion of the works within the coastal marine area will be undertaken in the dry (i.e. above sea level at the time of vehicle movement). The disturbance of the foreshore or seabed will be limited to the extent necessary to carry out the activity.

The contractors will be responsible for managing health and safety during any work, but WBoPDC will ensure appropriate practices are agreed upon before the work.

Public access along the beach will be maintained during any works with monitors to ensure public safety.

Any debris (e.g. remains of old seawalls, old fences) within the area of the works will be removed from the foreshore and seabed, and appropriately disposed off-site.

No refuelling activities or fuel storage will be conducted within the coastal marine area, or on the beach above MHWS. All plant, machinery, and equipment associated with the works will be removed from the foreshore and coastal marine area at the completion of the works.

The works will be conducted in a manner that complies with the noise levels set out in NZS 6803: 1999 "Acoustics - Construction Noise".

Unless emergency conditions apply, all work will generally be undertaken during weekdays and not weekends. Tides will be a significant factor in the timing of the works, as they require low tide conditions during the day. The work hours will be restricted to daylight hours, probably 7am to 5pm on most days. No work will be conducted on weekends or public holidays unless:

- An appropriately experienced coastal scientist or coastal engineer determines that urgency applies (e.g. imminent loss of nearshore infrastructure and development); and
- Such variation is agreed with BoPRC. This agreement may need to be arranged within 1-2 days on some rare occasions and possibly within hours in urgent circumstances.

The work will be undertaken in as short a timeframe as reasonably practical, and anticipated timeframes will be provided in the short summary report produced for each project >1000 m³. As a guide, based on past work, it should be reasonably practical to place 800 to 1000 cubic metres per working day (sometimes more). However, this depends on factors such as the nature and condition of the beach at the time of the work, the time of year, weather, wave and tidal conditions, public use and other constraints, and available machinery.

4 CONSULTATION

To come

During the preparation of this application, the application was circulated to the following parties for comment:

- Relevant local iwi including
- Relevant Marine and Coastal Area (Takutai Moana) Act 2011 Customary Marine Title (CMT) applicants, as advised by BoPRC
- Wahi Beach Surf Life-Saving Club
- WBoPDC Reserves staff
- BoPRC

- Relevant DoC staff, including those involved with the monitoring of shorebirds and lizards
- Waihi Beach Community Board and Councillors

The feedback received is summarised as follows:

..... to come

5 ENVIRONMENTAL EFFECTS

5.1 COASTAL PROCESSES

The proposed work will have no significant adverse effects on coastal processes as:

- It imitates the natural dune-building process
- The volumes involved are insignificant relative to the astronomical volumes within the active beach system and the active sediment transport processes that prevail.

The movement of sand from the beach to the natural frontal dune involves no net loss of sand and shell from the active beach system – simply an exchange that also occurs with natural dune building processes.

Observations and monitoring associated with past works at Shaw Road, Pukehina Beach, and elsewhere (e.g. various beaches on the eastern Coromandel over the last 20 years) indicate that the beach rapidly recovers (typically within 2-3 days) following works and there is no evidence of any significant short- or long-term adverse effect on beach levels or coastal processes (e.g. Eco Nomos, 2011).

For example, monitoring of large-scale push-up work at Whangapoua in 2008 demonstrated that sediment transport under very low waves (<0.3 m) largely restored the beach to preceding natural conditions within 1-2 days and no visible effects were evident beyond 1-2 weeks (Eco Nomos. 2011). Similar recovery rates have been observed at all sites where the work has been conducted over the past 20 years, including large-scale projects.

The primary reason is that the sand volumes removed for the dune repair are insignificant relative to the rates of cross-shore and alongshore sediment transport that occur along the beach. Natural processes rapidly correct any localised reduction in beach levels due to the large amounts of sand sloshing alongshore and cross-shore under even the mildest of wave conditions.

The volumes of sand involved in the push-ups are also inconsequential in relation to the volumes of sand stored in the beach in this large beach system, so that wider effects are less than minor and not measurable. By way of illustration, the full beach system extends from Waihi to Bowentown and about 300-350m offshore (the seaward edge of the active beach system on this coast, closure depth as it is technically called, is typically about -5m below mean sea-level). The volumes in this beach system are vast; even just the top 10 cm of this active beach system contains about 300,000 cubic metres of sand, several times the volume of even the largest push-up likely.

The volume and extent of disturbance (typically limited to widths of 20-40m and depths of <1m) are extremely minor compared to the natural fluctuations in beach elevations which occur at the site, as evidenced in BoPRC beach profile monitoring data. In the nearshore areas in which the work will be conducted, beach levels can naturally fluctuate by up to 2-3m.

In addition, the sand volumes transferred to the dune mimic natural transfers that occur during natural dune repair and do not involve any net sediment loss for the beach system. The beach and the frontal dune are all part of the active beach system. Sand naturally exchanges between these areas on all natural beaches during periods of dune erosion and subsequent dune recovery. The aim of push-ups is simply to reinstate the eroded dune far more quickly than would otherwise occur, thereby enhancing the natural dune protection and avoiding the need for more expensive and more environmentally damaging alternatives such as sea walls.

The minimal impacts of the technique are reflected in the fact that it is widely used internationally and recognised as an environmentally soft approach with little to no adverse effects - provided shellfish or other fauna habitats are not directly affected and the work is properly designed and executed.

The push-ups are also not removing sand from the active beach system (i.e. it is not sand mining); it is simply a sand transfer to speed up the natural repair of the frontal dune (which is part of the active beach).

5.2 COASTAL ECOLOGY

Disturbance of the foreshore can potentially impact local fauna through habitat disturbance. The main potential issues at Waihi Beach relate to shellfish and shorebird (e.g. New Zealand dotterel) nesting.

Where practicable, works will be avoided from 15 December to 29 February each year, being peak periods for bird nesting and juvenile shellfish nursery and migration.

However, as severe erosion at this site can occur within the tropical cyclone season (i.e. November-April), there is potential for work to be required during the shorebird nesting season. On such occasions, the work will involve consultation with the relevant DoC staff and the local shorebird volunteers who work with DoC to ensure that work is appropriately managed to avoid any shorebird nests and young chicks.

Inspections of Waihi Beach and advice from locals indicate there are no shellfish beds within the upper beach face area disturbed by sand push-ups. This is to be expected given the frequent large scale bed level fluctuations that occur in this area and the lengthy period of exposure between tides. Shellfish gathering areas at Waihi all occur at much lower elevations (i.e. near and below low tide) than the beach areas that will be disturbed. These lower beach areas where shellfish occur will not be affected.

However, during the design of any works, a field inspection will be undertaken by the coastal specialist along the length of the proposed work to ensure there are no juvenile shellfish nurseries (e.g. tuatua spat in tens of thousands per square metre) within the beach area that will be disturbed. Inspection will also be repeated prior to the start of the works. This inspection does not require a specialist ecologist as the juvenile shellfish are readily identifiable if present. It is unlikely that juvenile shellfish will occur in the area to be disturbed. However, if present they will be avoided.

5.3 WATER QUALITY

All the proposed sand push-up work at Waihi involves clean beach sands with no visible mud content, and the work will be conducted in the dry (i.e., when the beach face sediments are exposed and above water levels). Accordingly, beach scraping will not have any impact or change in water quality.

There is little potential for vehicle contaminants to discharge into the CMA during the proposed works. To avoid such impacts, machinery or equipment will be refueled on grassed areas well outside of the CMA and foreshore.

5.4 PUBLIC ACCESS AND SAFETY

To ensure public safety and maintain public access, signs will be placed at the landward end of all public beach accessways within the works area and up to 200m in either direction before commencement of the works advising:

- The works being undertaken and their expected duration
- Name of the main site contractor
- Safety advice
- A contact telephone number for any public queries or concerns relating to the works

Public access will be possible along the beach throughout the works, but care will be required when walking or driving past the machines while they are working on the beach. Monitors will be provided who will be responsible for managing safe public access while the machines are working, and to ensure that the public stay a safe distance from the working machinery.

The push-up will repair the dune at all public accessways within the area of the works.

The work will generally positively affect public access and use as repair of the steep erosion scarps will facilitate beach access from public beach accessways and private properties. At Waihi Beach, there are beach accessways at various intervals. Past erosion events have sometimes compromised these accessways, closing them temporarily. The consent sought will enable rapid repair of these accessways in the future. Repairing high dune erosion scarps also minimises any danger to children playing in such areas.

On most occasions, work will also be designed and conducted to ensure that at least 3 m width of high tide beach is maintained after the placement. This will maintain public access along the beach at higher tide stages. The only occasions when this will not be practical are when emergency works must be conducted before a high-tide beach has adequately recovered. Experience with the latter situation at Whangapoua Beach in 2014 indicated that work under such conditions has no adverse effects on public access to and along the beach. This is because these situations only arise when the beach and dune are severely eroded, and any localised push-up has no significant additional adverse effect on access.

The timing of the works will be designed to avoid public holidays and peak use periods whenever practical. In rare situations, weekends may need to be worked outside of peak use or public holiday periods to facilitate more rapid completion of the works but will involve monitors to ensure public safety and minimal disruption of public access and beach use. For example, an emergency that requires urgent action. However, works will only take place in such periods if:

- An appropriately experienced coastal scientist or coastal engineer determines that urgency applies (e.g. imminent loss of nearshore infrastructure and development); and
- Such variation is agreed with BoPRC. This agreement may need to be arranged within 1-2 days on some rare occasions and possibly within hours in urgent circumstances. WBoPDC will consult with BoPRC as soon as any such need arises.

In over 20 years' experience with these works along the eastern Coromandel and (more recently) Bay of Plenty coasts, there have been no significant concerns or conflicts between sand push-ups and public beach use.

Overall, the work will generally positively impact access to and from the beach, and any adverse effects on access along the beach (above or below MHWS) will be less than minor and temporary.

5.5 NATURAL CHARACTER

The beach scraping operations will have only minor and temporary adverse effects on natural character and habitat – being limited to the disturbance of the foreshore and beach (above and below MHWS) involved in the movement and placement of sand by machinery.

The effects of the sand removal on coastal processes and beach morphology will only be minor and temporary – as discussed above. In the medium to longer term, the dune restoration work effected will enhance both natural character and landscape amenity values.

In addition, a key purpose of the work is to help avoid the need for hard engineering structures, thereby helping maintain and enhance natural character and both landscape and recreational amenity values above and below MHWS.

Overall, the proposed beach scraping is part of the work intended and required to protect and restore the natural character of the relevant beaches and dunes. Any adverse effects on natural character will be less than minor.

5.6 CULTURAL VALUES

The dune repair work will not require significant excavation of the dune, as the proposed works only involve pushing sand up from the beach to repair and reinstate badly eroded dunes. As such, the proposed work will not physically disturb any sites within the dunes. The consent will also enable push-ups to be undertaken to protect cultural sites exposed or damaged by wave or wind erosion.

Similarly, the beach areas from which sand is taken for dune repair are regularly disturbed by erosion to much greater depths than will occur during the push-ups. Accordingly, no cultural sites buried will be disturbed.

Very limited and shallow disturbance of the dune might occur where Coastcare dune restoration is integrated with the dune repair. However, such works are outside the scope of this resource consent application. Where Coastcare related dune excavation is conducted it will only be for the purposes of restoring appropriate dune vegetation (e.g. clearing existing exotic vegetation and any fill) and will only involve shallow excavation (i.e. as required to remove the vegetation and any historic fill or other human-placed debris).

It is also proposed that relevant local iwi be advised at least 10 working days before all future works undertaken under the consent sought. The only exception will be where urgent work must be undertaken to protect public or private assets. In such cases, local iwi will be informed as soon as practicable (and within 24 hours) of the Council being aware of this need.

5.7 NOISE

There is some machinery noise associated with the sand push-ups and dune repair. However, experience indicates that noise levels are not excessive and tend to be significantly mitigated by natural background noise (e.g. wave breaking, winds). Generally, the noise is only evident close to the machines.

However, to be precautionary and ensure noise from the activity does not cause a significant adverse environmental effect, it is recommended that a condition be included to ensure compliance with New Zealand noise standards for such works in the CMA.

6 MONITORING

As outlined above, the urgent works for which consent is sought are minor and any effects are temporary and will not be evident within 1-2 days.

Nonetheless, for all dune repair projects involving push-ups >1000 m³, photographic monitoring from fixed points will occur before and after the works, and again within 4 weeks of completion.

The photographic monitoring at each site will include:

- Views along the beach in both direction, showing beach condition before and after the works
- Views along the top of the dune in both directions, showing dune conditions before and after the works

The monitoring sites will be no further than 200m apart within the work area and will always include sites at both the eastern and western ends of the work.

The photographic monitoring will be forwarded to BoPRC once completed, with a short report including associated comments. The report will also note any issues that arose and the extent to which the works proceeded as anticipated in the short report provided before the works.

On significant projects involving either push-up volumes over 10,000 m³ or continuous dune repair over a shoreline length over 750 m, monitoring will also include representative cross-sections surveyed before the works and within a month of completion of the works.

These representative cross-sections will be located towards each end of the works (i.e. adjacent undisturbed areas) and a central location, with the sites reasonably evenly spaced over the length of the works.

The above-noted summary monitoring report will include this data and associated reporting.

7 RELEVANT POLICY

7.1 REGIONAL PLANS

The proposed activity is a Controlled Activity under the RECEP and has only minor and temporary effects, so a full planning analysis is not required. Moreover, the activity is very consistent with relevant objectives and policies of the Regional Coastal Environment Plan – the

relevant regional plan for the proposed activity (located within the CMA). A brief overview of relevant objectives and policies is provided below.

INTEGRATED RESOURCE MANAGEMENT

The proposed activity is consistent with relevant objectives and policies concerning integrated management as it has a functional need to be located in the CMA and is appropriate in this location.

NATURAL HERITAGE

The proposed activity is consistent with and supports the relevant objectives (e.g. Objectives 2 and 4) and policies related to natural heritage.

Using a natural dune to buffer coastal hazards is consistent with Objective 3 as it safeguards the integrity, form, functioning and resilience of the coastal environment – as opposed to alternative structural interventions such as sea walls.

Using a natural dune to mitigate erosion rather than structural responses is also consistent with Objective 4 – as it prevents the further loss of the quality and extent of rare and threatened habitats in the coastal environment, including sand dunes.

WATER QUALITY

No objectives and policies of direct relevance to the present application. However, as noted above, the application has no adverse effects on water quality.

IWI RESOURCE MANAGEMENT

The application is only broadly related to the objectives and policies of this section. However, *(additional comment as relevant following consultation with iwi)*

HISTORIC HERITAGE.

No direct relevance to the single objective (19) in this section. However, if ever required, the activity could be used to help mitigate any erosion threat to cultural sites within the area of the proposed activity.

COASTAL HAZARDS

The proposed activity involves using a natural dune buffer to mitigate erosion and is entirely consistent with the various objectives and policies of this section of the RCEP. For example:

Objective 20: *Coastal communities are aware of risks from natural hazards, and mitigation actions are in place to enhance the resilience of existing and future communities.*

While only one part of ensuring resilience of the existing community, the proposed activity complements existing setbacks and development controls (see Section 2). The approach used to mitigate erosion in this area is also consistent with enhancing the resilience of existing and future communities since it is based on working with natural processes and thereby maintains the beach's natural and human use values – important to the local and beach user communities.

Objective 21: *Development and activities in the coastal environment are managed to take account of the dynamic nature of coastal processes.*

The proposed activity involves working with nature and is based on imitating the natural dynamic processes operating on the beach in this area, allowing for periodic dynamic erosion while mitigating the adverse effects of such erosion on adjacent properties by imitating natural dune repair processes.

Objective 22: *Development is managed to recognise the future effects of climate change and maintain or enhance the natural biological and physical processes in the coastal environment.*

The proposed activity complements existing setbacks and development controls (which promote gradual retreat to avoid and mitigate risk). It will ensure that the natural physical processes that occur can be maintained.

Objective 23: *Recognise and provide for the protection and enhancement of natural defences to coastal hazards*

The activity is particularly consistent with this objective – based entirely on using natural defences.

The proposed activity is also consistent with relevant policies, including Policies CH 1 and CH 6 (particularly).

RECREATION

The proposed activity is consistent with the single broad objective of this section of the RCEP (**Objective 24**) as it maintains the natural processes and morphology of the beach (central to the maintenance of public access and recreation). The activity will also be conducted to ensure public access to and along the coast is maintained even during periods when works are conducted – as discussed earlier.

ACTIVITIES IN THE COASTAL MARINE AREA

The proposed activity has only peripheral relevance to this section of the RCEP but is consistent with the objectives and policies that have some relevance, namely Objectives 26, 27, and 30 and associated policies.

- **Objective 26** – the sediment resources and the available space are used efficiently (and only briefly) to mitigate erosion while also maintaining public access
- **Objectives 27 and 30** – the activity has a functional need to be located within the CMA and is appropriate in this location as it provides for the mitigation of erosion hazards to adjacent beachfront properties while avoiding the adverse effects that would be associated with other alternatives used elsewhere on Waihi Beach to manage similar issues (i.e. sea walls).

7.2 DISTRICT POLICY

The WBoPDC has a Coastal Erosion Responses Policy (CERP), which outlines the Council's general approach to erosion mitigation. This Policy:

- Provides a framework for consistent decision-making by Council where Council-owned coastal land is affected by coastal erosion
- Enables Council to respond to coastal erosion of Council-owned coastal land in a way that:
 - (a) gives effect to the New Zealand Coastal Policy Statement.
 - (b) gives effect to the Bay of Plenty Regional Policy Statement.
 - (c) takes account of the Bay of Plenty Regional Coastal Environment Plan; and
 - (d) is affordable for the affected community both now and into the future.

The proposed activity for which this consent is sought is strongly consistent with this policy. For example, the general approach to erosion mitigation (outlined in Section 4 of the CERP) includes promoting soft engineering options (such as the activity proposed in this consent) over hard engineering solutions.

The proposed activity is also consistent with the criteria in the CERP for assessing coastal erosion responses (section 5 of the CERP) where coastal erosion is likely to affect a strategic asset. The criteria note that any decision by the Council to respond will only be made after consideration of the various criteria in section 5.3 of the policy, which include a wide range of environmental considerations (e.g. Sections 5.3b, c, d, e, i, and k). Where the proposed dune repair activity for which consent is sought is practicable and effective, it will comfortably meet these various criteria. Accordingly, it will enable the Council to better protect nearshore assets when appropriate or required.

Regarding council obligations (section 3.2 of the CERP), the policy notes that in most cases Council is not under any legal obligation to protect its own land or private property from

erosion. Nor by providing limited protection to some private properties in the past, is the Council obliged to continue this approach or provide compensation if it changes its approach to erosion. If a policy change is introduced for a good reason, there is no case for compensation. Policy changes also frequently reflect changes in Central Government's and Regional Council's approaches to erosion or the emergence of new research.

Any policy change is likely to particularly affect hard engineering structures, which are costly to construct, have a finite lifespan, require ongoing maintenance, often have significant adverse environmental effects that will be further exacerbated by projected future sea level rise, are strongly discouraged by existing national, regional and local policy (including the NZCPS), and which will eventually need to be replaced with other more suitable approaches. The proposed activity will often provide an appropriate alternative for hard engineering structures, buying time for the transition to other (often more difficult and complex) longer-term options.

However, each situation will be assessed on its merits and the Council's general approach to erosion mitigation is set out in this Policy. There are some areas such as the existing rock revetment wall at Waihi Beach that have their own unique set of legal and consenting circumstances that will be relevant in determining the Council's response. Waihi Beach rock revetment wall is subject to a resource consent condition requiring Council to undertake comprehensive investigations to determine the best practicable option for the long-term management of the coastal hazard risk at Waihi Beach.

REFERENCES

Eco Nomos, 2003: Waihi and Pukehina Beaches: Assessment of Storm Cut Dune Erosion. Report prepared for Environment Bay of Plenty by Eco Nomos Ltd, October 2003.

Eco Nomos, 2011: Whangapoua Beach Scraping and Dune Repair 2008: Monitoring Report. Report prepared for Whangapoua Beach Ratepayers Association by Eco Nomos Ltd, December 2011.

Ministry for the Environment, 2022: Interim guidance on the use of new sea-level rise projections. Published in August 2022 by the Ministry for the Environment. Publication Number ME 1667.

Ministry for the Environment. 2024. Coastal hazards and climate change guidance. Wellington: Ministry for the Environment.

Tonkin & Taylor (2015) Coastal Protection Areas Re-assessment. Stage Two. Technical Report prepared for Western Bay of Plenty District Council, April 2015.

Objection to proposed Waihi Beach Coastal Protection Structure (RC14513)

“UNLESS THERE IS PUBLIC BENEFIT, STRUCTURES THAT PROTECT PRIVATE PROPERTY SHOULD NOT BE LOCATED ON PUBLIC LAND.” NZ Coastal Policy Statement 2010, Policy 27(4)

This submission consisting of pages 1 – 20, is an annex to Form 13, and strongly opposes the proposed rock riprap wall for coastal protection at Glen Isla Place, Waihi Beach, as outlined in the *Glen Isla Dune – Waihi Beach Coastal Protection Project Resource Consent Application* and its assessment of environmental effects.

Dot Watch Waihi Beach and Surrounds is a voluntary organisation motivated by the plight of the native New Zealand Dotterel (NNZD). As an organisation, we strive to mitigate the ongoing threats to the species and encourage successful breeding through strategic planning and risk assessment.

We have been working proactively with the Western Bay of Plenty District Council (WBOPDC) for several seasons and have permission to cordon off active nests in reserves and beach locations, erect temporary signage, and undertake predator control activities. We are in regular communication with WBOPDC, and inform the Reserves and Facilities Officer – West, where the dotterels are nesting each season.

We hold a conservation agreement with DOC and work closely with the local Protected Species Biodiversity Ranger. The Bay of Plenty Regional Council (BOPRC) also supports dotterel management by funding a summer Dotterel Ranger, who assists volunteer groups across the region. In essence, this is a multi-agency effort, supported by a network of community volunteers, working together to give this unique shore-nesting species a chance of survival.

As an organisation we have a broad approach with members of many different professional backgrounds.

Adopting a Balanced Approach

By adopting a balanced approach that emphasises sustainability, reasonableness, and fairness, we advocate for additional independent hydrological reports and at the very least peer reviews of the reports submitted to safeguard and address our concerns. Rather than dissecting the submission and reports, we will provide a counter-argument to this consent application.

We respectfully request that, before the Commissioners make a decision, an evidence-gathering exercise be conducted at Waihi Beach, specifically examining the seawalls at The Loop and Shaw Road (Figure 1) which evidence, significant adverse effects on the beach, as is already clearly apparent in areas fronting the existing walls fronting The Loop and Shaw Road, versus sand push-ups and dune repair efforts that have been successfully implemented at Broadway (Figure 5 and 6). It is generally agreed that Broadway was in far worse condition than Glen Isla Place and has been subject to sand pushing and dune restoration, rather than hard engineering (Figures 2 – 4 and 7 – 9).

There is no convincing evidence that there is an urgent need for hard engineering as the first solution at Glen Isla Place. Nor is there evidence to support this. We question why there has been no evident discussion or suggestion that these property owners should be responsible for their own response to coastal processes, constructing any mitigations they deem desirable on their own private property rather than on public reserve land. The consideration of how best to

manage public space must surely be done in the interests of the public, not just a handful of landowners.

Although we are not experts in this field, we have undertaken extensive investigation and have attached open-source case studies from New Zealand and abroad regarding the effects of riprap walls. It is noted that each location has unique geographical features, but as with any precedent, one should be mindful and consider these when making an informed decision. See Appendix A for details. We have also examined open-source Environmental Court cases in New Zealand concerning resource consent applications for coastal seawalls offering insight into how such proposals are evaluated under the Resource Management Act (RMA). See Appendix B for details.



Figure 1: Examples of the seawall on The Loop and Shaw Road Waihi Beach showing the absence of beach at high tide.



Figures 2 and 3 – Proximity of the erosion issues at Broadway.
(later successfully managed using dune repair).



Figure 4 - Examples of prior dune erosion issues at Broadway, Waihi Beach (all above sites were later successfully managed using dune repair).





Figures 5 and 6 – Sand push and dune reinstatement success Broadway



Figure 7 – Proximity of the erosion issues at 65 Broadway (successfully managed using dune repair - figures 5 and 6)



Figure 8 – Existing Dune 16 and 14 Glen Isla Place Waihi Beach – Feb 2025



Figure 9 – Existing Dune 16, 14 and 12 Glen Isla Place Waihi Beach showing a great rate of natural dune repair – Feb 2025.

Submission Points

Our objection is based on several key concerns:

1. Glen Isla Protection Society Incorporated (GPIS)

The GIPS was incorporated on 20 December 2023. The stated purpose of the society is to protect and enhance the natural coastal environment in the vicinity of Glen Isla Place, Three Mile Creek, and Island View Reserve, Waihi Beach. The Incorporated Society is exclusive to

seaward properties and does not represent the broader residents of Glen Isla Place, whom mostly oppose this resource consent application.

The Society Register Rules for GIPS are outlined in Appendix C.

Section 4. Purposes

The primary purposes of the Society are to:

- *Protect and enhance the natural and coastal environment in the vicinity of Glen Isla Place, Three Mile Creek, and Island View Reserve at Waihi Beach.*
- *Design, obtain permissions and approvals for, and construct coastal protection measures to safeguard that environment.*
- *Manage and, if necessary, own such protection measures.*
- *Undertake any other actions necessary or desirable to achieve the above purposes.*

Since the incorporation of the Society on 12 December 2023, there has been no evidence of any remedial work, planting, or collaboration with Coast Care to restore the dunes. Additionally, no efforts have been made to prevent the dumping of garden waste onto the dune systems.

A functional dune ecosystem requires the seaward dunes to be dominated by native sand-binding plants, such as spinifex and pingao. The science and practical knowledge behind creating sustainable dune systems have been well-established for decades. However, there has been no effective effort by property owners of GIPS to support the development of a healthy dune system, either on their properties or on the adjacent public foreshore.

While there is some scattered Wiwi and Pohuehue throughout the area, native sand-binding plants are concentrated in only two small patches—one containing Spinifex and the other a thin strip of Pohuehue. The remainder of the vegetation is primarily exotic species, including agapanthus. It is suggested that the dominance of these exotics has been exacerbated by the continued dumping of garden waste on the dune systems.

Therefore, we can reasonably conclude that the GIPS was not established to protect the dune system, but rather to support this resource consent application. This is further evidenced by bullet point two, where Alan Fraser, et al provided evidence to support this structure to the WBOPDC Projects and Monitoring Committee on 31 October 2023.

Written Approval Affected Persons

We note that written approval of affected persons is required under Resource Management Act 1991, Section 95D – surely houses adjacent to Three Mile Creek should be subject to this written approval, as there may be detrimental or adverse hydrological issues affecting them. Notably, written approval should be sought for numbers 1–7 and 7A, but this does not appear to be evidenced in the applicants' resource consent application.

Perceived Conflict of Interest – GPIS

The involvement of Mr. Philip Cory-Wright, 15 Glen Isla Place, an Independent Director of the New Zealand Local Government Funding Agency (LGFA), in the resource consent application to the WBOPDC raises concerns. There is no evidence in the decision-making process to suggest

that a perceived conflict of interest has been disclosed, especially in preliminary meetings with the WBOPDC which are not part of the submission.

While the LGFA's financial support of local councils, including Western Bay of Plenty, benefits infrastructure and community projects, Mr. Cory-Wright's role could be perceived as influencing the council's decision-making process. We are not suggesting any wrongdoing, nor is there evidence of such influence. However, it would have been prudent for Mr. Cory-Wright to disclose any interests that could be perceived as influential, following the council's policy to maintain impartial decision-making along with public trust - particularly in light of the resolution passed on 31 October 2023.



Figures 10 and 11 – taken on public land Feb 2025



2. Failure to Consider Relevant Policies: Subject to WBOPDC Resolution, 31 October 2023

It is respectfully requested that the Commissioners consider this point, and point 3, when making an independent decision on the resource consent application, regardless of whether it

has been appealed or taken to judicial review. This issue has only surfaced during the investigation into this resource consent application.

The Western Bay of Plenty District Council's report, titled "Waihi Beach Rock Revetment - Council Landowner Consented Coastal Protection Works" (File Number: A5730344), and the meeting minutes from the 31 October 2023 Projects and Monitoring Meeting reference the New Zealand Coastal Policy Statement (NZCPS), though the reference appears relatively limited.

The Council acknowledges that the NZCPS generally opposes hard engineering solutions, such as rock revetments, due to their potential to negatively impact natural coastal processes and increase erosion elsewhere along the shoreline, but does not go into detail, nor provides a copy, or references for the very diligent elected members to make an informed decision.

Nor does the report explain the significance of the NZCPS as a national directive, that WBOPDC cannot ignore or override. Instead, they must implement its policies through district plans and resource consent decisions, ensuring that coastal management aligns with national-level priorities for sustainability and environmental protection. Point 3 below provides further detail.

The report pages 6–29 and the minutes pages 3–4 are outlined in Appendices and D & E.

3. Lack of Consideration Resource Consent Implications: Subject to WBOPDC Resolution, 31 October 2023

The report and minutes indicate that the resource consent application and final decision will be made by the Bay of Plenty Regional Council (BOPRC), thereby removing the responsibility of elected members to consider the relevant national policies and legislation.

The application has been submitted pursuant to Section 95A of the Resource Management Act 1991. The Western Bay of Plenty District Council (WBOPDC) has determined that the resource consent application made by the Glen Isla Protection Society—for the construction and associated activities of a coastal protection structure (a buried rock riprap wall) at 95 Seaforth Road (Lot 18 DPS 22035), 12 Glen Isla Place (Lot 12 DPS 22035), and Lot 19 DPS 22035, Waihi Beach—will be processed on a publicly notified basis.

The report further emphasises that the BOPRC must give effect to the New Zealand Coastal Policy Statement (NZCPS) under the Resource Management Act 1991 (RMA). This confirms that the final decision lies with the BOPRC, not the WBOPDC, and that the BOPRC must ensure its decision aligns with both the NZCPS and the broader framework of the RMA, which prioritises the sustainable management of natural and physical resources.

However, the report does not provide sufficient detail or include copies of, or specific sections from, the NZCPS and the RMA for elected members to consult. Key omissions include:

- Specific NZCPS provisions (e.g., Policy 25 on managing coastal hazards or Policy 27 on hard protection structures).
- Relevant sections of the RMA regarding coastal hazard management and protection measures.
- An analysis of alternative options, as recommended by the NZCPS and the RMA, before allowing hard structures.

Furthermore, the report does not explicitly outline that the NZCPS is a mandatory national policy statement under the Resource Management Act 1991. This means that WBOPDC is legally required to give effect to it when making decisions about the coastline. Under the RMA, both district and regional councils must ensure that their plans, policies, and resource consent decisions align with the objectives and policies of the NZCPS.

As a result, we believe the decision is contentious and lacks natural justice, as relevant information was omitted from elected members of the Projects and Monitoring Committee regarding the above provisions. We argue that this reflects a lack of procedural fairness and transparency and that the resolution was passed without due regard to:

- Failure to consider relevant factors – Necessary information was not provided to ensure an informed decision.
- Procedural unfairness – Affected parties were not given a fair opportunity to make submissions, and elected members did not receive sufficient information.
- Error of law – The council misinterpreted or failed to apply relevant legal provisions correctly when making its decision.

A key principle under the RMA is that council decisions must be based on sufficient and relevant information. If a decision is made without adequate information, it can be challenged on the grounds of natural justice or procedural fairness. For example, in *Environmental Defence Society Inc v. New Zealand King Salmon Co Ltd* [2014], a judicial review of a council decision—though not specifically about insufficient information—highlighted procedural fairness in consent decisions. The court emphasised that decision-making must follow proper processes and consider all relevant factors.

Additionally, existing resource consents for Waihi Beach rock revetment walls require WBOPDC to conduct comprehensive investigations to determine the best practicable option for the long-term management of coastal hazard risk at Waihi Beach. This leads us to bullet point 4.

4. The Lack of Weight and Consideration of Relevant National and Local Policies and Legislation

The following policies and legislative frameworks are critical in evaluating the proposed coastal protection structure:

1. Coastal Erosion Response Policy 2017

- Outlines a precautionary approach to erosion mitigation, discouraging hard protection measures unless absolutely necessary.
- Emphasises the importance of public and environmental benefit before permitting structures on public land.
- Requires consistency with the NZ Coastal Policy Statement (NZCPS), Bay of Plenty Regional Policy Statement, and Regional Coastal Environment Plan.

2. NZ Coastal Policy Statement 2010

- Policy 27: Advocates sustainable alternatives like managed retreat over hard protection, with hard structures permitted on public land only if there is significant public benefit.

- Policy 26: Promotes the use of natural buffers (e.g., dunes and beaches) over artificial barriers to manage coastal erosion.

3. Resource Management Act 1991 (RMA)

- Section 6: Requires recognition and protection of natural character, public access, and tangata whenua relationships with coastal land.
- The Environment Court has noted that the requirement to 'recognise and provide for' section 6 matters implies they hold significant priority and cannot be treated as an equal part of a general balancing exercise. Additionally, the fact that these matters are described as being of national importance indicates they should be given greater weight than regional or district goals
(see <https://www.environmentguide.org.nz/rma/principles/section-6-matters-of-national-importance/>)
- Section 7: Highlights the need to maintain amenity values, ecosystem health, environmental quality, and consider the impacts of climate change.

4. Bay of Plenty Regional Coastal Environment Plan (RCEP)

- Policy NH 11: Avoids hard protection structures, promoting soft engineering and managed retreat.
- Policy CD 10: Requires thorough assessment of environmental impacts, alternative solutions, public access, and natural character before approving structures.
- The RCEP requires detailed Environmental Impact Assessments, risk analyses, and stakeholder consultations as part of the resource consent process.

A synopsis of the relevant policies and legislation is attached in Appendix F.

Conclusion of relevant policies

In conclusion, the resource consent application is not a sustainable option and does not meet the requirements of the RMA, RCEP, NZCPS 2010, or the relevant WBOPDC Coastal Erosion Response Policy 2017. It has the potential to have severe adverse effects on a wide range of important environmental and human-use values, and these effects will only worsen with future climate change.

Approving this structure would set a harmful precedent for the beach and undermine policy and legislative compliance by other beachfront owners. Accordingly, consent should be declined under the circumstances outlined.

5. Resource Consent Already Underway WBOPDC

The activities for which consent is sought have been widely criticised within NZ and internationally. However, we have excellent examples where consents for dune repair using sand push-ups have been successfully implemented for over 20 years along the Bay of Plenty and eastern Coromandel coasts. These projects have resulted in effective dune restoration with only minor and temporary effects, which are typically no longer evident within 2–3 days of completion.

This was evidenced in WBOPDC's consideration for its own resource consent application, which is soon to be submitted. The proposed dune repair is a form of soft protection classified as a controlled activity under Rule DD 9 of the Bay of Plenty Regional Coastal Environment Plan. The resource consent is being sought to facilitate dune repair and restoration along the entire length of the beach, enabling greater reliance on natural dune protection and reducing the need for additional seawalls.

Draft Application and Assessment of Environmental Effects, prepared for WBOPDC, November 2024 attached at Appendix G.

However, it is important to note that this consent does not take private properties into consideration. If granted in mid-2025, private landowners may be able to apply to utilise this consent, provided they adhere to specific terms and conditions. This has yet to be confirmed by the WBOPDC; therefore, please assign whatever weight you deem appropriate to this statement, or the information can be requested as part of the deliberations.

This reflects the fact that WBOPDC has already considered other alternatives, previously taken into account all relevant national policies and legislation, given sufficient weight to these in conjunction with internal policies, and adhered to nationally recognised agreements for the activities of sand pushes and dune reinstatement. However, this somewhat contradicts the Davis Coastal Consultants *Coastal Process Assessment* report and the *Engineering Design Report*, which are attached as Appendices B and F, respectively, in the Mitchell Daysh Report for the Glen Isla Protection Society, October 2024.



Figure 12: Area for which the consent for dune repair is sought - November 2024

6. Consultant Engineering Design and Coastal Processes Reports

We question the impartiality and professional accountability of Davis Coastal Consultants, who assessed the proposed structure's impact on the coastal environment and design process. As noted above, we are unfamiliar with their background, qualifications, or the quality of their previous work.

Additionally, we challenge the Applicant's Consultant's assertion that the proposal will result in a net ecological benefit due to the proposed remediation planting and that it will have predominantly moderate-to-high positive effects on natural character, landscape, and visual amenity. We disagree that an overall benefit can be achieved when:

- The structure will not remain continually covered in sand and vegetation but will become increasingly exposed over time, as noted in the Assessment of Environmental Effects (page 30).
- As exposure increases, the Council reserve will be dominated by a hard rock structure rather than natural sand, negatively impacting its ecological, landscape, and amenity values.

Repeated evidence in New Zealand and overseas has found that hard structures displace and increase erosion effects elsewhere, particularly neighboring properties. The neighboring property is a Department of Conservation reserve which is significant as it is in a relatively unmodified state.

We respectfully request that an independent evidence-gathering exercise be undertaken. Specifically, an independent hydrological evaluation should be conducted to assess potential water redirection effects on surrounding properties and the proposed mitigation measures. Additionally, the Coastal Process Assessment Report and the Engineering Design Report, as detailed above, should be independently commissioned or, at the very least, undergo a peer review with consensus from all relevant parties regarding who undertakes this.

We would strongly advocate for this work to be undertaken by Jim Dahm, as this would align with the WBOPDC's proposed resource consent, highlighted above in bullet point 3 and ensure consistency of approach. He is highly respected in New Zealand and brings extensive experience, scientific expertise, and a community-driven approach. With over 40 years in the field, he has led numerous successful coastal restoration projects and pioneered the establishment of Coastcare groups. His deep understanding of coastal processes, climate adaptation, and policy frameworks makes him a leading expert in New Zealand, ensuring informed, effective, and sustainable long-term solutions.

7. Unsuitability for Long-Term Coastal Management

The proposed hard engineering solution is unsuitable for long-term coastal management. The adverse effects of hard structures have significant adverse effects on the beach, as clearly evident in areas fronting the existing seawalls at The Loop and Shaw Road. These effects will only worsen over time, as existing hazard studies at Waihi Beach (including the Tokin and Taylor (2015) *Coastal Protection Areas Re-assessment. Stage Two. Technical Report*) indicate that the shoreline will experience permanent retreat due to rising sea levels. This sea wall will exacerbate the adverse effects on the beach and should be addressed in the suggested independent report commissioned by respected experts in this field.

This negative precedent and the adverse effects of these structures are already evident and should serve as a clear reason not to expand seawalls along our high-value, popular public beach. Furthermore, these effects are expected to worsen due to projected sea-level rise.

8. Transparency of Community Consultation

There has been a lack of wider community consultation and a failure to identify key community stakeholder groups/special interest groups. Previous resource consent applications have been more transparent in approach and adhere to the wider stakeholder consultation. Consultation records should be provided evidencing documentation of engagement with stakeholders, including local communities, iwi, and environmental groups, ensuring their concerns are

considered in the decision-making process. We have no evidence that these groups have been consulted with:

- Department of Conservation
- Dot Watch Waihi Beach
- Coast Care
- Waihi Beach Environment Society

GPIS members are acutely aware of the historical significance of the Northern New Zealand Dotterel (Tūturiwhatu) breeding and feeding grounds along the Glen Isla coastline and Three Mile Creek. The environmental assessment was conducted outside of the seven-month breeding season. Currently, four NNZD juveniles and their parents are using this area to fledge, with the most recent observation recorded on 15 February 2025.

Under Policy 6.2, the Council manages inner harbour and coastal margin esplanade reserves and strips on behalf of all ratepayers and stakeholders, while also recognising the concerns of special interest groups.

9. Environmental and Ecological Impacts

The proposed structure would have significant adverse environmental and ecological impacts. However, the WBOPDC's proposed consent application, as detailed at point 5, offers an approach with considerable environmental benefits, as it avoids hard protection structures in many situations.

Hard structures typically have significant and ongoing adverse effects on both the beach's natural environment and its human use values. It can also be challenging to remove these structures, even when they were initially approved as temporary measures and the consent has lapsed. Therefore, having an environmentally friendly alternative that avoids the need for hard engineering structures and the associated challenges is a major benefit.

Overview

Rock riprap walls, commonly used for coastal protection, present significant environmental and ecological challenges. While they mitigate immediate erosion, these structures redirect water flow, intensifying erosion in adjacent areas. They disrupt sediment dynamics, causing sediment starvation and destabilising nearby shorelines - even when combined with sand dune coverings.

10. Habitat Loss and Species Impact

Seawalls impede natural vegetation growth and disrupt essential coastal processes, threatening critical habitats for vulnerable species such as the nationally endangered Tūturiwhatu and Tōrea Pango (Variable Oystercatcher). At Waihi Beach's Glen Isla/Three Mile Creek dunes, these birds rely on undisturbed sandy beaches for nesting, flocking and feeding, yet the proposed riprap wall would degrade these habitats.

The Blue Green ecological assessment (August 2024) which is attached as Appendix D, in the Mitchell Daysh report for the Glen Isla Protection Society, October 2024, fails to account for seasonal breeding patterns and overlooks Three Mile Creek's as a significant Northern NZ Dotterel breeding, flocking and feeding area one of only two remaining areas along the 10km

beach where successful breeding can occur. This information would have been readily available if local conservation groups had been consulted with. The assessment states:

“During the site visit, no native birds were recorded on the vegetated dune system, while several species (Variable Oystercatchers, black-backed gulls, and red-billed gulls) were observed on the water’s edge. The site visit took place outside the avifauna breeding season, so it could not be determined if species such as the Dotterels or Variable Oystercatchers breed at the creek mouth.”

Furthermore, Island View Reserve, identified as an Area of Ecological Sensitivity in the District Plan, is subject to a bylaw protecting nesting birds during the breeding season. Section 6.26.4 of the Reserves Management Plan highlights the need to preserve the coastal esplanade’s natural character and wildlife values, which extend into Three Mile Creek Reserve. Given the ecological sensitivity of this area, the proposed seawall could cause irreversible damage.



Figure 12: Dotterel Nest Cordon Glen Isla, 2023.



Figures 12 and 13: Dotterel Nest Cordon Glen Isla, Dotterel Nesting 2024 season,
Spider Feeding Three Mile Creek 2023 season



Figure 14: Waihi Beach Dotterel Kaitiaki 2024

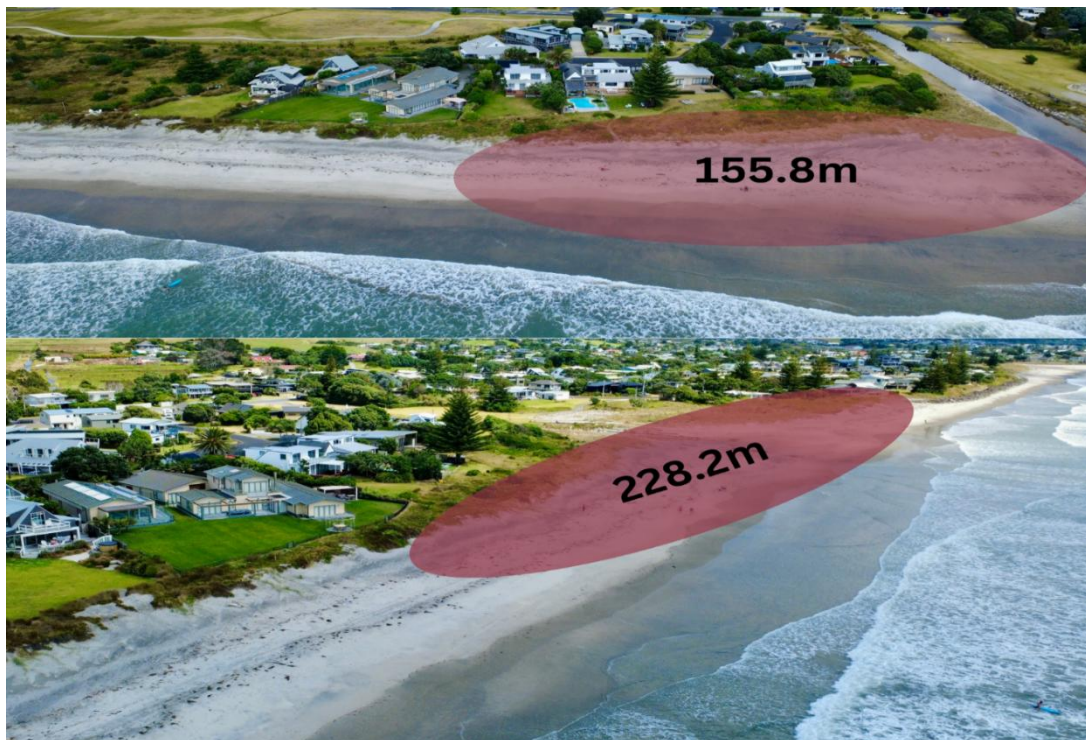


Figure 15: Dotterel Breeding, Feeding and Flocking Grounds

11. Overview of Rip Rap Sea Walls with Sand Dune Coverings and their Environmental Consequences

Rip rap sea walls are a form of coastal protection typically consisting of large, angular rocks or concrete blocks placed along shorelines to absorb and dissipate wave energy, preventing erosion and protecting infrastructure. When combined with sand dune coverings, this method is often used to create a more natural aesthetic, blending the artificial structure with the surrounding environment. However, these structures have both benefits and drawbacks, particularly concerning their environmental impacts. Below is an overview of these drawbacks:

12. Disastrous Environmental Consequences

Internationally, rip rap sea walls combined with sand dunes have been associated with significant environmental impacts.

1. Disruption of Natural Coastal Processes

- Wave Reflection: Instead of dissipating energy naturally, these structures reflect wave energy, leading to increased erosion of adjacent unprotected beaches and seabeds.
- Interrupted Sediment Transport: Rip rap walls can block the natural movement of sediment, disrupting the longshore drift essential for maintaining nearby beaches.

2. Loss of Habitat

- Coastal ecosystems, such as tidal flats, wetlands, and natural dunes, are often replaced or buried under these structures.
- Marine and terrestrial species lose critical habitats, including nesting and feeding grounds, for shorebirds.

3. Increased Coastal Vulnerability

- While rip rap walls protect specific areas, they often exacerbate erosion in adjacent regions, creating a cycle of intervention and increasing reliance on artificial measures.
- This approach can leave coastlines more vulnerable to extreme weather events, as natural barriers like dunes and beaches are permanently altered or lost.

4. Degradation of Sand Dunes

- Artificially created dunes atop rip rap are often less stable than natural ones, as they lack the deep-rooted vegetation and organic material critical for long-term stability.
- In extreme weather events, these dunes are quickly eroded, exposing the rip rap beneath and leaving little protection for ecosystems

13. Lessons from Rip Rap Wall Dune Failures

1. Poor Long-Term Sustainability

- While rip rap with sand dunes may offer short-term solutions, the long-term consequences of failures often outweigh the benefits. Ecosystems and communities downstream pay the price for the erosion caused by the hard-engineered structure.

2. Need for Nature-Based Solutions

- Sand pushes have worked well locally, at Waihi Beach and Mount Maunganui. These systems work with, rather than against, natural coastal processes. Beach

Nourishment: Adding sand restores beach profiles and supports species regeneration, as demonstrated at Omaha Beach (Dahm et al., 2020).

- Dune Restoration: Planting native vegetation stabilises dunes and provides critical habitats for endangered species (DOC, 2021).
- Managed Retreat: Relocating infrastructure away from erosion-prone areas reduces long-term risks to property and ecosystems (NIWA, 2022). This is a long-term solution, not one for immediate intervention, but it is a process that the WBOPDC should formally consider. Although this cannot be considered in this application, using foresight to purchase an adjacent seafront property for a swimming pool complex, which was built post-Cyclones Hales and Gabrielle for the holiday home at a cost of approximately \$1.3 million, may not have been the most sensible option.

The failure of dunes over riprap sea walls highlights the inherent limitations of artificial coastal defences. While these structures may provide short-term protection, their inability to withstand natural processes often leads to catastrophic environmental and economic consequences. These case studies underscore the need for adaptive, sustainable, and ecosystem-based approaches to coastal management.

14. Cumulative and Long-Term Effects of Rock Riprap Walls

Despite claims that the proposed rock wall at Waihi Beach will have "less impact on coastal processes," it fails to address the cumulative effects of hard infrastructure:

- Sediment Transport Disruption: Rock walls hinder natural sand movement, leading to adjacent beach erosion.
- Beach Narrowing: Hard structures exacerbate sand loss over time, making beaches unsuitable for recreation and wildlife.
- Public Access Loss: Narrowed beaches restrict access, impacting communities and local tourism.

Over the proposed 50–100-year timeline, these issues will escalate.

Conclusion

Objection to Proposed Rock Riprap Wall

The proposed rock riprap wall is fundamentally flawed, as it disrupts natural coastal processes, accelerates erosion in adjacent areas, and permanently alters the character of Waihi Beach. This resource consent application not only undermines shoreline stability but also threatens ecologically significant habitats, including critical breeding and feeding grounds for vulnerable species such as the Northern NZ Dotterel and Variable Oystercatcher.

1. Environmental and Ecological Impact

Hard engineering solutions like seawalls and riprap fail to address the root causes of erosion, instead exacerbating the very problems they claim to solve. Sustainable, nature-based solutions—such as dune restoration, managed retreat, and beach renourishment—offer a proven, balanced approach that safeguards both the environment and community interests.

The total lack of regard for this area, despite it being a widely recognised Northern New Zealand Dotterel breeding, feeding, and flocking site, is deeply concerning. Members of the GPIS are fully aware of this critical ecological significance, yet they have completely disregarded it, along with any efforts to engage in meaningful consultation with locally established conservation groups such as ours and to ensure that the Blue Green Ecological Assessment (August 2024) was undertaken during the breeding season. Their failure to acknowledge or collaborate on preserving this vital habitat not only undermines conservation efforts but also jeopardises the survival of this vulnerable species

2. Legal and Policy Concerns

The application conflicts with national and regional coastal policies, including the NZ Coastal Policy Statement 2010, Policy 27(4):

"Unless there is public benefit, structures that protect private property should not be located on public land."

Additionally, no evidence of written approval was sought from all affected property owners, as required under Section 95D of the Resource Management Act 1991. Homes adjacent to Three Mile Creek (notably 1–7 and 7A) may face adverse hydrological impacts and should have been consulted.

3. Procedural Fairness and Natural Justice

The Western Bay of Plenty District Council (WBOPDC) has failed to provide sufficient analysis of the New Zealand Coastal Policy Statement (NZCPS) and the Resource Management Act 1991 (RMA) for elected members to make an informed decision during the resolution decision, 31 October 2023. The omission of critical legal and policy consideration, such as NZCPS provisions on coastal hazard management and alternative solutions, raises concerns about procedural fairness and natural justice. Additionally, the decision-making process has sidestepped key national directives, placing undue reliance on the Bay of Plenty Regional Council (BOPRC) without ensuring compliance with overarching sustainability principles. Given these deficiencies, along with the significant environmental and legal implications, this consent application should be declined.

4. Precedents and Responsible Coastal Management

Environmental Court decisions and case studies outlined in the appendices consistently demonstrate the long-term failure of hard coastal protection structures. These rulings reinforce the legal and environmental obligations to adopt sustainable, adaptive management strategies.

5. Public Interest and Fairness

The protection of public land should prioritise the broader community, not a small group of non-permanent holiday homeowners (bar number 12 GIP). There is no evidence that affected property owners have been encouraged to explore mitigation measures on their own private land rather than relying on public reserve space.

Summary

Given the overwhelming environmental, legal, and procedural concerns, this resource consent application should be declined. At the very least, an independent engineering, coastal, and hydrological assessment must be commissioned with agreement from all stakeholders. The

first course of action must always be a nature-based solution, ensuring Waihi Beach remains protected for future generations.

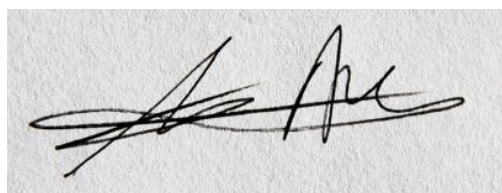
Thank you for your time in considering this objection.

Dot Watch Waihi Beach and Surrounds Board



26/02/2025

Pippa Coombes (Co-ordinator)



26/02/2025

Stuart Attwood (Shorebird Ranger - Bay of Plenty)

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List of Appendices

- A. Case Studies New Zealand
- B. Environmental Court Case Studies
- C. GIPS Societies Register Rules
- D. Report WBOPDC Projects and Monitoring Committee 31 October 2023
- E. Minutes WBOPDC Projects and Monitoring Committee 31 October 2023
- F. A synopsis of the relevant policies and legislation
- G. *Draft Application and Assessment of Environmental Effects*, prepared for WBOPDC, November 2024

Submission on application - resource consent or esplanade strip subject to public or limited notification

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Reginald Goodhue; and
Marylyn Goodhue

Submission on an application

Application from:
Glen Isla Protection Society Incorporated

Resource consent

RC14513 - To construct a coastal protection structure (buried rock riprap wall) and associated activities on the Council recreation reserve at 95 Seaforth Road (Lot 18 DPS 22035), the adjoining esplanade reserve at Lot 19 DPS 22035 and 12 Glen Isla Place, Waihi Beach.

I **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

I **am** directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

- a. The resource consent application fails to adequately address and mitigate the actual and potential effects of the activity over the intended lifetime of the structure.
- b. Locating a sea wall within a Council Reserve, is not an appropriate use of public land where it will result in an adverse effect on public use.

My submission is

We **oppose** the application.

We have had a long association with Waihi Beach as a holiday destination for the past 45 plus years. Our current bach, for the previous 15 years, is located inland from Ayr Street. We access the beach from Ayr Street to three-mile Creek for a variety of recreational activities.

The presence of the existing seawall (Ayr Street to the Southern end of the Loop) has had adverse effects on the amenity and recreational values for us and all beach users in a number of ways:

- a. *Loss of accessible beach at high tide – many sections of the seawall there is no longer accessible on the beach for several hours each side of hightide. This severely limits all recreational activity in this area.*
- b. *Reduction in amenity values for beach users. Sourced course rock is inconsistent with the natural sand dune systems.*

The proposed seawall will be of similar design and material as these existing consented seawalls. It is evident from the application that the intention of the seawall is that it will become exposed over the duration of its lifetime and incorporated into the sea (Coastal Marine Area).

This will result in the same level of adverse effects as the existing seawall specifically significantly reduced public access to the beach at high tide and negative impact on amenity values due to the exposure of large rock boulders.

Furthermore, we find the use of public land (Council Reserve) for a structure that would cause significant adverse effects on the public to be unacceptable.

I seek the following decision:

Based on The unacceptable social and environmental effects of the seawall over its intended lifetime and the inappropriate use of public land. We seek the application to be **declined**.

I **wish** to be heard in support of my submission.

I **do not request**, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.



Reginald Goodhue



Marylyn Goodhue

Date: 27 Feb 2025

[REDACTED]

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application – resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

Wahi Beach Environment
Society (Inc)

Submission on an application

Application from:

Wahi Beach Environment
Society (Inc)

Resource consent

A resource consent for:

Plan Isla Move Rock
Revelment

I **am/ am not** a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I **am/ am not** directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

Policy does not
comply with NZCPS nor other following
requirements.
See attachment

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

(a) Oppose.

See attachment

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

Decline all.

I wish/~~do not wish~~ to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/~~do not request~~, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

Date:

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)



Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION OF THE WAIHI BEACH ENVIRONMENT SOCIETY (WBESI)

The Waihi Beach Environment Society (In) opposes the application for the rock revetments at Glen Isla Place, Waihi Beach.

There is ample buffer in the form of a pre-existing formed fore dune.

As part of the Coast Care programme which has been under way for over 25 years, albeit in the early days often more token at Waihi Beach, volunteers have planted more and more sand binding plants with overall success. The Coast Care programme is, like many projects, subject to funding constraints. Outside of the monthly planting days over winter a handful of us have been weeding various plots, spending over 160 volunteer hours in late 2020 to late 2021 as one example. Other years had similar input. Covid interrupted these working bees and are now informal.

One of our volunteers has been to over 4 Coast Care conferences and another to 3. Other past volunteers have been to conferences too. These conferences also entail site visits to various beaches but common features are learned, particularly in the importance of dune plants, avoidance of unnatural features such as rock walls, fences and the importance of "working with nature and not against it". We observe coastal processes at Waihi Beach on a daily or more usually twice daily basis having lived with rock walls, and successful dune plantings

The Coast Care programme is nationwide and comprises Regional or Unitary Councils, District Councils and DOC
Various datum posts on Waihi Beach prove the overall success of the programme but unfortunately we note that the one By Glen Isla Place has been missing.

We are acutely aware of "end effects" (flanking) having witnessed this in Shaw Road over a year ago and seeing a dune created with a small number of plants resulting in a dune formation heading to outpace the adjoining rock

2 .
wall and extending over three frontages. A storm beyond the typical duration eventually took out this dune till replaced with a sand pushup and planring.

The Resource Management Act Section 6A enables the NZ Coastal Policy Statement 2010.

S 6(a) The preservation of natural character of the coastal environment and the protection of them from inappropriate subdivision, use and development.

The NZ Coastal Policy Statement intent is clear.

Policy 25 (e) discourage the use of hard protection structures and promote the use of alternatives to them, including natural defences, is clear

Policy 26 (1) This is entirely an appropriate site to provide forprotection, restoration enhancement of natural defences.

Policy 27 (c) only applies to infrastructure of national or regional importance

(2) (a) in Glen Isla Place there has been spasmodic focus on dune care from the immediate area in the past.

(3) being a frontstop wall it will definitely have adverse effects on the coastal environment .

And of course

(4) Hard protection structures, where considered necessary to protect private assets, should (see definition of should ^{here} above) not be located on public land if there is no significant public or environmental benefits in doing so.

BAY OF PLENTY REGIONAL COUNCIL ISSUES AND OBJECTIVES FOR THE COASTAL ENVIRONMENT

2.6 Coastal Hazards

Objective 22

Development is managed to recognize the future effect of climate change and to "enhance" the "natural" biological and physical processes which occur in the coastal environment.

Objective 23

Recognise and provide for the protection and enhancement of natural defences to coastal hazards.

* should = obligatory.

The rock revetment proposed at the southern end of Glen Isla is patently not a natural defence. The GIPPS report by its own admission states that the wall will be exposed for a considerable period.

Policy CH3.

Does not appear to apply as it is not "regionally significant infrastructure" that has a functional need for a location in the coastal environment.

Regardless there is no functional need or any such structure in the coastal environment.

The policy goes on to state "avoid locating in areas subject to coastal erosion or inundation."

Avoidance is totally possible (no hard structures on public land)

Policy CH6 (and NZCPS Policy 26)

Regional, city and district councils should, through their district, city and regional plans and when making decisions on resource consent applications, protect, restore or enhance natural values and features that provide a natural defence from coastal hazards.

Should is the past tense of shall meaning obligatory.

Policy CH9 (b) States "Give priority to the use of soft protection works, such as dune care, beach nourishment and vegetation restoration."

9c) Consider whether hard protection structures are the only practical means to protect regionally significant infrastructure..

Clearly they are not the only practical means and is it regionally significant infrastructure.?

Policy CH10

(c) Designed to avoid...adverse effects.

Adverse effects are admitted by GIPPS as likely in the exposure of the wall.

With the arrival of a storm the pattern often is for strong easterlies with wind blown sand moving in toward the mid foredune, then sometimes some wave

cut to the face of the dune but the rear and mid dune plantings remain ready to advance with the next easterly, northerly and sometime southerly.

A rock wall truncates this process and causes scour when the tide does reach the rocks whereas a high (or any) tide should always be dropping sand onto the beach through normal wave action.

It is recognised that a revetment leads to a 'flat' beach i.e. one with no natural slope so is more prone to remain a wet beach for long periods inhibiting access and amenity values.

Issue 29 of the RCEP recognises the dunes are not static – "The coast is subject to cyclical patterns of accretion and erosion"

Policy NH 1

1(e)....will not, by themselves, or in combination with effects of other activities have significant adverse effects on the natural processes or ecological functioning of the coastal marine area.

Also Objective 5

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

It is vital that the normal processes of accretion not be inhibited.

WAIHI BEACH LONG TERM DEVELOPMENT PLAN 2004 ^{~2024} 2024
Page 55.

Objective. " The whole dune system is healthy and operating within natural cycles."

KATIKATI WAIHI BEACH RESERVES MANAGEMENT PLAN 2018
6.65 Three Mile Creek

p2(4) Location Glen Isla Place (see Attchment no 1)

Background. Maintain coastal conservation vaalues and beach access

5
(p 215) 6.65.3 Continue to maintain the reserve as coastal access and neighbourhood recreational facility

6.65.4 Where public recreation, amenity and natural character values are not adversely affected, provide for community enhancement and maintenance of reserve land.

We note under "Reserve Issues" Encroachment and boundary definition. No elaboration could be found.

P23

Buildings and Structures
Policy.

Any potential adverse effects of buildings and structures (whether located on or adjacent reserve land) on the amenity values and physical features of the reserve and on neighbouring properties should (I.e must) be avoided, remedied or mitigated.

Under "Explanation: "They can reduce the open space character and amenity of reserves"

The front stop wall cannot realistically be mitigated.

THE WAIORORO STREAM

Known locally as the Three Mile Stream it traversed through a natural gap in the sand hills as reported by local farmers in the 1930;s, It was later cut by Dalmation workers as part of a funded Government scheme and further cut later.

An eel net was found in the stream indicating its historic flow may have periodically been larger.

The stream is understood to be aa tribal boundary and 100 metres beyond was the boundary between Tauranga County Council and Ohinemuri County Council.

As flows increased the mouth of the stream periodically flowed south to find an outlet.

DESCRIPTION OF EXISTING ENVIRONMENT (Applicants Report)

GIPPS claim "since the construction of the stream training groynes in 2011, the northern end of the site has been accreting."
 The accretion here is as much to do with the fact that part of the dune was due to (unsanctioned) planting of a few spinifex. It was always supposed to be planted but somehow this was never officially done.

The use of sand from stream clearance is covered in another submission. We can add that a call was made to Regional Council more than a year ago asking if the Resource Consent required this as it would have been a logical requirement. The sand was simply being piled up atop the bags or the bank and simply washing back in. It was confirmed that a condition of the consent was that the sand had to be used on the dunes. We had lost all that time when extra sand was lost. There appears to be occasions when this requirement is sometimes not met.

DEFINING OUR FUTURE

(Attachment 2)

After a series of workshops with local community groups representing their respective organisations chaired by Reon Tuanau and facilitated by Portia McKenzie on behalf of Council a series of outcomes were settled. Under the heading 'Recreation' stating "The beach is the community's natural playground and much of its leisure is spent with 'sand between the toes'.

It further states

"Reserves are a large part of the community, its importance to the community's sense of ownership of reserves is maintained so a Reserves Management Plan which sets out the future of the reserves in the Ward, has been developed in conjunction with this Plan. The information gathered from the recreation groups involved in the planning process was used to develop the Draft Reserves Management Plan".

Clearly there was no contemplation of any part of a reserve being "privatised" when we gathered ^{together} and none so now.

COUNCIL POLICY
INNER HARBOUR AND COASTAL EROSION MANAGEMENT
POLICY 2917
(Attachment 3)

Following public notification of their draft policy submissions were called for and a public hearing held. Together with Omokoroa residents amongst others several Waihi Beach residents presented submissions.

Section 6 of the policy sets out the criteria for assessing options including for new coastal protection structures.

Assessment criteria includes:-

Demonstrates a clear need for the work in terms of risk assessment that assesses the inherent threat to life and property.

Given the depth of the dune amongst other factors there is no requirement to provide for something which is uncertain.

Pt 3.2 of the Policy Council Obligations states

It should be noted that Council has no legal obligation to protect its own land or private property from erosion.

Pt 4.1 Council will adopt a precautionary approach to inner harbour and coastal erosion protection...

6.65 Three Mile creek
p2 (4) Location Glen Isla Place
Background

(See Attachment no 1)

Background/ Maintain conservation values and beach access.

{Skips to Page 8:

The applicant suggests there is no alternative to their proposal for walls on public land.

Prior to the present rock revetment along The Loop sea frontage the Ohinemuri County Council installed a continuous gabion basket structure parallel with the post and rail fence approx 3 metres behind the post and rail fence. This was in addition to the gabion baskets installed perpendicular to the beach at intervals. The continuous basket was not unobtrusively high and approx 1.5m wide.

Modern gabion baskets especially in landscaped walls or pillars are often of stainless steel wire. They can be tiered, staggered, stepped.

We note a swimming pool on one of the properties so assume a bobcat accessed the property frontage just as one would for any drainage work. Subject to obtaining a resource consent for suchlike there would be no difficulty to installing a suitable structure.

DUNE MORPHOLOGY

There are no instances on Waihi Beach and maybe elsewhere where a dune has established over a rock wall regardless of the amount of sand atop and regardless of the revetment width.

The engineers claimed for Shaw Road The Loop voids were needed to break the waves. Large voids in the design of rock revetments means sand cant fill these voids

If a dune were suggested to be planted the sand inserted for the southern Glen Isla wall would have to be compacted.

It was difficult in Shaw Road planting where rubble rock was in place as this had to be prized out to create a planting hole

When the tide meets and especially when it might overtop this near impermeable barrier the sand is prone to slippage (sliding),

Spinifex can trail but it needs sand ahead of it to extend a dune.

SAND PUSHUPS (Page)

Braun, in a paper in 1983 stated "sand scraping by skimming of the layers where surplus material is available in the profile, is not harmful, but rather is beneficial, a protection of eroding dunes"

Sand pushups when combined within planting as soon as possible after (the latter being a requirement of the resource consent) have been undertaken successfully at Broadway Road in 2025 and before and also in 2025 in Shaw Road (23 to 41 Shaw Road) after assessment that the beach sand levels are adequate to sustain scraping.

One would expect a dip or hollow in the beach where scraping has occurred but at both sites sand levels appeared consistent with the adjacent non scraped sites.

Last year a stinging southerly with extreme winds occurred, bringing a huge amount of sand to the dunes and on to property frontages to a depth of approx + 12cm. One Shaw Road property employed a bobcat the scraped the sand onto the dune in front. A shade cloth fence was hurriedly erected to trap some sand. This would be the greatest blow I have experienced with the gale force winds.. The spinifex and pingao managed to trap a good percentage of the sand.

GIPPS APPLICATION

The application statement that the beach is already highly modified with a number of groynes and approximately 1.3 km of seawall immediately north of the site is an alarming and disappointing statement.

Given the adverse effects are extremely apparent to the north, effects which most submitters and the appellants in the original Mason/Keall case concerning the current seawalls, and including coastal scientists demonstrated "would" occur and are regularly occurring including loss of access at high tide and either side of high tide.

Having grown up with the wall since teenage years locals and others instinctively knew then wall and the present revetment would create all the effects the NZCPS demands to be avoided – loss of amenity values, loss of access (policy 19), loss of natural character (policy 13). loss of public space (policy 18), visual effects

Reference was made to the former post and rail fence providing protection at Glen Isla . From our recollection there appeared to be little scour there compared to the north section of wall where there were larger drops due to the more forward position of the wall creating scour.

Reference was also made to erosion of the dune. We are not aware of such beyond the normal seasonal cutback like we witness at Coronation Park for example.

WBOPDC

Page

It has become apparent in reading the GIPPS report the extent to which the District Council officers have liased with the applicants. There was an assumption attributable to comments of a Councillor, that this was purely "a private proposal" and staff were merely advising them of procedure and what they could and couldn't do.

The applicant states the Council will, on completion, take over responsibility for the wall. It also appears the Reserves Department had no objections. If so presumably there is an agreement with the Council for this application to get so far.

COROMANDEL BAY OF PLENTY OVERVIEW.

The only other beach which is armoured to my knowledge is Buffallo Beach. This had lead to no discernable usable beach a such.

At Mt Maunganui Karewa Parade is similar to parts of Waihi Beach with beachfront properties. and open coast. Coast Care and the owners there have successfully planted and maintained a viable dune.

Waihi Beach in the areas of existing rock revetment is visually scarred, the rocks don't match the normal sand colour, the revetment liner south of Brewer Park is occasionally visible and will become more so. (c.f. GIPPS report - "minor additional scour at the southern end {Glen Isla} cannot be discounted.)

Amenity value is a tangible value, not just a vague concept.

The Bay of Plenty Regional Council has produced a booklet titled "A helping hand" Under Coast Care it states.

"Dunes are the backbone of our beaches and act as a buffer between the land and the sea. A properly functioning sandy beach system will contain a wide, well vegetated and gently sloping dune, which is a reservoir of sand as well as home to many native plants and animals. During storms the dunes provide a buffer against erosion caused by large waves"

(Attachment)

The NZ Coastal Policy Statement together with their Reserve Management Policy, Tasman Regional Management Plan and another plan was followed in the Tasman District at Pūkarewa in rejecting an application for a sea wall. Whether an inner harbour or coast our similar policies apply here.

The raison d'être of the Crown Settlement of Māori Beaches was for a retreat to allow the benefit of the sea for retired miners many of whom were suffering from miners' ailments. Since that time thousands of families have flocked here to enjoy the amenity values the beach offers. Many of us are determined that attempts which chip away at these values must be thwarted.

August 2007

Waihi Beach

Defining Our Future



Artist's Impression only

This Plan has been prepared by community representatives with the assistance of Council.



Western Bay of Plenty
District Council

On the following pages

...we present a Plan setting out a vision of how your community would like to see Waihi Beach, Island View, Pio's Beach, Bowentown and Athenree develop over the next 20 years, and a host of ideas on how to make it happen.

The Plan presented here is the result of community participation through community meetings, an internet forum and formal public consultation.

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Thank you!

The Waihi Beach Community Board and Western Bay of Plenty District Council sincerely thank those many members of the community who have helped put this Plan together.

Illustrations by Neil Coleman, Architectural Sketches and Perspectives.
Translation of headings by Mauriora Kingi.

Recreation

Takaro Puangi

"Recreational activities in the area mean a lot to this community - it's an integral part of the character of this place."



Our visions for 2027

Making sure there's a choice of suitable recreational facilities - here are our visions for our recreation opportunities in 2027.

- A wide variety of recreation opportunities is available which meets the needs of residents and visitors.
- Recreation opportunities are easily accessible to all communities within the Waihi Beach ward.
- Facilities are designed to cope with peak summer visitor demand.
- Activities for all ages are available in all the communities within the Waihi Beach ward.
- The community is involved in the control of weeds in public spaces, where practical.
- The Waihi Beach ward is a well-connected walking and cycling community, where pedestrians and cyclists feel safe.
- Reserves in the Ward provide open green space for recreation and still have a "sixties feel".
- There are a variety of different things for young people to do.

THE beach is the community's natural playground and much of its leisure time is spent with 'sand between the toes'. But other recreational choices are available and people are keen to see them enhanced.

As a start, imagine all the walkways and cycleways in the Ward being coordinated, so that Waihi Beach becomes known as a walking and cycling community. Imagine re-establishing the former Sound Shell as a venue for events, including different cultural celebrations and festivals, and developing facilities that meet the needs of the area's growing youth population.

During the Plan's development, people realistically noted that the viability of facilities must be considered where the permanent population (exclusive of the summer peak) is too small to sustain them, so the focus of this plan is on enhancing existing facilities and careful development of new ones.

The community recognises that some recreational activities can have

a negative impact on others and our environment. That's why the Plan proposes to enforce water safety rules, and minimise and avoid the impacts on the environment of other activities. It also suggests stopping particular activities that, unintentionally, are damaging and detracting from existing recreational opportunities.

Reserves also play a large part in the community. It's important the community's sense of ownership of reserves is maintained, so a Reserves Management Plan, which sets out the future of the reserves in the Ward, has been developed in conjunction with this Plan. The information gathered from the recreation groups involved in the planning process was used to develop the Draft Reserves Management Plan. Consultation on the Draft Reserves Management Plan for Waihi Beach ward was held between June-August.

"Maintaining what we've got, while making the most of recreational opportunities that come our way - that's a must."

Waihi Beach

Coast Care

Coast Care Bay of Plenty is a community partnership programme, which uses local knowledge and enthusiasm to restore the form and function of the dunes in the Bay of Plenty.

Dunes are the backbone of our beaches and act as a buffer between the land and the sea. A properly functioning sandy beach system will contain a wide, well vegetated and gently sloping dune, which is a reservoir of sand as well as a home to many native plants and animals. During storms the dunes provide a buffer against erosion caused by large waves.

Focus

We now know that native dune plants play a vital role, binding light blowing sand onto the beach, and allowing the dunes to recover more quickly from natural erosion processes. Without these plants, dunes are less valuable for biodiversity and also potentially more vulnerable. Dunes have been significantly reduced in our region because of grazing by stock and rabbits, excavation for development, the introduction of exotic plant species and crushing by vehicles and foot traffic.

Council can provide volunteers with free plants and advice, education, training, and in certain circumstances fencing materials and weed/pest control support.

Location

Coast Care volunteers throughout the Bay of Plenty help to restore the dunes at their local beach by replanting native sand binding plants, controlling weeds and rabbits and erecting signs and fences in the dunes.

Commitment

Volunteers give as much time as they have available, ranging from two hours per year to over 600! Any commitment is appreciated.

All four coastal district and city councils (Western Bay of Plenty, Tauranga, Ōpōtiki and Whakatāne) along with the Department of Conservation are in partnership with Bay of Plenty Regional Council to run the Coast Care Bay of Plenty programme.

To find out more

 Visit www.boprc.govt.nz/coastcare

Phone 0800 884 880 and ask for the Land Management Officer (Coast Care)

Sustainable Land Use Programme

The Bay of Plenty Regional Council is focussed on working with landowners to implement sustainable land use and management practices that reduce erosion, sedimentation and nutrient run-off into waterways.

Focus

Environmental Programmes aim to protect waterways and improve water quality. They detail actions required to reduce contaminants entering waterways and may include riparian fencing and planting, nutrient management, erosion control measures, wetland construction, or farm systems analysis advice. Environmental Programmes can also be used to co-fund some of the items identified in Farm Environment Plans, whether prepared by the landowner, Council, an industry representative (e.g. Fonterra Sustainable Dairying Advisor) or a farm consultant.

Location

Bay of Plenty Regional Council works primarily in high priority catchments where high levels of contaminants require urgent attention. In these areas we work with landowners to develop Environmental Programmes to address water quality issues and we offer grants to help get the work done. In other areas we provide advice and can still assist with an Environmental Programme but we may not be able to offer a grant for the work.

Support

Grants for sustainable land use projects range from nothing right through to 100%, depending on what the project involves, where it is, and the likelihood that it will have a significant environmental outcome. Contact the Land Management team for more information or to discuss your project.

Commitment

An Environmental Programme is an agreement 'in good faith' between the landowner and the Bay of Plenty Regional Council. There is no legal protection mechanism, such as a covenant, and no changes to legal title are required.

To find out more

 Visit www.boprc.govt.nz to find or more or download fact sheets.

Phone 0800 884 880 and ask for a Land Management Officer



Inner Harbour and Coastal Erosion Management Policy 2017

1. Relevant Legislation

- Local Government Act 2002
- Local Government Act 1974
- Resource Management Act 1991
- Civil Defence Emergency Management Act 2002
- Reserves Act 1977

2. Policy Objectives

- 2.1. To provide certainty to the community as to when Council as a landowner will assume responsibility for undertaking erosion mitigation works on the inner harbour margins and open coast within the Western Bay of Plenty District. (the District).
- 2.2. To enable a consistent approach to the assessment and management of the effects of inner harbour and coastal erosion on the District's *esplanade reserves and strips* and other foreshore land administered by Council on behalf of the wider community.
- 2.3. To inform Council's response to the erosion of Council land and the protection of Council's *strategic assets*.
- 2.4. To achieve a cost effective and efficient balance between protecting public values associated with the inner harbour margins, the recreational value of the District's beach and foreshore systems and the future on-going cost, overall affordability and long term effectiveness to the community of any erosion mitigation works.
- 2.5. To give effect to the New Zealand Coastal Policy Statement and the Bay of Plenty Regional Policy Statement and to take account of the Bay of Plenty Proposed Regional Coastal Environment Plan.

3. Background

3.1. Physical Environment

Coastal and inner harbour erosion hazards result from the interaction of coastal and harbour processes with human activities and structures, and can adversely affect the economy, health, wellbeing and safety of people and communities. Where erosion or flooding threatens valuable coastal and inner harbour land and infrastructure, coastal protection structures such as rock or timber seawalls have commonly been constructed. While these structures may

Inner Harbour and Coastal Erosion Management Policy 2017

protect the land and assets behind them, such works can interfere with the natural functioning of coastal and inner harbour processes.

Hard coastal defences such as geotextile sand bags, timber seawalls and rock revetments are costly to construct, have a finite lifespan and require maintenance and eventual upgrading or replacement. As sea levels rise the cost associated with the maintenance of hard defences will certainly increase.

Soft defences such as dune replanting / beach nourishment must be continued indefinitely if an eroding beach is to be maintained. While the volume of material required to maintain the shore line will also increase with sea level rise, soft defences are a cheaper option.

New Zealand has experienced an average relative sea-level rise of 18 cm over the past 100 years¹ and has already been subjected to coastal storm inundation that has been historically documented. This is expected to become more frequent in the future. Over time, with a predicted sea level rise of +1 m in the next 100 years coupled with more frequent and intense weather events, what we currently consider to be extreme 1 in 100 year coastal hazard events will trend to becoming the average event. In addition, future 1 in 100 year coastal hazard events will be of a greater scale leading to deeper flooding and greater economic and social consequences.

In the next 20 to 30 years coastal hazard events may be manageable but beyond this inundation risks will grow much more rapidly even with modest sea level rise. Communities must therefore consider all the available options now to avoid committing to expensive and irreversible planning, investment and development decisions. Today's coastal properties may survive for the next 30 years (the life of an average mortgage) but whether they will remain a viable investment for the 30 years after that is uncertain.

3.2. Council Obligations

It should be noted that Council has no legal obligation to protect its own land or private property from erosion.

There is a view that by Council providing limited protection to some private properties in the past it is obliged to continue this approach or provide compensation if Council changes its approach to erosion. However there are some counter arguments to this view. If a change is introduced for a good reason there is no case for compensation. Changes in policy also frequently reflect changes in Central Government's and Regional Council's approaches to erosion, or the emergence of new research. It could also be argued that those private property owners who have been defended in the past have already enjoyed considerable benefit at public expense, therefore a former injustice to the ratepayer is being put right.

3.3. Community Values

¹ Hannah, J.; Bell, R. G. 2012: Regional sea level trends in New Zealand. Journal of Geophysical Research-Oceans 117: C01004
A2713678

The Bay of Plenty Regional Council has produced a booklet titled "A helping hand", Under Coast Care it states

"Dunes are the backbone of our beaches and act as a buffer between the land and the sea. A properly functioning sandy beach system will contain a wide, well vegetated and gently sloping dune, which is a reservoir of sand as well as a home to many native plants and animals. During storms the dunes provide a buffer against erosion caused by large waves." (Attachment)

The NZ Coastal Policy Statement together with their Reserve Management Policy, Tasman Regional Management Plan and another plan was followed in the Tasman District at Pakawau in rejecting an application for a sea wall. Whether an inner harbour or coast our similar policies apply here.

The *raison d'être* for the C19th Settlement of Waihi Beach was for the retreat to attain the benefits of the sea air for retired miners many of whom were suffering from miners phlebitis.

Since that time thousands of families have flocked here to enjoy the amenity values the beach offers.

Many of us are determined that attempts which chip away at these values here must be thwarted.



Form 13

Submission on application concerning resource consent or esplanade strip that is subject to public notification or limited notification by consent authority

Sections 41D, 95A, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

To Western Bay of Plenty District Council

Name of submitter:

Full Name(s):

Jennifer Anne Thompson

This is a submission on an application from:

Glen Isla Protection Society Incorporated

For a resource consent for:

Construction of a coastal protection structure
(buried riprap wall) and associated activities
on reserve at 95 Seafath Road, adjoining esplanade
reserve & 12 Glen Isla Place, Waihi Beach.

I ~~am~~ am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

I ~~am~~ am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

[* Delete this paragraph if you are not a trade competitor].

The specific parts of the application that my submission relates to are:

The seawalls in a Coastal Erosion Area, the building of structures, earthworks and nature vegetation clearance in Outstanding Landscape S24; building/structures and earthworks within Coastal Unwindan Area.

[Please add additional pages if required]

My submission is: [include – (a) whether you support or oppose the application or specific parts of it; (b) whether you are neutral regarding the application or specific parts of it; or (c) the reasons for your views].

(a) Oppose the application

(c) Reasons – The rock revetment has already been considered by the Environment Court and rejected. The Rip rap walls will have Environmental Impact, disrupting the natural habitats for marine and coastal species. Natural sediment transport processes will be altered, affecting the beach's ecosystems and harming species reliant on sandy environments.^{1.} The Riprap walls will have adverse effects on the beach's public amenity by loss of the high tide beach^{and hence, limiting public enjoyment of the beach}. The protection is only for the property owners. The majority of the

[Please add additional pages if required]

continued
over page

I seek the following decision from the consent authority: [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought].

The application should be rejected.
A more adaptive approach to coastal management should be adopted – sand push ups, and coastal planting.

continued

hardstructure will not occur on the land owners land assets, but on a 'Council' public reserve. It is particularly concerning that the proposed works will be funded by the property owner group, as if it is possible to purchase the solution that is favourable to a private interest. This detriment to the public amenity is associated with the maintenance burden over time, of maintaining the Riprap walls when they are vested in the Council, making the burden a public expense, having privatised the benefit. Over time the rocks may settle or shift, requiring additional work to maintain any effectiveness of the wall. - which must be questionable with increased wave action and sea level rise as a result of climate breakdown, climate change.

There is also an adverse effect in creating a precedent in permitting seawalls in such a situation. It will encourage other property owners along the beach who wish to be protected from the financial consequences of natural processes by also agitating for a rock renetment. Erosion problems will also be exacerbated down the beach by interrupting the natural flow of sand. Rock walls will potentially push all the way down Waihi Beach and it will no longer be a natural, wild environment of outstanding value to the community. The march of sea walls northward will continue, affecting tourism and overall enjoyment of the area by visitors and locals. The NZ Coastal Policy Statement is opposed to such hard engineering.

1. Literature review on the effects of seawalls on beaches
- JA Comfort and MB Single - Department of Conservation
1997. ; Auckland Council erosion and sediment control

I ~~wish~~ ~~(or~~ do not wish) to be heard in support of my submission.

[*If others make a similar submission, I will consider presenting a joint case with them at the hearing]. [*Delete if you would not consider presenting a joint case.]

I ~~request~~/do not request*, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority. [*Select one]

A copy of this submission must be sent to the applicant/ agent as soon as practicable



Signature of submitter (or person authorised to sign on behalf of submitter)

Date: 28/2/25

(A signature is not required if you make your submission by electronic means.)

Electronic address for service of person giving written approval:

Telephone:

Postal address (or alternative method of service under section 352 of the Resource Management Act 1991):

**Submission on application –
resource consent or
esplanade strip subject to
public or limited notification**



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): Dame Diana Crossan and Neale Pitches ONZM.
Owners of the property at 102 Seaforth Road,
adjacent to Three Mile Creek

Submission on an application

Application from: RC14513 (L)

Resource consent

A resource consent for: Waihi Beach Coastal Protection Structure

I am/ am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I am/ am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to: We are submitting to oppose the
application with regard to five specific concerns the application:

- 1: Our request that the application be paused until all related applications are consented
- 2: We oppose the application given applicants 13 and 16 Glen Isla Place have build structures close to the boundary/dune
despite knowledge of erosion concerns since at least the 1950.
- 3: Lack of analysis of effects on Three Mile Creek
- 4: Insufficient evidence that end-of-wall effects at the Northern end will be negligible.
- 5: Loss of walking access.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

1: The application states that there are more resource consent applications to come. We submit that all applications should be considered together.

2: Applicants at 13 and 16 Glen Isla place appear from the documentation, to have built structures close to the boundary / dune land. Yet erosion concerns have been known since at least the 1950s.

Please confirm that these, and the other applicants of the GIPS group will pay for the consented works. If not we oppose any impost on ratepayers given the known risks.

3. We see little scientific or other analysis of the effects of the application on Three Mile Creek. Already we see sand accretion near the beach and following dredging, tidal flows up the creek past Seaforth Road.

We want to see evidence that the applied-for wall will not adversely impact Three Mile Creek

4. We are sceptical of the statement in the accompanying documentation that end-of wall effects, including toe scour are negligible. Toe scour is a well accepted effect of sea wall. We already see disruption

5. The application acknowledges disruption to beach walking access. Can this be mitigated?

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

1. The application should be paused so that all applications should be considered together

2. We would like confirmation that the applicants will fund the consented works

3. We want the applications paused to further analyse effects up Three Mile Creek past Seaforth Road

4. We want to see better evidence than the current assertions that 'there will be no effects' of toe scour at the Northern end

5. We would like to analysis of ways to retain walking access including building a wall, if such work is consented, further towards the GIPS properties.

I wish/do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing. (*Delete if you would not consider presenting a joint case).

I request/do not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

Diana B Crossan

Date:

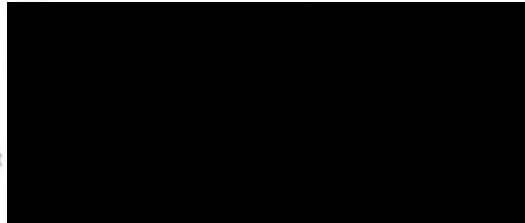
Neale M Pitches

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)



Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application – resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

MARIK MOYNIHAN
216 SEAFORTH ROAD
WAIHI BEACH

Submission on an application

Application from:

RC14513
GLEN ISLA PROTECTION SOCIETY
INC

Resource consent

A resource consent for:

THE CONSTRUCTION AND ASSOCIATED
ACTIVITIES FOR THE COASTAL PROTECTION
STRUCTURE AT 95 SEAFORTH RD &
12 GLEN ISLA PLACE WAIHI BEACH
RC 14513

I ~~am~~/ am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I ~~am~~/ am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

PLEASE SEE ATTACHED LETTER

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I MARK MOYNIHAN OPPOSE THE APPLICATION RC 14513 FOR RESOURCE CONSENT.

PLEASE ALSO SEE ATTACHED LETTER

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

THAT THE ROCK WALL BE RESTRICTED AND CONFINED TO INSIDE THE BOUNDRIES OF THE OWNERS OF THE GLEN ISLA PROTECTION SOCIETY INC. ANY CONSTRUCTION SITE SHOULD ALSO BE ON THE OWNERS OF THE LAND/PROPERTIES ALSO

I wish/do not wish to be heard in support of my submission.

- ☒ *If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/~~do not request~~, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.



Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

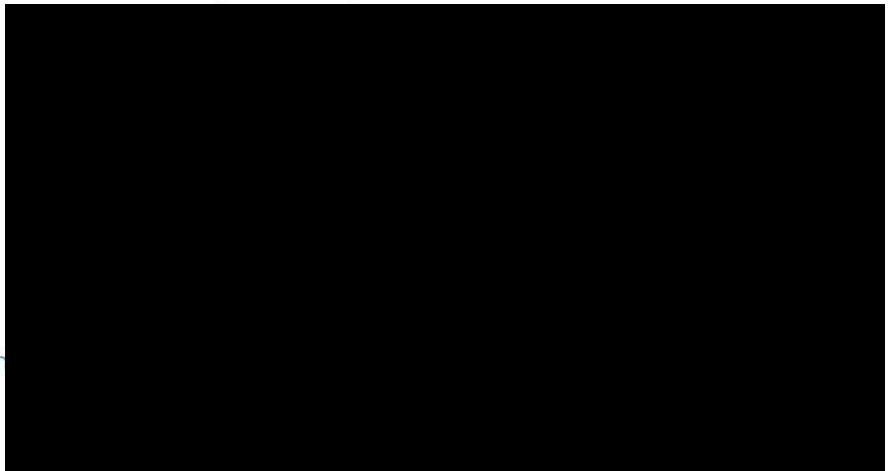
Date:

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)



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- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Mark Moynihan
216 Seaforth Road Waihi Beach

RC14513 Resource Consent Application made by Glen Isla Protection Society Inc

I am deeply opposed to granting resource consent for this application on the basis that it breaches the DEPARTMENT of CONSERVATION COASTAL MANAGEMENT PLAN, COASTAL PROTECTION ZONE, REGIONAL COASTAL ENVIRONMENT PLAN, ENVIROMENAL PROTECTION AUTHORITY and COASTAL REGULATION ZONE.

I Oppose this resource consent application Under 6.6 of the Environment Protection Authority because this application is of National Significance of the RMA. Western Bay of Plenty Council holds some of the land that the application for RMA has been applied for, therefor it should be forwarded to the Minister of Environment to appoint and be decided by a board of enquiry.

The most important Goals here is – To protect the Coasts Natural Character, Landscape, and Biodiversity. Coastal ecosystems are home to many unique species plants, birds, and marine animals. Protecting these areas helps to ensure that my grandchildren can continue to enjoy the coast. Just one easterly cyclone with heavy swells could strip away the sand covering the rock wall and expose it as a HAZARD ZONE to which hundreds and sometimes thousands of people who use this beach daily, and in fact it could destabilise an already fragile stretch of the beach and sand dune area being adjacent to a river mouth as well.

Any rock wall construction should be restricted to being built within the boundaries of the applicants own property NOT on the beach directly in front of their properties or surrounding recreational areas and that any interference to the beach is completely unacceptable. Mother nature has been taking care of this beach for millions and millions of years and will continue for many millions more.

Any construction SITES and heavy Machinery should also be conducted and limited to within the boundaries of the applicant's property, e.g., unloading ROCKS, and again HEAVY MACHINERY WORK.

The proposed construction area is on recreational and protected land, and we have seen what destruction and damage to private property and dwellings adjacent construction areas such as this proposed construction area has caused in the past. I walk, ride my bike and watch the Dotterels breed and feed in the proposed construction area on an almost daily basis and have done so for years. Any interference to the ecology and biodiversity and ecosystems of this area is nothing more than the Glen Isla Protection Society Inc vandalising and destroying this beautiful beach and recreational area, for the sole purpose of their personal or financial gains.

This beach and recreational area are a public Domain and as such should be respected for what it is, (for the public benefit). There is no benefit to the public for this rock wall, just selfish pursuits by the Glen Isla Protection Society. This would be nothing but an ugly, invasive and intrusive HAZARD of our beautiful beach and recreational area.



I object to this Resource Consent application on the basis that it will breach all of our responsibilities and duty to protect this beach and recreational area, and that it remains untouched, and undamaged at all costs, FOREVER

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, located in the bottom right corner of the page.

6.5.1 The Minister of Conservation

The Minister of Conservation is responsible for:

- 1 Approving the Regional Coastal Environment Plan.
- 2 Preparing a New Zealand Coastal Policy Statement.
- 3 Monitoring the effect and implementation of the New Zealand Coastal Policy Statement.
- 4 Making directions on allocation of space for aquaculture in the coastal marine area.

The Minister of Conservation also has various functions under the Marine and Coastal Area (Takutai Moana) Act 2011.

6.6 Environmental Protection Authority (EPA)

The EPA facilitates the decision making process for proposals of national significance under the RMA. The Minister for the Environment may direct a resource consent application to be decided by a board of inquiry or the Environment Court if it is, or is part of, a proposal of national significance. The EPA is also consenting authority for activities taking place within the Exclusive Economic Zone and Continental Shelf, which lies beyond the boundary of the area governed by the Regional Council.

6.7 Ministry for the Environment

The Ministry for the Environment has the responsibility for making regulations under the RMA. Current regulations relevant to the coastal environment are those controlling marine dumping and discharges from vessels.

6.8 Office of Treaty Settlements

Under the Marine and Coastal Area (Takutai Moana) Act 2011, whānau, hapū and iwi can seek recognition and protection of long-standing customary interests. The Office of Treaty Settlements administers and provides advice to the Crown on applications made under the Marine and Coastal Area (Takutai Moana) Act 2011 for customary marine title or customary rights. Schedule 14 to this Plan contains more information on the Marine and Coastal Area (Takutai Moana) Act 2011 and how it is relevant to this Plan and resource consent applications in the coastal marine area.

7 Other policy documents

7.1 New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement (NZCPS) was gazetted in November 2010. The purpose of the NZCPS is to provide a policy framework that will promote the sustainable management of the natural and physical resources of the coastal environment. Policies in the current NZCPS seek to achieve the following objectives:

- 1 Protection of the integrity, form, functioning and resilience of the coastal environment and its ecosystems.
- 2 Preservation of the natural character of the coastal environment and its outstanding natural features and landscapes.
- 3 Recognition of the role of tangata whenua as kaitiaki and tangata whenua involvement in management of the coastal environment.



Operative Regional Coastal Environment Plan - INDEX MAP



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 © Bay of Plenty Regional Council



RESOURCE MANAGEMENT ACT 1991

NOTIFICATION DECISION ON RC14513(L)

Pursuant to section 95A of the Resource Management Act 1991, the Western Bay of Plenty District Council determines:

That the resource consent application made by the Glen Isla Protection Society for the construction and associated activities for a coastal protection structure (buried rock riprap wall) at 95 Seaforth Road (Lot 18 DPS 22035), 12 Glen Isla Place (Lot 12 DPS 22035) and Lot 19 DPS 22035, Waihi Beach, be processed on a publicly notified basis.

Description of the Activity

Glen Isla Protection Society have sought a resource consent, being a Discretionary activity overall, for the construction and associated activities for a coastal protection structure (buried rock riprap wall) on the Council recreation reserve at 95 Seaforth Road (Lot 18 DPS 22035), the adjoining esplanade reserve Lot 19 DPS 22035 and 12 Glen Isla Place (Lot 12 DPS 22035). The coastal protection structure is approximately 200m in length and runs generally parallel to the seaward residential boundaries of 9 and 11-16 Glen Isla Place. The design can be summarised as:

- Type 1 buried rock riprap wall of 104m in length (southern section).
- Type 2 buried rock riprap wall of 96m in length (northern section).
- Stabilised sediment beam return of 21m, partially within 12 Glen Isla Place.

Reasons for Decision

The application was received by Council on 15 October 2024 and the applicant requested that the application is publicly notified in accordance with section 95A(3)(a) of the Resource Management Act 1991.

A request for further information, pursuant to section 92(1) of the Resource Management Act 1991, was sent to the applicant on 8 November 2024. The applicant responded on 6 December 2024. Council is now satisfied there is sufficient information to adequately inform the public of the nature and potential effects of the proposed activity for submissions. Council also considers that should a hearing be held, this will provide further opportunity for additional information to be presented by the applicant in response to submissions and Council reporting.

Public Notification

Public Notification of the application is required on the basis that:

- In accordance with section 95A(3)(a) of the Resource Management Act 1991, the applicant has requested the application be publicly notified.

The determination is made under delegated authority by:

Recommended and assessed by:



Bevan Hudson

Senior Consents Planner

Date: 11 December 2024

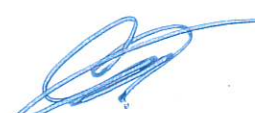
Delegated Authorisation by:



Rod Albertyn

Team Lead Consent Planning

Date: 11 December 2024



Submission on application – resource consent or esplanade strip subject to public or limited notification



Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s): Kate Graeme
Tauranga Branch Royal Forest & Bird Protection Society

Submission on an application

Application from: Glen Isla Protection Society Incorporated

Resource consent

A resource consent for: Waihi Beach Coastal Protection Structure (RC14513)

I ~~am~~ **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

~~I **am** directly affected by an effect of the subject matter of the submission that:~~
~~(a) adversely affects the environment; and~~
~~(b) does not relate to trade competition or the effects of trade competition.~~

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to: _____
The application in its entirety. Please see attached submission document.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

Please see attached submission opposing the application.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

That the application be declined.

I wish/~~do not wish~~ to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.

(*Delete if you would not consider presenting a joint case).

I request/~~do not request~~, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

Date:

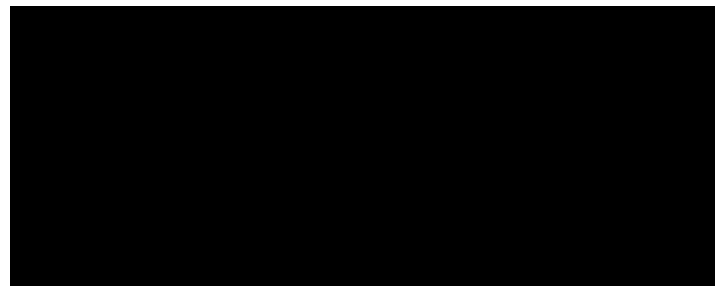
27 February 2025

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)



Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

27 February 2025



Application for Waihi Beach Coastal Protection Structure (RC14513)

Submission from Tauranga Branch Forest & Bird

The Tauranga Branch of the Royal Forest and Bird Protection Society opposes this consent application. The Tauranga Branch of Forest & Bird covers the Western Bay of Plenty district, from Papamoa to Waihi. The Branch participates in regional and local RMA processes on behalf of our local members and supporters. The Branch is part of the national Royal Forest and Bird Protection Society that advocates for nature in Aotearoa New Zealand on behalf of its members and supporters.

The Branch opposes the application on the basis that, over the long term, hard structures such as this proposal do not lead to good outcomes for the public or the natural environment. Further, this proposed structure is contrary to the New Zealand Coastal Policy Statement that directs the avoidance of proliferation of hard protection structures in the coastal environment, particularly on public land.

Oppose use of public reserve for private benefit:

Coastal properties, whether on fore dunes, cliff tops or estuary edges are valued property. They are also all exposed to increasing hazard. It is the choice of each individual property owner to decide whether the risk is worthwhile.

While the applicants are not asking the council to fund the protection structure, they are asking for the structure to be built on council/public land. We do not support the use of public reserve land for private benefit, particularly if that use will have adverse effects on that reserve land and also in this case on adjacent reserve land.

We question why there has apparently been no discussion or suggestion that these properties be responsible for their own response to coastal processes and construct any mitigations they deem desirable on their own private property, rather than on public reserve land. Consideration of how best to manage public space must surely be done in the interests of the public, not a few landowners.

Avoidance of hard structures and their adverse effects:

This structure is contrary to the NZCPS (particularly Policies 25 and 27) that directs the avoidance of proliferation of hard protection structures in the coastal environment, particularly on public land.

This recognises that hard structures have a significant detrimental effect on the natural environment and community values including amenity.

We question the advice of the Applicant's Consultant in the AEE that the proposal will result in net benefit for ecological values due to the proposed remediation planting, and that it will have predominantly moderate-high positive effects on natural character, landscape and visual amenity. We do not agree that there can be overall benefit for ecological, landscape and visual amenity values when:

- The structure will not remain continually covered in sand and vegetation, but will be increasingly exposed over time, as the AEE notes at page 30¹. This means the Council reserve will over time be dominated by a hard rock structure rather than natural sand, negatively impacting on its ecological, landscape and amenity values.
- Repeated evidence in New Zealand and overseas has found that hard structures displace and increase erosion effects elsewhere, particularly neighbouring properties. The neighbouring property Island View Esplanade Reserve is significant as it is in a relatively unmodified state. The AEE notes that:

"During the 30-50 year period, some storm scour may occur at the southern end. This erosion is likely to be in the order of 2-5m on a 5-15m length of shoreline and will not put any structure or infrastructure at risk. It is likely to be no worse than, and difficult to discern from, dune erosion elsewhere on the natural coastline."

We do not think this is an adequate assessment of the potential impact on the adjacent reserve, given its high biodiversity values. The reserve has largely intact and unmodified native dune vegetation which is significant given its scarcity, and while a survey has not been done of native fauna it is likely that shore skink are present at least.

- The site where it is proposed to construct the structure is of critical importance to the Tūturiwhatu dotterel, as it is one of only two breeding and juvenile feeding areas in Waihi Beach. Construction of this structure will have a significant negative on this threatened species:

Construction of the structure on the Three Mile Creek reserve will involve workings by heavy machinery which will make the site unavailable to dotterel for feeding at high tide over a 6 month period. Once constructed, the hard structure is highly likely to result in exacerbated erosion of the beach in front of it which would destroy this important dotterel feeding area.

Cumulative effects:

-
- ¹ The proposed structure has the potential to become increasingly exposed in the event the forecasted climate driven sea-level rise and retreat of the shoreline occurs.
 - > At current sea levels, the proposed structure would only be exposed by a large storm event, for example the scale of the recent Cyclone Gabrielle/Hale storms. This type of storm event is anticipated to expose the top 1.0-1.5m of the structure no more than once every 5-10 years. Natural processes are anticipated to quickly restore sand and dune vegetation as is evident following the recent storm events.
 - > Over the 20-40 year period, increasing extent of the top 1.0-2.0m of the structure is anticipated to be exposed at all times with high tide reaching the structure during storm events, and MHWS anticipated to be at the toe of the structure by the 30-40 year period.

Since 2010 the NZCPS Policy 3(2)) requires decisions to be holistic and with a view to the future. While this is a single example, it could set a precedent for the use of hard structures for wider Waihi Beach and make it more difficult for the council to take a different approach elsewhere.

There is no assessment of what our coastlines will look like if this proposed action was replicated throughout the Waihi Beach and the wider Western Bay of Plenty and what the environmental, financial and amenity impact of that would be on the wider community.

Lack of proper consideration given to alternatives:

The application does not give proper consideration to soft protection alternative approaches. Native dune vegetation is adapted to function in the dynamic coastal environment and aids the stabilisation of dunes, and has been used successfully in areas such as Mount Maunganui. The report states that past dune rehabilitation at the site has not been successful, however there has been no effort to maintain the dune reserve in front of the properties in a natural vegetated state, as is evidenced by the dominance of exotic garden weed species.

Forest & Bird has been advocating for nature based solutions for many years – these are approaches that utilise natural habitats and processes to increase resilience for both nature and people. Restoring the dunes will enhance their coastal erosion defence abilities.

For the reasons outlined we submit that this consent should be declined.

I would like to be heard in support of the Tauranga Branch F&B submission.

A handwritten signature in black ink, appearing to read 'Kate Graeme', written in a cursive style.

Kate Graeme

Tauranga Branch, Royal Forest and Bird Protection Society

Submission on application – resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

Alan Campbell.

Submission on an application

Application from:

Glen Isla Protection Society (GIPS)

Resource consent

A resource consent for:

Establishment of a coastal protection
structure and associated earthworks in
the Coastal Erosion Area.
(RC14513)

I am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

~~I am not directly affected by an effect of the subject matter of the submission that:~~

- ~~(a) adversely affects the environment; and~~
- ~~(b) does not relate to trade competition or the effects of trade competition.~~

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

buried rock revetment.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I oppose the construction of a rock revetment within the dune system.

I support the restoration of the dune system.

A rock revetment will fundamentally conflict with Objective 2 of the Regional Policy Statement by changing the natural functioning of the dune system.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

Deny consent for the construction of a rock revetment.
Provide consent for the restoration and rehabilitation of the dune.

Conditions:

① No work to take place during the nesting season for the New Zealand dotterel.

② If consent is granted for a rock revetment, construction should be delayed ~~not~~ for 3 years and be conditional on restoration of the frontal dune.

☒ I wish/do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.

(*Delete if you would not consider presenting a joint case).

I request/do not request, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

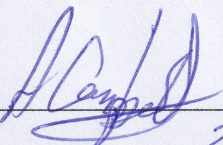
Date:

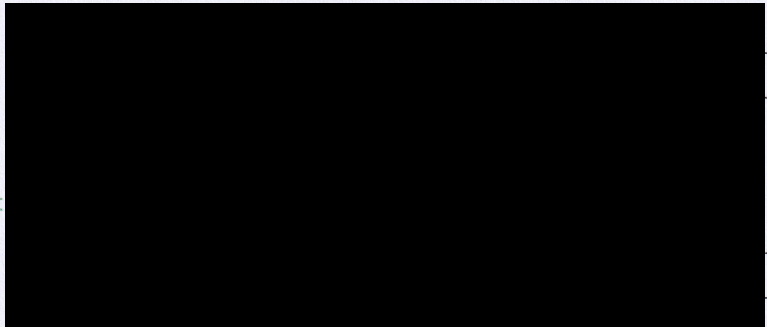
Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)


28/2/25



Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application – resource consent or esplanade strip subject to public or limited notification



Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

KATIKATI – WAIHI BEACH RESIDENTS AND
RATEPAYERS ASSOCIATION (INCORPORATED)

Submission on an application

Application from:

GLEN ISLA PROTECTION SOCIETY

Resource consent

A resource consent for:

Land use consent as a discretionary activity, in accordance with
section 9(3) of the
Resource Management Act 1991.

I **am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

Submission relates to

Please add additional pages if required.

The above resource consent application

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

WE OPPOSE THE APPLICATION

I seek the following decision:

THAT THE APPLICATION BE REFUSED precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I wish / to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/do not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

KEITH ROBERT HAY

*not required if submitting
electronically

Date:

26.2.2025

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form I6B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

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- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION ON RESOURCE CONSENT APPLICATION RC14513

This is the submission of the Katikati – Waihi Beach Residents and Ratepayers Association (Incorporated). It is made by me, Keith Hay. I am the current Chairman.

I have lived in or owned property at Waihi Beach since 1981. I am a Geologist with 40 plus years' experience.

In this submission, in general, quotes from policies or reports are in italics and the main points of our submission are in bold.

REGULATORY CONCERNS

The NEW ZEALAND COASTAL POLICY STATEMENT states: *“Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so. Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.”*

We contend that this hard protection structure is not necessary. If it was necessary then it should be placed on the applicants land.

The WBOP COASTAL EROSION RESPONSES POLICY 2017 states:
“(j) Recognise that the NZCPS generally discourages hard protection measures but recognises in some cases they may be the only practicable means of protecting existing nationally or regionally important infrastructure;

We contend that the proposal is not consistent with this requirement of the NZCPS. There is no existing nationally or regionally important infrastructure under threat.

(k) Recognise and consider the environmental and social costs of permitting hard protection structures to protect private property, and consider whether there is any significant public or environmental benefit before locating these structures on public land;

“The Applicant has considered a number of alternatives and claims the preferred option will avoid significant environmental and social costs and will result in the preservation and improvement of the ecological and natural character values of the dune system, which is both a public and an environmental benefit.”

We contend that construction of the proposed revetment will destroy most of the existing vegetation at the northern end of the site and that there will not be enough sand to cover it at the southern end. The proposed revetment will not improve the ecological and natural character of the dunes. We suggest the do-nothing option with improved plantings and compliance with RC RM19-0613-AP will have a better effect on the ecological and natural character of the dunes.

WBOPDC COASTAL EROSION RESPONSES POLICY 2017

Here is part of the background notes to this policy:

“Hard coastal defences are not only costly to construct but they have a finite lifespan and require maintenance and eventual upgrading or replacement. With currently rising sea levels the cost associated with the maintenance of defences will certainly increase.”

Who is going to pay the cost associated with rising sea levels? There is no agreement between Council and the applicant as to maintenance costs or cost when damage occurs to neighbouring properties.

And here are the Policy Objectives

2.1. To provide a framework for consistent decision-making by Council where Council-owned coastal land is affected by coastal erosion or subsidence.

2.2. To respond to coastal erosion and subsidence of Council-owned coastal land in a way that:

- (a) gives effect to the New Zealand Coastal Policy Statement;
- (b) gives effect to the Bay of Plenty Regional Policy Statement;
- (c) takes account of the Bay of Plenty Regional Coastal Environment Plan; and
- (d) Is affordable for the affected community both now and into the future.

WBOPDC’s decision is not consistent with its own policy objectives. Neither does this decision give effect to the New Zealand Coastal Policy Statement, nor the BOP regional Policy Statement, nor the BOP Regional Coastal Environment Plan.

The WBOP DISTRICT PLAN POLICIES that appear to be relevant to this proposal are:

1. Adopt the best practicable options (including the 'do nothing' option) in the management of areas actually or potentially at risk from natural hazards and where possible adopt avoidance rather than mitigation or remedial measures.
5. Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.
7. Encourage the conservation and enhancement of natural features such as sand dunes and [wetlands](#) which have the capacity to protect existing developed land.
8. Prevent the use of concrete and block work foundations, floors and [walls](#) in the Coastal Erosion Areas.

We contend that the proposal will not comply with these policies. We cannot understand why WBOPD Councillors voted to approve this proposal in principle because it is contrary to their District Plan policies.

The following are part of the minutes of the Projects and Monitoring Committee meeting (Note that this was not a meeting of the full Council) at which Councillors voted to approve this project in principle:

- "1. That the Reserves & Facilities Manager's Report dated 31 October 2023 titled 'Waihi Beach Rock Revetment - Council Landowner Consented Coastal Protection Works' be received.
2. That the report relates to an issue that is considered to be of medium significance in terms of Council's Significance and Engagement Policy.
- 3 That Council notes that assessment against its Coastal Erosion Response Policy indicates no need to protect Council's reserve with a hard structure. (our emphasis)**
- 4 That Council, as administering body and landowner of the reserve, approves in principle to the private construction of consented coastal works on Council reserve, Lot 18 and 19 DPS 22035 Waihi Beach, subject to the conditions, including:
 - A resource consent being granted by Bay of Plenty Regional Council (BOPRC);
 - Consent and construction fully funded by the property owners;
 - Agreement with Council on operational cost and responsibilities.
5. That Council notes this decision is not totally consistent with Council's Erosion Responses Policy 2017. Council is not intending to alter its policy as a result. This recommendation is in acknowledgement of s80 of the Local Government Act 2002.

(Section 80 states: “If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify—

(a) the inconsistency; and

(b) the reasons for the inconsistency; and

(c) any intention of the local authority to amend the policy or plan to accommodate the decision.”

Council does not appear to have complied with either (a) or (b) of s80.

Council approved this proposal in principle subject to it being fully funded by the applicant and an agreement with Council on operational costs and responsibilities. We requested a copy of this agreement from Council. Council replied:

“Council, in its capacity as a landowner has not entered into an agreement at this point in time.

Council will enter into a ‘Form of Deed of Undertaking and Covenant’ with the adjoining landowners that identifies Council’s and the landowners’ obligations. It is intended that instruments relating to the covenant be registered on either party’s property title. The landowners will continue to pay a targeted rate, the same as other properties at Waihi Beach that are applied to their properties that covers maintenance of the consented works.”

The applicant claims they have an agreement with Council but Council claims they have not entered into an agreement at this point in time (a time that post-dates the AEE). This consent should not be granted until this agreement has been signed

We contend that the report “WAIHĪ BEACH ROCK REVETMENT - COUNCIL LANDOWNER CONSENTED COASTAL PROTECTION WORKS” presented to councillors at the 31 October meeting and the options they were given are extremely biased. For example the report states:

“Over the past few years, the rock revetment has been monitored and has generally performed in accordance with the design and consent requirements.

However, dune enhancement at Glen Isla Place East of Three Mile Creek, which was part of the dune enhancement system, has failed, with severe erosion occurring due to the enhancement being located within the active beach.”

Not many beach people would agree with the first statement. And we contend that the reason the dune enhancement system has failed south of Three Mile Creek is because the drift of sand along the beach is prevented by the creek. Both councils have failed to ensure that sand dredged from the creek is placed against the dunes.

The report glosses over the objection to the Environment Court of several of the Glen Isla Place owners to the dune rehabilitation and enhancement scheme proposed around 2008. They wanted a buried rock revetment. The court decided that the dune rehabilitation and enhancement scheme was preferable.

THE PRIOR AGREEMENT WITH RESERVES

“The Applicant proposes to install a coastal protection structure on Recreational Reserve and Esplanade Reserve land at Waihi Beach to protect the Reserve land and adjacent properties from further erosion, and future-proof this land for the effects of sea-level rise as well as enhancing the dune environment through planting. The proposed structure will be located in the back and foredune area seaward of 9, 11, 13, 15, 16, 14 and 12 Glen Isla Place but landward of the CMA. The use of the land has been agreed to by WBOPDC Reserves through a separate process and is subject to a formal agreement which sits outside of the RMA process. Upon completion, as per agreement with Council, the structure will be vested to WBOPDC.”

What authority does WBOPDC Reserves have to enter into a formal agreement with these people for a structure that needs approval under the RMA? Where is that agreement? We have been unable to obtain a copy of this agreement from Council. Is the alleged existence of an agreement being used as a reason for approving this consent? If the structure is vested in WBOPDC then council will be responsible for its maintenance. Council may also be responsible for any damage this structure causes to other property.

KATIKATI - WAIHI BEACH RESERVE MANAGEMENT PLAN (Page 68)
Despite what the applicant claims there is nothing in this plan that would allow this proposed revetment.

DREDGING CONSENT

Page 7 of the application document states that *“Three Mile Creek is located immediately to the north of the site. Three Mile Creek is a man-made diversion of inland drainage channels that was dug through the dune in the early 1930’s. Training walls, made of sandbag groynes, line the northern and southern banks of Three Mile Creek. Three Mile Creek is periodically dredged by WBOPDC in accordance with the relevant Reserve Management Plan. Dredging typically occurs monthly, and sand is deposited immediately south of Three Mile Creek, seaward of the dunes.”*

The Reserve Management Plan does not mention dredging or any other excavation work. The “dredging” is carried out under a resource consent granted to WBOPDC. Dredging is done on an “as required” basis, not typically monthly as stated. Dredging is not allowed from 1 August to 31 October each year.

Condition 6.2 of that consent requires that *“sand material excavated under this consent shall be deposited in the active mid to upper beach system and shall not be removed from the coastal marine area.”* (The plan attached to the consent shows where the excavated material should be put.)

My experience is that the dredged material is not normally deposited immediately south of Three Mile Creek but dumped on the creek banks from where it is washed back into the creek. It either accumulates on the stream bed or is washed out to sea. The sand that is not washed out to sea starts to build up in the stream bed and eventually has to be dug out again. There is no incentive for the contractor to place the sand against the dunes.

We contend that failure to comply with the conditions of this consent has been responsible for most of the degradation of the dunes south of Three Mile Creek. If the conditions of the dredging consent were enforced the dunes would be regularly replenished. If the creek was not there this sand would continue to move along the beach and be added to the dunes.



Sand thrown up against sand bags should be against the dunes

This is typical of the way WBOPDC's contractor's cleared the mouth of Three Mile Creek. A trench was dug down the middle of the creek and the sand thrown up onto the banks.



This is where the sand should have been placed

This is the front of the dunes immediately south of Three Mile Creek where the sand should have been placed.



This photo shows staff from BOPRC (on left) and from WBOP (second from right) supervising “dredging” Three Mile Creek circa 2020.

When we checked Three Mile Creek on 18 February we could see that some sediment had been placed against the dunes both to the north and to the south of the creek mouth. The sand was in two patches with no attempt to spread it along the front of the dune. The creek was still dammed so it appeared that this operation was more for show than for any practical purpose.

The sand that accumulates in the creek is beach sand. It belongs on the beach or in the dunes. Large quantities should not be allowed to accumulate in the creek.

INNER HARBOUR AND COASTAL EROSION MANAGEMENT POLICY 2017

The Policy Objectives are:

- **To provide certainty to the community as to when Council as a landowner will assume responsibility for undertaking erosion mitigation works on the inner harbour margins and open coast within the Western Bay of Plenty District. (the District)**
- **To enable a consistent approach to the assessment and management of the effects of inner harbour and coastal erosion on the District’s esplanade reserves and strips and other foreshore land administered by Council on behalf of the wider community**
- **To inform Council’s response to the erosion of Council land and the**

protection of Council's strategic assets

- To achieve a cost effective and efficient balance between protecting public values associated with the inner harbour margins, the recreational value of the District's beach and foreshore systems and the future on-going cost, overall affordability and long term effectiveness to the community of any erosion mitigation works
- To give effect to the New Zealand Coastal Policy Statement and the Bay of Plenty Regional Policy Statement and to take account of the Bay of Plenty Proposed Regional Coastal Environment Plan.

WBOPDC's decision to approve this proposal in principle is in breach of all these policy objectives.

In providing a background to these policies it is stated: "Where erosion or flooding threatens valuable coastal and inner harbour land and infrastructure, coastal protection structures such as rock or timber seawalls have commonly been constructed. While these structures may protect the land and assets behind them, such works can interfere with the natural functioning of coastal and inner harbour processes.

Hard coastal defences such as geotextile sand bags, timber seawalls and rock revetments are also costly to construct, have a finite lifespan and require maintenance and eventual upgrading or replacement.

As sea levels rise the cost associated with the maintenance of hard defences will certainly increase.

Soft defences such as dune replanting/beach nourishment must be continued indefinitely if an eroding beach is to be maintained. While the volume of material required to maintain the shore line will also increase with sea level rise, soft defences are a cheaper option."

Why have these policies if the organisations who made them don't enforce them?

BOUNDARY CREEP

An air photo with superimposed property boundaries that is attached to the 2014 consent shows four small buildings on the reserve and two more substantial buildings partly on the reserve. **This raises the question of boundary creep. Has Council had the boundary between the reserve and the private properties surveyed recently?**

ENVIROMENTAL CONCERNS

ECOLOGICAL ASSESSMENT

The assessment states that: “During the site visit, no native birds were recorded on the vegetated dune system, while several species (variable oystercatchers, black-backed gull and red-billed gull) were observed on the water’s edge.

We note that the site visit was undertaken at a time of year that was outside of the avifauna breeding season and as such it could not be determined if species such as the dotterels or variable oystercatcher breed at the creek mouth.

The ecologists did not address the possibility that native birds might occupy the dunes at times of the year other than the time of their visit. They do not appear to have asked the applicants about bird-life because at the Council meeting on 31 October 2023 one of the applicants said that the revetment “will essentially enhance the wildlife sanctuary we have in front of us, a very very live and wild dune.... We have our own mating pair of dotterels...ten metres from Three Mile Creek” This demonstrates a lack of professionalism by the consultants.

END EFFECTS

The applicant has not given sufficient attention to the end effect at the southern end. This should have been a priority because the revetment will terminate against a Council reserve.

EROSION OF THE DUNES

Using Google Earth imagery we have compared the position of the front of the dune in 2024 with the front of the dune in 2008. The 2008 imagery is a bit blurred but there is no discernable difference for the northern half of the proposed revetment and between zero and five metres difference for the southern half.

THE DAVIS COASTAL CONSULTANTS REPORT

We are concerned by some of the statements made in the Davis Coastal Consultants’ report. For example “*One of the most obvious indicators of this (that the creek is man-made), is that even with the increased piped flow to the outlet through the establishment of urban infrastructure, it still requires groynes and manual clearing (typically monthly and after storm events) to maintain flow.*”

Information provided to us by WBOPDC is that the creek mouth was dredged nine times in 2022, not at all in 2023 and four times in 2024 (letter from General Manager Infrastructure Services 13.2.25). Sand in the creek

bed currently occupies an area about 100 metres long and from 10 to 15 metres wide. This is beach sand. It should be on the beach or against the dunes.

For example: *“It is hypothesised that Three Mile Creek represents a reasonable sediment source to the beach system, which has assisted as in (sic) input to the sediment budget at the site.”*

Nowhere in the catchment of Three Mile Creek is there an area that would be supplying a significant amount of sediment to this creek.

And *“Since construction of the groynes, sand has tended to accumulate on the southern side of the southern groyne, indicative of a net northerly longshore transport of sediment (at least in the period since construction was undertaken in 2011).”*

This is more likely to be because the southern groyne extends further out across the beach.

WAVE SURGE

The top of the revetment will be at 3.5m RL. This is lower than final floor levels required by regional council for residential buildings in the coastal inundation Zones at Waihi Beach. The revetment can therefore be expected to be overtopped from time to time. The applicant has not described what will happen if a significant quantity of seawater gets onto the wrong side of the revetment and the membrane acts as an impermeable barrier.

We are also concerned that the revetment will force wave surges up the channel of Three Mile Creek. Rebound from the Seaforth Road bridge could flood the properties adjacent to the creek on Glen Isla Place.

ENGINEERING CONSIDERATIONS

CONSTRUCTION

The Assessment of Environmental Effects states: *“Vegetation removal will be minimised as far as practicable. In principle, it will be limited to the area of disturbance, being the footprint of the structure and the sloping sides of the construction trench. The ‘northern spinifex foredune’ area will be fenced, and disturbance of this area will be avoided.”* The accompanying plan shows the area of disturbance to be 13m wide.

We don't agree with this statement. The type 2 revetment will require a channel to be excavated which will have average dimensions of 4.0m deep, 5m wide at the bottom and 13m wide at the top. Thus for every metre of length there will be at least 36m³ that needs to be stored until the rocks can be put in place. Although sand can sometimes stand at quite steep angles the vibration from tracked vehicles means that its angle of repose is not likely to be steeper than 45 degrees. The spoil heap will therefore be at least 6m high and 12m wide. That means the existing vegetation will be destroyed over a combined width of 25m. That's wider than the strip of vegetated dune at the north end.

TRANSPORT IMPACTS

The AEE states *"The access is sufficiently wide to accommodate turning trucks and provides for sight lines in excess of 100m."* However elsewhere in the application it is obvious that the applicant intends to use tractor-trailer units to cart rocks from the quarry to the site of the revetment. While the use of these units means that there will not be the vibration from dumping rocks that caused structural damage to houses in the past, there are other problems with the use of tractors.

The contractor that the applicant proposes to do the work has used these tractor-trailer units on other contracts at Waihi Beach, usually carting rock from the quarry or spoil to the quarry. These units with big cleated tyres damage the seal on the roads. They are not registered and so their owner does not pay Road User Charges. We note there is a reference in the application to the use of "road legal" tractors. If this consent is granted we ask that WBOPDC includes a condition requiring all vehicles carting to or from the site to be registered.

The applicant states (AEE page 34) that *"Access to the beach will remain available at all times on the northern side of Three Mile Creek, and via Island View Reserve to the south"* (AEE page 34).

The route that these trucks or tractor-trailer units will take is used by people accessing the beach on foot after parking their car in the reserve. Waihi Beaches most popular cycleway-walkway crosses the route that these vehicles will use.

When it was proposed that a large quantity of material would be carted from the Waihi Beach Quarry to a site south of the village

several years ago Council specified a route for these trucks which avoided the route though “The Village”.

VIBRATION

The AEE states that the WBOPDC District Plan contains the Explanatory Statement: *“Vibration from activities has not been an issue in the District. In many cases Council can manage vibration effects through the management of noise emissions or through the provisions of the Health Act. Specific standards to manage vibration are therefore not proposed.”*

This statement is not true. Council does not have vibration standards but vibration has been an issue in the district and council has been either unable or unwilling to manage it.

We understand that at least one house on the creek side of Glen Isla Place previously suffered severe structural damage because of vibration from similar activities north of the creek to those proposed for south of the creek.

We have some experience with WBOPDC when it comes to vibration damage. Council required the developer of a block at 8-10 Wilson Road to have a vibration monitor on site to protect Council’s infrastructure. But when vibration from this development caused damage to neighbouring properties Council was not helpful. So we don’t expect WBOPDC’s compliance officers to enforce any conditions you might impose on this consent if it was granted. The affected neighbours had to take the contractor to court to get compensation.

NOISE

There are construction noise limits in the District Plan but WBOPDC does not appear to enforce these. When people 1.5 Km away were complaining about noise from another construction site they did nothing. They claimed that the developer was monitoring it on his cell phone and he said there were no exceedances. But he would say that, wouldn’t he.

ROCK QUALITY

The andesite rock from the Beach Quarry is not of good quality because of the number of zenoliths of weaker rock it contains. The applicant is going to use weathered rock so when the revetment is uncovered the rocks will look natural.

There are two problems with this: weathered rock will break down more quickly than fresh rock (and people are already complaining about all the bits of rock on the beaches backed by revetments). And having weathered rocks indicates the applicant expects the revetment to be exposed on a regular basis.

We cannot find any reference to the quantity of rock that will be required. Our calculations are that at east 3150 cubic metres of rock will have to be imported.

The AEE states (page 30) "At current sea levels, the proposed structure would only be exposed by a large storm event, for example the scale of the recent Cyclone Gabrielle/Hale storms. This type of storm event is anticipated to expose the top 1.0-1.5m of the structure no more than once every 5-10 years. Natural processes are anticipated to quickly restore sand and dune vegetation as is evident following the recent storm events."

If natural processes are anticipated to quickly restore sand and dune vegetation to the revetment it might be anticipated that these same processes will add sand to the dunes even if the revetment was not in place.

OTHER CONSENTS

We contend that if the conditions of two current resource consents were enforced it would ensure that the dunes south of Three Mile Creek would regularly get additional sand.

Consent 62913 was granted to WBOPDC on 14.2.2008 and expires on 30.11.2032. It allows WBOPDC to "Carry Out Large Scale Earthworks in the Erosion Hazard Zone.

Advice note 5 of this consent states: "The consent holder is advised to consider alternative sources of sand material for any ongoing reinstatement of Dune Restoration and Management works. This could include sand material periodically removed from Two and Three Mile Creeks and land based storage of appropriate sand material until such time as it is required."

Consent RM19-0613 granted to WBOPDC on 17.12.2019 for "coastal dredging" requires *"sand material excavated under this consent shall be deposited in the active mid to upper beach system and shall not be*

removed from the coastal marine area.” The consent applies to Three Mile creek as well as the other three creeks at Waihi Beach.

As mentioned above the condition requiring sand excavated from the creeks to be placed in the active mid to upper beach system is more honoured in the breach than in the observance. If it was honoured there would probably be no need for this consent. We think it is more important that existing consents that address the problems are complied with than for new consents to be issued.

FINANCIAL CONCERNS

Council’s Reserves Department has apparently agreed to this proposal, but there is no agreement to say what they have agreed to. WBOPD Councillors agreed to this proposal in principal without any idea of what it will cost ratepayers. They had no indication of the costs to maintain it, or how much ratepayers will be liable for if it causes damage to adjacent properties.

If this consent is granted the revetment will vest in Council so it will be an on-going cost to ratepayers.

SUMMARY

- **Installing hard structures to prevent coastal erosion is contrary to just about every bit of legislation designed to protect the coastal environment.**
- **Installing hard structure is contrary to the District Plan**
- **If this hard structure is really necessary it should be located on the applicants properties.**
- **WBOPDC Projects and Monitoring Committee decision of 31.10.23 to agree in principle was based on biased information, was contingent on a non-existent agreement and has not been confirmed at a meeting of full Council. It may not comply with Council’s rules**
- **The proposal to instal a buried rock revetment to protect these same Glen Isla Place properties was refused by the Environment Court in about 2010**
- **There are a number of statements made in the various consultant’s reports that are misleading and an independent consultant with coastal processes expertise should be engaged to provide an expert opinion**

- **Damage from wave surge and/or overtopping of the revetment is not considered in the AEE**
- **The construction methods are not described adequately, particularly where the spoil will be placed**
- **Our experience is that staff do not ensure consent holders comply with the conditions of their consents so any conditions the commission impose are unlikely to be complied with**
- **There are too many unknowns with the proposal.**
- **If the conditions of Resource Consent RM19-0613-CC01 had been enforced we contend that the dunes to the south of Three Mile Creek would have been replenished with sand often enough that the dunes would be much more resilient than they are now. Furthermore if the conditions of RM 19-0613 are enforced in future there will be no need of hard protection structures which interfere with natural coastal processes.**

We request that you either reject this application or have a consultant with expertise in coastal processes review the application prior to making a decision.

Keith Hay
Chairman
Katikati – Waihi Beach Residents and Ratepayers Association
(Incorporated)

Form 13: Submission on application concerning resource consent

Resource Management Act 1991

To: Western Bay of Plenty District Council

Name of submitter: Director-General of Conservation (the **Director-General**)

This is a submission on an application from the Glen Isla Protection Society Incorporated (the **Applicant**) for a resource consent.

Description of activity: Application for the construction of a coastal protection structure and associated activities on the Western Bay of Plenty District Council recreation reserve at 95 Seaforth Road (Lot 18 DPS 22035), the adjoining esplanade reserve (Lot 19 DPS 22035), and 12 Glen Isla Place (Lot 12 DPS 22035).

Trade competition: I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991

My submission relates to: The whole application

My submission is: I oppose the application.

The Director-General's interest in the Application

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.¹ The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.² Section 2 of the CA defines

¹ Refer section 53 Conservation Act 1987

² Conservation Act 1987, section 6.

‘conservation’ to mean *‘the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generation’.*

2. DOC is also the authority responsible for processing applications under the Wildlife Act 1953.

Reasons for the Director-General’s submission

3. The applicant has not demonstrated that the proposal aligns with the principles of sustainable management, and has not recognised and provided for the matters of national importance listed in Section 6 of the RMA, specifically:

c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and

d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.

4. DOC is concerned that the proposal does not adequately address the following matters:

Effects on coastal processes

In the currently proposed position, the wall will impact the future natural functioning of the dunes. These dynamic natural features require time and space to function properly. In the long term beach width and volume will be lost. A dune in front of a wall, rather than on top of a wall, would better function and offer protection until such a time.

The engineering design report goes into detail on the benefit of having the wall as far back as possible to offer best protection to the built environment, but it then proceeds to recommend much of the structure is placed under the foredune even when there is sufficient space on the Applicant’s properties. No justification is provided for why the wall to protect private property should be on public land rather than private land.

Effects on public access

Public access along the extent of Waihi Beach affected by this proposal is currently provided above the MHWS. The Coastal Processes Assessment (**CPA**) anticipates that at 20-30 years the upper 2-3m of wall face will be exposed at all times and that high tide may reach the structure in large storm events, limiting access along the shoreline. At 30-40 years, the MHWS will be at the base of the wall and access in front of the wall may become limited for 1-2 hours around high tide and will continue to become further limited in the future.

Effects on dune ecosystems

The active sand dunes are identified as an Endangered ecosystem and the northern spinifex meets the criteria for a Naturally Rare ecosystem.

In the advent of shoreline retreat there is potential for beach lowering and groyne effects from the wall, as well as end effects, which remain the largest potential effect of the wall. In particular, storm scour at the southern end of the wall within Crown land cannot be totally discounted, with up to 2-5m of erosion for a length of 5-15m of coastline anticipated.

Furthermore, the wall is anticipated to inhibit general dune function and subsequently is expected to contribute to the loss of the beach in the longer term.

5. DOC is not convinced that **alternatives** have been given sufficient consideration.

The applicant has assessed that dune planting is not an option due to a storm in 2011 which washed away one-off planting further down the beach. However, an alternative option is to employ a planting management plan that includes weed management, fore and rear dune planting, potential for dune reshaping, and contingency plans in case of the need to supplement plantings lost in storm events. Vegetation will not stop storm damage but will enhance dune recovery. This is part of the natural functioning of dunes. There are numerous examples of well managed dunes recovering from storms, including in the Bay of Plenty.

Additionally, the applicant has not considered alternative positioning of the wall, including on the applicant's properties themselves where there appears to be sufficient space to accommodate a seawall.

6. DOC is not convinced that the Proposal gives effect to the relevant provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS).
7. Policy 11 of the NZCPS specifies a hierarchy of protection for indigenous biodiversity. It requires the avoidance of adverse effects of activities on significant indigenous biodiversity values that meet specified criteria (Policy 11(a)(i) – (vi)). The northern spinifex present on the foredune meet these criteria. The photographs in Appendix 4 of the Ecological Assessment show spinifex and pohuehue at the southern end, therefore this area where the most seaward section of wall will be placed also meets these criteria. Shore skink, and copper skinks, which are present or potentially present on site, also meet these criteria. The current proposal does not address how potential adverse effects on skinks will be avoided. The current proposal does avoid any construction phase disturbance of the northern spinifex foredune, however, the establishment of a wall behind the foredune is anticipated to impact the dunes' natural functions and movement over the longer term.

8. Policy 25 discourages hard protection structures and promotes the use of alternatives to them, including natural defences, whilst also encouraging redevelopment or change in land use where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances. As detailed above, the applicant has not adequately assessed potential alternatives to the proposed hard protection structure.
9. Policy 27 specifies strategies for protecting significant existing development from coastal hazard risk, including ensuring that if hard protection structures are considered necessary, they are not located on public land if there is no significant public or environmental benefit in doing so, and that their form and location are designed to minimise adverse effects on the coastal environment. The proposed structure is not anticipated to have significant public or environmental benefits and is anticipated to have adverse effects on public access and dune functioning in the long term.
10. A range of provisions must, subject to Part 2 of the RMA, be had regard to in consideration of the Proposal. These include those in the National Policy Statement for Indigenous Biodiversity (NPSIB), the Bay of Plenty Regional Policy Statement (BOPRPS) and the Western Bay of Plenty District Plan (WBOPDP) which give effect to the NZCPS.
11. The decisions sought in my submission are required to ensure that, the decision-maker:
 - a) recognises and provides for the matters of national importance listed in Section 6 of the Resource Management Act 1991 (the **Act**); and
 - b) has particular regard to the intrinsic values of ecosystems, and in particular Endangered active sand dune ecosystems, as required in Section 7(d) of the Act; and
 - c) has particular regard to the relevant planning provisions in the New Zealand Coastal Policy Statement 2010.

Decision sought

12. I seek the following decision from the Council:
 - a) That the consent authority **declines the application**, given the shortcomings identified above;
13. If the consent authority is minded to grant the application, that it imposes the following requirements:

- a. The positioning of the wall further back on the applicant's private property rather than within the reserve land.
- b. Suitable conditions to ensure potential adverse effects on indigenous biodiversity are avoided, including requirements to avoid works in the northern spinifex foredune, to secure and replant any disturbed areas, and to avoid effects on indigenous fauna and their habitats, including herpetofauna and threatened and at-risk birds.
- c. Suitable conditions for managing changes to the beach in front of and adjacent to the protection structure for the life of the structure. This includes the provision of a dune management plan to support natural dune functions and dune recovery from a storm, and potentially beach renourishment. The plan should include weed management, fore and rear dune planting, potential for reshaping, and contingency plans in case of need to supplement plantings that are lost.
- d. Suitable conditions for annual monitoring of changes to the beach in front of and adjacent to the seawall, and annual reporting of the results.
- e. Suitable conditions to ensure that where adverse effects cannot be avoided, remedied, or mitigated, adequate offsets, including undertaking dune restoration and management works in a suitable location, are used.
- f. I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns.

14. I **do wish to be heard** in support of my submission.

15. If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Kristine Theiss

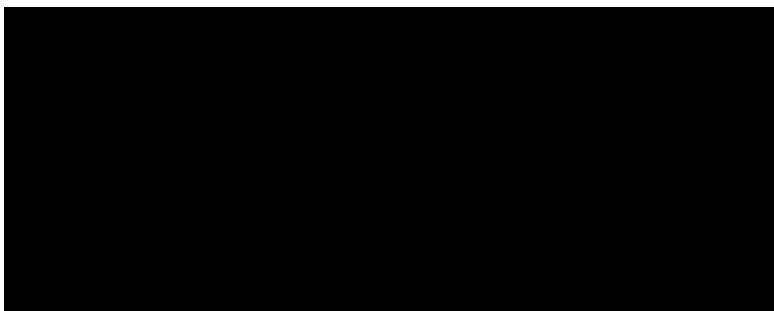
Manager Operations

Tauranga Region

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

Date: 28th February 2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011



Submission on application – resource consent or esplanade strip subject to public or limited notification



Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

Robert Gillespie

Submission on an application

Application from:

Robert Gillespie

Resource consent

A resource consent for:

Coastal protection structure in front on Glen Isla place and 95 Seaforth Road Waihi Beach. RC14513

I **am/ am not** a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I **am/ am not** directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

RC14513 application create buried rock wall Glen Isla Place/95 Seaforth road

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I oppose this consent as enough damage has been done to the beach in terms of rock structures. I have been visiting Waihi Beach for the whole of my life (67 years) and specifically the 3 mile creek area. Glen Isla Place for many years from the 70's only had a single Dwelling on because the council of the time recognized it had a high of being washed away. A wooden structure was created by the owner which got demolished in a storm clearly showing the risk and the power of the sea. Waihi Beach was a stone free beach prior the rock structures in front of the loop and Shaw Road being created. It is time for property owners to accept the risk they have taken in buying into a such a clearly exposed spot and not think they can damage the beach in a vain attempt to protect their asset. The potential damage that can be done to the beach by the installation of such a protection structure will be irreversible.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I wish for the application to be denied

I wish/do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/do not request, pursuant to [section 100A](#) of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Signature of submitter or person
authorised to sign this form:

*not required if submitting
electronically

Date:

Electronic address for service of
person giving written approval

Phone

Postal address or alternative
method of service

(section 352, Resource Management
Act 1991)

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

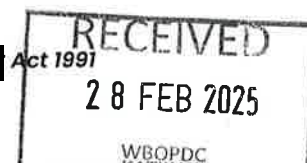
If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application - resource consent or esplanade strip subject to public or limited notification



Name of submitter

Name(s):

Janme [redacted]

Submission on an application

Application from:

RC 14513

Resource consent

A resource consent for:

Proposed Protection Works on
Public Reserve Land, Glen Isla
Place, Waihi Beach

I ~~am~~/am not a trade competitor for the purposes of [section 308B](#) of the Resource Management Act 1991.

*Please delete the following paragraph if you are not a trade competitor

I ~~am~~/am not directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

The proposed
construction of rock revetments on Public
Reserve land in front of private
properties Glen Isla Place.

* The legacy of negative effects will likely place increasing financial burden on communities over time

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I do not support the proposed "hard engineered" option of rock revetments on Public land to mitigate coastal erosion thus protecting private properties. Rock walls potentially create unwanted wave energy effects which cause scouring, further erosion & sediment "lock up". Negative long shore drift, loss of habitat, amenity and usable public space could also result. * Though the applicants propose to cover the rocks with "at least 0.5 M sand" and native sand binding plants, the omission of maintenance plans for the dune on top is glaring. I believe that unless there is effective management of exotic weeds and pest animals (e.g. rabbits) this soft protection will not flourish and bear risk of dismantlement resulting in exposed rocks. Interesting to note that this eventuality has been planned for by the use of "weathered naturalistic" rocks. This begs the question of whether the soft protection over the hard is to

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought. appease

expected local pressure against rock walls. AND the inconsistency with Policy 2.7 of New Zealand Coastal Protection Statement (2010) i.e. "Hard protection structures should not be located on public land if not significant public/environment benefits" (4). The WBPDC Coastal Erosion Responses Policy (2017) promotes the use of soft engineering options and arguably the construction of seawalls is inconsistent with RMA principals.

Therefore I would like the WBPDC to heed/honour the above policies and prevent the Glen Isla Protection Society from constructing rock revetments on Public land. Also I would like the Council to consider whether they will be maintaining the integrity of the 2017 policy (cont below)

I wish/do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.

(*Delete if you would not consider presenting a joint case).

I request/do not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Which ultimately guides decisions about options for mitigation of coastal erosion in relation to Council land, not private property. Lastly isn't it time for Council to set a new precedent, by doing the best thing according to Environmental/Ecological practices

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

Date:

Electronic address for service of person giving written approval

Phone

Postal address or alternative method of service

(section 352, Resource Management Act 1991)

Note to submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners. You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious;
- it discloses no reasonable or relevant case;
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
- it contains offensive language;
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Submission on application – resource consent or esplanade strip subject to public or limited notification



Western
Bay of Plenty
District Council

Form 13

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991

Name of submitter

Name(s):

ANTHONY THOMPSON.

Submission on an application

Application from:

Glen Isla Protection Society
RC 14513(L)

Resource consent

A resource consent for:

Coastal Protection work
construction on WBOPDC
Reserves at Waihi Beach.

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*Please delete the following paragraph if you are not a trade competitor

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- (a) adversely affects the environment; and
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Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

My Submission
relates to GIP Society's proposal for
protection works on Coastal Reserves
at Waihi Beach.

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

I would like GIP Societies application to construct protection works on Coastal Reserves at Waihi Beach to be declined.

I wish/~~do not wish~~ to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

I request/~~do not request~~, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

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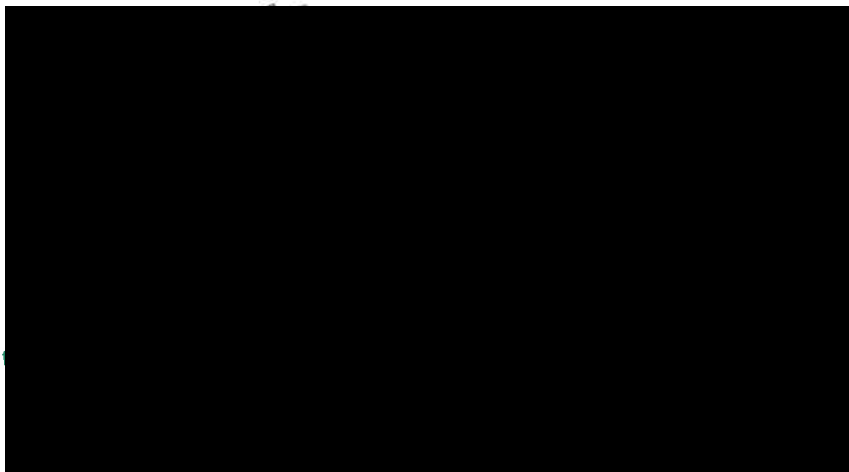
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- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

I belong to Waihi Beach Environment Society Waihi Beach
Coast Care group and studied Environmental Effects Assessment.
I'm always mindfull of the Precautionary Principle and
of NZC policy 27's advice that Coastal Hazard Management
in developed places must take account of a Climate Change
100 years rule.

I don't think that GIPS is Sustainable
Management.

Owing to Glen Isla Protection Structure's (GIPS's) sit-
ing Situation (S-E) on the Strategic Asset 3 mile
Creek Reserves - boulders dug in 2 Sea level in a Wave
focus location - 3 mile Ck Reserve before the GIP struct-
ure could be scoured to Sea level by Unwholesome Wave
Energy Effects (UWEE's) of the kind that can happen on
open coasts like Waihi Beach - particularly in the
SEast where its very close 2 the surf.
Sediment and Natural Vegetation could be lost perma-
nently. Plantations (Enhancements / mitigations of you
like!) would cop it too - collateral damage from surge
and wind!

Dune and Beach recovery at 3MC Reserve's could be
badly effected. The phenomenon of Sediment lock up
can occur (viz) Unwholesome Wave Energy scours
Away Beach Sediment. Rocky Infertile Structure
and Unmanaged Weediness, meanwhile, Interfere
with or Retard the movement of Sediment and
Sand Binding Ecology. Ecology gives up the ghost
in the difficult environment and Dune formation
and Growth cease - GIPS's lack of any Ecology Main-
tainance (ie Weed Control!) strategy (that we're
shown any way) makes the whole Ecology plan - and
its role in GIPS's proposed technique - unreliable
probably! The 3 mile Creek Reserves in front of the
structure may disappear or be much diminished par-
ticularly if Wave Energy Events are Repetitive (As
is common at Waihi Beach) and/or long term pheno

menalike Climate² and Sea level rise occur. Beach Culture at 3 mile Creek Reserves Suffers!

Protection works can succeed when very retreated from the active coast but ^{GIPS} perilously close to the surf is much more questionable regarding its prospects. Learn more about the GIPS type situation in the very good Community Based Dune Management Guide (2005) by Bergin Dahm & Jenks.

Considering its 3 & 5 and recalling Severe Wave Storms like 1956 & 1968 (in view of that Climate Change 100 year precaution) GIPS's potential 4 Scour and Retardation at 3 MCR's and the long recovery time that might follow mean Access (RMA 6d) along the Coast at 3 MCR's may be Inhibited quite Badly 4 Quite Some time by the GIPS proposal.

Maintaining Open Space Amenity (RMA 7c) on Waikī Beach could be made difficult at some times by the potential of GIPS's style and situation to create Adverse Effects like Scour & Retardation at 3 MCR's.

No alternatives or remedies or mitigations are offered 4 the se Access or Amenity concerns and only a visual Amenity assessment was used in the AEE.

The Inappropriate ^{Foot Note} Developments like Access & Amenity Loss that Very Potentially could accompany the proposed GIPS development threaten the Waikī Beach Outstanding Natural Feature (RMA 6b) S24! It's misleading to say (tho' GIPSoc'do that the GIPS proposal will Avoid Adverse Effects on the ON Feature S24! the proposal Is the Problem 4 ONFS 24 - Wave Scour & Ecology loss from the proposed GIPS development at 3 MCR's Waikī Beach Will Endanger Access & Amenity that are Intrinsic to ONFS 24.

Unwholesome WE Events from GIPS will threaten Significant Native Vegetation (RMA 6c) remnants (Kowhāngara)

^{Foot Note} meaning liable to cause adverse effects and undermine Community well being without remediation mitigation or some other extenuation.

at 3MK Pres's with Wave Scour Hazard of the GIP Structure is made and its Andesite and its ecology plan's lack of a Maintainance Component Don't! create Confidence in their revival.

The GIPS propose a Style & Situation can, potentially (with its Andesite & "Shell Be Right" eco Maintainance approach) disrupt Natural Processes, Ecologies & Species (The Sand binders Lingao & Kowhangatara, especially) threatening Waihi Beaches (Described as) "Finite" (RMA 7g) and "Fine" Sand resources with decline. The Sand Binder Kowhangatara is becoming scarce already and the GIPS ecology plan is unreliable so this is a Concern. Natural Coastal Character at Waihi is not extinct but is scarce and the S & S of this excavator and boulders proposal (that NZ CPS discourages!) could make a toxic and Contagious example of how not to manage what's left - think Beach Scour, Dune ruin, vegetation loss, Recreation loss as examples of how not to provide "Social & E & C well Being Healthy Society While A R or Mitigating A E's" Cultural Change towards more Whole Some Management techniques could be Retarded so Net Negative Consequences may result down stream at Waihi Beach or Elsewhere. The Technical & Ecological are Faulty & Unenlightened and "Knock ons" could effect other principles like Access, Amenity, Finite Character, Natural Feature, Therapeutic Recreation, The very Repute of the place even! Effects could be Extended and Irreversible Undermining Community Well Being & Creating Adverse Effects. The GIP Soc's proposal should be seen as a Inappropriate Use of Natural Coastal Character (RMA 8a). Resource use that undermines community well being or cause adverse effects is Not Efficient Resource Use either (RMA 7b). See RMA Ss 5, 6, 7 AND Bengin Dahm Jenks for more good discussion in Dune Management Guide 2005.

What's called Community Enhancement and Maintenance Structures on Waikī Beach Reserves Is Conditional On "Recreation, Amenity and Natural Character Values Not Being Adversely Effected" and on "Appropriateness" and guiding principles are in the Reserve Management Plan using key words like Secure, Natural, Safe, Provided, Protected, Maintained! I don't think ^W can have confidence in the style & situation of GIPS at 3 MCReserves to "Provide Public Welfare & Enjoyment" "Protect Access, Recreation & Walking & Cycling" "Protect Biological or Geological Features" "Conserve Natural Pleasantness Harmony & Cohesion" or "Maintain Soil and Water" in a 100 year / climate change setting (and its ambivalent on Beach Safety, Erosion control & Enhancement too!) WBoPD Council Reserves & Erosion Policies are permissive and a GIPS "Consent In Principle" Was Reached. But the way that the Consent in principle was made "outside of the RMA Pt II Formula" (the Gold Standard for Resource Management) causes doubt about GIPS's reliability regarding Precaution. This is particularly due to its lack of public involvement. There was No proactive or sustained outreach by GIP Soc to obtain broad public feedback and neither WBeh Enviroment Society or WBeh Community Board were asked for advice or assistance - this in spite of Criteria being in the Reserves and Erosion plans that made wide scope available for public involvement. Such oversight was delinquent and can't give confidence regarding the best application of purposes & principles like Social & Cultural Well Being Health & Safety or Avoidance Remedy or Mitigation of Adverse Effects and for that matter whether a good choice was made regarding that Consent In Principle. Have we seen an Input - output system malfunction?

"Outcomes And Visions" Investigation '04-'24⁵
(Published in WBeh Reserve Management Plan 2007)
recorded that people at Waihi Beh Wanted To Be
Involved In Decision Making and Preferred Acces-
sible Recreation & Walking & Cycling Safely on
Natural Beaches with Healthy Dunes! GIPS is
Unreliable in these ways.

Waihi Beach Environment Society a 20 year partner
in the Regional Coast Care programme got zero respon-
se to its attempt to attract the attention of GIP
Society (who weren't at all proactive!) "Consultat-
ion" has ended up meaning less than a dozen neigh-
bours concerning a proposal that could have serious
implications for Management Practice, a ON Feature,
a Community & Regional Focus, a Common (Is a
tragedy possible?) It's notable that the operative
strategy ("Enhanced Dune Care") was the outcome of
lots of public involvement.

GIPS gets a 1/2 out of 3 in RMA's Best Practicable
Option glossary - GIP Society pays to Build (✓) But Not
Maintain (threatening a Weedy White Elephant?) (x)
The receiving environment is vulnerable (x) The
technique is widely seen as Unreliable (x)
In WBoPD councils assessment the 3 MC Reserves
land is Not Need Full of Protection works. GIP Soc's
proposal is Not a SEC Well Being with a functional
need on Strategic reserve at all but as we have
seen it could easily be seen as a dysfunctional
one. GIPS is rather a Want that should for real
prospects of SEC WB He Safety we seek be located
on GIP Soc's allotments further land ward. I
think this proposal should be declined. Dune
care would have much better prospects.

Thank you for your attention,

6. Here my Conclusions From NZCPS Policies & Objectives
- > The ecology plan is unreliable and reserve protection is not a public need so there is no public benefit in this private proposal p27.4.
 - > Design and location don't minimize adverse effects p27.3, 6.1
 - > Thinking that precaution is not necessary is not taking account of the Climate Change/100 year rule p27.2b
 - > Hard works won't take the focus off Hard works p25e.
 - > Arde site and Wave scour won't avoid hazard risk p25a, b
 - > Rocks don't encourage Natural remedies over Hard works p25e.
 - > CIPS kind of technique Increases Social/Environmental risk p25a
 - > CIPS doesn't A R or Mitigate loss of access p19
 - > Doesn't avoid adverse effects on ONF (S24) p15a
 - > This discouraged outmoded technique Can't help Natural Coastal character protection p13
 - > The Eco restoration & Bio diversity prospects don't look good p11, p14 ± II III IV
 - > CIPS is not precautionary p3 a b
 - > Locate developments away from Climate Change risk (Not!) p6.5
 - > Maintain and enhance Public Coastal open space and recreation (Not!) p6.4
 - > Preserve Natural coastal character, features and Landscape (Not!) p6.2
 - > Safeguard Coastal Form, functioning, Resilience of ... Ecosystems ... Dunes. (Not!) p1

Submission Form

Date: 1-2-2025

Full name of

Subject:

RC 14513 (L) Appl by CIP Society

Location:

Waihi Beach

Details:

Any such measures that have been attempted in the past have been undone by natural, environmental actions.

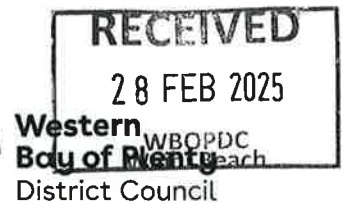
~~Approve~~ or Refuse? ☒ V

Hear in Person? ☒ No ☐ Yes



Submission on application - resource consent or esplanade strip subject to public or limited notification

Sections 41D, 95B, 95C, 96, 127(3), 136(4), 137(5)(c), and 234(4), Resource Management Act 1991



Form 13

Form is Hard To follow

Name of submitter

Name(s):

Helen Elizabeth MEIKLEJOHN

Submission on an application

Application from:

Glen Isla Protection Society Incorporated

Resource consent

A resource consent for:

Waihi Beach Coastal Protection structure RC 14513
(Buried Rock Riprap wall) on WBOPDC recreation Reserve
at Lot 18 OPS 22035 the adjoining esplanade Reserve at
Lot 19 OPS 22035 and 12 Glen Isla Place Waihi Beach. The
structure is approx. 200 metres in length in 3 sections
104m long, 92m long and 21m partially on private property at 12
Glen Isla Place

I ~~am~~ am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991.

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Submission relates to

Please add additional pages if required.

Specific part(s) of application submission relates to:

The whole Application

My submission is

include –

- (a) whether you support or oppose the application or specific parts of it;
- (b) whether you are neutral regarding the application or specific parts of it; or
- (c) the reasons for your views.

I oppose the application where it is To be built on Council Reserves

I seek the following decision:

Give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought.

~~I wish~~/do not wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at the hearing.
(*Delete if you would not consider presenting a joint case).

~~I request~~/do not request, pursuant to section 100A of the Act, that you delegate your functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

A copy of this submission must be sent to the applicant/ agent as soon as practicable.

Submission on Waihi Beach Coastal Protection Structure RC 14513

I oppose any society being permitted to have a structure of any kind built on WBOPDC Reserve Land for the purpose of the private property protection of its members.

This application is not to protect the Coastline, but to protect private property. While the member property owners who benefit may pay for the capital works who is going to pay for any remedial work over the life of the structure. Not the ratepayers surely.

This beach is for all residents and visitors to the area whether humans or wildlife. Eg Dotterels.

Covering the Buried Rock Riprap wall with sand and planting it may initially look nice there is no guarantee that the sand and plants will stay there. What happens if it is all washed away as per the sand dune built and planted in front of Shaw Road properties in 2013. I understand sand was brought in and \$65000 spent creating and planting the new dune. Within four days it had all washed away. I helped plant the very steep and unstable dune along with a very few ratepayers, only one of whom lived in the area of benefit.

Over 24 years I have seen esplanade reserves at Waihi Beach with all sorts of decaying structures made of steel, wood, wire (gabion baskets) and rocks and cloth. I do not want to see another one added.

No doubt sometime soon other beachfront building owners at Waihi Beach will look at their fragile Coastline and want to climb on board for a share of the nearby reserve for their own protection works at the expense of beach users generally.

I want us to let nature take its course and not keep trying to contain it with expensive and intrusive beach structures which can be dangerous. A serious tsunami could not be stopped by any of the existing or planned structures.

Hard structures on the beach front are not safe. I have seen swimmers gliding in to the shore on waves and directly ahead of them, with waves washing over them, is rogue rocks that have come adrift from walls. Should we wear helmets while swimming now?

I would be very happy for property owners to be permitted to build protection structures on their own land in compliance with the building code.

We all know, or ought to, that buying adjacent to coastlines or rivers etc can be risky and we need to recognise the cost of doing so.

If we keep giving reserve rights to all beach front property owners where will it all end as the effects of Climate Change keep eroding coastlines worldwide. We may end up with a series of adhoc beach structures adjacent to all residential and the occasional commercial property and an ugly harsh beach front.


Helen Meiklejohn

Signature of submitter or person authorised to sign this form:

*not required if submitting electronically

Date:

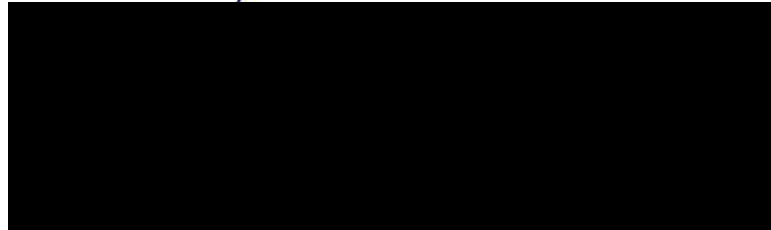
Electronic address for service of person giving written approval

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(section 352, Resource Management Act 1991)

H. E. Merklejohn
28 February 2025



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