

# MEETING — AGENDA —

*Ngā Take*

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# INDEPENDENT COMMISSIONER HEARING

*Komiti Whakariterite Kōrero*

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CH3  
**Friday, 21** June 2019  
Council Chambers Barkes  
Corner, Tauranga  
9.30am

# Notice of Meeting No CH3 Te Karere

## Independent Commissioner Hearing RC10347L: Application to Undertake Erosion Protection and Channel Realignment Works at Two-Mile Creek, Waihi Beach

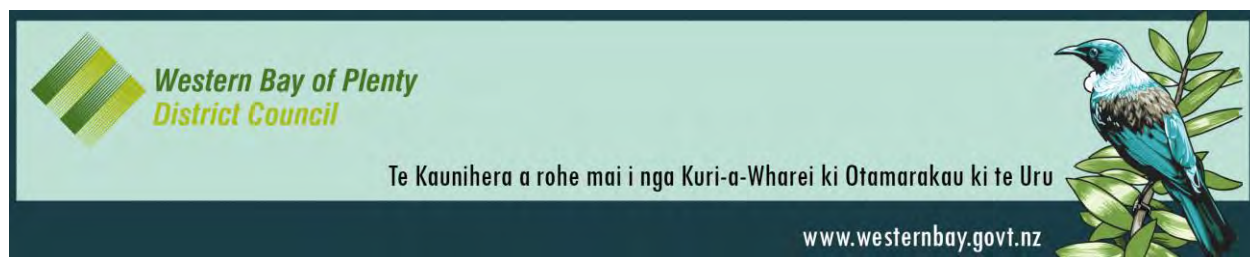
**Friday, 21** June 2019  
Council Chambers  
Barkes Corner 9.30am

Independent Commissioner: **Alan Withy**

The Hearings will commence on **Friday, 21** June 2019 to hear submissions to and consider RC10347L: Application to Undertake Erosion Protection and Channel Realignment Works at Two-Mile Creek, Waihi Beach

Media  
Staff

**Miriam Taris**  
Chief Executive Officer  
Western Bay of Plenty District Council



## Appointment of Commissioner

Western Bay of Plenty District Council appoints Mr Alan Withy as an Independent Commissioner to consider and determine Land Use Consent application RC10347L made by the Western Bay of Plenty District Council, to undertake erosion protection and channel realignment works within a section of Two Mile Creek that runs along the rear of properties located along Edinburgh Street and Wilson Road, pursuant to Section 88 of, and the Fourth Schedule to, the Resource Management Act 1991.

*Regulatory Hearings Committee Resolution RH16.1 dated 27 February 2019 refers.*

# Agenda for Meeting No. CH3

	Pages
Present In Attendance Apologies	
<b>CH3.1</b>	
RC10347L - Western Bay of Plenty District Council - Resource Consent to Undertake Erosion Protection and Channel Realignment Works - Two Mile Creek, Waihi Beach	<b>5-404</b>
Attached is a report from the Consultant Planner dated 23 May 2019.	5-31
Attachment A: Resource Consent Application from Western Bay of Plenty District Council.	32-69
Appendix A: Concept Drawings	70-80
Appendix B: Land Parcel Details and Certificates of Title	81-166
Appendix C: Hydraulic Assessment	167-183
Appendix D: Ecological Assessment	184-207
Appendix E: Consultation Documents	208-310
Appendix F: Application Forms	311-335
Attachment B: Section 92 Request for More Information	336-366
Attachment C: Submissions in Opposition	367-390
Attachment D: Site Map	391
Attachment E: Resource Consent from the Bay of Plenty Regional Council.	392-403
Attachment F: Relevant Objectives and Policies	404-408

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

## **Western Bay of Plenty District Council**

### **Independent Hearings Commissioner**

# **RC10347 – Western Bay of Plenty District Council – Resource Consent to Undertake Erosion Protection and Channel Realignment Works – Two Mile Creek, Waihi Beach**

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## **Executive Summary**

This report provides an assessment of the resource management issues associated with a land use application to undertake erosion protection and channel realignment works within a section of Two Mile Creek that runs along the rear of properties located along Edinburgh Street and Wilson Road. Whilst the proposal is described in more detail in Section 2 of this report, it includes work to modify the creek through the construction of a concrete 'U' shaped channel that will run for approximately 270 metres upstream from the Dillon Street Bridge.

The proposal overall is identified as a Non-Complying Activity.

The application was received by the Council on 22 December 2016, and has been processed on a limited notified basis. A total of eight submissions to the application were received. In regard to the submissions and the proposal, the key issues to be considered relate to the construction effects; natural hazards; ecological and recreational values; safety and fencing.

Having considered the proposal this report makes a recommendation to grant the resource consent, subject to conditions.

The proposal also required several consents from the Bay of Plenty Regional Council. Those consents were granted on 4 July 2018.

Date 18 June 2019 Open Session  
 Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

## Recommendation

- a) THAT the report by the Consultant Planner dated 18 June 2019 is received.**
- b) THAT pursuant to Sections 34A, 104, 104B, 104D, and 108 of the Resource Management Act 1991 the Western Bay of Plenty District Council grants consent to the application by Western Bay of Plenty District Council to undertake erosion protection and channel realignment works within Two Mile Creek on land located at 8 Hillview Road; Edinburgh Street; Dillon Street; 17, 19, 21, 23B, 25, 27, 29, 31A, 33, 35A, 37, 39, 41, 43, 45 Edinburgh Street; 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30A, 32, 34 Wilson Road, Waihi Beach legally described as Lot 1 & 2 DPS65226; Lot 1 DPS36047; Lot 2 DP347651; Lot 138 DPS1263, Lot 137 DPS1263, Lot 136 DPS1263, Lot 2 P344382, Lot 134 DPS1263, Lot 133DPS 1263, Lot DPS1263, Lot 2 DP348701, Lot 1 DP350435, Lot 1 DP350426, Lot 128 DPS1263, Lot 127 DPS1263, Lot 126 DPS1263, Lot 125 DPS1263, Lot 1 DPS14885; Lot 6 DP37326, Lot 5 DP37326, Lot 4 DP37326, Lot 3 DP37326, Lot 2 DP37326, Lot 1 DP37326, Lot 31 DP37325, Lot 30 DP37325, Lot 29 DP37325 & Lot 1 DPS64631, Lots 3 – 6 DPS59283 & Lot 2 DPS64631, Lot 1 DPS59283, Lot 26 DP37325, Lot 2 DP351287, Lot 24 DP37325, Lot 23 DP37325 subject to conditions of consent.**



.....  
 James Danby  
**Consultant Planner**

Checked and Approved for Release to  
 Independent Hearings committee  
 for Determination



.....  
 Christopher Watt  
**Environmental Consents Manager**



.....  
 Rachael Davie  
**Group Manager, Policy, Planning &  
 Regulatory Services**

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

## 1. Introduction

- 1.1 My name is James Danby. I am an independent planning consultant with 20 years' experience, the majority of which has been gained within Tauranga and the Western Bay sub-region. During my time as a planner I have been involved in both implementation and policy roles which have included processing complex subdivision and land use applications and management of plan changes under Schedule 1 of the RMA. I have also acted as an expert witness in the Environment Court.
- 1.2 I have a Bachelor of Arts (Honours) degree in Town Planning and a postgraduate Diploma in Town Planning both from the University of Newcastle-upon-Tyne, England. I am a Full Member of the New Zealand Planning Institute and Royal Town Planning Institute (UK).

## 2. Proposal

- 2.1 The application seeks consent to undertake erosion protection works within a section of Two Mile Creek, Waihi Beach that runs behind residential and commercial properties fronting Edinburgh Street and Wilson Road. A copy of the application as lodged is included as **Attachment A**.
- 2.2 The application was also subject to a request for additional information pursuant to section 92 request of the RMA. A copy of that request and the information provided in response to that request is included in **Attachment B**.
- 2.3 The erosion protection works propose to modify the existing creek channel by constructing a 7 metre wide pre-cast 'U' shaped concrete channel. The sides of the channel will be 3 – 4 metres high. Construction will require various cut and fill earthworks either side of the creek to accommodate the new concrete channel structure. The extent of these earthworks are shown as green and red dashed lines on the site plans provided with the application.
- 2.4 Since the application was lodged the proposal has been amended to reduce the total length of the upgrade work to the channel. The proposal is now focussed on a 270m (approx.) length of the creek located between 45 Edinburgh Street/ 34 Wilson Road and the Dillon Street bridge. The area is shown in Figure 1 below.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

**Figure 1 – Channel Upgrade Work Extent**



- 2.5 Due to the location of the site construction of the channel will take place within the creek bed. As a result temporary damming and diversion of the water within the creek will be required to provide a suitable work environment.
- 2.6 Section 3.3 of the application identifies 10 key stages for the construction process which are summarised as follows:
- Stage 1 – Establish site access to creek within Broadlands Block reserve
  - Stage 2 – Install a culvert and fill within the creek bed to enable machinery access along the creek.
  - Stage 3 – Establish erosion and sediment control measures.
  - Stage 4 – Establish coffer dams and pumps to create a semi dry work environment.
  - Stage 5 – Remove existing adhoc protection structures within the creek.
  - Stage 6 – Excavate foundation for the new channel.
  - Stage 7 – Extend stormwater outlets through sides of the concrete channel.
  - Stage 8 – Cut and fill of land either side of the channel crest to integrate the structure into the landform.
  - Stage 9 – Progressive construction of the channel sections in an upstream direction.
  - Stage 10 – Completion of works and removal of all construction material from the channel.



Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 2.7 The application identifies the construction process will likely take 70 weeks to complete.

### 3. Site and locality

- 3.1 The subject site (the site) includes a 270 metre length of Two Mile Creek which meanders in a west to east direction along the rear boundary of properties located between Edinburgh Street and Wilson Road. At this point Two Mile Creek marks the northern boundary of the Waihi Beach Town Centre Boundary and the transition point between the surrounding Commercial Zone, Commercial Transition Zone and the Medium Density Residential Zone. Due to the low-lying nature of the surrounding land the site is located within the Flood Hazard and Coastal Inundation overlays that affect the wider Waihi Beach area.

Figure 1 - Subject Site (in orange)



- 3.2 On the northern side of the Creek residential properties front Edinburgh Street with a predominant mix of single and two storey dwellings whilst to the south the properties fronting Wilson Road include a mix of predominantly commercial activities reflective of the underlying Commercial Zone
- 3.3 As Two Mile Creek flows along the rear boundaries of these properties the creek banks are defined by an ad-hoc mix of natural vegetation and man-made protection structures including retaining walls and rip-rap rock structures.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 3.4 To the east Two Mile Creek passes under the Dillon Street Bridge where the mouth of the creek opens up, forming a small delta, as it flows into the coastal environment. Upstream, to the west, Two Mile Creek runs through the Broadlands Block Reserve for approximately 500m where it cuts back under Wilson Road into pastoral land. It is noted that the section of Two Mile Creek running through Broadlands Block to the coast is identified by the Bay of Plenty Regional Council as a 'modified watercourse with ecological values'.
- 3.5 Despite the ecological value assigned to Two Mile Creek by the Regional Council it is not identified in the District Plan as having any specific ecological or cultural value and the creek incorporates the adjoining zoning.
- 3.6 Beyond the subject site to the north and south lies the established residential and commercial linear development that forms part of the wider Waihi Beach township. Whilst the coastal environment is located immediately east of the site, to the west the land includes a mix of clustered reserve, residential, commercial and rural land uses. The Council's GIS also identifies a number of registered archaeological sites surrounding the creek, however it is noted that none of these fall within the subject site and the area of proposed works

#### **4. Notification and Submissions**

- 4.1 The application was received by the Council on 22 December 2016 and the effects of the proposal were assessed in accordance with the statutory notification provisions at that time. The notification decision was made on 28 July 2017
- 4.2 Further to this assessment it was determined that the proposal should be subject to Limited Notification in accordance with Section 95B. Notification was limited to the properties identified in Figure 2 below with copies of the application also being served on Ngai Tauwhao, Ngai Te Rangī and the Hauraki Maori Trust Board.

**Figure 2 - Limited Notified Properties**



- 4.3 Notice was served on identified affected persons on 6 September 2017.
- 4.4 The period for making submissions on the application closed on 4 October 2017. A total of eight submissions were received.
- 4.5 Following the close of submissions the applicant requested the application be placed on hold to enable discussions to occur with affected land owners. That process has resulted in the delay to the hearing process.
- 4.6 The submissions are summarised in Table 1 below and a full copies are included as **Attachment C**

**Table 1 - Submission Summary**

Submitter	Position	Summary of Submission	To be Heard
T A Tinling & D J Kingsford-Tinling	Support	<ul style="list-style-type: none"> <li>• Construction and reinstatement works must not affect the safety and operation of the childcare centre.</li> <li>• Existing fence to be retained or replaced.</li> <li>• Trees within the fence line to be retained.</li> <li>• Vegetation / trees removed outside the fence line to be replaced.</li> <li>• Business to be able to continue operating during works.</li> </ul>	Yes

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

P R T Hikaka & K E Rigg	Support	<ul style="list-style-type: none"> <li>Clarify the effect of the works on submitters property and an existing retaining wall.</li> </ul>	Yes
G R & J C Dell	Oppose	<ul style="list-style-type: none"> <li>Loss of natural amenity through construction of a concrete channel.</li> <li>Fencing height and graffiti concerns.</li> <li>Pooling of water upstream and associated structural problems.</li> <li>Loss of recreational opportunities from existing stream.</li> <li>Damage to ecosystem values.</li> <li>Explore alternate solutions – four options identified.</li> </ul>	No
C Gillard & Largo Holdings	Oppose	<ul style="list-style-type: none"> <li>Further clarification required on components of the construction process including channel construction, earthworks extent and property access.</li> </ul>	Not Stated
R & S Hope	Support	<ul style="list-style-type: none"> <li>Ensure integration with upstream system. Include 34 Wilson Road &amp; 47 Edinburgh Street.</li> <li>Culvert to be fenced.</li> <li>Provision for access into and out of the culvert.</li> <li>Landscape planning in consultation with landowners</li> </ul>	Yes
Soho 13 Ltd	Support	<ul style="list-style-type: none"> <li>Appropriate Geotech matting to be used.</li> <li>Design to incorporate latest earthquake design requirements</li> </ul>	Yes
WB Investments Ltd	Support	<ul style="list-style-type: none"> <li>Design to incorporate latest earthquake design requirements</li> </ul>	Yes
D M Stuart (Fell Family Trust) <sup>1</sup>	Oppose	<ul style="list-style-type: none"> <li>Council has not engaged in a constructive or meaningful manner.</li> <li>Proposal will result in loss of Council owned land.</li> <li>Council staff / contractors will not be permitted to enter the property.</li> </ul>	No

<sup>1</sup> This submission was subsequently inherited by Andrew Morrison as the current owner of 20-22 Wilson Road.

Date 23 May 2019 Open Session  
 Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 4.7 A map showing the submitters property in relation to the site is included as **Attachment D**.

## 5. Planning Framework and Activity Status

### *District Plan Status*

- 5.1 The operative date of the Operative District Plan 2012 was 18 June 2012 and all appeals have been resolved. However, Council has notified several plan changes. Many of these plan changes have already been made operative. For those current plan changes which have not been made operative, any provisions which have not been appealed, or where any appeals have been resolved, or where no submission has been received in opposition, have been treated as if they were operative in accordance with Section 86F of the Resource Management Act 1991. Those current plans changes where a submission in opposition or appeal has been lodged, but not determined or resolved, have been considered but are found to have no relevance to this application.

### *Relevant District Plan Rules*

- 5.2 Due to the location of the creek it is affected by multiple zonings and overlays and a number of designations. These are described in Table 2 and identified in Figure 3 below:

**Table 2 – District Plan Overlays**

<b>Zones</b>	<b>Overlays</b>	<b>Designations</b>
Commercial	Coastal Inundation Area	D142 – Off Street Parking
Commercial Transition	Flood Hazard	D188 – Service Lane
Medium Density Residential		
Reserve		

Date 23 May 2019 Open Session  
 Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

**Figure 3 – District Plan Overlay Extent**



5.3 In terms of the District Plan the proposed concrete channel is defined as a building/structure in accordance with the *Section 3 – Definitions*. It is considered that the proposal does not meet the District Plan definition of *Infrastructure and Network Utilities* and is not an activity specifically provided for within *Section 10 – Infrastructure, Network Utilities & Designations*.

5.4 An assessment of the proposal against the relevant District Plan provisions is provided in Table 3 below on this basis.

**Table 3 - Relevant District Plan Rules**

Rule	Requirement	Activity Status
<b>Section 4 – General</b>		
Rule 4A.1.4	Any activity not listed in the activity lists in the District Plan shall require a resource consent as Non-Complying Activity.	<b>Non-Complying Activity</b>
Rule 4A.5(b)	Earthworks are not permitted where they are associated with a Non-Complying Activity.	<b>Non-Complying Activity</b>

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

<b>Section 8 – Natural Hazards</b>		
Rule 8.3.3(c)(i)	Buildings / structures not within an Approved Building Site – Natural Hazards within Floodable Areas and Coastal Inundation Areas area a restricted discretionary activity.	<b>Restricted Discretionary Activity</b>
Rule 8.3.3(c)(ii)	Earthworks over 5m <sup>3</sup> within Floodable Areas and Coastal Inundation Areas are a restricted discretionary activity.	<b>Restricted Discretionary Activity</b>
<b>Section 14 – Medium Density Residential</b>		
N/A	The proposed activity is not identified as a permitted, controlled, restricted discretionary or discretionary activity. Therefore Rule 4A.1.4 applies.	<b>Non-Complying Activity</b>
<b>Section 19 – Commercial</b>		
N/A	The proposed activity is not identified as a permitted, controlled, restricted discretionary or discretionary activity. Therefore Rule 4A.1.4 applies.	<b>Non-Complying Activity</b>
<b>Section 20 – Commercial Transition</b>		
N/A	The proposed activity is not identified as a permitted, controlled, restricted discretionary or discretionary activity. Therefore Rule 4A.1.4 applies.	<b>Non-Complying Activity</b>

- 5.5 Based on the assessments above the proposal is identified under the District Plan as a Non-Complying Activity.

***National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)***

- 5.6 Regulation 5(1) identifies that for the NESCS to apply a person must be undertaking an activity identified under regulation 5(2) - (6) on a 'piece of land'. A 'piece of land' is that which has, or has had, an activity or industry occurring on it that is described in the Hazardous Activities and Industries List (HAIL).
- 5.7 The applicant has undertaken a review of the Regional Council Hazardous Activities an Industries List (HAIL) register which confirms none of the properties are identified as HAIL sites. The applicant has also reviewed historic aerial photographs which show the land being used for residential and retail activities.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 5.8 The earliest aerial photograph of the site is from 1943<sup>2</sup> which shows the area as undeveloped dune land. The next aerial photograph from 1963 shows the area either side of creek had been subject to residential development. Subsequent aerial photographs from 1974 onwards show development either side of the creek gradually transitioning into the mix of residential and commercial activities that exist today.
- 5.9 Based on a review of historic aerial imagery and observations made during the site visit I consider that the activity is not occurring on land described under regulation 5(7) of the NESCS.

***Designations D142 and D188***

- 5.10 The proposal results in earthworks and the new channel being partially located within Designation D142 and D188. The District Plan identifies the requiring authority for both designations is the Western Bay of Plenty District Council with the purpose of both Designation D142 and D188 being listed as 'Service Lane'.
- 5.11 Section 176 of the RMA identifies that no person may, without the prior written consent, undertake work that could hinder the purpose of the designation. The applicant confirmed that these designations are managed by the Council's Property Department and provided written confirmation on behalf of that department that the proposed works will not adversely affect the designation<sup>3</sup>.
- 5.12 On that basis it is considered the requirements of section 176 have been satisfied.

***Consent Notices 6201695.2, 6404191.2, 6614512.4, 7319441.2 & 7648849.2***

- 5.13 These consent notices are identified on a number of titles of properties affected by the proposed activity. The applicant has provided copies of these consent notices which confirms they relate to future development of the respective sites for habitable buildings and garages needing to comply with geotechnical, stormwater connection and minimum floor level requirements.
- 5.14 Based on the wording of these consent notices it is my opinion that they do not have any implications for the proposed erosion protection works.

***Activity Status***

- 5.15 In accordance with the assessment above the proposal is required to be assessed as a **Non-Complying Activity**.

<sup>2</sup> [www.retolens.nz](http://www.retolens.nz)

<sup>3</sup> e-mail dated 4 July 2017 from WBOPDC Strategic Property Manager.



Date 23 May 2019 Open Session  
 Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

### ***Regional Council Consent***

- 5.16 The Bay of Plenty Regional Council (BOPRC) granted consent to the proposal (as a discretionary activity) on 4 July 2018. The regional council consents provide for:
- Structures in the bed of stream;
  - Damming and diversion of water;
  - Discharge of contaminants into water; and
  - Earthworks with a riparian management zone.
- 5.17 Copies of the regional council consents are included in **Attachment E**.

## **6. Statutory considerations**

### **Schedule 12 of the RMA – Transitional Provisions**

- 6.1 Schedule 12, section 8 of the RMA states:

- (1) *Subclause (3) applies to anything specified in subclause (2) that, immediately before the commencement of an amendment made by the amendment Act,—*
  - a) *had been lodged with or initiated by a local authority or a Minister; but*
  - b) *had not proceeded to the stage at which no further appeal was possible.*
- (2) *The things referred to in subclause (1) are—*
  - a) *an application for a resource consent (or anything treated by this Act as if it were an application for a resource consent);*
  - b) *any other matter in relation to a resource consent (or in relation to anything treated by this Act as if it were a resource consent);*
  - c) *an application for a water conservation order under section 201(1);*
  - d) *an application to revoke or amend a water conservation order under section 216(2);*
  - e) *an application or a proposal to vary or cancel an instrument creating an esplanade strip under section 234(1) or (3);*
  - f) *a matter of creating an esplanade strip by agreement under section 235(1).*
- (3) *The application or matter must be determined as if the amendment had not been made.*
- (4) *This clause is subject to clauses 6 and 7.*
- (5) *This clause does not apply to an amendment made by Part 2 of the amendment Act.*

Date 23 May 2019 Open Session  
 Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 6.2 In accordance with section 8(3) of Schedule 12 the assessment of the statutory matters below is based on the RMA at the time the application was lodged with the Council i.e. 22 December 2016.

### **Section 104 of the RMA – Consideration of Applications**

- 6.3 Section 104(1) of the RMA states:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
- a) any actual and potential effects on the environment of allowing the activity; and*
  - b) any relevant provisions of—*
    - i. a national environmental standard;*
    - ii. other regulations;*
    - iii. a national policy statement;*
    - iv. a New Zealand coastal policy statement;*
    - v. a regional policy statement or proposed regional policy statement;*
    - vi. a plan or proposed plan; and*
  - c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

- 6.4 The requirements of Sections 104(1)(a) - 104(1)(c) are considered within Sections 7 to 9 below.

- 6.5 Section 104(3) of the RMA states:

- (3) A consent authority must not,—*
- a) when considering an application, have regard to—*
    - i. trade competition or the effects of trade competition; or*
    - ii. any effect on a person who has given written approval to the application;*

- 6.6 Whilst there are no trade competition issues associated with this application I note that a number of 'written approvals' were provided with the application when it was lodged. However, these written approvals are general and do not provide any certainty as to the details of the activity being consented to.

- 6.7 In my opinion it is not appropriate to rely on these 'approvals' for the purpose of section 104(3)(a)(ii).

Date 23 May 2019 Open Session  
 Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

### **Section 104B of the RMA – Determination of Non-Complying Activities**

6.8 Section 104B of the RMA states:

- (1) *After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority:*
- a) *may grant or refuse the application; and*
  - b) *if it grants the application, may impose conditions under section 108.*

### **Section 104D of the RMA – Particular Restrictions for Non-Complying Activities**

6.9 As a Non-Complying Activity the application is subject to section 104D of the RMA – commonly referred to as the 'gateway test'. Section 104D requires an application to pass at least one of the two tests before it can be fully assessed under section 104 of the RMA, and determined under section 104B. If the application fails both 'tests' then it must be refused.

6.10 The section 104D 'tests' require that either the effects of the proposal on the environment must be minor (s.104D(1)(a)); or that the proposal is not contrary to the objectives and policies of a relevant plan or proposed plan (s.104D(1)(b)).

6.11 Section 104D of the RMA states:

- (1) *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either -*
- a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
  - b) *the application is for an activity that will not be contrary to the objectives and policies of—*
    - i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
    - ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
    - iii) *(both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*
- (2) *To avoid doubt, section 104(2) applies to the determination of an application for a non-complying activity.*

6.12 The requirements of Sections 104D(1)(a) to 104D(1)(b) are considered within Sections 7 and 8 below.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

## **7. Assessment of effects on the environment**

- 7.1 As a Non-Complying Activity the assessment of actual or potential effects from the proposal is not restricted. As identified above at least one of the 'gateway tests' must be passed in order for the application to be eligible for approval.
- 7.2 For the purpose of this assessment I have grouped the effects into those associated with the overall proposal; and those effects raised through the submissions.

### **Principal Effects of the Proposal**

#### Construction Effects

- 7.3 As previously identified in this report there are 10 key stages involved in the construction process. Whilst these stages are described as 'indicative' the application and plans confirm that the construction process will include the following key components:
- a) A construction staging area within the Broadlands Block Reserve adjacent 53 Edinburgh Street;
  - b) Heavy machinery access along Two Mile Creek between the staging area and Dillon Street Bridge;
  - c) Construction of the concrete channel and associated cut and fill earthworks on private land either side of the channel;
  - d) Excavation within the creek bed;
  - e) Associated works to divert and maintain water flow and fish passage through the creek during the construction process.
- 7.4 The application describes these stages as indicative on the basis that the construction details will be refined through the tender process once consent is approved. The applicant proposes to submit a detailed 'Works Management Plan' once consent has been granted.
- 7.5 As a result the application currently lacks specific detail around construction noise, construction times, earthworks re-contouring, structure removal, coffer dam location, the proposed extent of the staging area, anticipated channel entry point and machinery access within the waterway. In that sense the application seeks approval to a concept design.
- 7.6 However, based on the physical location of Two Mile Creek and the site plan, it is acknowledged that the proposed works will be occurring within a defined area – being the construction staging post and the specific section of Two Mile Creek.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 7.7 In terms of the construction period I note that this is currently restricted in accordance with condition (8.1) and (8.2) of regional council consent RM17-0006-BC.01.
- 7.8 Whilst condition (8.1) defines a shutdown period for construction work those activities still have the potential to generate adverse construction related effects on adjoining properties, principally through noise and earthworks.
- 7.9 In considering those effects I note that the District Plan<sup>4</sup> requires construction noise to comply with NZS6803:1999 Acoustics – Construction Noise and that the applicant considers construction noise can be appropriately managed through a condition. The District Plan also anticipates that construction noise, being a temporary activity, is likely to be acceptable where the New Zealand standard is complied with. None of the submissions received have raised specific concerns around construction noise.
- 7.10 On that basis I consider that construction noise can be appropriately managed through conditions of consent relating to construction times and ensuring compliance with NZS6803:1999 Acoustics – Construction Noise is achieved. In my opinion that will ensure a level of character and amenity that is consistent with the environmental outcomes anticipated by the District Plan.
- 7.11 In terms of the construction process and reinstatement works (e.g. finished levels, structure removal and replacement etc.) the application outlines those in broad terms. Whilst there may be a lack of specific detail on what those works mean for each affected property, in my opinion, that does not limit the ability to comprehend and assess the extent of potential effects. It is clear from the application that cut and fill earthworks will be required and the likely extent of that work has been identified. Those works will affect adjoining properties to varying degrees commensurate with the alignment of the channel.
- 7.12 The fact that Two Mile Creek falls within private property also requires the applicant to engage with individual landowners to secure access rights and to undertake physical work on those properties. Property owner consent is not guaranteed and will be subject to a process of negotiation. This process will provide the opportunity for individual property owners to ensure works are undertaken and completed to a standard that meets individual property owner requirements.
- 7.13 In my opinion it is important to recognise that process and the flexibility it requires. As such I consider it is more appropriate to ensure any conditions relating to the construction process and reinstatement reflect guiding principles rather than specific details relating to individual properties; which would likely interfere with the flexibility required to implement the negotiated property specific outcomes.

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<sup>4</sup> Rule 4C.1.3.1

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 7.14 In that context I consider any construction related effects on adjoining properties will be acceptable, subject to appropriate conditions.

Ecological Values

- 7.15 Under the Bay of Plenty Regional Council Water and Land Plan Two Mile Creek is identified as a 'modified watercourse with ecological values' and being a 'habitat and migratory pathway of indigenous fish species'<sup>5</sup>
- 7.16 However, Two Mile Creek is not identified under the operative District Plan as having any recognised ecological values (or a feature at all). As such Two Mile Creek incorporates the zoning of the adjoining land either side of the waterway (being the Commercial Zone, Commercial Transition Zone and Medium Residential Density Zone).
- 7.17 Given the lack of ecological value assigned to Two Mile Creek under the District Plan there is no benchmark available to assess potential adverse ecological effects at a district council level. However, as the activity required consent from the BOPRC an ecological assessment<sup>6</sup> was submitted which assesses the effects of the proposal on the ecological values of the waterway.
- 7.18 Although this application triggers a Non-Complying Activity status under the District Plan given the ecological values of Two Mile Creek are only specifically identified at a Regional Council level, in my opinion the potential effects of the proposal on any ecological values has been more appropriately assessed through the BOPRC application process.
- 7.19 Given BOPRC have granted consent to the proposal subject to a number of ecological related conditions, I consider any effects on ecological values within Two Mile Creek will be acceptable subject to compliance with those consent conditions.

Cultural Values

- 7.20 The proposal creates potential adverse cultural effects through construction, earthworks and placement of structures within the creek.
- 7.21 The application confirms that Ngai Tauwhao, Ngai Te Rangi, Ngati Hako and the Hauraki Maori Trust Board were engaged through pre-application consultation. This included an on-site hui with one of the Ngai Tauwhao representatives. Appendix E of the application includes correspondence between the applicant and the various hapu which confirms the extent and content of the discussions.

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<sup>5</sup> Schedule 1 – Aquatic Ecosystem Areas, Bay of Plenty Regional Water and Land Plan

<sup>6</sup> AEE – Appendix D

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 7.22 Based on the correspondence provided only Ngati Hako confirmed they did not have any concerns with the proposal. In terms of the other hapu consulted the correspondence provided does not confirm their position on the proposal, other than highlighting concerns raised around the design of the channel not providing an appropriate habitat for biodiversity.
- 7.23 The application was sent to relevant hapu as part of the Council's application referral process, however no further comments were received. Copies of the application were also served on these hapu as part of the limited notification process. Again, no submissions were received from those hapu.
- 7.24 I note that condition (4.3) of BOPRC consent RM17-0006-BC.01 requires the consent holder to contact relevant hapu for the purpose of cultural monitoring, prior to construction work starting. In my opinion a similar condition is appropriate for this proposal to ensure a consistent approach.
- 7.25 Given no specific cultural values have been identified through either the Council's referral process or through the submission process I consider that, subject to an appropriate condition, the proposal will not have any adverse cultural effects.

*Flood Hazard and Coastal Inundation*

- 7.26 In terms of the hazard risk from flooding and coastal inundation it is noted that the District Plan provisions are primarily concerned with managing displacement effects, overland flow paths and ensuring appropriate finished floor levels for buildings.
- 7.27 As a restricted discretionary activity the matters that would normally be considered are those identified under *Rule 8.5.1.3 – Floodable Areas and Coastal Inundation Areas*. Although this proposal is a non-complying activity the District Plan identifies these matters should be used as a guide.
- 7.28 Whilst the proposed activity represents a building within a floodable area the purpose of the proposal is to realign the creek and establish a concrete channel to manage ongoing erosion issues, in addition to improving flow rates during high rainfall events. As such providing an appropriate minimum finished floor level to avoid flooding effects is not relevant consideration in this instance.
- 7.29 In regard to the cut and fill earthworks either side of the channel the application identifies that, subject to land owner agreement, these will be graded to ensure overland flow paths are maintained and directed into the creek / channel and that any existing discharge points are retained.
- 7.30 In terms of ponding capacity the application includes a hydraulic assessment<sup>7</sup> of the proposed channel which confirms that whilst the channel will exhibit different

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<sup>7</sup> Appendix C, AEE.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

flow behaviours, it will provide overall enhanced conveyance performance. Whilst the assessment recognises that under extreme conditions the channel provides marginally less conveyance capacity than the existing creek this difference is offset by the flow efficiency of a concrete channel compared to the existing creek.

- 7.31 The application has been referred to the Council's Development Engineer and no flooding issues have been raised in response to the proposal or the altered flow characteristics.
- 7.32 Overall, based on the purpose and function of the channel structure, I consider the proposal will not have any significant adverse effects on the capacity or functioning of the flood prone areas identified in the District Plan. Similarly, the channel structure will not result in any significant adverse coastal inundation risk.

### **Submission Related Effects**

- 7.33 The submissions raise a number of specific points which, where not otherwise assessed above, are discussed in more detail below.

#### Fencing

- 7.34 The fencing issues raised through submissions relate to replacement, design and safety.
- 7.35 In terms of safety, Clause F4 of the Building Code identifies the requirements for safety from falling. My understanding is that Clause F4 requires a barrier to be provided where a person could fall more than 1 metre. Given the channel is a structure with a height of 3 – 4 metres the requirements of the Building Code will need to be met. In particular Clause F4.3.4.(g) requires barriers to *"restrict the passage of children under 6years of age when provided to guard a change of level in areas likely frequented by them"*. In my view that requirement will influence the safety and design of the barrier itself.
- 7.36 In regard to retention or replacement of fencing on properties that will need to occur in response to individual property owner negotiations and having regard to Clause F4 of the Building Code. In my view fencing design and location requires flexibility which is best addressed through that process rather than through conditions of consent.
- 7.37 However, the only exception to this is the childcare centre located at 43 Edinburgh Street where specific concerns have been raised in relation to the daily operation of the business. Whilst the site plan shows the channel will be located clear of the existing fence line it also shows cutting will occur behind it. Given the nature of the existing use on this site I consider it is appropriate that a condition be imposed to ensure appropriate fencing is maintained during and after the construction process.



Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

- 7.38 A condition is also proposed to ensure the Council cover the cost of any new or replacement fencing.

Vegetation Removal and Planting

- 7.39 The banks and riparian margins of the creek include both native and exotic vegetation that has established over time. Whilst the proposal will result in the removal of this vegetation none of it is recognised under the District Plan as having any specific ecological or amenity value.

- 7.40 Notwithstanding this the proposal provides the opportunity for riparian edge replanting following completing of works. However, the extent of those opportunities will ultimately be influenced by individual property owner consultation and negotiation.

- 7.41 In that context I consider it is more appropriate for any replanting to be agreed through those methods rather than specific conditions of consent.

Recreational Opportunities

- 7.42 Any recreational opportunities that currently exist are there by default as a result of the creek's changes over time. Whilst kayaking opportunities may currently exist along the creek in my view the practicality of kayak use becomes increasingly marginal with further upstream travel given the narrowing creek channel.

- 7.43 I note that the creek was originally created for drainage purposes and that is still its primary purpose. In addition, other more convenient recreational opportunities exist close to the site given the proximity the beach and the Broadlands Block Reserve. In this context and given the works are limited to a 270m approx. length channel I consider the proposal will not result in any significant loss of recreational opportunities.

Safety

- 7.44 Whilst the proposal will change the profile of the channel and create a formed length of approximately 270m the channel will continue to flow under the Dillon Street bridge and discharge across the beach at its eastern end. In terms of safety of people becoming trapped in the channel, in my view that issue already exists with the current creek channel and associated banks. In that context, and given the design concept I consider the proposal does not present any significant additional safety risk compared to the existing situation.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

### **Summary of Effects**

- 7.45 In summary, based on my assessment of the proposal and the matters raised by the submissions, it is my opinion that any actual or potential effects from the activity on the environment, in conjunction with the proposed conditions, will not be more than minor.
- 7.46 On that basis I consider that the effects gateway test under section 104D(1)(a) is passed.

## **8. Objectives and policies of the relevant plan and policy statements**

### **Regional Planning Documents**

- 8.1 The relevant provisions of the regional planning documents have more appropriately been assessed through the BOPRC consent process. Given BOPRC have granted consent to the proposal I have not identified any reason why this proposal would be considered inconsistent with these provisions.

### **Operative District Plan**

- 8.2 The objectives and policies most relevant to this proposal are included in **Attachment F** and are discussed in more detail below.
- 8.3 The relevant objectives and policies under the ODP relate to the transport network, landscape, subdivision and development and the Lifestyle Zone.

### *General Principles and Amenity*

- 8.4 *Objective 4A.1.3* identifies the overarching importance of avoiding and minimising the adverse effects of development on the environment and District Plan integrity where those activities are not specifically provided for. Supporting *Policy 4A.1.3* identifies how this will be achieved.
- 8.5 Whilst the activity is not specifically provided for in this instance in my view it would be unrealistic to not expect the need for modification work to occur within the creek over time. In my opinion the extent of the works are not significantly different to what could otherwise reasonably be expected to occur through other Council initiated drainage and erosion management projects. By requiring a resource consent as a non-complying activity that process ensures the nature and scale of effects and any District Plan integrity issues are able to be adequately assessed.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

8.6 In terms of amenity the District Plan provides specific focus on noise management. *Objective 4C.1.2.1* and supporting Policies *4C.1.2.1(1)*, *(2)* and *(3)* identifies that noise should not be unreasonable and be consistent with the anticipated character and amenity of adjoining zones. The policies give particular recognition to construction noise being temporary in nature and having regard to relevant New Zealand standards etc. through assessment of resource consent applications. In my opinion, being a construction project that will be required to comply with the NZS6803:1999 Acoustics – Construction Noise (through conditions of consent), the proposal will implement the policies and achieve the objective.

8.7 Overall, I consider that the proposal will not be contrary to the relevant objectives and policies in Section 4A – General and Section 4C – Amenity.

*Natural Environment*

8.8 *Objective 5.2.1* and supporting *Policy 5.2.2(12)* identify that the riparian areas should be enhanced or restored in appropriate locations. Whilst Two Mile Creek is not identified as having any ecological value in the District Plan it has riparian edges with a mix of native and exotic vegetation.

8.9 As previously discussed the ecological values associated with the site have been more appropriately assessed through the BOPRC application process and subsequent consent conditions. In particular I note that under section 13 and 14 consent RM17-0006-BC.01 a number of conditions have been imposed relating to on-site and off-site ecological mitigation.

8.10 Subject to compliance with these conditions I consider that the proposal will not be contrary to the objective and policy on this basis.

*Natural Hazards*

8.11 *Objective 8.2.1(1)* and supporting *Policies 8.2.2(3)* and *(5)* identify the need to ensure natural hazard risk is minimised and that where development occurs within identified areas of natural hazard risk potential adverse effects can be avoided or mitigated.

8.12 In this instance the purpose of the proposal is to manage erosion along the creek and improve water flow. As discussed in section 7 of this report the proposal will not result in any adverse off-site flooding effects or increase the risk of flooding or coastal inundation to adjoining properties. As such the proposal will be consistent with this objective and policies.

*Underlying Zones*

8.13 *Objective 14.2.1(5)* and supporting *Policy 14.2.2(6)* identify activities in the Medium Density Residential Zone should not generate adverse effects on the character and amenity within those zones. Based on the assessment of effects in

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

section 7 of this report I consider the proposal will be consistent with this objective and policy.

- 8.14 The objectives and policies for the Commercial Zone and Commercial Transition Zone identify that development should be consistent with the design elements of adopted town centre plans.
- 8.15 The Waihi Beach Town Centre Plan November 2008 makes specific reference to creating walkway opportunities along Two Mile Creek as part of a wider walkway network. The Town Centre Plan identifies the walkway as a priority item and provides a number of design concepts on that basis, however, it also recognises that delivery of the walkway is subject to Council funding.
- 8.16 Whilst the Town Centre Plan recognises that Two Mile Creek runs through a number of private properties it doesn't provide any comment on how private land is proposed to be secured for delivering the walkway. Notwithstanding this, the proposal does not remove opportunities for future walkway access as those opportunities area still able to be delivered around the proposed channel formation. In my opinion the proposal will be consistent with *Objectives 19.2.1(11)* and *20.2.1(3)* and supporting *Policies 19.2.2(2)* and *20.2.2(1)*.
- 8.17 In regard to *Objective 19.2.1(7)* and *Policy 19.2.2(8)* I consider that the proposal represents one that does not result in any reverse sensitivity effects on the adjoining Commercial Zone. As such the proposal will be consistent with these provisions.

### ***Summary***

- 8.18 Overall I consider the proposal will not be contrary to the objectives and policies of the relevant planning documents and therefore the activity also passes the gateway test under section 104(1)(b).

## **9. Other relevant matters**

- 9.1 The other matters I consider relevant to this proposal are identified and discussed below.

### ***Positive Effects***

- 9.2 The proposal represents an opportunity to address and manage existing erosion and flow issues within the creek which will ultimately benefit those properties adjoining the creek.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

### ***Precedent***

- 9.3 Whilst a precedent effect is not an effect on the environment it is a relevant matter for the consideration of a non-complying activity. In relation to this proposal precedent is linked to the integrity of the ODP and its consistent administration.
- 9.4 Assessing precedent effects is framed by the consideration of whether approving the proposed activity would lead to similar applications being lodged, which if approved over time, would result in adverse environmental effects (i.e. a gradual build up of consequence).
- 9.5 In my opinion the issue of precedent is not relevant to this proposal on the following basis:
- The proposal represents an activity that is overall consistent with the anticipated environment and the provisions of the ODP. In that sense it is not unusual or unique.
  - The ODP provides a clear consenting framework to assess any similar future proposals. This enables cumulative effects to be considered on a case by case basis
- 9.6 In this context I consider that there is no issue of precedent through the approval of this application.

## **10. Part II of the Resource Management Act 1991**

- 10.1 Part II of the RMA sets out the Purpose and Principles of the Act. The matters considered relevant to this proposal are identified as follows:

### **Section 5 – Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while -*
- a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

## **Section 6 – Matters of National Importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

(a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

...

(f) *the management of significant risks from natural hazards*

## **Section 7 – Other matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

...

(b) *the efficient use and development of natural and physical resources:*

...

(c) *the maintenance and enhancement of amenity values:*

(d) *intrinsic values of ecosystems:*

...

(f) *maintenance and enhancement of the quality of the environment*

- 10.2 In my view there are no matters under Section 8 – Treaty of Waitangi relevant to this proposal.
- 10.3 In regard to Section 6 the proposal will continue to ensure the natural character values of the creek are protected from inappropriate development and that any natural hazard risk is appropriately managed.
- 10.4 In terms of Section 7 I consider that the proposal will continue to provide for the efficient use and development of land in a way that maintains and enhances amenity values and avoids adverse effects on established ecosystems.
- 10.5 Through recognising, providing and having regard to the matters above I consider the proposal represents sustainable use and development of the creek in a way that ensures adverse effects on other people, the wider community and the environment are avoided. As such the proposal will overall be consistent with Section 5.

Date 23 May 2019

Open Session

Subject RC10347 – Two Mile Creek, Waihi Beach - Resource Consent to undertake Erosion Protection and Channel Realignment Work

## 11. Conclusion

- 11.1 The proposal is identified as a non-complying activity in accordance with the ODP. Having assessed the proposal, it is my opinion that any actual or potential effects of the activity will not be more than minor and that it will not be contrary to the objectives and policies of the relevant planning documents – particularly the ODP. As such I consider that the proposal passes both the gateway tests under section 104D of the RMA and is able to be assessed fully under section 104 of the RMA.
- 11.2 Having undertaken that assessment I consider that the proposal will achieve the overall purpose of the RMA and it is my recommendation that the proposal should be granted pursuant to section 104B, subject to the conditions included in **Attachment G**.



Western Bay of Plenty District Council  
Private Bag 12803  
Tauranga 3143

Attention: Chris Watt



Dear Chris

**Resource Consent for Erosion Protection Structure - Two Mile Creek, Waihi Beach**

Please find enclosed one bound and one electronic copy of a land use consent application for the construction and use of an erosion protection structure at the above site.

We understand that payment of the deposit fee for processing the application can be dealt with through Councils' internal processes. Please contact Kelvin Hill if further details are required regarding payment.

Should you require any further information regarding the application please feel free to contact the undersigned on 07 571 7381

Yours sincerely

Reuben Hansen  
Project Manager

22-Dec-16  
p:\851969\851969.3020\issueddocuments\ae\161222.rch.cover letter wbodpc.docx



**Paul Atkinson**

---

**From:** Su Young Ko  
**Sent:** Wednesday, 21 December 2016 10:30 AM  
**To:** CSO - Front Counter; Consents Administration  
**Cc:** Kelvin Hill  
**Subject:** RC lodgement

Hi guys,

Tonkin + Taylor, on behalf of Council, will be lodging resource consent today for our Two Mile Creek Erosion Protection Works project.

Can you charge associated fees against Utilities in care of Kelvin Hill please?

Cheers,

**Su Young Ko**

Infrastructure Engineer Drainage  
Kaipukaha Waikeri

**P** 07 571 8008 • **DD** 07 579 6778  
Barkes Corner, Greerton, Tauranga  
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143  
**E** [SuYoung.Ko@westernbay.govt.nz](mailto:SuYoung.Ko@westernbay.govt.nz)  
**www.westernbay.govt.nz**



Western Bay of Plenty



Te Kaunihera a rohe māi i nga Kuri-a-Whare ki Otamarakau ki te Uru

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**Two Mile Creek Erosion  
Protection Works**

**Resource Consent Applications and  
Assessment of Environmental Effects**

**Prepared for**

Western Bay of Plenty District Council

**Prepared by**

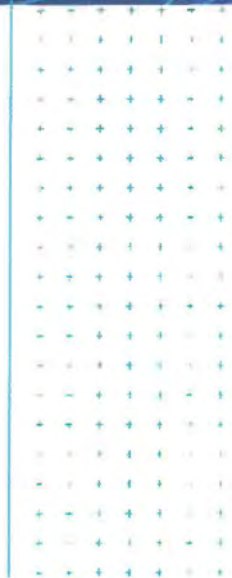
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## Table of contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
1.1	Background and overview of proposal	1
1.2	Applicant and property details	1
1.3	Overview of resource consent requirements	2
1.3.1	Western Bay of Plenty District Plan	2
1.3.2	Bay of Plenty Regional Water and Land Plan	2
<b>2</b>	<b>Environmental setting</b>	<b>3</b>
2.1	Site location	3
2.2	Site description	3
<b>3</b>	<b>Description of proposal</b>	<b>6</b>
3.1	Concept development	6
3.2	Concept details	6
3.3	Proposed works	7
3.4	Timeframes	8
3.4.1	Physical works	8
3.4.2	Consent duration	8
<b>4</b>	<b>Resource consent requirements</b>	<b>9</b>
4.1	Water and Land Plan	9
4.1.1	Activities requiring consent	9
4.2	District Plan	10
4.2.1	Zonings, overlays and designations	10
4.2.2	Definitions	10
4.2.3	Activities requiring consent	10
4.3	Existing Resource Consents	11
<b>5</b>	<b>Assessment of effects on the environment</b>	<b>12</b>
5.1	Introduction	12
5.2	Hydraulic effects	12
5.3	Aquatic ecology effects	12
5.4	Cultural and archaeological effects	13
5.5	Amenity effects	14
5.6	Public access and safety effects	15
5.7	Positive effects	15
5.8	Mitigation and monitoring	15
<b>6</b>	<b>Statutory assessment</b>	<b>16</b>
6.1	RMA assessment	16
6.1.1	Section 104D RMA	16
6.1.2	Section 104 RMA	16
6.1.3	Part 2 of the RMA	16
6.2	NES soil assessment	18
6.3	Bay of Plenty Regional Policy Statement	18
6.4	Bay of Plenty Regional Water and Land Plan assessment	20
6.5	Western Bay of Plenty District Plan assessment	23
6.6	Other matters	24
6.6.1	Iwi management plans	24
6.7	Notification	25
6.7.1	Public notification	25
6.7.2	Limited notification	25
6.7.3	Section 95 conclusions	26

<b>7</b>	<b>Proposed conditions of consent</b>	<b>27</b>
<b>8</b>	<b>Conclusion</b>	<b>30</b>
<b>9</b>	<b>Applicability</b>	<b>31</b>
<b>Appendix A:</b>	<b>Concept drawings</b>	
<b>Appendix B:</b>	<b>Land parcel details and Certificates of Title</b>	
<b>Appendix C:</b>	<b>Hydraulic assessment</b>	
<b>Appendix D:</b>	<b>Ecological assessment</b>	
<b>Appendix E:</b>	<b>Consultation documents</b>	
<b>Appendix F :</b>	<b>Application forms</b>	

## Schedule 4 requirements

Schedule 4 of the RMA sets out the information required in an application for a resource consent. All relevant matters required to be included have been addressed in the assessments and descriptions in this AEE. The following table provides a summary of the information required in Schedule 4 and a quick reference to its location in this report.

Schedule 4 Item	Location within report
A description of the activity	Section 3
A description of the site at which the activity is to occur	Section 2
The full name and address of each owner or occupier of the site	Appendix B
A description of any other activities that are part of the proposal to which the application relates	Section 3
A description of any other resource consents required for the proposal to which the application relates	Section 4
An assessment of the activity against the matters set out in Part 2	Section 6.1.3
An assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b). This must include: <ul style="list-style-type: none"> <li>Any relevant objectives, policies, or rules in a document</li> <li>Any relevant requirements, conditions, or permissions in any rules in a document</li> </ul>	Section 6
An assessment of the activity's effects on the environment that includes the following information: If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity. <ul style="list-style-type: none"> <li>An assessment of the actual or potential effect on the environment of the activity.</li> <li>If the activity includes the discharge of any contaminant, a description of— <ul style="list-style-type: none"> <li>The nature of the discharge and the sensitivity of the receiving environment to adverse effects; and</li> </ul> </li> <li>Any possible alternative methods of discharge, including discharge into any other receiving environment. <ul style="list-style-type: none"> <li>A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect.</li> </ul> </li> <li>Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted.</li> <li>If the scale and significance of the activity's effects are such that monitoring is required, a description of how and by whom the effects will be monitored if the activity is approved.</li> <li>If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group).</li> </ul>	Section 5

Schedule 4 Item	Location within report
<ul style="list-style-type: none"> <li>• An assessment of the activity's effects on the environment that addresses the following matters:</li> </ul> <p>Any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects.</p> <ul style="list-style-type: none"> <li>• Any physical effect on the locality, including any landscape and visual effects.</li> <li>• Any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity.</li> <li>• Any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations.</li> <li>• Any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants.</li> </ul>	<p>Section 5</p>

## 1 Introduction

### 1.1 Background and overview of proposal

The section of Two Mile Creek ("creek") located at Waihi Beach subject to this application is described in detail within Sections 2.1 and 2.2 of this application report ("report") and will be referred to as "the site" hereafter. The creek is located on private property and the banks of the creek are eroding. Erosion of the creek banks has and continues to threaten residences, underground infrastructure and other structures on private land, as well as resulting in the loss of residential and commercial land on either side of the creek.

Western Bay of Plenty District Council ("WBOPDC") have, in collaboration with private land owners whose properties the creek traverses, developed a concept for a concrete channel erosion protection structure to be constructed within the creek.

WBOPDC hold land use consents<sup>1</sup> and coastal permits<sup>2</sup> to dredge the bed of the delta of the creek and construct and maintain erosion protection structures along the creek banks downstream of the Dillon Street Bridge.

Notwithstanding that the creek and therefore the proposed erosion protection structure, is located on private property, WBOPDC intends to hold and implement the necessary Resource Consents. This will ensure a single party is responsible for the structure's on-going maintenance.

WBOPDC has therefore decided to prepare a Resource Consent application for the proposed erosion protection structure and this forms the basis for this report. Consequently, this report describes the proposal in detail, seeks the necessary Resource Consents, includes an assessment of environmental effects, and has been prepared in fulfilment of s 88 of the Resource Management Act 1991 ("RMA").

### 1.2 Applicant and property details

Table 1.1: Applicant and property details

<b>Applicant</b>	Western Bay of Plenty District Council
<b>Owner of application site</b>	Various; see Table and Certificates of Title annexed to this report as Appendix B
<b>Map reference (NZTM coordinates)</b>	Downstream extent of structure: 1860621 E, 5855383 N Upstream extent of structure: 1860233 E, 5855578 N
<b>Legal description</b>	Various; see Table and Certificates of Title annexed to this report as Appendix B
<b>Certificate of Title reference</b>	Various; see Table Certificates of Title annexed to this report as Appendix B
<b>District Council / Plans</b>	Western Bay of Plenty District Plan
<b>Regional Council / Plans</b>	Bay of Plenty Regional Water and Land Plan
<b>Address for service during consent processing</b>	Reuben Hansen Tonkin & Taylor Ltd PO Box 317

<sup>1</sup> WBOPDC reference RC 4676L

<sup>2</sup> BOPRC references RC 65697 and RC 67641.



	Tauranga 3140 07 571 7381 RHansen@tonkintaylor.co.nz
<b>Address for service during consent implementation and invoicing</b>	Kelvin Hill Western Bay of Plenty District Council Private Bag 12803 Tauranga 3143 07 571 8008 Kelvin.Hill@westembay.govt.nz

We attach copies of the application forms in Appendix F and a copy of the relevant Certificates of Title in Appendix B.

### 1.3 Overview of resource consent requirements

#### 1.3.1 Western Bay of Plenty District Plan

Resource Consent is sought from WBOPDC under the following provisions of the District Plan:

- Rule 8.3.3(c) to undertake earthworks and establish structures within a floodable area (restricted discretionary activity).
- Rule 4A.1.4 for the establishment and use of the structure within the Commercial Transitional, Commercial, Medium Density Residential and Residential zones (non-complying activity).
- Rule 4A.5(b) earthworks in areas outside of the floodable area.

Overall consent is sought as a non-complying activity.

#### 1.3.2 Bay of Plenty Regional Water and Land Plan

Resource Consent is sought from the Bay of Plenty Regional Council ("BOPRC") under the following provisions of the Water and Land Plan:

- Rule 37 for the temporary discharge of sediment laden stormwater to the creek during the construction period (discretionary activity).
- Rule 1C to undertake earthworks in the Riparian Management zone (discretionary activity).
- Rule 71 for placement and use of an erosion protection structure along the banks and within the bed of the creek (discretionary activity).
- Rule 48 to temporarily dam and/or divert the creek, as part of temporary works to construct the erosion protection structure (discretionary activity).

Overall consent is sought from the BOPRC as a discretionary activity.

Mean High Water Springs ("MHWS"<sup>3</sup>) is located approximately at the downstream extent of the Dillon Street Bridge ("bridge") and so no coastal or discharge permits are required under either the Operative or Proposed Regional Coastal Environment Plans.

<sup>3</sup> RL 0.9 m Moturiki Datum.

## 2 Environmental setting

### 2.1 Site location

The site is located approximately 2 km south of the northern extent of Waihi Beach. The segment of the creek that comprises the site is located between the “Broadlands Block” and the bridge. The foreshore is located approximately 160 m downstream of the bridge. The Waihi Beach Town Centre is located immediately adjacent to the site, with the rear yard of the commercial building sites located on the true right bank of the creek. Refer to Figure 2.1: *Location plan* below and also the Concept Drawings annexed to this report as Appendix A.



Figure 2.1: *Location plan*

(Copyright Mapi – BOPLASS Web Map Viewer 2016)

The Table contained in Appendix B of this report provides a list of landowners, appellations and title references for the individual land parcels which collectively form the site and are the subject of these Resource Consent applications.

### 2.2 Site description

The creek was cut through the backdune landform sometime between 1923<sup>4</sup> and 1960<sup>5</sup> to facilitate the drainage and development of the backshore area for residential housing. Prior to being re-routed, the creek ran along parallel to shoreline as a dune swale and discharged to the Waiau River estuary.

The creek is assigned a “land drainage canal” status under the Bay of Plenty Regional Water and Land Plan. The creek collects and conveys stormwater sourced from the adjacent urban area, as well as the up-catchment rural hinterland, into the Coastal Marine Area.

<sup>4</sup> A 1923 Survey Plan prepared by Addins shows the site as comprising “old grassed dunes”.

<sup>5</sup> A 1960 aerial photo shows the creek in its current location.

The bed profile of the creek within the site is shown with the hydraulic assessment annexed to this report as Appendix C. The creek mouth morphology has a significant influence on the hydraulic performance of the creek at the site. Typically, sediments accrete in the creek delta due to coastal processes or the gradual transport of bed sediments downstream. When sufficient sediments accrete in the creek delta, the creek mouth closes and the low flow water level in the creek increases.

The sediment wedge within the delta that causes the creek mouth to close can be removed by natural processes, such as heavy rainfall events in the upper catchment of the creek and significant coastal storms. However, at times it becomes necessary for WBOPDC to manually remove the sediment wedge from the creek delta. Resource Consent 65697 authorises WBOPDC to undertake sediment clearance from the creek delta up to 25 times per annum. Sediments removed from the delta are placed on the foreshore away from the creek mouth.

The cross sections annexed to this report as Appendix A and the cross sections contained within the hydraulic assessment annexed to this report as Appendix C, demonstrate the stream bed and bank profile, as well as the land above the creek bank at each land parcel. Generally, the creek bank crest is elevated between 1.6 m and 3 m above the bed level of the creek.

The true left bank of the creek at the site is fronted by residential development and the true right bank contains a mix of commercial and residential development.

Existing erosion protection structures, in the form of timber walls and tipped rock are located along various segments of the site; see Figure 2.2. These structures have been installed in a disconnected manner. The ad hoc nature of the existing structures results in variations in the extent of their protrusion into the creek channel and their elevation above the creek bed. There are various vegetative species located along the creek banks within the site; see Figure 2.2.

The ecological assessment, annexed to this report as Appendix D, provides a detailed description of the fauna, flora and habitat values of the site.

Registered archaeological site U13/1294, recorded by the New Zealand Archaeological Association as a pit and midden, is located 10-15 m from the creek bank (at base of slope) on the land parcels at 38 and 40 Wilson Road.



*Figure 2.2: Ad hoc erosion protection structures, vegetation and dwellings located along the lower, mid and upper reaches of the creek banks at the site.*

### 3 Description of proposal

#### 3.1 Concept development

WBOPDC is promoting this application on behalf of the collective group of owners of land parcels ("owners") that are subject to this application. WBOPDC will be the consent holder and therefore responsible for construction and maintenance of the structures on an on-going basis.

WBOPDC has held a number of workshops and one on one meetings with the owners over the last three years. Through extensive dialogue between the parties it has been agreed that the proposed structure is required for erosion protection purposes. The structure is not required to act as a retaining structure for the land and development located above the creek bank crest, nor is the structure required to improve the hydraulic conveyance capacity of the creek.

A range of options for the geometry of the concept channel and materials for construction have been canvassed over the last three years. The options included: timber and sheet pile walls with ground anchors; rock revetment; gabion and reno mattress; and mechanically stabilised earth wall (living wall). The owners have made it very clear to WBOPDC that the "do nothing" option is not an appropriate option.

The 7 m width of the structure has been determined based on the owners' requirement to minimise the loss of land associated with the construction and long term use of the structure. The concrete channel concept was also the only one acceptable option to landowners due to the vertical sides resulting in the least encroachment into property and disturbance to land from construction. The landowners also considered the concrete channel provided them with opportunities to create useable, flat land right up to the vertical side of the concrete channel. Consequently, the 7 m channel width shown on the Concept Drawings has not been determined by selecting a particular level of service for flood conveyance. A hydraulic assessment of the 7 m wide channel has been undertaken and is annexed to this report as Appendix C.

To address the current issue with the structure being located on multiple private land parcels and therefore unable to be accessed and maintained by WBOPDC, the land the proposed structure is sited on will be vested in WBOPDC following the completion of construction.

#### 3.2 Concept details

The concept is for an approximately 430 m length of "u" shaped concrete channel to be cast in situ within the creek, or pre-cast segments lifted sequentially into the creek. A small tributary discharges into the creek at almost a perpendicular angle to the alignment of the creek at the upstream extent of the proposed concrete channel. To ensure potential erosion of the right bank of the tributary does not outflank the concrete channel, it is proposed to construct a short "return", comprised of a rock revetment or similar structure (refer Drawing 851969.302-20).

The base of the channel, which will sit on the creek bed, is required to provide a foundation to the vertical sides and prevent the sides from rotational failure. The crest height of the structure will generally be high enough to prevent bank erosion (but no more than 4 m high) and the finished ground behind the structure could be sloped, particularly where the existing creek channel is wider than 7 m and adjacent owners are gaining land. The final elevation and design of the crest of the structure will be confirmed through a future detailed design phase following the granting of Resource Consent. The detailed design phase will involve WBOPDC and owners agreeing on the requirements for earthworks to integrate the structure into the landform, maintain stormwater drainage (both for piped outfalls and for secondary flow paths) and the provision of a handrail/fence. The detailed design drawings will be submitted to the BOPRC and WBOPDC (as the consent authority) for approval prior to construction works commencing on site.

To recognise and provide for the ecological value of the creek WBOPDC has developed a package of concepts for mitigating effects, namely the incorporation of fish passage measures into the channel itself, as well as upstream compensatory riparian and/or wetland enhancement. The proposed mitigation is set out in detail in the ecological assessment annexed to this report as Appendix D.

### 3.3 Proposed works

Due to topographic constraints and the presence of buildings and infrastructure immediately adjacent to the creek bank, access along the creek bank to construct the proposed structure is not feasible. Consequently, the construction of the proposed structure will need to occur from within the creek bed. This will necessitate temporary works to dam, divert and/or pump the base flow of creek, form a bench for machinery to work on and haul materials into the site.

A detailed Works Management Plan ("WMP") will be prepared and submitted for the approval of the BOPRC once the detailed design phase is completed and a contractor has been appointed. An indicative works methodology is set out below:

- Stage 1: Establish access to the creek bed at the Broadlands Block end of the works site.
- Stage 2: Install a culvert within the bed of the creek for the entire length of the works site. Place fill material over the culvert so machinery can access up and down the creek bed. This pipe will convey the base flow in the creek for the duration of the works.
- Stage 3: Set up peripheral erosion protection and sediment controls around the downstream section of the creek bed to have the concrete channel constructed within it.
- Stage 4: Construct temporary works to isolate a section of the creek to provide for a semi dry creek bed to work in. A downstream coffer dam will be required to prevent tidal seawater flowing into the works area and an upstream coffer dam may be required to keep the creek bed semi dry and create a sump for pumps to collect and transfer the base flow from upstream around the works site. The pump intake will be fixed in the top of water column to minimise the potential for entrained sediments to be pumped downstream. The bed of the creek within the isolated section is not likely to be totally dry due to groundwater seepage. Any seepage within the isolated section of the creek bed may also require pumping to the same discharge point as the temporarily diverted base flow of the creek.
- Stage 5: Remove the existing adhoc erosion protection structures located within the creek bed.
- Stage 6: Excavate a foundation for the new channel. This will require trimming of the existing creek bed and banks to create the appropriate profile in which to either cast in situ concrete or lift individual precast concrete sections into place. A basecourse or similar foundation will be laid and compacted in the new creek bed prior to the concrete channel sections being laid. This foundation material could be comprised of some of the material that was laid for machinery access under Stage 2 above.
- Stage 7: Extend existing stormwater outlets through the sides of the concrete channel, construct baffles or similar required for fish passage within the concrete channel invert, seal joints between channel sections.
- Stage 8: Cut or fill land above the concrete channel crest as required to integrate the top of the structure into the landform and maintain stormwater overland flows into the creek.
- Stage 9: Progressively construct sections of channel in a downstream to upstream direction. This will involve deconstructing the next section of upstream culvert, potentially relocating coffer dams, relocating peripheral erosion protection and sediment controls, reinstating diversions pumps and discharge pipes, and allow creek base flow into the completed section of concrete channel.

- Stage 10: At the completion of the construction works all debris, materials, equipment will be removed and any disturbed areas will be reinstated and stabilised. At the completion of the construction the temporary culvert used to convey the base flow of the creek will be completely removed.

### **3.4 Timeframes**

#### **3.4.1 Physical works**

WBOPDC want to begin construction of the concrete channel as soon as the Resource Consent is granted, the detailed design process is complete and a suitable contractor and works methodology is confirmed. Consequently, it is estimated that the construction will commence sometime in the second quarter of 2017.

It is estimated that it will take approximately 70 weeks to complete, depending on weather and ground conditions, the complexity of temporary works, as well as production rates for the concrete channel segments. It is possible that the works could be undertaken over more than one construction season.

#### **3.4.2 Consent duration**

WBOPDC request a 35 year consent term for the structure. Periodic maintenance of the structure over the course of its lifespan may be required. For this reason the applicant seeks that the Resource Consents make provision for maintenance to be undertaken on an as required basis.

## 4 Resource consent requirements

The requirements for Resource Consents are determined by the rules in the Operative Water and Land Plan ("Water and Land Plan") and the Operative Western Bay of Plenty District Plan ("District Plan"). The rules which apply are determined by the zoning of the site, any identified limitations in the plan and the nature of the activities proposed. An assessment of the proposal against these documents is provided below and overleaf

### 4.1 Water and Land Plan

The site is shown on Map T/U13 –Paeroa Waihi Beach. The section of the creek subject to this application is notated as a "modified watercourse with ecological value".

The creek is listed as a "habitat and migratory pathway of indigenous fish species" within Schedule 1A of the Plan. The species that are listed as being present within the creek include: Banded Kokopu; Redfinned Bully; Common Bully; Inanga; Common Smelt; Longfinned Eel; and Shortfinned Eel.

The works footprint is located within the "Riparian Management Zone" ("RMZ") as defined within the *Definitions* section of the Plan. The creek is also defined as a "land drainage canal" by way of Table 45 of Rule 70B.

#### 4.1.1 Activities requiring consent

Proposed activity	Rule	Comment	Activity status
Earthworks within the RMZ to trim the creek bank for installation of the structure and integrate the crest of the structure into the existing landform	1C	The volume and area of the proposed earthworks to be undertaken within the RMZ will exceed the thresholds for both permitted and restricted discretionary activities.	Discretionary activity
Temporary discharge of sediment laden stormwater from the earthworks footprint into the creek	37	Permitted activity performance standards (b) to (k) set down under Rule 30 are likely to be able to be complied with. However, by the very nature of works being undertaken along the creek bank, the suspended solids concentration of the discharge is likely to exceed 150g/m <sup>3</sup> .	Discretionary activity
Temporary damming of the base flow of the creek	48	During construction the base flow in the creek will need to be temporarily dammed and diverted to isolate the segment of the creek to provide for a semi dry creek bed to work in. The flow may be diverted by way of the use of pumps, diversion channels or temporary culverts. The dam could comprise an embankment formed of aggregate or some temporary engineered structure such as geosynthetic sand containers. The bed of the creek within the isolated segment would not be totally dry due to the likelihood that groundwater upwells from the invert. Any groundwater trapped within in the isolated segment of creek bed may also require pumping to same discharge point as the temporary diverted base flow of the creek.	Discretionary activity
Placement and use of an erosion	71	Due to fact the proposed structures are not replacing or upgrading existing lawfully established structures, are located	Discretionary activity



protection structure within the creek bed (including excavation of the creek bed and banks to facilitate the construction of the concrete channel and rock revetment) and placement and use of a potential temporary culvert within the creek bed as part of temporary works.		in a Schedule 1 stream, in the case of temporary culvert not able to comply the relevant hydraulic performance standards, and are located within an urban area, they are a discretionary activity.	
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Overall, consent is sought from BOPRC as a discretionary activity.

## 4.2 District Plan

### 4.2.1 Zonings, overlays and designations

The site is identified on District Planning Map U04. The Planning Map shows the following features:

- Most of the southern side of the creek is zoned Commercial with 40-44 Wilson Road zoned Medium Density Residential and 46-50 Wilson Road zoned Residential. All of the land parcels zoned Commercial are within the extents of the Town Centre Boundary.
- The majority of the northern side of the creek is zoned Commercial Transition with 47-53 Edinburgh Street zoned Medium Density Residential
- Reserve overlays affect the unformed public road to the north of 50 Wilson Road (at the upstream extent of the site) and the esplanade reserve that runs from the eastern boundary of 47 Edinburgh Street to 50 Wilson Road.
- Designations 142 and 188 are in place over several land parcels located on the southern side of the creek. The Requiring Authority is WBOPDC and the designation purpose is for a service lane.
- The majority of the site is affected by the Flood Hazard overlay.

### 4.2.2 Definitions

It is considered that the works to install the proposed erosion protection structures will be consistent with the definition of "earthworks" provided within Section 3 of the Plan. Further, it is considered that the erosion protection structures meet the definition of a "building/structure".

### 4.2.3 Activities requiring consent

Proposed activity	Rule	Comment	Activity status
Earthworks and establishment and use of the structures within a Flood Hazard Zone.	Rule 8.3.3(c)	The erosion protection structures are not located within an approved building site and the earthworks will exceed the 5 m <sup>3</sup> threshold.	Restricted discretionary activity
Establishment and use of the	Rule 4A.1.4	The erosion protection structures and earthworks are not provided for as a permitted,	Non-complying activity

structures within the Commercial Transitional, Commercial, Residential and Medium Density Residential zones.		controlled, restricted discretionary or discretionary activity within the Residential, Medium Density Residential, Commercial or Transitional Commercial Zones. The structures and earthworks are also not provided for by a Reserves Management Plan (where overlays affect individual land parcels) nor as an infrastructure or network activity under Section 10. Designations 142 and 188 are not for the purposes of constructing and using erosion protection structures. Consequently, Rule 4A.1.4 applies and the activity shall be considered a non-complying activity.	
Earthworks and establishment and use of the structures outside the Flood Hazard Zone.	Rule 4A.5(b)	Earthworks in association with an activity requiring non-complying Resource Consent (in this case the establishment and use of the structures in the Commercial Transitional, Commercial, Residential and Medium Density Residential zones) are considered a non-complying activity.	Non-complying activity.

Overall, consent is sought from WBOPDC as a non-complying activity.

### 4.3 Existing Resource Consents

The "existing environment" has been defined through case law as comprising activities which are authorised under a Resource Consent.

The applicant currently holds Resource Consent 51005 from the BOPRC to place and use rock rip rap and gabion baskets in the bed and banks of the creek in the vicinity of the Dillion Street Bridge abutments.

The applicant also holds Resource Consent 65697 which authorises regular "dredging" of the creek downstream of the Dillion Street Bridge during periods when the creek is used as a pathway for spawning and migration of indigenous fish species.

A key environmental effect associated with the construction of the erosion protection structures subject to this Resource Consent application is the disruption to macroinvertebrates and indigenous fish species. It is considered that the effects permitted by Resource Consent 65697 on instream fauna are of a similar magnitude and range to the effects of the works that are the subject of this application.

## 5 Assessment of effects on the environment

### 5.1 Introduction

The following assessment identifies and assesses the types of effects that may arise from the proposed works. This assessment also outlines the measures that the applicant proposes to avoid, remedy or mitigate any potential adverse effects on the environment.

Actual and potential effects on the environment have been identified as including:

- Hydraulic effects;
- Aquatic ecology effects;
- Cultural and archaeological effects;
- Amenity effects;
- Public access and safety effects; and
- Positive effects.

### 5.2 Hydraulic effects

A detailed hydraulic assessment of the likely impact the construction and use of the proposed erosion protection structure will have on the hydraulic behaviour of the creek has been completed; see Appendix C of this report.

In summary, the assessment concludes that the proposed structure results in the following changes in hydraulic capacity within the reach of the creek at the site:

- 4.5% less capacity than existing cross sections in "significant floods".
- 13.8% greater capacity than existing cross sections in "floods".
- 58.4% greater capacity than existing cross sections in "normal flows" due to the significantly greater width at low elevation compared to the existing channel cross sections.

Therefore, the assessment finds that the concrete channel provides enhanced performance, in terms of conveyance capacity, during normal and flood flow scenarios (which have a high to medium probability of occurrence) while being able to meet its primary objective of reduction in stream bank erosion. Using conservative modelling assumptions for extreme flood conditions, the proposed channel offers marginally less conveyance capacity than the existing channel. This difference is small and overall is likely to be offset by the greater capacity of the proposed channel under less severe flood conditions (or at the start of an extreme flood).

The assessment includes an allowance for predicted sea level rise in the tail water level. In addition, the detailed design process will ensure overland flows of stormwater can continue to discharge into the creek over the crest of the structures as is currently occurring on site.

On the basis of the above it is considered that any adverse effects of the proposed structure on the hydraulic performance of the creek are likely to be less than minor. Further, it is likely that the extent of areas currently identified by numerical modelling as being susceptible to flooding (using current creek morphology) are likely to reduce following the construction of the proposed structure.

### 5.3 Aquatic ecology effects

An ecological assessment of the likely impacts resulting from the construction and use of the proposed erosion protection structure on instream ecology has been undertaken; this assessment is annexed to this report as Appendix D. In summary, the assessment concludes that there are two main categories of adverse effects associated with the proposal:

- Construction related effects on water quality (pH and suspended sediments);
- Loss of habitat associated with the permanent replacement of around 420 m of low quality, modified stream habitat, in more or less natural substrates, with a concrete lined channel.

However, subject to the following mitigation measures being implemented, any adverse effects will be minor:

- Isolating individual segments of the creek during construction to ensure the potential for bed and bank sediments to become mobilised and discharged downstream is minimised.
- Appropriate management of concrete wastewater slurry. This could include collection and disposal off site and/or dosing of slurry prior to disposal on land on site to achieve a neutral pH.
- Undertaking a fish rescue and relocation operation prior to in-stream works commencing and ensuring the in-stream works avoid the peak sensitivity period for upstream migration of whitebait, smelt and eels of August to November inclusive (only when the creek mouth is open and there is a connection to the coast).
- The minimum design recommendations for providing onsite mitigation set out in the Ecological Assessment (fish baffles, channel invert set below average bed level).
- The off-site compensation options, encompassing riparian restoration, or inanga spawning habitat improvement, or wetland creation. The option selected by WBOPDC will be confirmed within the detailed design drawings submitted to the BOPRC and WBOPDC (as the consent authority) for approval prior to construction works commencing on site.

#### 5.4 Cultural and archaeological effects

New Zealand Archaeological Association's Archsite shows that Registered Archaeological Site U13/1294, a pit and terrace, is located at the rear of 38-40 Wilson Road approximately within 10-15 m of the creek. This is in close proximity to the works site.

Registered Archaeological Site U13/1246 is located near 14 The Crescent and therefore is well separated from the works site.

It is noted that the majority of the site is either actively eroding through fluvial processes or the subject of landform modification to facilitate urban development. The applicant will seek advice from Heritage New Zealand once the detailed design process is completed and decide whether it is appropriate to manage the potential to encounter in situ archaeological material by way of an Accidental Discovery Protocol ("ADP") or an Archaeological Authority application process.

The applicant has engaged with Ngai Tauwhao, Ngai Te Rangi, Ngati Hako and the Hauraki Maori Trust Board regarding the proposal. An onsite hui was held on 13 September 2016. Ngai Tauwhao attended the onsite hui and indicated that they had no fundamental concerns with the proposal but were understandably interested in ensuring any potential impacts on taonga such as tuna and inanga were appropriately managed. Follow up email dialogue occurred with Ngai Te Rangi and Ngai Tauwhao and this was around their suggestion that the creek should continue to provide habitat for tuna (eels), inanga and macro invertebrates.

Ngati Hako have provided a response confirming they do not have any particular concerns with the proposal.

Records of the engagement process are annexed to this report as Appendix E.

It is considered that all potential adverse effects of the proposal on archaeological resources can be mitigated through the ADP or Archaeological Authority process so that they are minor. In terms of cultural effects, Ngai Tauwhao and Ngai Te Rangi's interest in ensuring the creek continues to

provide habitat for inanga and tuna is addressed through the fish passage design criterion in the structure and upstream compensatory options. Therefore it is considered all cultural effects raised by Tangata Whenua have been addressed.

## 5.5 Amenity effects

The proposed concrete channel represents an engineered structure which will result in adverse visual effects when compared to the currently unprotected creek banks. However, the creek can only be accessed from public land and roads at the upstream and downstream extremities of the site, as well as from a WBOPDC owned car park near the centre of the site (24 Wilson Road). Generally, the creek is inaccessible to the public and due to the landform and presence of commercial buildings and dwellings, is only visible from a few discrete locations along its alignment.

For these reasons the adverse visual effects from the introduction of the concrete channel into the creek environs will generally only affect the land owners whose properties are to gain the benefit of the structure. As stated in Section 3.1 of this report a range of options for the geometry of the concept channel and materials for construction have been canvassed over the last three years. The concrete channel concept was also the only acceptable option to landowners due to the vertical sides resulting in the least encroachment into property and disturbance to land from construction. The landowners also considered the concrete channel provided them with opportunities to create useable, flat land right up to the vertical side of the concrete channel.

The creek was artificially cut through the backdune landform and has a land drainage canal status under the Water and Land Plan. The creek is completely surrounded by intense residential and commercial development. Consequently, the creek does not exhibit natural character value and therefore the protection of the creek bed and banks with the proposed concrete channel will not adversely affect natural character values at the site.

The construction of the concrete channel will result in the loss of riparian vegetation, both indigenous and exotic, but none of the indigenous vegetation is threatened or of ecological significance. The landowners are likely to reinstate vegetation within their land parcels following completion of the construction works.

The upstream compensation options will introduce new natural character values into the Broadlands Block reach of the creek and result in positive effects.

Noise, dust and vibration are the other components of amenity effects. The machinery utilised to undertake the construction works will cause a level of mechanical and engine noise, as well as vibration at the site. It is considered the main receptors of these short term construction based effects will be the landowners who are parties to this Resource Consent. These parties are fully aware of and accept the potential adverse effects during the construction period.

A detailed Works Management Plan ("WMP") will be prepared and submitted for the approval of the BOPRC and WBOPDC once the detailed design phase is completed and a contractor has been appointed. The WMP will contain measures to manage acoustic emissions, vibration and dust which are likely to result from the works.

On the basis that all potential adverse amenity themed effects will be confined to an area which is encircled by buildings and not publicly accessible, short lived, and can be suitably mitigated by compliance with either a management plan or generic standards, it is considered they are likely to be minor.

## 5.6 Public access and safety effects

Number 24 Wilson Road is the only land parcel on the true right bank of the creek where public access to the creek is available. 24 Wilson Road is owned by WBOPDC and is a sealed car park and not a reserve. At the upstream extent of the site the Broadlands Block is connected to Edinburgh Street. Edinburgh Street is a public road and the Broadlands Block is a WBOPDC reserve. Therefore the public can access the creek at the upstream extent of the site. Following construction of the proposed structure there will be no change in public access.

The works will begin upstream from the Dillon Street Bridge. Pedestrian and vehicular access over the Dillon Street Bridge will not be interrupted during the construction works.

An appropriately designed handrail will be constructed on the crest of the proposed erosion protection structure to ensure people do not fall into the creek.

On the basis of the above, public access to the creek will be unaffected following the construction of the proposed structure and the provision of a handrail into the structure will result in health and safety benefits that are not currently provided.

## 5.7 Positive effects

The proposed construction of the erosion protection structure will result in the following positive effects:

- Prevent further erosion of creek banks and the associated loss of high value residential and commercial land, as well as WBODPC owned car park and reserve assets.
- Reduce the risk of creek bank erosion exposing and undermining WBODPC underground infrastructure in the vicinity of the creek banks.
- Provision of a greater channel width in the lower part of the cross section thereby improving capacity during low flow and flood conditions which occur more regularly than significant flood conditions.
- Retention of fish passage up the creek.
- Creation of enhanced biodiversity through the provision of new riparian or wetland habitat targeted at indigenous fish species.
- Resolve a legacy issue for WBOPDC whereby the creek is sited on private land with no easement in favour of WBOPDC while the community expectation is that WBOPDC are responsible for the operation and maintenance of the creek. Upon completion of construction the creek will be fully contained within land under the ownership and therefore control of WBOPDC. WBOPDC will then be able to lawfully access, inspect and maintain the erosion protection structure to ensure it remains functional and that stormwater conveyance within the creek is optimised.

## 5.8 Mitigation and monitoring

To ensure all potential adverse effects of the proposed erosion protection structure are acceptable on an on-going basis, WBOPDC has developed mitigation measures and has drafted a set of suggested conditions of consent. These are set out in detail within Section 7 of this report.

## **6 Statutory assessment**

### **6.1 RMA assessment**

#### **6.1.1 Section 104D RMA**

Section 104D of the RMA is relevant to WBOPDC's determination of the application, as the proposal requires non-complying land use consent. In order for WBOPDC to consider the application under s 104, it must first be satisfied that the application can pass through the "Gateway Test". The Gateway Test has two limbs; these are:

- The adverse effects of the activity on the environment will be minor; or
- The application is for an activity that will not be contrary to the objectives and policies of the Plan.

Only one of the two limbs must be met in order that WBOPDC can proceed to consider the application under s 104. It has been established within Section 5 of this report that all potential adverse environmental effects of the activity are likely to be minor. The activity has also been assessed against the objectives and policies framework of the District Plan within Section 6.5 of this report. That assessment has concluded that the activity is consistent with all relevant objectives and policies. Consequently, it is considered that the application can satisfy both limbs of the Gateway Test and thus be advanced to a s 104 assessment.

#### **6.1.2 Section 104 RMA**

Section 104 of the RMA requires that when considering an application for Resource Consent, the BOPRC and WBOPDC must, subject to Part 2, have regard to:

- 1 Any actual and potential effects on the environment of allowing the activity.
- 2 Any relevant provisions of:
  - National Environmental Standards;
  - A Regional Policy Statement or Proposed Regional Policy Statement; and
  - A Plan or Proposed Plan.
- 3 Any other matters considered relevant to determine the application.

The effects of the activity have been assessed in Section 5 of this report. An assessment of the application against the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ("NES Soil"), Regional Policy Statements and Plans is provided below and Sections 6.2-6.5 of this report.

#### **6.1.3 Part 2 of the RMA**

Part 2 of the RMA sets out the purpose and principles of the Act. The purpose of the RMA is to promote the sustainable management of natural and physical resources.

##### **6.1.3.1 Section 5**

The proposed works are necessary to ensure ongoing erosion of the creek banks does not result in the loss of dwellings, underground infrastructure and highly valuable commercial land which makes up the Waihi Beach Town Centre. All significant environmental effects associated with the construction and use of the proposed structure can be mitigated. This is because the proposed structure will improve the hydraulic performance of the creek during normal and flood flow

conditions, the design of the structure will provide for fish passage, and the permanent replacement of around 420 m of low quality, modified stream habitat in more or less natural substrates with a concrete lined channel will be offset by upstream ecological enhancement work.

Consequently, it is considered that the proposal will provide for the social, cultural and economic wellbeing of the Waihi Beach community and the general public and therefore accords with the purpose of the RMA.

#### **6.1.3.2 Section 6**

Regard has been given to:

- The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.
- The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers.
- The relationship of Maori and their culture and traditions with ancestral lands, water, sites, waahi tapu, and other taonga.

The proposal accords with the matters of national importance set down within the RMA. Part of the creek (east of 16 Wilson Road) is located within the coastal environment<sup>6</sup>. The proposed structure will not affect natural character values and public access to and along the creek. Further, the proposed structure will reduce sediment losses to water. Ngai Tauwhao have visited the site and advised that the subject to the implementation of the mitigation outlined in this report the proposed structure will not impact on their culture or traditions.

#### **6.1.3.3 Section 7**

Regard has been given to:

- Kaitiakitanga.
- The maintenance and enhancement of amenity values.
- Intrinsic values of ecosystems.
- Maintenance and enhancement of the quality of the environment.
- The effects of climate change.

The Tangata Whenua are the kaitiaki for the site and engagement with them has occurred. Amenity values and the quality of the environment in the locale will be maintained as a result of the proposed structure mitigating erosion and sedimentation of the creek, and that there will be negligible effects on instream ecosystems. The potential for future sea level rise to increase tail water within the creek has been factored into the hydraulic assessment contained in Appendix C of this report.

#### **6.1.3.4 Section 8**

There is nothing encompassed within the proposal which is contrary to the principles of Te Tiriti o Waitangi.

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<sup>6</sup> As defined within the Proposed Regional Coastal Environment Plan.



## 6.2 NES soil assessment

The NES Soil is not relevant to the application as the site is not a "piece of land" as defined by Clause 5(7) of the regulations.

## 6.3 Bay of Plenty Regional Policy Statement

The newly Operative Bay of Plenty Regional Policy Statement ("RPS") is a strategic document which provides an overview of the major resource management issues and set out the direction for managing the use, development and protection of the natural and physical resources of the region.

An assessment of the proposal against the relevant objectives and policies contained within the RPS is provided in Table 6-1 below.

**Table 6-1: RPS objective and policy assessment**

Objective/Policy	Comment
<p><u>Objective 2</u>  <i>Preservation, restoration and, where appropriate, enhancement of the natural character and ecological functioning of the coastal environment.</i>  <u>Policy CE 8B</u> – Ensuring subdivision, use and development is appropriate to the natural character to the coastal environment.  <i>When assessing the effect of subdivision, use and development on the natural character of the coastal environment, particular regard shall be given to:</i>            ...  <i>d) The appropriateness of the introduction or accumulation of man-made modifications recognising activities that are:</i>  <i>(i) planned (consented, zoned or designated);</i>  <i>(ii) provided for in reserve management plans; or</i>  <i>(iii) identified in Appendix C, D and E; or</i>  <i>(iv) lawfully established.</i>            ...  <i>(f) Subject to Policy CE 2B avoiding significant adverse effects and avoiding, remedying or mitigating (including, where appropriate, through provision of buffers) other adverse effects on:</i>            ...</p>	<p>A small portion of the site is located in the coastal environment, as described in the Proposed Regional Coastal Environment Plan. The backshore area at the site has been transformed into an urban area and town centre through historic drainage of dune swales, back dune levelling, and establishment of dwellings and commercial buildings. Consequently, upstream of the Dillon Street Bridge, natural character values associated with the coastal environment are so severely degraded, that they are non-existent, and the introduction of the proposed structure as a man-made modification cannot affect these values.</p> <p>The alignment and elevation of the proposed structure will generally match the current geomorphology of the creek.</p> <p>The ecological functioning of the segment of creek located within coastal environment will be maintained through the provision of fish passage into the design of the structure and upstream compensation works. Therefore the proposal is considered to be consistent with the objective and policy.</p>
<p><u>Objective 13</u>  <i>Kaitiakitanga is recognised and the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are systematically taken into account in the practice of resource management.</i>  <u>Policy IR 4B</u> –Using consultation in the identification and resolution of resource management issues.  <i>Encourage the timely exchange, consideration of, and response to, relevant information by all parties with an interest in the resolution of a resource management issue by:</i></p>	<p>Tangata whenua have visited the site and advised on the specific cultural values attached to the site. These relate to providing habitat for existing taonga species such as tuna and inanga. The applicant has provided for the maintenance and enhancement of habitat for tuna and inanga within the proposal and therefore the proposal is consistent with the objective and policies.</p>

<p>(a) Consulting as widely as practicable in the preparation, implementation and review of policy statements and plans;</p> <p>(b) Consulting all potentially affected parties and interest groups in the planning, implementation and review of councils' own operational activities in relation to the use, development and protection of natural and physical resources; and</p> <p>(c) Encouraging all parties undertaking resource use, development and protection activities to consult with others who may be affected.</p> <p><b>Objective 15</b>  <i>Water, land, coastal and geothermal resource management decisions have regard to iwi and hapū resource management planning document.</i></p> <p><b>Policy IW 4B - Taking into account iwi and hapū resource management plans.</b>  <i>Ensure iwi and hapū resource management plans are taken into account in resource management decision making processes.</i></p> <p><b>Policy IW 6B - Encouraging tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects.</b>  <i>Encourage tangata whenua to recommend appropriate measures to avoid, remedy or mitigate adverse environmental effects on cultural values, resources or sites, from the use and development activities as part of consultation for resource consent applications and in their own resource management plans.</i></p>	
<p><b>Objective 31</b>  <i>Avoidance or mitigation of natural hazards by managing risk for people's safety and the protection of property and lifeline utilities.</i></p> <p><b>Policy NH 4B - Managing natural hazard risk on land subject to urban development.</b>  <i>Require a Low natural hazard risk to be achieved on development sites after completion of the development (without increasing risk outside of the development site) by controlling the form, density and design of:</i></p> <p>(a) Greenfield development;</p> <p>(b) Any urban activity within the existing urban area that involves the construction of new and/or additional buildings or reconstruction of or addition to existing buildings (including any subdivision associated with such activities); and</p> <p>(c) Rural lifestyle activities;</p> <p><i>except that a Low level of risk is not required to be achieved on the development site after completion of the development where the development site is located within a natural hazard zone of Low natural</i></p>	<p>The design of the proposed structure has considered the potential for the inundation hazard at the site to be exacerbated. The hydraulic assessment shows that the installation and use of the proposed structure will not exacerbate the inundation of the area surrounding the creek except for during a significant (~2% AEP) flood event. The hydraulic assessment has made an allowance for future sea level rise causing an increase in tail water within the creek.</p> <p>Overall it is considered the existing inundation risk at the site (as shown on the District Planning Maps) will not be increased as a result of the proposed structure and therefore consistency with the objective and policy is achieved.</p>

<p><i>hazard risk and that natural hazard zone will maintain a Low level of natural hazard risk after completion of the development.</i></p> <p><b>Policy NH 11B - Providing for climate change</b>  <i>Incorporate the effects of climate change in natural hazard risk assessment. Authoritative up-to-date projections of changes in sea level, rainfall, temperature, and storm frequency and severity will be used as updated scientific data become available. Use the following projections as minimum values when undertaking coastal hazard assessments:</i></p> <p><i>(a) A 100-year time frame;</i>  <i>(b) A projection of a base sea-level rise of at least 0.6 m (above the 1980–1999 average) for activities/developments which are relocatable;</i>  <i>(c) A projection of a base sea-level rise of 0.9 m (above 1980–1999 average) for activities where future adaptation options are limited, such as regionally significant infrastructure and developments which cannot be relocated; and</i>  <i>(d) An additional sea-level rise of 10 mm/annum for activities with life spans beyond 2112.</i></p>	
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#### 6.4 Bay of Plenty Regional Water and Land Plan assessment

An assessment of the proposal against the relevant objectives and policies contained within the Water and Land Plan is provided in Table 6-2 below.

**Table 6-2: Water and Land Plan Objectives and policies assessment**

Objective/Policy	Comment
<p><b>Objective 9</b>  <i>Land use and land management practices are appropriate to the environmental characteristics and limitations of the site, and avoid, remedy or mitigate adverse effects on the life-supporting capacity of soil resources, the receiving environment and heritage values.</i></p> <p><b>Objective 10</b>  <i>Stewardship of natural resources which:</i>  <i>(a) Sustains the life-supporting capacity of soil, water and ecosystems.</i>  <i>(b) Maintains, and where appropriate, protects cultural, ecological, amenity, natural character and landscape values through management practices that avoid, remedy or mitigate adverse effects.</i></p> <p><b>Objective 17</b>  <i>Riparian margins are appropriately managed to protect and enhance their soil conservation, water quality and heritage values.</i></p>	<p>The proposed structure will occupy an area of creek bank that is actively eroding. Therefore, sedimentation of the creek will be reduced as a consequence of the establishment of the proposed structure. Reduced sedimentation of the creek will be beneficial to the macro invertebrates and fish that inhabit the stream.</p> <p>The site comprises an intensely developed urban area, some of which forms the Waihi Beach Town Centre. Therefore, it is considered appropriate to environmental characteristics of the site to construct and use an ancillary erosion protection structure to ensure the land use activities on site are not compromised by ongoing erosion.</p> <p>Landscape values will not be affected due to the creek being located behind and set down below dwellings and commercial buildings.</p> <p>The cultural and ecological values of the creek will be maintained through the works management plan, the fact the proposed structure will provide fish passage for, amongst</p>

Objective/Policy	Comment
<p><b>Objective 19</b> <i>Protect vulnerable areas from erosion.</i></p> <p><b>Policy 21</b> <i>To manage land and water resources in the Bay of Plenty within an integrated catchment management framework to:</i></p> <p>...</p> <p><i>(k) Promote and encourage the adoption of sustainable land management practices that are appropriate to the environmental characteristics and limitations of the site to:</i></p> <p><i>(i) Protect the soil and avoid, remedy or mitigate the adverse effects of erosion.</i></p> <p>...</p> <p><i>(iii) Achieve the appropriate management of riparian areas, including the retirement and planting of riparian areas of streams, rivers, lakes, wetlands and estuaries.</i></p> <p><i>(iv) Avoid, remedy or mitigate adverse effects on water quality in the receiving environment.</i></p> <p>...</p> <p><i>(l) Manage land and water resources according to realistic management goals that are appropriate to the existing environmental quality and heritage values (including ecosystem values) of the location.</i></p> <p><b>Policy 31</b> <i>To promote the adoption of the stewardship of soil and water resources, ecosystems, and cultural, amenity, natural character and landscape values.</i></p> <p><b>Policy 32</b> <i>To allow resource use and development where there are beneficial effects on the social, cultural and economic wellbeing of people and communities; and adverse effects on the environment are avoided, remedied or mitigated.</i></p>	<p>other species, inanga and tuna, and compensation (wetland or riparian enhancement) will be implemented upstream of the works site.</p> <p>For all of the reasons above, it is considered that the proposal is consistent with the objectives and policies.</p>
<p><b>Objective 55</b> <i>Aquatic ecosystems, aquatic habitats of indigenous species, spawning areas and migratory pathways of fish, and significant aquatic vegetation are maintained and enhanced.</i></p> <p><b>Objective 57</b> <i>Adverse effects on fish passage and migration along rivers and streams is avoided, remedied or mitigated.</i></p> <p><b>Objective 58</b> <i>Activities in, on, under or over the beds of streams, rivers and lakes:</i></p>	<p>The ecological assessment has found that the creek provides poor/reduced habitat quality for aquatic species. Notwithstanding this, it is possible that a range of native fish species utilise the stream habitat through the site and/or migrate through the site to upper catchment tributaries. The proposed structure will provide for the passage of fish species whilst ensuring the hydraulic performance of the creek is improved. The riparian or wetland compensation work upstream of the site will see new and enhanced habitat created as part of the proposal.</p> <p>There is currently very limited public access to the creek as it is predominantly located on</p>

Objective/Policy	Comment
<p><i>(a) Do not significantly impede the flow of flood waters, except where the activity is necessary for flood control purposes.</i></p> <p>...</p> <p><i>(c) Avoid, remedy or mitigate adverse effects on natural hydrological processes of the stream, river or lake, or downstream areas.</i></p> <p><i>(d) Do not lead to accelerated erosion of the beds and banks of streams, rivers and lakes.</i></p> <p><i>(e) Maintain existing public access to and along the margins of rivers and lakes, where appropriate.</i></p> <p><i>(f) Avoid or mitigate the contamination of water by sediment.</i></p> <p>...</p> <p><i>(h) Avoid, remedy or mitigate adverse effects on ecological values.</i></p> <p><u>Objective 60</u> <i>Derelict, abandoned and unauthorised structures in, on, under or over the beds of streams, rivers and lakes that are causing adverse environmental effects are removed.</i></p> <p><u>Policy 98</u> <i>To require activities in the beds of rivers, streams and lakes to be undertaken in a comprehensive and integrated manner that recognises and provides for the water quality, water quantity (including flood hazards), soil conservation, aquatic ecosystem issues in the water body, and areas of significant natural character.</i></p> <p><u>Policy 99</u> <i>All new activities in the beds of streams, rivers and lakes, reconstruction of existing structures, re-planting of plants, and existing activities upon renewal of consents, are required to comply with the requirements of Table 21.</i></p> <p><u>Policy 111</u> <i>To maintain legal public access to and along the margins of rivers and lakes when assessing the effects of activities in the beds of streams, rivers and lakes, or land disturbance activities, through the resource consent process, except where restriction is necessary to:</i></p> <p><i>(a) Prevent the occurrence or exacerbation of erosion of river or lake banks or beds.</i></p> <p><i>(b) Preserve the natural character of streams, rivers, lakes and wetlands.</i></p> <p><i>(c) Protect private property rights.</i></p> <p><i>(d) Safeguard ecological or intrinsic attributes of streams, rivers and lakes.</i></p>	<p>private land. Following of the vesting of the creek bed in WBODPC, there will be potential for future public access along the creek bed.</p> <p>There are numerous erosion protection structures currently in place along the creek banks and within the bed. These existing structures appear not to be supported by an engineering design or hold Resource Consents. The proposal will result in these structures being removed.</p> <p>On the basis of the above, it is considered that the proposal is consistent with the objectives and policies.</p>

Objective/Policy	Comment
<p>(e) Preserve sites of natural and cultural heritage.</p> <p>(f) Avoid conflict between competing uses.</p> <p>(g) Protect cultural values of tangata whenua.</p> <p>(h) Provide for other exceptional circumstances that are sufficient to justify the restriction, notwithstanding the national importance of maintaining access.</p> <p>(i) Protect the primary soil conservation functions of riparian plantings.</p> <p>(j) Protect the integrity of river and flood control works.</p> <p>(k) Protect public health and safety</p>	

## 6.5 Western Bay of Plenty District Plan assessment

It has been established that non-complying land use consent is required under the Plan. With a view to satisfying the Gateway Test set down within s 104D of the RMA, an assessment of the application against the relevant objectives and policies contained in the Plan is presented in Table 6-3 below.

**Table 6-3: District Plan objectives and policies assessment**

Objective/Policy	Comment
<p><u>Objective 5.2.1.3</u>  <i>Preservation of the natural character of the District's coastal environment (including the coastal marine area), rivers, lakes, and their margins.</i></p> <p><u>Objective 5.2.2.9</u>  <i>The adverse effects of inappropriate subdivision, use and development on the natural character of the coastal environment, wetlands, rivers, lakes, and their margins should be avoided. Where avoidance is not practicable, such effects should be appropriately remedied or mitigated.</i></p>	<p>A small portion of the site is located in the coastal environment, as described in the Proposed Regional Coastal Environment Plan. This small section of coastal environment is characterised by intensive housing, commercial buildings, a bridge, roading and erosion protection structures and a creek that has been artificially cut through the backdune landform. The backdune has been completely levelled to facilitate the creation of urban area. The proposed structure will prevent further erosion of the creek bed and banks from occurring. Therefore it is considered the proposal will maintain the character of the area and thus is consistent with the objectives.</p>
<p><u>Objective 8.2.1.1</u>  <i>Minimisation of the threat of natural hazards to human life and the natural and physical environment.</i></p> <p><u>Policy 8.2.2.2</u>  <i>Control or prevent the establishment of activities which have the potential to increase the extent to which natural hazards have or may have an adverse effect on human life or the natural or built environment.</i></p>	<p>The hydraulic assessment concludes that the proposed structure will not exacerbate the inundation hazard at the site. This is because the proposed structure will maintain the hydraulic performance of the creek. As evidenced by the current erosion occurring to the creek banks, there is a demonstrable need for the structure. On this basis it is considered that the proposal can be considered to be consistent with the objectives and policies.</p>

Objective/Policy	Comment
<p><b>Policy 8.2.2.5</b>  <i>Ensure that where hazard protection works are necessary their form, location and design are such as to avoid or mitigate potential adverse environmental effects.</i></p>	
<p><b>Objective 13.2.1.1</b>  <i>Efficient use of the finite land resource for urban development</i></p> <p><b>Objective 13.2.1.6</b>  <i>Preservation and enhancement of the character and amenity values prevailing in existing small coastal settlements</i></p>	<p>The proposed structure will ensure the current and future use of the residential and commercial land, public car park, underground infrastructure, church and police station can continue. The continued viability of these resources will ensure demand for these facilities and development is not displaced elsewhere. The nature and scale of the proposed structure is such that the amenity values will be maintained. This is principally because the structure is largely screened from public viewing locations due to the presence of buildings and the morphology of the creek. Consequently, it is considered that the proposal can be considered to be consistent with the objectives.</p>

The policy assessment set out above confirms that the proposed activity is not contrary to the objectives and policies of the District Plan. Accordingly, the proposal satisfies both tests under s 104D and can proceed for consideration and determination under s 104.

## 6.6 Other matters

### 6.6.1 Iwi management plans

The Iwi Management Plans (“IMPs”) listed on the BOPRC website as being relevant to the site are the Tauranga Moana IMP 2016-2026 and the Hauraki IMP.

The proposal is consistent with the relevant objectives and policies of the Tauranga Moana IMP because either riparian or wetland habitat will be created within the creek (Policy 6.3) and freshwater fisheries will be sustained (Policy 22.1).

The proposal is also consistent with the relevant objectives of the Hauraki IMP because WBOPDC will:

- Restore the riparian margin of the creek (Papatuanuku Objective (b)) by planting indigenous vegetation along the creek (Tane Mahuta Objective (g)), or restore a wetland upstream within the creek (Tangaroa Rerenga Wai Maori Objective (c))
- Restore and increase inanga spawning in the creek (Tangaroa Rerenga Wai Maori Objective (d)).

## 6.7 Notification

### 6.7.1 Public notification

Section 95A(2) sets out circumstances where public notification of an application must occur. It is considered that the only test pertinent to this application is whether (under s 95D), the consent authority considers that the activity will have, or is likely to have, adverse effects on the environment that are more than minor.

Having regards to the tests set down in s 95A, the following points are noted:

- An assessment of effects on the environment is provided in Section 5 of this report. This assessment ultimately concludes that the adverse effects on the environment are likely to be minor.
- The applicant does not request public notification of the application.
- There is no rule in the Water and Land Plan, District Plan or any National Environmental Standard that requires public notification of this application
- No special circumstances are considered to exist in relation to the application.

On the basis of the above, this application for Resource Consent meets the tests of the RMA to be processed without public notification.

### 6.7.2 Limited notification

For applications that are not publicly notified, under section 95B, the consent authority must give limited notification of the application to any affected person, unless (in the case of affected persons) a rule or national environmental standard precludes limited notification of the application.

Section 95E states that a consent authority must consider a person to be an affected person if the activity's adverse effects on the person are minor or more than minor (but not less than minor). A consent authority must not consider a person affected if they have provided written approval to the activity.

Having regard to the requirements above, the following persons are considered to be potentially adversely affected by the application:

- The landowners listed within Appendix B.
- Tangata Whenua.
- The Department of Conservation ("DOC").

All landowners, except for D Stuart and S Fell as the owners of the land parcel located at 20-22 Wilson Road<sup>7</sup> have provided written approval to the proposal.

As set out in Section 5.4 of this report the applicant has engaged with Ngai Tauwhao, Ngai Te Rangi, Ngati Hako and the Hauraki Maori Trust Board regarding the proposal. Records of the engagement process are annexed to this report as Appendix E.

Based on the responses received from Tangata Whenua to date, it is considered that, Ngai Tauwhao and Ngai Te Rangi's interest in ensuring the creek continues to provide habitat for inanga and tuna is addressed through the fish passage design criterion in the structure and upstream compensatory options. Therefore it is considered all cultural effects raised by Tangata Whenua have been addressed such that they are minor.

<sup>7</sup> Legally described as 29 and 30 DP 37325.



WBOPDC have discussed the proposal with DOC and are currently awaiting their response.

### **6.7.3 Section 95 conclusions**

The activity is likely to have minor adverse effects on the environment and the written approvals of all potentially affected persons are expected to be obtained. Therefore this application can be processed on a non-notified basis.

## 7 Proposed conditions of consent

We would appreciate the opportunity to comment on draft conditions prior to the consent being granted.

Aside from the anticipated general conditions, the applicant offers the following specific conditions to be imposed by the consent authorities.

### Notification of works

1. The consent holder shall notify the Chief Executive of the Regional Council and District Council or delegate in writing no less than five working days prior to commencing any works under this consent.
2. The consent holder shall erect a public notice at the Dillon Street Bridge providing notice of the construction works and advise the period over which the activity will be occurring. The notice shall be erected at least two days before the commencement of the works and remain there for the duration of the works. The sign shall clearly display, as a minimum, the following information:
  - The name of the consent and consent holder.
  - The main site contractor.
  - A 24 hour contact telephone number for the consent holder or appointed agent.
  - A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about any problem that may occur as a result of the exercise of this consent.
3. Within five working days following completion of the reconstruction works authorised under this consent, the consent holder shall, in writing, notify the Chief Executive of the Regional and District Council or delegate.

### Timing of works

4. No works are to be undertaken in the wet bed of the creek channel during the period 1 August to 30 November inclusive, in any year for the duration of this consent. Provided that this condition shall not apply in the event the creek mouth is blocked with sediment and no connection between the creek and the coastal marine area is in place.

### Detailed design

5. The consent holder shall submit a detailed design for the erosion protection structure authorised by this consent to the Chief Executive of the Regional and District Council or delegate for approval no less than 20 working days prior to commencing construction works under this consent. The detail design shall confirm the following:
  - The final elevation and design of the crest of the structure.
  - The extent of earthworks required to integrate the structure into the landform.
  - How stormwater will drain into the structure (both for piped outfalls and for secondary flow paths).
  - The details of the handrail/fence on top of the structure.
  - Confirmation of the fish passage measures to be constructed in the structure.
  - A design for the upstream compensatory riparian and/or wetland enhancement works.

### Environmental management

6. The consent holder shall remove any and all existing unlawful erosion protection structures within the site.
7. The consent holder shall submit a "Works Management Plan" to the Chief Executive of the Regional and District Council or delegate for approval, no less than 20 working days prior to commencing construction works under this consent. The minimum requirements of the Works Management Plan shall include the following:
  - Fish trapping and relocation plan.
  - Erosion and sediment control plan.
  - Dust control plan.
  - Vibration monitoring plan.
  - Details of how the contractor will:
    - Ensure the structure will be constructed in segments to isolate the works footprint from the creek.
    - Dam, divert, pipe or pump the base flow of the creek around or through the works footprint.
    - Collect and dispose of groundwater that seeps into the works footprint.
    - Provide laydown and stockpile areas, access to the creek bed and banks, and any haul routes required.
    - Dispose of concrete slurry.
    - Manage acoustic emissions.
8. No refuelling activities or fuel storage shall be carried out within 10 metres of the banks of Two Mile Creek. The consent holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.
9. The works area shall be stabilised with either rock, aggregate, concrete or vegetation following the completion of the physical works under this consent to the satisfaction of the Chief Executive of the Regional and District Council or delegate.

### Archaeology

10. In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall consult with Tangata Whenua and Heritage New Zealand, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand approvals or other approvals to damage, destroy or modify such sites have been obtained where necessary.

### Maintenance

11. The consent holder shall ensure that the structures authorised by this consent are maintained in a safe and structurally sound condition at all times, and shall undertake any maintenance work immediately, if so directed by the Chief Executive of the Regional or District Council or delegate.

### Certification

12. Within 30 working days of completion of construction works under this consent the consent holder shall submit a certificate signed by an appropriately qualified engineer to certify that the works have been undertaken in accordance with good engineering practice, the detailed

design approved under condition 6 above and information submitted within the application for this consent

**Term**

This consent shall expire on 31 January 2052.

## 8 Conclusion

Erosion of the creek banks at the site continues to threaten residences, underground infrastructure and other structures on private land, as well as resulting in the loss of residential and commercial land. Through extensive dialogue between WBOPDC and the landowners it has been agreed that the proposed structure is required for erosion protection purposes and that WBOPDC will be responsible for designing, consenting and construction of the structure.

A range of options for the geometry of the concept channel and materials for construction have been canvassed and the owners have made it very clear to WBOPDC that the “do nothing” option is not an appropriate option.

The key potential adverse effects associated with the construction and use of the proposed structure relate to impacts on the hydraulic performance of the creek and indigenous fish species that inhabit the creek. The hydraulic assessment demonstrates that the proposed channel will provide enhanced conveyance capacity, during normal and flood flow scenarios and marginally less conveyance capacity for extreme flood conditions, than the existing channel.

The ecological assessment concludes that construction based effects on changes to pH and elevated suspended sediments, as well as a longer term loss of habitat associated with the permanent replacement of low quality stream habitat with a concrete lined channel can be suitably mitigated. The mitigation required relates to the management of construction effects (pH and suspended sediments), avoiding peak spawning periods for inanga (only when the creek is connected to the coast), fish trapping and relocation, provision in the channel design for fish baffles and /or setting the proposed channel invert below the current average bed level, and off-site compensation options (encompassing riparian restoration, or inanga spawning habitat improvement, or wetland creation). WBOPDC can and will implement all of this requisite mitigation.

The proposal will also see the resolution of a legacy issue for WBOPDC whereby the creek is sited on private land with no easement in favour of WBOPDC, but the community expectation is that WBOPDC are responsible for the operation and maintenance of the creek. Upon completion of construction the creek will be fully contained within land under the ownership and therefore control of WBOPDC. WBOPDC will then be able to lawfully access, inspect and maintain the erosion protection structure to ensure it remains functional and that stormwater conveyance within the creek is optimised.

Overall it is considered that the proposal to construct and use the erosion protection structure will allow for enhanced use and longevity of the Waihi Beach Town Centre, WBOPDC underground infrastructure, public car parks and residences within the environs. This end is achievable whilst at the same time ensuring the existing amenity and public access values are maintained.

The above ends are considered to accord with the directions provided by the policy framework of the Water and Land Plan and District Plan. It is also considered that the proposal will provide for the social and economic wellbeing of the landowners adjoining the creek, as well as the wider Waihi Beach Community, and is consistent with all relevant matters contained within Part 2 of the RMA.

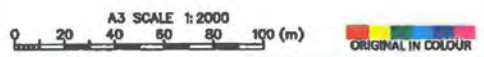
Accordingly, it is respectfully requested that these Resource Consent applications be granted on a non-notified basis.

T:\Tauranga\Projects\851969\_302\Working\851969\_302\10.dwg, 10, 3/08/2016 12:27:18 p.m., sheet, 11



**LEGEND**

- Property boundaries
- - - Existing Contour
- Top of bank
- - - Bottom of bank
- Fence line
- Wall
- Edge of Building
- Extent of 7m wide channel
- Extent of FILL
- Extent of CUT



DESIGNED :	MSP Aug 10
DRAWN :	JZM Aug 10
CHECKED :	PAK Aug 10
DATE :	10/08/10
PROJECT :	851969_302-10.dwg
APPROVED :	
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NOTES :

1. Topographical survey provided by Lyngbri Consultants Ltd.
2. Survey in terms of NZTM and reduced levels in Metres/Datum.
3. Aerial photo supplied by Western Bay of Plenty District Council.
4. Final location of concrete channel to be confirmed through detailed design.

REFERENCE :



**Tonkin+Taylor**

Level 1, 525 Cameron Road, Tauranga  
 Tel. (07) 571 7360 Fax. (09) 307 0265  
 www.tonkintaylor.co.nz

DRAWING STATUS: CONSENT ISSUE	
CLIENT PROJECT: WESTERN BAY OF PLENTY DISTRICT COUNCIL TWO MILE CREEK - WAIHI	
TITLE: CREEK BANK EROSION PROTECTION WORKS	
Site Plan	
SCALE (IF ANY): 1:2000	DWG. No. 851969.302-10
REV. 0	0

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**LEGEND**

- Property boundaries
- - - - - Existing Contour
- - - - - Top of bank
- - - - - Bottom of bank
- - - - - Fence line
- - - - - Wall
- - - - - Edge of Building
- █ Extent of 7m wide channel
- █ Extent of FILL
- █ Extent of CUT

A3 SCALE 1:500  
0 5 10 15 20 25 (m)

ORIGINAL IN COLOUR

DESIGNED :	MSP	Aug 16
DRAWN :	JZM	Aug 16
DESIGN CHECKED :	PAE	Sept 16
DRAWING CHECKED :	PAE	Sept 16
CLIENT :	851969_302-20_23.dwg	
APPROVED :	<b>NOT FOR CONSTRUCTION</b>	
REVISION DESCRIPTION	BY	DATE

**NOTES :**

1. Topographical survey provided by Lyngott Consultants Ltd. Survey in terms of NZTM and reduced levels in Moturid Datum.
2. Aerial photo supplied by Western Bay of Plenty District Council.
3. Final location of concrete channel to be confirmed through detailed design.
- 4.

REFERENCE :



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<b>DRAWING STATUS: CONSENT ISSUE</b>	
CLIENT PROJECT	WESTERN BAY OF PLENTY DISTRICT COUNCIL TWO MILE CREEK - WAIHI
TITLE	CREEK BANK EROSION PROTECTION WORKS Proposed Layout - Sheet 1 of 3
SCALE (W/A3 SIZE)	1:500
DWG. No.	851969_302-20
REV.	0

71

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**LEGEND**

- Property boundaries
- ..... Existing Contour
- Top of bank
- Bottom of bank
- Fence line
- Wall
- Edge of Building
- █ Extent of 7m wide channel
- Extent of FILL
- Extent of CUT

A3 SCALE 1:500  
 0 5 10 15 20 25 (m) ORIGINAL IN COLOUR

DESIGNED :	MSP	Aug. 15
DRAWN :	JZM	Aug. 15
DESIGN CHECKED :	242	8. 15
DRAWING CHECKED :	247	8. 15
DATE :	15/08/2016	20_23.dwg
APPROVED :	<b>NOT FOR CONSTRUCTION</b>	
REVISION DESCRIPTION	BY	DATE
0 Consent issue	247	9/16

**NOTES :**

1. Topographical survey provided by Lysoight Consultants Ltd. Survey in terms of NZTM and reduced levels to Mean Sea Level.
2. Aerial photo supplied by Western Bay of Plenty District Council.
3. Final location of concrete channel to be confirmed through detailed design.

REFERENCE :



**Tonkin+Taylor**  
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 Tel. (07) 571 7360 Fax. (09) 307 0265  
 www.tonkin+taylor.co.nz

**DRAWING STATUS: CONSENT ISSUE**

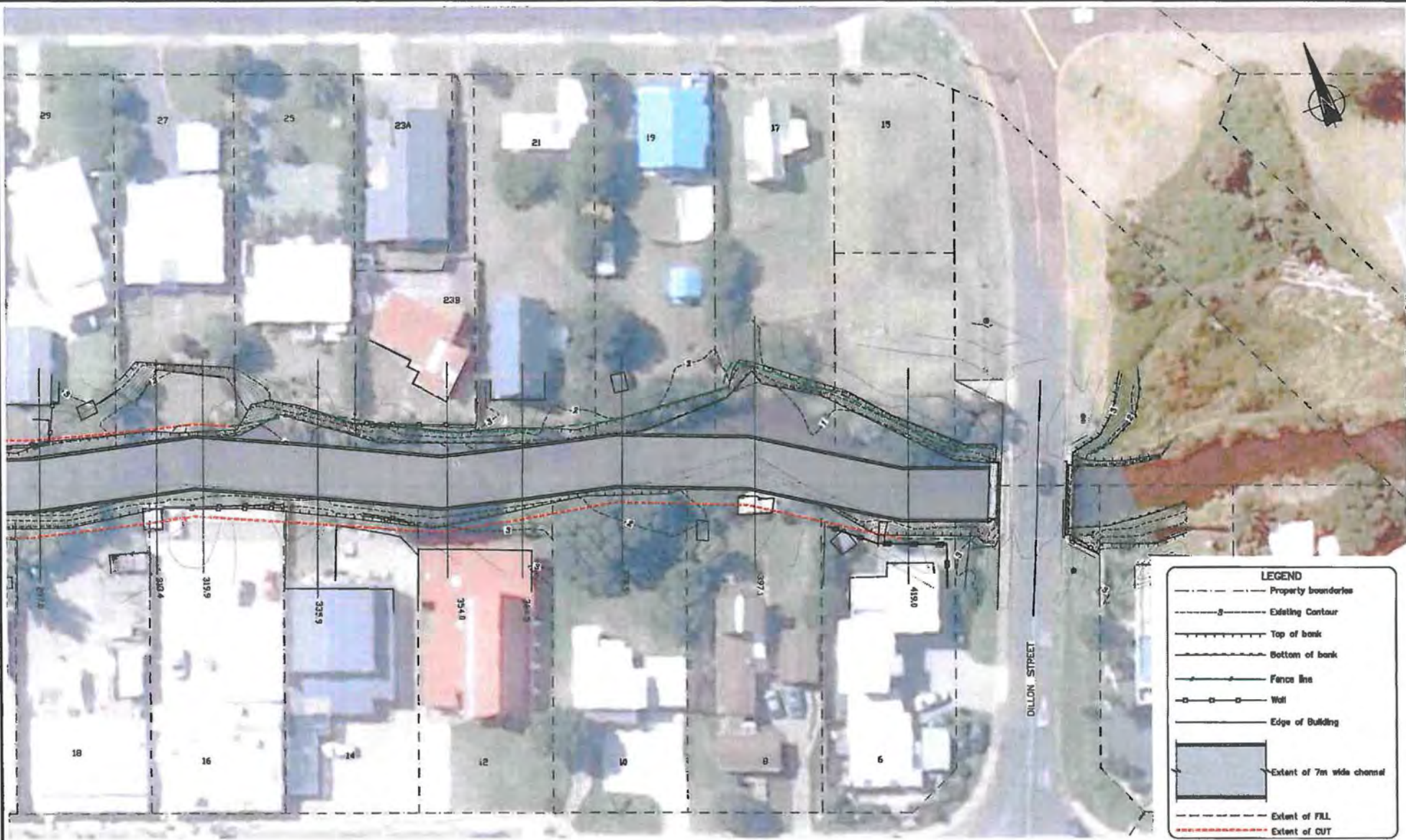
CLIENT PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**TWO MILE CREEK – WAIHI**

TITLE  
**CREEK BANK EROSION PROTECTION WORKS**  
**Proposed Layout – Sheet 2 of 3**

SCALE (BY A3 SIZE) 1:500  
 DATE 15/08/2016  
 DRAWING NO. 8515669.302-21  
 NO. 0



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**LEGEND**

- - - - - Property boundaries
- ..... Existing Contour
- Top of bank
- Bottom of bank
- - - - - Fence line
- +—+— Wall
- Edge of Building
- Extent of 7m wide channel
- - - - - Extent of FILL
- - - - - Extent of CUT

A3 SCALE 1:500  
 0 5 10 15 20 25 (m) ORIGINAL IN COLOUR

DESIGNED :	MSP	Aug. 16
DRAWN :	JZM	Aug. 16
DESIGN CHECKED :	ELN	16/8/16
DRAFTING CHECKED :	ELN	16/8/16
CADFILE :	\\851969\3002_20_23.dwg	
APPROVED :	<b>NOT FOR CONSTRUCTION</b>	
REVISION DESCRIPTION	BY	DATE

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**DRAWING STATUS: CONSENT ISSUE**

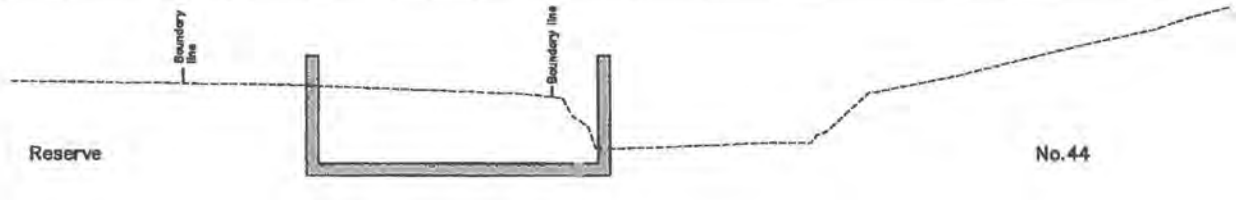
CLIENT PROJECT	WESTERN BAY OF PLENTY DISTRICT COUNCIL TWO MILE CREEK – WAIHI	
TITLE	CREEK BANK EROSION PROTECTION WORKS Proposed Layout – Sheet 3 of 3	
SCALE (OR AS SHD)	1:500	NO. 0
DATE	851969.302-22	NO. 0

73

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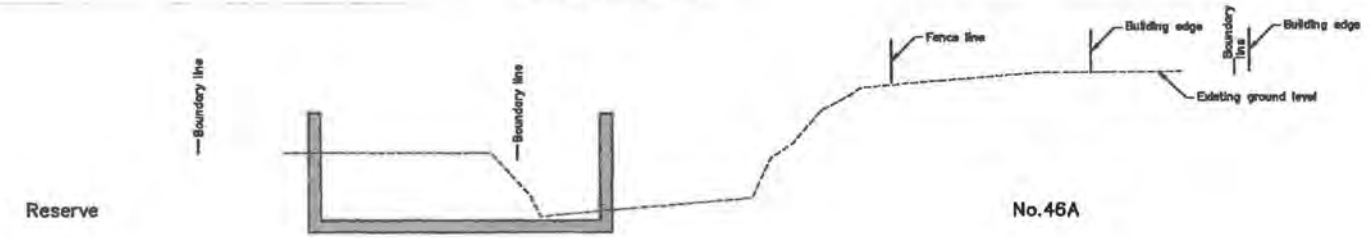
Edinburgh Street

Wilson Road



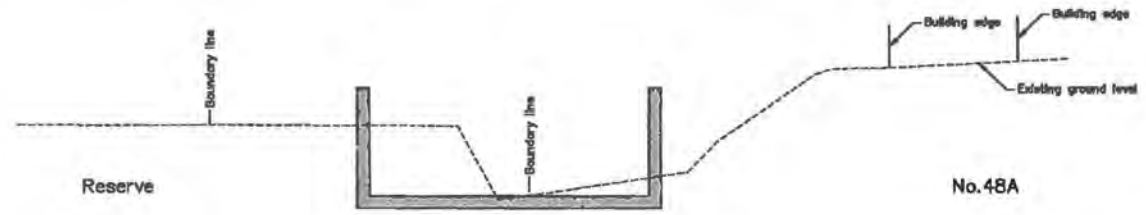
Datum RL -2

Cross Section 56.2



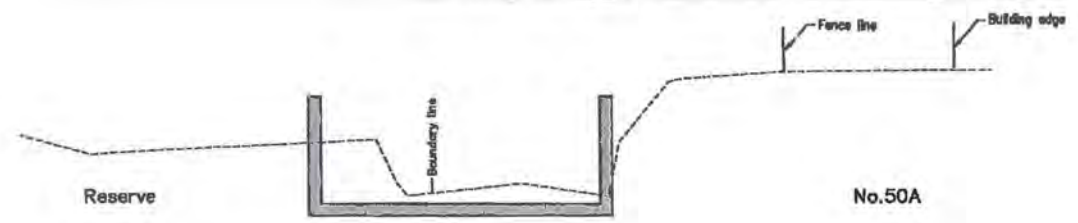
Datum RL -2

Cross Section 39.1



Datum RL -2

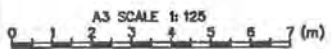
Cross Section 17.7



Datum RL -2

Cross Section 0

LEGEND	
	Existing ground level



**NOTES:**

- Levels in Terms of Mean High Water.
- Final location of concrete channel to be confirmed through detailed design.
- Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structures into landform and maintain stormwater drainage.
- Appropriately designed handrail/fence may be required on top of concrete channel crest.

REFERENCE:

DESIGNED :	MSP	Aug. 16
DRAWN :	JDM	Aug. 16
CHECKED :	PCP	16/8/16
DRAWING CHECKED :	PCP	16/8/16
DRAWING NO. :	851969_302-30_36.dwg	
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REVISION DESCRIPTION	BY	DATE

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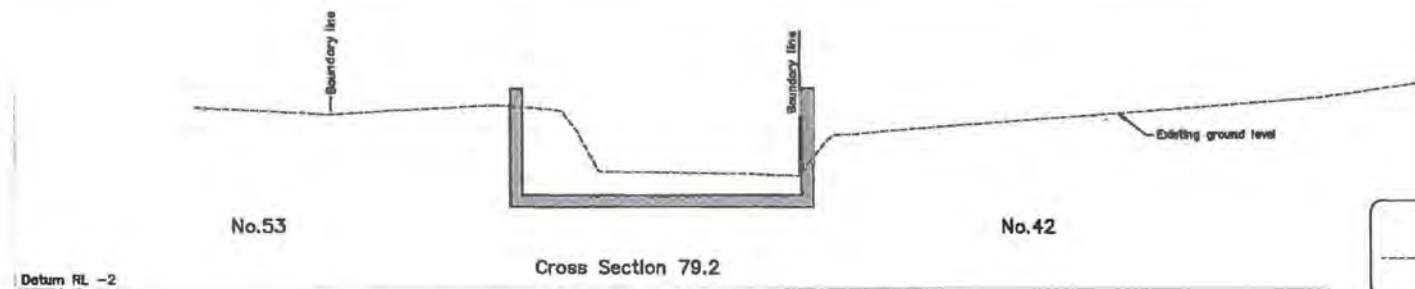
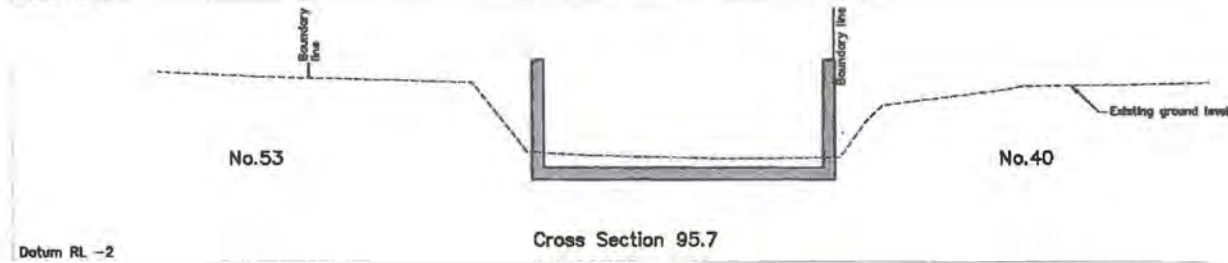
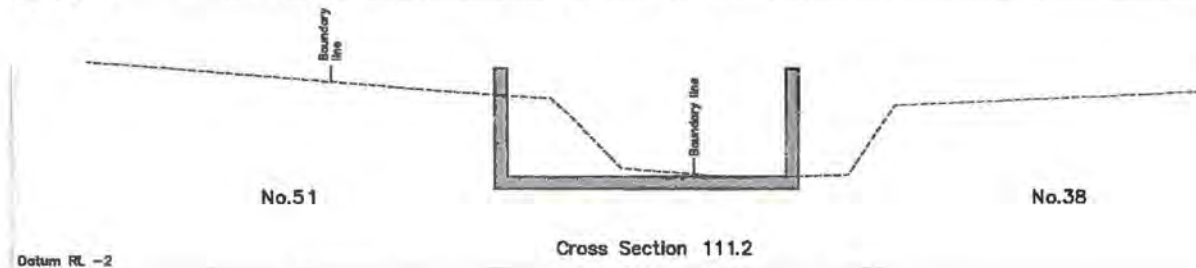
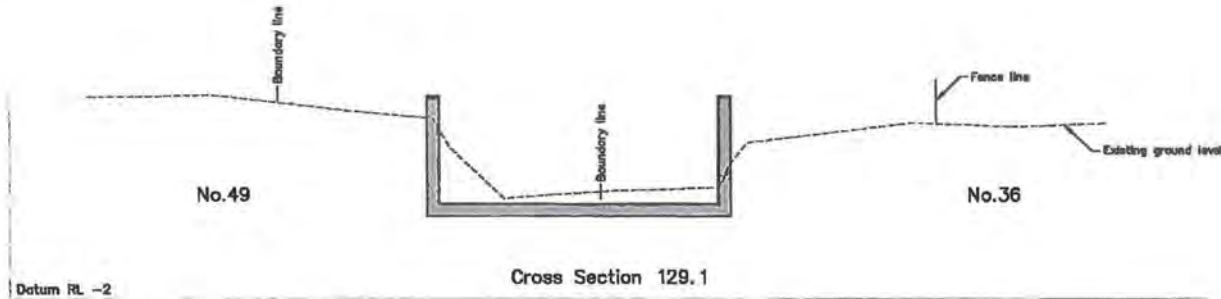
CLIENT: WESTERN BAY OF PLENTY DISTRICT COUNCIL  
 PROJECT: TWO MILE CREEK - WAIHI  
 TITLE: CREEK BANK EROSION PROTECTION WORKS  
 CROSS SECTIONS 0m TO 56.2m

SCALE: AS SHOWN	DATE: 16/08/2016	REV: 0
1:125	851969_302-30	

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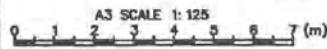
Edinburgh Street

Wilson Road



LEGEND

----- Existing ground level



**NOTES:**

- Levels in Terms of Mean Sea Level.
- Final location of concrete channel to be confirmed through detailed design.
- Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for aesthetics to integrate structure into landscape and maintain stormwater drainage.
- Appropriately designed handrail/fence may be required on top of concrete channel crest.

APPROVED:	MSP	Aug 16
DESIGN CHECKED:	JSM	Aug 16
DRAWING CHECKED:	AKB	Aug 16
FILED:	AKB	Aug 16
FILE:	\\SIS 1969.302-30_36.dwg	
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DRAWING STATUS: CONSENT ISSUE

CLIENT: WESTERN BAY OF PLENTY DISTRICT COUNCIL  
PROJECT: TWO MILE CREEK - WAIHI

TITLE: CREEK BANK EROSION PROTECTION WORKS  
Cross Sections 79.2m to 129.1m

SCALE: 1:125

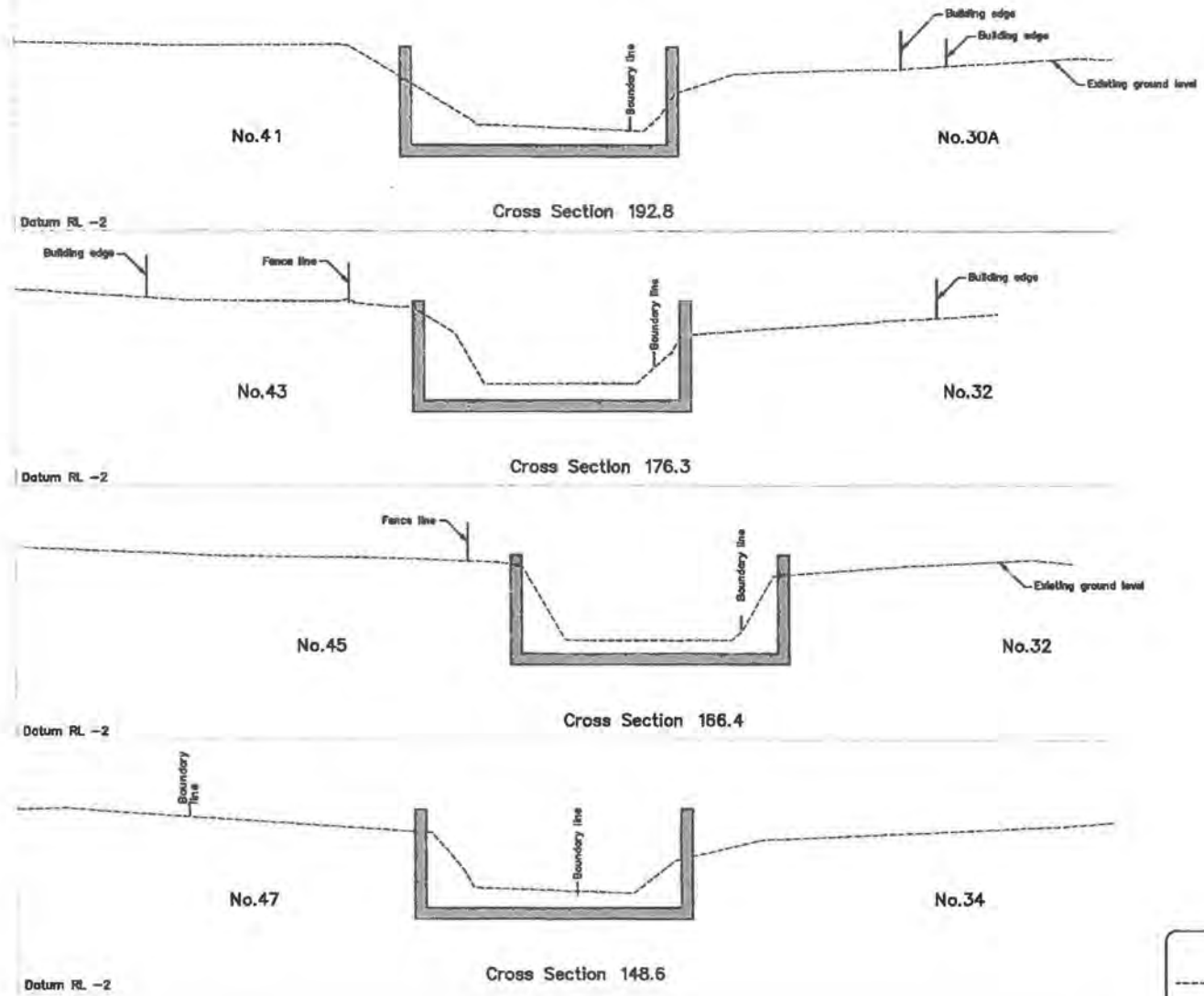
DATE: 85 1969.302-31

REV: 0

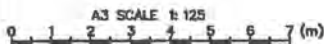
T:\Tauranga\projects\851969\851969\_302\DWG\851969\_302-30\_36.dwg, 32, 3/08/2016 12:27:45 p.m., dnm, 11

Edinburgh Street

Wilson Road



**LEGEND**  
 ----- Existing ground level



**NOTES:**  
 1. Levels in Terms of Mean High Water.  
 2. Final location of concrete channel to be confirmed through detailed design.  
 3. Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landform and maintain stormwater drainage.  
 4. Appropriately designed handrail/fence may be required on top of concrete channel crest.

**REFERENCE:**

0	Consent Issue	BY:	DNM	DATE:	12/04/2016
<p><b>NOT FOR CONSTRUCTION</b>          This drawing is not to be used for construction purposes unless signed and approved by the Engineer in Charge.</p>					

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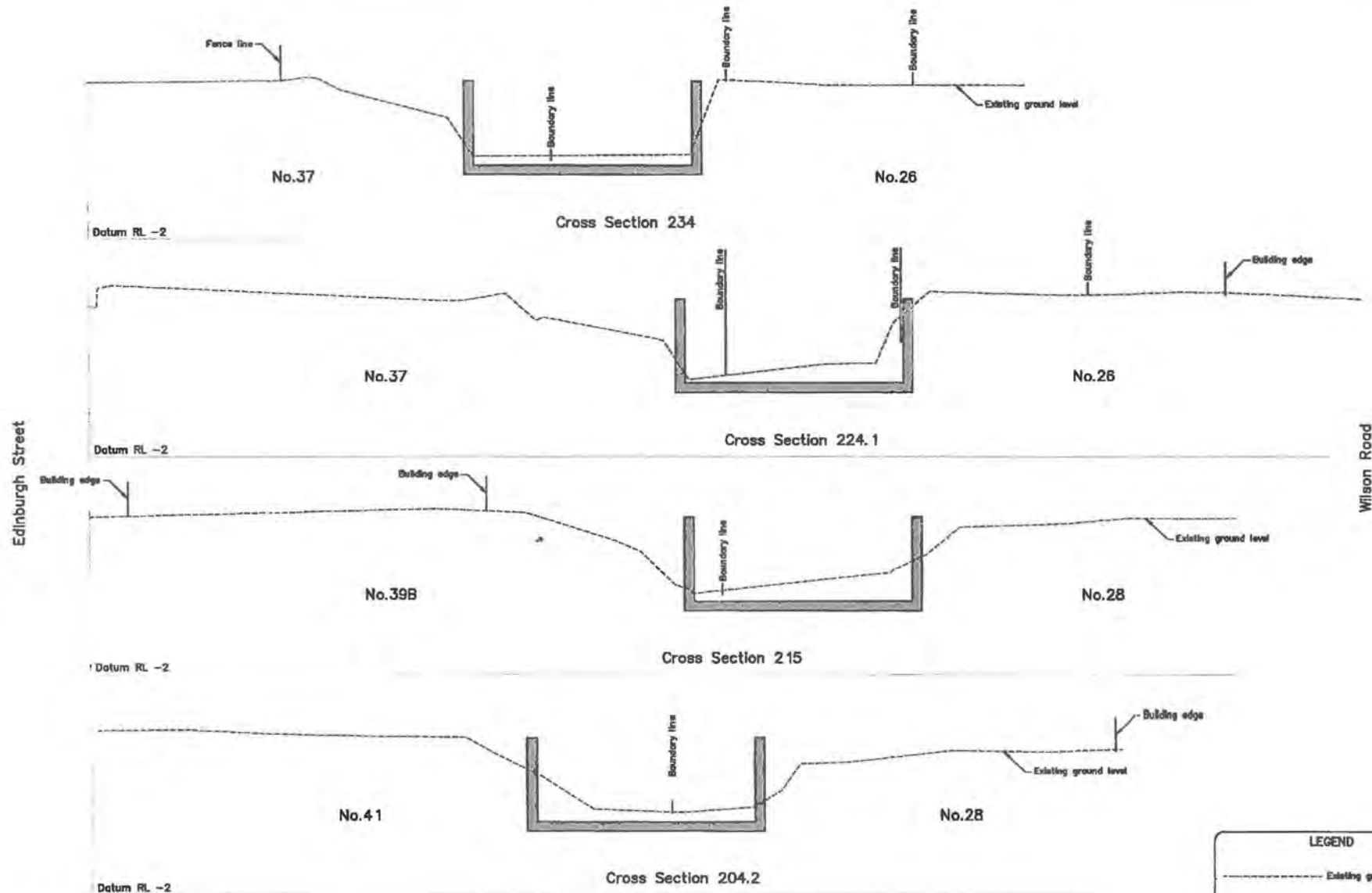
**DRAWING STATUS: CONSENT ISSUE**

CLIENT, PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL  
 TWO MILE CREEK - WAIHI**

TITLE  
**CREEK BANK EROSION PROTECTION WORKS  
 Cross Sections 148.6m to 192.8m**

DATE: 12/04/2016  
 SHEET: 11 OF 14 SHEETS  
 1: 125  
 85 1969.302-32  
 0

T:\Tauranga\projects\851969\_3020\Working\status\CAD\DWG\851969\_302-30\_36.dwg, 35, 3/09/2016 12:27:48 p.m., dwg, 1:1



A3 SCALE 1: 125  
0 1 2 3 4 5 6 7 (m)

**NOTES:**  
 1. Levels in Terms of Moturiki Datum.  
 2. Final location of concrete channel to be confirmed through detailed design.  
 3. Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landform and maintain stormwater drainage.  
 4. Appropriately designed handrail/fence may be required on top of concrete channel crest.

DESIGNED :	MSP	Aug 16
DRAWN :	JEM	Aug 16
DESIGN CHECKED :	JMS	16/8/16
DRAWING CHECKED :	PLJ	16/8/16
CADFILE :	\\051969.302-30_36.dwg	
APPROVED :		
<b>NOT FOR CONSTRUCTION</b>		
<small>This drawing is not to be used for construction purposes unless signed as approved.</small>		
REVISION DESCRIPTION	BY	DATE



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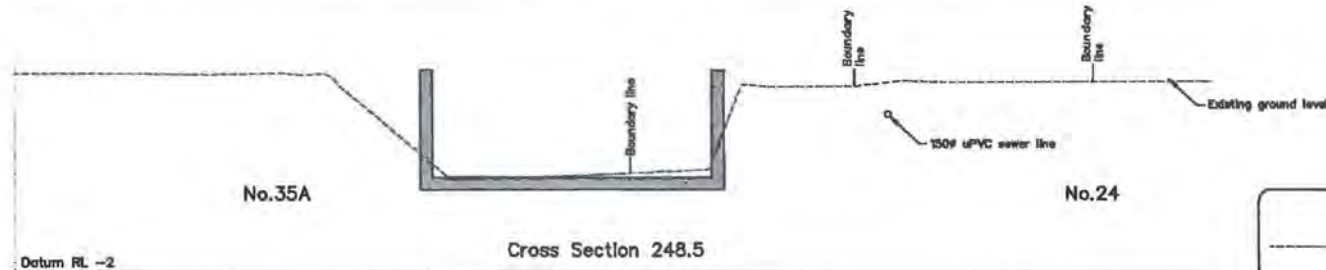
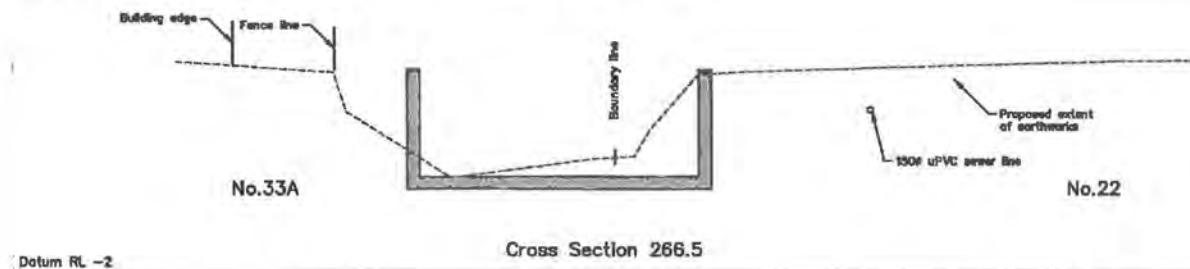
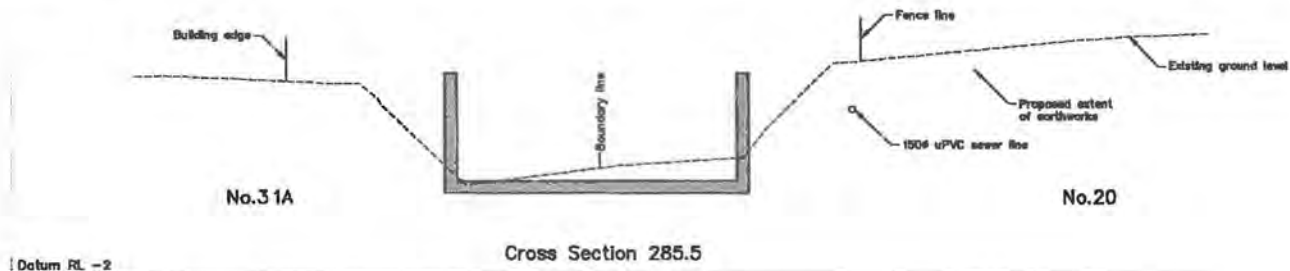
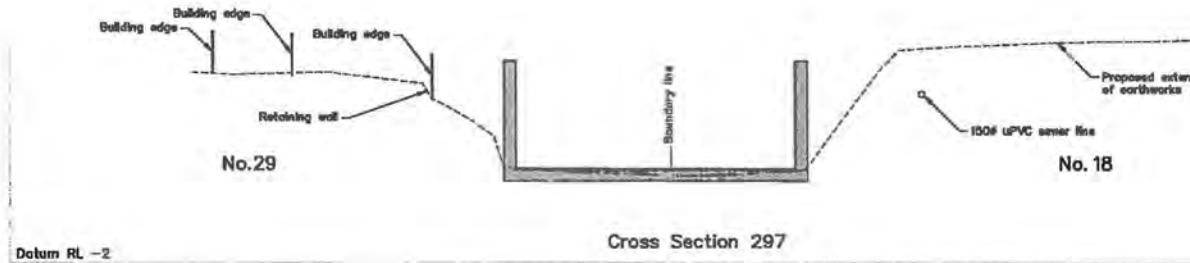
**DRAWING STATUS: CONSENT ISSUE**  
 CLIENT PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**TWO MILE CREEK – WAIHI**  
 TITLE  
**CREEK BANK EROSION PROTECTION WORKS**  
**Cross Sections 204.2m to 234.0m**  
 SCALE (BY AS SHOWN)  
 1: 125  
 DWG. NO.  
 851969.302-33  
 REL.  
 0

77

T:\Tauranga\proj\proj\851989\851989\_302\Waihi\851989\_302-30\_35.dwg, 34, 3/08/2016 12:27:52 p.m., dnm, 1:1

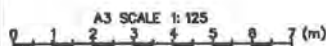
Edinburgh Street

Wilson Road



**LEGEND**

----- Existing ground level



- NOTES**
- Levels in Terms of Mean High Water.
  - Final location of concrete channel to be confirmed through detailed design.
  - Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landscape and maintain stormwater drainage.
  - Appropriately designed handrail/fence may be required on top of concrete channel crest.

DESIGNED :	MSP	Aug. 16
DRAWN :	JZM	Aug. 16
CHECKED :	AMS	Aug. 16
DRAWING CHECKED :	PJA	Aug. 16
DATE :	851989_302-30_35.dwg	
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CLIENT PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL  
TWO MILE CREEK - WAIHI**

TITLE  
**CREEK BANK EROSION PROTECTION WORKS  
Cross Sections 245.5m to 297.0m**

SCALE OF AS SHOWN  
1:125

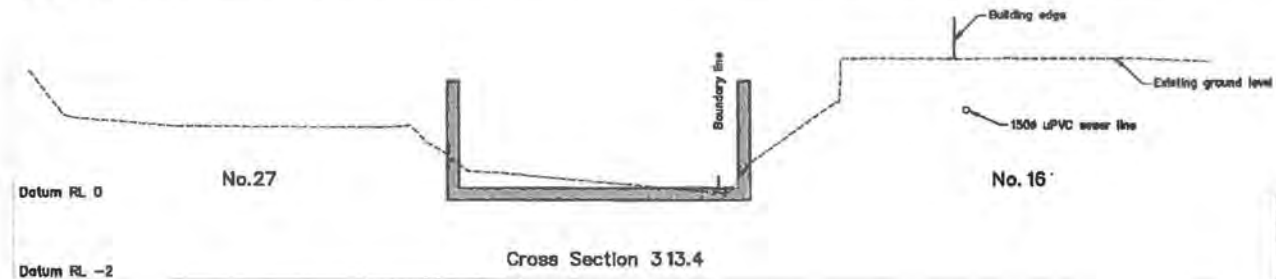
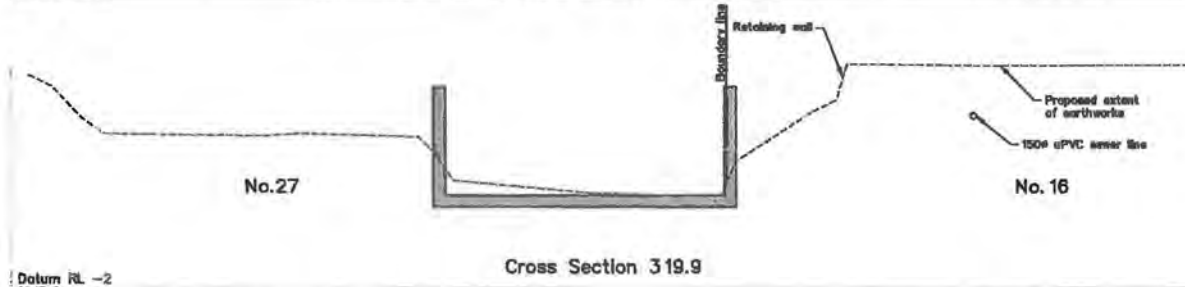
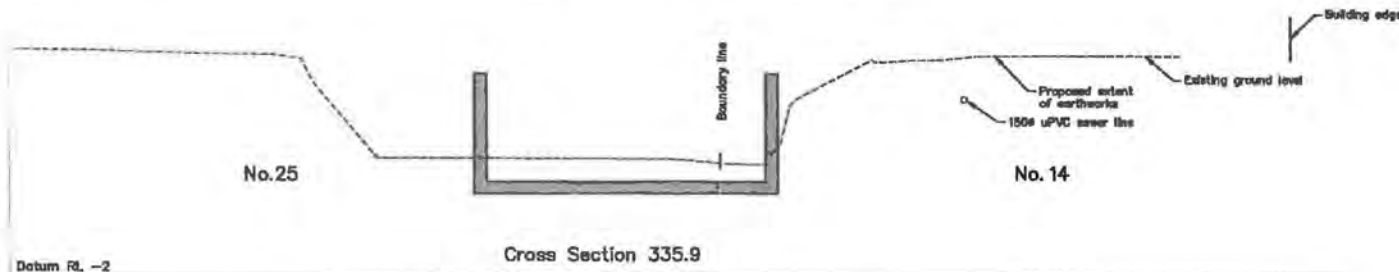
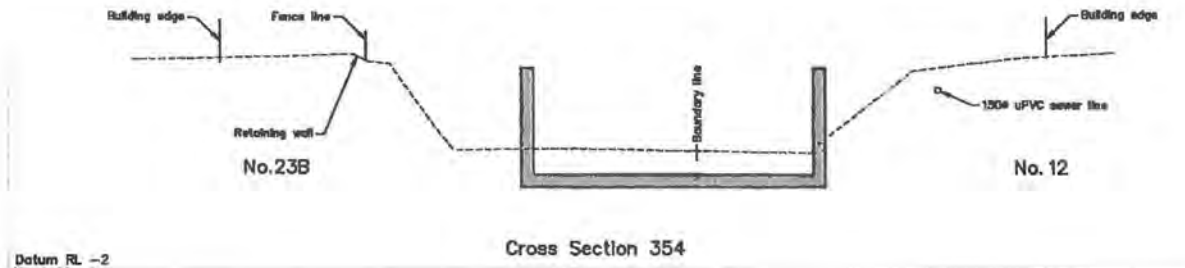
DATE  
851989.302-34

REV.  
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Edinburgh Street

Wilson Road



**LEGEND**  
----- Existing ground level



- NOTES**
- Levels in Terms of Mean Sea Datum.
  - Final location of concrete channel to be confirmed through detailed design.
  - Crest height of concrete channel indicative only. Crest height may vary along creek beds due to requirements for earthworks to integrate structure into landform and maintain stormwater drainage.
  - Appropriately designed handrail/fence may be required on top of concrete channel crest.
- REFERENCE :

DESIGNED :	MSP	Rev. 01
DRAWN :	JZM	Rev. 01
CHECKED :	PKM	Rev. 01
DATE :	15/08/2016	30_36.dwg
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**DRAWING STATUS: CONSENT ISSUE**

CLIENT PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL  
TWO MILE CREEK - WAIHI**

TITLE  
**CREEK BANK EROSION PROTECTION WORKS  
Cross Sections 313.4m to 354.0m**

SCALE FOR AS SHOWN  
1:125

DATE: 15/08/2016

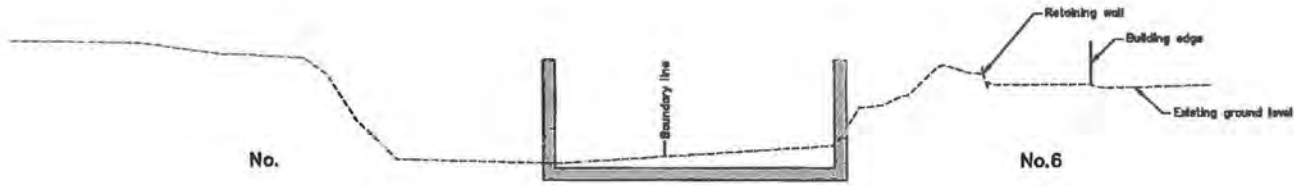
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REV: 0

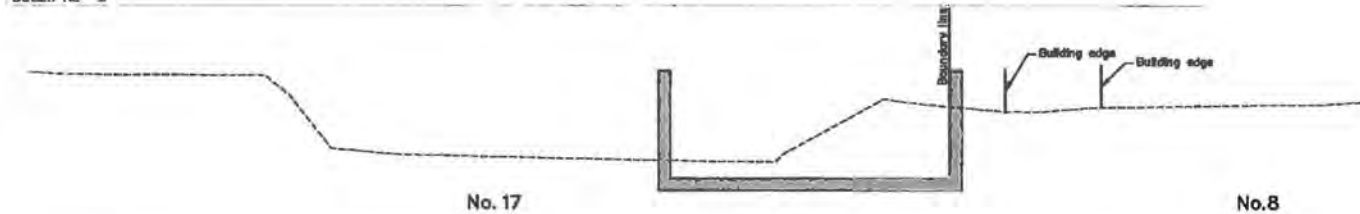
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Edinburgh Street

Wilson Road



Dotum RL -2 Cross Section 419



Dotum RL -2 Cross Section 397.1

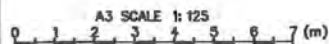


Dotum RL -2 Cross Section 378.5



Dotum RL -2 Cross Section 364.5

**LEGEND**  
 ----- Existing ground level



**NOTES:**  
 1. Levels in Terms of Mokuāri Detum.  
 2. Final location of concrete channel to be confirmed through detailed design.  
 3. Crest height of concrete channel indicative only. Crest height may vary along creek banks due to requirements for earthworks to integrate structures into landform and maintain stormwater drainage.  
 4. Appropriately designed handrail/fence may be required on top of concrete channel crest.

DESIGNED BY	MSP	DATE	18/03/16
CHECKED BY	JM	DATE	18/03/16
APPROVED BY	PCW	DATE	18/03/16
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**DRAWING STATUS: CONSENT ISSUE**  
 CLIENT, PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**TWO MILE CREEK - WAIHI**  
 TITLE  
**CREEK BANK EROSION PROTECTION WORKS**  
**Cross Sections 364.5m to 419.0m**  
 SCALE (IF AT 50%)  
 1:125  
 DRAWING NO.  
 85 1969.302-36  
 REV.  
 0



**Appendix B: Land parcel details and Certificates of Title**

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## Land parcel details

Address	Owner	Legal description	Certificate of Title
6 Wilson Road	Peter Hikaka	Lot 6 DP 37326	979/4
8 Wilson Road	Ajaks Holdings Ltd	Lot 5 DP 37326	979/273
10 Wilson Road	Coastal Investments (2007) Ltd	Lot 4 DP 37326	979/249
12 Wilson Road	The Presbyterian Church Property Trustees	Lot 3 DP 37326	1287/34
14 Wilson Road	Robnsue Hope Properties Ltd	Lot 2 DP 37326	976/32
16 Wilson Road	Fleurette and Robert Harwood	Lot 1 DP 37326	979/10
18 Wilson Road	Largo Holdings Ltd	Lot 31 DP 37325	979/38
20 Wilson Road	Donald Stuart and Shane Fell	Lot 30 DP 37325	1705/23
22 Wilson Road	Donald Stuart and Shane Fell	Lot 29 DP 37325	558/102
Behind 24 Wilson Road	WBOPDC (local purpose drainage reserve)	Lot 6 DPS 59283	None
Behind 26 Wilson Road	WBOPDC (local purpose drainage reserve)	Lot 5 DPS 59283	None
26 Wilson Road	NZ Police	Lot 1 DPS 59283	None
28 Wilson Road	John Watt	Lot 26 DP 37325	25A/450
30A Wilson Road	Darryn Curle	Lot 2 DP 351287	210154
32 Wilson Road	Kenneth and Susan Mustard	Lot 24 DP 37325	979/46
34 Wilson Road	Marieka Bogaerd and Guy Rencher	Lot 23 DP 37325	983/184
36 Wilson Road	Oscar Alpers and Lydia Sulima-Rogaczewski	Lot 22 DP 37325	983/21
38 Wilson Road	Threes Company 2004 Ltd	Lot 21 DP 37325	2A/1167
40 Wilson Road	Jillian and Geoffrey Dell and Ruby Trustees Ltd	Lot 20DP 37325	979/202
42 Wilson Road	Allen and Raewyn Rountree and Redoubt Trustees Ltd	Lot 19 DP 448018	566434
44 Wilson Road	Robert Quantrill	Lot 18 DP 448018	566433
46A Wilson Road	Andrew and Anita Coombe and Diprose Miller Trustees Ltd	Lot 2 DP 328690	117054

48A Wilson road	Scott Stewart and Allen Needham Trustees Ltd	Lot 3 DP 328690	117055
50A Wilson Road	Brian, Maxine and Susan Love	Lot 2 DP 347651	747527
15A Edinburgh Street	WBOPDC		
17 Edinburgh Street	Robert Wilkins	Lots 138 DP 1263	1086/5
19 Edinburgh Street	Shona Hamilton and Alfred, Errol, Mark, Malreen and Nigel Hotham	Lot 137 DPS 1263	1226/75
21 Edinburgh Street	Geoffrey and Josephine Hall	Lot 136 DPS 1263	1255/55
23B Edinburgh Street	Timothy Aughton and NZ Trustee Services Ltd	Lot 2 DP 344382	182175
25 Edinburgh Street	Dianne Lynds	Lot 134 DPS 1263	1086/28
27 Edinburgh Street	Glenda Heappey	Lot 133 DPS 1263	1237/76
29 Edinburgh Street	Kenneth and Sondra Mander	Lot 132 DPS 1263	1086/40
31A Edinburgh Street	Murray and Nicola Tames	Lot 2 DP 348701	199932
33A Edinburgh Street	Sallyann and Thomas Spence	Lot 1 DP 350435	206282
35A Edinburgh Street	Gunn Ventures Ltd	Lot 1 DP 350426	206253
37 Edinburgh Street	WBOPDC	Lot 128 DP 1263	1082/295
39A Edinburgh Street	Sheryl and William Trench	Lot 127 DPS 1263	1226/74
41 Edinburgh Street	Lindsay and Melissa Sattler	Lot 126 DPS 1263	1428/37
43 Edinburgh Street	Debra Kingsford-Tinling and Terence Tinling	Lot 125 DPS 1263	1202/259
45 Edinburgh Street	Hayden McCormick and Stephanie Wong	Lot 1 DPS 14885	14A/266
47 Edinburgh Street	Boyd and Johanne Clark	Lot 2 DPS 36047	32C/498
49 Edinburgh Street	Anthony and Nicola Scott	Lot 3 DPS 36047	32C/499
51 Edinburgh Street	Hayden and Tanya Lyle and Wallis Family company ltd	Lot 4 DPS 36047	32C/500
53 Edinburgh Street	Tracey Gunn, Leanna and Simon Scott	Lot 5 DPS 36047	32C/501
8 Hillview Road	WBOPDC (Broadlands Block)	Lot 2 DPS 65226	60A/141

No address	WBOPDC (Local purpose drainage reserve)	Lot 1 DPS 36047	None
No address	WBOPDC (unformed public road)	Lot 136 DP 37325	None



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA979/4  
**Land Registration District** South Auckland  
**Date Issued** 16 October 1950

**Prior References**

SA969/164

---

**Estate** Fee Simple  
**Area** 827 square metres more or less  
**Legal Description** Lot 6 Deposited Plan 37326

**Proprietors**

Peter Rangihuatau Hikaka

---

**Interests**

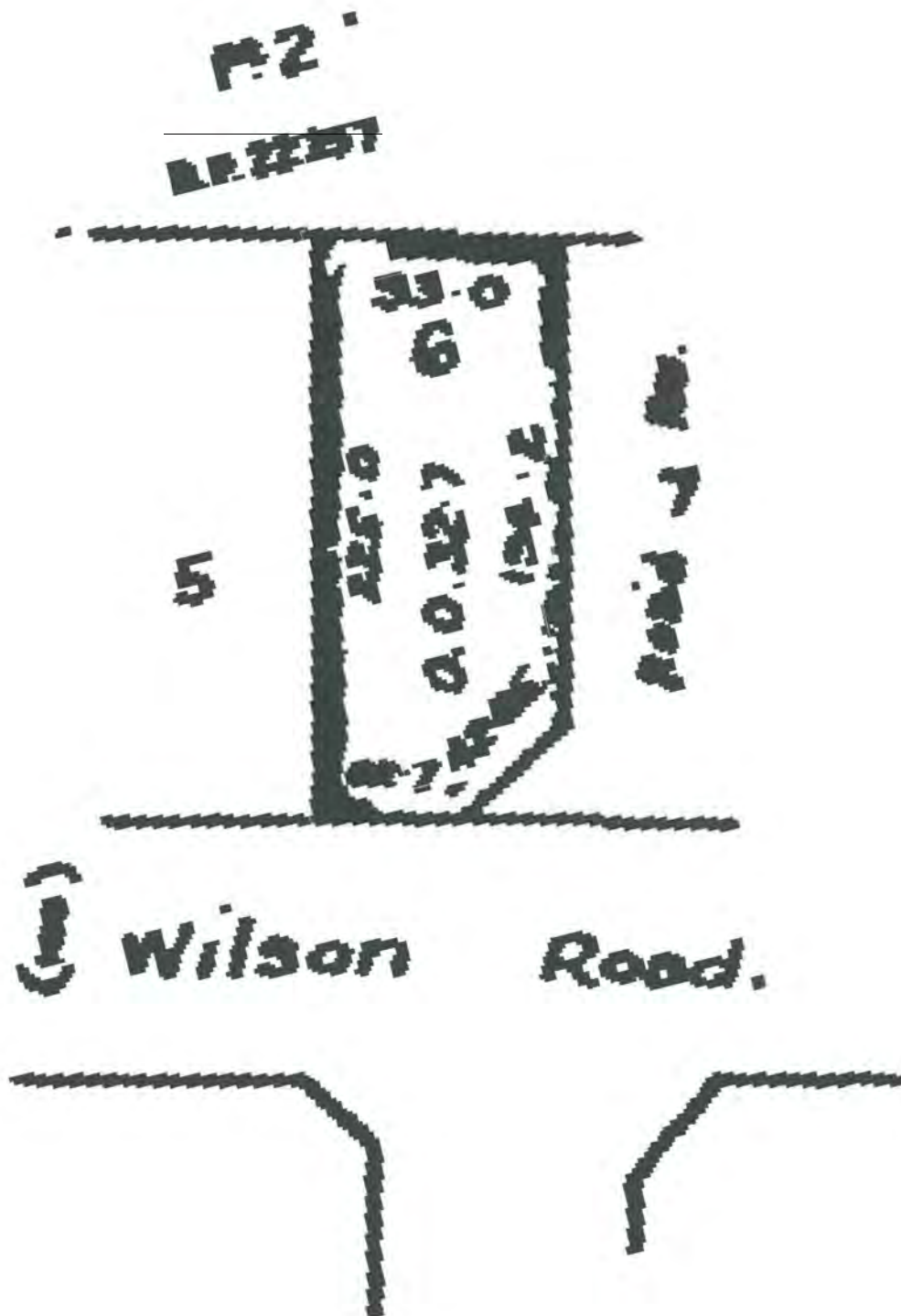
B572687.3 Mortgage to (now) Westpac New Zealand Limited - 14.10.1999 at 12.35 pm

B684727.1 Variation of Mortgage B572687.3 - 2.11.2001 at 10.12 am

7582917.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation (including flooding, overland flow, storm surge, tidal effects and ponding) as a natural hazard - 18.10.2007 at 9:00 am

8574273.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies Inundation (including flooding, overland flow, storm surge, tidal effects and ponding as natural hazards - 23.8.2010 at 10:43 am

10323759.7 Variation of Mortgage B572687.3 - 2.2.2016 at 12:16 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

  
R. W. Muir  
Registrar-General  
of Land

**Identifier** SA979/273  
**Land Registration District** South Auckland  
**Date Issued** 07 November 1950

**Prior References**  
SA969/164

---

**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 5 Deposited Plan 37326

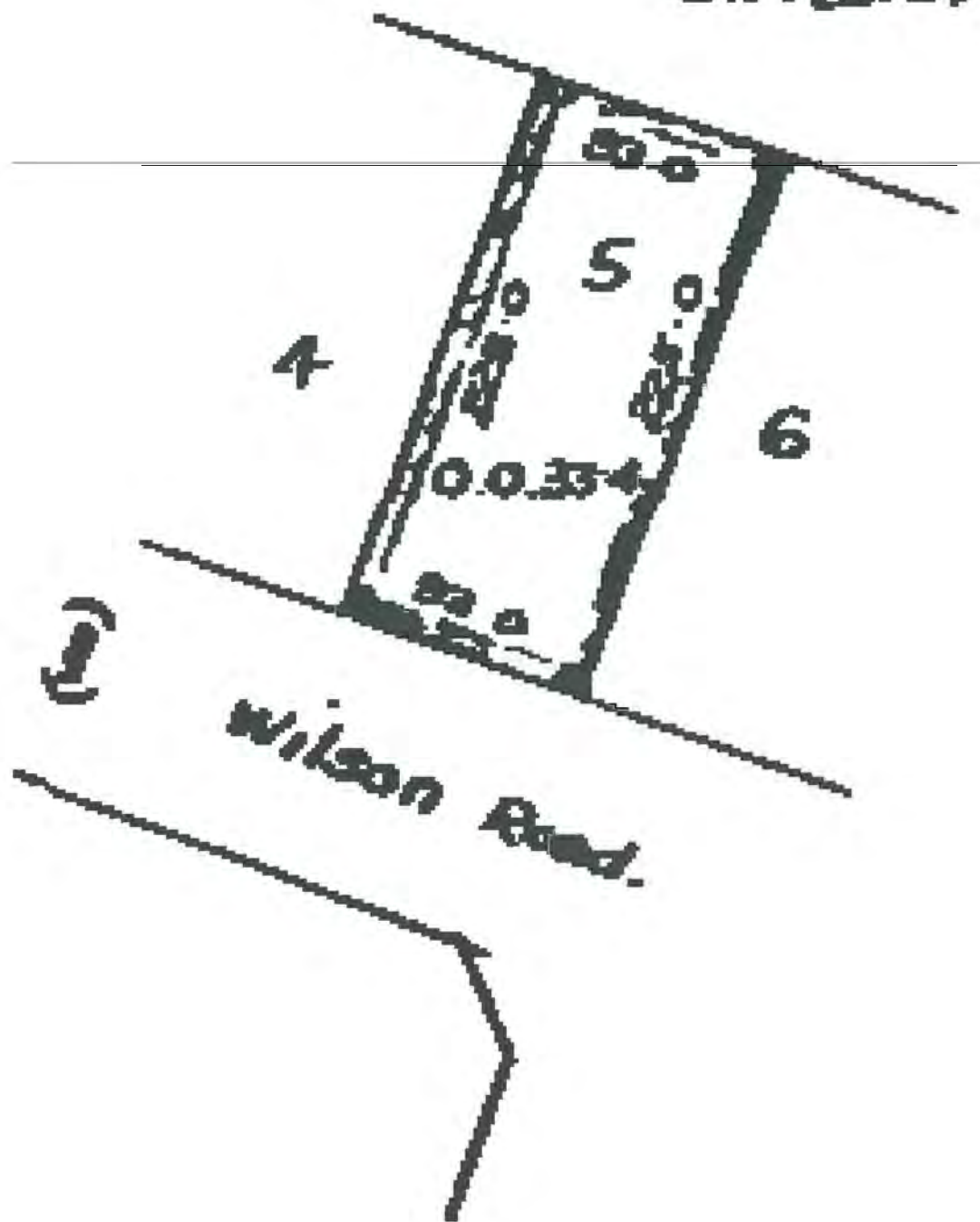
**Proprietors**  
Ajaks Holdings Limited

---

**Interests**

PC 2

D.P. 22757







**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA979/249  
**Land Registration District** South Auckland  
**Date Issued** 06 November 1950

**Prior References**

SA969/164

---

**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 4 Deposited Plan 37326

**Proprietors**

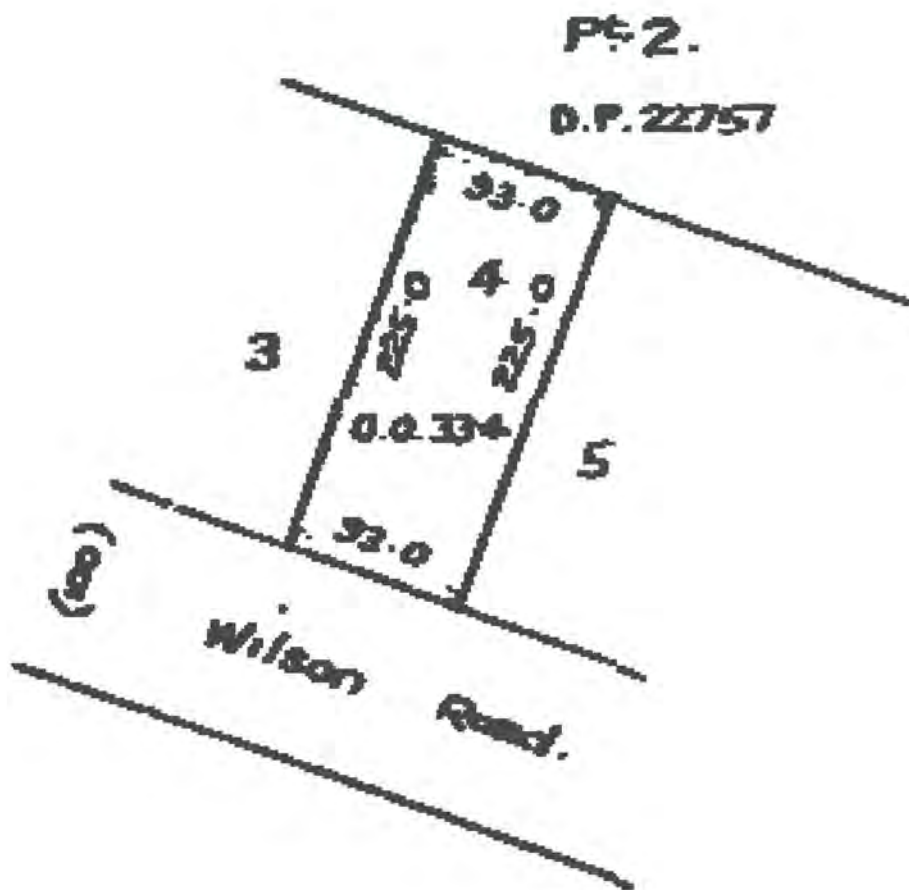
James Oliver Walshe as to a 1/2 share

Mikala Jane Walshe as to a 1/2 share

---

**Interests**

10630494.2 Mortgage to ANZ Bank New Zealand Limited - 1.12.2016 at 2:31 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1287/34  
**Land Registration District** South Auckland  
**Date Issued** 21 March 1957

**Prior References**  
SA969/164

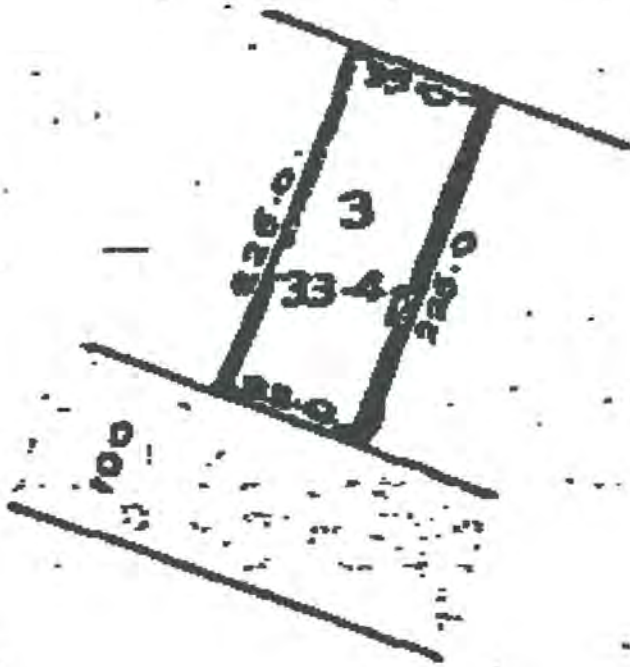
---

**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 3 Deposited Plan 37326

**Proprietors**  
The Presbyterian Church Property Trustees

---

**Interests**





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA976/32  
**Land Registration District** South Auckland  
**Date Issued** 15 September 1950

**Prior References**

SA969/164

---

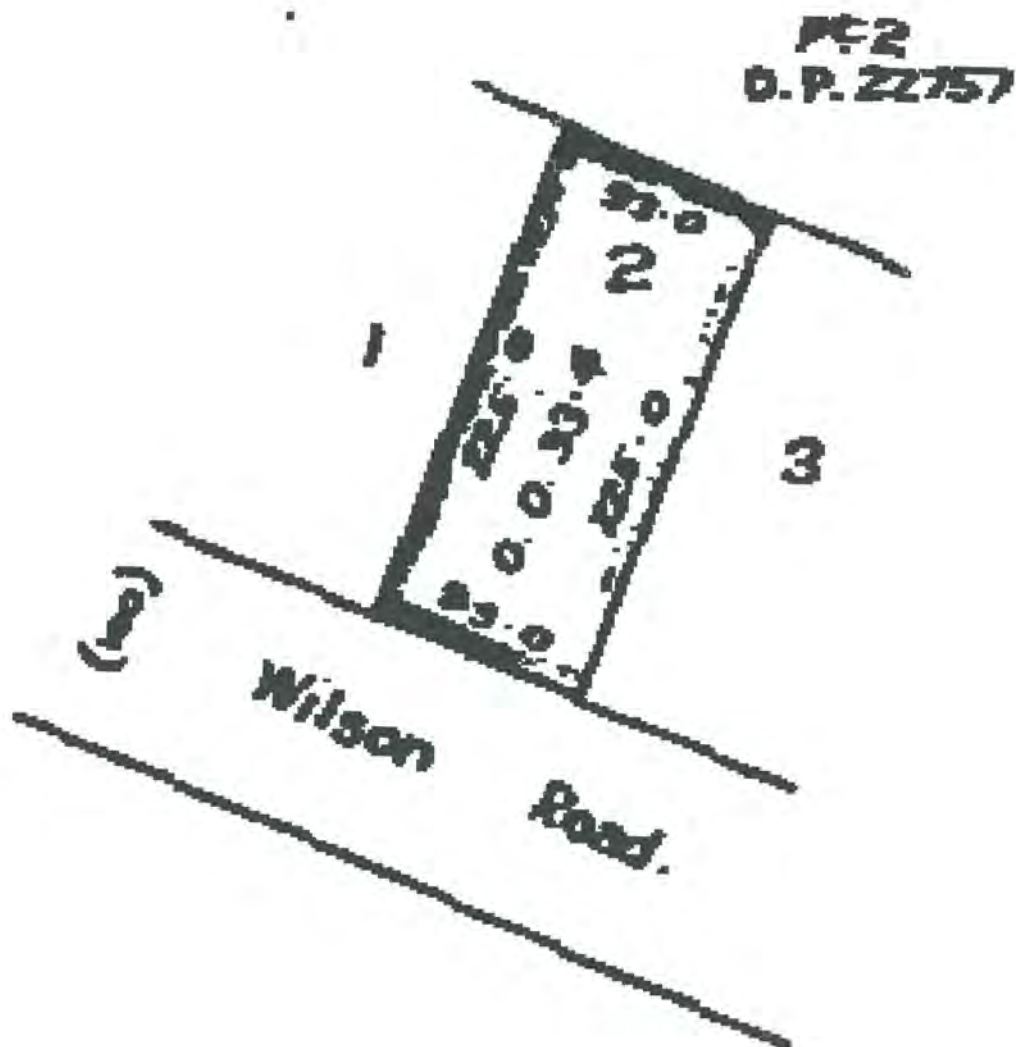
**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 37326

**Proprietors**

ROBnSUE Hope Properties Limited

**Interests**

B637300.2 Mortgage to The National Bank of New Zealand Limited - 4.12.2000 at 1.30 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA979/10  
**Land Registration District** South Auckland  
**Date Issued** 16 October 1950

**Prior References**

SA969/164

---

**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 1 Deposited Plan 37326

**Proprietors**

Robert Ogilvy Harwood as to a 1/2 share  
Fleurette Helga Louisa Harwood as to a 1/2 share

**Interests**

Appurtenant hereto is a right of way specified in Easement Certificate H219359 - 20.2.1979 at 11.59 am  
Subject to a right of way over part marked B on DPS 25013 specified in Easement Certificate H219359 - 20.2.1979 at 11.59 am  
7761409.2 Mortgage to Westpac New Zealand Limited - 1.4.2008 at 9:31 am

3 117)

R-2

D.P. 22757



THE CITY OF LOS ANGELES REGISTERED PLANNING AND ZONING DEPARTMENT





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA979/38  
**Land Registration District** South Auckland  
**Date Issued** 17 October 1950

**Prior References**

SA969/158

---

**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 31 Deposited Plan 37325

**Proprietors**

Largo Holdings Limited

**Interests**

Subject to a right of way over part marked A on DPS 25013 as specified in Easement Certificate H219359 - 20.2.1979 at 11.59 am

Appurtenant hereto is a right of way as specified in Easement Certificate H219359 - 20.2.1979 at 11.59 am

B612371.1 Certificate that a building consent has been issued in respect of a building on the land that is described in Section 36(2) Building Act 1991 - 19.6.2000 at 10.15 am

S25013

3.11.77

P. 2

D.P. 22757



Wilson Road



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1705/23  
**Land Registration District** South Auckland  
**Date Issued** 23 September 1959

**Prior References**  
SA976/167

---

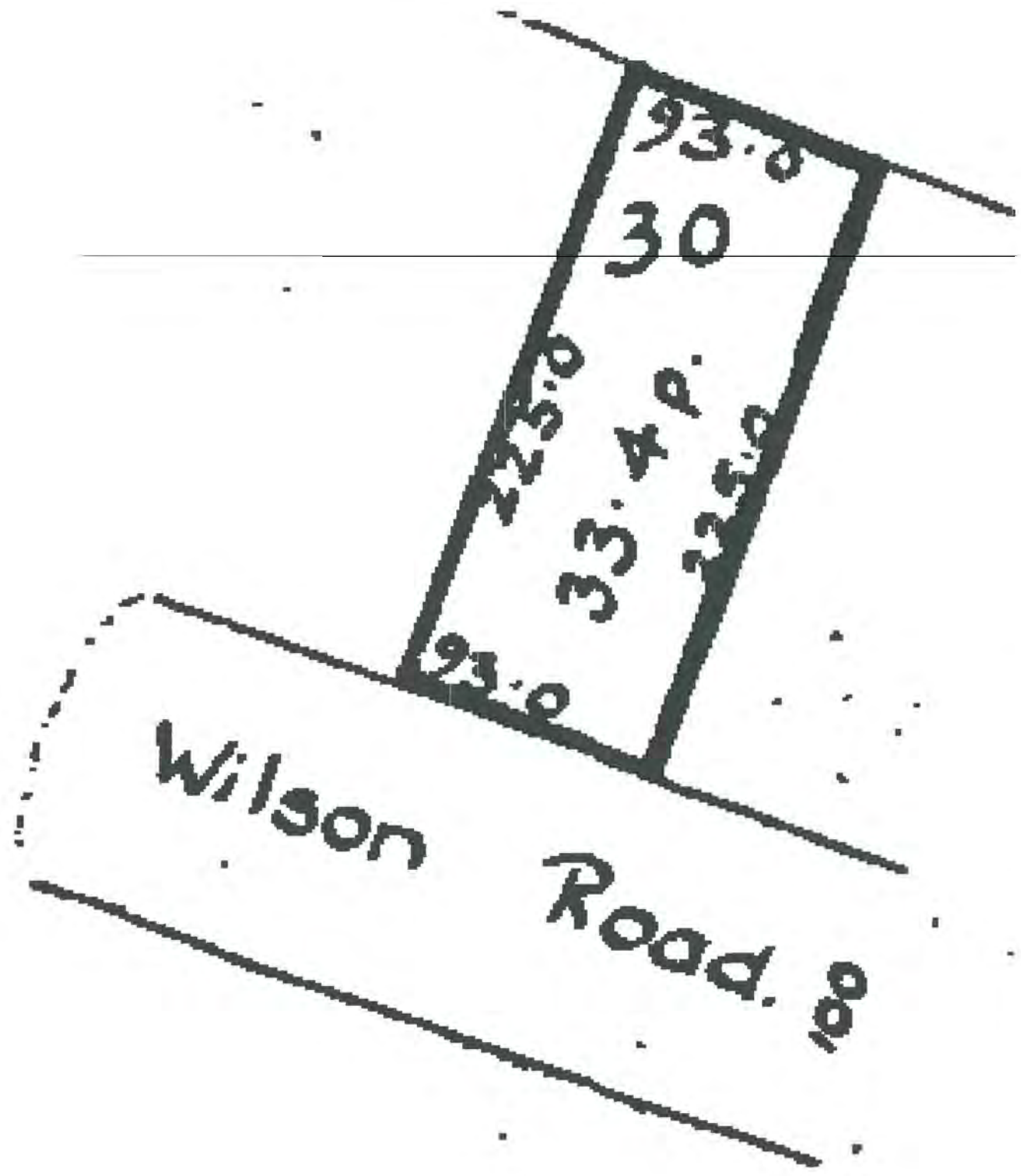
**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 30 Deposited Plan 37325

**Proprietors**  
Donald McNaughton Stuart and Shane Richard Fell

---

**Interests**

9354774.3 Mortgage to ANZ Bank New Zealand Limited - 19.6.2013 at 8:44 am  
9803893.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (ALSO AFFECTS SA55B/102 LOT 29 DP 37325 ) - 6.8.2014 at 12:43 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA55B/102  
**Land Registration District** South Auckland  
**Date Issued** 31 August 1994

**Prior References**

SA49A/211 SA995/160

---

**Estate** Fee Simple  
**Area** 848 square metres more or less  
**Legal Description** Lot 29 Deposited Plan 37325 and Lot 1  
Deposited Plan South Auckland 64631

**Proprietors**

Donald McNaughton Stuart and Shane Richard Fell

**Interests**

Subject to Section 241 Resource Management Act 1991

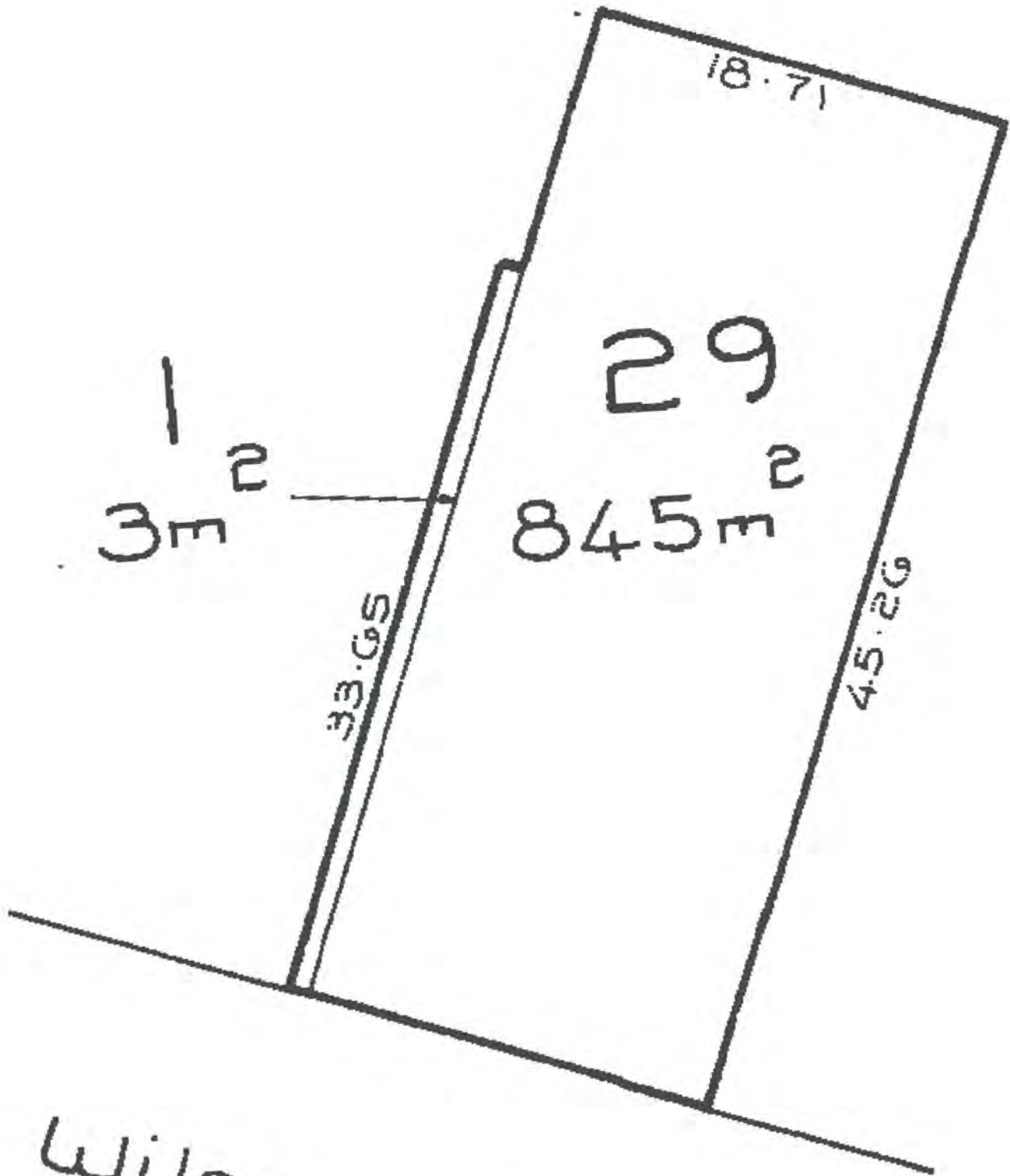
Subject to Section 27B State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of any such recommendation) (affects Lot 1 DPS 64631)

Subject to Section 8 Mining Act 1971 (affects Lot 1 DPS 64631)

Subject to Part IV A Conservation Act 1987 (affects Lot 1 DPS 64631)

9354774.3 Mortgage to ANZ Bank New Zealand Limited - 19.6.2013 at 8:44 am

9803893.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (ALSO AFFECTS SA1705/23 )  
- 6.8.2014 at 12:43 pm



Wilson Road (2)



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA25A/450  
**Land Registration District** South Auckland  
**Date Issued** 21 June 1979

**Prior References**  
SA969/158

---

**Estate** Fee Simple  
**Area** 844 square metres more or less  
**Legal Description** Lot 26 Deposited Plan 37325

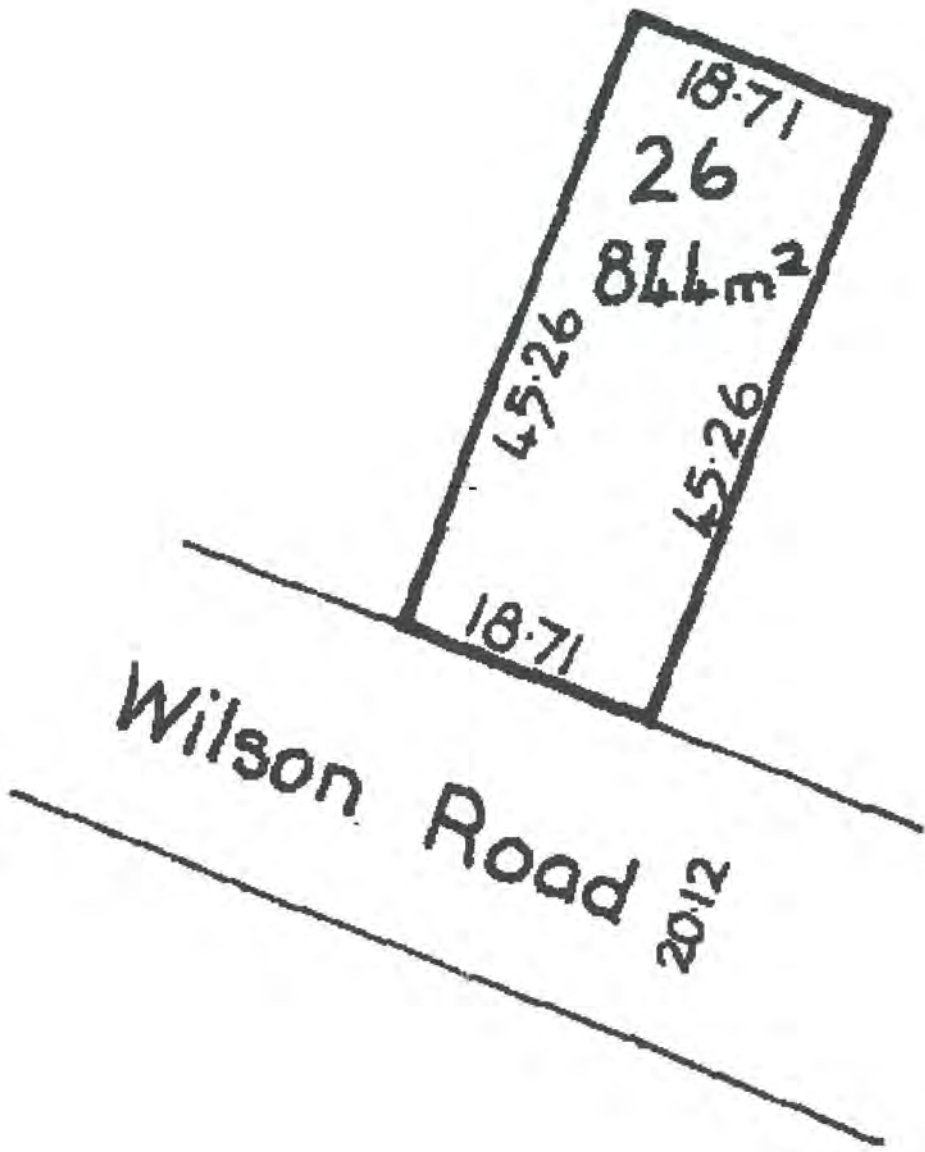
**Proprietors**  
John Langdon Watt

---

**Interests**

B606132.2 Mortgage to The National Bank of New Zealand Limited - 10.5.2000 at 11.12 am

# Ill Waihi North S.D.







**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** 210154  
**Land Registration District** South Auckland  
**Date Issued** 10 June 2005

**Prior References**  
SA979/167

---

**Estate** Fee Simple  
**Area** 487 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 351287

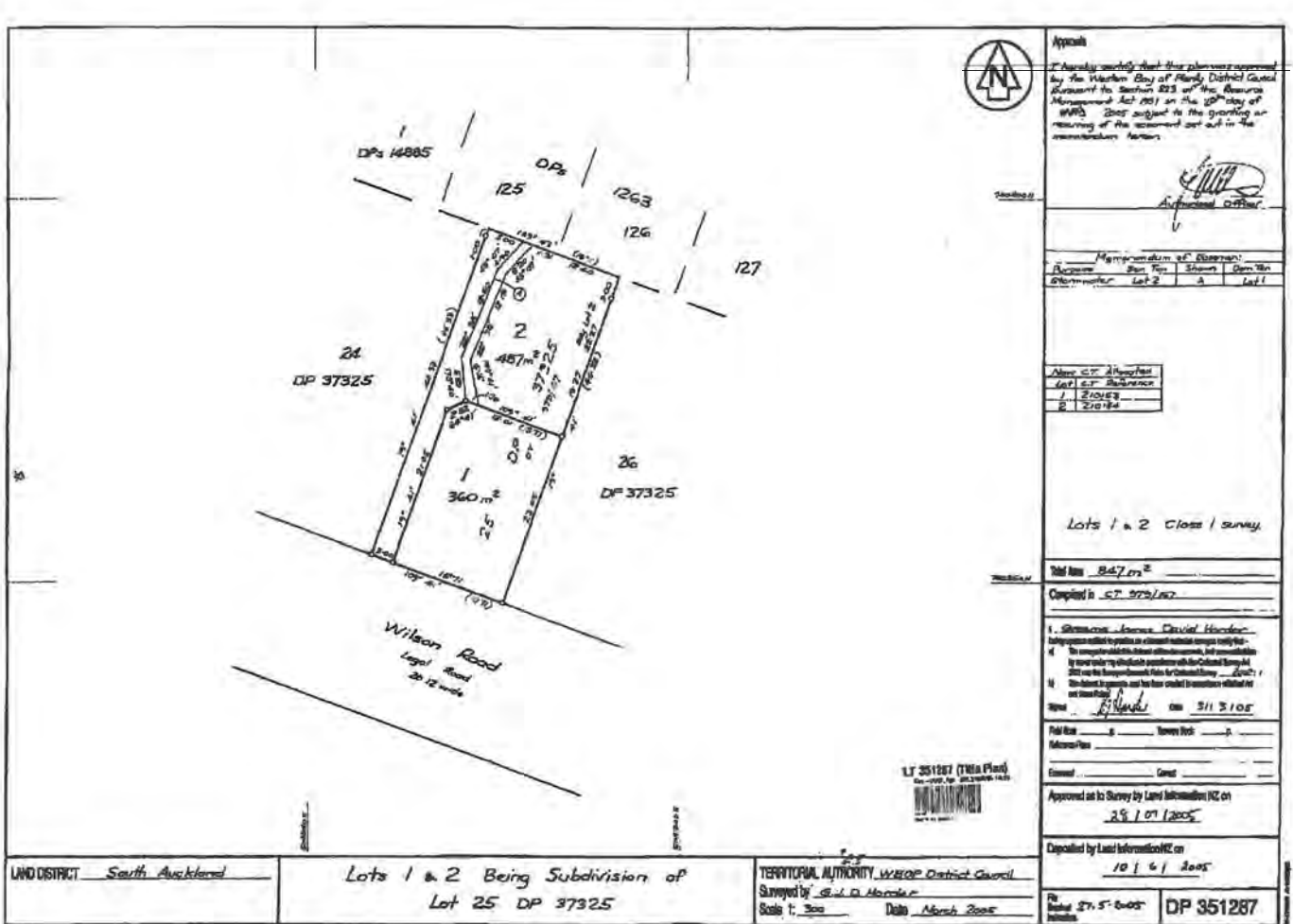
**Proprietors**  
Darryn John Curle

**Interests**

Subject to a right to convey stormwater over part marked A on DP 351287 created by Easement Instrument 6452808.4 - 10.6.2005 at 9:00 am

The easements created by Easement Instrument 6452808.4 are subject to Section 243 (a) Resource Management Act 1991

8923197.2 Mortgage to ANZ National Bank Limited - 2.12.2011 at 11:23 am



Approval  
 I hereby certify that the plan was approved by the Western Bay of Plenty District Council pursuant to Section 223 of the Resource Management Act 1991 on the 20th day of April 2005 subject to the granting or resurvey of the easement set out in the memorandum herein.

*[Signature]*  
 Authorized Officer

Memorandum of Decision

Decision	2nd Party	3rd Party	4th Party
20/04/05	20/04/05	20/04/05	20/04/05

Notes on Alteration

Lot	Reference
1	210123
2	210124

Lots 1 & 2 Close / Survey

Total Area 847.07m<sup>2</sup>  
 Completed in 57 572/167

1. *[Signature]* - Licensed Surveyor  
 I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the above is a true and correct copy of the plan as shown to me by the applicant and that the same is in accordance with the provisions of the Resource Management Act 1991 and the Survey Act 1981.

Name: *[Signature]* on 31/3/05



LAND DISTRICT South Auckland

Lots 1 & 2 Being Subdivision of Lot 25 DP 37325

TERRITORIAL AUTHORITY Waikato District Council  
 Surveyed by G. D. Marshall  
 Scale 1: 300 Date March 2005

Approved as to Survey by Land Information NZ on 28/1/05  
 Deposited by Land Information NZ on 10/4/2005  
 File Number ST 5-005 **DP 351287**



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA979/46  
**Land Registration District** South Auckland  
**Date Issued** 18 October 1950

**Prior References**  
SA969/158

---

**Estate** Fee Simple  
**Area** 928 square metres more or less  
**Legal Description** Lot 24 Deposited Plan 37325

**Proprietors**  
Kenneth Donald Mustard and Susan Margaret Mustard

---

**Interests**  
B320319.3 Mortgage to (now) Westpac New Zealand Limited - 24.1.1996 at 9.20 am





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA983/184  
**Land Registration District** South Auckland  
**Date Issued** 24 November 1950

**Prior References**  
SA969/158

---

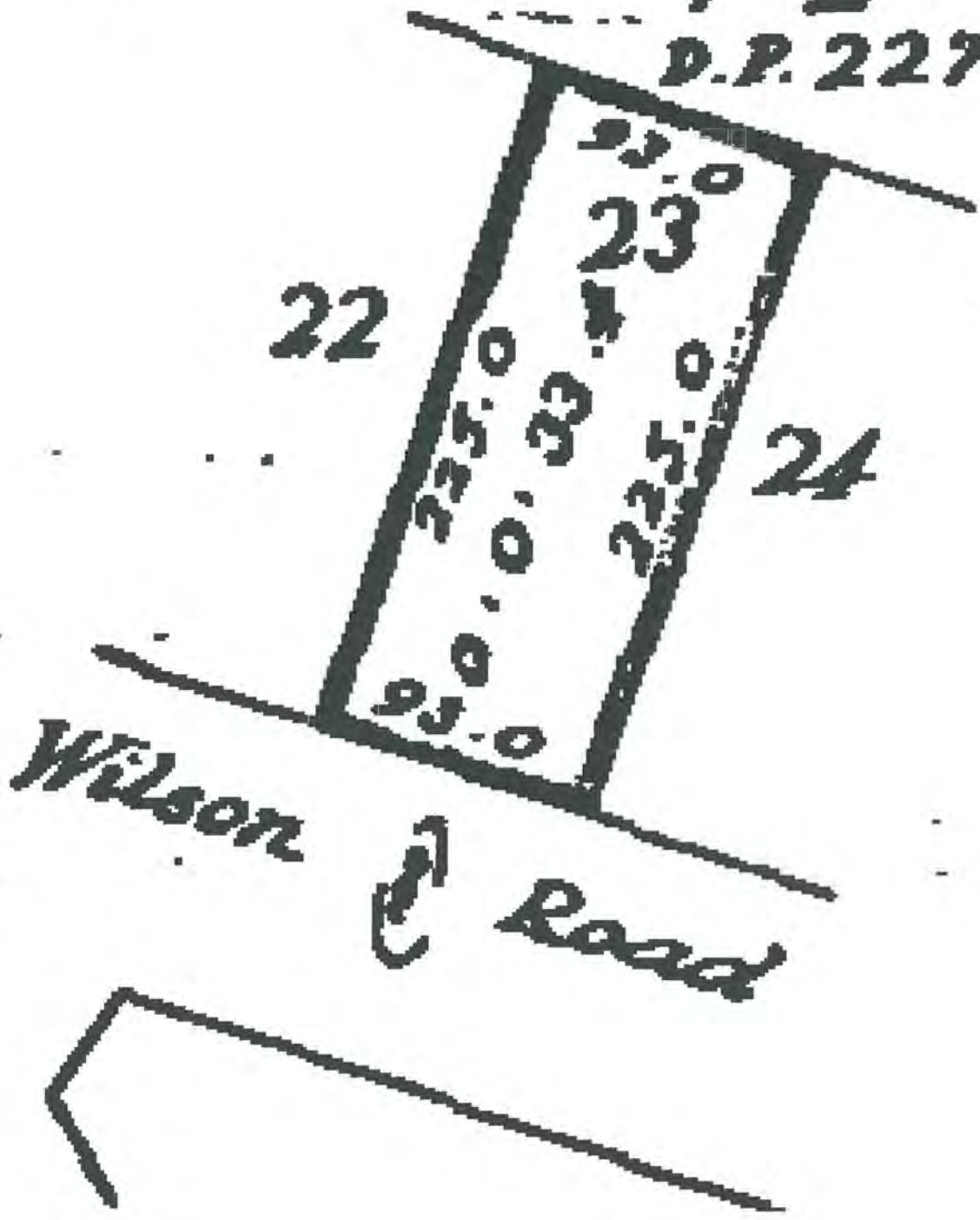
**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 23 Deposited Plan 37325

**Proprietors**  
Guy Anthony Rencher and Mariëka Bogaerd

---

**Interests**  
5816635.2 Mortgage to The National Bank of New Zealand Limited - 27.11.2003 at 9:00 am

P<sup>2</sup> 2  
D.P. 22757





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA983/21  
**Land Registration District** South Auckland  
**Date Issued** 13 November 1950

**Prior References**  
SA969/158

---

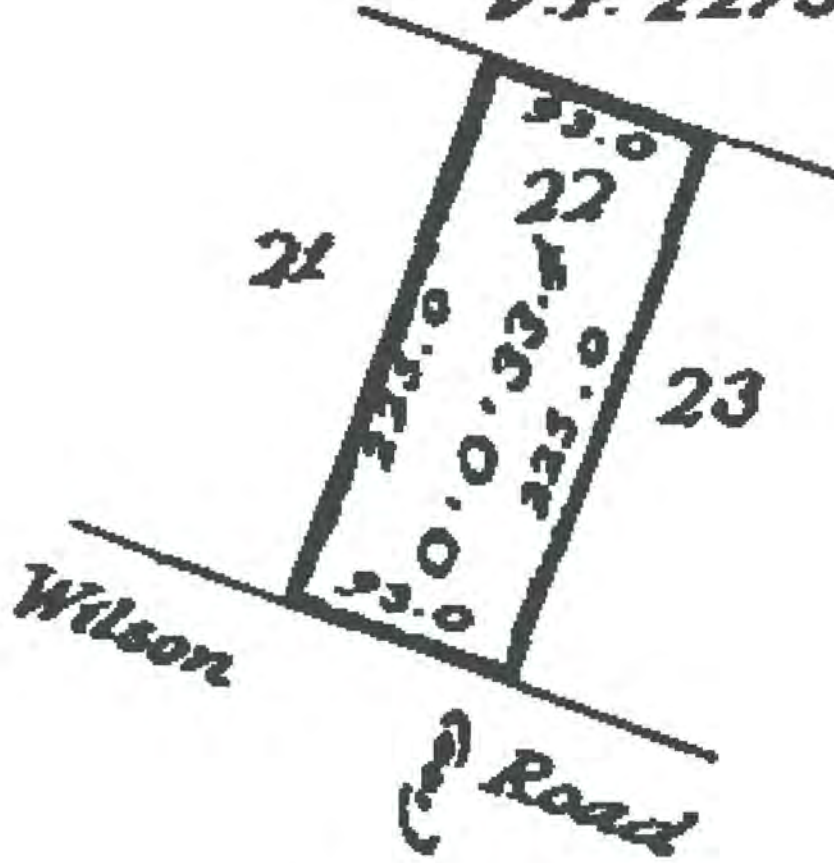
**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 22 Deposited Plan 37325

**Proprietors**  
Lydia Henrietta Louise Sulima-Rogaczewski and Oscar Thorwald Alpers

---

**Interests**

P<sup>o</sup>. 2  
D.P. 22757







**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA2A/1167  
**Land Registration District** South Auckland  
**Date Issued** 05 July 1963

**Prior References**  
SA979/203

---

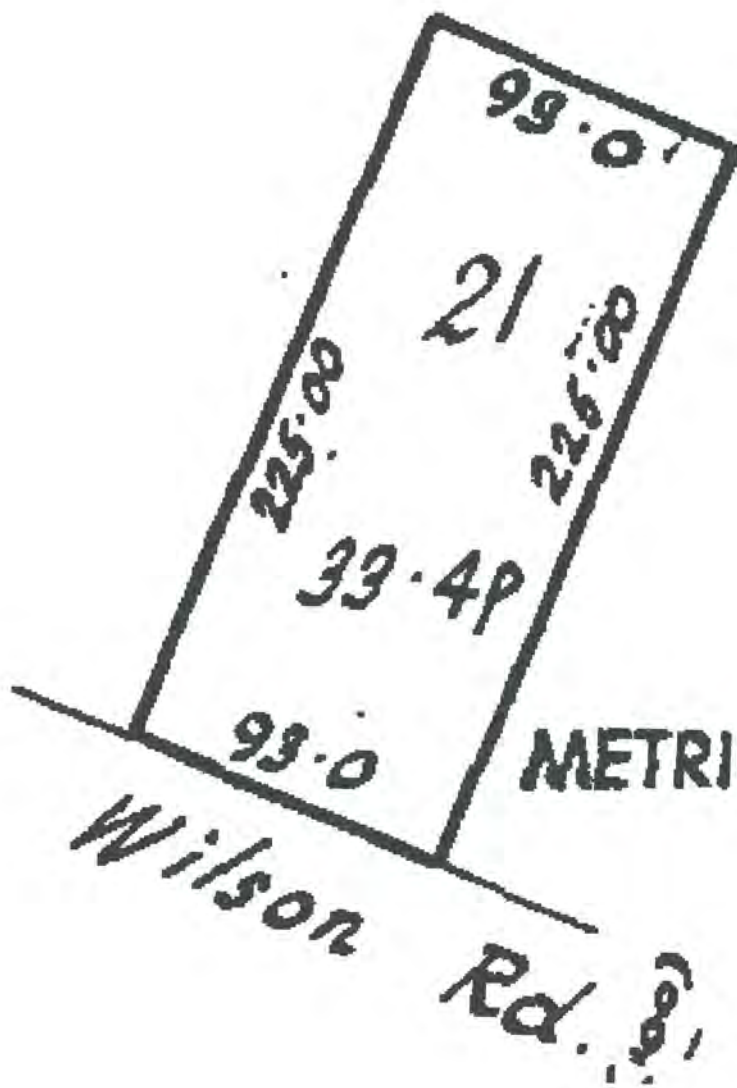
**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 21 Deposited Plan 37325

**Proprietors**  
Threes Company 2004 Limited

---

**Interests**  
7678132.2 Mortgage to ASB Bank Limited - 22.1.2008 at 9:49 am

111 Waihi North S.D



METRIC AREA IS .....



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA979/202  
**Land Registration District** South Auckland  
**Date Issued** 01 November 1950

**Prior References**  
SA969/158

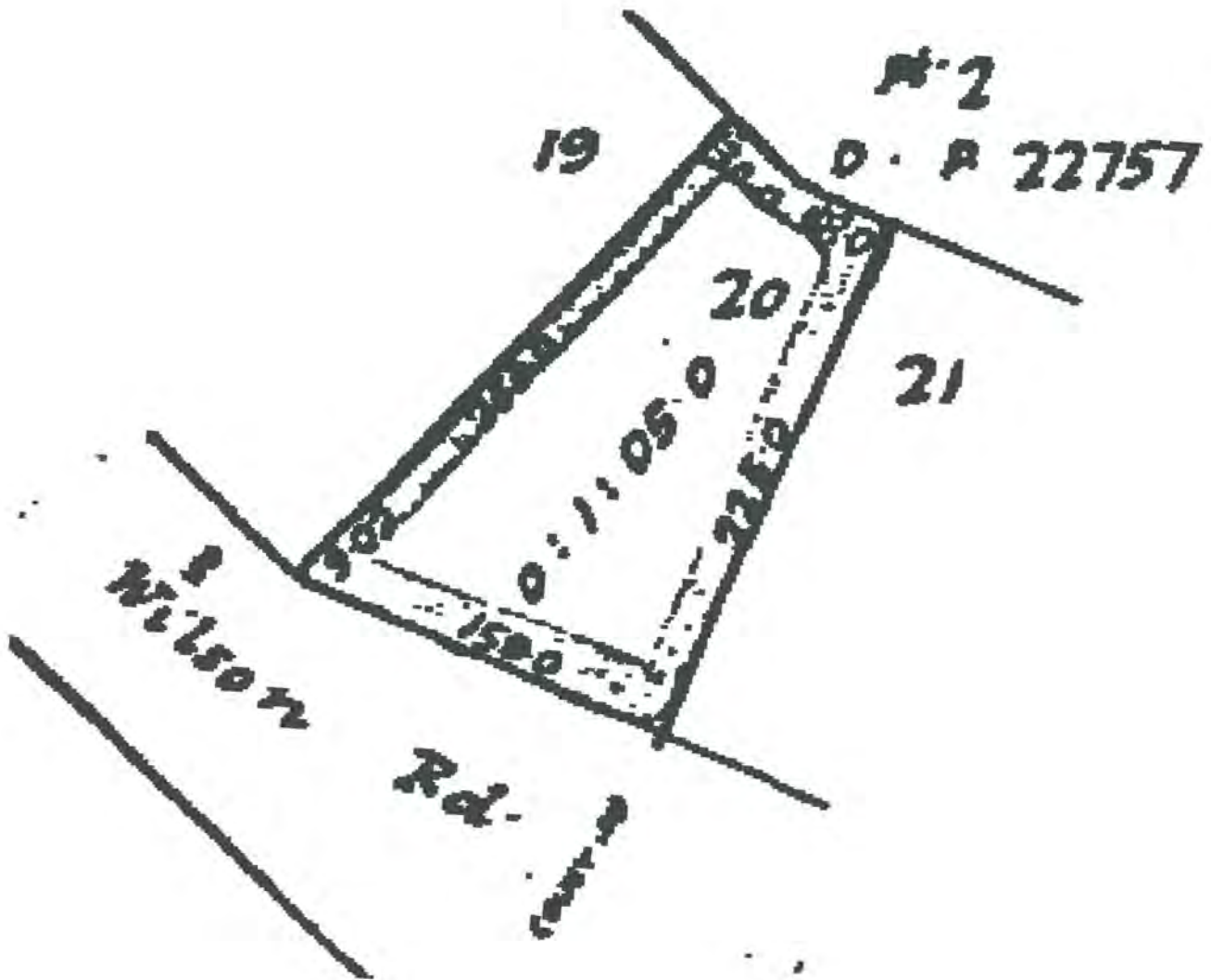
---

**Estate** Fee Simple  
**Area** 1138 square metres more or less  
**Legal Description** Lot 20 Deposited Plan 37325

**Proprietors**  
Jillian Christine Dell, Geoffrey Raymond Dell and Ruby Trustees Limited as to a 1/2 share  
Geoffrey Raymond Dell, Jillian Christine Dell and Ruby Trustees Limited as to a 1/2 share

---

**Interests**  
8561100.6 Mortgage to Westpac New Zealand Limited - 24.8.2010 at 3:46 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** 566434  
**Land Registration District** South Auckland  
**Date Issued** 14 November 2011

**Prior References**  
SA986/239 SA989/19

---

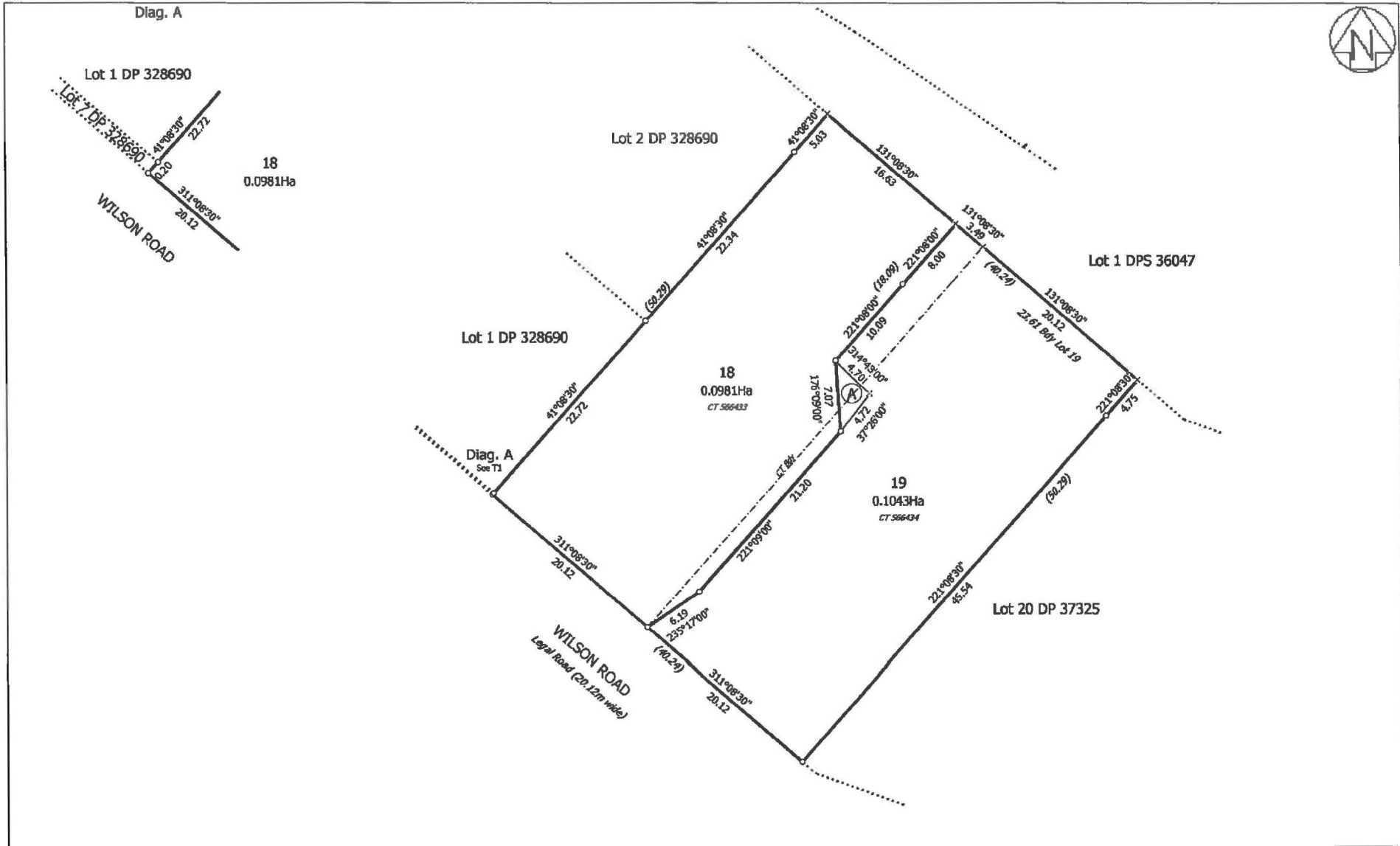
**Estate** Fee Simple  
**Area** 1043 square metres more or less  
**Legal Description** Lot 19 Deposited Plan 448018

**Proprietors**  
Allen Martin Rountree, Raewyn Mary Rountree and Redoubt Trustees Limited

---

**Interests**

Subject to a right to drain sewage over part marked A on DP 448018 created by Easement Instrument 8905805.6 - 14.11.2011 at 1:04 pm



File - 2361	LOTS 18 AND 19 BEING A SUBDIVISION OF LOTS 18 AND 19 DP 37325	Surveyor: Peter Wayne Rogers Firm: Waihi Land Surveyors Ltd	Title Plan DP 448018
Land District: South Auckland  Digitally Generated Plan Generated on: 24/11/2011 10:59am Page 3 of 3			



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** 566433  
**Land Registration District** South Auckland  
**Date Issued** 14 November 2011

**Prior References**  
SA986/239 SA989/19

---

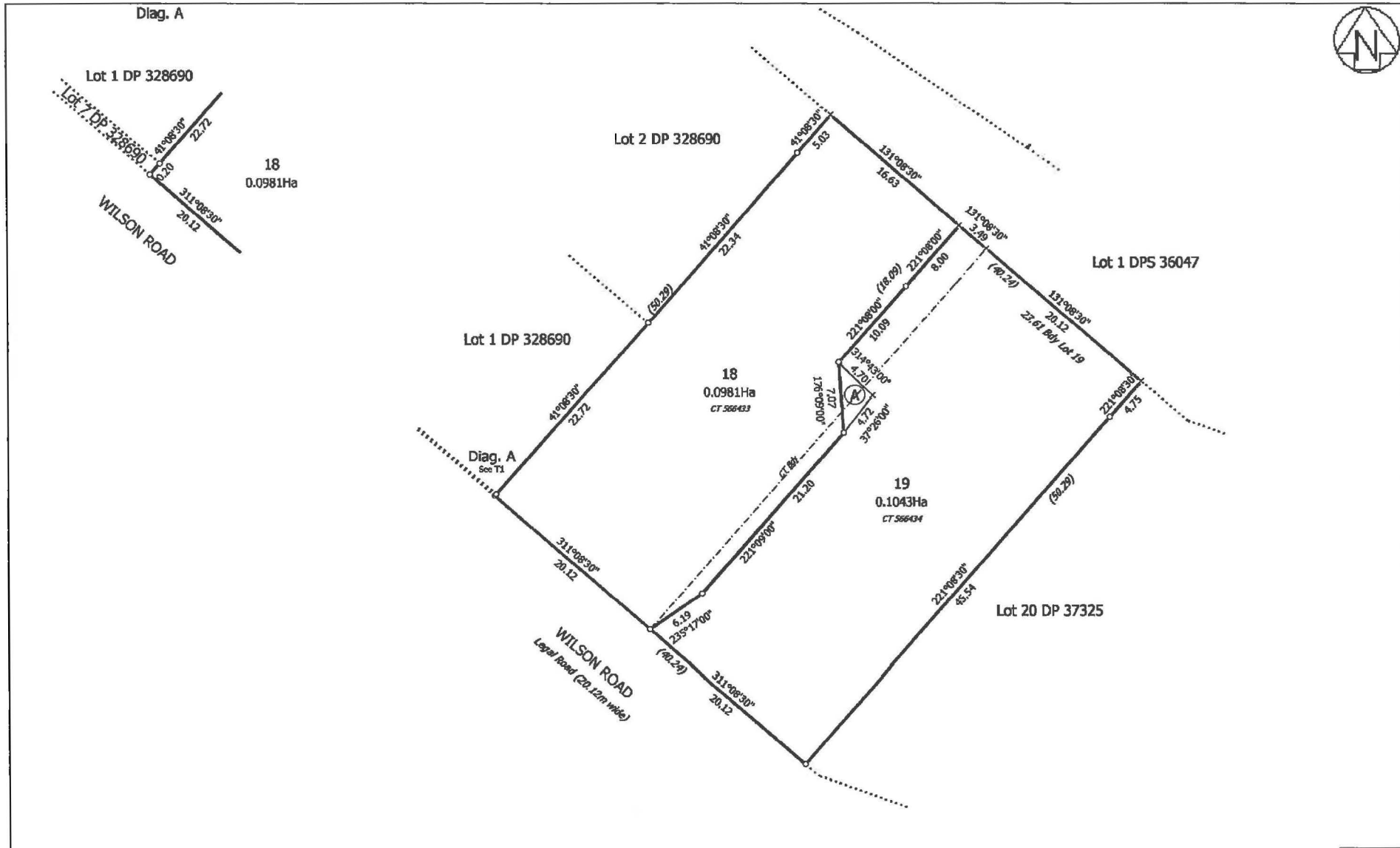
**Estate** Fee Simple  
**Area** 981 square metres more or less  
**Legal Description** Lot 18 Deposited Plan 448018

**Proprietors**  
Robert Quantrell

---

**Interests**

Appurtenant hereto is a right to drain sewage created by Easement Instrument 8905805.6 - 14.11.2011 at 1:04 pm  
8905805.7 Mortgage to ANZ National Bank Limited - 14.11.2011 at 1:04 pm



120

File - 2361	LOTS 18 AND 19 BEING A SUBDIVISION OF LOTS 18 AND 19 DP 37325	Surveyor: Peter Wayne Rogers Firm: Waihi Land Surveyors Ltd	T 1/1
Land District: South Auckland  Digitally Generated Plan Generated on: 24/11/2011 10:59am Page 3 of 3			Title Plan DP 448018 Deposited on: 14/11/2011





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** 117054  
**Land Registration District** South Auckland  
**Date Issued** 03 November 2004

**Prior References**

SA37D/128

---

**Estate** Fee Simple  
**Area** 682 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 328690

**Proprietors**

Andrew Royce Coombe, Anita Regina Maria Coombe and Diprose Miller Trustees Limited

---

**Interests**

6201695.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.11.2004 at 9:00 am

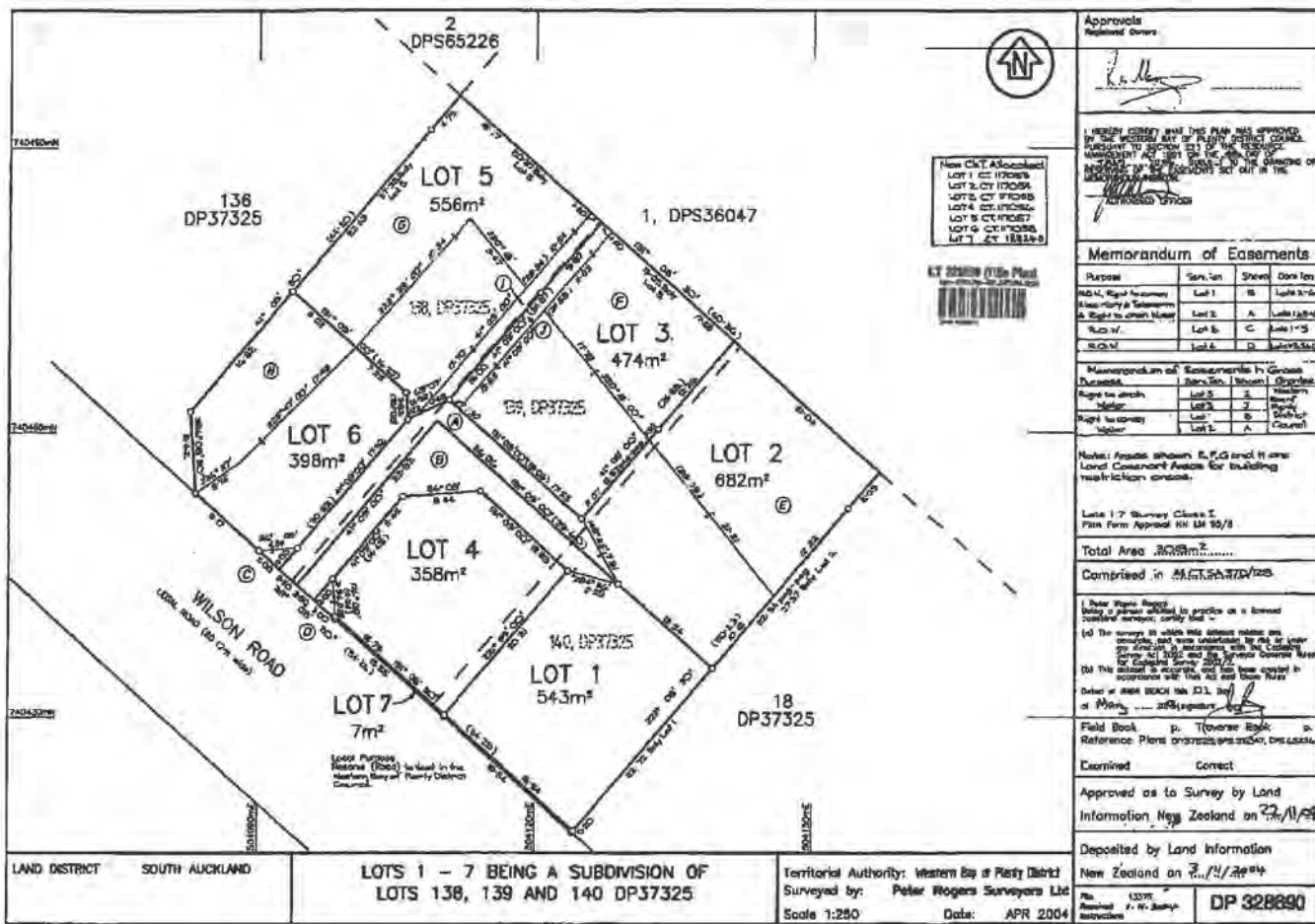
Subject to a right of way, right to convey electricity and telecommunications and right to drain water over part marked A on DP 328690 created by Easement Instrument 6201695.4 - 3.11.2004 at 9:00 am

Appurtenant hereto is a right of way, right to convey electricity and telecommunications and right to drain water created by Easement Instrument 6201695.4 - 3.11.2004 at 9:00 am

The easements created by Easement Instrument 6201695.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to convey water over part marked A on DP 328690 in favour of Western Bay of Plenty District Council created by Transfer 6201695.5 - 3.11.2004 at 9:00 am

The easements created by Transfer 6201695.5 are subject to Section 243 (a) Resource Management Act 1991



New Ckt. Allocation  
 LOT 1 CT 110056  
 LOT 2 CT 110056  
 LOT 3 CT 110056  
 LOT 4 CT 110056  
 LOT 5 CT 110056  
 LOT 6 CT 110056  
 LOT 7 CT 110056

LT 328890 (Title Plan)

Approvals  
 Registered Owner

I, the undersigned, being the owner of the land shown on this plan, do hereby certify that the plan has been approved by the Council of the City of Auckland and that the land is available for the purposes of the plan.

Memorandum of Easements

Purpose	From	To	Date
Right to access	Lot 1	Lot 2	1/1/04
Right to access	Lot 2	Lot 3	1/1/04
Right to access	Lot 3	Lot 4	1/1/04
Right to access	Lot 4	Lot 5	1/1/04
Right to access	Lot 5	Lot 6	1/1/04
Right to access	Lot 6	Lot 7	1/1/04

Memorandum of Easements in Gross

Purpose	From	To	Date
Right to access	Lot 1	Lot 2	1/1/04
Right to access	Lot 2	Lot 3	1/1/04
Right to access	Lot 3	Lot 4	1/1/04
Right to access	Lot 4	Lot 5	1/1/04
Right to access	Lot 5	Lot 6	1/1/04
Right to access	Lot 6	Lot 7	1/1/04

Note: Areas shown E, F, G and H are Land Consent Areas for building restriction zones.

Lot 1-7 Survey Class E  
 Plan Form Approved W/ 131 50/3

Total Area 3288m².....

Comprised in 54,51,54,3,398,682/125

I, the undersigned, being a person entitled to practice as a Licensed Surveyor, do hereby certify that I am a member of the Institution of Professional Surveyors and have undertaken to do so under the provisions of the Survey Act 1980 and the Survey Regulations 1981. I am the author of this plan and have been appointed in accordance with the Act and these Rules.

Dated at AUCKLAND this 13th day of April 2004.

Field Book p. 17 (Reverse Page) in Reference Plans 110056/125, 110056/125, 110056/125

Examined Correct

Approved as to Survey by Land Information New Zealand on 22/11/04

Deposited by Land Information New Zealand on 22/11/04

File No. 13171  
 Received by W. S. S. 11/11/04

DP 328890

LAND DISTRICT SOUTH AUCKLAND

LOTS 1 - 7 BEING A SUBDIVISION OF LOTS 138, 139 AND 140 DP37325

Territorial Authority: Western Bay of Plenty District  
 Surveyed by: Peter Rogers Surveyors Ltd  
 Scale 1:250 Date: APR 2004



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** 117055  
**Land Registration District** South Auckland  
**Date Issued** 03 November 2004

**Prior References**  
SA37D/128

---

**Estate** Fee Simple  
**Area** 474 square metres more or less  
**Legal Description** Lot 3 Deposited Plan 328690

**Proprietors**  
Scott Paul Stewart and Allen Needham Trustees Limited

---

**Interests**

6201695.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.11.2004 at 9:00 am

Appurtenant hereto is a right of way, right to convey electricity and telecommunications and right to drain water created by Easement Instrument 6201695.4 - 3.11.2004 at 9:00 am

The easements created by Easement Instrument 6201695.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to drain and discharge water over part marked J on DP 328690 in favour of Western Bay of Plenty District Council created by Transfer 6201695.5 - 3.11.2004 at 9:00 am

The easements created by Transfer 6201695.5 are subject to Section 243 (a) Resource Management Act 1991

9873402.3 Mortgage to Bank of New Zealand - 31.10.2014 at 4:46 pm



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** 747527  
**Land Registration District** South Auckland  
**Date Issued** 14 July 2016

**Prior References**

195759 749459

---

**Estate** Fee Simple  
**Area** 625 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 347651 and Section  
2 Survey Office Plan 494451

**Proprietors**

Western Bay of Plenty District Council

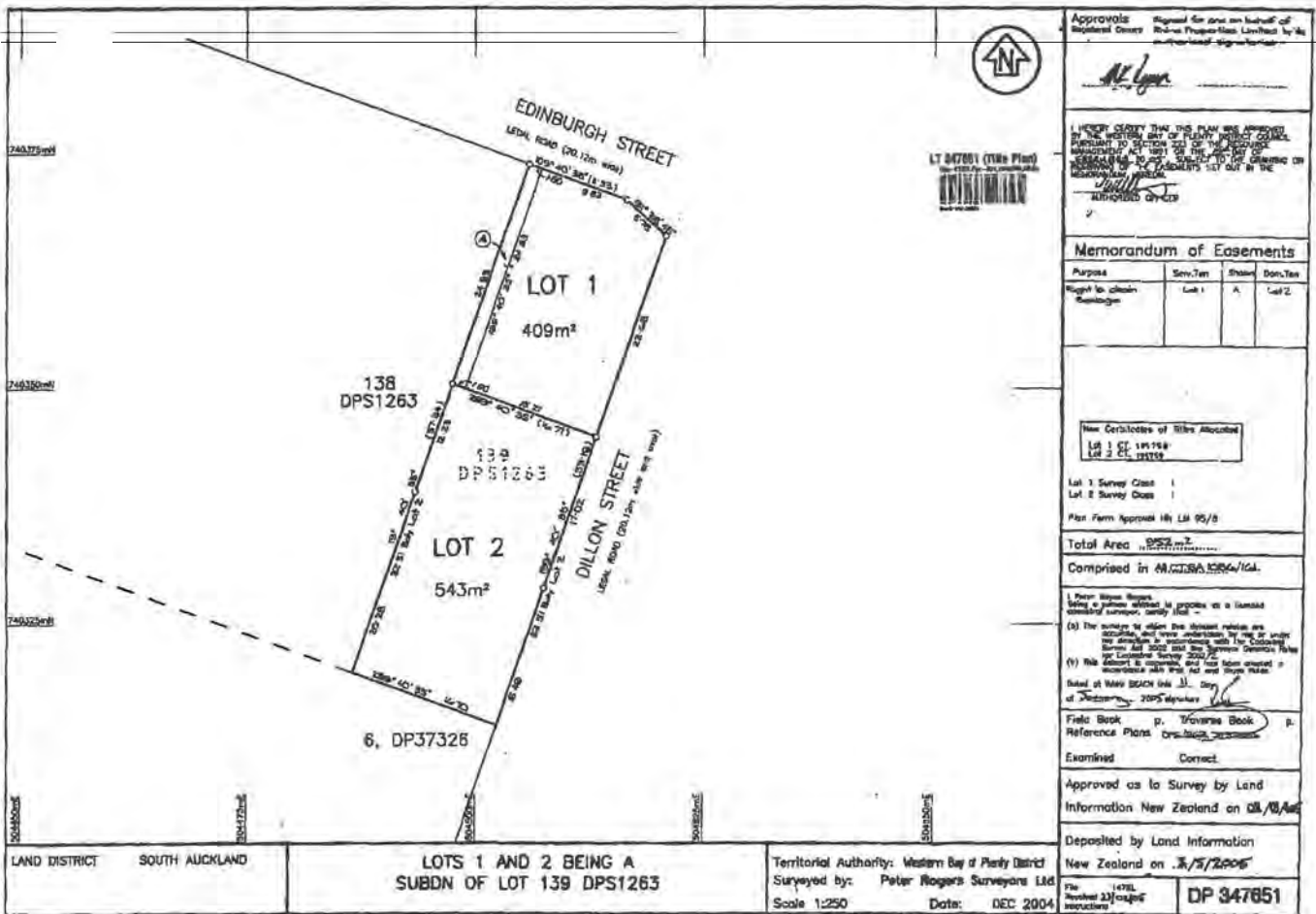
**Interests**

6404191.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.5.2005 at 9:00 am (affects Lot 2 DP 347651)

Appurtenant to Lot 2 DP 347651 is a right to drain sewage created by Easement Instrument 6404191.4 - 3.5.2005 at 9:00 am

The easements created by Easement Instrument 6404191.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to Section 345(2A)(a) and (b) Local Government Act 1974



**Approvals** Signed for and on behalf of Registered Owner: *M. Lynn*

LT 347851 (Title Plan)

**Memorandum of Easements**

Purpose	Subj. Ten.	Shand.	Dom. Ten.
Right to clean Sewage	Lot 1	A	Lot 2

**Total Area** 952.2

**Comprised in** M.C.T.S.A. 1266/164.

**Field Book** p. 109  
**Reference Plans** DP 37326

**Examined** Correct

**Approved as to Survey by Land Information New Zealand on** 08/08/06

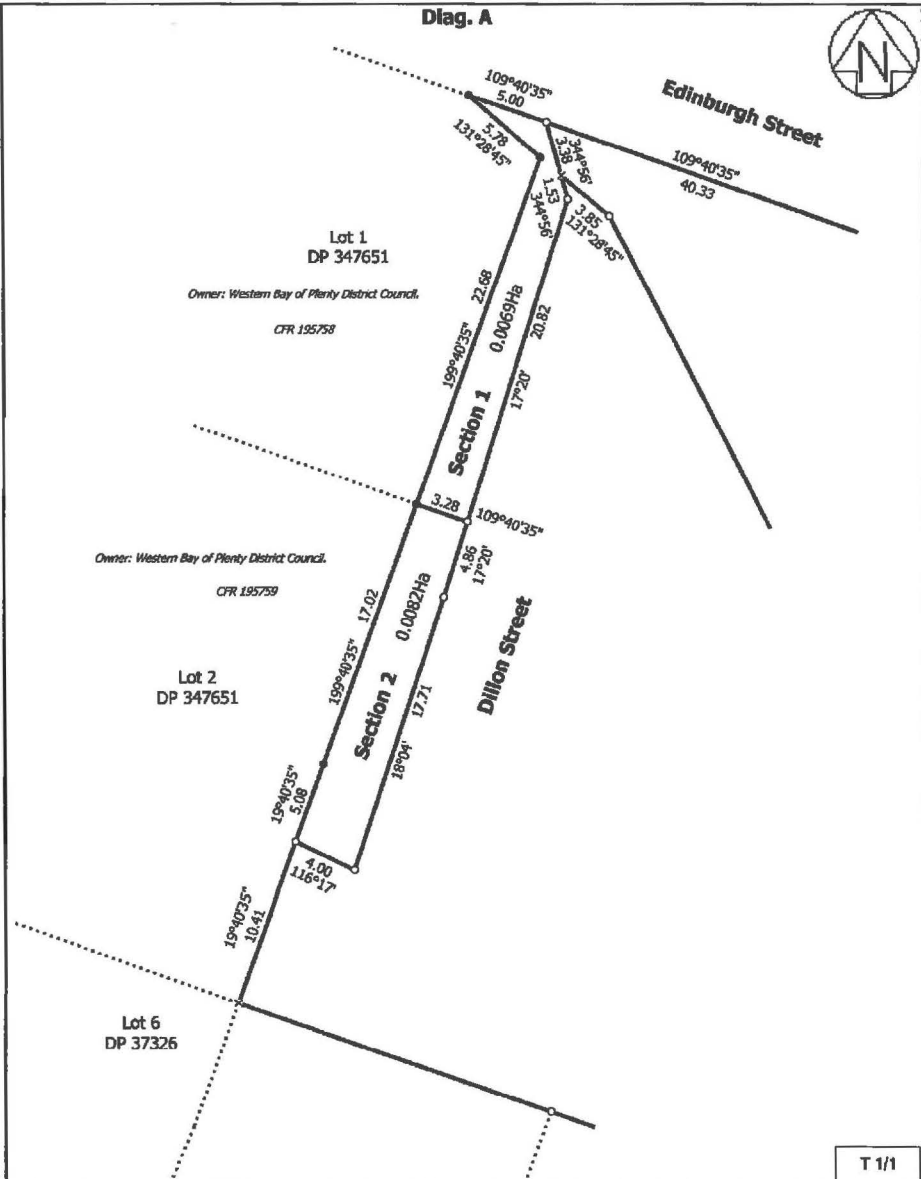
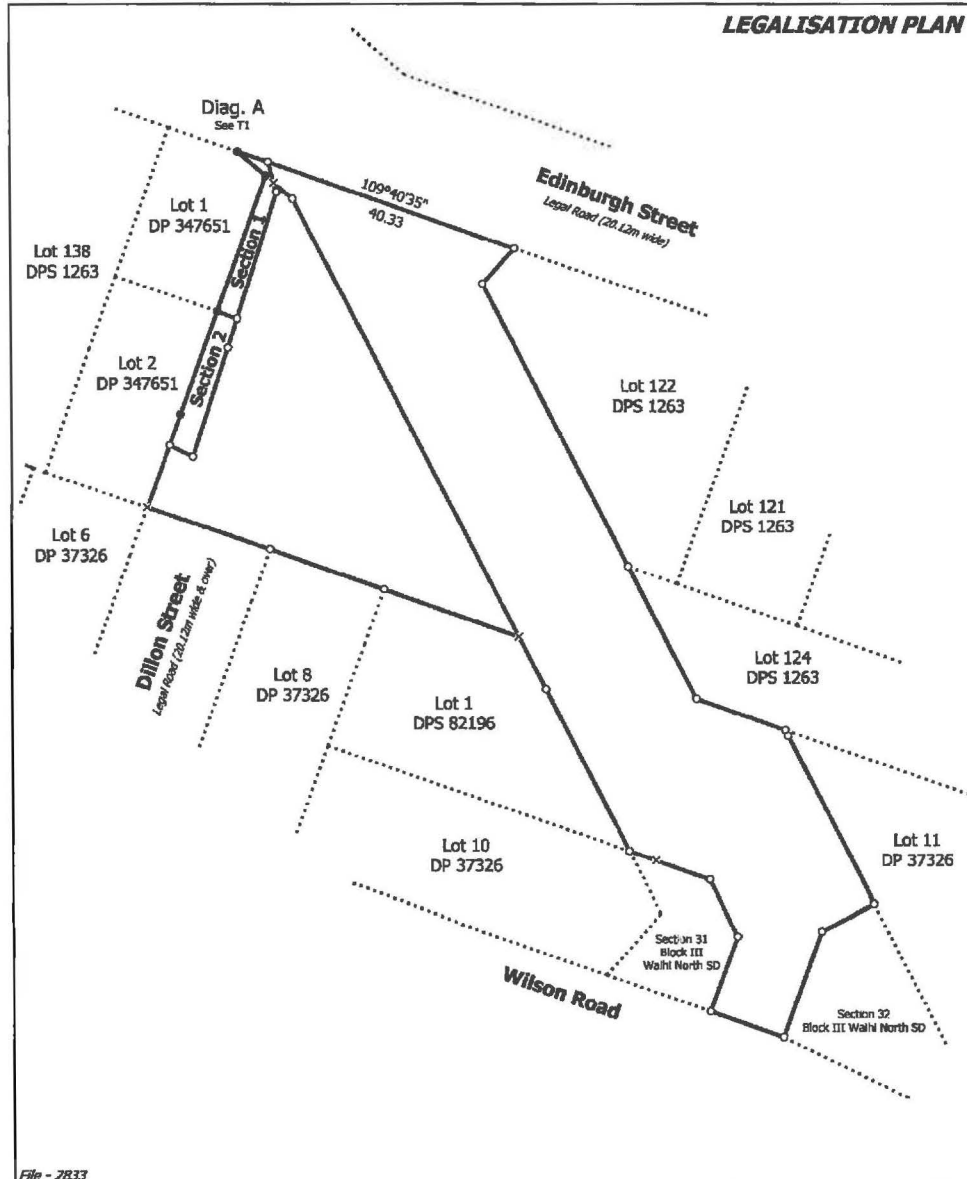
**Deposited by Land Information New Zealand on** 30/5/2006

File Number: DP 347851

LAND DISTRICT SOUTH AUCKLAND

LOTS 1 AND 2 BEING A SUBDN OF LOT 139 DPS1263

Territorial Authority: Western Bay of Plenty District  
 Surveyed by: Peter Rogers Surveyors Ltd  
 Scale 1:250 Date: DEC 2004



File - 2833

Land District: South Auckland  
 Digitally Generated Plan  
 Generated on: 07/07/2016 12:42am Page 2 of 2

**SECTIONS 1 AND 2**

Surveyor: Peter Wayne Rogers  
 Firm: Waihi Land Surveyors Ltd

Title Plan  
 SO 494451  
 Approved on: 7/07/2016

T 1/1



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA1086/5  
**Land Registration District** South Auckland  
**Date Issued** 21 September 1953

**Prior References**  
SA1082/205

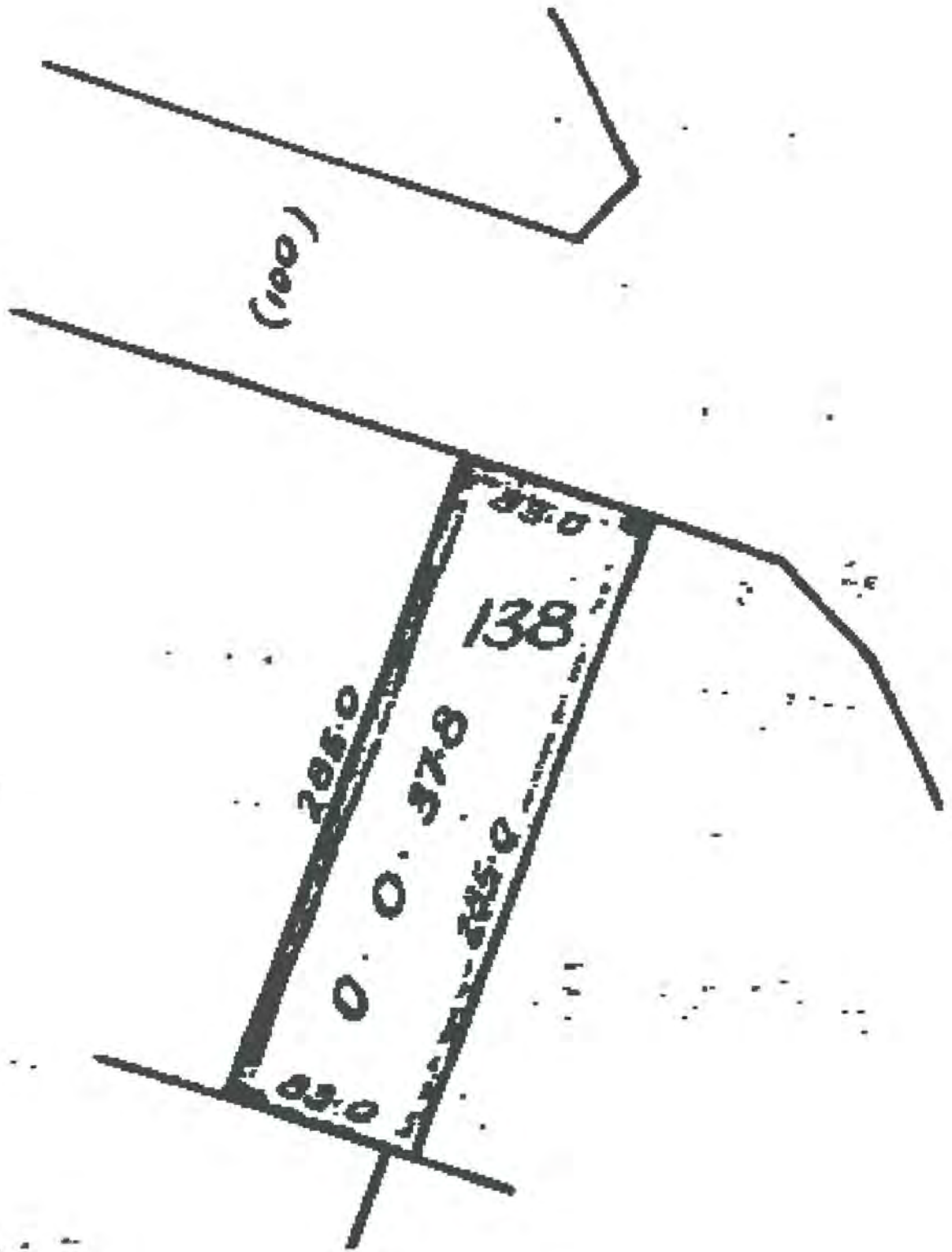
---

**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 138 Deposited Plan South Auckland  
1263

**Proprietors**  
Robert Henry Wilkins

---

**Interests**







**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA1226/75  
**Land Registration District** South Auckland  
**Date Issued** 05 October 1955

**Prior References**  
SA1082/205

---

**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 137 Deposited Plan South Auckland  
1263

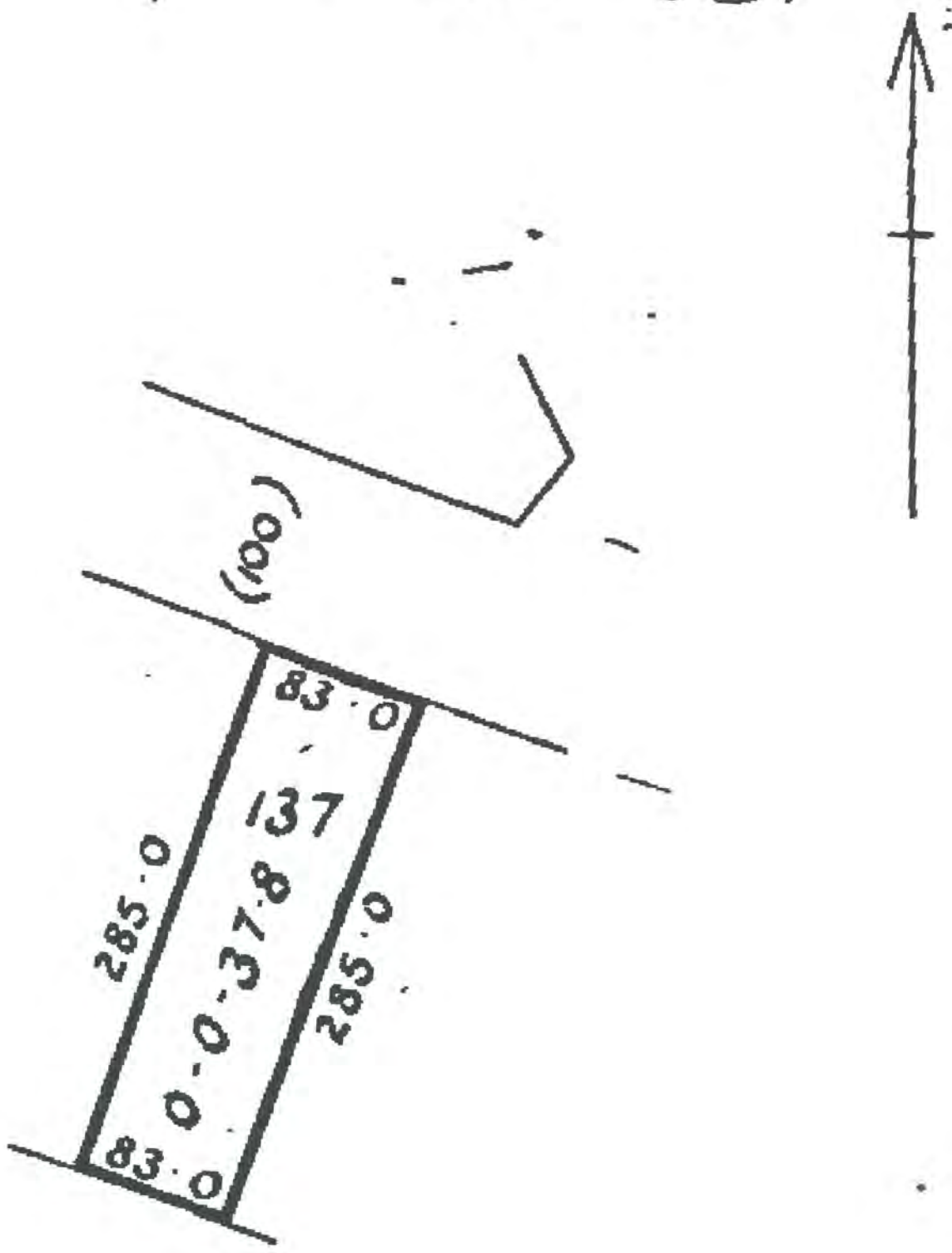
**Proprietors**

Alfred John Hotham, Malveen Ellen Hotham, Mark Alfred Hotham, Shona Malveen Hamilton, Nigel William Hotham and Errol Richard Hotham

---

**Interests**

III Waihi Nth S.D.





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1255/55  
**Land Registration District** South Auckland  
**Date Issued** 08 June 1956

**Prior References**  
SA1082/205

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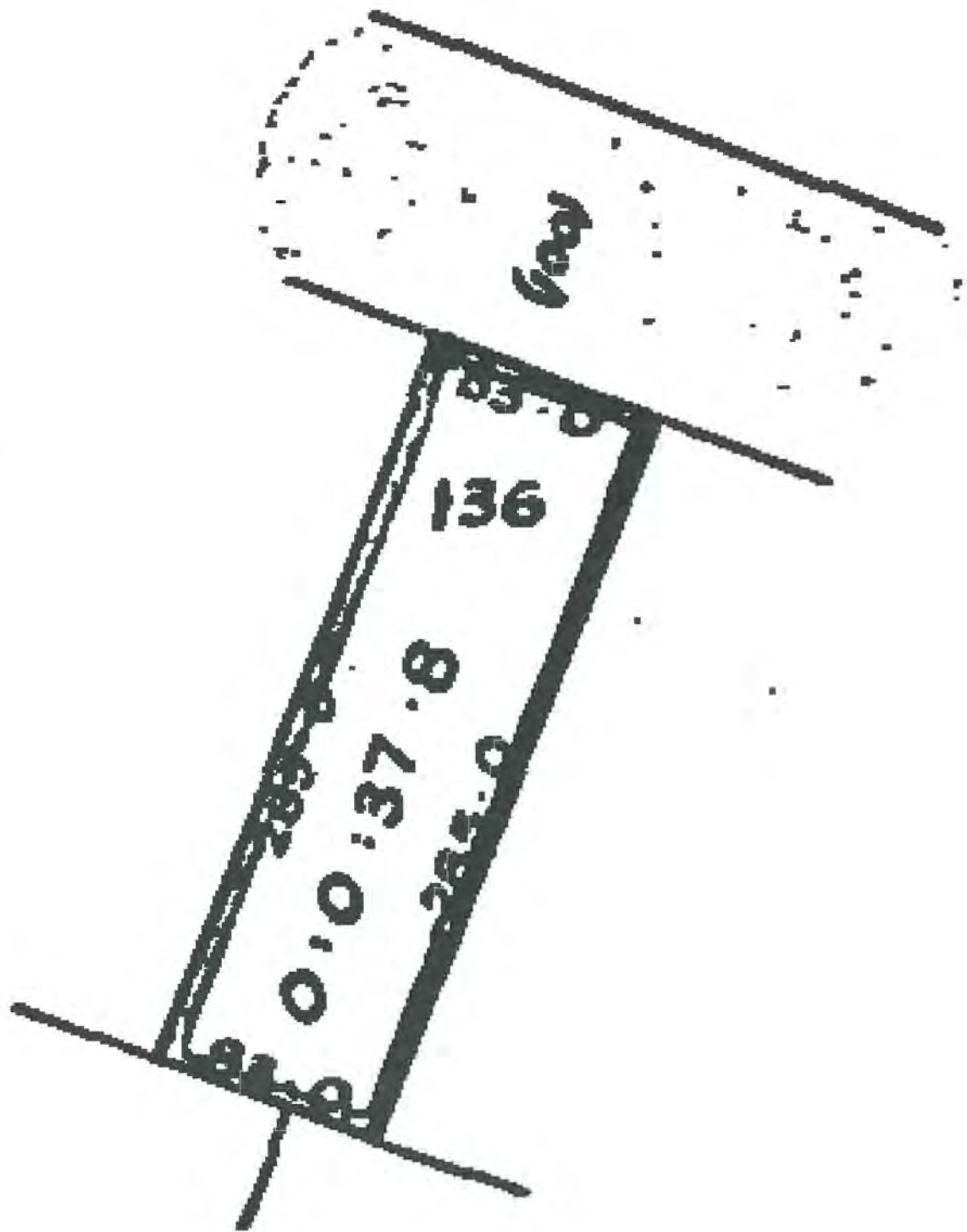
**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 136 Deposited Plan South Auckland  
1263

**Proprietors**  
Geoffrey Stanley Colchester Hall and Josephine Barrie Hall

---

**Interests**

6850497.1 Notification that a building consent issued pursuant to Section 72 Building Act 2004 identifies inundation (including flooding, overland flow, storm surge, tidal effects and ponding) as natural hazards - 4.5.2006 at 9:00 am





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** 182175  
**Land Registration District** South Auckland  
**Date Issued** 05 April 2005

**Prior References**

SA1082/291

---

**Estate** Fee Simple  
**Area** 589 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 344382

**Proprietors**

Timothy Charles Norman Aughton and New Zealand Trustee Services Limited

**Interests**

Appurtenant hereto is a right to drain sewage created by Easement Instrument 6369224.4 - 5.4.2005 at 9:00 am  
The easement created by Easement Instrument 6369224.4 is subject to Section 243(a) Resource Management Act 1991  
Land Covenant in Easement Instrument 6369224.4 - 5.4.2005 at 9:00 am  
7318258.3 Mortgage to Mortgage Holding Trust Company Limited - 20.7.2007 at 10:08 am



**Approval**  
I hereby certify that this plan was approved by the responsible body of the relevant Council pursuant to Section 225 of the Resource Management Act 1991 on the 12th day of NOVEMBER 2004 subject to the granting or reserving of the easements set out in the memorandum hereon.

*[Signature]*  
Authorised Officer  
5/11/04

**MEMORANDUM OF EASEMENTS**

PURPOSE	SHOWN	DOMINANT TENEMENT	DOMINANT TENEMENTS
DP37326 TO RAIN WATER	(A)	LOT 1	LOT 2

NEW CT ALLOCATED  
LOT 1 CT 182174  
LOT 2 CT 182175

CLASS I SURVEY

*A. J. Danner*  
REGISTERED SURVEYOR

Total Area 957 m<sup>2</sup>

Completed in CT 581087 / 201

**CLAIRE ANDREA MCKENZIE**  
Being a professional surveyor as defined in section 2 of the Survey Act 1980 and as a member of the Institution of Surveyors of New Zealand, I hereby certify that this plan was approved by the responsible body of the relevant Council pursuant to Section 225 of the Resource Management Act 1991 on the 12th day of NOVEMBER 2004 subject to the granting or reserving of the easements set out in the memorandum hereon.

*[Signature]* Date 22/10/04

Field Book \_\_\_\_\_  
Mapsheet No. \_\_\_\_\_  
Sheet No. \_\_\_\_\_

Approved as to Survey by Land Information NZ on 7/12/2004

Deposited by Land Information NZ on 5/11/2004

File Number T-11-04  
Volume DP 344-382



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1086/28  
**Land Registration District** South Auckland  
**Date Issued** 21 September 1953

**Prior References**  
SA1082/205

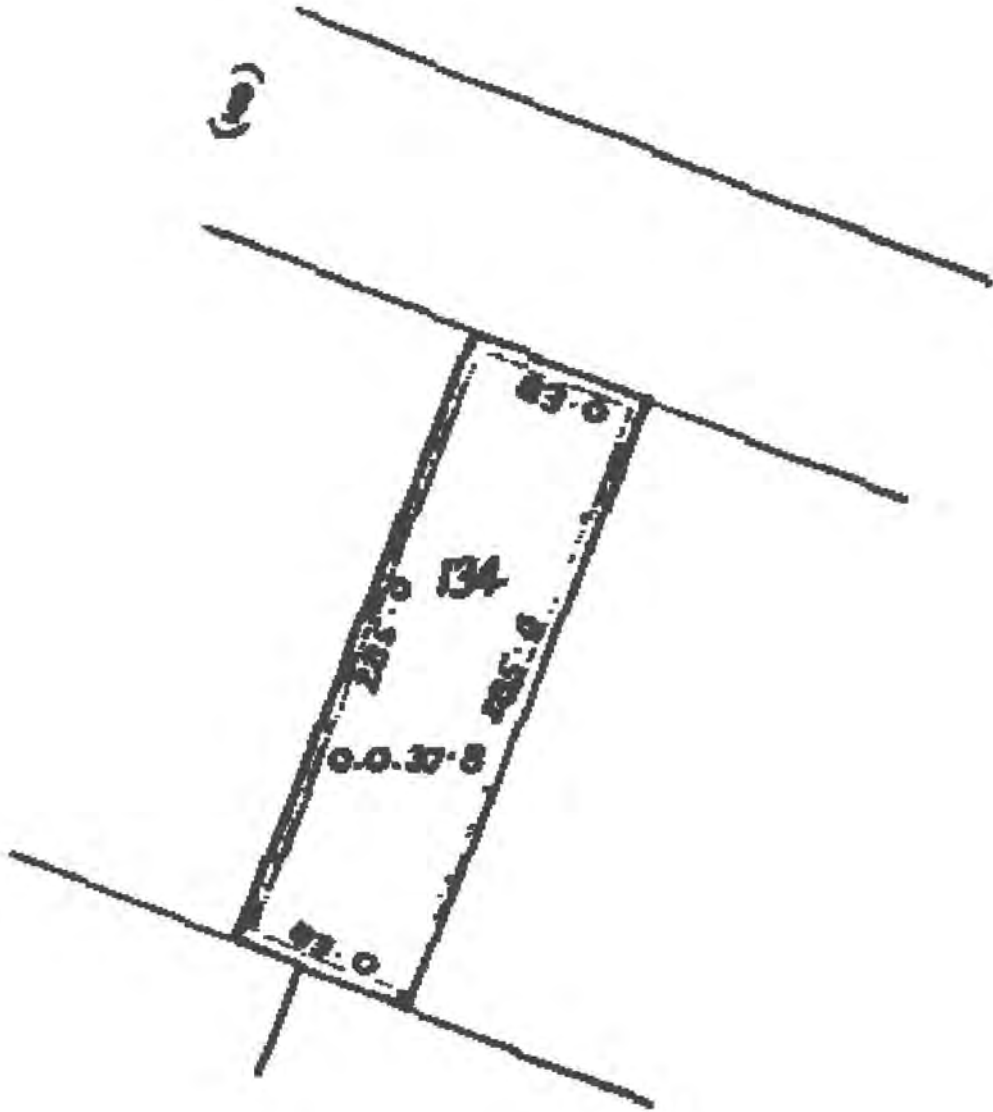
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<b>Estate</b>	Fee Simple
<b>Area</b>	956 square metres more or less
<b>Legal Description</b>	Lot 134 Deposited Plan South Auckland 1263

**Proprietors**  
Dianne Coral Lynds

**Interests**

5870170.1 Certificate that a building consent has been issued in respect of a building on the land that is described in Section 36(2) Building Act 1991 - 21.1.2004 at 9:00 am







**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1237/76  
**Land Registration District** South Auckland  
**Date Issued** 19 December 1955

**Prior References**  
SA1082/205

---

**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 133 Deposited Plan South Auckland  
1263

**Proprietors**  
Glenda Mary Heapey

---

**Interests**

Shan Ed 3

133

37.8



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1086/40  
**Land Registration District** South Auckland  
**Date Issued** 21 September 1953

**Prior References**

SA1082/205

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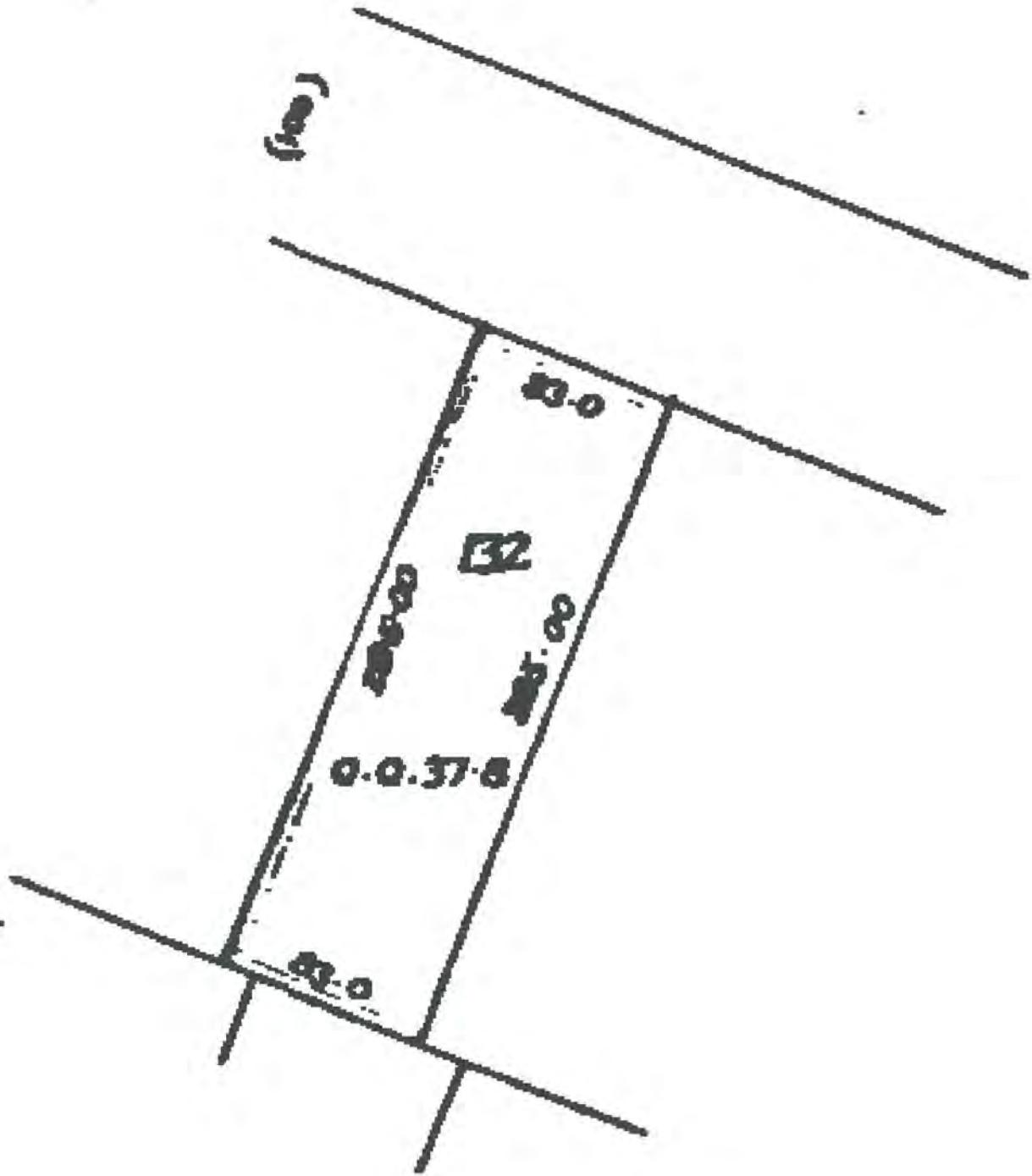
<b>Estate</b>	Fee Simple
<b>Area</b>	956 square metres more or less
<b>Legal Description</b>	Lot 132 Deposited Plan South Auckland 1263

**Proprietors**

Kenneth George Mander and Sondra Ann Mander

**Interests**

B627662.2 Mortgage to ASB Bank Limited - 26.9.2000 at 3.32 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** 199932  
**Land Registration District** South Auckland  
**Date Issued** 19 October 2005

**Prior References**

SA1086/23

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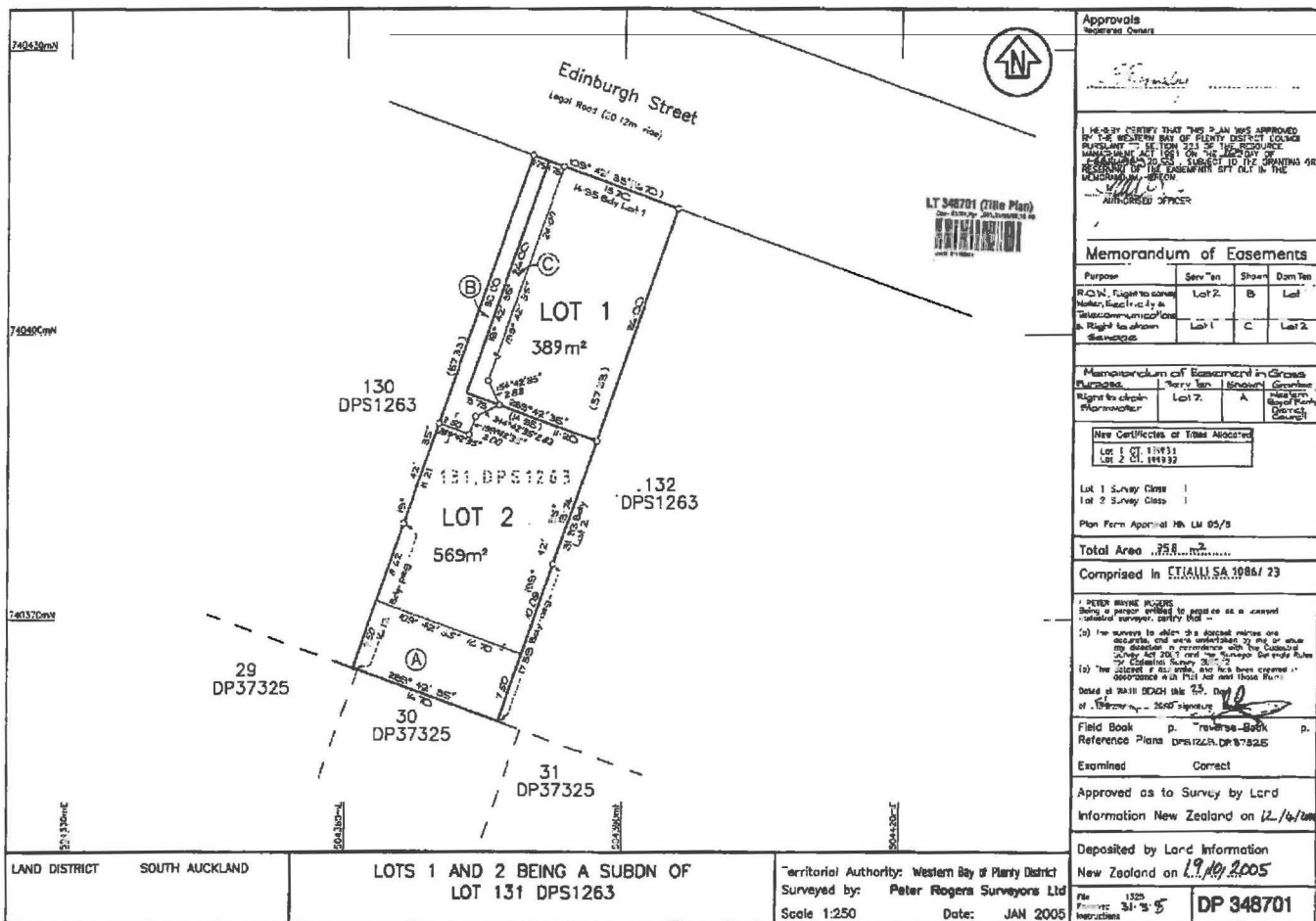
**Estate** Fee Simple  
**Area** 569 square metres more or less  
**Legal Description** Lot 2 Deposited Plan 348701

**Proprietors**

Murray John Tames, Nicola Leanne Tames and Graham Kevin Meecham

**Interests**

6614512.4 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 19.10.2005 at 9:00 am  
Subject to a right of way and rights to convey water, electricity and telecommunications and drain sewage over part marked B on DP 348701 created by Easement Instrument 6614512.6 - 19.10.2005 at 9:00 am  
Appurtenant hereto is a right of way and rights to convey water, electricity and telecommunications and drain sewage created by Easement Instrument 6614512.6 - 19.10.2005 at 9:00 am  
The easements created by Easement Instrument 6614512.6 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right (in gross) to drain water over part marked A on DP 348701 in favour of the Western Bay of Plenty District Council created by Easement Instrument 6614512.7 - 19.10.2005 at 9:00 am  
The easements created by Easement Instrument 6614512.7 are subject to Section 243 (a) Resource Management Act 1991  
Subject to a right of way and rights to convey water, electricity, telecommunications and computer media and drain sewage over part marked B on DP 350435 created by Easement Instrument 7139441.4 - 30.11.2006 at 9:00 am  
The easements created by Easement Instrument 7139441.4 are subject to Section 243 (a) Resource Management Act 1991  
10578125.3 Mortgage to ANZ Bank New Zealand Limited - 6.10.2016 at 9:28 am



<b>Approvals</b> Noted Correct			
I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE WESTERN BAY OF PLYMOUTH DISTRICT COUNCIL PURSUANT TO SECTION 224 OF THE RESOURCE MANAGEMENT ACT 1991 AND IS SUBJECT TO THE DRAINING OR REMEDIATION OF THE EASEMENTS SET OUT IN THE MEMORANDUM HEREON.			
_____ AUTHORIZED OFFICER			
<b>Memorandum of Easements</b>			
Purpose	Serv Ten	Shown	Dom Ten
Right to connect water, electricity or telecommunications	Lot 2	B	Lot 1
Right to drain	Lot 1	C	Lot 2
<b>Memorandum of Easement in Gross Purposes</b>			
Right to drain	Serv Ten	Shown	Dom Ten
Reference	Lot 2	A	Lot 1
New Certificates of Title Associated Lot 1 CT 114931 Lot 2 CT 114932			
Lot 1 Survey Class 1 Lot 2 Survey Class 1			
Plan Form Approval No. LM 05/5			
Total Area 958.00m <sup>2</sup>			
Comprised in E.I.A.M. SA 1986/23			
I, PETER RYAN ROGERS being a person entitled to practise as a licensed land surveyor, certify that:			
(a) the surveys to which this document relates are accurate and were undertaken by me or under my direction in accordance with the Code of Practice for Land Surveyors 2004;			
(b) the subject of this plan has been correctly identified and the boundaries shown are those of the subject of this plan;			
Dated at Wellington this 25th day of January 2005.			
Field Book	p. reverse-Book	p.	
Reference Plans	DPS1263, DP 37325		
Examined	Correct		
Approved as to Survey by Land Information New Zealand on 12/14/2005			
Deposited by Land Information New Zealand on 19/01/2005			
File No.	1205		
Form No.	31-15-5		
Instructions			<b>DP 348701</b>

LAND DISTRICT SOUTH AUCKLAND

LOTS 1 AND 2 BEING A SUBDN OF LOT 131 DPS1263

Territorial Authority: Western Bay of Plenty District  
 Surveyed by: Peter Rogers Surveyors Ltd  
 Scale 1:250 Date: JAN 2005



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**

Search Copy



**Identifier** 206282  
**Land Registration District** South Auckland  
**Date Issued** 30 November 2006

**Prior References**

SA3D/278

---

**Estate** Fee Simple  
**Area** 494 square metres more or less  
**Legal Description** Lot 1 Deposited Plan 350435

**Proprietors**

Janine Maree Fisher as to a 1/2 share  
 John Kingsley Fisher as to a 1/2 share

---

**Interests**

B410215.1 Notice that a building consent has been issued in respect of a building on the land that is described in Section 36(2) Building Act 1991 - 18.4.1997 at 10.07 am

7139441.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 30.11.2006 at 9:00 am

Appurtenant hereto is a right of way and rights to convey water, electricity, telecommunications and computer media and drain sewage created by Easement Instrument 7139441.4 - 30.11.2006 at 9:00 am

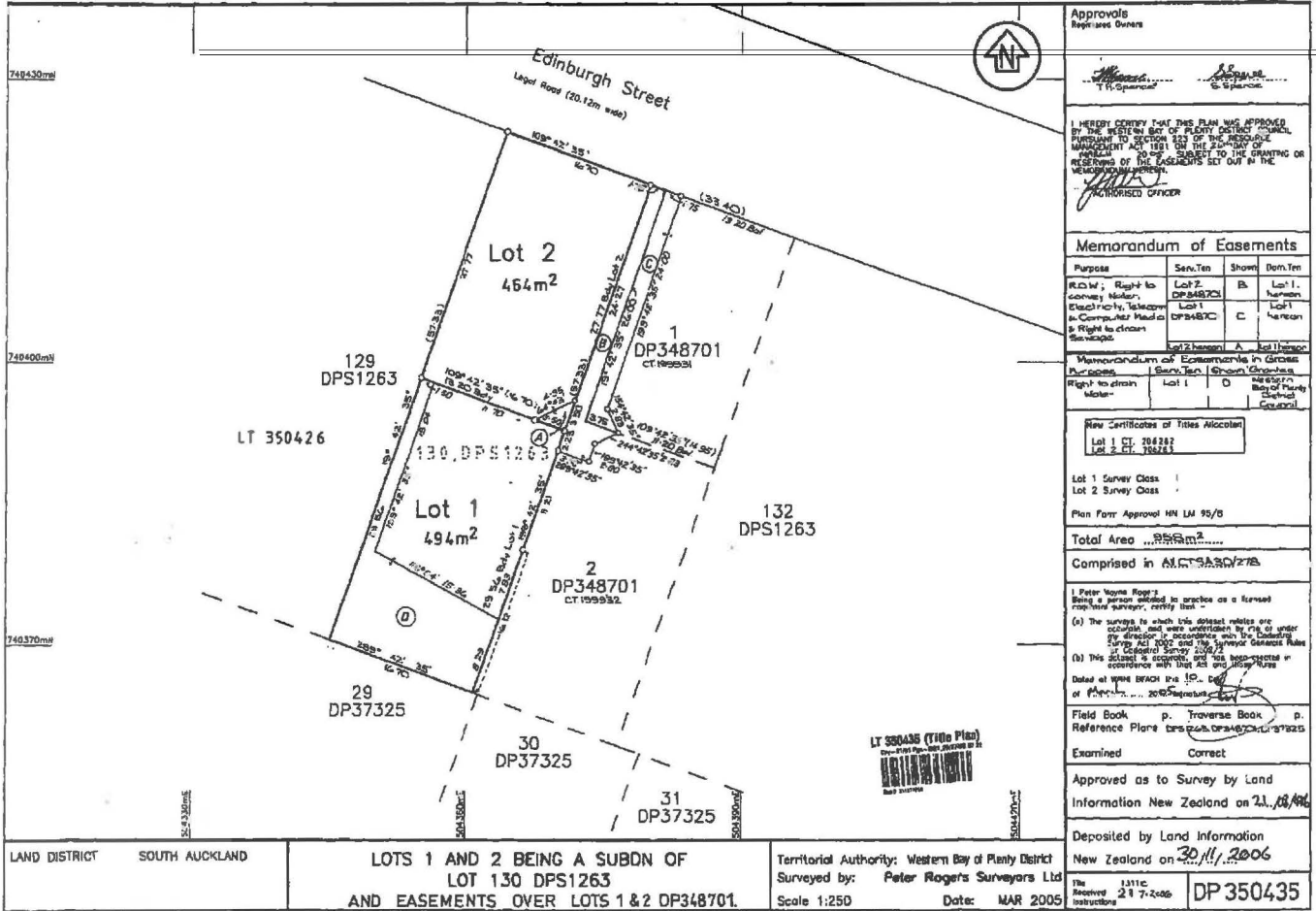
The easements created by Easement Instrument 7139441.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to drain water over part marked Don DP 350435 in favour of the Western Bay of Plenty District Council created by Easement Instrument 7139441.5 - 30.11.2006 at 9:00 am

The easements created by Easement Instrument 7139441.5 are subject to Section 243 (a) Resource Management Act 1991

Land Covenant in Easement Instrument 7139441.6 - 30.11.2006 at 9:00 am

7379353.1 Notification that a building consent issued pursuant to Section 73 Building Act 2004 identifies inundation (including flooding, overland flow, storm surge, tidal effects and ponding as natural hazards - 21.5.2007 at 9:00 am



**Approvals**  
Registered Owners

*[Signatures]*

I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE WESTERN BAY OF PLANTY DISTRICT COUNCIL PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT 1991 ON THE 23rd DAY OF FEBRUARY 2006 SUBJECT TO THE GRANTING OR RESERVING OF THE EASEMENTS SET OUT IN THE MEMORANDUM HEREON.

*[Signature]*  
AUTHORISED OFFICER

**Memorandum of Easements**

Purpose	Serv.Ten	Shown	Dem.Ten
R.O.W.; Right to convey Water, Electricity, Gas, Sewerage, & Right to drain Sewerage	Lot 2, DP348701	B	Lot 1, Lot 2
	Lot 1	C	Lot 1, Lot 2

**Memorandum of Easements in Gross**

Purpose	Serv.Ten	Shown	Dem.Ten
Right to drain Water	Lot 1	D	Bay of Plenty District Council

**New Certificates of Titles Allocated**

Lot 1 CT: 204282  
Lot 2 CT: 204283

Lot 1 Survey Class 1  
Lot 2 Survey Class 1

Plan Form Approval HM LM 95/8

Total Area 958m²

Comprised in A/C/S/D/P/Z/B

I Peter Wayne Rogge being a person entitled to practice as a licensed cadastral surveyor, certify that -

(a) The surveys to which this district relates are accurate and were undertaken by me or under my direction in accordance with the District Survey Act 1992 and the Survey Act 1976

(b) This district is accurate and has been created in accordance with that Act and those rules

Dated at Wellington this 15th Day of February 2006

Field Book p. Traverse Book p.  
Reference Plane 1983 ADAMSON 1982

Examined Correct

Approved as to Survey by Land Information New Zealand on 21.02.06

Deposited by Land Information New Zealand on 30.11.2006

The Receiver 223 7-2006 instructions DP 350435

LAND DISTRICT SOUTH AUCKLAND

LOTS 1 AND 2 BEING A SUBDN OF LOT 130 DPS1263 AND EASEMENTS OVER LOTS 1 & 2 DP348701.

Territorial Authority: Western Bay of Plenty District  
Surveyed by: Peter Rogge's Surveyors Ltd  
Scale 1:250 Date: MAR 2005





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** 206253  
**Land Registration District** South Auckland  
**Date Issued** 10 December 2007

**Prior References**

SA3D/279

---

**Estate** Fee Simple  
**Area** 566 square metres more or less  
**Legal Description** Lot 1 Deposited Plan 350426

**Proprietors**

Gunn Ventures Limited

**Interests**

B635681.1 Certificate that a building consent has been issued in respect of a building on the land that is described in Section 36(2) Building Act 1991 - 22.11.2000 at 2.21 pm

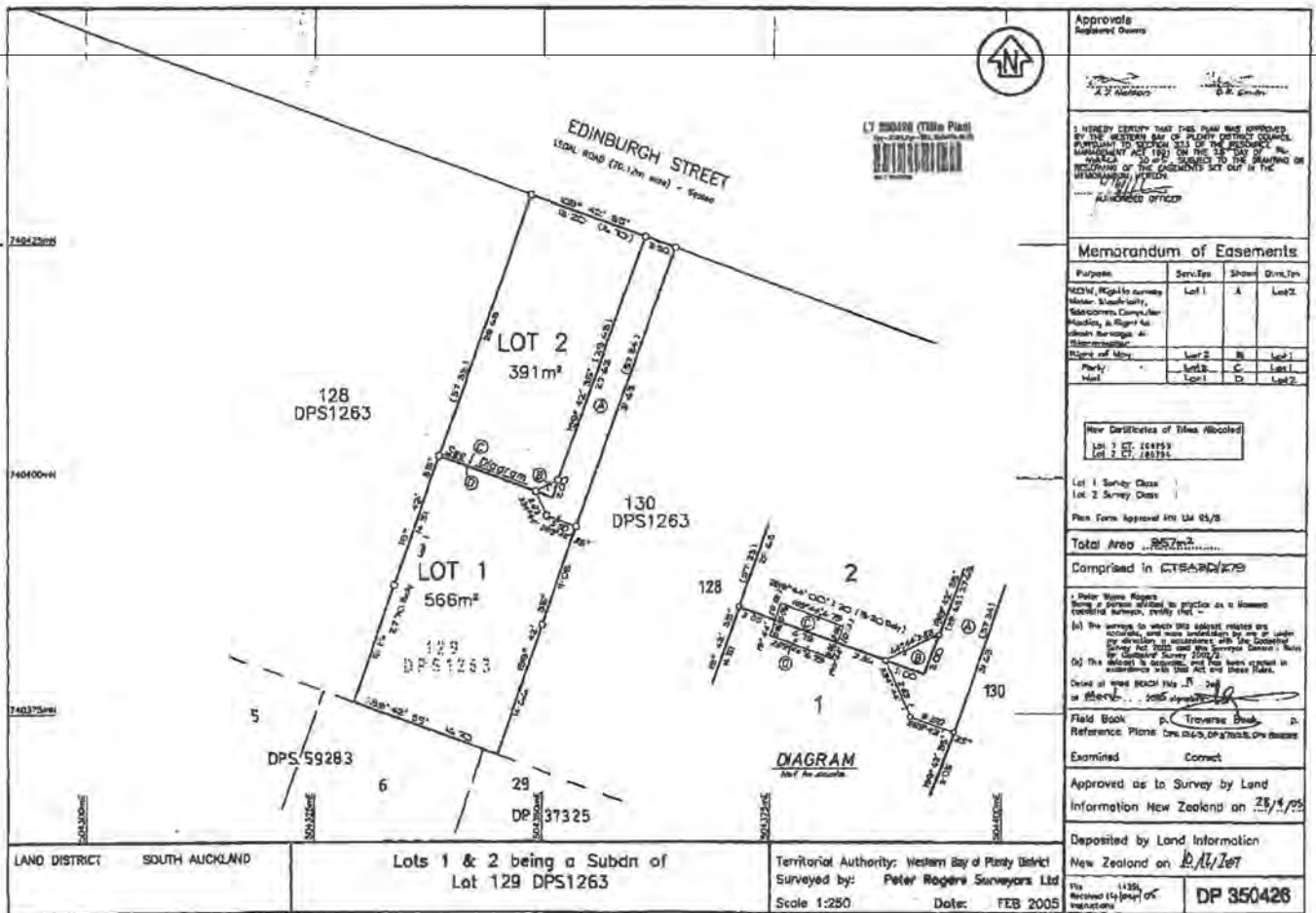
7648849.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 10.12.2007 at 9:00 am

Subject to a right of way, rights to convey water, electricity, telecomm, computer media and a right to drain sewage and stormwater over part marked A and a party wall right over part marked D on DP 350426 created by Easement Instrument 7648849.4 - 10.12.2007 at 9:00 am

Appurtenant hereto is a right of way and a party wall right created by Easement Instrument 7648849.4 - 10.12.2007 at 9:00 am

The easements created by Easement Instrument 7648849.4 are subject to Section 243 (a) Resource Management Act 1991

9683617.5 Mortgage to Kiwibank Limited - 28.3.2014 at 9:37 am



**Approvals**  
Registered Owners

I HEREBY CERTIFY THAT THIS PLAN WAS APPROVED BY THE WESTERN BAY OF PLYMOUTH DISTRICT COUNCIL PURSUANT TO SECTION 223 OF THE RESOURCE MANAGEMENT ACT (1992) ON THE 28/01/05. THE PLAN IS SUBJECT TO THE DRAWING OR RECORDING OF THE CONDITIONS SET OUT IN THE RELEVANT BY-LAW.

**Memorandum of Easements**

Purpose	Servient Tenement	Shown	Dominant Tenement
Electricity, Right of Way, Water, Gas, Sewer, Telephone, Cable, Power, & Right to Store Materials or Structures	Lot 1	A	Lot 2
Right of Way	Lot 2	B	Lot 1
Part of Lot	Lot 1	C	Lot 1
	Lot 1	D	Lot 2

New Distinctions of Times Allocated  
Lot 1 CT: 10493  
Lot 2 CT: 10494

Lot 1 Survey Class  
Lot 2 Survey Class

Plan Form Approval No. LM 05/5

Total Area 957.1m²

Comprised in CT S1263/275

I Peter Rogers being a person entitled to practice as a Licensed Professional Surveyor, certify that -

(a) the survey to which this plan relates was conducted in accordance with the Survey Act 1976 and the Surveyors (General) Regulations 1977 and has been carried in accordance with this Act and these Rules.

Date of this plan 28/01/05

Field Book p. Traverse Book  
Reference Plans DP S1263, DP S1263, DP S1263

Examined Correct

Approved as to Survey by Land Information New Zealand on 28/1/05

Deposited by Land Information New Zealand on 28/1/05

This plan is a copy of the original  
DP 350426



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1082/295  
**Land Registration District** South Auckland  
**Date Issued** 21 September 1953

**Prior References**  
SA1082/205

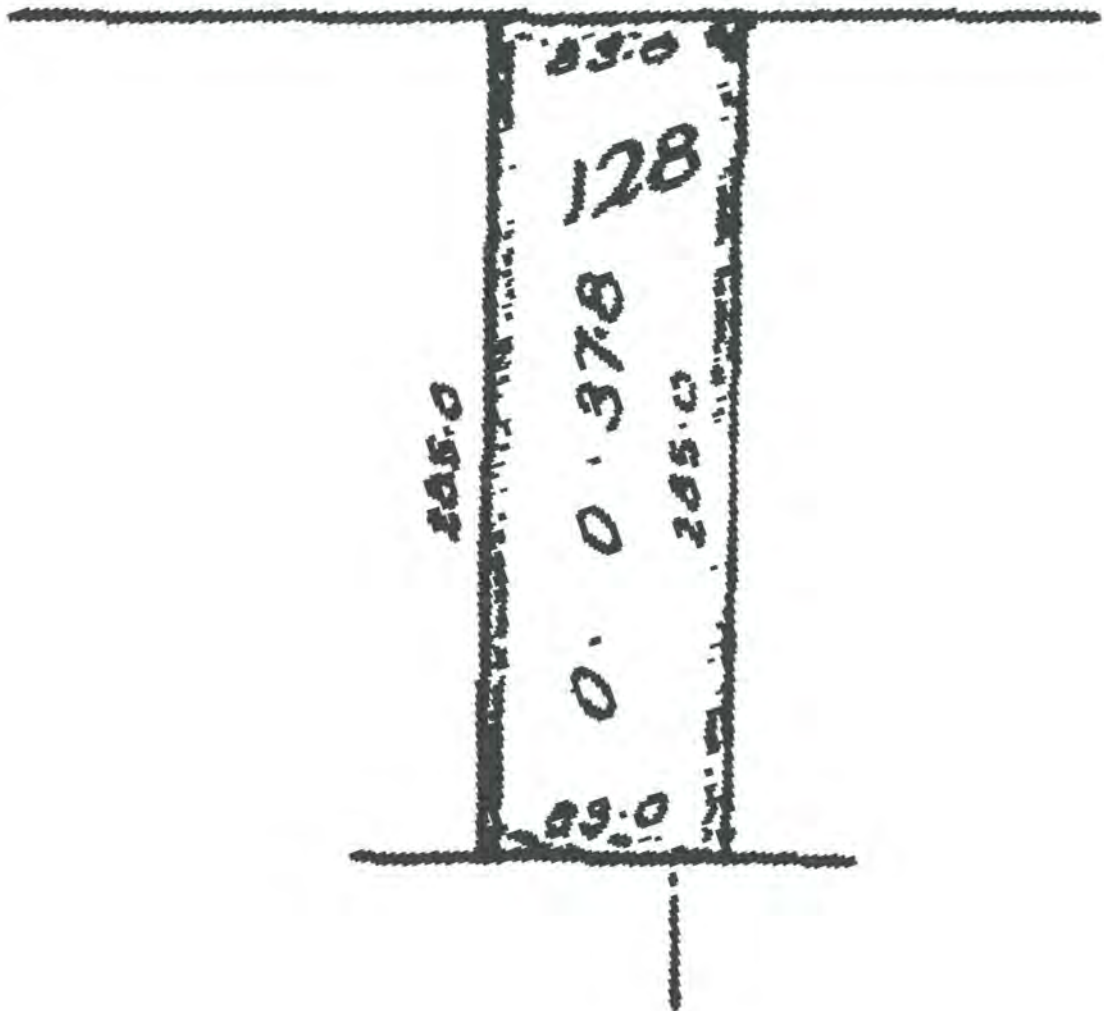
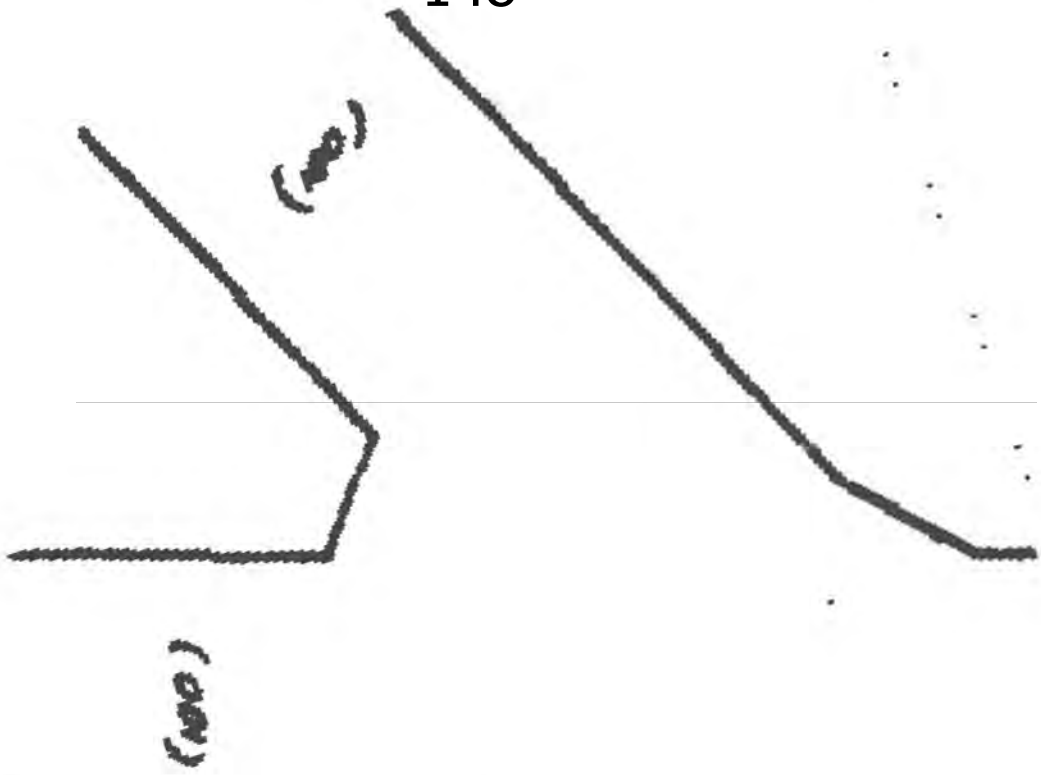
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**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 128 Deposited Plan South Auckland  
1263

**Proprietors**  
Western Bay of Plenty District Council

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**Interests**





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1226/74  
**Land Registration District** South Auckland  
**Date Issued** 05 October 1955

**Prior References**  
SA1082/205

---

**Estate** Fee Simple - 1/2 share  
**Area** 956 square metres more or less  
**Legal Description** Lot 127 Deposited Plan South Auckland  
1263

**Proprietors**  
William Richard Trench and Sheryl Anne Trench

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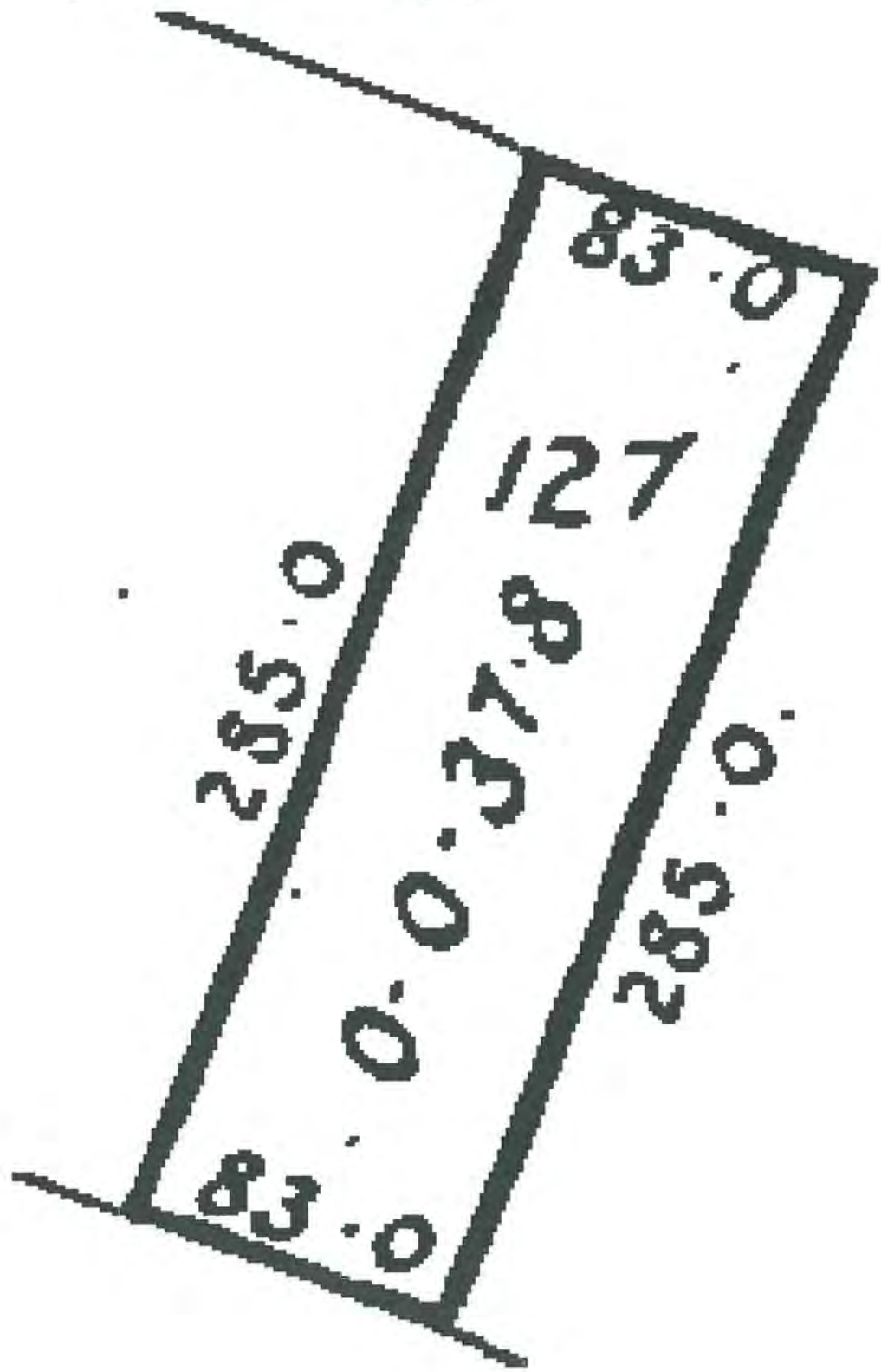
**Interests**

H617462 Lease of Flat 1 on Plan S35578 Term 999 years commencing on 1.4.1985 Composite CT SA34C/430 issued - 2.10.1985 at 9.11 am

B083170.1 Variation of terms of Lease H617462 - 26.5.1992 at 11.28 am

Land Covenant in B083170.1 - 26.5.1992 at 11.28 am

(100)





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA1428/37  
**Land Registration District** South Auckland  
**Date Issued** 04 March 1958

**Prior References**  
SA1082/205

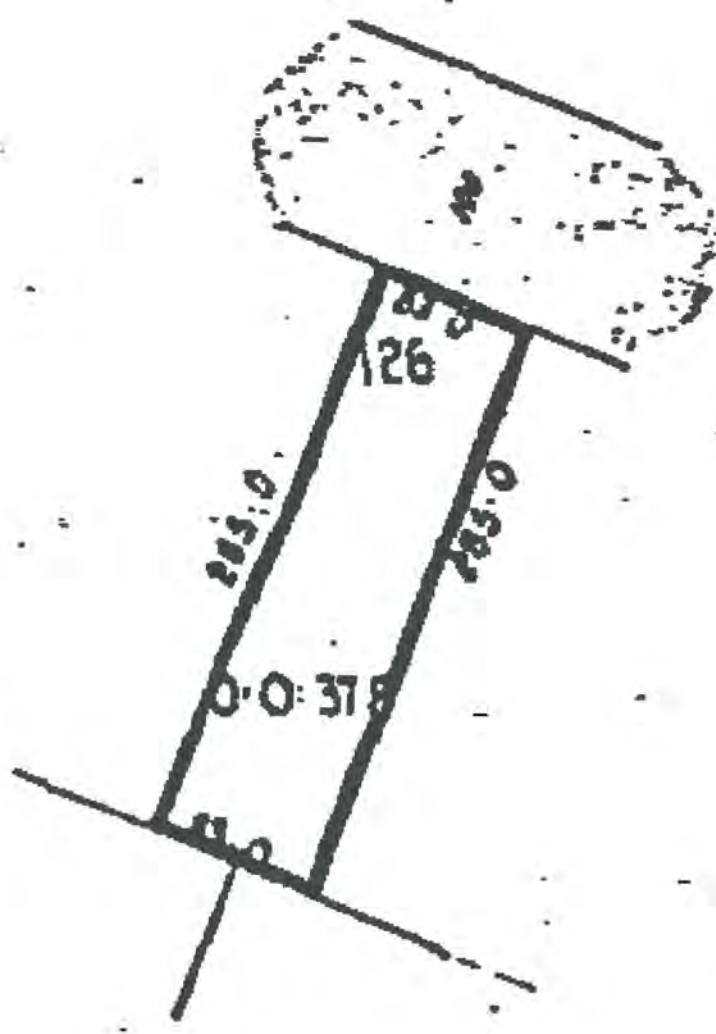
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**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 126 Deposited Plan South Auckland  
1263

**Proprietors**  
Lindsay Berdt Sattler and Melissa Jane Sattler

---

**Interests**  
10322211.3 Mortgage to Bank of New Zealand - 5.2.2016 at 2:00 pm







**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**

Search Copy



**Identifier** SA1202/259  
**Land Registration District** South Auckland  
**Date Issued** 24 September 1954

**Prior References**  
SA1082/205

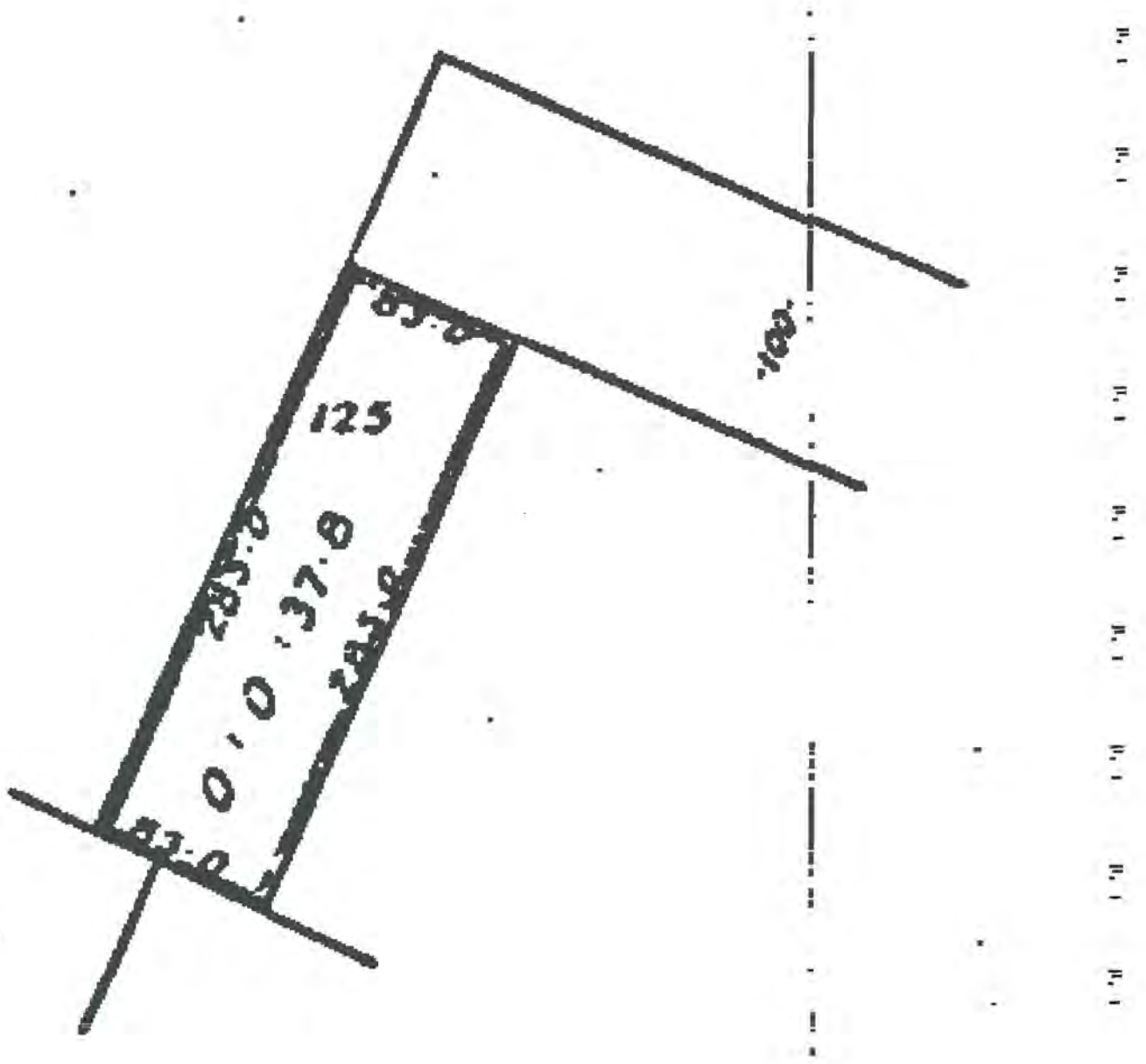
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**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 125 Deposited Plan South Auckland  
1263

**Proprietors**  
Terence Antony Tinling and Debra Joanne Kingsford-Tinling

---

**Interests**  
8419818.3 Mortgage to ASB Bank Limited - 12.3.2010 at 2:42 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA14A/266  
**Land Registration District** South Auckland  
**Date Issued** 28 February 1972

**Prior References**  
SA7D/1110

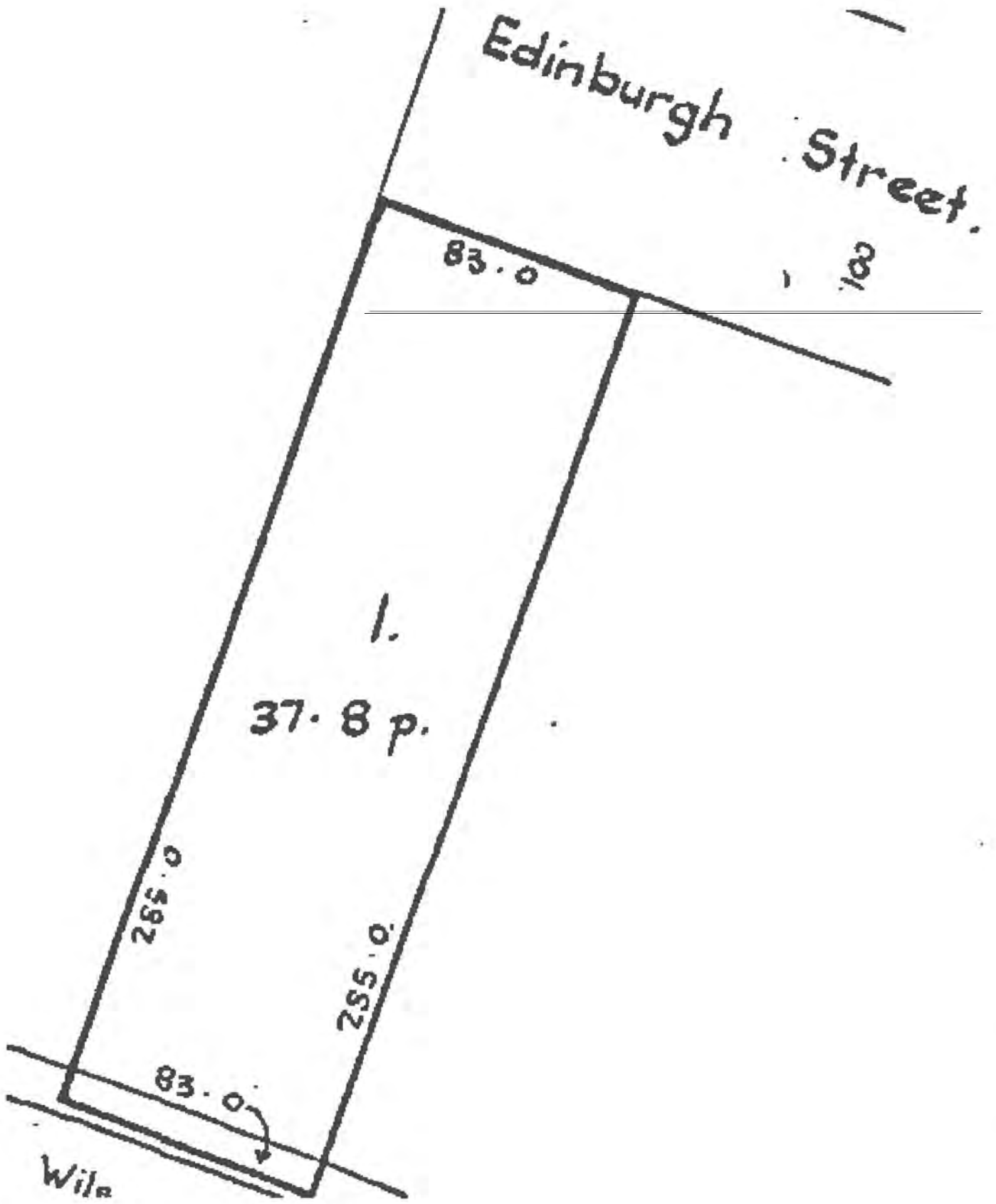
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**Estate** Fee Simple  
**Area** 956 square metres more or less  
**Legal Description** Lot 1 Deposited Plan South Auckland  
14885

**Proprietors**  
Hayden Roy McCormick and Stephanie Rae Wong

---

**Interests**  
9446177.3 Mortgage to Bank of New Zealand - 10.7.2013 at 1:16 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA32C/498  
**Land Registration District** South Auckland  
**Date Issued** 21 November 1984

**Prior References**

SA15B/37

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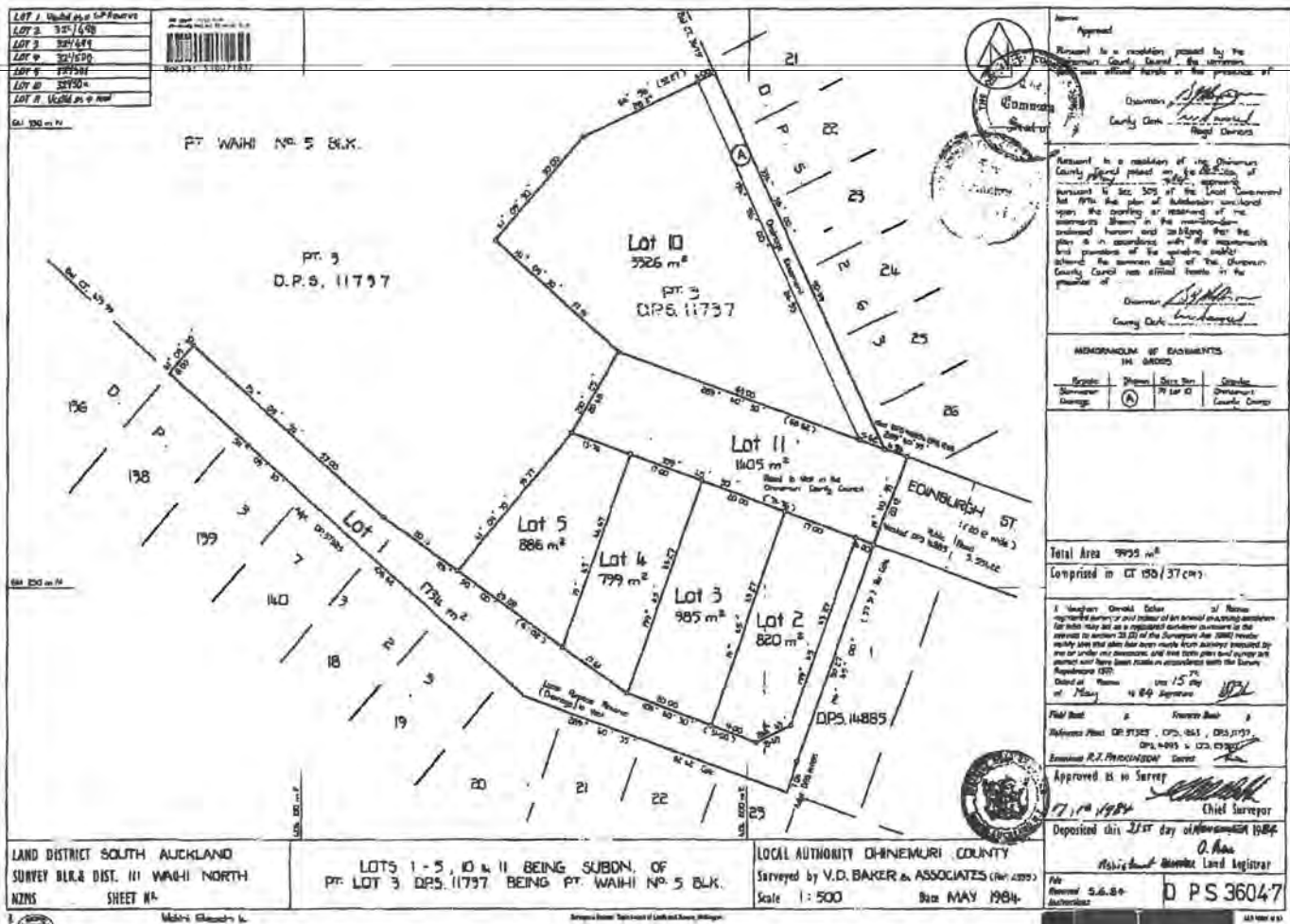
**Estate** Fee Simple  
**Area** 820 square metres more or less  
**Legal Description** Lot 2 Deposited Plan South Auckland  
36047

**Proprietors**

Boyd Clark and Johanne Clark

**Interests**

Fencing Covenant in Transfer 10197868.1 - 29.9.2015 at 3:26 pm  
10197868.2 Mortgage to ASB Bank Limited - 29.9.2015 at 3:26 pm





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA32C/499  
**Land Registration District** South Auckland  
**Date Issued** 21 November 1984

**Prior References**  
SA15B/37

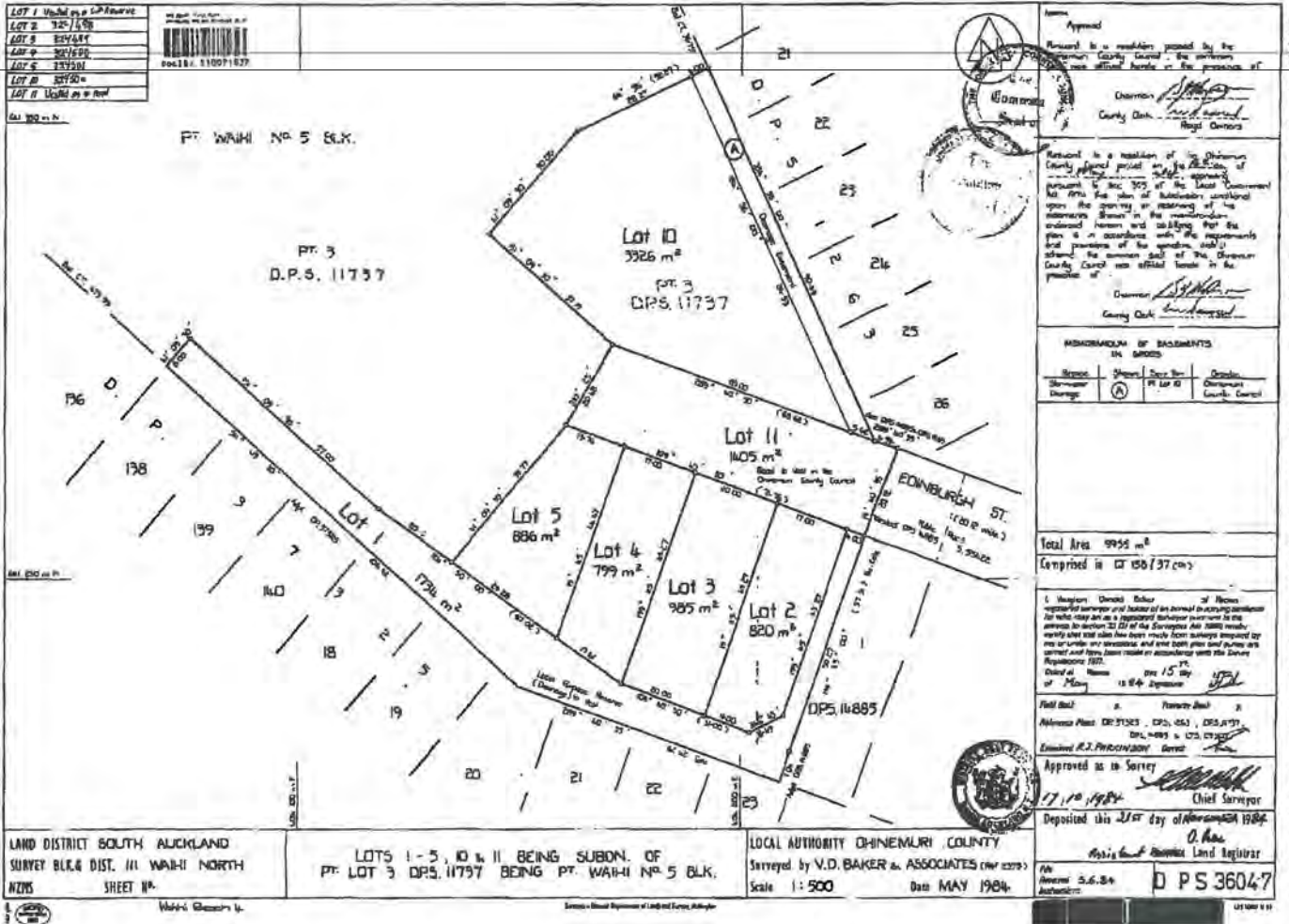
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**Estate** Fee Simple  
**Area** 985 square metres more or less  
**Legal Description** Lot 3 Deposited Plan South Auckland  
36047

**Proprietors**  
Anthony Gerard Scott and Nicola Sian Scott

---

**Interests**  
Fencing Covenant in Transfer 9757646.3 - 25.6.2014 at 4:32 pm



LOT 1	1778 m <sup>2</sup>
LOT 2	820 m <sup>2</sup>
LOT 3	985 m <sup>2</sup>
LOT 4	799 m <sup>2</sup>
LOT 5	886 m <sup>2</sup>
LOT 10	3926 m <sup>2</sup>

Approved  
 Resolved in a resolution passed by the  
 Otago County Council - the members  
 of the Council being duly sworn in the presence of  
 Chairman *[Signature]*  
 County Clerk *[Signature]*  
 Mayor Otago

Resolved in a resolution of the Otago County Council passed on the 25th day of  
 August 1984 pursuant to Sec 305 of the Local Government Act 1974 the plan of subdivision contained  
 upon the survey of subdivision of the  
 reserves shown in the memorandum  
 enclosed herein and calling for the  
 plan is in accordance with the requirements  
 and provisions of the Statutes and  
 shall be deemed to be the  
 plan of the Otago County Council  
 Chairman *[Signature]*  
 County Clerk *[Signature]*

MEMORANDUM OF DECISIONS			
Subject	Shown	Done by	Decided
Charge	(A)	Pt. 3	Otago County Council

Total Area 9956 m<sup>2</sup>  
 Comprised in 10 LOTS (137.77 ha)

I, Margaret Dennis, being a registered surveyor and holder of an annual practicing certificate  
 for which I am a registered taxpayer pursuant to the  
 provisions of section 22 of the Surveyors Act 1980 hereby  
 certify that this plan has been duly surveyed in accordance  
 with the provisions of the Statutes and that the plan and survey are  
 correct and have been made in accordance with the Survey  
 Regulations 1977.  
 Dated at Dunedin this 15th day  
 of August 1984  
 Margaret Dennis

Field Book: A. Reference Book: B.  
 Address Plan: DP 31283, 125, 151, 152, 153, 154, 155  
 DP 1489 & 175, 176, 177  
 Estimated P.L. PROVISIONAL Survey

Approved as a Survey  
 17/10/1984 *[Signature]*  
 Chief Surveyor

Deposited this 17th day of November 1984  
*[Signature]*  
 Registrar of Land

AP  
 Section 5.6.3-A  
 D P S 36047

LAND DISTRICT SOUTH AUCKLAND  
 SURVEY BLK. 6 DIST. III WAH-I NORTH  
 NZPS SHEET 114

LOTS 1-5, 10 & 11 BEING SUBDN. OF  
 PT. LOT 3 D.P.S. 11737 BEING PT. WAHI No 5 BLK.

LOCAL AUTHORITY OTAGO COUNTY  
 Surveyed by V.D. BAKER & ASSOCIATES (No 2279)  
 Scale 1:500 Date MAY 1984





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA32C/500  
**Land Registration District** South Auckland  
**Date Issued** 21 November 1984

**Prior References**

SA15B/37

---

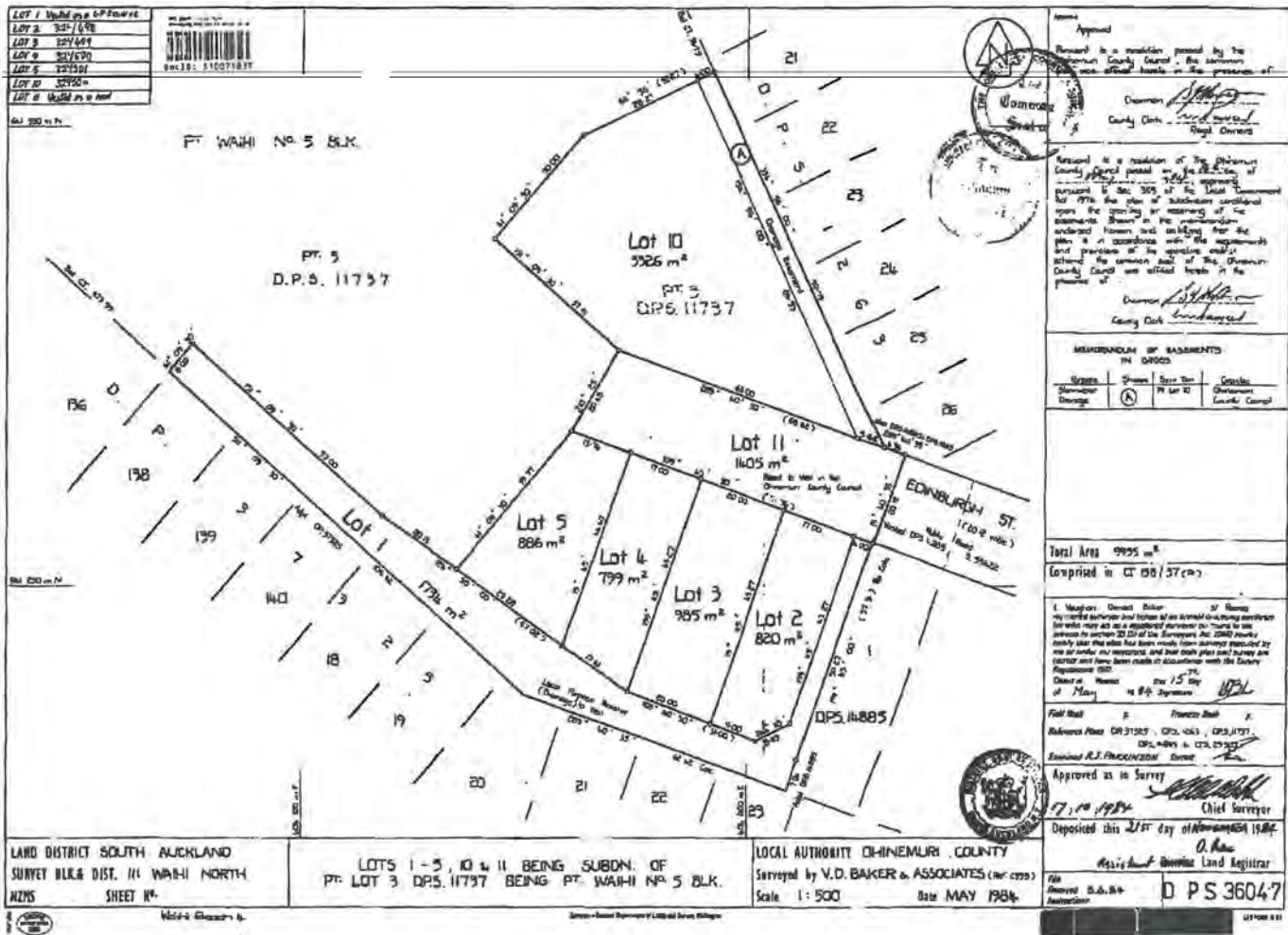
**Estate** Fee Simple  
**Area** 799 square metres more or less  
**Legal Description** Lot 4 Deposited Plan South Auckland  
36047

**Proprietors**

Wallis Family Company Limited as to a 9/10 share  
Hayden Garry Lyle and Tanya Lucina Lyle as to a 1/10 share

**Interests**

Fencing Covenant in Transfer 10159469.1 - 31.8.2015 at 3:46 pm



Approved  
 Resolved in a resolution passed by the Ohinemuri County Council, the Surveyor General, Auckland, in the presence of  
 Chairman *[Signature]*  
 County Clerk *[Signature]*  
 Royal Overseer

Resolved in a resolution of the Ohinemuri County Council passed on the 22nd day of May 1984, approved pursuant to Sec. 305 of the District Councils Act 1974 the plan of subdivision certified upon the opening or widening of the subdivision shown in the memorandum-undertaken herein and submitted for the plan is in accordance with the requirements and provisions of the aforesaid Act, and the common seal of the Ohinemuri County Council was affixed hereto in the presence of  
 Chairman *[Signature]*  
 County Clerk *[Signature]*

**MEMORANDUM OF SUBDIVISION IN ORDER**

System	Class	Size	Use	Control
Standard	(A)	16	10	Local Council

Total Area 9995 m<sup>2</sup>  
 Comprised in CT 158/37 (2)

I, Magistrate Ernest Baker do hereby certify that the above plan of subdivision is correct and that the same has been made in accordance with the Survey Act 1974 and the provisions of the said Act and that the same has been made in accordance with the Survey Act 1974 and the provisions of the said Act and that the same has been made in accordance with the Survey Act 1974 and the provisions of the said Act.

Field Book *[Signature]*  
 Reference Plans DP 31283, DP 1061, DP 31271, DP 1061 & DP 31271  
 Examined R.J. PRINCEWILLIAMS

Approved as to Survey  
 17.10.1984  
**Chief Surveyor**

Deposited this 21st day of NOVEMBER 1984  
**O. H. H.**  
 Registrar of Deeds and Land Registrar

File No. 84-84-84  
 Subdivision  
**D P S 36047**



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**

Search Copy



**Identifier** SA32C/501  
**Land Registration District** South Auckland  
**Date Issued** 21 November 1984

**Prior References**

SA15B/37

---

<b>Estate</b>	Fee Simple
<b>Area</b>	886 square metres more or less
<b>Legal Description</b>	Lot 5 Deposited Plan South Auckland 36047

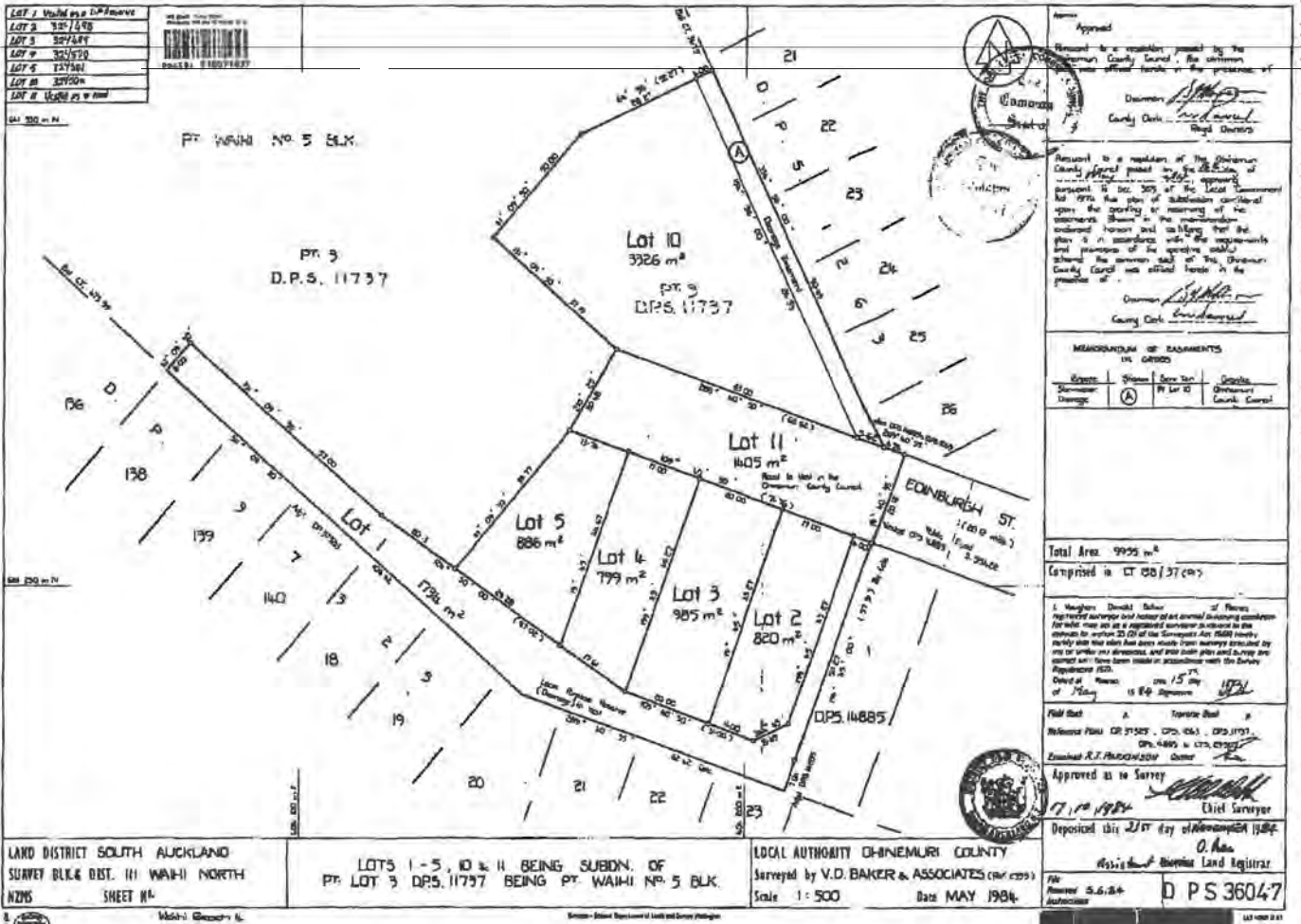
**Proprietors**

Tracey Anne Gunn, Simon Francis Scott and Leanna Maree Scott

---

**Interests**

Fencing Covenant in Transfer 9757646.4 - 25.6.2014 at 4:32 pm  
 9757646.5 Mortgage to The Trustees for the time being of First Credit Union - 25.6.2014 at 4:32 pm



LOT 1	Waihi No 5 Blk
LOT 2	307158
LOT 3	307157
LOT 4	307156
LOT 5	307155
LOT 6	307154
LOT 7	307153
LOT 8	307152
LOT 9	307151
LOT 10	307150
LOT 11	307149



Approved  
 Resolved by a resolution passed by the  
 Waihi County Council, the chairman  
 of the said Council, in the presence of  
 the following persons:  
 Chairman: *[Signature]*  
 County Clerk: *[Signature]*  
 Ward Clerks: *[Signatures]*

Resolved by a resolution of the Waihi County Council passed on the 28th day of  
 August 1984, approved  
 pursuant to Sec. 205 of the Local Government  
 Act 1974 the plan of subdivision contained  
 upon the coming to passing of the  
 said plan is in accordance with the requirements  
 and provisions of the said Act and  
 should the same be signed by the Chairman  
 of the County Council and signed forth in the  
 presence of:  
 Chairman: *[Signature]*  
 County Clerk: *[Signature]*

MEMORANDUM OF ENDORSEMENTS IN GRANTS			
Grantee	Shares	Share Tax	Grantee
Shirley Shirley	(A)	1/100	Shirley Shirley
County Council			

Total Area: 9995 m<sup>2</sup>  
 Comprised in CT 08/37(47)

I, Vaughan Donald Shaw, of P.O. Box 100, Waihi, a registered surveyor and holder of a current practicing certificate for which I am not an appointed surveyor in accordance with section 22 (2) of the Survey Act 1980, hereby certify that this plan has been duly and lawfully surveyed by me or under my direction, and that the plan and survey are correct and have been made in accordance with the Survey Regulations 1980.  
 Dated at Waihi: this 15th day of May 1984.  
 Field Book: A. Topographic Book: B.  
 Reference Plans: CR 31525, CR 31526, CR 31527, CR 4485 & CR 4486.  
 Enclosed: R.T. Plans 2/100 & 2/101.  
 Approved as to Survey: *[Signature]*  
 17/05/1984  
 Deposited this 23rd day of May 1984.  
 O. Aua  
 Registrar of Land

LAND DISTRICT SOUTH AUCKLAND  
 SURVEY BLK & DIST. III WAIHI NORTH  
 NZMS SHEET #14

LOTS 1-5, 10 & 11 BEING SUBDN. OF  
 PT. WAIHI NO. 5 BLK.  
 D.P.S. 11737

LOCAL AUTHORITY OHINEMURI COUNTY  
 Surveyed by V.D. BAKER & ASSOCIATES (CR 2255)  
 Scale 1:500 Date MAY 1984

File Number: 5.6.84  
 Authorisation: D P S 36047



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA60A/141  
**Land Registration District** South Auckland  
**Date Issued** 23 August 1996

**Prior References**  
SA1772/14 SA32C/503

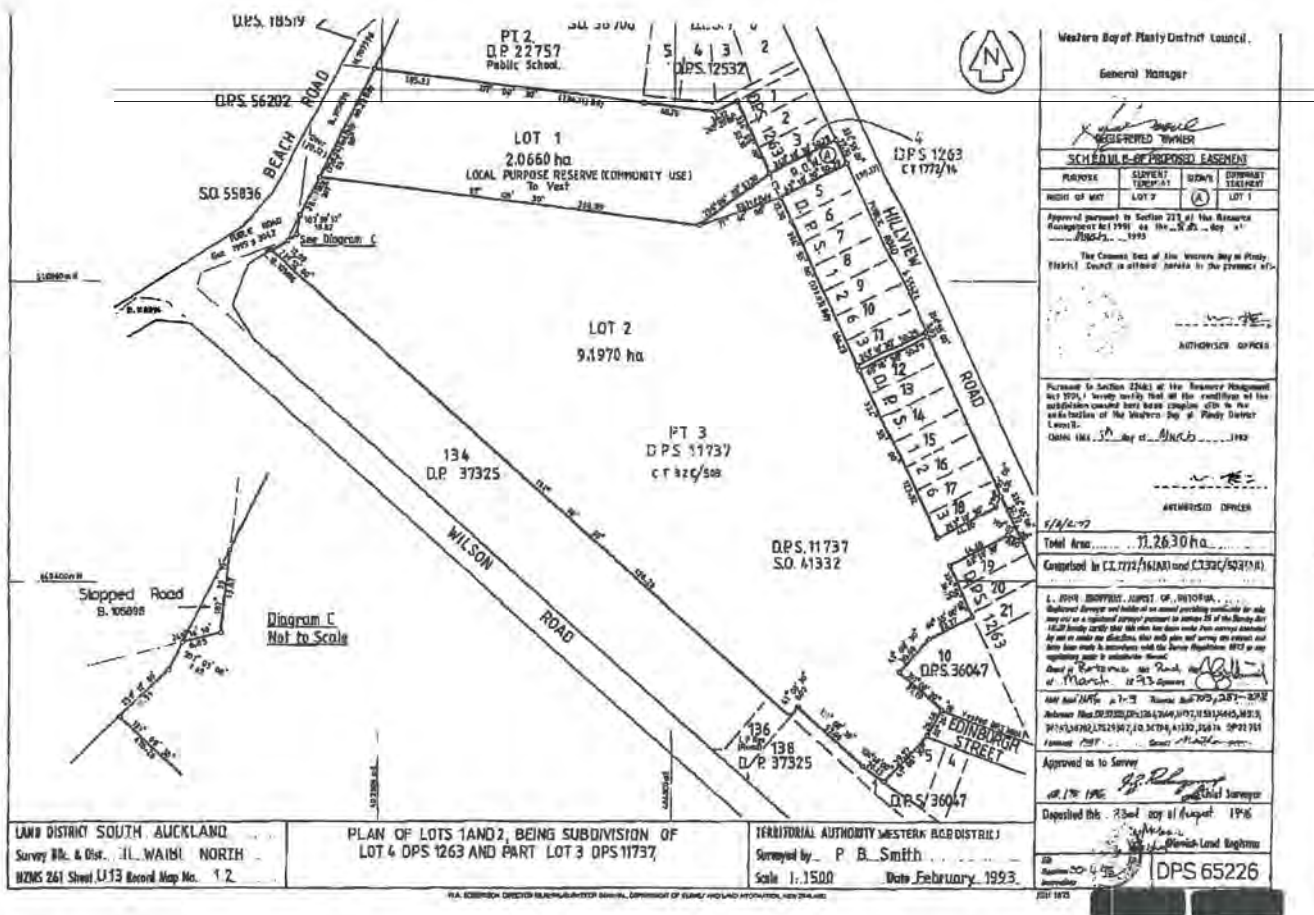
---

**Estate** Fee Simple  
**Area** 9.1970 hectares more or less  
**Legal Description** Lot 2 Deposited Plan South Auckland  
65226

**Proprietors**  
Western Bay of Plenty District Council

---

**Interests**



**Appendix C: Hydraulic assessment**

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# Memo

<b>To:</b>	<b>T+T Tauranga (internal memo)</b>	<b>Job No:</b>	<b>851969.301</b>
<b>From:</b>	<b>Mark Pennington</b>	<b>Date:</b>	<b>10 August 2016</b>
<b>Subject:</b>	<b>Two Mile Creek Hydraulic Performance</b>		

## 1 Introduction

Western Bay of Plenty District Council (WBoPDC) engaged Tonkin & Taylor Ltd (T+T) to undertake hydraulic analysis to develop an understanding of hydraulic behaviour of Two-Mile Creek in Waihi Beach. This work is part of a larger project which is aimed at provision of erosion protection to a part of Two-Mile Creek. A large number of options for delivery of this erosion protection have been considered, and consultation with the community on these has taken place. It is important to note that hydraulic capacity is not the primary driver for works in this stream, and multiple criteria have been considered in selection of the desired option. Preliminary geotechnical site investigations have been carried out, and the selected option is one that has been found to best meet the wide range of criteria that have been identified.

The option selected comprises a concrete U-shaped channel, which will extend up to 400 m upstream from the Dillon Street Bridge.

The sides of this proposed channel are variable in height, aimed at tying in with the existing banks so that current stream interaction with overland flows can be maintained. The selected width for this channel is 7 m, measured to the outsides of the concrete sides. For concrete wall thickness of 300 mm (assumed, as detailed design has not yet been undertaken), this leaves an internal waterway width of 6.4 m.

In Figure A1 in Appendix A the bare-earth ground levels derived from a LiDAR survey of this area conducted in 2015 are shown against an aerial photograph in the area of interest. This shows the stream location relative to the Broadlands Block and the coast.

## 2 Hydraulic model

Given that the proposed concept had been developed with erosion protection as the primary criterion (in also meeting other site constraints), a detailed hydraulic analysis of the proposed option to determine actual or potential effects was required. This analysis was carried out on a comparative basis, comparing the hydraulic performance between existing and proposed stream dimensions.

To undertake the hydraulic analyses, a previously constructed hydraulic model was used. This was built using cross sections surveyed in July 2013, with extent being between the Broadlands Block and the open coast, as shown in Figure A2 in Appendix A. Also shown in this figure is the predicted maximum flood depth in response to a 10-year ARI rainfall event derived from 1D-2D coupled modelling, and from this it can be seen that the Broadlands Block area acts as a large ponding area in times of flood. While a detailed 1D-2D coupled model of the whole of Waihi Beach area exists, this was not used for this hydraulic analysis, as a more detailed 1D analysis was deemed more appropriate. The reasons and justification for this are further considered below.



The analysis was conducted on the basis of fixed upstream and downstream water levels, with resulting discharge and longitudinal flow profile being extracted for each model simulation. This was done in order to fairly compare the hydraulic performance of the proposed channel with that of the existing stream. Note all levels in this document are given relative to MVD-53.

## 2.1 Boundaries

Upstream water levels of 4.0 m, 3.0 m and 2.0 m (MVD-53) were used in the assessment, as summarised in Table 1. The upstream water levels used can be compared against the frequency based levels shown in Table 2, showing that (for example) the level of 4.0 m used is roughly the 50-year ARI Maximum Probable Development design peak flood level using a 2090 climate change scenario (which includes a 16% increase in rainfall intensity and a 0.8 m sea level rise from 2011 values, reported fully in T+T, 2011). A summary of other levels is given in Table 1.

**Table 1: Upstream water levels used in analysis**

Broadlands Block water level (m)	Description
4.0	Significant flood event level, about 50 year ARI event with MPD, with climate change to 2090.
3.0	Moderate event level, something less severe than five year ARI.
2.0	A flow condition that occurs regularly.

Using these levels has enabled an assessment of channel hydraulic performance to be made across a likely range of conditions. Reference to flood levels previously predicted is given in Table 2.

**Table 2: Broadlands Block design flood levels (T+T, 2011)**

ARI (years)	ED / MPD	Climate change	Broadlands block peak water level (m)
100	MPD	yes	4.21
50	MPD	yes	3.97
50	ED	no	3.88
20	ED	no	3.70
5	ED	no	3.30

The tailwater level used was 1.5 m. Selection of this level for analysis was based on a range of factors, as follows:

- On the day of the cross section survey, the level of the beach downstream of the Dillon Street bridge was about 0.9 m. Use of any tailwater level lower than this was therefore meaningless (mean sea level at Waihi Beach would be about 0.1 m). The mouth of this stream is frequently closed by sand bar formation, and is mechanically opened from time to time.
- For shallow depth over the beach, a hydraulic model will develop high velocity flow which would not be able to be maintained in reality (due to scour).
- Sensitivity analysis was undertaken on tailwater level and, while the results were shown to be affected by different tailwater levels, the comparative approach used between existing and proposed channel cross sections showed that the differential between these two were not significantly affected by choice of tailwater level.

Tidal levels for primary and secondary ports of New Zealand are provided by Land Information New Zealand (LINZ) based on the average predicted values over the 18.6 year tidal cycle. Values for Port Tauranga in terms of Chart Datum and Moturiki Vertical Datum 1953 (MVD-53 RL) are presented in Table 3.

**Table 3: Tide levels for Tauranga (LINZ, 2012)**

Tide state	Chart datum (m)	MVD53 (RL)
Highest Astronomical Tide (HAT)	2.11	1.15
Mean High Water Springs (MHWS)	1.94	0.98
Mean High Water Neaps (MHWN)	1.66	0.70
Mean Sea Level (MSL)	1.07	0.11
Mean Low Water Neaps (MLWN)	0.45	-0.51
Mean Low Water Springs (MLWS)	0.15	-0.81
Lowest Astronomical Tide (LAT)	-0.08	-1.04

Thus it can be seen that the adopted value for tailwater level is higher than the present-day HAT, and could reflect a future (sea level rise adjusted) value of a sea level condition.

The reason for selection of this (apparently) high tailwater level was to ensure that the effects on the full channel cross section can be highlighted and understood. If a lower tailwater level were to be used then channel water levels would be lower, particularly in downstream parts, and the effects of the channel lining proposed would be partially masked.

## 2.2 Cross sections

As mentioned above, channel cross sections were obtained from survey conducted in 2013. While the most recent LiDAR survey covering this area is more recent than this (2015), the 2013 survey represents the most current stream channel cross sections, particularly for below-water profiles. The locations of these cross sections are shown in Figure A2 in Appendix A.

At each cross section, a proposed rectangular concrete channel section was fitted to tie in with existing banks. A near-flat invert profile was adopted for this. Where existing banks were relatively high, but deemed stable, no lining was envisaged. However the entire purpose of the lining is to reduce erosion, and some lining is therefore required at each section, at least to a nominal high tide level (where twice-daily wetting and drying occurs). Examples of this are shown in Figure 1, where existing and proposed cross sections at two different locations are shown. In blue are the existing (as surveyed) cross sections while the orange points show the proposed concrete-lined channel part, and the black dashed outline shows the resulting revised cross section, comprised of existing and lined parts.

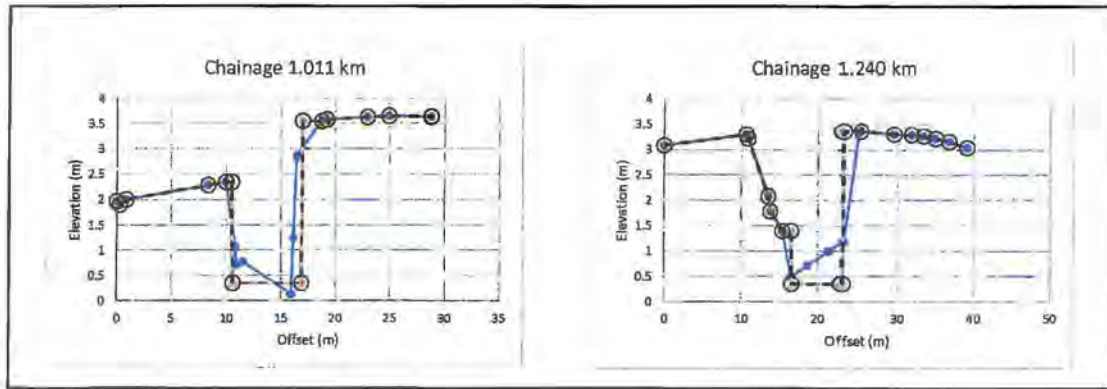


Figure 1: Cross section examples (note exaggerated vertical scale relative to horizontal)

For the cross section at Chainage 1.011 km (left-hand side in Figure 1), the concrete lined channel has sides that marry with existing banks. A small amount of fill will be required at the top on the true-right side, with top-of-bank levels of concrete channel and existing channel being matched.

For the cross section at Chainage 1.240 km (right-hand side in Figure 1), the true right bank has concrete lining up to top-of-bank level while the true left lined portion is stopped at a level much below the top-of-bank. This was done to take full advantage of the cross sectional area offered by the existing cross section (i.e. this is much wider than the 6.4 m width of the lined sections) while keeping construction costs down. If the channel were extended to full top-of-bank height, then there may be interference with existing overland drainage to the stream, and a significant volume of fill material would be required to establish ground level to top-of-wall level at this location.

A complete set of cross sections, formatted as above, is provided in Appendix B.

### 2.3 Model runs

The model was run using a drawdown approach, where initial water level (equal to the upstream boundary level adopted) was applied over the entire model. The downstream water level was then drawn down over a period of time to the specified tailwater level of 1.5 m. A longitudinal flow profile and discharge corresponding to the in-channel hydraulics and up- and downstream boundaries resulted. This was a steady flow analysis.

## 3 Hydraulic analysis results

### 3.1 Effect of beach level

As mentioned in Section 2.1 the beach level on the day of the survey was notably higher than the invert level of most of the stream. The hydraulic effect of this was quantified by running the model for comparative analyses where flow profiles and discharge were obtained both for the “as surveyed” condition as well as for a “lowered beach” condition. Flow profiles are shown in Figure 2 with results being summarised in Table 4.

Immediately visible in these results is the notable effect that the raised beach level downstream of the Dillon Street Bridge has on discharge and level. This raised invert is sand build up at the beach, and this is dynamic. Also shown in Figure 2 are flow profiles for the lowered beach condition, and the effect that this has on discharge capacity of the channel is given in Table 4.

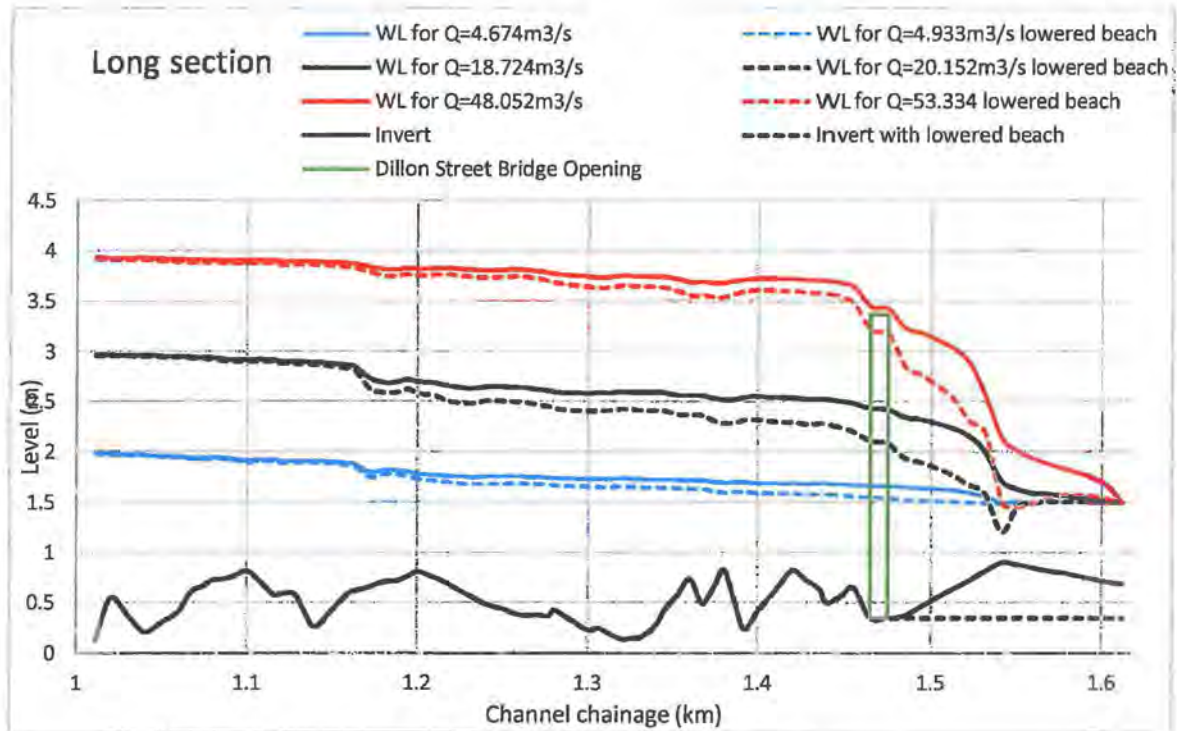


Figure 2: Flow profiles for existing channel geometry and for lowered beach scenarios

Table 4: Discharge for existing channel and for lowered beach

Broadlands Block water level (m)	Discharge down Two-Mile Creek ( $\text{m}^3/\text{s}$ )		Percentage change in discharge from existing (as surveyed)
	Existing channel	Existing channel with lowered beach	
4.0	48.1	53.3	+11%
3.0	18.7	20.2	+8%
2.0	4.7	4.9	+6%

### 3.2 Effect of roughness

Given the absence of suitable calibration data available for the subject reach of Two Mile Creek, sensitivity analysis in the model results was deemed to be required. In order to understand the effect of hydraulic roughness on channel capacity, a comparison was made between a well-maintained channel and an overgrown channel condition. This was done by using the existing cross sections with two different roughnesses, as determined by Manning's  $n$  roughness coefficient. For the well-maintained channel a Manning  $n = 0.035$  was used throughout, while this was increased to  $n = 0.05$  for the banks for a poorly maintained channel (invert roughness was not changed). Note that roughness through the bridge section and over the beach downstream of the bridge was kept constant for these two comparative runs, such that the comparison between performance in the channel upstream of the bridge only is made.

The effects are summarised in Figure 3 and in Table 5.

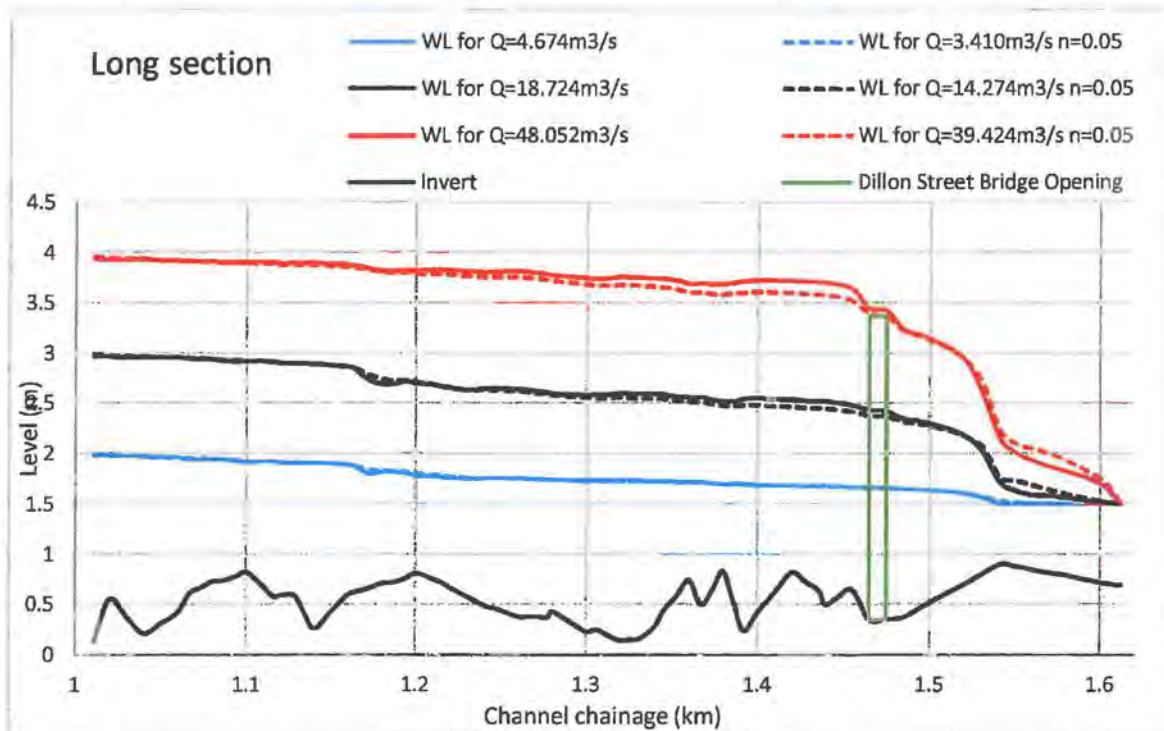


Figure 3: Flow profiles for existing channel geometry and for high roughness scenarios

Table 5: Discharge for existing channel for different roughness

Broadlands Block water level (m)	Discharge down Two-Mile Creek (m³/s)		Percentage change in discharge from initial
	Manning n = 0.035	Manning n = 0.05	
4.0	48.1	39.4	-18%
3.0	18.7	14.3	-24%
2.0	4.7	3.4	-27%

The above shows that channel capacity can be changed by 18-27 percent if roughness is changed within reasonable bounds from that assumed. This effect is therefore of greater significance than the effect of the raised beach level described in Section 3.1.

### 3.3 Effect of proposed concrete-lined channel

Comparison in hydraulic performance between existing (2013 survey) and proposed (concrete U-channel, 7 m top width to outside face of concrete) was made. Results are summarised below.

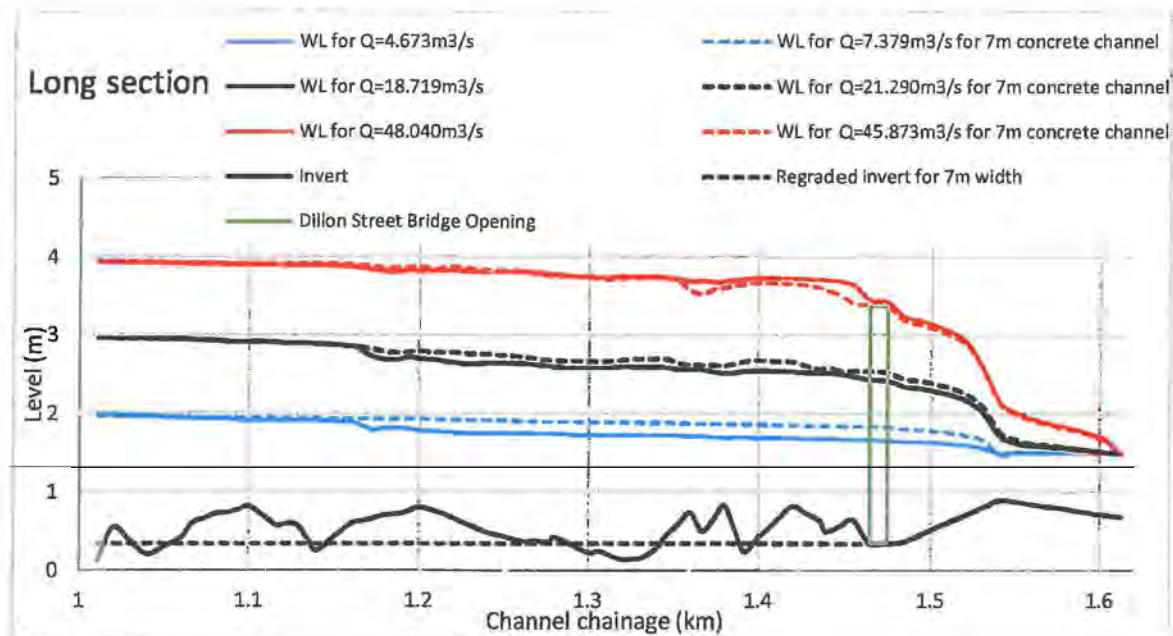


Figure 4: Flow profiles for different flow conditions

Table 6: Discharge for existing channel compared against that for 7 m concrete channel

Broadlands Block water level (m)	Discharge down Two-Mile Creek (m <sup>3</sup> /s)		Percentage change in discharge from existing (as surveyed)
	Existing channel	7 m concrete channel	
4.0	48.1	45.9	-4.5%
3.0	18.7	21.3	+13.8%
2.0	4.7	7.4	+58.4%

A Manning  $n$  roughness of  $n = 0.018$  was used for the concrete sections. This represents a conservative upper bound of roughness and better hydraulic performance than that shown above could be expected.

To summarise, the proposed concrete U-channel gives the following capacity changes (from existing):

- Significant flood: 4.5% less capacity than existing cross sections
- Flood: 13.8% greater capacity than existing cross sections
- Normal flows: 58.4% greater capacity than existing cross sections.

The proposed concrete U-channel has significantly greater width at low elevation than existing channel cross sections – hence the improvement in capacity under low flow conditions. At extreme levels, the concrete U-channel has smaller top width than existing, with corresponding decrease in conveyance capacity (offset to a degree by lower roughness).

Under the "extreme flood" condition assessed, the reduction in channel hydraulic performance is small compared to the results of the sensitivity assessment for assumed channel roughness. While under extreme flood conditions the concrete channel provides marginally less conveyance capacity than the existing channel, it would be likely that bank damage for the existing cross sections would occur, and that such damage may result in a reduction in conveyance due to debris build-up. The concrete channel is likely to operate more effectively under such conditions as a result.

The excess capacity (compared with existing) under normal and frequently observed flow conditions that is offered by the proposed concrete U-channel could allow for inclusion of ecological enhancements (such as fish passage baffles) in the proposed channel at the invert without resulting in penalty in hydraulic performance when compared (with the existing channel).

#### **4 Conclusion**

The proposed concrete channel exhibits slightly different flow behaviour to the existing channel. Across a reasonable range of likely flow conditions, the concrete channel provides enhanced performance in terms of conveyance capacity while being able to meet its primary objective of reduction in stream bank erosion. Using conservative modelling assumptions for extreme flood conditions, the proposed channel offers marginally less conveyance capacity than the existing channel. This difference is small and is likely to be offset by the greater capacity of the proposed channel under less severe flood conditions (or at the start of an extreme flood).

Given this improvement in hydraulic performance there is no need to conduct further assessments of potential effects via more complex modelling approaches (i.e. running the detailed 1D-2D coupled model will only show a smaller potentially floodable area as resulting from the proposed channel construction).

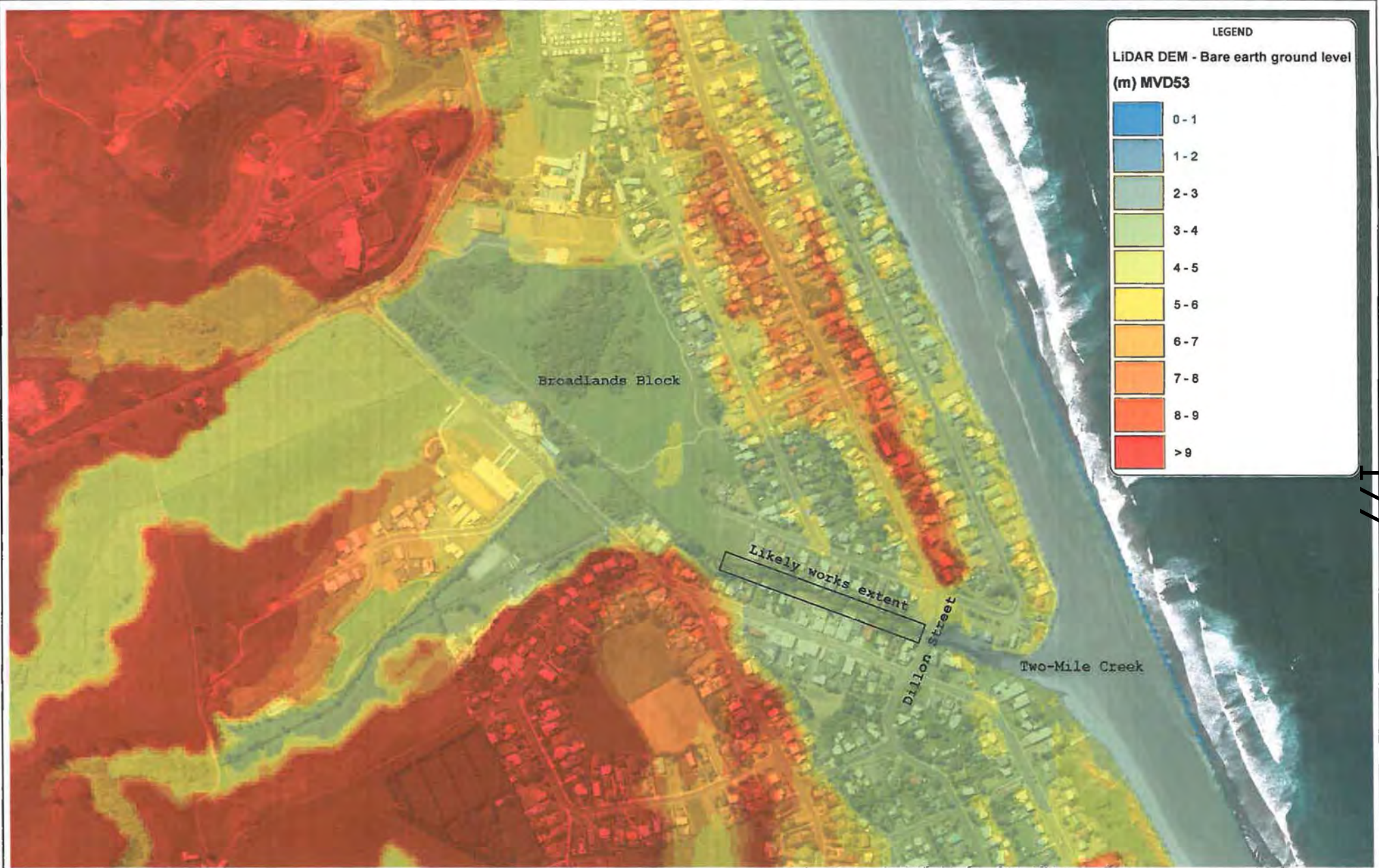
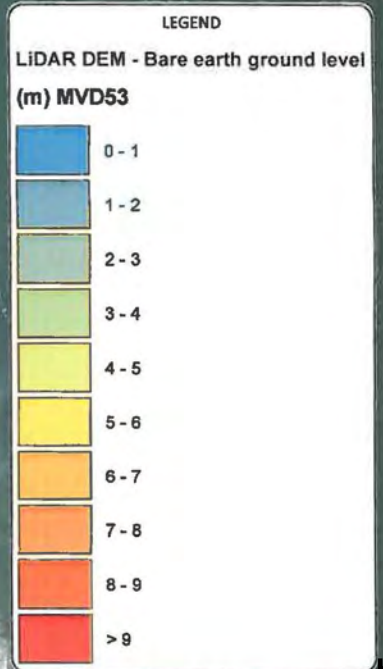
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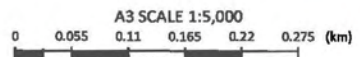
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 Flood depths produced by T+T using MikeFlood Model  
 LIDAR data source BOPLASS2015  
 All levels are relative to MVD-53



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**Western Bay of Plenty District Council**  
 2-Mile Creek Erosion Protection, Waihi Beach  
 Bare Earth Ground Level

FIGURE No. **Figure A1**



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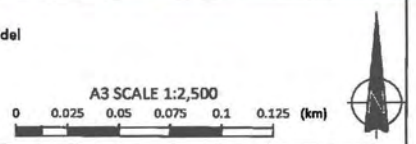
— Surveyed cross sections

**Peak flood depth (m)**

	< 0.1
	0.1 - 0.25
	0.25 - 0.5
	0.5 - 1
	> 1.0

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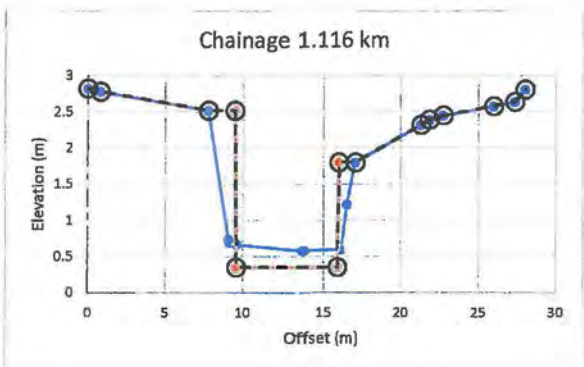
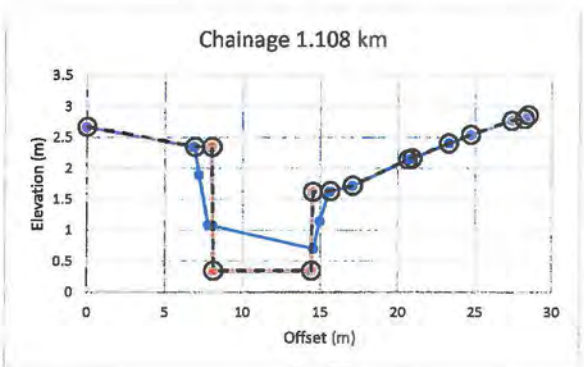
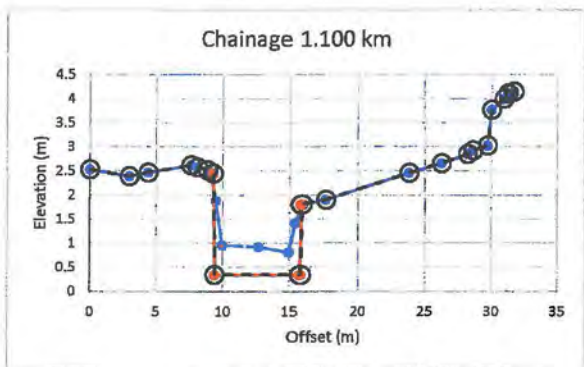
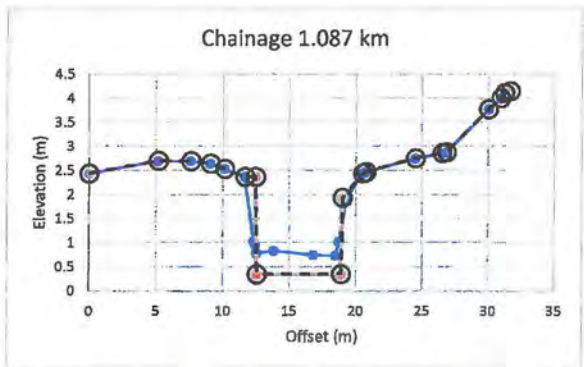
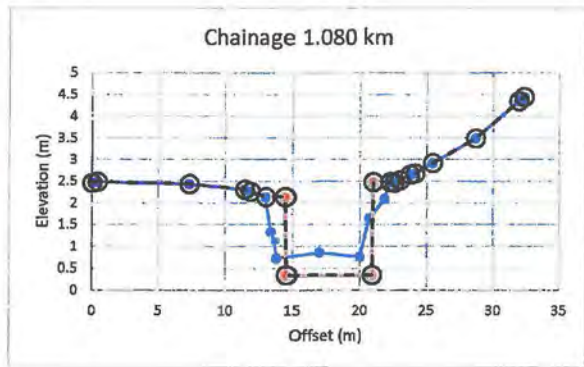
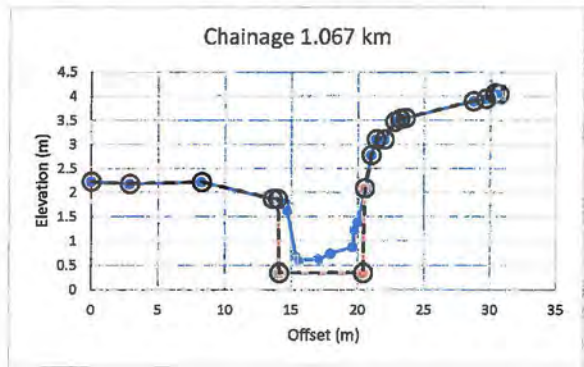
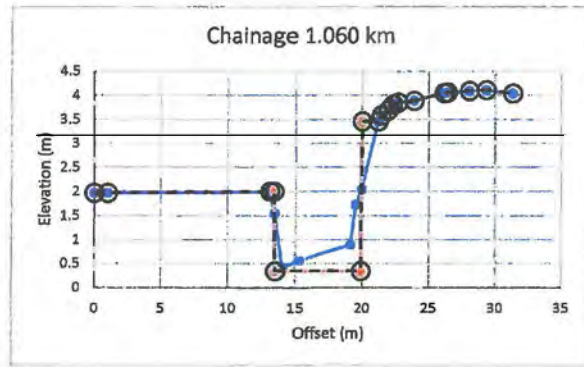
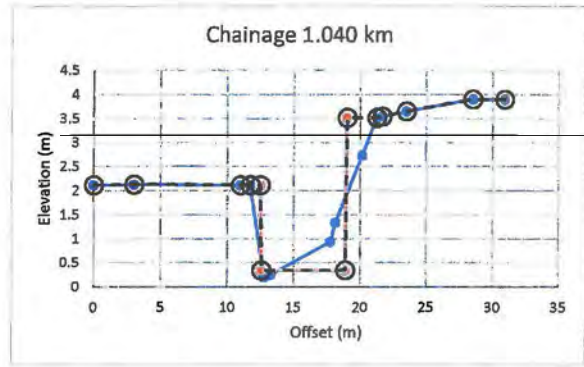
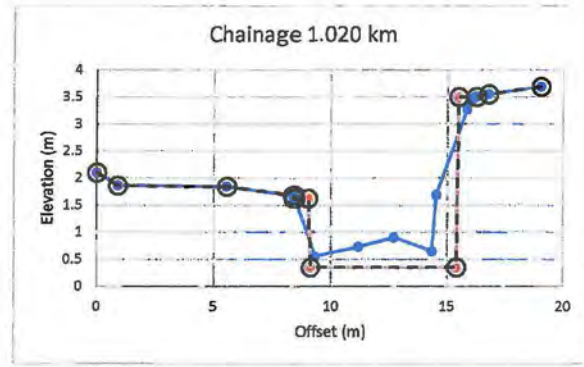
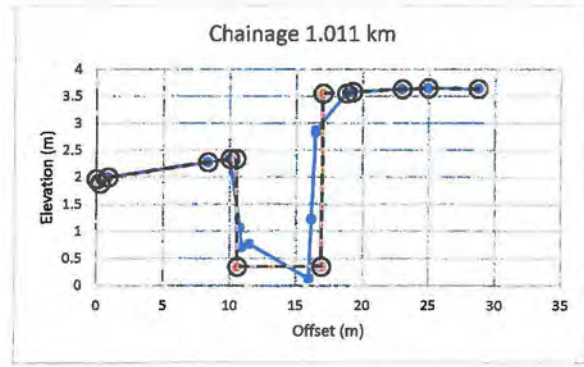
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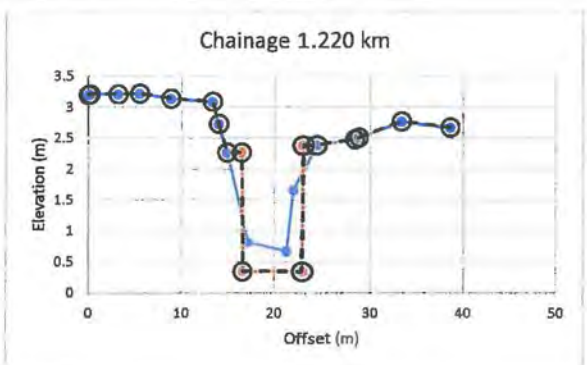
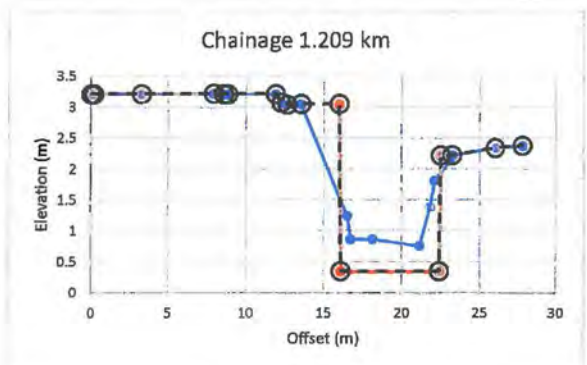
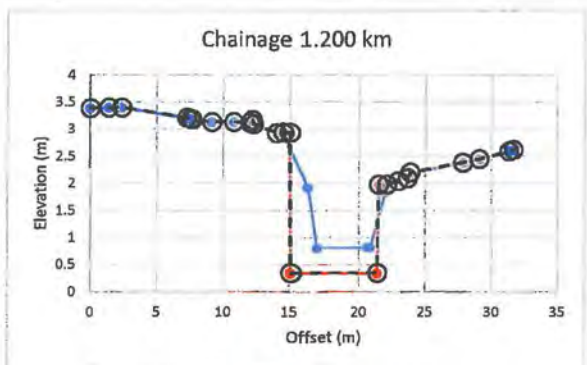
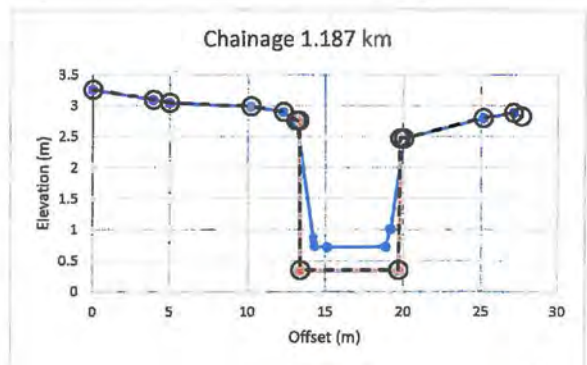
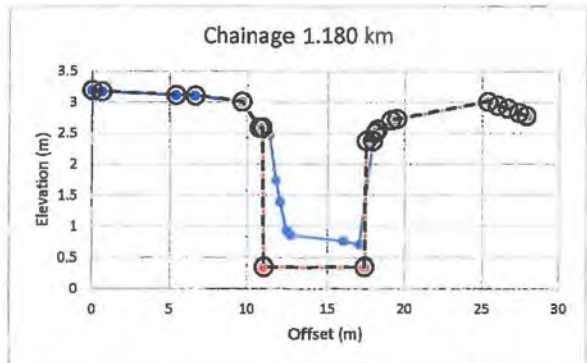
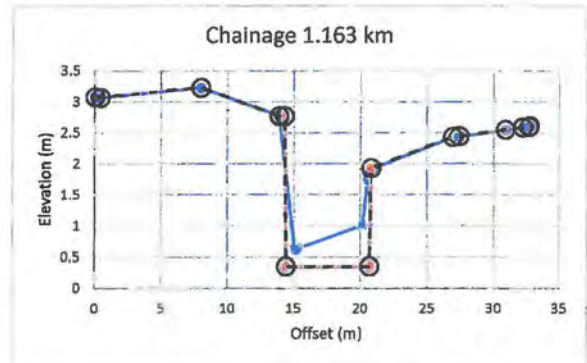
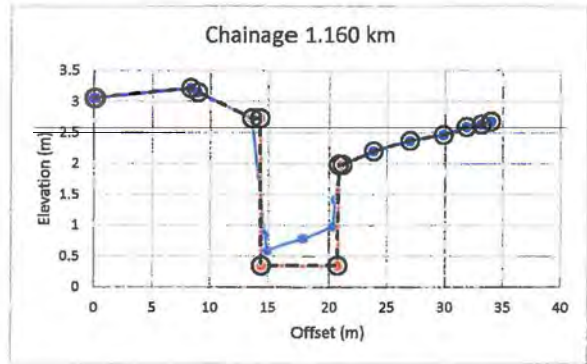
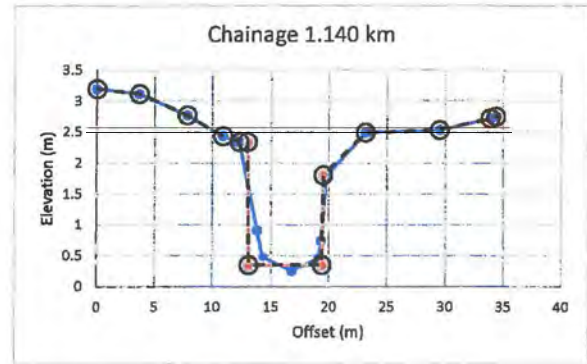
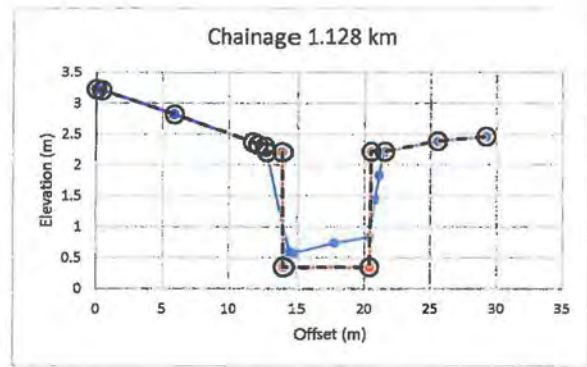
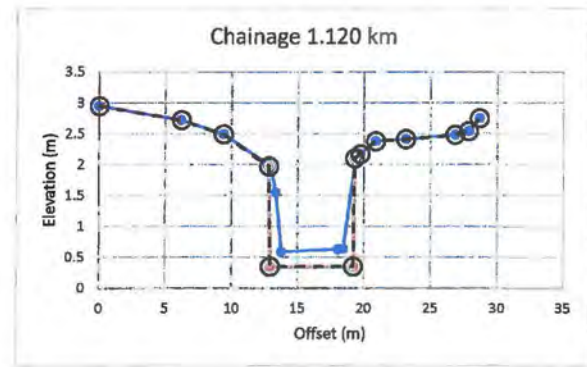
**Western Bay of Plenty District Council**  
 2-Mile Creek Erosion Protection, Waihi Beach  
 Maximum Flood Depth  
 10-year ARI Rainfall, 2-year ARI Tide, 2015 Climate, ED

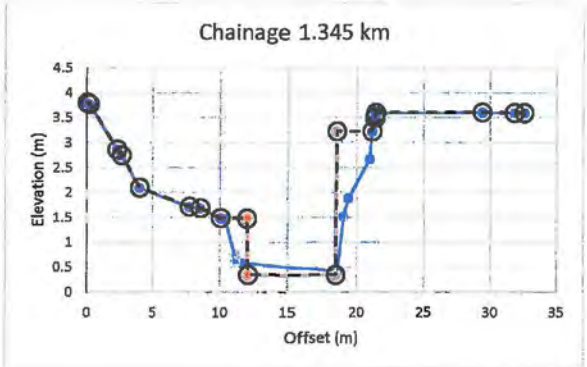
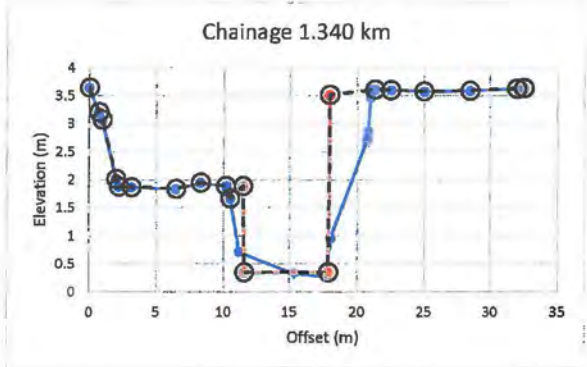
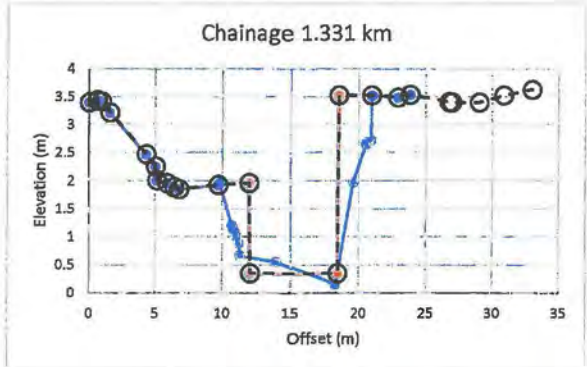
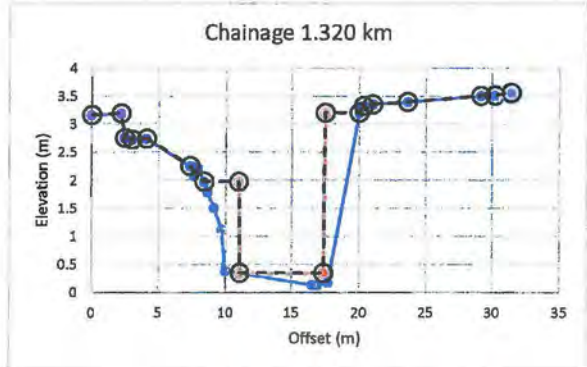
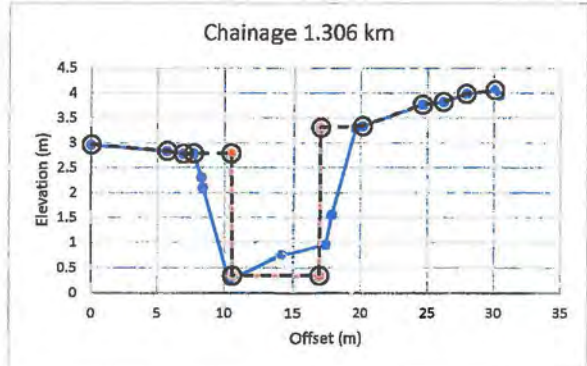
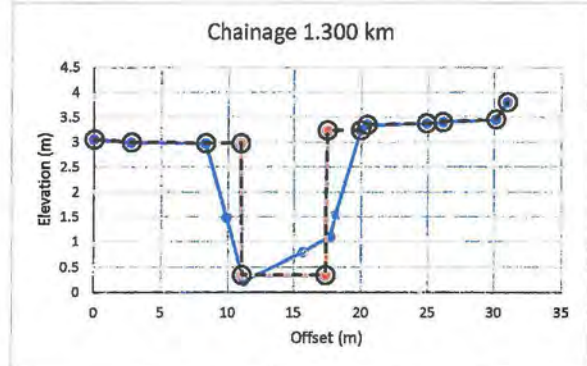
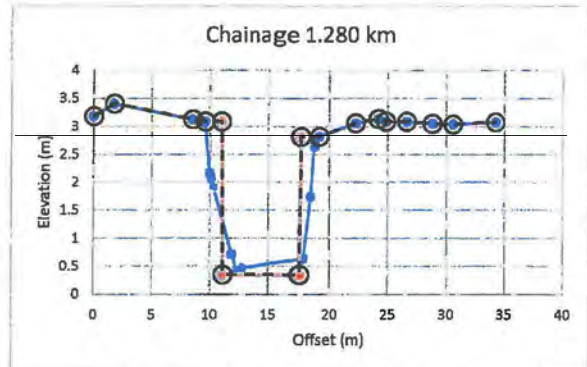
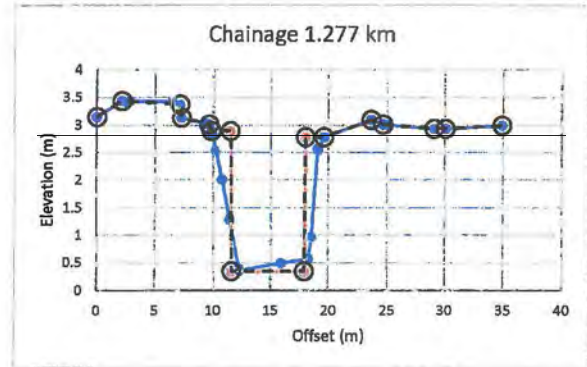
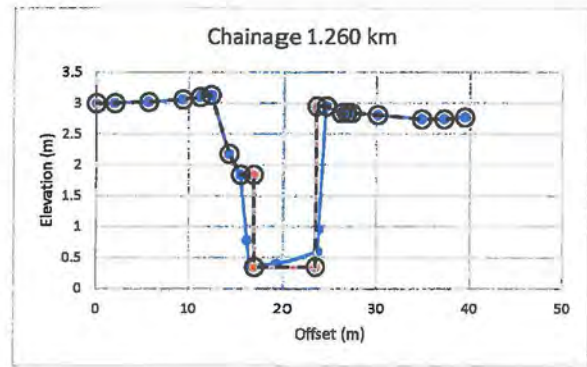
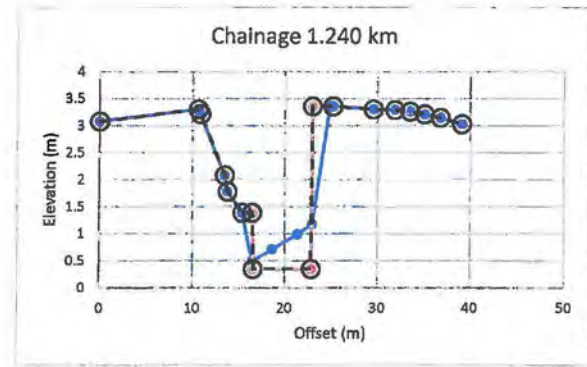
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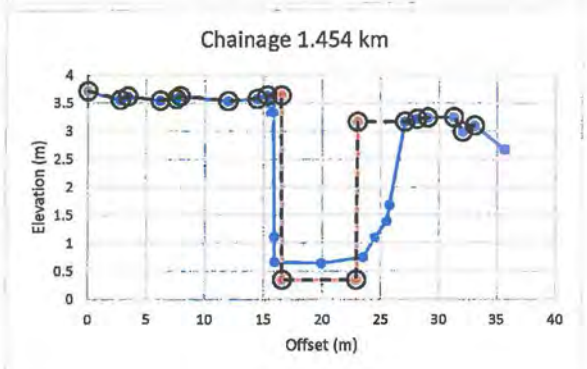
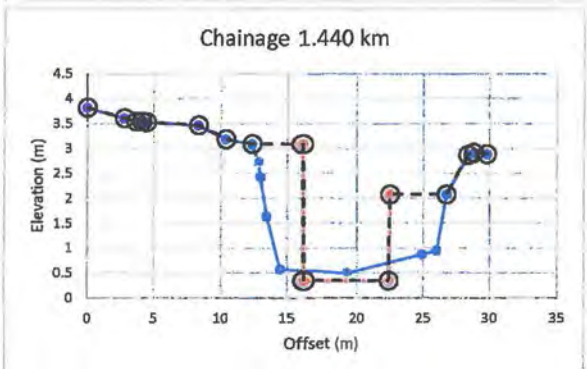
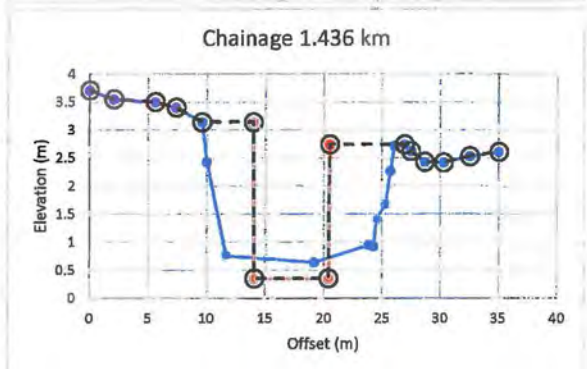
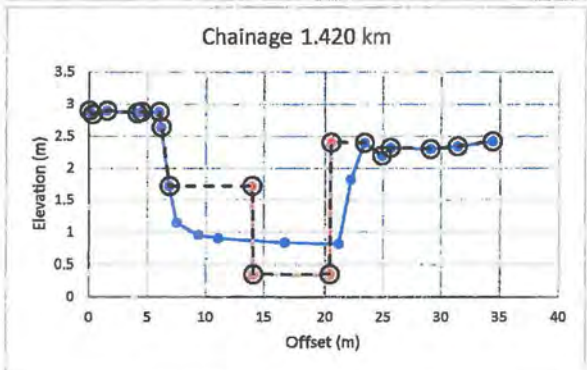
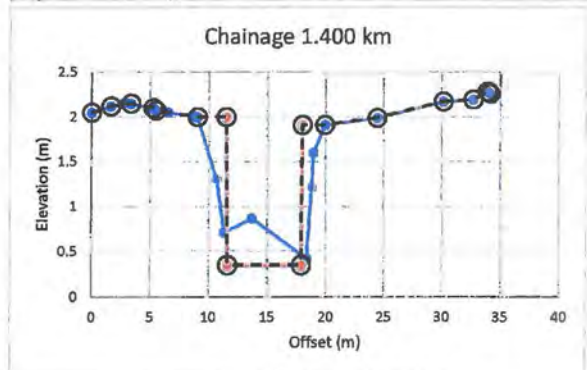
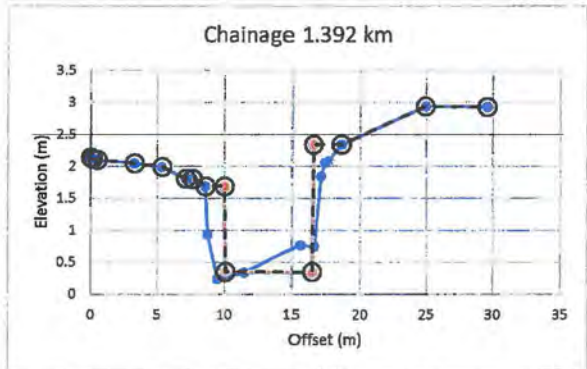
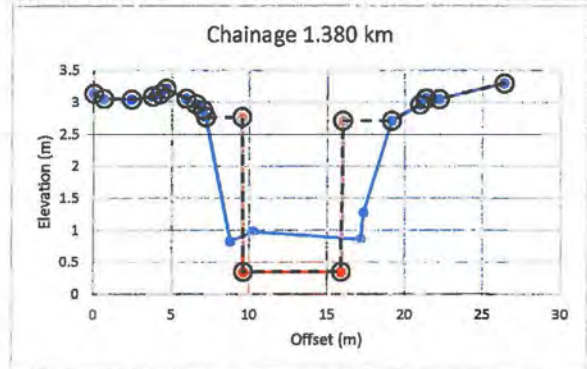
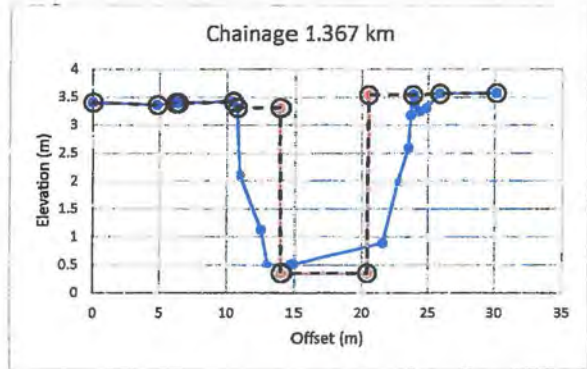
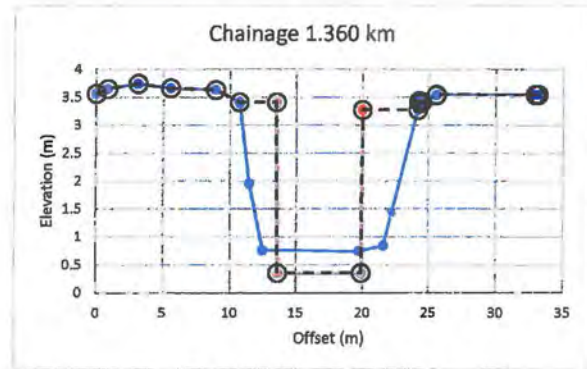
**Appendix B: Cross sections**

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**Appendix D: Ecological assessment**

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**Two Mile Creek erosion protection works**

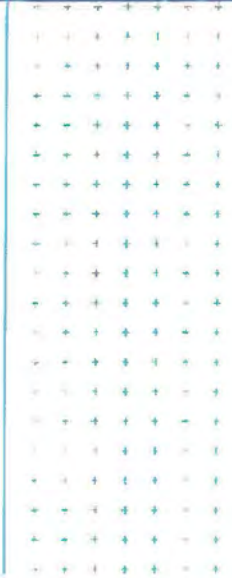
**Ecological assessment**

Prepared for  
Western Bay of Plenty District Council

Prepared by  
Tonkin & Taylor Ltd

Date  
August 2016

Job Number  
851969.3020.v1



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## Table of contents

<b>1</b>	<b>Introduction</b>	<b>1</b>
<b>2</b>	<b>Ecological description</b>	<b>1</b>
2.1	Catchment description	1
2.2	Regional plan classifications	1
2.3	Stream description	2
2.3.1	Aquatic and riparian habitats	2
2.3.2	Water quality	3
2.3.3	Macroinvertebrates	3
2.3.4	Freshwater fish and fish passage	4
2.4	Summary of ecological values	4
<b>3</b>	<b>Assessment of effects on aquatic ecology</b>	<b>5</b>
3.1	Water quality effects	5
3.2	Effects on native fish and fish migration	6
3.3	Habitat modification effects	6
3.3.1	Introduction	6
3.3.2	Values assessment	7
3.3.3	Magnitude of effect assessment	7
3.3.4	Level of effects assessment	8
3.3.5	Effects without mitigation	8
3.4	Recommended measures to address habitat modification effects	9
3.4.1	Fish passage and on-site mitigation	9
3.4.2	Off-site compensation	10
<b>4</b>	<b>Conclusion on ecological effects</b>	<b>11</b>
<b>5</b>	<b>Applicability</b>	<b>12</b>

### Appendix A : On-site stream mitigation concept examples

## Executive summary

Western Bay of Plenty District Council (WBOPDC) has engaged Tonkin & Taylor Ltd (T+T) to prepare an Assessment of Environmental Effects (AEE) to accompany resource consent applications to construct and use an erosion protection structure within a lower reach of Two Mile Creek, Waihi Beach.

The project will involve in-stream construction works and the permanent replacement of modified stream habitat in natural bed and bank substrates with concrete lining extending for approximately 420 m upstream of the Dillon Street Bridge.

This report presents an assessment of ecological effects for the proposed works.

The condition of the freshwater habitat through the site is currently poor and typical of an artificial soft bottomed watercourse within a modified urban setting. Despite the sites reduced habitat quality, it is possible that a range of native fish species could utilise the stream habitat through the site and/or migrate through the site to upper catchment tributaries when a connection to the sea is available. It is also possible that some inanga spawning occurs within and upstream of the site.

The main actual and potential ecological effects of the proposal have been identified to comprise construction related impacts on water quality, effects on resident fish and fish migration, and the permanent replacement of reduced quality stream habitat with a concrete lined channel. In summary:

- Key water quality issues for the proposal relate to sediment discharges and high pH as a result of concrete works. These effects will be minimised and managed by undertaking in-stream works in the dry in combination with robust erosion and sediment control measures, and contingency measures for pH management. If these measures are implemented then we consider effects on water quality will be no more than minor.
- Direct effects on native fish will be managed by undertaking a fish rescue operation immediately prior to in-stream works. In-stream works will also avoid the peak sensitivity period for upstream migration of whitebait (*Galaxiid*) species, smelt and eels of August to November inclusive. This restriction need only apply if a connection to the sea is present at the time of the works. The stream outlet to the coast is often blocked by sand which reduces the potential for upstream migration from the sea to occur. In our view this is the only works timing restriction required. These measures should insure that effects of construction on native fish are no more than minor.
- The proposed works will result in the permanent replacement of around 420 m of low quality, modified stream habitat in more or less natural substrates with a concrete lined channel. Despite reduced habitat quality conditions, the creek does provide important habitat opportunities for native fish, including At Risk species, and represents an intermittently available migratory pathway for native fish species to upper catchment habitats. Based on our assessment, if no mitigation measures are taken, we consider there to be potentially significant adverse effects on most ecological values associated with the stream. We have set out a range of options for dealing with the identified habitat modification/loss effects, including a combination of on-site mitigation and off-site compensation. If the recommended measures are implemented, then we consider that the adverse ecological effects associated with the project would be adequately addressed.

## 1 Introduction

Western Bay of Plenty District Council (WBOPDC) has engaged Tonkin & Taylor Ltd (T+T) to prepare an Assessment of Environmental Effects (AEE) to accompany resource consent applications to construct and use an erosion protection structure within a lower reach of Two Mile Creek, Waihi Beach. The works would extend upstream of the Dillon Street Bridge for around 420 m, hereafter referred to as 'the site'.

The project will involve in-stream construction works and the permanent replacement of modified stream habitat in natural bed and bank substrates with concrete lining. An ecological assessment is therefore required to support the AEE. This report presents an assessment of ecological effects for the proposed works.

A detailed description and supporting figures and drawings showing the extent and nature of the proposed works are included with the main AEE document and are not included here.

## 2 Ecological description

This section describes the existing ecological values and features of the site and wider Two Mile Creek environment. The ecological description is based on available literature and ecological database information and on a previous site assessment undertaken by a T+T ecologist that included the upper end of the site in 2009<sup>1</sup>. A specific ecology site visit has not been undertaken to support this assessment.

### 2.1 Catchment description

Two Mile Creek is a second order stream with a total catchment area of around 600 hectares and with some 11 km of stream. The watershed catchment draining to Two Mile Creek and the site is largely comprised of rural land, with isolated areas of native and exotic forest, resulting in a high level of pervious surfaces. A quarry is located on Waihi Beach Road. Land use surrounding the lower reach of the creek and the site (from around 700 m upstream of the Waihi Beach foreshore) is residential.

The downstream extent of the site is situated some 200 m upstream of the stream mouth to the coast. Under base flow conditions and outside of storm surge and spring tide events the stream mouth is often blocked by sand build up. Under these conditions the lower reach of the stream is characterised by low flows with discharges to the coast occurring via seepage to shallow groundwater.

A surface water connection (and direct discharge) to the coast establishes for short periods following storm flows, storm surges and spring tides and following manual foreshore channel excavation works undertaken periodically by WBOPDC. The manual excavation of the channel is authorised by Bay of Plenty Regional Council Consent RC 65697 and is allowed to be undertaken on a maximum of 25 occasions per annum, with no restriction on the timing of the works.

### 2.2 Regional plan classifications

Two Mile Creek is listed in Schedule 1 of the Bay of Plenty Regional Water and Land Plan (BoPW&LP) as a habitat and migratory pathway of indigenous fish species. Specific species listed as being present include banded kokopu (*Galaxias fasciatus*), redfinned bully (*Gobiomorphus huttoni*),

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<sup>1</sup> Ecology Assessment: Proposed Plan Change – Broadlands Block. Consultancy report prepared for Western Bay of Plenty District Council.

common bully (*Gobiomorphus cotidianus*), inanga (*Galaxias maculatus*), common smelt (*Retropinna retropinna*), longfin eel (*Anguilla dieffenbachii*) and shortfin eel (*Anguilla australis*).

The creek is defined as a "land drainage canal" by way of Table 45 of Rule 70B. The site is also within a reach of the lower stream (downstream of Wilson Rd to the coast) classified as a "modified watercourse with ecological values" in Schedule 3 and as shown on Planning Map Sheet T/U13. Some upstream watercourses are classified as "Aquatic Ecosystem". Water quality standards for discharges to modified watercourse with ecological values are set out in Schedule 9.

## 2.3 Stream description

The information in this section is largely based on our 2009 site visit and ecological survey and a recent walkover by T+T staff. The 2009 ecological survey included habitat quality assessment and the collection of water quality field meter measurements and macroinvertebrate samples at two sites. Site 1 was located approximately 50 m upstream of the upstream extent of the proposed works and Site 2 was located within the proposed works area, approximately opposite the end of Edinburgh Street.

### 2.3.1 Aquatic and riparian habitats

Two Mile Creek flows in a south easterly direction through the site. The lower reach of the creek, including the site, was artificially created for drainage purposes and as such is relatively straight with only a slight meander. The creek is generally between 5 and 8 m wide and predominantly soft bottomed but with localised cobble and boulder sized particles and woody debris. The creek is incised with steep banks with areas of both natural bank substrates and artificial lining (rock, timber). Instream aquatic habitat diversity is low with the reach generally comprising a long run but with variable depths. Other aquatic habitat elements include overhanging bank vegetation and localised woody debris.

Riparian vegetation through the site is also variable reflecting the urban nature of the surrounding land which is predominantly privately owned. The stream is generally open with around half of the riparian margins comprising low growing rank grass and weeds or managed grass. Taller riparian vegetation provides localised shade to the stream channel and is mixed native and exotic. Native vegetation includes mahoe, pohutukawa, karo, flax, coprosma and pittosporum species. Garden and specimen trees are common as are weed species such as bamboo, pampas, blackberry, willow and gorse.

Habitat quality was assessed in 2009 using Waikato Regional Council's Qualitative Habitat Assessment sheets for soft-bottomed streams at the two sites on Two Mile Creek. A recent site inspection suggests that little has changed at the site and the following habitat descriptions remain relevant with respect to site habitat quality conditions.

- The area surrounding S1 is similar to the subject site as it is in unmanaged grass with no riparian shading provided. The Qualitative Habitat Assessment undertaken at S1 placed the stream in the poor or marginal habitat categories for all habitat parameters due to this site being in a highly modified state. The creek channel is incised and straight with a fine, easily disturbed substrate and high unstable banks. Water flow is steady and uniform without pools, riffles or woody debris to provide instream habitat. Overall, S1 received a score of 28 out of 180 (16 %), indicating poor quality habitat.
- S2 is located in Two Mile Creek at the confluence with a small drain at the southern part of the site. Both the left and right banks are vegetated to some degree with exotic and native trees, which are providing some shade to the creek. The Qualitative Habitat Assessment undertaken at S2 placed the stream in the poor or marginal habitat category for all habitat parameters. As with S1, the channel was incised and straight with high unstable banks and a clay/silt

substrate. However, the bottom was slightly less uniform with some variation in depth and some instream woody debris. Overall, S2 received a score of 51 out of 180 (28 %), indicating poor-marginal quality habitat.

### 2.3.2 Water quality

Spot water quality field measurements obtained at the two sample sites between 12:40 and 14:10 on 30 March 2009 are presented in Table 2.1. Spot temperature measurements were warm and pH was slightly below neutral. The creek was characterised by good dissolved oxygen levels at around 100 % saturation and conductivity was within the typical range for lowland rivers.

**Table 2.1 Water quality monitoring results (30/03/09)**

Parameter	S1	S2
Temperature (°C)	18.0	20.7
pH	6.13	6.67
Dissolved oxygen (% sat)	105.7	95.7
Electrical Conductivity at temp (µS/cm)	180	140

### 2.3.3 Macroinvertebrates

The results of the macroinvertebrate sampling are presented in Appendix C and summarised in Table 2.2. The results in Table 2.2 are summarised as follows:

- Taxa richness was low at both sites. Taxa present in samples were generally typical of reduced habitat quality conditions with the dominant taxa at both sites being *Oligochaete* (worms) and *Paratya* (freshwater shrimp). *Paratya* shrimp are often highly abundant at lowland stream sites close to the sea.
- EPT taxa<sup>2</sup> were present at S1 only, where one caddisfly taxa was collected. No mayflies or stoneflies were present in the samples.
- MCI scores were similar at the two sites. The scores at S1 and S2 are indicative of fair in-stream habitat quality with probable moderate pollution (Stark & Maxted, 2007).
- SQMCI scores were also similar at the two sites, with the scores indicating poor habitat quality with probable severe pollution (Stark & Maxted, 2007).

Overall macroinvertebrate communities were similar at the two sites in Two Mile Creek, with S1 (upstream) having slightly higher diversity and one sensitive EPT taxa present. However, macroinvertebrate diversity and abundance was low at both sites. MCI scores and SQMCI scores indicate that the stream habitat of poor to fair quality.

**Table 2.2 Macroinvertebrate results (30/03/09)**

Parameter	Site 1	Site 2
Site taxa richness	8	5
Number of EPT taxa	1	0
MCI Score	87.3	83.6
SQMCI	3.92	3.61

<sup>2</sup> Ephemeroptera, Plecoptera and Trichoptera are typically intolerant to poor water quality. EPT taxa are most diverse in natural streams and decline with increasing watershed disturbance.

All sites were soft-bottomed streams and scores have been calculated using the soft-bottomed methods for MCI and SQMCI (Stark & Maxted 2004, Stark & Maxted, 2007).

### 2.3.4 Freshwater fish and fish passage

A search of the NIWA New Zealand Freshwater Fish Database (the database) was undertaken for the Two Mile Creek catchment<sup>3</sup>. The database does not currently include any records for this waterway, however, records (although dated) are available for the Waihi Stream catchment to the north and the Waiau River to the south.

The Waihi Stream catchment (catchment 131), to the north of the site, has five fish sample records within the database, obtained from two sampling locations. A survey in the Waihi Stream in 1978 recorded unidentified eels (*Anguilla* sp.), redfin bully, banded kokopu and giant kokopu (*Galaxias argenteus*) as present. In 2002 an unnamed lake in the Waihi Stream catchment was sampled, and only unidentified eels recorded.

The database includes one record for the Okawe Stream that enters the Waiau River near the northern end of the Tauranga Harbour, around 2.5 km to the south of the site. Records include common bully, giant bully (*Gobiomorphus gobioides*), inanga and estuarine tripplefin (*Grahamina* sp.).

As outlined in Section 2.2, Schedules 1 and 3 of the BoPW&LP record banded kokopu, redefined bully, common bully, inanga, common smelt (*Retropinna retropinna*), longfin eel (*Anguilla dieffenbachii*) and shortfin eel (*Anguilla australis*) as being present in the Two Mile Creek Catchment. It isn't clear from the BoPW&LP if species presence is based on actual survey data or an assumed assemblage. Schedule 3 suggests these species are present in the upper catchment of the land drainage canal, and does not record any specific inanga spawning habitat values for the lower canal. Some suitable inanga spawning vegetation is present (rank grass and weeds) although habitat abundance is currently limited by the incised nature of the stream and vertical banks.

Of the fish species listed above and potentially present in the Two Mile Creek catchment longfin eel, giant kokopu, inanga and redfin bully have a threat status of At Risk: Declining<sup>4</sup>.

All of the fish species mentioned above are diadromous (spend portions of their life cycles partially in fresh water and partially in salt water). Access to the site and the Two Mile Creek catchment for native species that migrate into freshwater environments from the sea, such as whitebait species and eels, will be limited to times when a surface water connection to the coast is present during the upstream migration season. This potentially limits native fish recruitment to Two Mile Creek.

## 2.4 Summary of ecological values

The condition of the freshwater habitat through the site is currently poor and typical of an artificial soft bottomed watercourse within a modified urban setting. Macroinvertebrate communities are indicative of reduced habitat quality with species diversity largely limited to those tolerant of reduced habitat conditions such as true flies, freshwater shrimp, freshwater snails and Oligochaete worms.

Poor habitat quality is largely due to a lack of riparian vegetation upstream of the site, as well as sedimentation issues and straightening of the channel. These factors in particular contribute to low levels of stream habitat diversity and available habitat and cover for fish and macroinvertebrates.

<sup>3</sup> New Zealand Freshwater Fish Database (administered by NIWA) accessed on 11 August 2016.

<sup>4</sup> Goodman J.M. Dunn N.R. Ravenscroft P.J. Allibone R.M. Boubee J.A.T. David B.O. Griffiths M. Ling N. Hitchmough R.A. and Rolfe J.R. 2014. Conservation status of New Zealand freshwater fish, 2013. New Zealand threat classification series 7. Department of Conservation, New Zealand.



Despite the sites reduced habitat quality, based on fish records for adjacent catchments, the information in BoPW&LP, observations of the Two Mile Creek environment and the proximity of the site to the coast, it is possible that a range of native fish species could utilise the stream habitat through the site and/or migrate through the site to upper catchment tributaries. It is also possible that some inanga spawning occurs within and upstream of the site, although spawning habitat values for inanga appear to be currently low.

### **3 Assessment of effects on aquatic ecology**

The main actual and potential ecological effects of the proposal include construction related impacts on water quality, effects on resident fish and fish migration and the permanent replacement of reduced quality stream habitat with a concrete lined channel. These effects are discussed in the following sections along with recommended options to minimise and mitigate identified effects.

#### **3.1 Water quality effects**

The proposed works will be located within Two Mile Creek and will involve land based excavation work and in-stream works. The excavations on land will be in predominately clean medium grained sands which will essentially be "dry". The potential for adverse water quality effects relates to runoff discharges of sediment to the stream that can be minimised through the development and implementation of a robust erosion and sediment control plan for the works.

Works within the creek bed have the potential to result in short-term impacts on water quality as a result of discharges of liberated bed and bank sediments and through impacts on pH /alkalinity as a result of concrete work (either cast in-situ or placement of pre-cast). The receiving environment for any discharges would be the downstream reach of the creek (around 150 m) and the coast (Pacific Ocean). The downstream reach of the creek is of similar condition to the site and is likely to be a low sensitivity receiving environment in general. However, native fish may be present so measures to minimise and manage water quality effects will be important.

The water quality standards and criteria in Schedule 9 of the BoPW&LP for Modified Watercourses with Ecological Values may also apply. Relevant standards to the works after reasonable mixing include:

- Discharges shall not cause the production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
- Discharges shall not cause a greater than 20 % decrease in black disk (clarity).
- Discharges shall not cause any more than minor effects on aquatic life.

As described in Section 1.2, temporary works to dam and/or divert Two Mile Creek will be undertaken to isolate the works site. This will be a key measure to minimise potential for sediment discharges. Any sediment discharges that do occur will likely result in suspended sediment levels similar to that which occurs during storm events and during routine consented channel dredging work. Any adverse effects due to sediment discharges are therefore anticipated to be of short duration and no-more than minor.

Any wastewater slurry associated with concrete works in watercourses will be highly alkaline. This has the potential to burn and kill fish, aquatic insects and plants if discharged. Isolation of the works area will be a key measure to avoid these effects. We recommend that contingency measures are included in the works management plan to deal with any concrete wastewater slurry. This could include pH dosing to achieve neutral pH prior to discharge downstream or removal via a sucker truck and appropriate offsite treatment / disposal. Provided appropriate management measures are included in the works management plan, any adverse effects due to pH are anticipated to be no more than minor.

### 3.2 Effects on native fish and fish migration

The works have the potential to directly impact on any native fish present within the works area and potentially disrupt native fish migration (upstream and downstream) and spawning through both the isolation of the works area, and as a result of the water quality effects (sediment and high pH discharges) assessed in the previous section.

In order to minimise the potential for direct effects on native fish (fish mortality) as a result of the works, we recommend that a fish rescue and relocation operation is undertaken immediately prior to and potentially during the isolation and dewatering of each segment of the in-stream works.

Effects on native fish migration and spawning due to in-stream works are ideally avoided and/or minimised by scheduling the works outside of established peak migration and spawning periods. Based on the assumed fish assemblage for the site and catchment (see Section 2.3.4), the works would ideally avoid the peak sensitivity period for upstream migration of whitebait (Galaxiid) species, smelt and eels of August to November inclusive<sup>5</sup> as well as the peak spawning period for inanga of March to May inclusive<sup>5</sup>. If present, giant kokopu spawning occurs later in winter and is unlikely to be disrupted. Avoiding those periods would only allow a works window of December to February inclusive if works are to also be undertaken during summer low flows. This works window is restrictive given the scale of the proposal.

While inanga spawning within the site can't be discounted, the likelihood and scale is likely to be low given the limited habitat available, and because the stream is cut off from the sea most of the time. A programme of fish rescue and relocation and scheduling works to avoid the main upstream migration period (August to November inclusive) when a connection to the sea is present is therefore considered sufficient to minimise effects on native fish.

### 3.3 Habitat modification effects

#### 3.3.1 Introduction

Our assessment of habitat modification effects follows Ecological Impact Assessment guidelines (EclIA) produced by the Environment Institute of Australia and New Zealand (EIANZ, 2015). The EclIA approach follows the steps outlined below:

- 1 Ecological values are assigned a level on a scale of Low, Moderate, High or Very High based on assessing the values of species, communities, and habitats identified against criteria set out in the EIA guidelines;
- 2 The magnitude of the effect that the project is expected to have on ecological values is evaluated as being either No effect, Negligible, Low, Moderate, High or Very High, based on the proposed works (footprint size, intensity and duration);
- 3 The overall level of effect is determined using a matrix that is based on the ecological values and the magnitude of effects on these values. Level of effect categories include No Ecological Effect, Very Low, Low, Moderate, Moderate/High, High and Very High;
- 4 Matching up the overall level of effect with relevant RMA effects categories (e.g. significant, more than minor, minor and less than minor); and
- 5 The overall level of effect and the relevant RMA effects categories are used to determine if mitigation is required. Effects assessed as being 'Moderate' (EIANZ Guidelines) or 'More Than Minor' and greater (RMA effects categories), warrant efforts to avoid, remedy and mitigate or compensate for such effects.

<sup>5</sup> Schedule 2 of the BoPRW&LP – Fish spawning and migration calendar.

### 3.3.2 Values assessment

The proposed works will result in the permanent replacement of around 420 m of low quality, modified stream habitat in more or less natural substrates with a concrete lined channel. Despite reduced habitat quality conditions, the creek does provide some habitat opportunities for native fish and represents a migratory pathway (albeit only available intermittently) for native fish species to upper catchment habitats. The proposed concrete channel therefore has the potential to adversely impact on upstream fish passage through the site to upper catchment habitats and result in a net loss of stream ecological value and function.

Step 1 of the EIANZ guidelines require ecological values to be assessed and ranked. To this end, and as detailed in Table 3.1 below, we consider the section of Two Mile Creek within which the project is located to be of 'High' value on the basis that the creek:

- Provides or is likely to provide important habitat and/or a migratory pathway for nationally 'At Risk' species (inanga, giant kokopu, longfin eel and redfinned bully); and
- The site is scheduled in the BoPRW&LP as habitat or a migratory pathway for indigenous fish species (Schedule 1) and as a watercourse in land drainage schemes with ecological values (Schedule 3).

**Table 3.1: Assignment of values within the footprint to species and habitats (adapted from EIANZ, 2015)**

Value	Species value requirements	Vegetation/habitat value requirements
<b>Very high</b>	Important for Nationally Threatened species	Supporting more than one national priority type.
<b>High</b>	Important for Nationally At Risk – Declining species and may provide less suitable habitat for Nationally Threatened species	Supporting one national priority type or naturally uncommon ecosystem, or meets more than one of the ecological significance criterion as set out in relevant statutory policies and plans.
<b>Moderate-high</b>	Important for Nationally At Risk - Recovering, Relict or Naturally Uncommon and may provide less suitable habitat for Nationally 'At Risk' (Declining) species	Habitat type meets one of the ecological significance criteria as set out in the relevant statutory policies and plans.
<b>Moderate</b>	No Nationally Threatened or At Risk species, but habitat for locally uncommon or rare species and may provide less suitable habitat for Nationally At Risk - Recovering, Relict or Naturally Uncommon species	Habitat type does not meet ecological significance criteria as set out in the relevant statutory policies and plans but does provide locally important ecosystem services (e.g. erosion and sediment control, and landscape connectivity)
<b>Low</b>	No nationally Threatened, At Risk or locally uncommon or rare species	Nationally or locally common, supporting no Threatened or At Risk species.

### 3.3.3 Magnitude of effect assessment

Step 2 of the EIANZ guidelines requires an evaluation of the magnitude of effect on ecological values based on footprint size, intensity and duration.

As per Table 3.2 below, we assessed the project as having:

- An overall 'High' magnitude of effect on most values within the stream. The project footprint will affect approximately 3.8 % of the stream habitat within the catchment in terms of lineal m

(i.e. 420 m of 11,000 m). However the area of stream habitat impacted is likely to be a much higher proportion given its width (7 m). The stream is considered relatively important for native fish, including At Risk species and the project will permanently reduce most stream functions, including spawning habitat potential (i.e. a major loss or alteration to existing baseline conditions).

**Table 3.2: Summary of the criteria for describing the magnitude of effect as outlined in EIANZ.**

Magnitude of effect	Description
<b>Very high</b>	Total loss or major alteration of the existing baseline conditions; Loss of high proportion of the known population or range
<b>High</b>	Major loss or alteration of existing baseline conditions; Loss of high proportion of the known population or range
<b>Moderate</b>	Loss or alteration to existing baseline conditions; Loss of a moderate proportion of the known population or range
<b>Low</b>	Minor shift away from existing baseline conditions; Minor effect on the known population or range
<b>Negligible</b>	Very slight change from the existing baseline conditions; Negligible effect on the known population or range

### 3.3.4 Level of effects assessment

As per EIANZ Step 3, Table 3.3 below shows the EIANZ matrix outlining criteria to describe the overall level of ecological effects. In the absence of any efforts to avoid, remedy or mitigate for potential effects. We consider there to be:

- A 'Very High' level of effect on most values within the stream and a potentially 'High' level of effect on inanga and giant kokopu spawning habitat.

**Table 3.3: Criteria for describing overall levels of ecological effects.**

Magnitude of effect	Ecological Value			
	Very high	High	Moderate or Moderate-high	Low
<b>Very high</b>	Very high	Very high	High	Moderate
<b>High</b>	Very high	Very high	Moderate-High	Low
<b>Moderate</b>	Very high	High	Low	Very low
<b>Low</b>	Moderate	Low	Low	Very low
<b>Negligible</b>	Low	Very low	Very low	Very low

### 3.3.5 Effects without mitigation

Based on Table 3.4 below, if no measures are taken to mitigate for adverse effects, we consider there to potentially be:

- Significant adverse effects on most ecological values associated with the stream; and

- More than minor effects (High level of effects) on inanga and giant kokopu spawning habitat through the permanent modification to the stream.

**Table 3.4: Interpretation of assessed ecological effects against standard RMA terms**

Ecological effects	Description
No effect	No effects at all
Less than minor adverse effects	Adverse effects that are discernible day-to-day effects, but too small to adversely affect ecological value
Minor adverse effects	Adverse effects that are noticeable but that will not cause any significant adverse impacts
More than minor adverse effects	Adverse effects that are noticeable that may cause an adverse impact but could be potentially mitigated or remedied
Significant adverse effects that could be remedied or mitigated	An effect that is noticeable and will have a serious adverse impact on the environment but could potentially be mitigated or remedied
Unacceptable adverse effects	Extensive adverse effects that cannot be avoided, remedied or mitigated

### 3.4 Recommended measures to address habitat modification effects

Stream functions that will be reduced/impacted by lining the stream bed and banks with concrete include the natural flow regime, floodplain connectivity and effectiveness, connectivity for species migrations and connectivity to groundwater. Biogeochemical functions will also be reduced if existing riparian vegetation is removed and not replaced and habitat provision and biodiversity provision functions will be reduced due to the uniform nature of the proposed concrete channel.

Our recommended approach to addressing these effects comprises a combination of:

- On-site mitigation works to add functional habitat value to the concrete channel.
- Off-site (upstream) ecological compensation work in the form of riparian planting and potentially stream habitat improvement works.

We note that we have not been engaged to undertake a quantitative mitigation/ compensation assessment. Our recommendations are based on our experience with similar stream works projects and our professional judgement in terms of works that will likely achieve approximate replacement for the ecological values lost as a result of the project.

#### 3.4.1 Fish passage and on-site mitigation

In the case of Two Mile Creek, access and passage for fish migrating into freshwater from the sea is complicated by the periodic blockage at the outlet to the Waihi Beach foreshore. When a surface water connection is present, the proposed flat and wide concrete lined channel would represent a potential barrier to fish passage due to dispersed and uniform flows and shallow water depths.

We understand that the concrete channel invert will be set below the current average stream bed level through the site. This is expected to result in the accumulation of natural stream substrates within the channel, particularly at times when the stream outlet is blocked at the coast. However, as a result of the uniform nature and comparatively low roughness of the concrete channel, this material may not be stable, particularly during flood events when connected to the coast. In order to address this issue, to facilitate fish passage and to maintain some habitat diversity within the

concrete channel we recommend that the channel design considers the following. Note that the suggested options will require further design. Concept examples are provided in Appendix B.

- Minimum design recommendations:
  - The channel invert is set below the average bed level of the existing stream by approximately 0.3 m. This will encourage natural stream bed sediments to accumulate within the concrete channel.
  - Measures to ensure low flows are focussed. Options include:
    - o A flat channel profile with alternating left edge and right edge baffles to assist in retaining natural stream sediments, focus low flows, create a meandering low flow channel and create variable water depth and velocity conditions to facilitate fish passage; or
    - o A tilted channel profile to focus low flows to one edge, with baffles installed along the low flow side of the channel to assist in retaining natural stream sediments, focus low flows and create variable water depth and velocity conditions to facilitate fish passage.
    - o Baffle options include grouted rock (fixed or not fixed), gabion baskets, untreated timber sleepers (anchored fixings), fibreglass baffle blocks (anchored fixings) or rotor moulded flexible plastic baffles (anchored fixings).
- Optional design features to add habitat value to the concrete channel:
  - Riparian planting along the top of the new bank to provide shade to the channel. This could comprise a riparian planted strip or a single row of shrubs / small trees. This would require landowner approval and consideration of the impact of tree weight and root systems on the sides of the concrete channel. Most benefit in terms of stream ecology would be gained by planting along the north bank of the channel.
  - Installation of cover features for fish such as untreated hardwood logs fixed to the channel sides.
  - Installation of artificial habitat sequences to achieve instream habitat diversity, encourage plant growth within the concrete channel and facilitate fish passage. This could use a combination of materials including grouted rock, gabion baskets or planted geotextile bags. This option would need careful design.

### 3.4.2 Off-site compensation

The concrete lined channel will likely have lower ecological and functional value compared to the existing creek. The loss of this value and function can only be partially mitigated on site (as outlined above) and there will be a residual loss of habitat provision, biodiversity provision and biogeochemical functions.

The residual effects described above can be addressed through off-site ecological compensation. Ideally this would occur in the Two Mile Creek catchment.

The quantum off-site mitigation to address residual habitat/ stream function loss will depend in part on the final design of the concrete channel. Assuming the minimum on-site mitigation recommendations are adopted, we suggest that a 1:3 loss to gain ratio based on the length of stream impacted would be appropriate. This is a generally accepted average ratio from quantitative SEV/Ecological Compensation Ratio studies and is appropriate considering the high level of effect and that some stream functions can be addressed on-site.

Options for off-site ecological compensation include:

- **Standard riparian restoration** – riparian planting along Two Mile Creek and tributary watercourses. Ideally this work would comprise fencing and native riparian planting within a 10 m wide strip on both banks and extending along a total watercourse length of 1,260 m.
- **Inanga spawning habitat improvement** – the value of the riparian restoration could be increased (and potentially the length reduced) by including bank re-grading works and targeted riparian planting to increase available inanga spawning habitat. This option would need more site specific assessment to assess existing values in the mitigation reach of the stream, establish the upstream extent of saltwater influence and consideration of the timing and duration that the creek is connected to the sea.
- **Wetland creation** – wetland habitat creation within the Broadlands Block could be undertaken as an alternative ecological compensation option. Wetland habitats are under pressure regionally and nationally, so wetland creation could represent a trade-up in terms of biodiversity value relative to the impacted stream habitat. Subject to further site assessment a constructed wetland could be designed to provide inanga spawning habitat.

We note that all of the above options will require the development of an ecological compensation plan, including further site assessment and the latter two options would require some engineering design.

#### 4 Conclusion on ecological effects

The main actual and potential ecological effects of the proposal have been identified to comprise construction related impacts on water quality, effects on resident fish and fish migration, and the permanent replacement of reduced quality stream habitat with a concrete lined channel.

Key water quality issues for the construction phase of the proposal relate to sediment discharges and high pH as a result of concrete works. We support the proposal to dam or divert Two Mile Creek in order to undertake in-stream works in the dry, and in combination with robust erosion and sediment control measures and practices this should minimise the potential for adverse effects due to sediment. The potential for pH effects can also be minimised by undertaking in-stream works in the dry and by ensuring contingency measures are in place for managing high pH water (removal and off-site disposal of concrete wastewater or pH adjustment prior to discharge). If these measures are implemented then we consider effects on water quality will be no more than minor.

In terms of effects on native fish, direct effects should be managed by undertaking a fish rescue operation immediately prior to in-stream works. We consider the potential for adverse effects on inanga spawning is low. However, in-stream works should avoid the peak sensitivity period for upstream migration of whitebait (Galaxiid) species, smelt and eels of August to November inclusive. This restriction need only apply if a connection to the sea is present at the time of the works. The stream outlet to the coast is often blocked by sand which reduces the potential for upstream migration from the sea to occur. In our view this is the only works timing restriction required. These measures should insure that effects of construction on native fish are no more than minor.

The proposed works will result in the permanent replacement of around 420 m of low quality, modified stream habitat in more or less natural substrates with a concrete lined channel. Despite reduced habitat quality conditions, the creek does provide important habitat opportunities for native fish, including At Risk species, and represents a migratory pathway for native fish species to upper catchment habitats. The proposed concrete channel therefore has the potential to adversely impact on upstream fish passage through the site to upper catchment habitats and result in a net loss of stream ecological value and function. Based on our assessment, if no mitigation measures are taken, we consider there to be potentially significant adverse effects on most ecological values associated with the stream.

We have set out a range of options for dealing with the identified habitat modification/loss effects in Section 3.4, including a combination of on-site mitigation and off-site compensation. If the recommended measures are implemented, then we consider that the adverse ecological effects associated with the project would be adequately addressed.

## 5 Applicability

This report has been prepared for the exclusive use of our client Western Bay of Plenty District Council, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

Tonkin & Taylor Ltd

Report prepared by:



.....  
Dean Miller

Principal Ecologist

Authorised for Tonkin & Taylor Ltd by:



.....  
David Bouma

Project Director

Technical review completed by Matt Baber, Principal Ecologist

DCM

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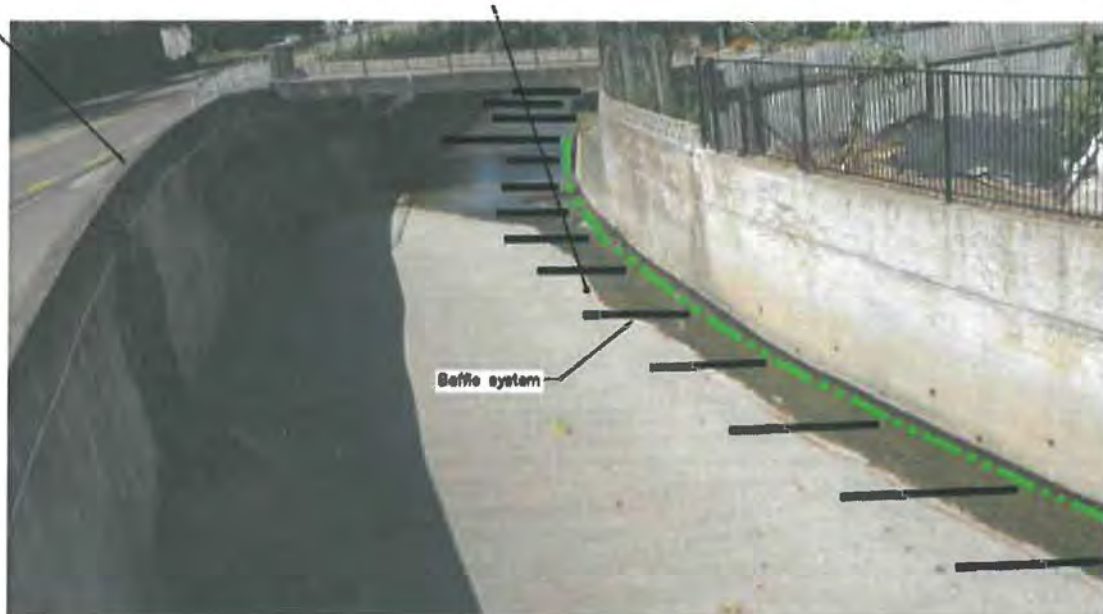


**Appendix A: On-site stream mitigation concept examples**

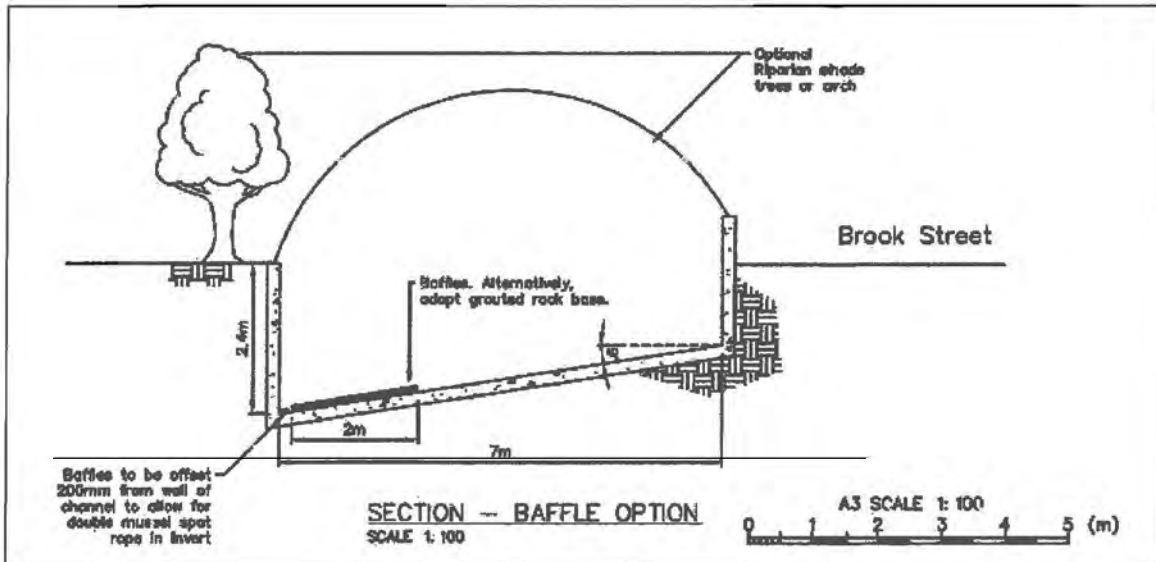
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*Visualisation of an alternating baffle option in a flat concrete channel. Baffles or alternatively meander deflectors. Materials options include gabions, soil bags, boulders or concrete/shotcrete to create a meander profile. The baffles are intended to trap natural stream bed material.*



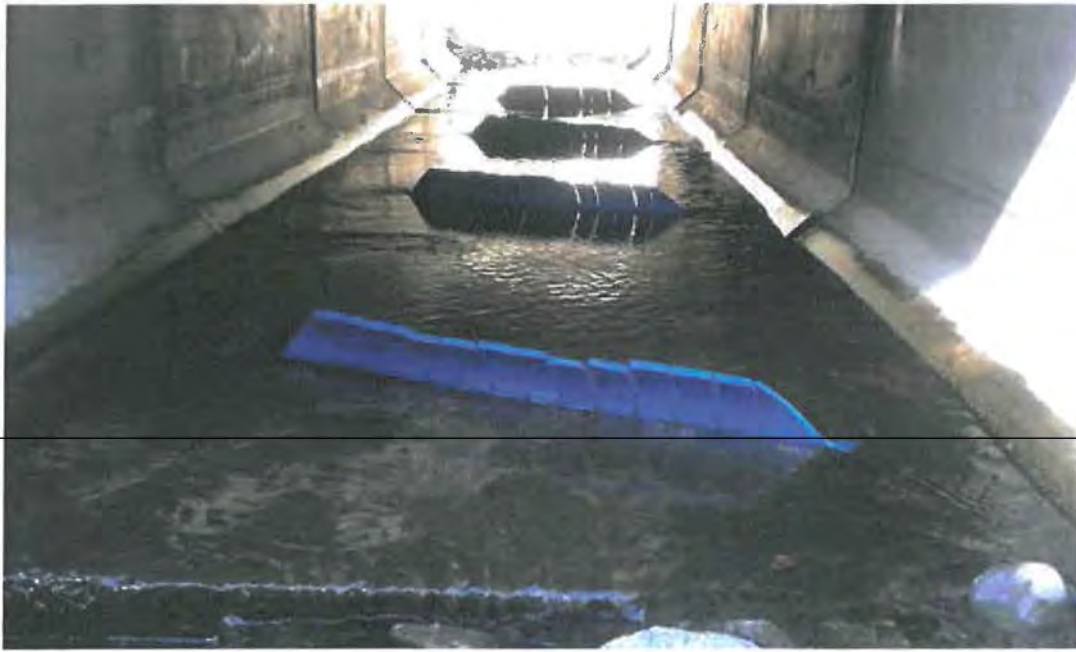
*Visualisation of a baffle option in a horizontally sloping concrete channel. The baffles are intended to trap natural stream bed material. Materials options include gabions, soil bags, boulders or concrete/shotcrete to create a meander profile.*



*Typical cross-section of a concrete lined channel with horizontally sloped base to focus low flows and incorporating baffles to trap natural stream substrates.*



*Large box culvert with deflectors to create a meandering channel and trap stream sediments. Deflectors are formed of gabion baskets and boulders. Photo by Dean Miller (T+T Hamilton).*



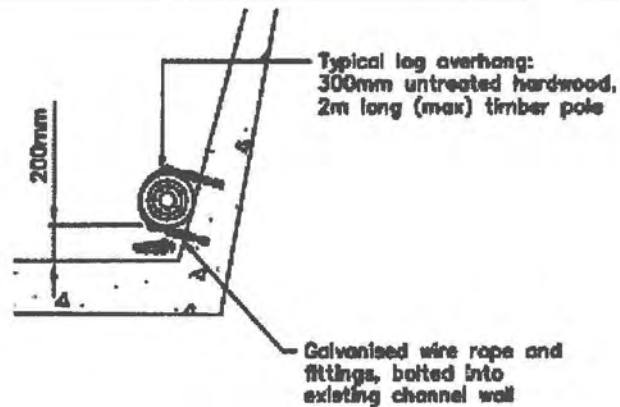
*Baffle options. Rotor-moulded Flexible Plastic Baffles. Reference: <http://www.ats-environmental.com/solutions/culvert-baffles/>*



*Fibreglass baffles example. Reference: <http://fishladdersolutions.co.nz/fishway-baffles/>*



*Grouted Rock Baffle Arrangement (Orphanage Stream, Nelson) Reference: Photo by William Dufour (T+T Nelson).*



*Schematic of a cover feature attached to a wall of a concrete channel. A 300 mm diameter log is shown. This provides a refuge for resident fish or fish migrating through the channel.*



*Visualisation of a constructed habitat sequence within a concrete lined channel. In this example a riffle – pool – run sequence with a meander using grouted rocks and deflectors is shown.*



**Appendix E: Consultation documents**

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**Bay of Plenty  
REGIONAL COUNCIL**

File ref:

	SEEN		SEEN

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26 MAY 2016  
WESTERN BOP  
DISTRICT COUNCIL

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Facsimile: 0800 884 882  
Email: info@boprc.govt.nz  
Website: www.boprc.govt.nz  
Pollution Hotline: 0800 884 883  
International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Robert Henry WILKINS

I am the owner (~~delete one~~) of the property at (address) 17 Edinburgh Street  
Waihi Beach.

I have authority to sign on behalf of all the other owners/occupiers (~~delete one~~) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name Robert Henry WILKINS

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Edinburgh St, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... R.H. Wilkins ..... Date 23 May 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval) 17 Edinburgh ST

..... 105 Ohinewai North Road .....

Telephone 0782895444 Email .....

Contact person (name, and designation if applicable) Owner RHWILKINS  
105 OHINEWAI NORTH ROAD KTI HUNTLY 3111

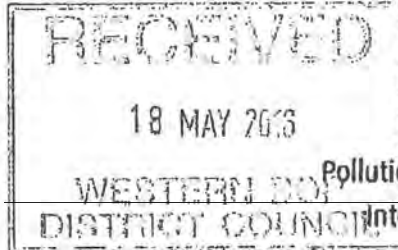
- \*Notes:
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
  - 2 Conditional written approvals cannot be accepted.
  - 3 If this form is not signed, the application may need to be notified with the opportunity for submissions



File ref:

	SEEN		SEEN

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 Facsimile: 0800 884 882  
 Email: info@boprc.govt.nz  
 Website: www.boprc.govt.nz  
 Pollution Hotline: 0800 884 883  
 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: MARK ALFRED HOTHAM

I am the owner/occupier (delete one) of the property at (address) .....  
19 EDINBURGH ST. WAHI BEACH

I have authority to sign on behalf of all the other ~~owners~~ occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name KARANGAHAKE KAHIN FAMILY TRUST

Application number (if known) 2015-2025 LTP

Description of proposal TWO MILE CREEK BANK PROTECTION

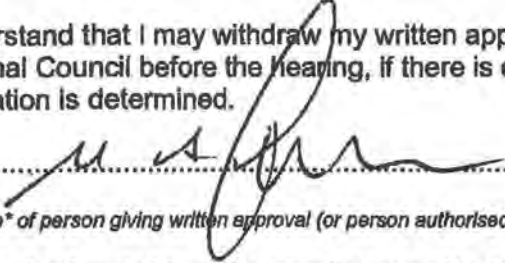
Location EDINBURGH ST. WAHI BEACH

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

..... YES .....

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

.....  ..... Date 16 / 5 / 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

6 WARELL PLACE  
.....  
ROTARURU 3411  
.....

Telephone 07 883 8168 Email MARK@kensolly.co.nz

Contact person (name, and designation if applicable) MARK .....

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
  - 2 Conditional written approvals cannot be accepted.
  - 3 If this form is not signed, the application may need to be notified with the opportunity for submissions

Emailed  
confirmed:

mark@kensolly.co.nz

Attention: Kelvin Hill.



File ref:

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25/5/16

Telephone: 0800 884 880

Facsimile: 0800 884 882

Email: info@boprc.govt.nz

Website: www.boprc.govt.nz

Pollution Hotline: 0800 884 883

International: +64 7 922 3390

Resource Management Act 1991 (s.95E(3)(a)/95F(c))

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Geoff Hall and Jo Hall

I am the owner occupier (delete one) of the property at (address) .....  
21 Edinburgh Street, Waihi Beach

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name Geoff Hall

Application number (if known) 2015-2025 LTP

Description of proposal U shaped channel for 2 Mile Creek

Location Waihi Beach - 2 Mile Creek

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

all of it

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... W Hall ..... Date 25/05/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

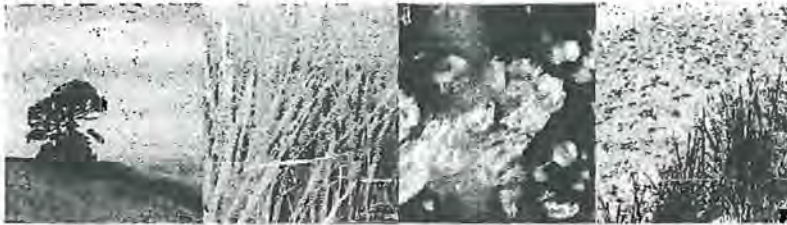
..... 204 Parker Road .....

..... Oratia Auckland 0604 .....

Telephone 09 8186915 ..... Email forwardthinking@slingshot.co.nz

Contact person (name, and designation if applicable) Guff and Jo Hall .....  
# 0211 066 866 # 0211 066 855

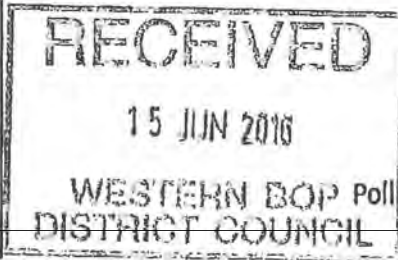
- \*Notes:
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Resource Management Act 1991 (s.95E(3)(a)/95F(c))

8A Affected Person's Written Approval

To: Bay of Plenty Regional Council

Full name of person giving written approval: Timothy Charles Norman AUGHTON

I am the owner/occupier (delete one) of the property at (address) 23B Edinburgh Street, Waihi Beach

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property. Aughton Family Trust

Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name Aughton Family Trust

Application number (if known) 2015-2025LTP

Description of proposal Two Mile Creek Bank Protection

Location Edinburgh St, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

T. N. L. M. S. Date 29, 05 / 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

497 ORINI RD  
RD 2, TAMUPIRI, 3792

Telephone 021 084 17068 Email aughtee@gmail.com

Contact person (name, and designation if applicable).....

- \*Notes: 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.**
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**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Glenda Mary Heapey

I am the owner/~~occupier~~ (delete one) of the property at (address) 27 EDINBURGH ST  
WAIHI BEACH

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Glenda Mary Heapey

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Edinburgh Street, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... Jeff Heapey ..... Date 27 1 5 120 16  
Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

..... 3 Lansdowne Rd. .....  
..... KATIKATI .....

Telephone 075491782 ..... Email jeff.heapey@gmail.com  
0274124508

Contact person (name, and designation if applicable).....

- |   |
|---|
| <p><b>*Notes:</b></p> <ul style="list-style-type: none"> <li><b>1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.</b></li> <li><b>2 Conditional written approvals cannot be accepted.</b></li> <li><b>3 If this form is not signed, the application may need to be notified with the opportunity for submissions</b></li> </ul> |
|---|



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Website: www.boprc.govt.nz  
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International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Kenneth George Mander

I am the owner / occupier (delete one) of the property at (address) 29 Edinburgh Street, Waihi Beach

I have authority to sign on behalf of all the other owners / occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Western Bay of Plenty District Council

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Erosion Protection Option 3

Location Two Mile Creek, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*K. Mander* ..... Date 03/06/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

29 Edinburgh Street

Waihi Beach

Telephone 07-863-4995 ..... Email kmander@extra-co.nz

Contact person (name, and designation if applicable) Ken Mander

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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 26 MAY 2016  
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 Hotline: 0800 884 883  
 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Murray and Nicki James

I am the owner occupier (~~delete one~~) of the property at (address) 31A Edinburgh St, Waikiki Beach

I have authority to sign on behalf of all the other owners/occupiers (~~delete one~~) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Murray and Nicki James

Application number (if known) 2015-2025 LTP

Description of proposal Concrete Channel Two Mile Creek Bank Protection

Location 31A Edinburgh St, Waikiki Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*James N.L. Tames* ..... Date 23 / 5 / 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

5A Miro St, Maerua, Hamilton

Telephone 07 8474800 Email murray.andnicki.tames@xtra.co.nz

Contact person (name, and designation if applicable) Murray or Nicki

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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23 MAY 2016  
**WESTERN BOP  
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 Pollution Hotline: 0800 884 883  
 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Sallyann and Thomas Spence

I am the owner/~~occupier~~ (delete one) of the property at (address) .....  
33 Edinburgh St Waihi Beach.

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name SPENCE FAMILY TRUST

Application number (if known) 2015-2025 LTP

Description of proposal 2 mile creek bank protection

Location 33 Edinburgh St Waihi Beach.

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Spence. T. Spence

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... Spera Stone ..... Date 17/5/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

..... 33 Edinburgh St .....

..... Waihi Beach .....

Telephone 0276680148 ..... Email sallys@paradise.net.nz .....

Contact person (name, and designation if applicable)..... Sally ..... (owner) .....

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.**
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 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: William RICHARD TRENCH

I am the owner/~~occupier~~ (delete one) of the property at (address) .....  
39 Edinburgh St

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name William Richard Trench

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Edinburgh St, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... W. P. Trench ..... Date 14, 5 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

..... 3a Edinburgh St .....

Telephone 0274954853 Email trenchconcrete@gmail.com

Contact person (name, and designation if applicable).....

- \*Notes:**
- 1 **There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.**
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Bay of Plenty  
REGIONAL COUNCIL

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International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

## 8A Affected Person's Written Approval

**To: Bay of Plenty Regional Council**

Full name of person giving written approval: EDD KRIELEN

I am the owner/occupier (*delete one*) of the property at (address) 39 B EDINBURGH  
STREET WAIHI BEACH

I have authority to sign on behalf of all the other owners/occupiers (*delete one*) of the above property.

**Note:** If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Edd Krielen

Application number (*if known*) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Edinburgh Street, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

.....*[Signature]*..... Date 16/6/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

.....176 POKURU Rd RD.5 TEAWAITU.....

Telephone 0272849844..... Email edd.sue@extra.co.nz.....

Contact person (name, and designation if applicable).....Eddie Krielen.....

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Melissa Jane Sattler & Lindsay Beth Sattler

I am the owner/occupier (delete one) of the property at (address) 41 Edinburgh St  
Waihi Beach

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Two Mile Creek Western Bay of Plenty District Council

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Stream Bank Protection

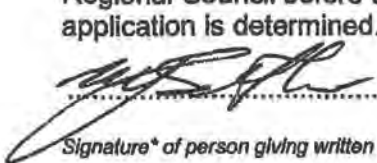
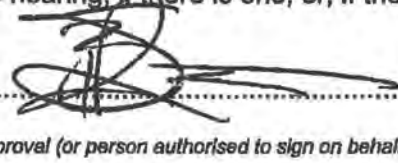
Location Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

[Handwritten signatures]

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

  Date 18/05/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

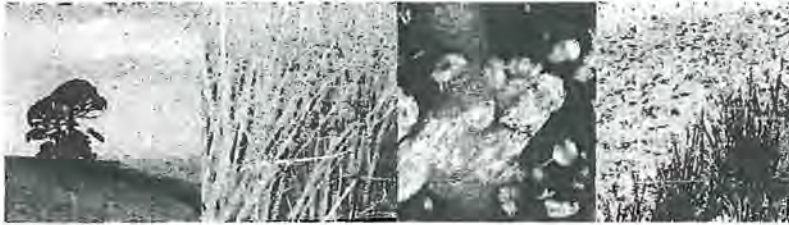
Address for service (of person giving approval)

7 Razorback Rd, R.O.1 Bombay 2675

Telephone 02102922596 Email melissa@getrealfood.co.nz

Contact person (name, and designation if applicable) Melissa Sattler (owner)

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Terence Anthony Tinkling

I am the owner/occupier (delete one) of the property at (address) Director (Owner)  
43 Edinburgh St, Waihi Beach

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Terence Anthony Tinkling

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Edinburgh Street, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

.....  ..... Date 08 16 20 16

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

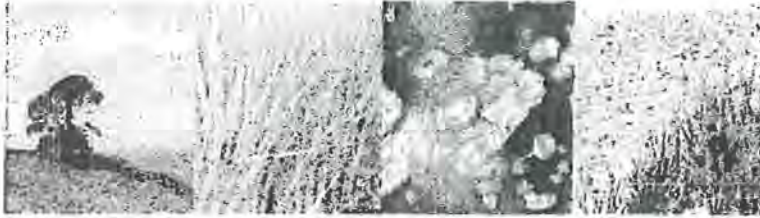
43 EDINBURGH STREET,  
WAHI BEACH

Telephone ..... 027 2336074 Email terry.debe@tra.co.nz

Contact person (name, and designation if applicable)..... Terry Tirling

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

## 8A Affected Person's Written Approval

To: Bay of Plenty Regional Council

Hayden Ray McCormick

Full name of person giving written approval:

Stephanie Ray Wong

I am the owner/occupier (*delete one*) of the property at (address) .....

45 Edinburgh Street, Waihi Beach

I have authority to sign on behalf of all the other owners/occupiers (*delete one*) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name ..... Western Bay of Plenty District Council

Application number (if known) ..... 2015-2025 LTP

Description of proposal ..... Two mile Creek Bank Protection

Location ..... Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

.....  
 Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

.....  
 45, Edinburgh Street, Waihi Beach.

Telephone 0272518364 Email hrm8@live.com

Contact person (name, and designation if applicable)..... Hayden McCormick

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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29 JUN 2016  
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International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: ANTHONY GERARD SCOTT

I am the owner/~~occupier~~ (delete one) of the property at (address) 49 EDINBURGH STREET, WAIMI BEACH, WBOPDC

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name WBOPDC

Application number (if known) A2687217 2015-2025 LTP

Description of proposal TWO MILE CREEK BANK PROTECTION, WORKS

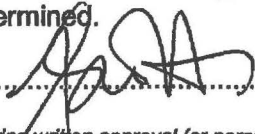

Location WORKS UPSTREAM OF DILON ST BRIDGE

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

.....  ..... Date 28 / 06 / 20 

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

..... 32 MELROSE ROAD, ISLAND BAY .....

..... WELLINGTON 6023 .....

Telephone 021 222 7469 Email anthony.scott.9920@gmail.com

Contact person (name, and designation if applicable) ANTHONY SCOTT.

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
  - 2 Conditional written approvals cannot be accepted.
  - 3 If this form is not signed, the application may need to be notified with the opportunity for submissions



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*received  
10/6/16*

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**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: *Melissa Clark, Tanya Lyle, Hayden Lyle*

I am the owner/occupier (*delete one*) of the property at (address) *51 Edinburgh Street  
Waikī Beach*

I have authority to sign on behalf of all the other owners/occupiers (*delete one*) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name *Western Bay of Plenty District Council*

Application number (if known) *2015-2025 LTP*

Description of proposal *Two Mile Creek bank protection development*

Location *Waikī Beach*

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

*Yes*

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*[Signature]* Hayden Lyle *[Signature]* Date 10/06/2016  
 Director of Wallis Family Company Limited  
 Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

5 Murei Road, Ellerslie  
Auckland 1061

Telephone 02-1321343 Email spud-n2@hotmail.com

Contact person (name, and designation if applicable) Hayden Lyle

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: PETER RANGIMATAU HIKAKA

I am the owner/occupier (delete one) of the property at (address) .....  
6 WILSON ROAD WAIHI BEACH

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name WESTERN BAY OF PLENTY DISTRICT COUNCIL

Application number (if known) 2015-2025 LTP

Description of proposal TWO MILE CREEK EROSION PROTECTION - CONCRETE U-GUARDS

Location TWO MILE CREEK - REAR OF 6 WILSON ROAD [PRECAST DRAINAGE CHANNEL]

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

MEMO 11.05.2016 / CONCEPT FOR CONSULTATION PURPOSES - Figure 2, 3, & 4.

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*[Signature]* ..... Date 23 / 06 / 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

6 WILSON ROAD  
MARU BACH

Telephone 075 328 399 Email hikoziinvestigations@tra.co.nz

Contact person (name, and designation if applicable).....

- \*Notes:**
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I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*[Signature]*

Date 15/10/16

Signature of person giving written approval (or person authorized to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

8 WILSON RD  
WILSON RD

Telephone 07 846 1333

Email ant@atjaks.co.nz

Contact person (name, and designation if applicable)

ANTHONY JEFFER SHAGGOLD

Resource Management Act 1991 (s.95E(3)(a)(b)(c))

### 8A Affected Person's Written Approval

To: Bay of Plenty Regional Council

ATJAKS HOLDINGS LTD.

Full name of person giving written approval: ANTHONY JEFFER SHAGGOLD

I am the owner (delete one) of the property at (address) 8 WILSON

RD

WILSON RD

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name ATJAKS HOLDINGS LTD.

Application number (if known) NS 130.4 2015-2025 LTP

Description of proposal Various DCA's Two Mile Creek Bank Protection

Location 8 WILSON RD

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

*[Signature]*

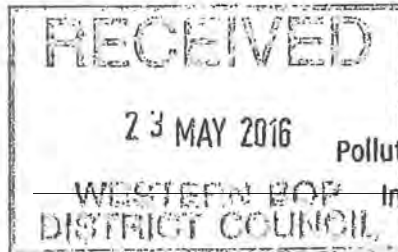
In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.



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**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: KENNETH WINSTON SCOTI

I am the owner/occupier (delete one) of the property at (address) 10 WILSON RD  
(DIRECTOR OF COASTAL INVESTMENTS (2007) LTD)

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name WESTERN BAY OF PLENTY DISTRICT COUNCIL

Application number (if known) 2015-2025 LTP

Description of proposal OPTION 3 CONCRETE 'U' SHAPED PRECAST DRAINAGE

Location TWO MILE CREEK BANK PROTECTION WAIHI BEACH CHANNEL

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... Ken Scott ..... Date 18 105 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

..... 5 GLENFERN ROAD, MELLONS BAY .....

..... AUCKLAND 1014 .....

Telephone 021 922488 ..... Email ken@ksa.co.nz .....

Contact person (name, and designation if applicable) Ken Scott (DIRECTOR.) .....

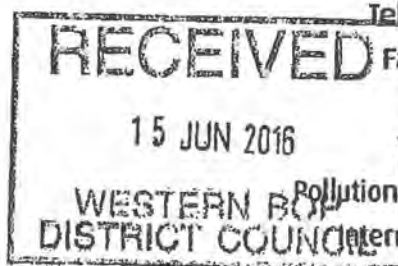
- \*Notes:**
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## Resource Management Act 1991 (s.95E(3)(a)/95F(c))

### 8A Affected Person's Written Approval

To: Bay of Plenty Regional Council

Full name of person giving written approval: Rita Marion Brown CJ-

I am the owner/occupier (*delete one*) of the property at (address) .....

Waikī Beach United Church<sup>12</sup> Wilson Rd. Waikī Beach.

I have authority to sign on behalf of all the other owners/occupiers (*delete one*) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name Waikī Beach United Church

Application number (if known) 2015-2025 LTP

Description of proposal Two mile Creek Bank protection developments

Location Wilson Rd.

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

R.M. Brown

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... R.M. Brown ..... Date 9 / 6 / 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

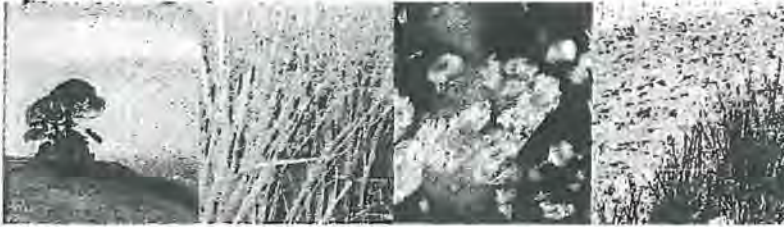
Address for service (of person giving approval)

..... Rita Brown .....  
 ..... 16 A Ralph Lane Waihi Beach .....

Telephone 078635368 ..... Email maranui.brown@extra.co.nz .....

Contact person (name, and designation if applicable).....

- \*Notes:**
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  - 2 **Conditional written approvals cannot be accepted.**
  - 3 **If this form is not signed, the application may need to be notified with the opportunity for submissions**



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 20 MAY 2016  
 WESTERN BOP DISTRICT COUNCIL

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 Hotline: 0800 884 883  
 National: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Susan Hope

I am the owner/occupier (delete one) of the property at (address) 14 Wilson Road, Wairi Beach

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name Western BOP District Council

Application number (if known) 2015-2025 LTP

Description of proposal Two mile creek Bank Protection Proposal

Location Wairi Beach

*[Signature]* I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:  
Yes

*[Signature]* In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... S.M. Hope ..... Date 18/05/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

..... 14 Wilson Rd (Waihi Beach Home Hardware) .....  
 ..... Waihi Beach 3611 .....

Telephone (07) 8635105 ..... Email hopes6@xtra.co.nz .....

Contact person (name, and designation if applicable)..... Robert or Susan Hope .....

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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**RECEIVED**  
15 JUN 2016  
WESTERN BOP  
DISTRICT COUNCIL

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Facsimile: 0800 884 882  
Email: info@boprc.govt.nz  
Website: www.boprc.govt.nz  
Pollution Hotline: 0800 884 883  
International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: ROBERT OGILVY HARWOOD

I am the owner/~~occupier~~ (delete one) of the property at (address) 16 Wilson Road, Waiti Beach

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name RO & FHL HARWOOD

Application number (if known) 2015-2025 LTP

Description of proposal 2 Mile Creek, Bank Protection

Location 16 WILSON ROAD WAITI BEACH

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.



I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... R.O. Harwood ..... Date 10 / 06 / 2016

*Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).*

*A signature is not required if you give your written approval by electronic means.*

Address for service (of person giving approval)

..... P.O. Box 280 .....  
..... WHANGAMATA 3643 .....

Telephone 07 865 9297 Email robbiefleurette@gmail.com

Contact person (name, and designation if applicable)..... Robbie Harwood .....

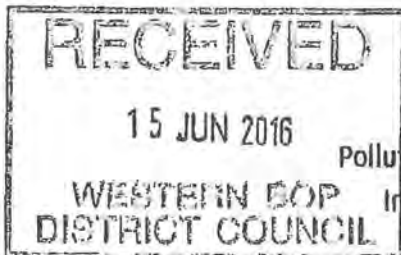
- \*Notes:**
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Resource Management Act 1991 (s.95E(3)(a)/95F(c))

8A Affected Person's Written Approval

To: Bay of Plenty Regional Council

Full name of person giving written approval: COLIN CILLIARD

I am the owner/~~occupier~~ (delete one) of the property at (address) 18 WILSON Rd. WAIHI BEACH

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name W.B.D. COUNCIL

Application number (if known) 2015-2025 LTP

Description of proposal TWO MILE CREEK BANK DEVELOPMENT

Location WAIHI BEACH

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

I HAVE NOT READ IN FULL PARAGRAPH ABOVE

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... LARGO HOLDINGS Date 13/6/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

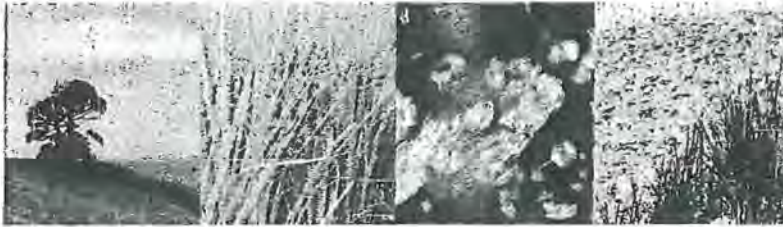
Address for service (of person giving approval)

..... 114 VAUXHALL Rd.  
..... DEVLONPORT AUCKLAND

Telephone 021976180 Email ColandMarg@stra

Contact person (name, and designation if applicable) COLIN GILWARD OWNER

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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 Pollution Hotline: 0800 884 883  
 International: +64 7 922 3390

Resource Management Act 1991 (s.95E(3)(a)/95F(c))

No 95 F(c)  
 ↑

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Valienne Elizabeth RIGG - Peter Wilson

I am the owner/~~occupier~~ (delete one) of the property at (address) 30 Wilson Road Waihi Beach

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name .....

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Wilson St, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

Peter Huxton Date 20 / 06 / 2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

6 Wilson Road  
Waimā Beach

Telephone 0275 328 399 Email hukakainvestigations@tda.co.nz

Contact person (name, and designation if applicable) Peter Huxton

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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 Pollution Hotline: 0800 884 883  
 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Darryn Curle

I am the owner/~~occupier~~ (delete one) of the property at (address) 30A Wilson Rd  
Waiki Beach

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Darryn Curle

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Wilson Road, Waiki Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

[Signature]

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*D. Curle* ..... Date 20 15 / 20 16

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

30m Wilson Rd Waihi Beach

Telephone 0276681353 Email busybodys@+TRA.CO.NZ

Contact person (name, and designation if applicable) Darryn Curle

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
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 Pollution Hotline: 0800 884 883  
 International: +64 7 922 3390

Resource Management Act 1991 (s.95E(3)(a)/95F(c))

## 8A Affected Person's Written Approval

To: Bay of Plenty Regional Council

Full name of person giving written approval: *Susan Margaret Mustard*

I am the owner/~~occupier~~ (delete one) of the property at (address) *32 Wilson Rd  
Waimi Beach*

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

**Note:** If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

This is written approval for the following activity that is the subject of a resource consent application. *Western Bay of Plenty District Council*

Applicant's name *Susan Margaret Mustard*

Application number (if known) *2015-2025 LTP*

Description of proposal *Two Mile Creek Bank Protection*

Location *Wilson Road, Waihi Beach*

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

*Yes*

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.



I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*Sh. Mustard*

Date 24/5/16

*Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).*

*A signature is not required if you give your written approval by electronic means.*

*Address for service (of person giving approval)*

Telephone 0277816273 Email *mustardo@slingshot.co.nz*

*Contact person (name, and designation if applicable)*

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.**
  - 2 Conditional written approvals cannot be accepted.**
  - 3 If this form is not signed, the application may need to be notified with the opportunity for submissions**



File ref:

	SEEN		SEEN

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Received  
25/5/16.

Telephone: 0800 884 880  
 Facsimile: 0800 884 882  
 Email: info@boprc.govt.nz  
 Website: www.boprc.govt.nz  
 Pollution Hotline: 0800 884 883  
 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: GUY RENCHER

I am the owner/~~owner~~ (delete one) of the property at (address) .....  
34 Wilson Road Waiti Beach

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name ..... Guy Rencher

Application number (if known) ..... 2015-2025 LTP

Description of proposal ..... Two Mile Creek Bank Protection

Location ..... Wilson Road

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... Date 19.05/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

268B Dickson RD  
.....  
PAPAMOA  
.....

Telephone 0212555105 Email Mariekabogaerde@hotmail.com

Contact person (name, and designation if applicable).....

- |  |
|--|
| <p><b>*Notes:</b></p> <ol style="list-style-type: none"> <li>1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.</li> <li>2 Conditional written approvals cannot be accepted.</li> <li>3 If this form is not signed, the application may need to be notified with the opportunity for submissions</li> </ol> |
|--|



File ref:

	SEEN		SEEN

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07 JUN 2015  
WESTERN DISTRICT COUNCIL  
Pollution Hotline

Telephone: 0800 884 880  
Facsimile: 0800 884 882  
Email: info@boprc.govt.nz  
Website: www.boprc.govt.nz  
Hotline: 0800 884 883  
International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Lydia H L Sulima-Rogaczewski

I am the owner/occupier (delete one) of the property at (address) 36 Wilson Road, Waihi Beach.

I have authority to sign on behalf of all the other owners/occupiers (delete one) of the above property.

*Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.*

**This is written approval for the following activity that is the subject of a resource consent application.**

Applicant's name Lydia Sulima-Rogaczewski

Application number (if known) 2015-2025 LTP

Description of proposal Two Mile Creek Bank Protection

Location Wilson Road, Waihi Beach

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Tonkin + Taylors "u shaped concrete channell" plan.

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

Affected Person's Written Approval  
*Lydia Rogaczewski*

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

*Lydia Sulima*..... Date 21/05/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

13 Chequers Avenue  
Chartwell Hamilton 3210

Telephone 07 855 6329 Email lydia.sulima@gmail.com

Contact person (name, and designation if applicable) Lydia Sulima

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
  - 2 Conditional written approvals cannot be accepted.
  - 3 If this form is not signed, the application may need to be notified with the opportunity for submissions



File ref:

	SEEN		SEEN

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 Email: info@boprc.govt.nz  
 Website: www.boprc.govt.nz  
 Pollution Hotline: 0800 884 883  
 International: +64 7 922 3390

**Resource Management Act 1991 (s.95E(3)(a)/95F(c))**

**8A Affected Person's Written Approval**

To: Bay of Plenty Regional Council

Full name of person giving written approval: Anita Coombe

I am the owner (delete one) of the property at (address) 46B Wilson Road Waihi Beach

I have authority to sign on behalf of all the other owners/~~occupiers~~ (delete one) of the above property.

Note: If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority. attached

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name Anita Coombe (Coombe Property Trust)

Application number (if known) 2015-2025 LTP

Description of proposal U shaped pre cast drainage channel

Location Waihi Beach 2 mile stream

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

[Signature]

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.

..... Anita Coombe ..... Date 15/5/2016

Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).

A signature is not required if you give your written approval by electronic means.

Address for service (of person giving approval)

551 Kawhia Road  
PO3 Otorohanga 3973

Telephone 0273073407 Email maunseyextra.co.nz

Contact person (name, and designation if applicable) Anita Coombe  
A

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.
  - 2 Conditional written approvals cannot be accepted.
  - 3 If this form is not signed, the application may need to be notified with the opportunity for submissions

or Andrew Coombe  
 0273042915

Please note : we are out of the  
 country 3.6.16 to  
 12.7.16 if you need to  
 correspond - email is preferred during  
 that time maunseyextra.co.nz

received 9-6-16



## Written Approval of Affected Persons

Resource Management Act 1991, Section 95D

Applicant Details	
Full Name(s)	WESTERN BAY OF PLENTY DISTRICT COUNCIL
Address of Proposed Activity	TWO MILE CREEK
Brief Description of Proposed Activity	TO CONSTRUCT CREEK BANK PROTECTION MEASURES ALONG BOTH LEFT AND RIGHT BANKS OF TWO MILE CREEK

Affected Persons	
Full Name(s)	Dianne Coral Lynds
Address for Service	25 Edinburgh St Waihi Beach
Address of Property (if not as above)	
Owner(s)/Occupier(s) <input checked="" type="checkbox"/> Owner(s) <input type="checkbox"/> Occupier(s) <input type="checkbox"/> (tick as applicable)	
Legal Description	Lot 134 DPS 1263

### Please note:

- Council will require separate written approval(s) from the occupiers of the affected property as well as from the legal owners
- Evidence of ownership/authority to sign may be required.
- All owners are required to sign this form or for multiple owned properties Council requires all trustees to sign unless written evidence is provided that authorises a trustee to sign on behalf of the trustees.

### Please Read Carefully Before Signing

You should only sign below if you fully understand the proposal, and if you support or have no opposition to the proposal you have been asked to consider. Council will not accept conditional approvals. If you have conditions on your approval, these should be discussed and resolved with the applicant directly.

1. I / We have been given details of the full and final proposal including a copy of the application form, assessment of environmental effects and plans.
2. I/We confirm that we have completed the following:
 

Copy of AEE signed and provided	Yes <input type="checkbox"/>	No <input type="checkbox"/>	(Note: Resource Consents Only)
Copy of Plans signed and provided (Including site plan and elevations)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	
3. I / We understand and accept that once I/we give my/our approval the Council cannot take account of any actual or potential effect of the activity and/or proposal upon me / us when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Consent Authority may refuse to grant the application;
4. I / We understand that at any time before the final decision is made on the application, I / We may give notice in writing to the Council that this approval is withdrawn, under S104(4) of the Resource Management Act 1991
5. I/We have read and fully understand the full extent of the proposal and have read and agree with what is stated in Notes 1-4 above.

Signed

Dated

9/6/16



## Guide to Consents of Affected Persons

(Section 95D Resource Management Act 1991)

### Why are consents of affected persons sought?

The primary purpose of a resource consent applicant obtaining a written approval from potentially affected persons is to increase the chance that where the Environmental effects are likely to be minor Council may decide that the application can be processed on a non-notified basis. For a consent to be non-notified Environmental effects must be no more than minor and written approvals of adversely affected persons must be provided.

- Any effects on those persons giving written approval shall not be taken into account when determining if the Environmental effects are minor. This may allow an application that would otherwise have more than minor adverse effects, to fall into the minor category and potentially be non-notified.
- Where the effects are no more than minor but there are still adversely affected persons, the application would require to be notified unless those persons written consents were obtained.

Accordingly obtaining the consent of affected persons is an important and necessary part of the resource consent application procedure.

### Identification of affected persons

It is important to recognise that while some people and organisations may have an interest in a proposal, they may not be affected. Some form of adverse effect on a person must be apparent for their written approval to be considered necessary. Potentially affected persons include both owners and occupiers of land.

Council may disregard only those adverse effects that will certainly be trivial (less than minor) or which are only a remote possibility.

### Obtaining written approval

Council has produced this form for recording the consent of affected persons. The form makes it clear that the affected persons are acknowledging;

- That the persons have been given details of the full and final proposal including a copy of the application form, assessment of environmental effects, and plans and that they have confirmed that they have signed and dated such information.
- That the persons understand and accept that once approval has been given the Council cannot take account of any actual potential effects of the activity upon those persons when considering the application and the fact that any such effect may occur shall not be relevant grounds upon which the Council may refuse to grant the application.
- That the persons understand that at any time before the final decision is made on the application they may give notice in writing to the Council that the approval is withdrawn.

### Unconditional consent

Council has no responsibility to ensure that the demands or "conditions" of an affected person are satisfied; rather it is the responsibility of the applicant. Council will not accept an approval form that has been returned with conditions imposed and instead the form will be returned to the applicant for resolution.

The applicant may then be required to again consult or negotiate to obtain unconditional approval. There is additionally a range of methods available to the applicant, including letters of undertaking, or more formal methods such as deeds or agreements.

<b>Office Use Only</b>			
Copy of Application form signed and provided	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Copy of AEE signed and provided	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Site plan signed and provided	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Required <input type="checkbox"/>
Property File of Activity _____	Property File of Affected Person(s) _____ (Owners only)		
Accepted by Planner _____	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Signature _____			

28 Wilson



File ref:			
	SEEN		SEEN
Office Use Only			

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Facsimile: 0800 884 882

Email: info@boprc.govt.nz

Website: www.boprc.govt.nz

Pollution Hotline: 0800 884 883

International: +64 7 922 3390

## Resource Management Act 1991 (s.95E(3)(a)/95F(c))

### 8A Affected Person's Written Approval

To: Bay of Plenty Regional Council

Full name of person giving written approval: John Langdon Watt

I am the owner/occupier (*delete one*) of the property at (*address*)

I have authority to sign on behalf of all the other owners/occupiers (*delete one*) of the above property.

**Note:** If you are signing on behalf of a trust or company, please provide additional written evidence that you have signing authority.

This is written approval for the following activity that is the subject of a resource consent application.

Applicant's name

WBOPAC

Application number (*if known*)

Description of proposal

Two Mile Creek Erosion Protection Works

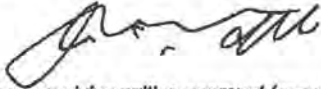
Location

I have read the full application for resource consent, the Assessment of Environmental Effects (AEE), and any site plans as follows:

Yes

In signing this written approval, I understand that the Bay of Plenty Regional Council must decide that I am no longer an affected person, and the Bay of Plenty Regional Council must not have regard to any adverse effects on me.

I understand that I may withdraw my written approval by giving written notice to the Bay of Plenty Regional Council before the hearing, if there is one, or, if there is not, before the outcome of the application is determined.



Date 20/6/16

*Signature\* of person giving written approval (or person authorised to sign on behalf of person giving written approval).*

*A signature is not required if you give your written approval by electronic means.*

Address for service (of person giving approval)

11 First Avenue  
Tauranga 3110

Telephone 0274729183

Email watteyerite@outlook.com

Contact person (name, and designation if applicable)

- \*Notes:**
- 1 There is no obligation for you to sign this form, and no reasons need be given. If you do not understand what this form is, or details about the application, DO NOT SIGN IT.**
  - 2 Conditional written approvals cannot be accepted.**
  - 3 If this form is not signed, the application may need to be notified with the opportunity for submissions**

**Vanessa Stewart**

---

**From:** Reuben Hansen  
**Sent:** Wednesday, 10 August 2016 4:55 p.m.  
**To:** Reon Tuanau (reon@ngaiterangi.org.nz); 'kiamaia.ellis@xtra.co.nz'; 'info@hako.iwi.nz'; 'general@hauraki.iwi.nz'; 'mcenteer@actrix.co.nz'  
**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach  
**Attachments:** 851969\_Optimized.pdf

Kia ora Reon, Kia Maia, Pauline and John

WBOPDC is in the process of preparing a draft Resource Consent application for erosion protection works along the banks of Two Mile Creek at Waihi Beach and wishes to engage with Tangata Whenua regarding the project. Tonkin + Taylor is assisting WBODPC with consenting and engagement.

The BOPRC, as the consent authority, has suggested engagement occurs with Te Whanau o Tauwhao ki Otawhiwhi, Ngati Hako, Ngai Te Rangi Iwi trust and the Hauraki Māori Trust Board.

Attached is a drawing showing the site location and extent of works.

Could we please request an onsite hui when convenient? If it were at all possible, would some time during the week commencing 22 August 2016 work for you? If the week commencing 22 August 2016 is not suitable then can you please reply with a preferred date and time?

Once we have a sense of who wishes to attend and their availability we will confirm date, time and venue with all parties.

If you have any questions then please call me on the numbers below.

Many thanks in advance for your help and communication.

Nga mihi, Na

Reuben Hansen | Senior Environmental Management Specialist - Principal  
Tonkin + Taylor - *Exceptional thinking together*

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Thursday, 1 September 2016 2:44 p.m.  
**To:** general@hauraki.iwi.nz; mcenteer@actrix.co.nz  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora John

Hope you are well.

Can you please acknowledge receipt of my earlier email below?

This project is now becoming very time critical and therefore WBOPDC intends to lodge the Resource Consent no later than 7 October 2016.

To ensure effective engagement with Tangata Whenua occurs, can we please request a hui up at the site during the week of 12 September at the absolute latest? We intend to invite all Tangata Whenua, Department of Conservation, and the WBOPDC and BOPRC consent officers to the same hui.

In the event the Hauraki Maori Trust Board have no issue with the proposal and/or does not want to attend a hui can you please let me know?

Many thanks for your help.

Noho ora mai ra, na

Reuben Hansen | Senior Environmental Management Specialist - Principal  
 Tonkin + Taylor - *Exceptional thinking together*  
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 **Tonkin+Taylor**

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**From:** Reuben Hansen  
**Sent:** Wednesday, 10 August 2016 4:55 PM  
**To:** Reon Tuanau (reon@ngaiterangi.org.nz) <reon@ngaiterangi.org.nz>; 'kiamaiia.ellis@xtra.co.nz' <kiamaiia.ellis@xtra.co.nz>; 'info@hako.iwi.nz' <info@hako.iwi.nz>; 'general@hauraki.iwi.nz' <general@hauraki.iwi.nz>; 'mcenteer@actrix.co.nz' <mcenteer@actrix.co.nz>  
**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Reon, Kia Maia, Pauline and John

WBOPDC is in the process of preparing a draft Resource Consent application for erosion protection works along the banks of Two Mile Creek at Waihi Beach and wishes to engage with Tangata Whenua regarding the project. Tonkin + Taylor is assisting WBODPC with consenting and engagement.

The BOPRC, as the consent authority, has suggested engagement occurs with Te Whanau o Tauwhao ki Otawhiwhi, Ngati Hako, Ngai Te Rangi Iwi trust and the Hauraki Māori Trust Board.

Attached is a drawing showing the site location and extent of works.

Could we please request an onsite hui when convenient? If it were at all possible, would some time during the week commencing 22 August 2016 work for you? If the week commencing 22 August 2016 is not suitable then can you please reply with a preferred date and time?

Once we have a sense of who wishes to attend and their availability we will confirm date, time and venue with all parties.



If you have any questions then please call me on the numbers below.

Many thanks in advance for your help and communication.

Nga mihi, Na

Reuben Hansen | Senior Environmental Management Specialist - Principal

Tonkin + Taylor - *Exceptional thinking together*

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**Vanessa Stewart**

---

**From:** Kiamaia Ellis <kiamaia.ellis@xtra.co.nz>  
**Sent:** Thursday, 1 September 2016 6:49 p.m.  
**To:** Reuben Hansen  
**Cc:** Reon Tuanau  
**Subject:** Re: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Reuben,

Sorry about the delayed response, I've corrected Reon's email address cc. I'm sure we can work with the week of the 12th, I'm afraid next week is very busy but I'll talk to Reon tomorrow morning and get back to you.

Nga mihi,  
 Kia Maia

> On 1/09/2016, at 2:35 PM, Reuben Hansen <RHansen@tonkintaylor.co.nz> wrote:  
 >  
 > --\_000\_0508e8157a7b4531abe64921d3832a82DCHATEXCHttgrouplocal\_  
 > Content-Type: text/plain; charset="windows-1257"  
 > Content-Transfer-Encoding: quoted-printable  
 >  
 > Kia ora Kia Maia  
 >  
 > Hope you are well.  
 >  
 > Can you please acknowledge receipt of my earlier email below?  
 >  
 > This project is now becoming very time critical and therefore WBOPDC  
 > intend= s to lodge the Resource Consent no later than 7 October 2016.  
 >  
 > To ensure effective engagement with Tangata Whenua occurs, can we  
 > please re= quest a hui up at the site during the week of 12 September  
 > at the absolute = latest? We intend to invite all Tangata Whenua,  
 > Department of Conservation,= and the WBOPDC and BOPRC consent officers to the same hui.  
 >  
 > In the event Ngai Te Rangi have no issue with the proposal and/or does  
 > not = want to attend a hui can you please let me know?  
 >  
 > Many thanks for your help.  
 >  
 > Noho ora mai ra, na  
 >  
 >  
 > Reuben Hansen | Senior Environmental Management Specialist - Principal  
 > Tonkin + Taylor - Exceptional thinking together  
 > T +6475717381<tel:+6475717381> M +6421493550<tel:+6421493550> www.ton=  
 > kintaylor.co.nz<http://www.tonkintaylor.co.nz/> [T+T LinkedIn] <https://w=  
 > ww.linkedin.com/company/tonkin-&-taylor> [My LinkedIn] <https://nz.linke=  
 > din.com/pub/reuben-hansen/12/b5a/b25>  
 > [T+T]<http://www.tonkintaylor.co.nz/>  
 > To send me large files you can use my file  
 > drop<https://transfer.tonkinandt=  
 > aylorgroup.com/filedrop/rhansen@tonkintaylor.co.nz>

>  
>  
>  
>  
>  
> From: Reuben Hansen  
> Sent: Wednesday, 10 August 2016 4:55 PM  
> To: Reon Tuanau (reon@ngaiterangi.org.nz) <reon@ngaiterangi.org.nz>;  
> 'kiama= ia.ellis@xtra.co.nz' <kiamaia.ellis@xtra.co.nz>;  
> 'info@hako.iwi.nz' <info@hako.iwi.nz>; 'general@hauraki.iwi.nz'  
> <general@hauraki.iwi.nz>; 'mcenteer@a= crix.co.nz'  
> <mcenteer@actrix.co.nz>  
> Subject: Two Mile Creek Erosion Protection Works - Waihi Beach  
>  
> Kia ora Reon, Kia Maia, Pauline and John  
>  
> WBOP



**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Thursday, 1 September 2016 2:35 p.m.  
**To:** kiamaiia.ellis@xtra.co.nz  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Kia Maia

Hope you are well.

Can you please acknowledge receipt of my earlier email below?

This project is now becoming very time critical and therefore WBOPDC intends to lodge the Resource Consent no later than 7 October 2016.

To ensure effective engagement with Tangata Whenua occurs, can we please request a hui up at the site during the week of 12 September at the absolute latest? We intend to invite all Tangata Whenua, Department of Conservation, and the WBOPDC and BOPRC consent officers to the same hui.

In the event Ngai Te Rangi have no issue with the proposal and/or does not want to attend a hui can you please let me know?

Many thanks for your help.

Noho ora mai ra, na

**Reuben Hansen | Senior Environmental Management Specialist - Principal**  
**Tonkin + Taylor - Exceptional thinking together**  
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 **Tonkin+Taylor**

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**From:** Reuben Hansen  
**Sent:** Wednesday, 10 August 2016 4:55 PM  
**To:** Reon Tuanau (reon@ngaiterangi.org.nz) <reon@ngaiterangi.org.nz>; 'kiamaiia.ellis@xtra.co.nz' <kiamaiia.ellis@xtra.co.nz>; 'info@hako.iwi.nz' <info@hako.iwi.nz>; 'general@hauraki.iwi.nz' <general@hauraki.iwi.nz>; 'mcenteer@actrix.co.nz' <mcenteer@actrix.co.nz>  
**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Reon, Kia Maia, Pauline and John

WBOPDC is in the process of preparing a draft Resource Consent application for erosion protection works along the banks of Two Mile Creek at Waihi Beach and wishes to engage with Tangata Whenua regarding the project. Tonkin + Taylor is assisting WBODPC with consenting and engagement.

The BOPRC, as the consent authority, has suggested engagement occurs with Te Whanau o Tauwhao ki Otawhiwhi, Ngati Hako, Ngai Te Rangi Iwi trust and the Hauraki Māori Trust Board.

Attached is a drawing showing the site location and extent of works.

Could we please request an onsite hui when convenient? If it were at all possible, would some time during the week commencing 22 August 2016 work for you? If the week commencing 22 August 2016 is not suitable then can you please reply with a preferred date and time?

Once we have a sense of who wishes to attend and their availability we will confirm date, time and venue with all parties.

If you have any questions then please call me on the numbers below.

Many thanks in advance for your help and communication.

Nga mihi, Na

**Reuben Hansen | Senior Environmental Management Specialist - Principal**

**Tonkin + Taylor - *Exceptional thinking together***

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 **Tonkin+Taylor**

To send me large files you can use my [file drop](#)

**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Thursday, 1 September 2016 2:40 p.m.  
**To:** info@hako.iwi.nz  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Paullne

Hope you are well.

Can you please acknowledge receipt of my earller email below?

This project is now becoming very time critical and therefore WBOPDC intends to lodge the Resource Consent no later than 7 October 2016.

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In the event Ngati Hako have no issue with the proposal and/or does not want to attend a hui can you please let me know?

Many thanks for your help.

Noho ora mai ra, na

Reuben Hansen | Senior Environmental Management Specialist - Principal  
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**From:** Reuben Hansen  
**Sent:** Wednesday, 10 August 2016 4:55 PM  
**To:** Reon Tuanau (reon@ngaiterangi.org.nz) <reon@ngaiterangi.org.nz>; 'kiamaia.ellis@xtra.co.nz' <kiamaia.ellis@xtra.co.nz>; 'info@hako.iwi.nz' <info@hako.iwi.nz>; 'general@hauraki.iwl.nz' <general@hauraki.iwl.nz>; 'mcenteer@actrix.co.nz' <mcenteer@actrix.co.nz>  
**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Reon, Kia Maia, Pauline and John

WBOPDC is in the process of preparing a draft Resource Consent application for erosion protection works along the banks of Two Mile Creek at Waihi Beach and wishes to engage with Tangata Whenua regarding the project. Tonkin + Taylor is assisting WBODPC with consenting and engagement.

The BOPRC, as the consent authority, has suggested engagement occurs with Te Whanau o Tauwhao ki Otawhīwhi, Ngati Hako, Ngai Te Rangi Iwi trust and the Hauraki Māori Trust Board.

Attached is a drawing showing the site location and extent of works.

Could we please request an onsite hui when convenient? If it were at all possible, would some time during the week commencing 22 August 2016 work for you? If the week commencing 22 August 2016 is not suitable then can you please reply with a preferred date and time?

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If you have any questions then please call me on the numbers below.

Many thanks in advance for your help and communication.

Nga mihi, Na

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**Vanessa Stewart**

---

**From:** Te Kupenga O Ngati Hako <hako@xtra.co.nz>  
**Sent:** Thursday, 1 September 2016 3:29 p.m.  
**To:** 'Reuben Hansen'  
**Subject:** RE: Two Mile Creek Erosion Protection Works - Waihi Beach

Hi Reuben thanks for the email I am available for a site visit on the week of September the 12 morning better suits for me I already have a meeting on the 15<sup>th</sup> and a meeting the 14<sup>th</sup> in the afternoon but will try to fit with what works for the group to be with part of the Pauline clarkin



Cnr Hughenden & Marshall Streets  
 PO Box 114, Paeroa, 3640  
 Phone: 07 8628161  
 Mobil:027 291 4957  
 Email:hako@xtra.co.nz

**From:** Reuben Hansen [mailto:RHansen@tonkintaylor.co.nz]  
**Sent:** Thursday, 1 September 2016 2:40 p.m.  
**To:** info@hako.iwi.nz  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Pauline

Hope you are well.

Can you please acknowledge receipt of my earlier email below?

This project is now becoming very time critical and therefore WBOPDC intends to lodge the Resource Consent no later than 7 October 2016.

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**From:** Reuben Hansen  
**Sent:** Wednesday, 10 August 2016 4:55 PM  
**To:** Reon Tuanau ([reon@ngaiteurangi.org.nz](mailto:reon@ngaiteurangi.org.nz)) <[reon@ngaiteurangi.org.nz](mailto:reon@ngaiteurangi.org.nz)>; 'kiamaija.ellis@xtra.co.nz' <[kiamaija.ellis@xtra.co.nz](mailto:kiamaija.ellis@xtra.co.nz)>; 'info@hako.iwi.nz' <[info@hako.iwi.nz](mailto:info@hako.iwi.nz)>; 'general@hauraki.iwi.nz' <[general@hauraki.iwi.nz](mailto:general@hauraki.iwi.nz)>; 'mcenteer@actrix.co.nz' <[mcenteer@actrix.co.nz](mailto:mcenteer@actrix.co.nz)>  
**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach

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If you have any questions then please call me on the numbers below.

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Nga mihi, Na

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**Vanessa Stewart**

---

**From:** Reon Tuanau <ReonTuanau@ngaiterangi.org.nz>  
**Sent:** Thursday, 1 September 2016 3:30 p.m.  
**To:** Reuben Hansen  
**Subject:** RE: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora e hoa,

I am keen to meet to discuss this matter.

Set us up a confirmed date and we will go from there.

Mauriora,  
 Reon Tuanau

**From:** Reuben Hansen [mailto:RHansen@tonkintaylor.co.nz]  
**Sent:** Thursday, 1 September 2016 2:17 p.m.  
**To:** Reon Tuanau <ReonTuanau@ngaiterangi.org.nz>  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora ano Reon

Hope you are well.

Can you please acknowledge receipt of my earlier email below?

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Many thanks for your help.

Noho ora mai ra, na

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**From:** Reuben Hansen  
**Sent:** Thursday, 11 August 2016 9:23 AM  
**To:** 'reontuanau@ngaiterangi.org.nz' <reontuanau@ngaiterangi.org.nz>  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Reon

Aroha mai, looks like I had the incorrect email address below

Look forward to catching up

Ma te wa

Reuben

**From:** Reuben Hansen  
**Sent:** Wednesday, 10 August 2016 4:55 PM  
**To:** Reon Tuanau (reon@ngaiterangi.org.nz) <reon@ngaiterangi.org.nz>; 'kiamai.ellis@xtra.co.nz' <kiamai.ellis@xtra.co.nz>; 'info@hako.iwi.nz' <info@hako.iwi.nz>; 'general@hauraki.iwi.nz' <general@hauraki.iwi.nz>; 'mcenteer@actrix.co.nz' <mcenteer@actrix.co.nz>  
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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Thursday, 1 September 2016 2:17 p.m.  
**To:** reontuanau@ngaiterangi.org.nz  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora ano Reon

Hope you are well.

Can you please acknowledge receipt of my earlier email below?

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**From:** Reuben Hansen  
**Sent:** Thursday, 11 August 2016 9:23 AM  
**To:** 'reontuanau@ngaiterangi.org.nz' <reontuanau@ngaiterangi.org.nz>  
**Subject:** FW: Two Mile Creek Erosion Protection Works - Waihi Beach

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Ma te wa

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**From:** Reuben Hansen

**Sent:** Wednesday, 10 August 2016 4:55 PM

**To:** Reon Tuanau ([reon@ngaiterangi.org.nz](mailto:reon@ngaiterangi.org.nz)) <[reon@ngaiterangi.org.nz](mailto:reon@ngaiterangi.org.nz)>; 'kiamaia.ellis@xtra.co.nz' <[kiamaia.ellis@xtra.co.nz](mailto:kiamaia.ellis@xtra.co.nz)>; 'info@hako.iwi.nz' <[info@hako.iwi.nz](mailto:info@hako.iwi.nz)>; 'general@hauraki.iwi.nz' <[general@hauraki.iwi.nz](mailto:general@hauraki.iwi.nz)>; 'mcenteer@actrix.co.nz' <[mcenteer@actrix.co.nz](mailto:mcenteer@actrix.co.nz)>

**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach

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Nga mihi, Na

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**Vanessa Stewart**

---

**From:** Kiamaia Ellis <kiamaia.ellis@xtra.co.nz>  
**Sent:** Friday, 2 September 2016 2:55 p.m.  
**To:** Reuben Hansen  
**Subject:** Re: Two Mile Creek Erosion Protection Works - Waihi Beach

Ka pai, glad to hear Reon has made contact with you as he always deals with consents in the Northern harbour. Happy to help out if I'm needed.

Nga mihi,  
 Kia Maia

On Thursday, 1 September 2016 7:16 PM, Reuben Hansen <RHansen@tonkintaylor.co.nz> wrote:

Kia ora ano Kai Maia

Thanks for your prompt reply, it is very much appreciated.

Tino pai re the week of the 12th :)

I do have Reons correct email thanks, I followed up with another email following the one at the start of the thread.

I now have replies from Reon and Pauline Clarkin as well so will firm up some details tomorrow and come back to you re date time etc.

Thank you once again.

Ka kite

Reuben

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

**From:** Kiamaia Ellis [mailto:[kiamaia.ellis@xtra.co.nz](mailto:kiamaia.ellis@xtra.co.nz)]  
**Sent:** Thursday, 1 September 2016 6:49 PM  
**To:** Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)>  
**Cc:** Reon Tuanau <[reontuanau@ngaiterangi.org.nz](mailto:reontuanau@ngaiterangi.org.nz)>  
**Subject:** Re: Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora Reuben,

Sorry about the delayed response, I've corrected Reon's email address cc. I'm sure we can work with the week of the 12th, I'm afraid next week is very busy but I'll talk to Reon tomorrow morning and get back to you.

Nga mihi,  
 Kia Maia

> On 1/09/2016, at 2:35 PM, Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)> wrote:  
 >  
 > --\_000\_0508e8157a7b4531abe64921d3832a82DCHATEXCHttgrouplocal\_  
 > Content-Type: text/plain; charset="windows-1257"  
 > Content-Transfer-Encoding: quoted-printable  
 >  
 > Kia ora Kia Maia  
 >  
 > Hope you are well.  
 >  
 > Can you please acknowledge receipt of my earlier email below?  
 >  
 > This project is now becoming very time critical and therefore WBOPDC  
 > intend= s to lodge the Resource Consent no later than 7 October 2016.  
 >  
 > To ensure effective engagement with Tangata Whenua occurs, can we  
 > please re= quest a hui up at the site during the week of 12 September  
 > at the absolute = latest? We intend to invite all Tangata Whenua,  
 > Department of Conservation,= and the WBOPDC and BOPRC consent officers to the same hui.  
 >  
 > In the event Ngai Te Rangi have no issue with the proposal and/or does  
 > not = want to attend a hui can you please let me know?  
 >  
 > Many thanks for your help.  
 >  
 > Noho ora mai ra, na  
 >  
 >  
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 > kintaylor.co.nz<<http://www.tonkintaylor.co.nz/>> [T+T LinkedIn] < [> din.com/pub/reuben-hansen/12/b5a/b25>  
 > \[T+T\]<<http://www.tonkintaylor.co.nz/>>  
 > To send me large files you can use my file  
 > drop<\[reon@ngaiterangi.org.nz\]\(https://transfer.tonkinandt=</a><br/>
  > aylorgroup.com/filedrop/rhansen@tonkintaylor.co..nz><br/>
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  ><br/>
  > From: Reuben Hansen<br/>
  > Sent: Wednesday, 10 August 2016 4:55 PM<br/>
  > To: Reon Tuanau \(<a href=\)\) <\[reon@ngaiterangi.org.nz\]\(mailto:reon@ngaiterangi.org.nz\)>;  
 > 'kiama= \[ia.ellis@xtra.co.nz\]\(mailto:ia.ellis@xtra.co.nz\)' <\[kiamaia.ellis@xtra.co.nz\]\(mailto:kiamaia.ellis@xtra.co.nz\)>;  
 > '\[info@hako.iwi.nz\]\(mailto:info@hako.iwi.nz\)' <\[info@h= ako.iwi.nz\]\(mailto:info@h= ako.iwi.nz\)>; '\[general@hauraki.iwi.nz\]\(mailto:general@hauraki.iwi.nz\)'  
 > <\[general@hauraki.iwi.nz\]\(mailto:general@hauraki.iwi.nz\)>; '\[mcenteer@a= ctrix.co.nz\]\(mailto:mcenteer@a= ctrix.co.nz\)'  
 > <\[mcenteer@actrix.co.nz\]\(mailto:mcenteer@actrix.co.nz\)>  
 > Subject: Two Mile Creek Erosion Protection Works - Waihi Beach  
 >  
 > Kia ora Reon, Kia Maia, Pauline and John](https://w=</a><br/>
  > ww.linkedin.com/company/tonkin-&-taylor> [My LinkedIn] <<a href=)

>  
> WBOP

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Tuesday, 6 September 2016 9:29 a.m.  
**To:** Te Kupenga O Ngati Hako; Reon Tuanau; Kiamaia Ellis; mcenteer@actrix.co.nz; general@hauraki.iwi.nz  
**Cc:** Petera Tapsell; Kelvin Hill (Kelvin.Hill@westernbay.govt.nz)  
**Subject:** RE: Two Mile Creek Erosion Protection Works - Waihi Beach  
**Attachments:** 851969\_Optimized Copy.pdf

Kia ora koutou

Pauline, Reon and Kia Maia many thanks for your responses.

Can we please lock in Tuesday 13 September at 9 am? Meeting place is the yellow polygon on the attached figure.

Can you please confirm attendance and supply mobile phone numbers in the event I need to contact you urgently on the day.

If you have questions then please contact me.

Nga mihi nui

**Reuben Hansen | Senior Environmental Management Specialist - Principal**

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Friday, 16 September 2016 8:52 a.m.  
**To:** Reon Tuanau  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Works

Kia ora Reon

Thank you very much for meeting with me on site on 13 September to discuss the above.

My summary of what we discussed and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them also and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngai Tahu could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

Reuben Hansen | Senior Environmental Management Specialist - Principal

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Friday, 16 September 2016 9:03 a.m.  
**To:** mcenteer@actrix.co.nz; general@hauraki.iwi.nz  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora John

My summary of what we discussed with Tangata Whenua on 13 September at the onsite hui and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if the Hauraki Maori Trust Board could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Friday, 16 September 2016 8:57 a.m.  
**To:** Te Kupenga O Ngati Hako  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Pauline

Thank you very much for calling me on 13 September to confirm you were unable to attend the onsite hui to discuss the above due to a tangi.

My summary of what we discussed with Tangata Whenua and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngati Hako could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Friday, 16 September 2016 9:04 a.m.  
**To:** Kiamaia Ellis  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Kia Mala

My summary of what we discussed with Tangata Whenua on 13 September at the onsite hui and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngai Te Rangi could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei kōnaa

Reuben

Reuben Hansen | Senior Environmental Management Specialist - Principal  
Tonkin + Taylor - *Exceptional thinking together*  
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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Tuesday, 11 October 2016 2:37 p.m.  
**To:** mcenteer@actrix.co.nz; general@hauraki.iwi.nz  
**Subject:** FW: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora John

I hope you are well.

We are about to lodge Resource Consent applications.

Do the Hauraki Maori Trust Board have any comment to make regarding cultural effects associated with the proposal?

Nga mihi

Na Reuben

**From:** Reuben Hansen [mailto:RHansen@tonkintaylor.co.nz]  
**Sent:** Friday, 16 September 2016 9:03 AM  
**To:** mcenteer@actrix.co.nz; general@hauraki.iwi.nz  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora John

My summary of what we discussed with Tangata Whenua on 13 September at the onsite hui and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if the Hauraki Maori Trust Board could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Tuesday, 11 October 2016 2:47 p.m.  
**To:** Reon Tuanau  
**Subject:** FW: WBOPDC Proposed Two Mile Creek Erosion Protection Works

Kia ora e hoa

Hope you are well.

Did you receive my email below a couple of days after our onsite hui?

We are about to lodge Resource Consent applications.

Do Ngai Tauwhao have any comment to make regarding cultural effects associated with the proposal?

Nga mihi

Na Reuben

**From:** Reuben Hansen **On Behalf Of** Reuben Hansen

Kia ora Reon

Thank you very much for meeting with me on site on 13 September to discuss the above.

My summary of what we discussed and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them also and can send them on to other parties.



In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngai Tauwhao could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

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**Vanessa Stewart**

---

**From:** Kiamaiia Ellis <kiamaiia.ellis@xtra.co.nz>  
**Sent:** Tuesday, 11 October 2016 3:11 p.m.  
**To:** Reuben Hansen  
**Cc:** Reon Tuanau  
**Subject:** Re: WBOPDC Proposed Two Mile Creek Erosion Protection Work  
**Attachments:** image002.png; image001.png; image003.png

Kia ora ano, no I don't think I saw that one.

On Tuesday, 11 October 2016 2:51 PM, Reuben Hansen <RHansen@tonkintaylor.co.nz> wrote:

Kia ora ano Kia Maia

Tino pai ☺

Ae - agreed the concrete channel will provide limited habitat for tuna, inanga and macroinvertebrates. Did you see the draft ecology assessment that recommends the creation of new offset based habitat upstream of the proposed concrete channel?

Nga mihi

Na Reuben

**From:** Kiamaiia Ellis [mailto:kiamaiia.ellis@xtra.co.nz]  
**Sent:** Tuesday, 11 October 2016 2:46 PM  
**To:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Cc:** Reon Tuanau <reontuanau@ngaiterangi.org.nz>  
**Subject:** Re: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Reuben,

Yes thanks I'm well. Although I didn't get to the site visit, Reon and I did have a discussion about the proposal. Our comments without making a formal response was focused on natural character. The prelim concept drawings were primarily based on a concrete structure which would have an impact on freshwater ecology of the area. Although there isn't much room here it would have been preferable to achieve a waterway that would be suitable for providing habitat for existing taonga species of the waterway such as tuna (eels) and inanga. I see there are options for fish passage but the design of the concrete structure would not provide much in the way of shelter, shading, and good ground cover for biodiversity like macro invertebrates.

I've cc'd Reon in case he has more to add. I'll be on leave tomorrow for the day but can touch base by email if required.

Nga mihi,  
 Kia Maia Ellis

On Tuesday, 11 October 2016 2:26 PM, Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)> wrote:

Kia ora Kia Mai

I hope you are well.

We are about to lodge Resource Consent applications.

Do Ngai Te Rangi have any comment to make regarding cultural effects associated with the proposal?

Nga mihi

Na Reuben

**From:** Reuben Hansen [<mailto:RHansen@tonkintaylor.co.nz>]  
**Sent:** Friday, 16 September 2016 9:04 AM  
**To:** Kiamaiia Ellis <[kiamaiia.ellis@xtra.co.nz](mailto:kiamaiia.ellis@xtra.co.nz)>  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Kia Maia

My summary of what we discussed with Tangata Whenua on 13 September at the onsite hui and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

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Once again thank you very much for your time.

Hei konaa

Reuben

**Reuben Hansen | Senior Environmental Management Specialist - Principal**  
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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Tuesday, 11 October 2016 2:27 p.m.  
**To:** Kiamaia Ellis  
**Subject:** FW: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Kia Mai

I hope you are well.

We are about to lodge Resource Consent applications.

Do Ngai Te Rangi have any comment to make regarding cultural effects associated with the proposal?

Nga mihi

Na Reuben

**From:** Reuben Hansen [mailto:RHansen@tonkintaylor.co.nz]  
**Sent:** Friday, 16 September 2016 9:04 AM  
**To:** Kiamaia Ellis <kiamaia.ellis@xtra.co.nz>  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Kia Mala

My summary of what we discussed with Tangata Whenua on 13 September at the onsite hui and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngai Te Rangi could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

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 **Tonkin+Taylor**

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Tuesday, 11 October 2016 2:51 p.m.  
**To:** Kiamaia Ellis  
**Cc:** Reon Tuanau  
**Subject:** RE: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora ano Kia Mala

Tino pai ☺

Ae - agreed the concrete channel will provide limited habitat for tuna, inanga and macroinvertebrates. Did you see the draft ecology assessment that recommends the creation of new offset based habitat upstream of the proposed concrete channel?

Nga mihi

Na Reuben

**From:** Kiamaia Ellis [mailto:kiamaia.ellis@xtra.co.nz]  
**Sent:** Tuesday, 11 October 2016 2:46 PM  
**To:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Cc:** Reon Tuanau <reontuanau@ngaiterangi.org.nz>  
**Subject:** Re: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Reuben,

Yes thanks I'm well. Although I didn't get to the site visit, Reon and I did have a discussion about the proposal. Our comments without making a formal response was focused on natural character. The prelim concept drawings were primarily based on a concrete structure which would have an impact on freshwater ecology of the area. Although there isn't much room here it would have been preferable to achieve a waterway that would be suitable for providing habitat for existing taonga species of the waterway such as tuna (eels) and inanga. I see there are options for fish passage but the design of the concrete structure would not provide much in the way of shelter, shading, and good ground cover for biodiversity like macro invertebrates.

I've cc'd Reon in case he has more to add. I'll be on leave tomorrow for the day but can touch base by email if required.

Nga mihi,  
 Kia Maia Ellis

On Tuesday, 11 October 2016 2:26 PM, Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)> wrote:

Kia ora Kia Mai

I hope you are well.

We are about to lodge Resource Consent applications.

Do Ngai Te Rangi have any comment to make regarding cultural effects associated with the proposal?

Nga mihi

Na Reuben

**From:** Reuben Hansen [<mailto:RHansen@tonkintaylor.co.nz>]  
**Sent:** Friday, 16 September 2016 9:04 AM  
**To:** Kiamaiia Ellis <[kiamaiia.ellis@xtra.co.nz](mailto:kiamaiia.ellis@xtra.co.nz)>  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Kia Maia

My summary of what we discussed with Tangata Whenua on 13 September at the onsite hui and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngai Te Rangi could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Tuesday, 11 October 2016 2:28 p.m.  
**To:** Te Kupenga O Ngati Hako  
**Subject:** FW: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Pauline

I hope you are well.

We are about to lodge Resource Consent applications.

Do Ngati Hako have any comment to make regarding cultural effects associated with the proposal?

Nga mihi

Na Reuben

**From:** Reuben Hansen [mailto:RHansen@tonkintaylor.co.nz]  
**Sent:** Friday, 16 September 2016 8:57 AM  
**To:** Te Kupenga O Ngati Hako <hako@xtra.co.nz>  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Pauline

Thank you very much for calling me on 13 September to confirm you were unable to attend the onsite hui to discuss the above due to a tangi.

My summary of what we discussed with Tangata Whenua and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngati Hako could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.

Once again thank you very much for your time.

Hei konaa

Reuben

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**Vanessa Stewart**

---

**From:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Sent:** Wednesday, 12 October 2016 12:48 p.m.  
**To:** Kiamaia Ellis; Reon Tuanau  
**Subject:** RE: WBOPDC Proposed Two Mile Creek Erosion Protection Work  
**Attachments:** 160810.DCM.draft Ecology.rpt.pdf

Kia ora Kia Maia and Reon

Here is our draft ecology report

Nga mihi

Na Reuben

**From:** Kiamaia Ellis [mailto:kiamaia.ellis@xtra.co.nz]  
**Sent:** Tuesday, 11 October 2016 3:11 PM  
**To:** Reuben Hansen <RHansen@tonkintaylor.co.nz>  
**Cc:** Reon Tuanau <reontuanau@ngaiterangi.org.nz>  
**Subject:** Re: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora ano, no I don't think I saw that one.

On Tuesday, 11 October 2016 2:51 PM, Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)> wrote:

Kia ora ano Kia Maia

Tino pai ☺

Ae - agreed the concrete channel will provide limited habitat for tuna, inanga and macroinvertebrates. Did you see the draft ecology assessment that recommends the creation of new offset based habitat upstream of the proposed concrete channel?

Nga mihi

Na Reuben

**From:** Kiamaia Ellis [mailto:kiamaia.ellis@xtra.co.nz]  
**Sent:** Tuesday, 11 October 2016 2:46 PM  
**To:** Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)>  
**Cc:** Reon Tuanau <[reontuanau@ngaiterangi.org.nz](mailto:reontuanau@ngaiterangi.org.nz)>  
**Subject:** Re: WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Reuben,

Yes thanks I'm well. Although I didn't get to the site visit, Reon and I did have a discussion about the proposal. Our comments without making a formal response was focused on natural character. The prelim concept drawings were primarily based on a concrete structure which would have an

impact on freshwater ecology of the area. Although there isn't much room here it would have been preferable to achieve a waterway that would be suitable for providing habitat for existing taonga species of the waterway such as tuna (eels) and inanga. I see there are options for fish passage but the design of the concrete structure would not provide much in the way of shelter, shading, and good ground cover for biodiversity like macro invertebrates.

I've cc'd Reon in case he has more to add. I'll be on leave tomorrow for the day but can touch base by email if required.

Nga mihi,  
Kia Maia Ellis

On Tuesday, 11 October 2016 2:26 PM, Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)> wrote:

Kia ora Kia Mai

I hope you are well.

We are about to lodge Resource Consent applications.

Do Ngai Te Rangi have any comment to make regarding cultural effects associated with the proposal?

Nga mihi

Na Reuben

**From:** Reuben Hansen [<mailto:RHansen@tonkintaylor.co.nz>]  
**Sent:** Friday, 16 September 2016 9:04 AM  
**To:** Kiamaia Ellis <[kiamaia.ellis@xtra.co.nz](mailto:kiamaia.ellis@xtra.co.nz)>  
**Subject:** WBOPDC Proposed Two Mile Creek Erosion Protection Work

Kia ora Kia Maia

My summary of what we discussed with Tangata Whenua on 13 September at the onsite hui and the proposed action plan is set out below.

I presented the resource consent level drawings and accompanying concepts for fish passage, as well as providing a verbal description of the ecological offsetting initiative being finalised at present, which encompasses either riparian planting or wetland development in the "Broadlands Block". I will send these documents over our file transfer system (due to their size) so you have electronic copies of them and can send them on to other parties.

In terms of where to from here, WBOPDC intends to lodge the Resource Consent application on 7 October 2016, so if Ngai Te Rangi could provide a preliminary response back to me regarding whether there are cultural effects associated with the proposal in the next couple of weeks, we would have time to discuss how to address these prior to Resource Consent application being finalised.



Once again thank you very much for your time.

Hei konaa

Reuben

**Reuben Hansen | Senior Environmental Management Specialist - Principal**

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**Vanessa Stewart**

---

**From:** Reuben Hansen  
**Sent:** Tuesday, 22 November 2016 3:30 p.m.  
**To:** Reon Tuanau; 'Kiamaia Ellis'; 'pauline clarkin'; 'mcenteer@actrix.co.nz'  
**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora koutou

Further to my email dated 11 October to you all, we are going to lodge Resource Consent applications this week.

My understanding of the engagement process to date is that Tangata Whenua are aware of the proposal, have attended on site hui, have been provided with copies of the AEE document and the mitigation proposed, and have not identified any particular concerns with the proposal.

Can you please reply to this email confirming that I have recorded Tangata Whenua's position on the proposal appropriately, or that you have another perspective and what that perspective is.

Many thanks for your help and communication.

Nga mihi

Na Reuben

**Vanessa Stewart**

---

**From:** Te Kupenga O Ngati Hako <hako@xtra.co.nz>  
**Sent:** Wednesday, 23 November 2016 7:21 a.m.  
**To:** Reuben Hansen  
**Subject:** RE: Two Mile Creek Erosion Protection Works - Waihi Beach

Morning reuben this confirms our position is as you have recorded

Nga mihi Pauline



Cnr Hughenden & Marshall Streets  
 PO Box 114, Paeroa, 3640  
 Phone: 07 8628161  
 Mobil: 027 291 4957  
 Email: hako@xtra.co.nz

**From:** Reuben Hansen [mailto:RHansen@tonkintaylor.co.nz]  
**Sent:** Tuesday, 22 November 2016 3:29 p.m.  
**To:** Reon Tuanau; Klamala Ellis; pauline clarkin; mcenteer@actrix.co.nz  
**Subject:** Two Mile Creek Erosion Protection Works - Waihi Beach

Kia ora koutou

Further to my email dated 11 October to you all, we are going to lodge Resource Consent applications this week.

My understanding of the engagement process to date is that Tangata Whenua are aware of the proposal, have attended on site hui, have been provided with copies of the AEE document and the mitigation proposed, and have not identified any particular concerns with the proposal.

Can you please reply to this email confirming that I have recorded Tangata Whenua's position on the proposal appropriately, or that you have another perspective and what that perspective is.

Many thanks for your help and communication.

Nga mihi

Na Reuben



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**Appendix F: Application forms**

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# Land Use Consent

## General Applications

### Notified or Non-Notified

Cameron Road  
Private Bag 12803  
**Tauranga 3143**  
Phone: 07 571 8008  
Fax: 07 5779820  
customerservice@westernbay.govt.nz  
www.westernbay.govt.nz

## Guide for Applicants *(Please detach for your future reference)*

### Have you provided?

1. ✓ ~~Five~~ Hard and electronic copies supplied  
Five copies of your application and attachments. (Note: If five complete copies are not supplied, actual time and cost for administration and photocopying will be charged and requires payment before the resource consent can be issued).
2. Plans drawn to scale including:
  - ✓ Site plan that identifies the property boundaries.
  - Any other buildings (highlighting the proposed building).
  - Distances to boundaries.
  - Vehicle Entrance, Driveway, Turning Circle and On-Site Manoeuvring.
  - Floor plan of building.
  - Identification of topography.
  - Identification of any natural features e.g. native bush, water course, wetlands etc.
  - Any proposed earthworks/ground re-contouring.
  - Any relevant existing landscaping and proposed landscaping.
3.  Elevation Drawings or photos of any existing buildings that are relevant.
4.  Photographs of site, entrance way on road, or anything else that will assist your application.
5. ✓ Application fee \$2,000.00 (minimum fee) including GST for non-notified, \$2,500.00 (deposit) including GST for limited notified or \$4,000.00 (deposit) including GST for notified. All GST at the current rate of 15%.
  - Refer to Part 4 of kit for details of processing costs. Fees valid until 30 June 2017.

All of the above information must be supplied with your application. **Pursuant to Section 88(3) of the Resource Management Act 1991, your application may be rejected if the information and application is incomplete.** You have the ability, under Section 88(5), to object to the decision to reject your application, if applicable. Non Notified applications take up to 20 working days to process, once accepted. Notified applications can take up to 130 working days to allow for statutory notification time and convening of a Hearing and Consents Committee meeting.

Please do not hesitate to contact the Duty Planner at our Barkses Corner Office (07) 571 8008 or 0800 726 732 if you require any assistance. Our postal address is Private Bag 12803, Tauranga.

**In accordance with s36(3) of the Resource Management Act 1991, Council will be recovering and charging for those processing costs over and above the application lodgement (minimum) fee already paid. Please note that this may or may not pertain to your particular application and will only apply where the fixed lodgement fee is exceeded.**

**Please note that in accordance with Council policy, Council will not issue your consent approval to you until all processing costs have been paid.**





Office Use Only  
Application No

**Office Use Only**

**Criteria for Acceptance: Counter and Postal Applications**

**Application**

- |               |                    |   |                              |                             |
|---------------|--------------------|---|------------------------------|-----------------------------|
| <b>Page 1</b> | <b>Q1</b>          | Application Details completed in full                     | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|               | <b>Q5</b>          | Legal Description   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|               | <b>Q9 &amp; 10</b> | Address for Service                                       | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|               | <b>Q11</b>         | Assessment of Environmental Effects                       | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|               | <b>All Pages</b>   | Check all questions answered and application fee provided | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**Guide for Applicants**

- Q2** Check that plans drawn to scale indicate:
- a) Site plan that identifies the property boundaries  Yes  No
  - b) Any other buildings (highlighting the proposed building)  Yes  No
  - c) Distances to boundaries  Yes  No
  - d) Vehicle entrance, turning circle, and on-site manoeuvring car parking and pedestrian access  Yes  No
  - e) Floor plan  Yes  No
  - f) Identification of topography  Yes  No
  - g) Identification of any natural features e.g. native bush, water course, wetlands etc.  Yes  No
  - h) Any proposed earthworks/ground re-contouring  Yes  No
  - i) Any relevant existing landscaping and proposed landscaping  Yes  No
- Q3** Elevation Drawings or if the building is being resited, photos  Yes  No
- Q4** Photographs  Yes  No
- Q5** Application fee as per Fees & Charges 2015/2016  Yes  No

**Note: If any criteria indicates "NO", the application may be incomplete**

**Planner's Assessment**

Is the application complete?

- Yes  No

DATE  
STAMP  
(If accepted as complete)

If incomplete the reasons are:

---

**Reference of Advice to Applicant**

Date: \_\_\_/\_\_\_/\_\_\_

Letter Reference: \_\_\_\_\_

**Payment Details: RC Lodgment Account**

Date Paid: \_\_\_/\_\_\_/\_\_\_

Receipt Number: \_\_\_\_\_



## Land Use Consent

### 1. Applicant Details

**First Name/s:** Western Bay of Plenty District Council \_\_\_\_\_  
 Contact: Kelvin Hill  
**Surname:** \_\_\_\_\_  
**Postal Address:** Private Bag 12803 \_\_\_\_\_  
 Tauranga 3143

### 2. Postal Address

Private Bag 12803 \_\_\_\_\_  
 Tauranga 3143

### 3. Contact Details

**Phone:** 07 571 8008 \_\_\_\_\_ **Mobile:** \_\_\_\_\_  
**Fax:** \_\_\_\_\_ **Email:** Kelvin.Hill@westernbay.govt.nz \_\_\_\_\_

### 4. Land Use Consent Application (Description of the activity)

Earthworks and establishment of erosion protection structure

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### 5. Property Details

See report & App B (various properties)

*Number* \_\_\_\_\_ *Road/Street* \_\_\_\_\_

### 6. Legal Description

See report & App B (various legal descriptions)

*Lot* \_\_\_\_\_ *DP95), SO or ML (Please State)* \_\_\_\_\_

### 7. Valuation Roll Number

\_\_\_\_\_

*From Rates Slip*

### 8. I am (Please tick that which is applicable)

The  Owner  Occupier  Lessee  Potential Owner  
 Agent Acting for Owner  Other See report



### 9. Owner Details

First Name/s: See report & App B (various owners)

Surname: \_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: \_\_\_\_\_

### 10. Address for Service of Agent (if not the applicant)

First Name/s: Reuben

Surname: Hansen

Postal Address: Tonkin & Taylor  
PO Box 317  
Tauranga 3140

Phone: 07 571 7381 Mobile: \_\_\_\_\_

Fax: \_\_\_\_\_ Email: RHansen@tonkintaylor.co.nz

(Note: It is mandatory to provide an accurate address for service and contact phone details)

### Applicant's Signature

.....  
 To be signed for or on b ..

ate: 20/12/2016  
 .....

### 11. Payment Details: (if not the applicant)

Name and address of person liable for application processing fees/refunds financial contributions (where applicable)

A minimum fee is payable on lodgement of all applications. In some cases, this will be the whole cost of the application. In other cases a further invoice will be issued at the time of the decision (s36 Resource Management Act).

#### i) Application processing fees (if not the applicant)

Name and address for accounts/refunds:

First Name/s in full: \_\_\_\_\_ Surname: \_\_\_\_\_

Postal Address \_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Signature of person responsible for the payment of any invoices associated with the process of this application:

Signature: ..... Date: .....



**ii) Financial contribution payments (if not the applicant)**

Name and address for financial contributions:

First Name/s in full: \_\_\_\_\_ Surname: \_\_\_\_\_

\_\_\_\_\_

Postal address \_\_\_\_\_

\_\_\_\_\_

Phone: ( ) \_\_\_\_\_ Mobile: \_\_\_\_\_

Fax: ( ) \_\_\_\_\_ Email: \_\_\_\_\_

Signature of person responsible for the payment of any invoices associated with the process of this application:

Signature: ..... Date: .....

**Note:** Some applications will be charged a financial contribution or incur additional processing fees. In these circumstances the name and address of the person responsible for the **payment** of the financial contribution or further invoices **must** be included, and their signature provided in this section of the application form. Please note that by signing section 10(i) of this application form you are agreeing to be responsible for payment of invoices, and by signing section 10(ii), for the payment of any financial contribution that may validly be charged. In addition to meeting the costs of any financial contribution and/or other invoices you will be liable to pay all costs and expenses of debt recovery and/or legal costs incurred by the Council of and incidental to enforcement of any debt.



# Land Use Consent

## Assessment of Environmental Effects (AEE)

It is **mandatory** to complete this section of the application form. Please complete on another page if you require more room.

### 11. Draft Conditions

I confirm I wish to see the draft conditions for my comment before the resource consent decision is granted.  
I agree to the extension of timeframes under Section 37 of the Resource Management Act 1991.  
I allow this to occur.

Yes       No (please tick box)

### 12. Full Description of Proposal

See report

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### 13. District Plan Zones/District Plan Rules

Which District Plan Zone are you in and which District Plan Rule can you not comply with?

See report

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### 14. Rule Compliance/Alternatives

Why can you not comply with this Rule and what alternatives have you considered so you wouldn't have to apply for a resource consent?

See report

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**15. Environmental Effects**

What are the environmental effects of not complying with this rule? Please describe the effects and whether you consider them to be minor or not. You may like to continue on another piece of paper.

See report

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**16. Lessening the Environmental Effects**

What are the ways you can avoid, remedy or lessen (mitigate) the environmental effects identified in Q.14?

See report

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**17. Consents of Affected Parties**

Have you provided the written consent of neighbours and other affected parties?

Yes  No

If yes, please list the persons giving their consent

See report

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If not, why not?

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If yes, please note any comments or statements that they made that will assist us in processing your application. Also please attach a list of affected parties and if possible a note on each as to why you deem them to be affected.

See report

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**18. Your business or activity** N/A

In the case of a Place of Assembly, what is the total number you propose to cater for? \_\_\_\_\_

What is the total number of people to be employed by your business? \_\_\_\_\_

What hours will these people be working? \_\_\_\_\_

What are your intended hours of operation? \_\_\_\_\_

In the case of Intensive Farming Activities, how many animals/poultry do you intend to accommodate? \_\_\_\_\_

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**19. Noise Assessment**

Please provide an assessment of the noise generated. This should tell us what sort of noise you will be generating, what is going to be generating that noise, what is the level of that noise (actual figures if possible dBA) and what hours will this noise be generated.

See report

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**20. Traffic Assessment**

Please provide an assessment of the traffic that is going to be generated by this activity. This should tell us the number of traffic movements (including staff), how access to the site is proposed, what sort of vehicles will be making those traffic movements and what hours these traffic movements are intended to be.

*[Note: If you have access to the State Highway, please discuss your proposal with New Zealand Transport Agency]*

See report

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File ref:

	SEEN		SEEN

Office Use Only

Telephone: 0800 884 880

Facsimile: 0800 884 882

Email: [info@boprc.govt.nz](mailto:info@boprc.govt.nz)

Website: [www.boprc.govt.nz](http://www.boprc.govt.nz)

Pollution Hotline: 0800 884 883

International: +64 7 922 3390

## Application for a Resource Consent – Resource Management Act 1991 (s.88)

### 1A Culverts, Bridges, Fords, Erosion, Protection, Pipes, and Associated Works

Before you make an application it is recommended that you talk or meet with a Consents Officer to discuss it. A Consents Officer may also be able to undertake a site visit to provide further advice. Noting that a pre-application service charge may apply.

If you would like to arrange this, please phone 0800 884 880.

If you are applying for more than one activity and you have already completed the basic details in Part 1 on another form, go straight to Part 2 of this form.

**See notes to Applicant (last pages of form) before proceeding with application form.**

Land and/or bed disturbing activities within and near water bodies may be subject to rules in the Regional Water and Land Plan and the Regional Coastal Environment Plan. In addition, gravel extraction activities are subject to the Regional Gravel Management Plan, and activities within the Tarawera River Catchment are subject to the Tarawera River Catchment Plan.

These plans can be found on our website <http://www.boprc.govt.nz/knowledge-centre/plans/>.

Reviewing and understanding the rules and assessment criteria applicable to your activity will assist you with preparation of your assessment of environmental effects.

Which rules of the above plan(s) are applicable for your activity?

- Rule 71 for placement and use of an erosion protection structure along the banks and within the bed of the creek (discretionary activity).
- Rule 37 for the temporary discharge of sediment laden stormwater to the creek during the construction period (discretionary activity).
- Rule 1C to undertake earthworks in the Riparian Management zone (discretionary activity).
- Rule 48 to temporarily dam and/or divert the creek, as part of temporary works to construct the erosion protection structure (discretionary activity).



What is the activity status of your consent application?

- Controlled  
 Restricted Discretionary  
 Discretionary

If you need assistance determining which rules and activity status are applicable for your activity please call 0800 884 880 and ask to speak to the duty Consents Officer for guidance.

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Under Section 88 of the Resource Management Act 1991, the undersigned makes this application for resource consent(s).

## PART 1

### 1 Full name of applicant(s) *(the name that will be on the consent)*

Surname:

First names:

**OR**

If the application is being made on behalf of a trust, the Trustees must be named.

Trust name:

Trustees' name:

**OR**

Company name: Western Bay of Plenty District Council

Contact person: Kelvin Hill

Postal address: Private Bag 12803, Tauranga 3143

Telephone *(please tick preferred contact number)*

Residential ( )  Business (07) 571 8008

Cell ( )

Facsimile

Email

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### 2 Details of consultant *(or other person authorised to make application on behalf of applicant)*

Company name: Tonkin and Taylor

Contact person: Reuben Hansen

Postal address: PO Box 317

Tauranga 3140

Telephone *(please tick preferred contact number)* Residential ( )  Business (07) 571 7381 Cell ( )

Facsimile

Email RHansen@tonkintaylor.co.nz

All correspondence, including invoices for charges, relating to this application(s) should be sent to:

 Consultant

Preferred method of contact:

 Email  Post**3 Name and address of owner/occupier (of the site relating to application)**

Owner: See report

Postal address:

 Residential ( )  Business ( )

Occupier:

Postal address:

 Residential ( )  Business ( )**Please note:** If the applicant is not the owner of the land to which the activity relates, then it is good practice to submit the application with written approval from the landowner.**4 Consent(s) being applied for from Bay of Plenty Regional Council**

- (a) You will need to fill in a separate form for each of the activities you propose to undertake. You may also need consent for one or more of the following.

**Land Use**

- Form 1A Culverts, Bridges, Fords, Erosion Protection, Pipes and Associated Works
- Form 1B Disturbance In or Around a Water Body (e.g. diversion, dredging, wetland disturbance, grave extraction)
- Form 1C Lake Structures (*new and existing*)
- Form 2A Land Disturbing Activities (*e.g. earthworks and quarrying*)
- Form 2B Land Disturbing Activities (*forest harvesting/vegetation clearance*)

**Discharge (including coastal)**

- Form 3A Onsite Effluent Discharge
- Form 3B Discharge Farm Dairy Effluent
- Form 3C Land Use Activities in the Catchments of Lake Ōkāreka, Rotoehu, Ōkaro, Rotorua and Rotoiti
- Form 4A Discharge Stormwater to Water and/or Land from Urban Residential, Rural
- Form 4B Industrial Discharges to Water or Land (*including stormwater*)
- Form 4C Discharge Contaminants to Air

**Water (including coastal)**

- Form 5A Water Permit Application (s.14) – Take Surface Water (*includes intake structure (s.13)*)
- Form 5B Water Permit Application (s.14) – Take Groundwater
- Form 5C Dam Water
- Form 5D Divert Water
- Form 6A Geothermal Take and Discharge – Domestic and Light Commercial/Industrial

**Coastal (see point 4 of Notes to Applicant for explanation of the Coastal Marine Area)**

- Form 7A Application for Consent for Coastal Structures (*including associated occupation and disturbance*)
- Form 7B Application to Disturb Coastal Marine Area (*no structure*)

(b) In which district is the activity located?

- |  |  |
|--|--|
| <input type="checkbox"/> Whakatāne District                        | <input type="checkbox"/> Ōpōtiki District  |
| <input type="checkbox"/> Rotorua District                          | <input type="checkbox"/> Kawerau District  |
| <input checked="" type="checkbox"/> Western Bay of Plenty District | <input type="checkbox"/> Tauranga District |
| <input type="checkbox"/> Taupō District                            |  |

(c) Is this application to replace an existing or expired consent(s)?  Yes  No

If Yes, please state the consent number(s)

(d) What rule under which plan is the activity applied for? Refer to <http://www.boprc.govt.nz/knowledge-centre/plans/> for the regional plans.

See report

(e) Please specify the duration sought for your consent(s).

35 years

Start date

Completion date *(if applicable)*

- (f) Do you also require resource consent(s) from a district council?  Yes  No

Type of consent required- Earthworks and establishment and use of the structure

Has it been applied for?  Yes  No

Has it been granted? *(If Yes, please attach)*  Yes  No

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## 5 Location description of activity

Site address - Various, see table annexed to report at Appendix B.

Legal description *(legal description can be obtained from your Certificate of Title, valuation notice, or rate demand)*

Various, see table annexed to report at Appendix B.

Map reference NZTM, *(if known)*

Downstream extent of structure: 1860621 E, 5855383 N

Upstream extent of structure: 1860233 E, 5855578 N

Name of water body – 2 Mile Creek

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## PART 2

### 1 Description of activity *(tick all that apply)*

- Erect, reconstruct, place, alter, extend, remove, or demolish any structure or part of any structure in, on, under, or over the bed of a stream or river.
- Excavate, drill, tunnel, or otherwise disturb the bed of a stream or river.
- Deposit any substance in, on, or under the bed of a stream or river.
- Reclaim or drain the bed of a stream or river.
- Wetland disturbance.
- Other *(please specify)* Temporary discharge of sediment laden stormwater to the creek during construction, temporarily dam and/or divert the creek as part of temporary works to construct structure, undertake earthworks in the riparian management zone.

#### 1.1 Please describe the proposed activity.

Purpose of activity	See report
Materials to be used	See report
Duration and timing of works	See report
Volume of extraction	See report
Machinery to be used	See report
Access to site	See report

1.2 For all activities, please provide:

- (a) A site plan showing location of works in relation to property boundaries.

*If you do not have access to mapping software, we recommend you use the regional mapping system available on our website ([www.boprc.govt.nz](http://www.boprc.govt.nz) keywords 'regional mapping'). The mapping system includes property boundary and contour layers, and allows you to carry out a property search, and view and/or print topographic maps or aerial photography.*

See report

To support your application, please include a catchment analysis and sizing assessment, undertaken by an engineer, showing how your design meets the standards outlined in our Hydrological and Hydraulic Guidelines, or why they are not relevant. For bridges and culverts, refer to tables 4.1 and 4.2 from the Hydrological and Hydraulic Guidelines, shown below, for catchment analysis and sizing. For all other works, refer to the Hydrological and Hydraulic Guidelines, which are available on our website [www.boprc.govt.nz](http://www.boprc.govt.nz) keyword 'guidelines'. If you are unsure whether you need engineering assessment, please contact a Bay of Plenty Regional Council Consents Officer.

**Hydrological and Hydraulic Guidelines Table 4.1**

Road type	Definition
Major road	Either: (a) A state highway, or (b) Within 1 km of any urban area or settlement, or (c) Carrying more than 750 vehicles per day.
Rural road	Any other road except as described below.
Remote road	Public or private roads accessing property that does not have dwellings <u>and</u> which cross a waterway with a contribution catchment of less than 50 km <sup>2</sup> .
Access tracks	Rural roads that cross a waterway with a contributing catchment of less than 100 ha.

**Hydrological and Hydraulic Guidelines Table 4.2**

Road type	Bridge standard	Culvert standard
Major road	Passage of the 100-year return period flood with minimum clearance of 0.6 m normally, but with up to 1.2 m where large trees can be transported in the river.	<ul style="list-style-type: none"> <li>• Passage of the 100-year return period flood by heading up to a maximum 0.5 m below the road surface, and</li> <li>• Passage of the 10-year flood without heading up.</li> </ul>
Rural road	Passage of the 50-year return period flood with a minimum clearance of 0.6 m.	<ul style="list-style-type: none"> <li>• Passage of the 50-year return period flood by overtopping the embankment to a maximum depth of 0.2 m, and</li> <li>• Passage of the 2-year return period flood with no heading up.</li> </ul>
Remote road	Passage of the 20-year return period flood with a minimum clearance of 0.3 m.	<ul style="list-style-type: none"> <li>• Passage of the 20-year return flood with no freeboard, and</li> <li>• Passage of the 2-year return period flood with no heading up.</li> </ul>

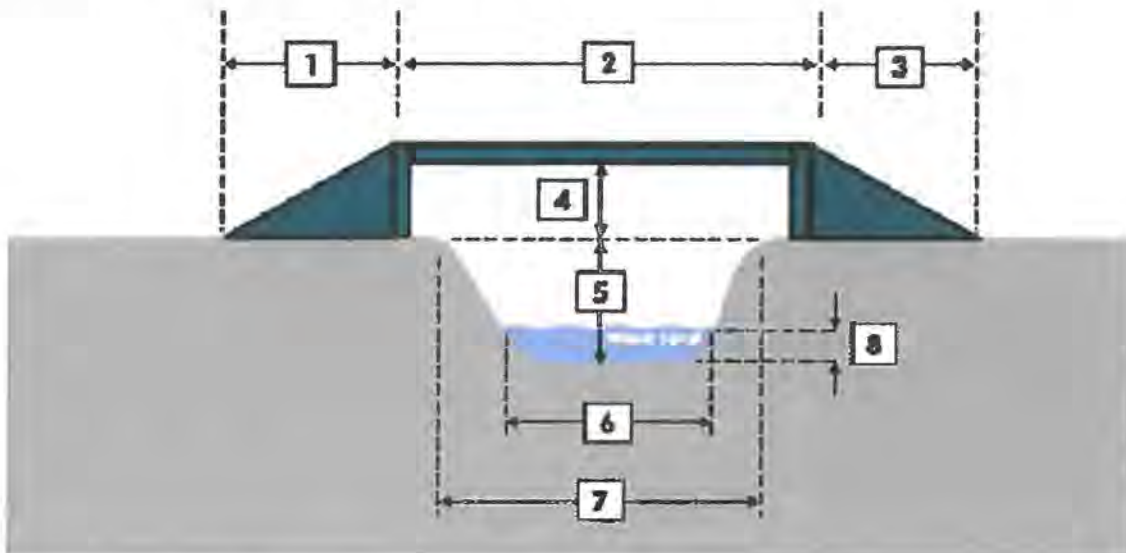
Access track	Passage of the 10-year return period flood with a minimum clearance of 0.3 m.	<ul style="list-style-type: none"> <li>• Passage of the 10-year return period flood by heading up to a maximum 0.3 m below road level.</li> </ul>
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## 2 Bridge construction, placement, and use

Location of bridge abutments:

- Outside banks of waterway    
  Inside banks of waterway    
  In bed of waterway

Please fill in the dimensions shown in the list below.



- |   |   |  |   |   |
|---|---|--|---|---|
| 1 Length of bridge approach                             | m |  | 5 Height of natural ground level above stream bed | m |
| 2 Length of bridge                                      | m |  | 6 Bed width of stream channel                     | m |
| 3 Length of bridge approach                             | m |  | 7 Top width of stream channel                     | m |
| 4 Height of bridge underside above natural ground level | m |  | 8 Average depth of water in the stream            | m |

If there is to be a spillway, please indicates its dimensions:

Depth of spillway m     Width of spillway m

## 3 Culvert construction and use

What is the proposed culvert made of (e.g. concrete, pvc)?

Length of culvert m

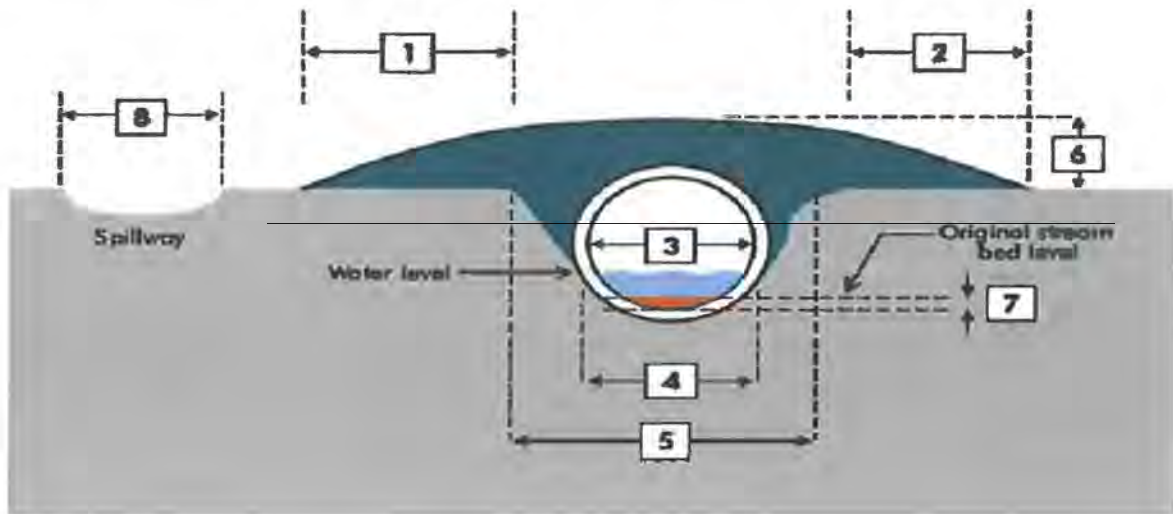
Number of sections of culvert pipe

Gradient at which culvert will be laid in the stream bed

Surface material of spillway (e.g. rock, grass, geotextile)

Proposed fill material

Please fill in the dimensions shown on the diagram in the list below. If the culvert design is different from that shown below, please include a diagram showing all dimensions.



1	Length of culvert approach	m	5	Top width of original stream channel	m
2	Length of culvert approach	m	6	Depth of fill over culvert	m
3	Circular culvert diameter	m	7	Depth of culvert base below original stream bed level	m
	<b>OR</b> Box culvert		8	Spillway width	m
	Width	m			
	Height	m			
4	Bed width of original stream channel	m			

**5 Other in-stream works** (e.g. bank stabilisation, erosion protection features, retaining works, fords, pipes).

Please provide detailed structural plans, to scale, on good-quality paper of minimum A4 size, including:

- Dimensions.
- Length and width of the bed and banks that will be affected.

A concrete channel is proposed for erosion protection purposes. See section 3.2 of report.

**6 Description of site**

Describe the physical attributes of the site (e.g. topography, ecology, bed materials, wildlife habitats, recorded archaeological sites and other significant features). Council's Regional

Water and Land Plan includes schedules of some of the region's water bodies and their listed qualities. It would be useful to include photographs.

See report

## 6 Assessment of Environmental Effects (AEE)

Describe the actual and potential effects that the proposed activity could have on the environment.

- (a) Effects of immediate activity/construction (*e.g. disturbance of stream bed, sediment release, immediate vicinity*).

See report

- (b) Effects of the completed works or structure on the riverbed, both upstream and downstream, both in typical and extreme conditions (*e.g. flooding upstream and/or downstream, ongoing erosion*). Please provide an assessment and any supporting calculations.

See report

- (c) Effects on water quality (sedimentation effects, etc).

See report

- (d) Effects on fish passage (*e.g. perched culverts*), and proposed measures to avoid them (*e.g. burying culvert invert below streambed, fish ladders*).

See report

- (e) Any other effects (*refer to the Concrete Fact Sheet on our website [www.boprc.govt.nz](http://www.boprc.govt.nz) keywords 'fact sheets'*).

See report

- (f) During construction

*Refer to the Bay of Plenty Regional Council Erosion and Sediment Control Guidelines for further information.*

What methods or actions will be used to reduce or prevent any identified environmental effects and stabilise the exposed earth?

See report

Can the work area be isolated?

Yes  No

Can a temporary diversion be put in place?

Yes  No

- (g) Post construction

What methods or actions will be used to reduce or prevent any identified environmental effects after construction (*e.g. grassing and planting of fill batters, metalling of approaches, stabilisation of abutments by gabion baskets*)?

See report



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## 7 Alternative options

Describe any alternative options considered, and reasons why these are not proposed.

See report

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## 8 Monitoring

What, if any, monitoring do you propose to carry out?

See report

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## 9 Cultural effects

Please provide an assessment of the cultural effects associated with the activities you propose.

The Regional Council's Regional Policy Statement is clear that only tangata whenua can identify their relationship with an area. It is good practice to consult with tangata whenua in relation to your application so that you can provide the correct information to answer this question.

The Regional Council can provide a list of tangata whenua who have registered an interest in the site of your activity so that you can undertake the assessment. We can also provide other information e.g. access to iwi and hapū management plans, details about identified archaeological sites and details of any Statutory Acknowledgements relevant to the site. Please contact the Consents Team on 0800 884 880 to get more information.

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## 10 Persons likely to be affected

*Affected persons or parties may include neighbouring land owners and occupiers, and/or organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Eastern Region Fish and Game Council, relevant iwi and hapū and community groups.*

*If you do not think there will be affected parties, you do not need to fill out this section; however, the Bay of Plenty Regional Council will make the final assessment of whether a person or party is affected by your proposal, and it is recommended as best practice to consult with those persons.*

*In order for your application to be considered for **non-notification** you **must** gain written approval from all persons who may be affected by the proposal. The Bay of Plenty Regional Council can help you identify people/organisations that are likely to be affected, and the form 'Affected Person's Written Approval', which can be filled out by the affected party and attached to this application, can be found at [www.boprc.govt.nz](http://www.boprc.govt.nz) keywords 'resource consent forms'.*

Please provide details below of those you have identified as parties who may be affected. If you have discussed your proposal with any of these parties, please record any comments made by them and your response to them, and submit this with your application.

The land owners listed in App B, Tangata Whenua and DOC are considered to be potentially affected persons/parties. See report & written approvals.

Name

Address

Written approval supplied (*attached*).

Name

Address

Written approval supplied (*attached*).

Name

Address

Written approval supplied (*attached*).

Name

Address

Written approval supplied (*attached*).

[Continue on a separate sheet if necessary]

## 11 Extending timeframes

*The Resource Management Act 1991 (RMA) specifies timeframes for processing resource consent applications (e.g. 20 working days for a non-notified application); however these timeframes can be extended, if necessary, with the Applicant's agreement.*

Do you agree to the Bay of Plenty Regional Council extending RMA consent processing timeframes?

- Yes, provided that I can continue to exercise my existing consent until processing of this application is completed (*renewal application only*).
- Yes, provided that the extension is for the specific purpose of discussing and trying to agree on consent conditions.
- Yes, provided that the application process is completed before
- No.

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## 12 Deposit fee

A deposit fee of \$774.00, inclusive of GST, is payable with this application. This may be paid online, by cheque, or by eftpos at one the Regional Council's reception desks.

- Bay of Plenty Regional Council's bank account number is **06 0489 0094734 00**. Please use the Applicant's name as the reference. A GST invoice marked "PAID" will be issued on receipt of payment.
- An application will not be accepted as a complete application until the deposit fee has been paid. **Please note:** while we are happy to hold the forms in the meantime, the processing time will not start until payment is received.
- Additional charges are usually incurred, and will vary depending on the resources we use in the course of processing your application (*e.g. staff time*). Staff can give an estimate of expected costs. Please see the schedule of fees attached.

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## Checklist

The following information must be included in your application to ensure it is accepted.

If you have dealt with a staff member regarding your consent application, please provide their name here:

- ✓ Complete all details in this application form.
- ✓ Include an Assessment of Environmental Effects (AEE) of the activity, as set out in Schedule 4, summarised at the back of this form and Section 6.
- ✓ Supply written approval from all affected persons, if any, and/or summary of consultation carried out.
- ✓ Include a site plan.
- ✓ Sign and date the application form.
- ✓ Pay the required deposit.
- ✓ Include any other information you think relevant (*e.g. Certificate of Title, details from the Companies Register, etc.*)
- ✓ If your application is a large application, please submit an electric version on CD, and one hard copy.
- ✓ Assessment of cultural impacts (refer Section 9 of this form).

Please be aware any unchecked boxes may result in your application being returned under s.88.

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### Information privacy issues

The information you provide in this application is regarded as official information. It is required under the provisions of the Resource Management Act 1991 to process this application, and to assist in the management of the region's natural and physical resources.

The information will be held by Bay of Plenty Regional Council, Quay Street, Whakatāne. This information is subject to the provisions of the Local Government Official Information and Meetings Act 1987, and the Privacy Act 1993. The information you provide in this application will generally be available to the public. If there is any information that you would like to remain confidential please contact a Consents Officer to discuss.

Failure to provide this information will mean that Bay of Plenty Regional Council will be unable to process your application.

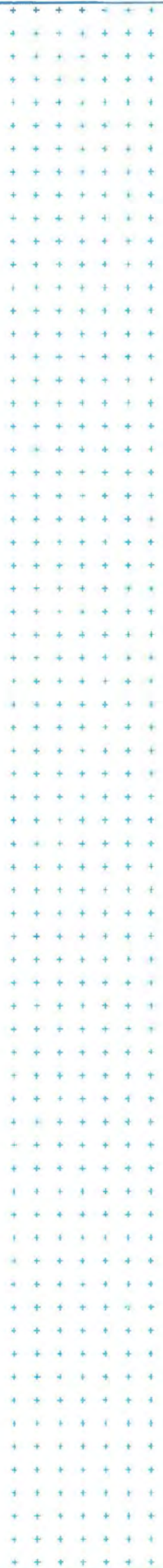
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- 1 I confirm that I have authority to sign on behalf of the party/ies named as the applicants for this consent.
- 2 I have read, and understand, all of the information contained on this application form, including the requirement to pay additional costs that will be itemised.
- 3 I confirm that all the information provided is true and correct and understand that any inaccurate information provided could result in my resource consent later being cancelled.



Signature .....

Date 21/12/20





iPLAN Ltd

PO Box 5325

Mount Maunganui 3150

www.i-plan.co.nz

31 January 2017

Western Bay of Plenty District Council  
 C/-Tonkin + Taylor Ltd  
 PO Box 317  
 Tauranga 317

VIA E-MAIL ONLY – [rhansen@tonkintaylor.co.nz](mailto:rhansen@tonkintaylor.co.nz)

Dear Ruben,

**RC10347 – 2 Mile Creek: Request for Further Information – Section 92 Resource Management Act 1991**

As discussed a preliminary assessment has been made of the above consent application and pursuant to Section 92 of the Resource Management Act 1991, on behalf of the Western Bay of Plenty District Council (the Council), please provide the following information relating to the application:

1. **Certificates of Title** – It appears that there are several certificates of title (CTs) missing from the application relating to properties affected by the proposal. These properties are identified as LOT 1 DPS 36047, LOT 1 DPS 59283 LOT 1 DPS 64631 LOT 136 DP 37325 LOT 2 DPS 64631 LOT 21 DP 37325 LOT 3 DPS 59283, LOT 4 DPS 59283, LOT 5 DP 328690, LOT 5 DPS 59283, LOT 6 DPS 59283. Please provide copies of these CTs and any consent notices (not otherwise identified below).
2. **Consent Notices** – Consent notices 6201695.2, 6404191.2, 6614512.4, 7139441.2 and 7648849.2 are identified on the certificates of title provided with the application. Please provide copies of these so their relevance (if any) to the application can be understood.
3. **Contaminated Land** – It is unclear from the application what level of investigation has been undertaken to determine that the subject site is not a 'piece of land'. Please provide a more detailed assessment of historical land uses on this basis – particularly in relation to the commercial properties affected by the activity.
4. **Written Approvals** – Whilst a number of written approvals have been provided with the application the following is noted:
  - i) None of the written approvals provide clarity around what is specifically being consented to. As such it is not clear whether these parties have a clear understanding of the proposal.
  - ii) Some of the written approvals do not include all the Council registered owners of those properties.
  - iii) There are a number of properties affected by the proposal where written approval has not been obtained.

As discussed the applicant's choice at this stage is to either request Council proceed to make a notification decision based on the application submitted (and subject to provision of additional information) or request that the application be publically notified.

5. **Designations** – It appears from the plans that the channel realignment will encroach into designations D188, D142, D143 and D144. These designations are identified as being for Service

Lane, Off Street Parking and Proposed Service Lane purposes in the District Plan. Please provide a site plan that identifies the extent of the proposed works in relation to these designation for the purpose of understanding any implications under s.176 of the RMA. Please also confirm what discussions have been held with the Council's relevant department, as requiring authority for these designations.

6. **Coffer Dams** – Please provide a site plan that identifies the likely location and footprint of the coffer dams.

7. **Construction Process** – Given the proximity of the works to adjoining properties this process has the potential to generate adverse character and amenity effects on adjoining properties. Please provide more details on likely construction times, construction noise and how it is proposed to manage the structural integrity of buildings in close proximity to the works.

8. **Construction Area** – Please confirm whether the full perimeter of the construction area will be fenced. If so please provide a site plan to identify the extent of the area to be fenced off, the construction staging area in Broadlands Block and the channel entry point.

9. **Backfill and contouring** – Please provide amended cross-section plans that show the proposed backfilling and re-contouring profile in relation to the concrete channel. These cross sections should also confirm the height of retaining walls where those are proposed.

10. **Rule 19.4.3(a) / 20.4.1(d)** – Please confirm whether the channel structure and any associated retaining walls trigger consent under these rules.

This information is required to enable the Council to better understand the proposal, the effects it will have on the environment, or ways in which the any adverse effects may be mitigated.

In accordance with S92A, within 15 working days of this letter please:

- a) Provide the information; or
- b) Confirm in writing that the applicant agrees to provide the information; or
- c) Confirm in writing that the applicant refuses to provide the information.

Pursuant to Section 92A(1) the Council must notify any application under Section 95(c) where either the information has not been provided or where the applicant has not confirmed or refused to provide the information within 15 working days of this letter.

Please note the Council will postpone the processing of the application until this time.

Yours faithfully



James Danby  
**Consultant Planner**  
 (on behalf of WBOPDC)

Western Bay of Plenty District Council  
 Private Bag 12803  
 Tauranga

Attention: James Danby

Dear James

## **Response to s 92 RMA Request for Further Information - RC 10347 - Two Mile Creek, Waihi Beach**

### **1 Introduction**

Thank you for your letter dated 31 January 2017 on behalf of Western Bay of Plenty District Council ("WBOPDC") requesting further information under s 92 of the Resource Management Act 1991 ("RMA") in relation to the above resource consent application. We provide a response to the numbered items and subjects contained within your letter below.

As a preliminary matter, the applicant wants to amend its application. The amended application encompasses the removal of approximately 150 m of the proposed concrete channel at the upstream end. We attach an updated set of drawings showing the amended extent of the proposed concrete channel. The main reason for amending the application is that written approvals from all adjoining landowners have not been able to be obtained, coupled with the erosion issue in this segment of Two Mile Creek being less significant.

For the sake of completeness, we enclose a copy of the Tonkin & Taylor Limited ("T+T") response to the Bay of Plenty Regional Council ("BOPRC") further information request.

### **2 Further information**

#### **2.1 Item 1 – Certificates of Title**

**Request:**

*It appears that there are several certificates of title (CTs) missing from the application relating to properties affected by the proposal. These properties are identified as LOT 1 DPS 36047, LOT 1 DPS 59283 LOT 1 DPS 64631 LOT 136 DP 37325 LOT 2 DPS 64631 LOT 21 DP 37325 LOT 3 DPS 59283, LOT 4 DPS 59283, LOT 5 DP 328690, LOT 5 DPS 59283, LOT 6 DPS 59283. Please provide copies of these CTs and any consent notices (not otherwise identified below).*

**Response:**

The majority of the properties where CT's have been requested do not have titles. Lot 1 DPS 64631-CT 55B/102, and Lot 21 DP 37325- CT 2A/1167 were sent through with the application, and have



been attached again for your reference. Lot 2 DPS 64631- CT 55B/103 and Lot 5 DP 328690- CT 117057 have now been obtained and are also attached. Table 2.1 below sets out further information pertaining property ownership and CT status.

**Table 2.1 – Property ownership details**

Address	Owner	Legal description	Certificate of Title	Included in amended proposal
No address	WBOPDC (local purpose reserve)	Lot 1 DPS 36047	No title	Yes
26 Wilson Road	NZ Police (public land police purposes)	Lot 1 DPS 59283	No title	Yes
22 Wilson Road	Donald Stuart and Shane Fell	Lot 1 DPS 64631	CT 55B/102 (attached)	Yes
No address	WBOPDC (unformed public road)	Lot 136 DP 37325	No title	No
24 Wilson Road	WBOPDC	Lot 2 DPS 64631	CT 55B/103 (attached)	Yes
38 Wilson Road	Threes Company 2004 Ltd	Lot 21 DP 37325	CT 2A/1167	No
No address	WBOPDC (local purpose reserve - service lane)	Lot 3 DPS 59283	No title	Yes
No address	WBOPDC (local purpose reserve - service lane)	Lot 4 DPS 59283	No title	Yes
50A Wilson Road	Brian, Maxine and Susan Love	Lot 5 DP 328690	CT 117057	No
No address	WBOPDC (local purpose reserve - drainage)	Lot 5 DPS 59283	No title	Yes
No address	WBOPDC (local purpose reserve - drainage)	Lot 6 DPS 59283	No title	Yes

## 2.2 Item 2 – Consent Notices

### Request:

*Consent notices 6201695.2, 6404191.2, 6614512.4, 7139441.2 and 7648849.2 are identified on the certificates of title provided with the application. Please provide copies of these so their relevance (if any) to the application can be understood.*

### Response:

Copies of the requested Consent Notices are attached.

### 2.3 Item 3 – Contaminated land

**Request:**

*It is unclear from the application what level of investigation has been undertaken to determine that the subject site is not a 'piece of land'. Please provide a more detailed assessment of historical land uses on this basis – particularly in relation to the commercial properties affected by the activity.*

**Response:**

We have searched the BOPRC's Hazardous Activities and Industries List (HAIL) register (Bay of Plenty Maps) and none of the land parcels subject to this application Resource Consent are notated as HAIL sites. Further, a search of historical aerial imagery has been undertaken and it appears that the land parcels subject to this application for Resource Consent have been used for residential housing and convenience retail activities since the early 1960's when they were first converted from coastal back dune.

The existing commercial activities located along Wilson Road and adjacent to the proposed concrete channel include a range of convenience retail activities. None of the existing commercial activities are listed on the HAIL list.

In summary, there is no evidence to suggest any of the historic or current activities occurring on the site were or are HAIL activities as defined by the Ministry for the Environment. Therefore, the subject site is not a "piece of land" under the *National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011* and no further investigation is considered to be required.

### 2.4 Item 4 – Written approvals

**Request:**

*Whilst a number of written approvals have been provided with the application the following is noted:*

- i) None of the written approvals provide clarity around what is specifically being consented to. As such it is not clear whether these parties have a clear understanding of the proposal.*
- ii) Some of the written approvals do not include all the Council registered owners of those properties.*
- iii) There are a number of properties affected by the proposal where written approval has not been obtained.*

*As discussed the applicant's choice at this stage is to either request Council proceed to make a notification decision based on the application submitted (and subject to provision of additional information) or request that the application be publically notified.*

**Response:**

The applicant has spent 3 years engaging with the landowners whose properties the proposed concrete channel will be sited on. Several community workshops and presentations with these landowners have also been held. Whilst some of the written approval forms have limited information provided in respect of what the owner(s) is providing approval to, the applicant can confirm the owner does have a clear understanding of the proposal.

As to all legal owners not being signatories on the written approval forms and/or written approval forms for specific properties not being provided, the applicant requests that notice of the application is served on these parties. This limited notification process is an appropriate mechanism to address the outstanding approvals and does not circumvent the need for the applicant to obtain the

necessary approvals under civil law to access private property to construct the proposed concrete channel on private land parcels.

## 2.5 Item 5 – Designations

### Request:

*It appears from the plans that the channel realignment will encroach into designations D188, D142, D143 and D144. These designations are identified as being for Service Lane, Off Street Parking and Proposed Service Lane purposes in the District Plan. Please provide a site plan that identifies the extent of the proposed works in relation to these designation for the purpose of understanding any implications under s.176 of the RMA. Please also confirm what discussions have been held with the Council's relevant department, as requiring authority for these designations.*

### Response:

We attach an updated set of drawings showing the amended extent of the proposed concrete channel with the various designation boundaries overlaid on them.

The applicant has discussed the proposed construction of the concrete channel on land owned by the WBOPDC property department. We attach an email from WBOPDC's Strategic Property Manager setting out their perspective on the proposal and its relationship to the designations.

## 2.6 Item 6 - Coffe dams

### Request:

*Please provide a site plan that identifies the likely location and footprint of the coffer dams.*

### Response:

As stated on Pages 6 and 7 of the Tonkin + Taylor AEE, a detailed design process and detailed Works Management Plan will be undertaken and developed following the approval of the Resource Consent application. Consequently, at this stage there is no further detail available relating to the proposed coffer dams.

## 2.7 Item 7 – Construction process

### Request:

*Given the proximity of the works to adjoining properties this process has the potential to generate adverse character and amenity effects on adjoining properties. Please provide more details on likely construction times, construction noise and how it is proposed to manage the structural integrity of buildings in close proximity to the works.*

### Response:

Similarly to the response to Item 7, the detailed Works Management Plan will, amongst other matters, address how the noise, dust and vibration effects associated with the construction of the proposed concrete channel on adjacent residential properties will be managed.

## 2.8 Item 8 – Construction area

### Request:

*Please confirm whether the full perimeter of the construction area will be fenced. If so please provide a site plan to identify the extent of the area to be fenced off, the construction staging area in Broadlands Block and the channel entry point.*

**Response:**

As stated on Page 7 of the Tonkin + Taylor AEE, the construction of the proposed concrete channel will be staged. Stage 3 of the indicative works methodology discusses peripheral erosion and sediment controls to be established for each stage. It is likely that construction fencing will be erected and disestablished for each as that stage commences and is completed. The likely location of a staging area will be in the Broadlands Block adjacent to 53 Edinburgh Street

**2.9 Item 9- Backfilling and contouring****Request:**

*Please provide amended cross-section plans that show the proposed backfilling and re-contouring profile in relation to the concrete channel. These cross sections should also confirm the height of retaining walls where those are proposed.*

**Response:**

As stated on Page 6 of the Tonkin + Taylor AEE:

*The final elevation and design of the crest of the structure will be confirmed through a future detailed design phase following the granting of Resource Consent. The detailed design phase will involve WBOPDC and owners agreeing on the requirements for earthworks to integrate the structure into the landform, maintain stormwater drainage (both for piped outfalls and for secondary flow paths) and the provision of a handrail/fence. The detailed design drawings will be submitted to the BOPRC and WBOPDC (as the consent authority) for approval prior to construction works commencing on site.*

Consequently, the information requested is not available at this time and will become available following the completion of the detailed design process. At this stage, no retaining walls are proposed for construction by the applicant.

**2.10 Item 10 – Rule 19.4.3(a) and 20.4.1(d) of the District Plan****Request:**

*Please confirm whether the channel structure and any associated retaining walls trigger consent under these rules.*

**Response:**

Rule 19.4.3(a) relates to commercial building design and therefore is not relevant to this application for Resource Consent.

Only Rule 20.4.1(d) (ii) is relevant this application for Resource Consent. The proposed concrete channel is considered to meet the definition of a “structure” provided in the District Plan. The proposed concrete channel will not be set back 7.5 m from the centre line of Two Mile Creek. Consequently, the proposed concrete channel requires restricted discretionary land use consent under Rule 20.3.3.

### 3 Applicability

This report has been prepared for the exclusive use of our client Western Bay of Plenty District Council, with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose, or by any person other than our client, without our prior written agreement.

Tonkin & Taylor Ltd

Environmental and Engineering Consultants

Report prepared by:



Reuben Hansen

Principal Environmental Manager/Planner

Authorised for Tonkin & Taylor Ltd by:



David Bouma

Project Director

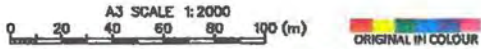
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**LEGEND**

- Property boundaries
- - - - - Editing Contour
- Top of bank
- - - - - Bottom of bank
- Fence line
- Well
- Edge of Building
- Extent of 7m wide channel
- Extent of FILL
- Extent of CUT



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DRAWN :	JJM	JA 17
DESIGN CHECKED :	RJM	02/18
DRAWING CHECKED :	RJM	02/18
DATEFILE :	851969_302-10.dwg	
APPROVED :		
<b>NOT FOR CONSTRUCTION</b>		
0 Consent Issue	RH	9/18
REVISION DESCRIPTION	BY	DATE

NOTES :

1. Topographical survey provided by Lyaght Consultants Ltd
2. Survey in terms of NZTM and reduced levels in Motariki Datum.
3. Aerial photo supplied by Western Bay of Plenty District Council.
4. Final location of concrete channel to be confirmed through detailed design.

REFERENCE :



**Tonkin+Taylor**

Level 1, 525 Cameron Road, Tauranga  
 Tel. (07) 571 7360 Fax. (09) 307 0265  
 www.tonkintaylor.co.nz

**DRAWING STATUS: CONSENT ISSUE**

CLIENT PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**TWO MILE CREEK – WAIHI**

TITLE  
**CREEK BANK EROSION PROTECTION WORKS**  
**Site Plan**

SCALE (AS SHOWN)  
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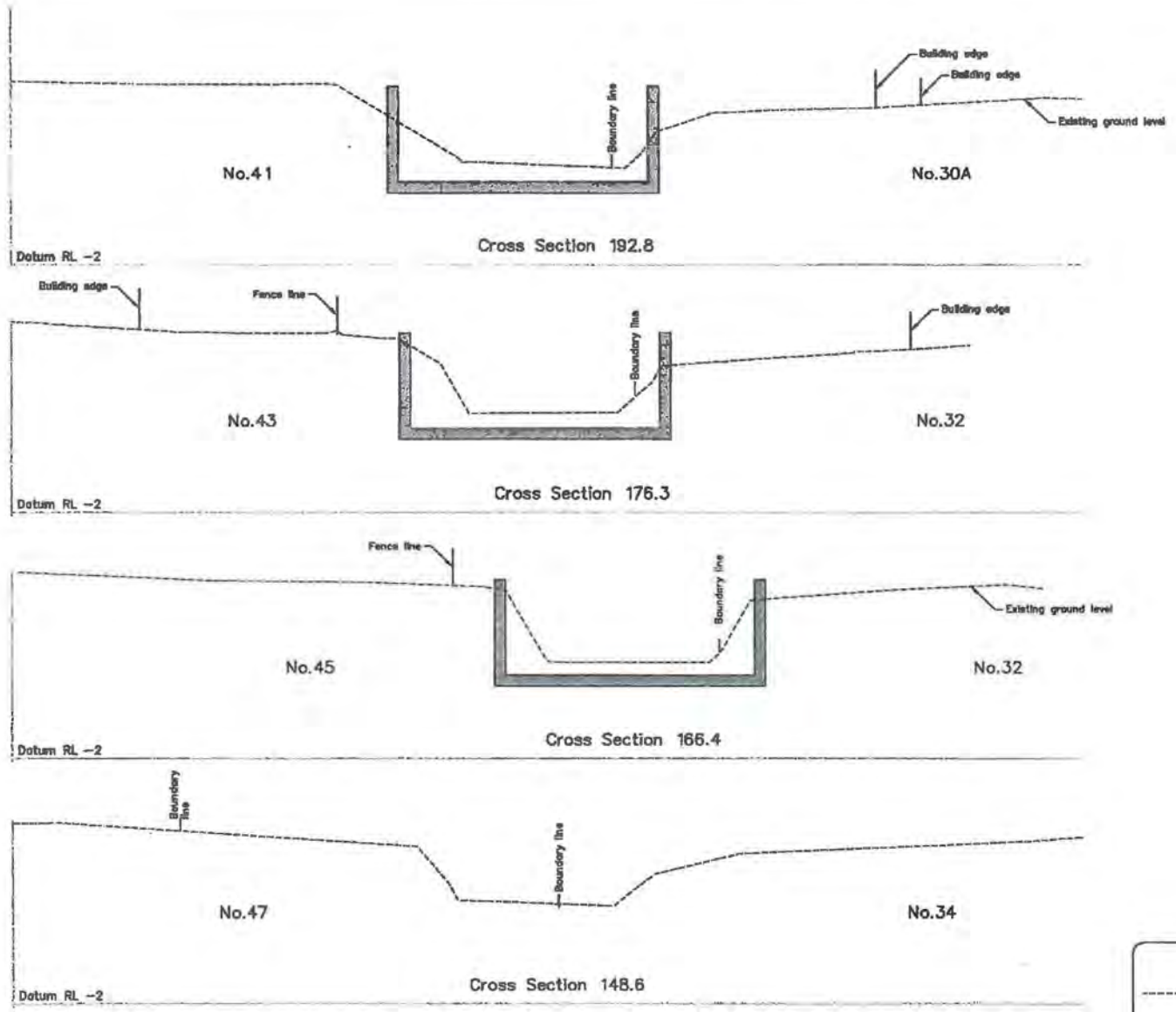
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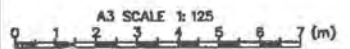




Edinburgh Street

Wilson Road

**LEGEND**  
 ----- Existing ground level



**NOTES:**  
 1. Levels in Terms of Mean Sea Level.  
 2. Final location of concrete channel to be confirmed through detailed design.  
 3. Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landscape and maintain stormwater drainage.  
 4. Appropriately designed handrails/fences may be required on top of concrete channel crest.

**DRAWING STATUS: CONSENT ISSUE**

**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
 TWO MILE CREEK - WAIHI

**CREEK BANK EROSION PROTECTION WORKS**  
 Cross Sections 148.6m to 192.8m

1:125 85 1969.302-32 1



Level 1, 525 Cameron Road, Tauranga  
 Tel. (07) 571 7360 Fax. (09) 307 0265  
 www.tonkintaylor.co.nz

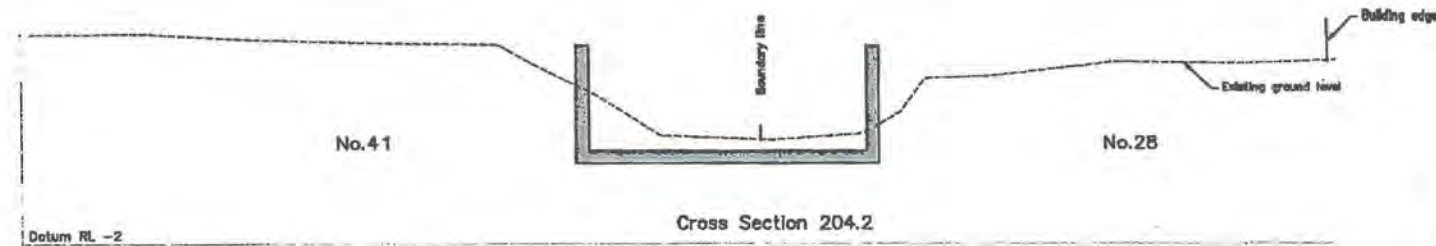
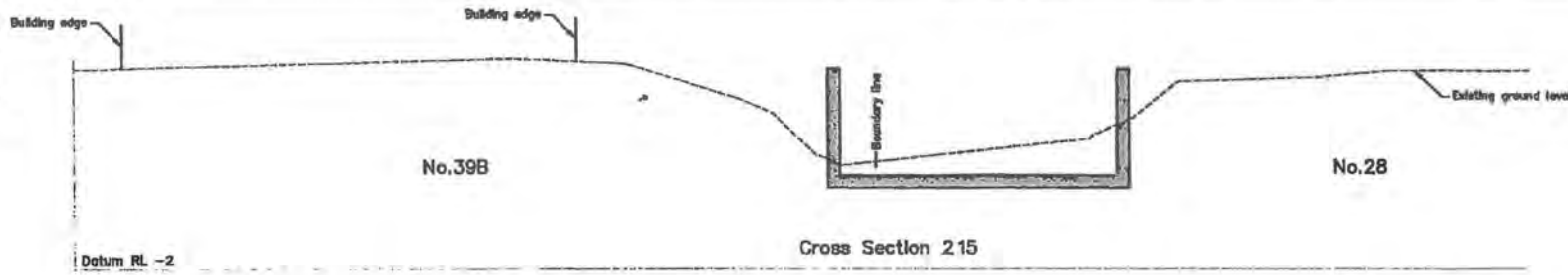
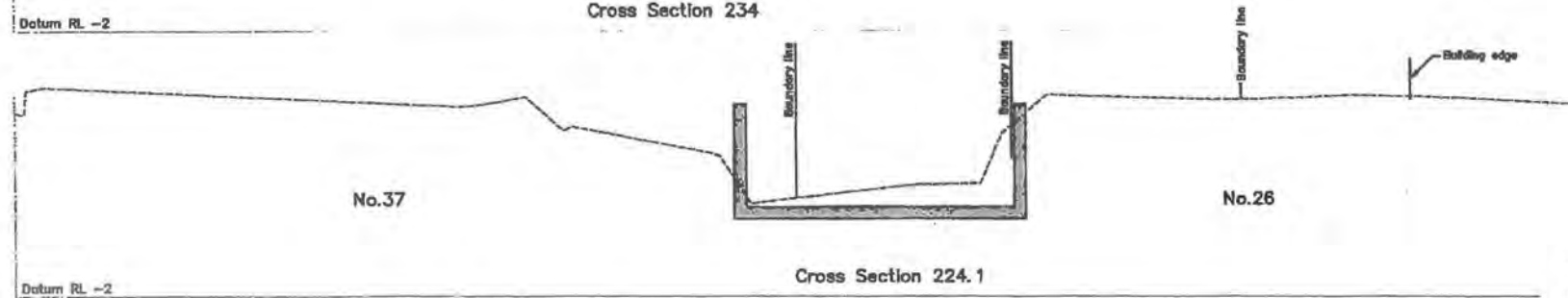
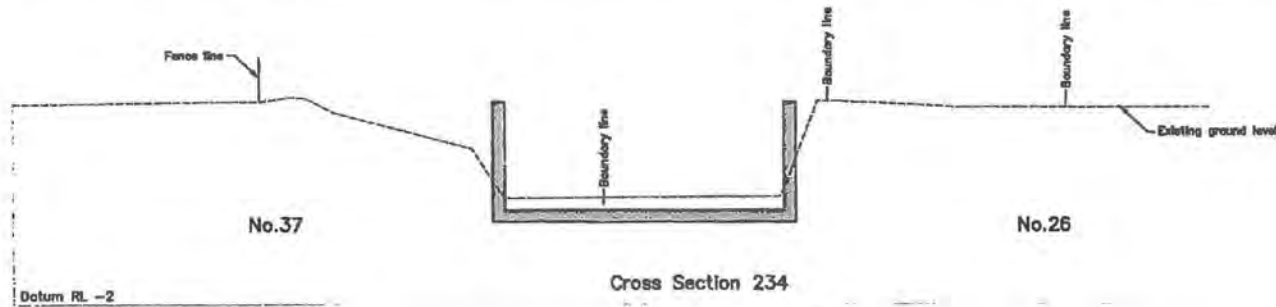
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CHECKED :	RJA	14.17
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REVISION DESCRIPTION	BY	DATE
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Edinburgh Street

Wilson Road



**LEGEND**

----- Existing ground level

A3 SCALE 1: 125  
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- NOTES:**
- Levels in Terms of Moturua Datum.
  - Final location of concrete channel to be confirmed through detailed design.
  - Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landform and maintain stormwater drainage.
  - Appropriately designed handrail/fence may be required on top of concrete channel crest.

**NOT FOR CONSTRUCTION**

DESIGNED :	NSP	App. 16
DRAWN :	JEM	App. 16
DESIGN CHECKED :	WSE	App. 16
ENGINEER CHECKED :	WSE	App. 16
DRAWN BY :	WSE	App. 16
CHECKED BY :	WSE	App. 16
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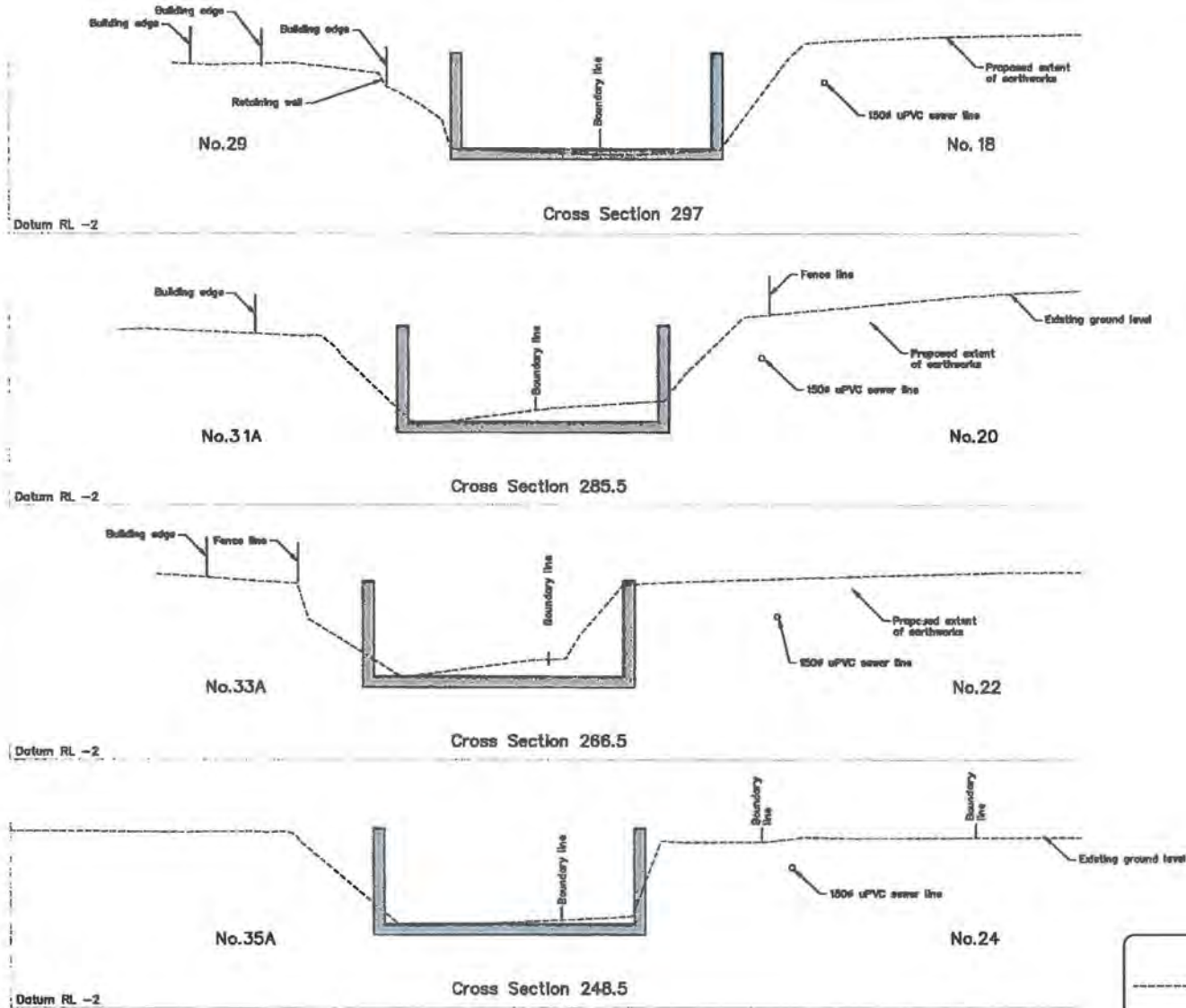


**T+T Tonkin+Taylor**  
 Level 1, 525 Cameron Road, Tauranga  
 Tel. (07) 571 7360 Fax. (09) 307 0265  
 www.tonkintaylor.co.nz

**DRAWING STATUS: CONSENT ISSUE**

CLIENT PROJECT :	WESTERN BAY OF PLENTY DISTRICT COUNCIL
TITLE :	TWO MILE CREEK - WAIHI
DESCRIPTION :	CREEK BANK EROSION PROTECTION WORKS
CROSS SECTIONS :	Cross Sections 204.2m to 234.0m
SCALE (AS SHOWN) :	1: 125
DWG. NO. :	85 1969.302-33
REV. :	0

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Edinburgh Street

Wilson Road

LEGEND	
-----	Existing ground level



- NOTES:**
- Levels in terms of Moturiki Datum.
  - Final location of concrete channel to be confirmed through detailed design.
  - Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landscape and maintain erosionwater drainage.
  - Appropriately designed handrail/fence may be required on top of concrete channel crest.

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DRAWN :	JDM	Top 10
CHECKED :	DAE	Top 10
DATE :	2/12/15	
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This drawing is not to be used for construction purposes unless signed as approved.		
DATE :	2/12/15	



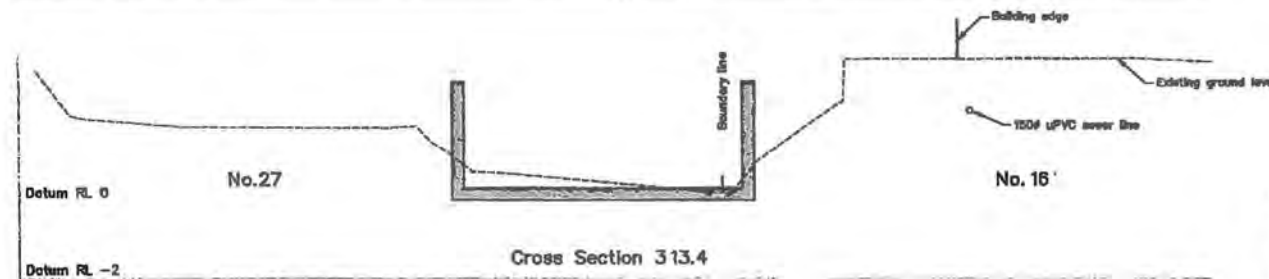
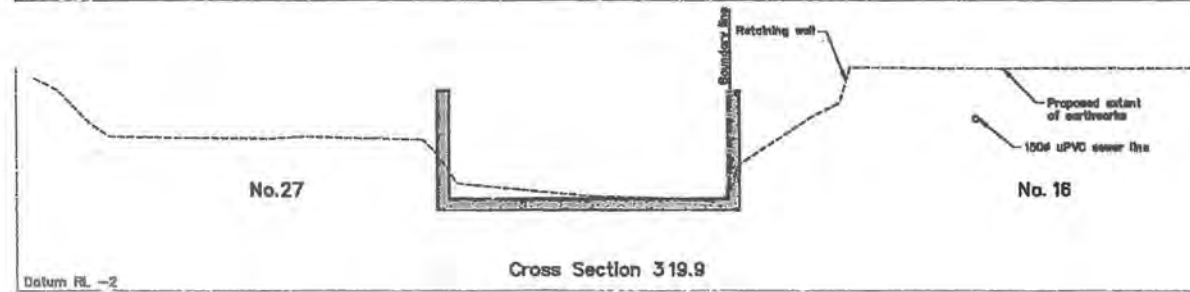
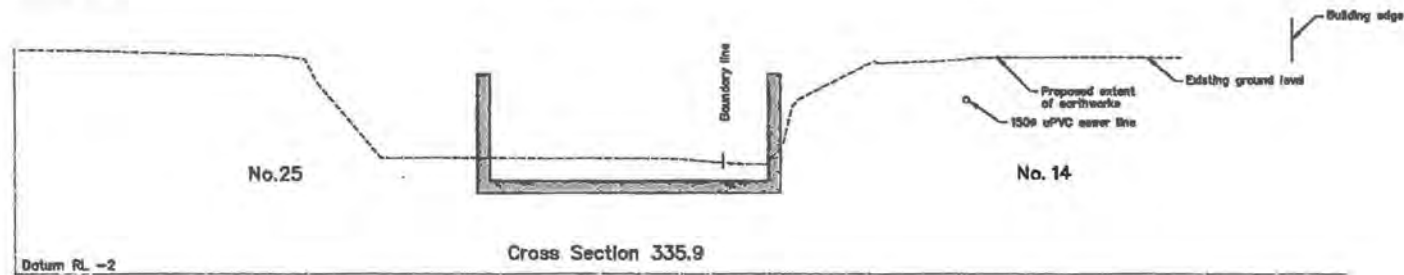
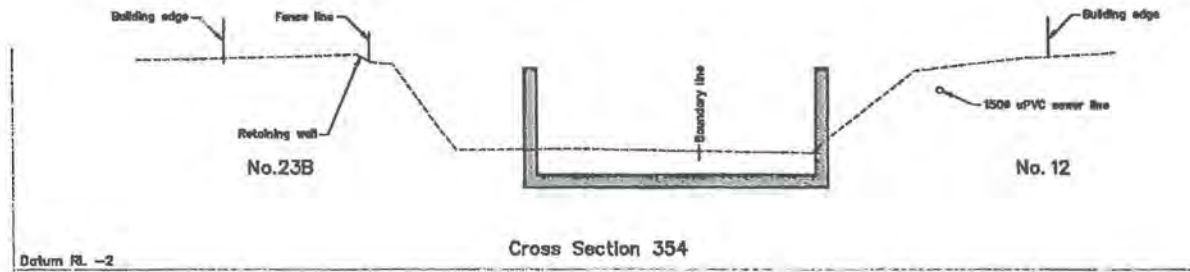
**Tonkin+Taylor**  
 Level 1, 525 Cameron Road, Tauranga  
 Tel. (07) 571 7360 Fax. (09) 307 0265  
 www.tonkintaylor.co.nz

DRAWING STATUS: CONSENT ISSUE	
CLIENT PROJECT WESTERN BAY OF PLENTY DISTRICT COUNCIL TWO MILE CREEK - WAIHI	
TITLE CREEK BANK EROSION PROTECTION WORKS Cross Sections 245.5m to 297.0m	
SCALE (IF AS SHOWN) 1:125	REV. NO. 851969_302-34 REV. 0

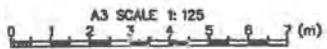
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Edinburgh Street

Wilson Road



**LEGEND**  
 - - - - - Existing ground level



**NOTES:**  
 1. Levels in Terms of Mean Sea Level.  
 2. Final location of concrete channel to be confirmed through detailed design.  
 3. Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landscape and maintain stormwater drainage.  
 4. Appropriately designed handrail/fence may be required on top of concrete channel crest.

DESIGNED :	MSP	Aug 15
DRAWN :	JEM	Aug 15
CHECKED :	PCW	Aug 16
DATE :	851969-302-30_36.dwg	

**NOT FOR CONSTRUCTION**  
 This drawing is not to be used for construction purposes without approval of the Council.



**Tonkin+Taylor**  
 Level 1, 525 Cameron Road, Tauranga  
 Tel. (07) 571 7360 Fax. (09) 307 0265  
 www.tonkintaylor.co.nz

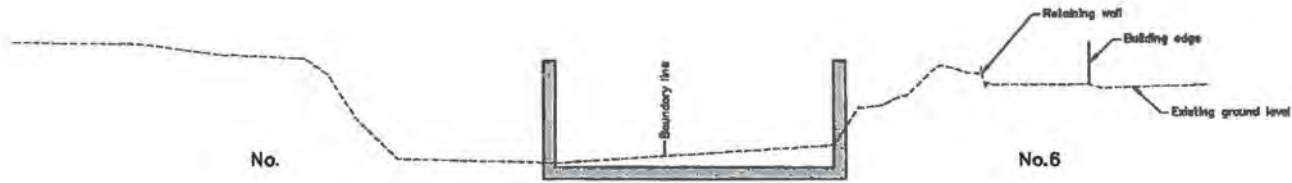
**DRAWING STATUS: CONSENT ISSUE**  
 WESTERN BAY OF PLENTY DISTRICT COUNCIL  
 TWO MILE CREEK - WAIHI  
 CREEK BANK EROSION PROTECTION WORKS  
 Cross Sections 313.4m to 354.0m  
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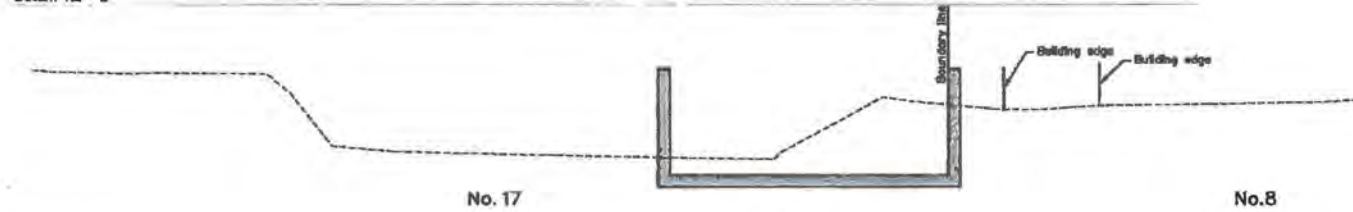
Edinburgh Street

Wilson Road



Dotum RL -2

Cross Section 419



Dotum RL -2

Cross Section 397.1



Dotum RL -2

Cross Section 378.5

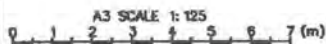


Dotum RL -2

Cross Section 364.5

**LEGEND**

----- Existing ground level



**NOTES:**

- Levels in Terms of Moturūi Datum.
- Final location of concrete channel to be confirmed through detailed design.
- Crest height of concrete channel indicative only. Crest height may vary along creek bank due to requirements for earthworks to integrate structure into landform and maintain stormwater drainage.
- Appropriately designed handrail/fence may be required on top of concrete channel crest.

**NOT FOR CONSTRUCTION**

This drawing is not to be used for construction.

DATE: 30/08/2016

DESIGNED :	MSP	DATE:	30/08/16
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DATE:	851969_302_30_36.dwg		
PROJECT :	CREEK BANK EROSION PROTECTION WORKS		
CLIENT :	WESTERN BAY OF PLENTY DISTRICT COUNCIL		
DATE:	30/08/2016		
BY :	MSP		
DATE:	30/08/2016		

Western Bay of Plenty District Council

**Tonkin+Taylor**

Level 1, 525 Cameron Road, Tauranga  
Tel. (07) 571 7360 Fax. (09) 307 0265  
www.tonkintaylor.co.nz

**DRAWING STATUS: CONSENT ISSUE**

CLIENT PROJECT  
**WESTERN BAY OF PLENTY DISTRICT COUNCIL**  
**TWO MILE CREEK – WAIHI**

TITLE  
**CREEK BANK EROSION PROTECTION WORKS**  
**Cross Sections 364.5m to 419.0m**

SCALE (SEE TITLE)  
1: 125

DWG. NO.  
85 1969.302-36

REV.  
0



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** 117057  
**Land Registration District** South Auckland  
**Date Issued** 03 November 2004

**Prior References**  
SA37D/128

---

**Estate** Fee Simple  
**Area** 556 square metres more or less  
**Legal Description** Lot 5 Deposited Plan 328690

**Proprietors**  
Brian Anthony Love and Maxine Lorna Love as to a 1/2 share  
Susan Mary Love as to a 1/2 share

---

**Interests**

6201695.2 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 3.11.2004 at 9:00 am

Appurtenant hereto is a right of way, right to convey electricity and telecommunications and right to drain water created by Easement Instrument 6201695.4 - 3.11.2004 at 9:00 am

The easements created by Easement Instrument 6201695.4 are subject to Section 243 (a) Resource Management Act 1991

Subject to a right (in gross) to drain and discharge water over part marked I on DP 328690 in favour of Western Bay of Plenty District Council created by Transfer 6201695.5 - 3.11.2004 at 9:00 am

The easements created by Transfer 6201695.5 are subject to Section 243 (a) Resource Management Act 1991





**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA2A/1167  
**Land Registration District** South Auckland  
**Date Issued** 05 July 1963

**Prior References**  
SA979/203

---

**Estate** Fee Simple  
**Area** 845 square metres more or less  
**Legal Description** Lot 21 Deposited Plan 37325

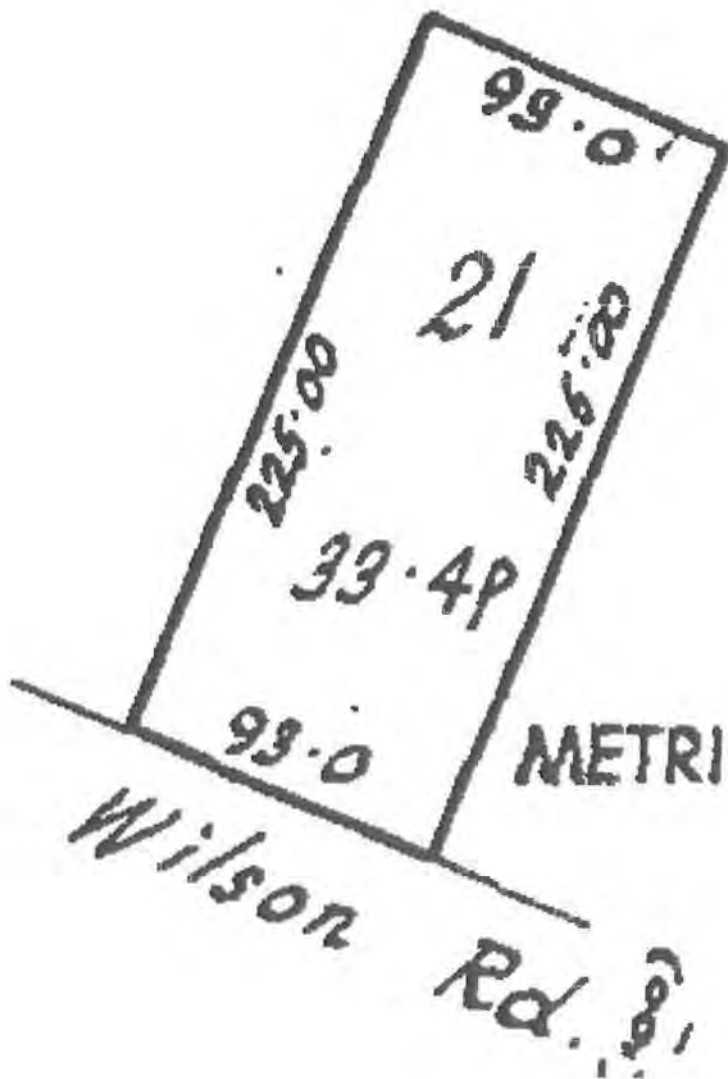
**Proprietors**  
Threes Company 2004 Limited

---

**Interests**  
7678132.2 Mortgage to ASB Bank Limited - 22.1.2008 at 9:49 am



111 Waihi North S.D



METRIC AREA IS .....



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

R. W. Muir  
Registrar-General  
of Land

**Identifier** SA55B/102  
**Land Registration District** South Auckland  
**Date Issued** 31 August 1994

**Prior References**

SA49A/211 SA995/160

---

**Estate** Fee Simple  
**Area** 848 square metres more or less  
**Legal Description** Lot 29 Deposited Plan 37325 and Lot 1  
Deposited Plan South Auckland 64631

**Proprietors**

Donald McNaughton Stuart and Shane Richard Fell

**Interests**

Subject to Section 241 Resource Management Act 1991

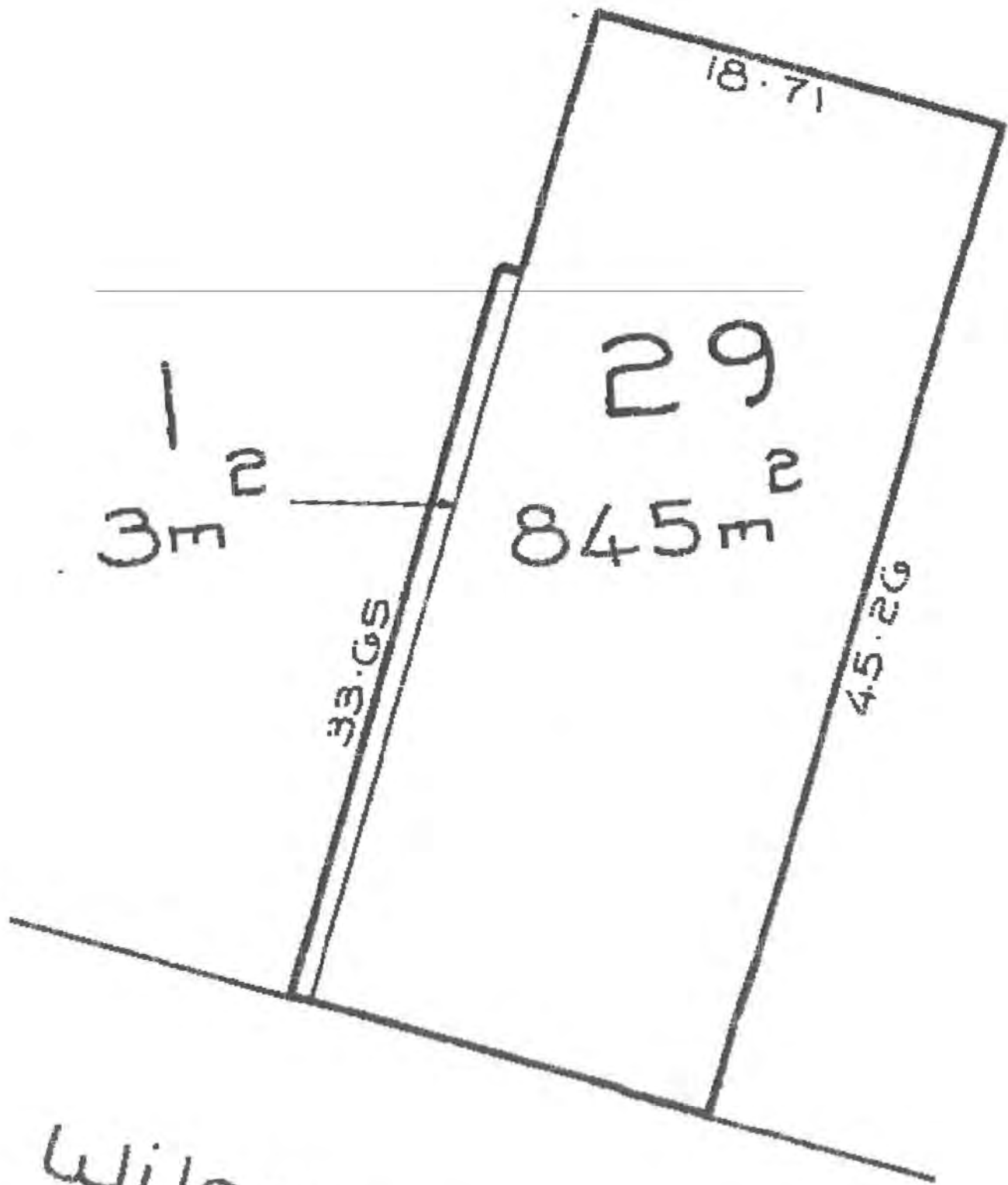
Subject to Section 27B State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of any such recommendation) (affects Lot 1 DPS 64631)

Subject to Section 8 Mining Act 1971 (affects Lot 1 DPS 64631)

Subject to Part IV A Conservation Act 1987 (affects Lot 1 DPS 64631)

9354774.3 Mortgage to ANZ Bank New Zealand Limited - 19.6.2013 at 8:44 am

9803893.1 CERTIFICATE PURSUANT TO SECTION 77 BUILDING ACT 2004 THAT THIS COMPUTER REGISTER IS SUBJECT TO THE CONDITION IMPOSED UNDER SECTION 75(2) (ALSO AFFECTS SA1705/23 )  
- 6.8.2014 at 12:43 pm



Wilson Road (e)



**COMPUTER FREEHOLD REGISTER  
UNDER LAND TRANSFER ACT 1952**



Search Copy

*R. W. Muir*  
Registrar-General  
of Land

**Identifier** SA55B/103  
**Land Registration District** South Auckland  
**Date Issued** 31 August 1994

**Prior References**  
SA49A/211

---

**Estate** Fee Simple  
**Area** 626 square metres more or less  
**Legal Description** Lot 2 Deposited Plan South Auckland  
64631

**Proprietors**  
Western Bay of Plenty District Council

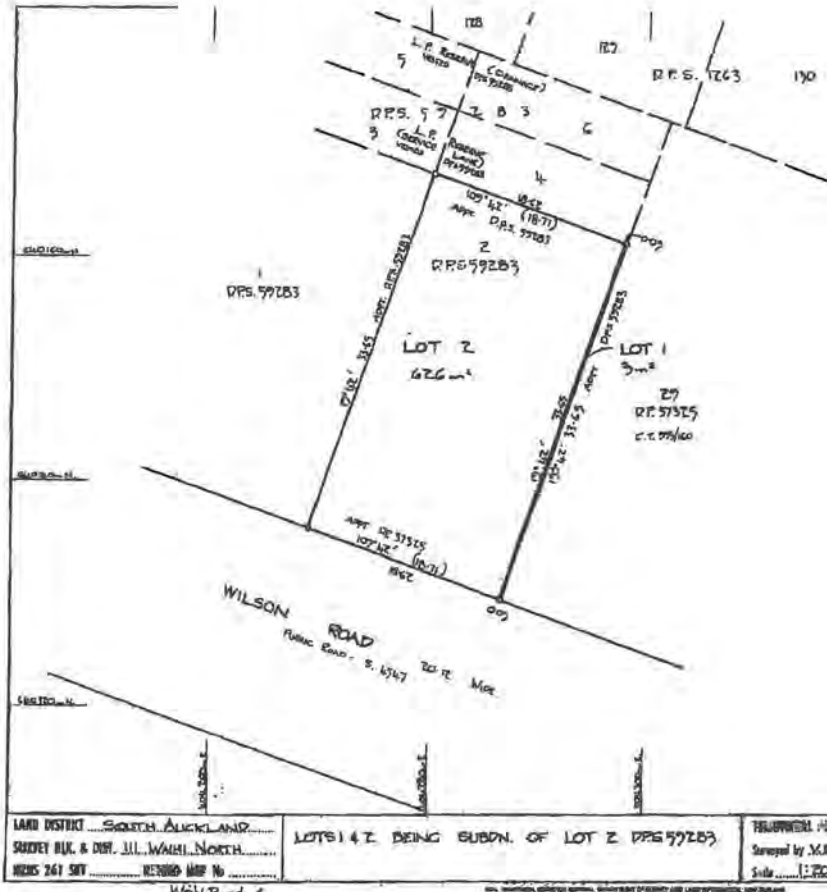
**Interests**

Subject to Section 27B State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of any such recommendation)

Subject to Part IV A Conservation Act 1987

Subject to Section 8 Mining Act 1971





To Council and the Board of the Board of Health and other members of the Board of Health.

**W.B.O.P. District Council**  
Public Health

Approved pursuant to section 223 of the Resource Management Act 1991 on the 11th day of September 2004 pursuant to the Resource Management Act 1991 and other provisions of the Resource Management Act 1991.

The Council has, on the 11th day of September 2004, approved the Resource Management Act 1991 and other provisions of the Resource Management Act 1991.

Our Executive: *[Signature]*

**ASSOCIATED CONDITIONS**

That Lot 1 be used in accordance with the Resource Management Act 1991 and other provisions of the Resource Management Act 1991 and that the conditions of the Resource Management Act 1991 and other provisions of the Resource Management Act 1991 be applied to the use of Lot 1.

Pursuant to the Resource Management Act 1991 and other provisions of the Resource Management Act 1991, the Council has approved the Resource Management Act 1991 and other provisions of the Resource Management Act 1991 and that the conditions of the Resource Management Act 1991 and other provisions of the Resource Management Act 1991 be applied to the use of Lot 2.

Approved on the 11th day of September 2004.

sub 6076

Total Area: 630m<sup>2</sup>

Complied to: CT. 42A(2)(A)

I, *[Signature]*, Mayor of the Board of Health, do hereby certify that the above is a true and correct copy of the Resource Management Act 1991 and other provisions of the Resource Management Act 1991 and that the conditions of the Resource Management Act 1991 and other provisions of the Resource Management Act 1991 be applied to the use of Lot 1 and Lot 2.

Approved to be Served: *[Signature]*

Day of Approval: 11/09/04

DPS 64631

LAND DISTRICT SOUTH AUCKLAND  
SURVEY BLK. & DIV. III, WAIKI NORTH  
HECS 261 587  
Waim Beach 4

LOTS 1 & 2 BEING SUBDN. OF LOT 2 DPS 59283

TEKAPU WAIKI W.B.O.P. DISTRICT  
Surveyed by V.J. BAKER & ASSOCIATES (NZ) LTD  
Scale: 1:200 Date: December 1992





**Western Bay of Plenty  
District Council**

**CONO 6201695.2 Consen**

Cpy - 01/01, Page - 003, 02/11/04, 11:23



DocID: 511089931

**Consent Notice Pursuant to Section 221  
Resource Management Act 1991**

File Ref: S/B/9186

**IN THE MATTER OF:** Lots 1 - 6 DP 328690

**AND**

**IN THE MATTER OF:** Subdivision Consent pursuant to Sections 105, 108, 220 and 221 of the Resource Management Act 1991.

**PURSUANT** to Section 252(1)(a) of the Local Government Act 1974, I, TODD WHITTAKER, Authorised Officer of the Western Bay of Plenty District Council, hereby certify that by way of resolution passed under delegated authority on 30 May 2003, the following condition was imposed on the subdivision consent for Lots 138, 139, 140 Deposited Plan 37325:

22. *THAT a Consent Notice, issued for the purposes of S.224 of the Resource Management Act 1991, be imposed on the titles of Lots 1-6 stating that "The construction of the building foundations for any proposed dwellings on Lot 1 - 6 shall be in accordance with the report prepared by John Crabtree Registered Engineer dated 27 May 2002 and letter dated 20 May 2003, and that specific engineering design for foundations will be required in respect to Lots 5 and 6.*

Dated at Tauranga this 21<sup>st</sup> day of OCTOBER 2004.

  
\_\_\_\_\_  
Authorised Officer

**John Crabtree**  
Consulting Engineer



27 May 2002

Mr Peter McGregor  
44 Flanagan Rd,  
Drury

Dear Peter,

**WILSON RD, WAIHI BEACH**

As requested by you I have completed an investigation of the soils forming the building site for your property comprising LOTS 138 to 140, DP 37325 located at Wilson Rd, Waihi Beach.

My investigation comprised the following.

1. A walk over inspection of the site.
2. Soils Penetrometer tests of the compacted fill.
3. Drilled bore holes and logging of underlying soils.

At the time of the walk over inspection, the land was grass covered, level, elevated approximately 11.5 m above the surrounding land to the north and east and dry. A drain is located along the east and north boundary of the lots. From a visual inspection, soils comprised fill overlying original soils.

Two soils penetrometer tests were completed on the fill. These tests completed to a depth of 350mm indicated a bearing capacity in excess of 100 kPa and it was evident that the fill had been well compacted.

Because the soils to the north and east of the lots comprised soft, peat or sandy soils, an investigation to check the nature of the soils underlying the fill was completed. This investigation comprised drilling six 150mm diameter bore holes using a flighted auger. As each bore was drilled, samples of the drillings on the auger flights were observed and a bore log recorded. All borelogs were similar comprising the following

0 to 1,400mm	Hard compacted clay silts fill
1,400 to 1,600mm	thin layers of black sandy soil. No vegetation observed.
1,600 to 2,300mm	Sandy soils or sand with occasional layers of yellow/red clay/silts
1,600 to 4-6,000mm	Firm compacted sand with occasional layers of firm to hard light brown/tan silty clays.

A water level was recorded at 2m below ground level.

Phone 0064 7 549 3447  
Fax 0064 7 549 3447  
Mobile 021 438 750  
E-mail jcrabtree@clear.net.nz  
PO Box 172 Kaitiaki

X 01



The investigation confirmed that there were no compressible layers underlying the fill and on this basis it is concluded that the soils are adequate for foundations for the support of residential dwellings constructed in accordance with NZS 3604:1999, Timber Framed Buildings.

Yours Faithfully,



John Crabtree  
Consulting Engineer

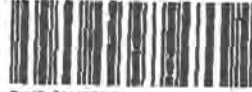
Cc: Caroline West  
Fax 07 863 4464



**Western Bay of Plenty  
District Council**

**COND 6404191.2 Consen**

Copy - 01/01, Page - 001, 02/05/06, 15:55



DocID: 61182410

**Consent Notice Pursuant to Section 221  
Resource Management Act 1991**

File Ref: S/B/9520

**IN THE MATTER OF:** Lot 2 Deposited Plan 347651

**A N D**

**IN THE MATTER OF:** Subdivision Consent pursuant to Sections 108, 220 and 221 of the Resource Management Act 1991.

**PURSUANT** to Section 252(1)(a) of the Local Government Act 1974, I, STEVE HILL, Authorised Officer of the Western Bay of Plenty District Council, hereby certify that by way of resolution passed under delegated authority on 20 May 2004, the following condition was imposed on the subdivision consent for Lot 139 Deposited Plan 1263

7. *THAT pursuant to Section 221 of the Resource Management Act a consent notice be registered on the title of proposed Lot 2 as follows:*

*"THAT all habitable buildings and garages on Lot 2 hereon shall be built to a minimum floor level of RL 3.15m and RL2.85 m Moturiki Datum respectively".*

Dated at Tauranga this *21st* day of *April* 2005.

Authorised Officer

*2 COND  
950  
SA1086/161*

CONO 6614512.4 Consen

Copy - 01/01, Pgs - 001, 18/10/05, 09:39



DocID: 61192652



**Western Bay of Plenty  
District Council**

**Consent Notice Pursuant to Section 221  
Resource Management Act 1991**

File Ref: S/B/9021

**IN THE MATTER OF:** Lot 2 Deposited Plan 348701

**A N D**

**IN THE MATTER OF:** Subdivision Consent pursuant to  
Sections 108, 220 and 221 of the  
Resource Management Act 1991.

PURSUANT to Section 252(1)(a) of the Local Government Act 1974, I, TODD WHITTAKER, Authorised Officer of the Western Bay of Plenty District Council, hereby certify that by way of resolution passed under delegated authority on 14 March 2005, the following condition was imposed on the subdivision consent for Lot 131 Deposited Plan S1263

11. *THAT pursuant to Section 221 of the Resource Management Act a consent notice be registered on the title of proposed Lot 2 as follows:*
- a) *THAT the stormwater from the dwelling and hard stand areas shall be collected and disposed to a stormwater soak hole system installed in accordance with the recommendations as stated in the report submitted from John Crabtree dated 19 February 2003.*
  - b) *THAT in the event that Council install a stormwater reticulation system with capacity to serve the subject allotment, then a connection shall be provided to serve the lot connected to Council reticulation system or road kerb and channel if available. The work required by this consent notice shall be undertaken at the landowners cost in accordance with Council's Subdivision and Development Code of Practice.*
  - c) *THAT all habitable buildings and garages on Lot 2 hereon shall be built to a minimum floor level of RL 3.8m and RL 3.5m Moturiki Datum respectively.*

Dated at Tauranga this 2nd day of September 2005.

Authorised Officer

jms:jms:256260

consent-template

4 cons 30



**Western Bay of Plenty  
District Council**

**CONO 7139441.2 Consent**

Copy - 01/01, Page - 001, 30/11/06, 08:48



DocID: 811682281

**Consent Notice Pursuant to Section 221  
Resource Management Act 1991**

File Ref: S/B/9147

**IN THE MATTER OF:** Deposited Plan 350435

**A N D**

**IN THE MATTER OF:** Subdivision Consent pursuant to Sections 108, 220 and 221 of the Resource Management Act 1991.

**PURSUANT** to Section 252(1)(a) of the Local Government Act 1974, I, STEVE HILL, Authorised Officer of the Western Bay of Plenty District Council, hereby certify that by way of resolution passed under delegated authority on 17 March 2003, the following condition was imposed on the subdivision consent for Lot 130 Deposited Plan S 1263.

12. *THAT pursuant to Section 221 of the Resource Management Act 1991 a consent notice be registered on the title of proposed Lot 1 as follows:*
- a) *THAT the storm water from the dwelling and hard stand areas shall be collected and disposed to a storm water soak hole system installed in accordance with the recommendations as stated in the report submitted from John Crabtree dated 19/2/03. The soak hole shall be located on ground with a contour level above the 1:50 year flood level, being at RL 2.7m Moturiki Datum.*
  - b) *THAT in the event that Council install a storm water reticulation system with capacity to serve the subject allotment, then a connection shall be provided to serve the lot to Council reticulation system or road kerb and channel if available. The work required by this consent notice shall be undertaken at the landowners cost in accordance with Council's Subdivision and Development Code of Practice.*
  - c) *THAT all habitable buildings and garages on Lot 1 hereon shall be built to a minimum floor level of RL 3.8m and RL 3.5m Moturiki Datum respectively.*

Dated at Tauranga this 20<sup>th</sup> day of November 2006

**Authorised Officer**



Western Bay of Plenty District Council

CONO 7648849.2 Consen

Cpy-01/01, Pgs-001,07/12/07, 15:14



DocID: 511769840

Consent Notice Pursuant to Section 221 Resource Management Act 1991

File Ref: S/B/9598

IN THE MATTER OF: Deposited Plan 350426

AND

IN THE MATTER OF: Subdivision Consent pursuant to Sections 108, 220 and 221 of the Resource Management Act 1991.

PURSUANT to Section 252(1)(a) of the Local Government Act 1974, I, CHRIS WATT, Authorised Officer of the Western Bay of Plenty District Council, hereby certify that by way of resolution passed under delegated authority on 20 July 2004, the following condition was imposed on the subdivision consent for Lot 129 Deposited Plan S 1263:

THAT pursuant to Section 221 of the Resource Management Act a consent notice be registered on the title of proposed Lot 1 as follows:

(a) THAT all habitable buildings and garages on Lot 1 hereon shall be built to a minimum floor level of RL3.10m and RL2.90m Moturiki Datum respectively.

Dated at Tauranga this 21st day of November 2007

[Handwritten signature]

Authorised Officer

② CONO 7648849.2 SA30/2709

**Reuben Hansen**

---

**From:** Blaise Williams <Blaise.Williams@westernbay.govt.nz>  
**Sent:** Tuesday, 4 July 2017 2:42 PM  
**To:** 'Reuben Hansen'  
**Subject:** RE: RC10347 - 2 Mile Creek - S92 request

Dear Reuben,

I confirm as requiring authority that the assets designated D188, 142, 143 and 144 will not be adversely affected by the proposed works to channel the stream known as Two Mile Creek.

**Regards**

**Blaise Williams**  
 Strategic Property Manager

**DD 07 579 6610**  
 Barkes Corner, Greerton, Tauranga  
 Private Bag 12803, Tauranga Mail Centre, Tauranga 3143  
 E [blaise.williams@westernbay.govt.nz](mailto:blaise.williams@westernbay.govt.nz)  
[www.westernbay.govt.nz](http://www.westernbay.govt.nz)



**Western Bay of Plenty**  
**District Council**



Te Kaunihera a rohe mai i nga Kuri-a-Whare ki Oamarakau ki te Uru

Please consider the environment before printing this email.

---

**From:** Reuben Hansen [mailto:[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)]  
**Sent:** Tuesday, 4 July 2017 2:13 PM  
**To:** Blaise Williams <Blaise.Williams@westernbay.govt.nz>  
**Subject:** FW: RC10347 - 2 Mile Creek - S92 request

Hi Blaise

Item 5 please sir

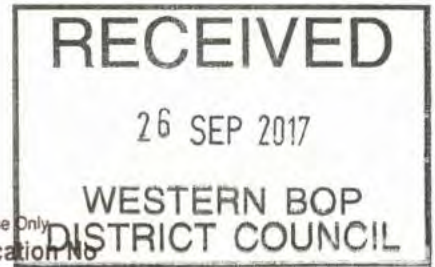
Many thanks

Kind regards

Reuben

---

**From:** James Danby [mailto:[james.danby@i-plan.co.nz](mailto:james.danby@i-plan.co.nz)]  
**Sent:** Tuesday, 31 January 2017 2:31 PM  
**To:** Reuben Hansen <[RHansen@tonkintaylor.co.nz](mailto:RHansen@tonkintaylor.co.nz)>  
**Cc:** Nicky Dargaville <[Nicky.Dargaville@westernbay.govt.nz](mailto:Nicky.Dargaville@westernbay.govt.nz)>  
**Subject:** RC10347 - 2 Mile Creek - S92 request



Office Use Only  
Application No

**Submission on Application for Resource Consent**

Resource Management Act 1991 – Form 6A

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5779820  
customercare@westernbay.govt.nz  
www.westernbay.govt.nz

**1. Submitter Details**

First Name/s: Terrance Antony Surname: Tinling  
 First Name: Debra Swannell Surname: Kingsford-Tinling

**2. Address for Service** (your postal address)

28 Hillview Rd Wairiki Beach  
 Post Code: 3611

**3. Contact Details**

Phone: 07) 863 1282 Mobile: 027 233 6074  
 Fax: ( ) Email: terry.deb@xtia.co.nz

**4. Submission**

A submission is made in respect of the application by (state name of applicant):

Western Bay of Plenty District Council

to (briefly describe the application):

Erosion works to two mile creek.

We support/oppose the application because:

Our family owned and run Chelcann centre at 43 Columbus St backs onto two mile creek. We support the works to stabilize the banks of the creek. We have a strong focus on the natural environment and our philosophy practice learning at our Enviro-school.

(continued over)

Our main concern with the Erosion works is the ability for our centre to be able to function normally and Safety for our childrens and staff of course it is of the up most priority during the reinstatement of works we are a busy centre not only close weekends but two weeks during Christmas holidays.

So we welcome the Erosion works but must continue to Operate our business during this time with minimum disruption. Our playground with existing trees are visited by many native Birdlife i.e. Wood pigeons and this plus our this is a beautiful environment and asset for us as a centre and our growing community. Thank you

I/We seek that the Council make the following decision in respect of the application:

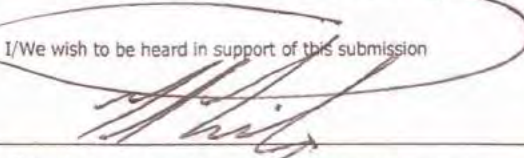


Our Conditions for supporting the Erosion works are as follows:  
That our large Parka Tree to be saved and any loss of existing trees outside fence be replanted in native trees and our timber fence to be reinstated of replaced with new fence. For the business to be operating while works continue.

I/We wish to be heard in support of this submission

Yes

No

Signed:  (person making the submission or person to sign on their behalf)

Date

26/9/2017

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



*(Existing fence off creek boundary.*



*Puka tree*





**Western Bay of Plenty  
District Council**

**Head Office** Barks Corner, Greerton, Tauranga  
Private Bag 12803, Tauranga Mail Centre, Tauranga 3143  
**Ph** 07 571 8008 (24 hours) • **F** 07 577 9820  
**Freephone** 0800 WBOPDC • 0800 926 732  
**E** customerservice@westernbay.govt.nz  
[www.westernbay.govt.nz](http://www.westernbay.govt.nz)

6 September 2017

RC1034  
P/1827/

Terence Antony Tinling & Debra  
Joanne Tinling-Kingsford  
28A Hilview Road  
Waihi Beach 3611

Dear Sir/Madam

**Application for Resource Consent for RC10347L  
Limited Notification of Application pursuant to Resource Management Act 1991**

Western Bay of Plenty District Council has received the following application for resource consent:

<b>Name of Applicant:</b>	Western Bay Of Plenty District Council
<b>Description of Application:</b>	Erosion Protection Works within a Section of Two Mile Creek, Waihi Beach
<b>Location of Application Site:</b>	Wilson Road & Edinburgh Street
<b>Legal Description:</b>	Multiple

Details of the application are enclosed and further information can be viewed at Waihi Beach Council Office or at the Share link below.

<https://westernbayofplentydistrictcoun.sharefile.com/d-se3bf0a540ec418ba>

If you have queries please contact James Danby of iPlan (james.danby@i-plan.co.nz).

If you wish to make a submission on this application please provide a written submission which is to be received by Council no later than Wednesday 4<sup>th</sup> October 2017.

The submission must be signed and dated by you and include the following information:

1. Your name, address and telephone number (and fax number if you have one).
2. Details of the application on which you are commenting.
3. Whether you support the application completely, or support it with conditions, or oppose the application, giving reasons.
4. The decision you wish the Council to make.
5. Whether you wish to be heard in support of your submission.

A copy of any submission must be served on the applicant whose address for service is:

Tonkin & Taylor Ltd, Attn: Reuban Hansen, PO Box 317, Seventh Avenue, Tauranga 3140

Yours faithfully

**Paul Atkinson  
Consents Administration**

A1906619



# KiwiKidz

## Educare

at the **Beach**

Debbie Kingsford-Tinling  
Higher Dip.E.C.E.

43 Edinburgh Street  
Waihi Beach 3611

**Phone:** 07 863 5548

**Fax:** 07 863 5549

**Email:**

kiwikidzwaihibeach@xtra.co.nz

**Website:**

~~www.kiwikidzeducare.nz~~

**Open**

Monday - Friday  
7.30am to 5.15pm





# Kiwikidz Educare

Early childhood  
learning centre



Office Use Only  
Application No

## Submission on Application for Resource Consent

Resource Management Act 1991 – Form 6A

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5779820  
customercare@westernbay.govt.nz  
www.westernbay.govt.nz

### 1. Submitter Details

First Name/s:

PETER RANGIMUA <sup>TAU</sup> ~~TAU~~

Surname:

NIKAKA

First Name:

KATRINE ELIZABETH

Surname:

RIGG

### 2. Address for Service (your postal address)

PO Box 99

WAIHI BEACH

Post Code:

3611

### 3. Contact Details

Phone:

(07) 863 4825

Mobile:

(027) 5 328 399

Fax:

( )

Email:

hikakainvestigations@stra.co.nz

### 4. Submission

A submission is made in respect of the application by (state name of applicant):

WBOPDC.

Application for Resource Consent for RC10347L

to (briefly describe the application):

Erosion Protection Works within a Section of Two Mile Creek, Waihi Beach

I / We support/oppose the application because:

① I support this application conditional on the clear identification of the impact to my existing retaining wall and structure. The foundation of my existing retaining wall was completed by Council approx 20 years ago. I have subsequently reinforced sections of the retaining wall. I don't want the ~~new~~ proposed application to interfere with the existing retaining wall and structure.

② I require explanations regarding various markings on my property, depicted by on the aerial photograph. These markings are not referred to in the LEGEND. (continued over)

Lined area for handwritten text.

I/We seek that the Council make the following decision in respect of the application:

consult with me in relation to providing a clear indication as to the impact to my existing retaining wall & structure, which this proposed work ~~may~~ will have on my property.  
(Relating to 6 WILSON ROAD, WAHAI BEACH

I/We wish to be heard in support of this submission

Yes

No

John Hinds

21. 09. 2017

Signed: (person making the submission or person to sign on their behalf)

Date

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



Office Use Only  
Application No

## Submission on Application for Resource Consent

Resource Management Act 1991 – Form 6A

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5779820  
customercare@westsbay.govt.nz  
www.westsbay.govt.nz

### 1. Submitter Details

First Name/s: GEOFFREY RAYMOND Surname: DELL  
First Name: JILLIAN CHRISTINE Surname: DELL

### 2. Address for Service (your postal address)

173 B CARLISLE RD  
NORTHCROSS, AUCKLAND Post Code: \_\_\_\_\_

### 3. Contact Details

Phone: ( ) \_\_\_\_\_ Mobile: ( ) \_\_\_\_\_  
Fax: ( ) \_\_\_\_\_ Email: geoffjill@hotmail.com

### 4. Submission

A submission is made in respect of the application by *(state name of applicant)*:

WBOP District Council

to *(briefly describe the application)*:

Create a 7m wide concrete channel in the bed of what is currently known as Two-Mile Creek

I/We  support  oppose the application because:

1) The concrete channel as proposed will create a very unsightly channel where there is now a pleasant and natural-looking amenity that is enjoyed by residents and visitors alike. This will particularly be the case when water flow is low and a muddy and smelly concrete floor and sides are exposed. \*PLEASE SEE ATTACHED PHOTOS  
— TAKEN IN SINGAPORE IN SEPTEMBER 2017

2) Presumably the channel will need to be fenced with a 3m high wall. This poses safety issues, especially should anyone fall into

(continued over)

the creek. How do they get out? The channel sides, presumably will be sheer. What is there to prevent this wall from being subject to ugly graffiti?

3) We believe that water will pool upstream of 34 Wilson Rd and will undermine the structure of the wall. Any pooling of water will simply move the current problem upstream.

4) The creek as it stands is also a recreational facility in summer. We believe a concrete culvert would destroy this. In summer we regularly have kayakers paddling both down and upstream. I cannot see this happening with a culvert.

5) We are also very concerned about the damage to the creek's ecosystem. We know for a fact that there are large numbers of fish, eels and ducks that live on the creek and along its banks. We are concerned that all wildlife downstream from 34 Wilson Rd will disappear.

I/We seek that the Council make the following decision in respect of the application:

EITHER: a) divert Two-Mile Creek down to Sowerdown as has previously been noted.

OR: b) re-site the dwellings currently on the creek banks which are endangered by erosion, and leave the creek as it is.

OR: c) turn the entirety of Two-Mile Creek into an enclosed drain that can be covered with earth. & upstream of 36 Wilson Rd, council land can be utilised for this.

OR: d) Broadlands Block can be converted to a mixed-use wetland to absorb water flow.

I/We wish to be heard in support of this submission

Yes

No

Signed:  (person making the submission or person to sign on their behalf)

Date

19/9/17

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







6 September 2017

Largo Holdings Limited  
 114 Vauxhall Road  
 Narrow Neck  
 Auckland 0624



RC10347L  
 P/1827/13

Dear Sir/Madam

**Application for Resource Consent for RC10347L  
 Limited Notification of Application pursuant to Resource Management Act 1991**

Western Bay of Plenty District Council has received the following application for resource consent:

<b>Name of Applicant:</b>	Western Bay Of Plenty District Council
<b>Description of Application:</b>	Erosion Protection Works within a Section of Two Mile Creek, Waihi Beach
<b>Location of Application Site:</b>	Wilson Road & Edinburgh Street
<b>Legal Description:</b>	Multiple

Details of the application are enclosed and further information can be viewed at Waihi Beach Council Office or at the Share link below.

<https://westernbayofplentydistrictcoun.sharefile.com/d-se3bf0a540ec418ba>

If you have queries please contact James Danby of iPlan (james.danby@i-plan.co.nz).

If you wish to make a submission on this application please provide a written submission which is to be received by Council no later than Wednesday 4<sup>th</sup> October 2017.

The submission must be signed and dated by you and include the following information:

1. Your name, address and telephone number (and fax number if you have one).
2. Details of the application on which you are commenting.
3. Whether you support the application completely, or support it with conditions, or oppose the application, giving reasons.
4. The decision you wish the Council to make.
5. Whether you wish to be heard in support of your submission.

A copy of any submission must be served on the applicant whose address for service is:

Tonkin & Taylor Ltd, Attn: Reuban Hansen, PO Box 317, Seventh Avenue, Tauranga 3140

Yours faithfully

**Paul Atkinson**  
 Consents Administration

A1906619





Office Use Only  
Application No

### Submission on Application for Resource Consent

Resource Management Act 1991 – Form 6A

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5779820  
customercare@westernbay.govt.nz  
www.westernbay.govt.nz

#### 1. Submitter Details

First Name/s: COLIN Surname: GILLARD  
First Name: LARGO HOLDINGS LTD Surname: \_\_\_\_\_

#### 2. Address for Service (your postal address)

114 VAUXHALL Rd.  
DEVONPORT Post Code: 0624

#### 3. Contact Details

Phone: 09 445 0160 Mobile: ( ) 021 976180 MAIN CONT  
Fax: ( ) Email: colandmarg@xtra.co.nz

#### 4. Submission

A submission is made in respect of the application by (state name of applicant):

WESTERN BAY OF PLENTY DISTRICT COUNCIL

to (briefly describe the application):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I / We ~~support~~ **oppose** the application because:

UNTIL I GET MORE INFORMATION  
WOULD LIKE TO MEET ON MY  
PROPERTY

## NOTIFICATIONS LETTER

## POINTS OF CONCERN:

1. IS 7M WIDE CHANNEL GOING TO BE CONSTRUCTED AT LOCATION OR IS IT GOING TO BE PREFABED THEN BROUGHT IN IN SECTIONS
  2. IS FOOTING GOING TO BE CONSTRUCTED ON LOCATION AND HOW
  3. IS EARTH WORKS BEING CARRIED OUT GOING TO BE DOWN FROM 7M CREEK BED.
  4. ADJUCATION SAYS ENTRANCE FOR WORK TO CREEK WILL BE AT ROADWAYS END BUT ALSO SAYS THE PROGRESSIVE CONSTRUCTION IS AN UPSTREAM DIRECTION FROM ALLAN STREET BRIDGE
  5. IS THERE ANY INTENTION FOR CONTRACTORS TO COME ONTO DEVELOPED SECTIONS FOR ANY REASON OUTSIDE THE 7M CHANNEL
  6. WOULD APPLICANT SEND BY RETURN E-MAIL AN ESTIMATE ACCOUNT OF THE TOTAL COST OF THIS CONTRACT ALSO THE PAYMENT OF SAME AND THE AREA IT WILL COME FROM
- (We seek that the Council make the following decision in respect of the application:
7. THE APPLICANT TO SHOW BY ACCOUNT THEIR ESTIMATE OF 70 WEEKS TO COMPLETE FOR THE 270 METRES.
  8. CONCERN ABOUT THE RED LINE CUT

I/We wish to be heard in support of this submission

Yes



No

Signed:  (person making the submission or person to sign on their behalf)

Date

16-9-17

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



Office Use Only  
Application No

## Submission on Application for Resource Consent

Resource Management Act 1991 – Form 6A

RC 103471

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5779820  
customercare@westernbay.govt.nz  
www.westernbay.govt.nz

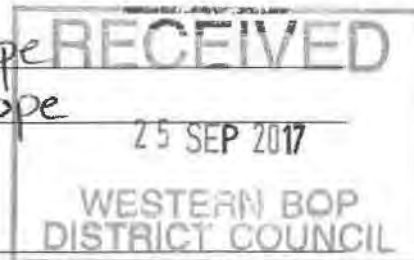
### 1. Submitter Details

First Name/s: Robert

Surname: Hope

First Name: Susan

Surname: Hope



### 2. Address for Service (your postal address)

Waihi Beach Home Hardware

14 Wilson Road, Waihi Beach Post Code: 3611

### 3. Contact Details

Phone: (07) 8635105

Mobile: (02) 75621724

Fax: (07) 8635105

Email: hopes6@xtra.co.nz

### 4. Submission

A submission is made in respect of the application by (state name of applicant):

Western BOP District Council

to (briefly describe the application):

Erosion Protection Works at Two Mile Creek,  
Waihi Beach.

I / We support oppose the application because:

With conditions...

- 1) Must include 34 Wilson Rd / 47 Edinburgh St to incorporate Storm Water System Feeding from Edinburgh St.
- 2) Culvert must be fenced.
- 3) Include in design some means of getting in and out of the culvert, at various points, for safety reasons - eg if someone gets trapped in the culvert there is a means of escape.
- 4) Landscape / plantings consultation with landowners takes place

(continued over)

We support the application and would like  
work to progress as soon as possible to prevent  
any further erosion.

I/We seek that the Council make the following decision in respect of the application:

I/We wish to be heard in support of this submission

Yes



No



S.M. Hope  
Signed: (person making the submission or person to sign on their behalf)

22/9/17  
Date

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



Office Use Only  
Application No

## Submission on Application for Resource Consent

Resource Management Act 1991 – Form 6A

SOTTO 13 LTD.

(15 EDINBURGH LOTS 1 + 2)

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5779820  
customercare@westernbay.govt.nz  
www.westernbay.govt.nz

### 1. Submitter Details

DIRECTOR

First Name/s: SHAUN MARLO Surname: \_\_\_\_\_

First Name: \_\_\_\_\_ Surname: \_\_\_\_\_

### 2. Address for Service (your postal address)

(15 EDINBURGH STREET)  
C/O 16 PUKEHANA AVENUE EPSOM  
AUCKLAND Post Code: 1073

### 3. Contact Details

Phone: ( ) \_\_\_\_\_ Mobile: (021) 542 866

Fax: ( ) \_\_\_\_\_ Email: shaun@amb1.co.nz

### 4. Submission

A submission is made in respect of the application by (state name of applicant).

WESTERN BAY OF PLENTY DISTRICT COUNCIL

to (briefly describe the application):

RC103472 - CANAL EROSION CONTROL  
WORKS

We support/oppose the application because:

WE SUPPORT THE APPLICATION BECAUSE IT  
PROVIDES SIGNIFICANT IMPROVEMENT ON  
FLOOD AND EROSION CONTROL

WE HAVE AN UNCONDITIONAL ST P CONTRACT  
ON THE PROPERTY AT 15 EDINBURGH STREET  
LOTS 1 + LOT 2 AND WILL BE THE NEW  
OWNER AT END OF THE YEAR.







Office Use Only  
Application No

## Submission on Application for Resource Consent

Resource Management Act 1991 – Form 6A

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5779820  
customer@westernbay.govt.nz  
www.westernbay.govt.nz

WB INVESTMENTS LTD.

### 1. Submitter Details

DIRECTOR

First Name/s: SHAUN Surname: MARLO

First Name: \_\_\_\_\_ Surname: \_\_\_\_\_

### 2. Address for Service (your postal address)

28 WILSON ROAD, WAIHI BEACH  
40 16 PUKEHANA AVENUE EPSOM  
AUCKLAND Post Code: 1023

### 3. Contact Details

Phone: ( ) \_\_\_\_\_ Mobile: (021) 542 866

Fax: ( ) \_\_\_\_\_ Email: shaun@mb1.co.nz

### 4. Submission

A submission is made in respect of the application by (state name of applicant):

WESTERN BAY OF PLENTY DISTRICT COUNCIL

to (briefly describe the application):

RC10347L - CANAL EROSION PROTECTION  
WORKS

I / We support/oppose the application because:

WE SUPPORT THE APPLICATION BECAUSE IT  
PROVIDES SIGNIFICANT IMPROVEMENT ON  
FLOOD AND EROSION CONTROL

WE HAVE AN UNCONDITIONAL S+P  
CONTRACT ON THE PROPERTY AND  
WILL BE THE NEW OWNERS OF THE  
PROPERTY AS OF 24 OCTOBER 2017

Lined area for writing the application details.

I/We seek that the Council make the following decision in respect of the application:

APPROVE SUBJECT TO CANAL MEETINGS LATEST EARTHQUAKE REQUIREMENTS

I/We wish to be heard in support of this submission

Yes



No



Signed: (person making the submission or person to sign on their behalf)

[Handwritten signature]

Date

29/09/2017

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

**D.M. STUART**

BARRISTER & SOLICITOR  
DONALD MCNAUGHTON STUART, LLB

Seddon Street  
Waihi  
New Zealand  
PO Box 114  
DX HA43506  
Telephone (07) 863 7530  
Fax (07) 863 7698  
Email D.M.Stuart@xtra.co.nz

29 September, 2017

The Manager  
Western Bay of Plenty District Council  
Private Bag 12803  
TAURANGA

**Re: APPLICATION FOR RESOURCE CONSENT FOR RC10347L**

I am one of the Trustees of the Fell Family Trust which is the owner of a property in Wilson Road, Waihi Beach.

I have been notified of the Council's application for consent to carry out erosion protection work.

As one of the Trustees I object to the Council's application. My submission is attached.

Yours faithfully

  
**DM STUART**

Encl



Office Use Only  
Application No

RC10347L

## Submission on Application for Resource Consent

Resource Management Act 1991 – Form 6A

Cameron Road  
Private Bag 12803  
Tauranga 3143  
Phone: 07 571 8008  
Fax: 07 5775820  
customer@e@westernbay.govt.nz  
www.westernbay.govt.nz

### 1. Submitter Details

First Name/s: Donald McNaughton Surname: Stuart  
First Name: \_\_\_\_\_ Surname: \_\_\_\_\_

### 2. Address for Service *(your postal address)*

C/- 108 Koutunui Road, RD 1, Katikati  
Post Code: 3177

### 3. Contact Details

Phone: ( 07 ) 863 7530 Mobile: ( 021 ) 528590  
Fax: ( ) Email: \_\_\_\_\_

### 4. Submission

A submission is made in respect of the application by *(state name of applicant)*:

Western Bay of Plenty District Council

to *(briefly describe the application)*:

Undertake erosion protection work within a section of Two Mile Creek,  
Waihi Beach

I / ~~We~~ support/oppose the application because:

In my view the Council has not engaged with the Trustees in a  
constructive or meaningful manner. It has been given the opportunity  
to discuss the impact that such work will have on the property owned  
by the Trust. It has either refused or neglected those opportunities.

Decisions are being made by the Council which impact significantly on  
the Trust's properties. Those decisions have been made without the  
Council considering the consequences of its decisions.

(continued over)

There is no demonstrable benefit to the Trust in consenting to the Council's application.

~~The work proposed by the Council will result in the Council either losing land or being impeded in its access to its own property.~~

~~The Trust does not agree to the Council, its employees or contractors entering on to the Trust's property to carry out the proposed remedial work.~~

~~We seek that the Council make the following decision in respect of the application:~~

Refuse the application

~~(We wish to be heard in support of this submission)~~

Yes



No



Signed:  (person making the submission or person to sign on their behalf)

Date

28/9/17

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



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 Archaeological data supplied by NZ Archaeological Assoc/Dept. of Conservation.

Date: 19/05/2019

Printed By: MAPI  
 A4 Scale 1: 1,911



Two Mile Creek  
 Submitter Location (in red)  
 RC10347



# Resource Consent

## Resource Consent RM17-0006-AP

Following the processing of the Application received on the 22 December 2016, the Bay of Plenty Regional Council has granted the applicant(s):

Western Bay of Plenty District Council

Consent(s) to:

RM17-0006-BC.01+	River Structure	Expiry	1 May 2053
RM17-0006-BC.02	Beds Damming and Diversion	Expiry	1 May 2023
RM17-0006-DC.01	Discharge to Water	Expiry	1 May 2023
RM17-0006-LC.01	Earthworks or Excavation	Expiry	1 May 2023

The consent(s) are subject to the conditions specified on the attached schedule(s) for each activity. Advice notes are also provided as supplementary guidance, and to specify additional information to relevant conditions.

**The Resource Consent** hereby authorised is granted under the Resource Management Act 1991 does not constitute an authority under any other Act, Regulation or Bylaw.

DATED at Whakatane this 4th day of July 2018

For and on behalf of The Bay of Plenty  
Regional Council



**Mary-Anne Macleod**  
Chief Executive



**Thriving together -  
mō te taiao,  
mō ngā tāngata**



## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 4 July 2018, **hereby grants**:

A resource consent:

- **Under section 13(1)(a) of the Resource Management Act 1991 and BW 36 of the Regional Natural Resources Plan to undertake a discretionary activity being to erect a structure in the bed of a stream.**

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions on the construction of an approximately 285 metre long concrete erosion protection channel in Two Mile Creek.

#### 2 Location

- 2.1 The activities authorised under this consent shall be located within the channel of Two Mile Creek in the area shown on BOPRC Plan Number RM7-0006/01.

#### 3 Map Reference

- 3.1 At or about map reference NZTM 1860645, 5855455.

#### 4 Notification of Works - 5 days

- 4.1 No less than five working days prior to the overall start of works under this consent (site preparation, earthworks or construction) the consent holder shall request (in writing) a site meeting between the principal site contractor and the Bay of Plenty Regional Council. This request shall include details of who is to be responsible for site management and compliance with consent conditions (see Advice Note 3).
- 4.2 No less than five working days prior to the shut down of works or completion of works under this consent, and prior to the removal of sediment and erosion controls, the consent holder shall notify and request (in writing) a site meeting between the principal site contractor and the Bay of Plenty Regional Council.
- 4.3 No less than five working days prior to the overall start of works under this consent (site preparation, earthworks or construction) the consent holder shall contact a representative of Ngai Te Rangi, Ngai Tauwhao and Ngati Hako and invite a representative on-site to undertake cultural monitoring of topsoil stripping earthworks. Evidence of this invitation shall be kept and provided to the Bay of Plenty Regional Council within 48 hours of a request (see Advice Note 2).

#### 5 Erosion Protection Structure

- 5.1 At least 20 working days prior to the planned commencement of works under this consent (site preparation, earthworks or construction), the consent holder shall submit detailed design drawings (plans and sections) of the concrete erosion protection channel to the Bay of Plenty Regional Council for certification. No works shall commence until the detailed design drawings have been certified.

- 5.2 The detailed design drawings required by Condition 5.1 shall:
- Be generally consistent with the Tonkin & Taylor drawings included as BOPRC Consent Plans RM17-0006/01, RM17-0006/02, RM17-0006/03, RM17-0006/04, RM17-0006/05, RM17-0006/06 and RM17-0006/07; and
  - Detail how the structure will be integrated into the landform;
  - Detail how stormwater drainage will be maintained (show all connections between stormwater culverts and overland drainage flows from adjacent properties and the new concrete channel);
  - Include details of a fence/handrail;
  - Include details of Erosion and scour protection at the upstream and downstream ends of the structure sufficient to ensure that the structure will not be undermined in a 100 year event.
- 5.3 The concrete erosion protection channel shall be constructed in accordance with the certified detailed design drawings.
- 5.4 The crest height of the concrete erosion protection channel shall be no greater than 4 metres.

## 5 Earthworks

- 5.5 All works associated with the construction of the erosion protection channel shall be completed as soon as practicable but no later than two years following commencement unless the Bay of Plenty Regional Council provides written authorisation to extend this period.

## 6 Legal

- 6.1 At least 20 working days prior to the overall start of works under this consent (site preparation, earthworks, or construction) the consent holder shall provide the Bay of Plenty Regional Council with evidence that an appropriate legal mechanism (such as a private legal agreement or easement in gross) has been put in place to ensure that the owners of every land parcel directly adjoining the concrete erosion protection are prevented from undertaking any landform modification, undertaking any other works, or establishing new structures, or modifying existing structures that would have a negative impact on the structural integrity of the structure authorised under this consent.

## 7 Construction Management

- 7.1 At least 20 working days prior to the planned commencement of any works under this consent, the consent holder shall lodge a detailed Construction Management Plan to the Bay of plenty Regional Council for certification. No works shall commence until the Construction Management Plan has been certified.
- 7.2 The Construction Management Plan required by Condition 7.1 shall, as a minimum, contain the following:
1. A detailed work methodology for preparation works including vegetation removal and fish rescue and relocation.
  2. A detailed work methodology confirming how progressive sections of the concrete channel will be installed, including how the stream will be diverted to enable the works;
  3. A detailed site plan showing anticipated entry and exit points for construction workers and machinery;
  4. A detailed Erosion and Sediment Control Plan (ESCP) that is compliant with Section 4.6 of the Bay of Plenty Regional Council '*Erosion and Sediment Control Guidelines for Land Disturbing Activities - Guideline 2010/1*' and accompanying report including specific design calculations and details showing the controls that are to be adopted, how these controls were selected, sized and where they will be located;
  5. A flood management plan including methodologies for securing loose construction items, removal or bypass of temporary damming and diversion works and use of the main stream channel for flood passage (if construction works are going to temporarily obstruct the waterway), determination of triggers for securing the site and removing or bypassing temporary damming and diversion works (for example either access to and use of METSERVICE 'Special Weather Bulletins' and/or predetermined alarms from catchment rain gauges or flow recorders) and availability of plant and labour for floods occurring after-hours;
  6. A construction schedule detailing the timing and staging of works;
  7. Machinery refuelling procedures demonstrating that refuelling will not occur where fuel could enter creek flows in the event of a spillage.
- 7.3 All works associated with the construction of the concrete erosion protection channel shall be carried out in accordance with the certified Construction Management Plan.

- 8.1 No works associated with the construction of the concrete erosion protection channel (including earthworks, vegetation removal or in-stream works) shall be undertaken in the creek bed or on the creek banks between 1 August and 30 November of any year for the duration of this consent (see Advice Note 6). During this period, works which meet the permitted activity criteria of Rule LM R1 of the Regional Natural Resources Plan may be undertaken on the land above the creek banks.
- 8.2 Prior to the commencement of the works shut down period, the consent holder shall:
- Ensure that the creek bed is cleared of all plant equipment and machinery, construction materials, loose vegetation, soil and other debris that could become mobile by creek flows or stormwater;
  - Stabilise exposed creek banks against erosion;
  - Ensure that appropriate temporary erosion and scour protection is placed at the upstream and downstream extremities of completed sections of the concrete channel sufficient to ensure the structure will not be undermined in a 20 year flood event.
- 8.3 By 15 November of each year until construction is complete, the consent holder shall submit an updated Works Management Plan to the Bay of Plenty Regional Council detailing the construction progress and any necessary updates to the timing and staging plan.

## 9 Erosion and Sediment Control

- 9.1 The consent holder shall ensure that all sediment and erosion controls are installed prior to works commencing in accordance with the certified works management plan.
- 9.2 The consent holder shall ensure that all exposed areas of earth resulting from works authorised by this consent are effectively stabilised against erosion by vegetative groundcover or suitable alternative:
1. Prior to the works shut down period stipulated in Condition 8.1 above (only bed and banks of creek);
  2. As soon as practicable and following the completion of each stage of works; and
  3. As soon as practicable and following the final completion of works on the concrete erosion protection channel.
- 9.3 The consent holder shall divert uncontaminated catchment runoff away from the area of works.
- 9.4 No vegetation, soil, or other debris shall be left in a position where the material could become mobile by stormwaters during heavy rainfall.
- 9.5 The consent holder shall ensure that the erosion and sediment controls and associated erosion protection devices are maintained in an effective capacity and good working order at all times during works and until the works in the creek bed are complete and surrounding land is stabilised.
- 9.6 The consent holder shall ensure that any necessary maintenance of erosion and sediment controls identified by inspection under conditions of this consent or by Bay of Plenty Regional Council staff is completed within 24 hours.

## 10 Signage

- 10.1 Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the entrance of site works, and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:
1. The consent holder;
  2. The main site contractor;
  3. A 24 hour contact telephone number for the consent holder or appointed agent;
  4. A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about any problem resulting from the exercise of this consent.

## 11 Monitoring and Reporting

- 11.1 The consent holder shall ensure that the erosion and sediment controls are inspected:
1. At least weekly during the duration of this consent; and
  2. Within 12 hours of each rainstorm event which is likely to impair the function or performance of the erosion and sediment controls.

- 11.2 The consent holder shall maintain records of:
1. The date and time of every inspection of erosion and sediment controls on the site; and
  2. The date, time and description of any maintenance work carried out.
- 11.3 The consent holder shall forward a copy of records required by conditions of this consent to the Bay of Plenty Regional Council within 48 hours of its request.

## 12 Maintenance

- 12.1 The consent holder shall ensure that the structure authorised by this consent is maintained in a safe and structurally sound condition at all times, and shall undertake any maintenance work immediately, if so directed by the Bay of Plenty Regional Council.
- 12.2 After flood events, the consent holder shall:
- Inspect the concrete erosion protection channel to ensure that floodwaters have not caused erosion and scour at the up or downstream extremities of the structure, or have cause large debris to become lodged in the channel; and
  - Inspect the piles and abutments of the Dillon Street bridge to ensure that floodwaters have not caused erosion and scour.
- 12.3 If inspections undertaken pursuant to Condition 12.2 reveal that any erosion or scour has occurred around the channel or bridge abutments and piles, a report shall be provided to the Bay of Plenty Regional Council within 14 working days for certification, detailing the following:
- The nature and severity of the scour and/or erosion which has occurred;
  - The likely cause of the scour and/or erosion;
  - The remedial work that will be undertaken to mitigate the effects of the erosion and/or scour and prevent future erosion and/or scour and to prevent future erosion and/or scour; and
  - The timeframe for this maintenance work to be completed.

## 13 On-site Mitigation

- 13.1 At least 20 working days prior to the planned commencement of construction works, the consent holder shall lodge a detailed On-site Ecological Mitigation Plan to the Bay of Plenty Regional Council for certification. No works shall commence until the detailed On-site Ecological Mitigation Plan has been certified.
- 13.2 The On-site Ecological Mitigation Plan required by Condition 13.1 shall, as a minimum, include the following:
1. Confirmation that the channel invert is set below the average bed level of the existing stream by approximately 0.3 metres to encourage natural stream bed sediments to accumulate; and
  2. A description of the measures that will be implemented to ensure that low flows are focussed and trap natural sediments within the creek bed. These measures shall be designed to adequately:
    - Assist in retaining natural stream sediments;
    - Focus low flows;
    - Create a meandering low flow channel;
    - Create variable water depth; and
    - facilitate fish passage.
  3. A description of the baffle type, size, design and placement.
- 13.3 All works associated with the construction of the concrete erosion protection channel shall be carried out so as to ensure full implementation of the detailed On-Site Ecological Mitigation Plan required by Condition 13.1.

## 14 Off-site Mitigation

- 14.1 No later than two years following the completion of works on the concrete erosion protection channel, the consent holder shall also complete works to implement the off-site ecological mitigation plan in accordance with the Tonkin and Taylor *'Two Mile Creek Waihi Beach Mitigation Concept Plan'* dated December 2017 and included as BOPRC Plan Number RM17-0006/09.
- 14.2 The consent holder shall ensure that a minimum of 750 metres of stream length is subject to the riparian restoration planting (a minimum strip width of 10 metres planted on both banks) equating to no less than 12,000m<sup>2</sup> of riparian planting.

- 14.3 The consent holder shall ensure that off-site mitigation works are carried out in accordance with the Tonkin and Taylor Ecological Mitigation Plan report (the report) dated December 2017 and in particular:
- The ecological mitigation works shall give effect to the objectives set out in 3.1 of the report;
  - Riparian planting shall be in general accordance with the concept presented in Sections 3.2, 3.2.1 and Tables 3.1 and 3.2 of the report; and
  - The method of site preparation shall be generally consistent with Section 3.2.2 of the report.
- 14.4 No less than 20 working days before the planned completion of off-site ecological mitigation works, the consent holder shall request (in writing) a site meeting between the principal site contractor and the Bay of Plenty Regional Council Ecologist. The request shall include details of who is responsible for sites works and compliance with consent conditions.
- 14.5 Inspections of the planted off-site mitigation areas should be undertaken every three months in the first three years to identify what management interventions might be required, and to ensure revegetation goals are met. The inspections shall assess the survival of plants, the success of weed control, and identify any issues or further management actions that must be implemented. Records of each inspection shall be provided to the Bay of Plenty Regional Council on request.
- 14.6 Infill planting to plants which have not survived shall be undertaken once a year for the three years, in late autumn or spring.
- 14.7 Maintenance to control weeds that have the potential to smother planted specimens shall be undertaken for at least 24 months following planting, on a twice yearly basis being once in summer and once in autumn.

## 15 Review of Consent Conditions

- 15.1 The Bay of Plenty Regional Council may serve notice on the consent holder at any time under section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of the consent. The purpose of such a review is:
- To deal with any adverse environmental effect which may result from the consented activity; and
  - To require further on or off-site mitigation to be undertaken if necessary in response to adverse environmental effects.
- 15.2 The Bay of Plenty Regional Council may, within six months of completion of any impact, environmental investigation or compliance report carried out by the Regional Council, or within one month of receipt of monitoring results that show there is an adverse effect on the environment, serve notice on the consent holder under section 128(1) of the Resource Management Act 1991 of its intention to review the conditions of the consent. The purpose of such a review is to ensure that sufficient mitigation measures or remedial works be undertaken

## 16 Resource Management Charges

- 16.1 The consent holder shall pay the Bay of Plenty Regional Council administrative charges as fixed by the Bay of Plenty Regional Council in accordance with section 36 of the Resource Management Act 1991.

## 17 Term of Consent

- 17.1 This consent shall expire on 1 May 2053.

## 18 The Consent

- 18.1 The Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

## Advice Notes

- 1 All conditions must be fulfilled to the satisfaction of the Chief Executive of the Bay of Plenty Regional Council, or representative.

- 398
- 2 No archaeological sites whether recorded or unrecorded under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014 can be destroyed, damaged or modified without the consent of Heritage New Zealand. In the event that an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work on the part of the site that the archaeological site(s) is located, and contact Heritage New Zealand and all relevant iwi/hapu for advice. Heritage New Zealand contact details: email - [infolowernorthern@heritage.org.nz](mailto:infolowernorthern@heritage.org.nz); phone - 07 577 4530. The Bay of Plenty Regional Council is able to advise of the contact details for the relevant iwi and hapu in this area.
  - 3 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.
  - 4 The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.
  - 5 Reporting, notification and submission of plans required by conditions of this consent be directed (in writing) to the Pollution Prevention Manager, Bay of Plenty Regional Council, PO Box 364, Whakatāne or fax 0800 884 882 or email [notify@boprc.govt.nz](mailto:notify@boprc.govt.nz), this notification shall include the consent number RM17-0006-LC.01

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 4 July 2018, **hereby grants**:

A resource consent:

- **Under section 14(2)(a) of the Resource Management Act 1991 and Rule WQ 21 of the Bay of Plenty Regional Natural Resources Plan to undertake a discretionary activity being to dam and divert water.**

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions on the temporary diversion of Two Mile Creek while works are being undertaken to construct a concrete erosion protection channel.

#### 2 Location

- 2.1 The activities authorised under this consent shall be located within the channel of Two Mile Creek in the area shown on BOPRC Plan Number RM7-0006/01.

#### 3 Map Reference

- 3.1 At or about map reference NZTM 1860645, 5855455.

#### 4 Stream Diversion

- 4.1 All damming and diversion activities shall be undertaken in accordance with the conditions of consent RM17-0006-BC.01.

#### 5 Resource Management Charges

- 5.1 The consent holder shall pay the Bay of Plenty Regional Council administrative charges as fixed by the Bay of Plenty Regional Council in accordance with section 36 of the Resource Management Act 1991.

#### 6 Term of Consent

- 6.1 This consent shall expire on 1 May 2023.

#### 7 The Consent

- 7.1 The Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 4 July 2018, **hereby grants**:

A resource consent:

- **Under section 15(1)(a) of the Resource Management Act 1991 and Rule DW R8 of the Regional Natural Resources Plan to undertake a discretionary activity being to discharge a contaminant to water.**

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions of the discharge of sediment contaminated stormwater to Two Mile Creek on a temporary basis while works are being undertaken to install a concrete erosion protection structure in the creek.

#### 2 Location

- 2.1 The activities authorised under this consent shall be located within the channel of Two Mile Creek in the area shown on the plan referenced as B.O.P.R.C Plan Number RM17-0006/1.

#### 3 Map Reference

- 3.1 At or about map reference NZTM 1860645, 5855455.

#### 4 Stormwater Management and Treatment

- 4.1 All stormwater generated over the works area shall be contained within the periphery of the works area before being pumped out or released downstream a controlled manner so as to avoid contamination of ordinary downstream creek flows.
- 4.2 At least 15 working days prior to the commencement of works under this consent, the consent holder shall lodge a detailed Erosion and Sediment Control plan to the Bay of Plenty Council. As a minimum, this Erosion and Sediment Control Plan shall:
  - Comply with the Bay of Plenty Regional Council '*Erosion and Sediment Control Guidelines for Land Disturbing Activities - Guideline 2010/01*';
  - Detail the specific erosion and sediment controls that will be installed to either prevent the discharge of contaminated stormwater from the site or treat the contaminated stormwater prior to discharge downstream;
  - Detail the methodology that will be employed to minimise contamination of pumped stormwater; and
  - Detail the maintenance regime for the erosion and sediment controls that are installed.

#### 5 Discharge Quality

- 5.1 The concentration of total suspended solids (TSS) in any stormwater released downstream from the works area into the ordinary creek flow shall not exceed 150 grams per cubic metre, except where a 10 minute duration 10% AEP storm event is exceeded.



- 5.2 The concentration of total petroleum hydrocarbons (TPH) in the stormwater discharge released downstream from the works area into ordinary creek flow shall not exceed 15 grams per cubic metre at any time.
- 5.3 The pH of any stormwater released from the works area to the ordinary creek flow shall be between 6 and 9 at any time.
- 5.4 The consent holder shall ensure that the stormwater discharge at the outfall is free of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials.

## 6 Discharge Monitoring

- 6.1 The consent holder shall collect a representative sample of the stormwater being released downstream from the works area if directed to do so by the Bay of Plenty Regional Council. The samples shall be representative of the stormwater discharging from the works site, and should be collected within the first 30 minutes of stormwater being discharged.
- 6.2 The stormwater samples shall be analysed for the contaminants listed in Conditions 5.1, 5.2, and 5.3 at an IANZ registered laboratory.
- 6.3 Any water quality results exceeding the maximum concentrations listed in conditions 5.1, 5.2, and 5.3 by more than 10% shall trigger the following:
- Notification within five working days to the Bay of Plenty Regional Council of the exceedance (s); and
  - Investigation into the causes of the exceedance(s); and
  - Corrective action to address the exceedance(s); and
  - Re-testing of the discharge following implementation of corrective action; and
  - A report detailing the above points which shall be forwarded to the Bay of Plenty Regional Council within 10 working days following completion of receipt of the test results.
- 6.4 The results of the analyses shall be forwarded to the Bay of Plenty Regional Council within one month of being received.

## 7 Review of Consent Conditions

- 7.1 The bay of Plenty Regional Council may serve notice on the consent holder under section 128(1)(a) of the Resource Management Act 1991 of its intention to review the conditions of this resource consent. The purpose of such a review is to deal with any adverse environmental effect which may result from the discharge.

## 9 Term of Consent

- 9.1 This consent shall expire on 1 June 2023.

## 10 The Consent

- 10.1 The Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

## 16 Resource Management Charges

- 16.1 The consent holder shall pay the Bay of Plenty Regional Council administrative charges as fixed by the Bay of Plenty Regional Council in accordance with section 36 of the Resource Management Act 1991.

## Advice Notes

- 1 All conditions must be fulfilled to the satisfaction of the Chief Executive of the Bay of Plenty Regional Council, or delegate.
- 2 The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.

- 3 The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.

402

## Bay of Plenty Regional Council

### Resource Consent

Pursuant to the Resource Management Act 1991, the **Bay of Plenty Regional Council**, by a decision dated 4 July 2018, **hereby grants**:

A resource consent:

- **Under Section 9(2)(a) of the Resource Management Act 1991 and Rule LM R4 of the RWLP to undertake a discretionary activity being to disturb land and soil as a result of earthworks within the riparian management zone.**

subject to the following conditions:

#### 1 Purpose

- 1.1 The purpose of this resource consent is to authorise and set conditions on the carrying out of earthworks in and around Two Mile Creek, as part of the construction of a concrete erosion protection structure.

#### 2 Location

- 2.1 The activities authorised under this consent shall be located within the channel of Two Mile Creek in the area shown on B.O.P.R.C Plan Number RM17-0006/1.

#### 3 Map Reference

- 3.1 At or about map reference NZTM 1860645, 5855455.

#### 4 Earthworks

- 4.1 Any earthworks carried out under this consent shall be associated with the construction of the concrete erosion protection structure within Two Mile Creek and shall be undertaken in accordance with the conditions of consent RM17-0006-BC.01.

#### 5 Resource Management Charges

- 5.1 The consent holder shall pay the Bay of Plenty Regional Council administrative charges as fixed by the Bay of Plenty Regional Council in accordance with section 36 of the Resource Management Act 1991.

#### 6 Term of Consent

- 6.1 This consent shall expire on 1 May 2023.

#### 7 The Consent

- 7.1 The Consent hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

## Relevant Objectives and Policies

### Section 4A – General

#### 4A.1.2 Objective

The avoidance and/or minimisation of the likely adverse effects on the environment and on District Plan integrity arising from activities not specifically provided for in the District Plan

#### 4A.1.3 Policy

The adverse effects of activities not specifically provided for in the District Plan should not be of an unanticipated nature and scale nor should such activities either individually or cumulatively create the potential for the integrity of the District Plan to be undermined

### Section 4C – Amenity

#### 4C.1.2.1 Objective

An environment free of unreasonable noise in accordance with the character and amenity of the zone within which the noise is generated and received.

#### 4C.1.2.2. Policies

1. Ensure activities do not generate noise levels inconsistent with the character and amenity of the zone in which the generated noise is received.
2. Exempt from the maximum permitted noise level requirements are those activities which are an integral part of accepted management practices of activities associated with production land in rural areas as well as other activities clearly of a temporary nature (e.g. construction works, military training exercises).
3. Have regard to any relevant New Zealand standards, guidelines, or codes of practice in the assessment of applications for resource consents.

### Section 5 – Natural Environment

#### 5.2.1 Objectives

4. Preservation of wetland and riparian areas and where practicable the enhancement or restoration of the values and function of degraded wetland and riparian areas.

#### 5.2.2 Policies

12. To protect and maintain wetlands and riparian areas and enhance and restore wetlands and riparian areas in appropriate locations.

## Section 8 – Natural Hazards

### Objective 8.2.1

1. Minimisation of the risk of natural hazards to human life and the natural and built environment.

### Policies 8.2.2

3. Enable the development or redevelopment of land already subdivided or otherwise developed for urban purposes in areas now known to be at risk from natural hazards only where any likely adverse effects can be avoided or appropriately mitigated
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.

## Section 14 – Medium Density Residential

### 14.2.1 Objectives

5. Preservation and enhancement of the residential character and amenity values within urban areas in a manner consistent with the aspirations of the individual communities within those areas.

### 14.2.2 Policies

6. The undertaking of non-residential activities should not generate adverse effects that would be incompatible with the character and amenity values of the area in which they are located.

## Section 19 – Commercial

### 19.2.1 Objectives

7. Commercial Zones in which commercial activities can operate effectively and efficiently, without undue restraint from non-commercial uses which may require higher amenity values.
11. The development of town centres that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

### 19.2.2 Policies

2. New development or redevelopment of commercial centres is consistent with the design elements of the relevant adopted town centre plans.
8. Prevent non-commercial activities that conflict with or detract from the integrity of the Commercial Zone.

## Section 20 – Commercial Transition Zone

## 20.2.1 Objectives

3. The development of town centres and adjoining areas that complement adopted documents compiled with the respective communities such as town centre plans and comprehensive development plans.

## 20.2.2 Policies

1. New development or redevelopment in the Commercial Transition Zone is consistent with the design elements of the relevant adopted town centre plans

## Proposed Conditions

### General

1. *THAT the activity be carried out in accordance with the application submitted (subject to any changes required through compliance with the following conditions) including:*
  - a) *Tonkin & Taylor Ltd Two Mile Creek Erosion Protection Works Resource Consent Application and Assessment of Environmental Effects Ref. 851969.302, dated December 2016.*
  - b) *Tonkin & Taylor Ltd Two Mile Creek Erosion Protection Works Ecological Assessment Ref. 851969.3020.v1, dated August 2016*
  - c) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Site Plan Ref. 851969.302-10, Rev.1, dated July 2017.*
  - d) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Proposed Layout – Sheet 2 of 3 Ref. 851969.302-21, Rev.1, dated July 2017.*
  - e) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Proposed Layout – Sheet 3 of 3 Ref. 851969.302-22, Rev.0, dated September 2016.*
  - f) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Cross Sections 148.6m to 192.8m, Ref. 851969.302-32, Rev.1, dated July 2017.*
  - g) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Cross Sections 204.2m to 234.0m, Ref. 851969.302-33, Rev.0, dated September 2016.*
  - h) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Cross Sections 245.5m to 297.0m, Ref. 851969.302-34, Rev.0, dated September 2016.*
  - i) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Cross Sections 313.4m to 354.0m, Ref. 851969.302-35, Rev.0, dated September 2016.*
  - j) *Tonkin & Taylor Ltd Creek Bank Erosion Protection Works Cross Sections 364.5m to 419.0m Ref. 851969.302-36, Rev.0, dated September 2016.*
2. *All costs associated with the conditions of this consent shall be met by the consent holder*

### Design and Construction

3. *THAT the consent holder's representative shall submit to the Chief Executive Officer or duly Authorised Officer detailed design drawings of the concrete erosion channel for approval. Construction shall not commence until written approval of the plans and specification has been provided. The detailed design drawings shall include:*
  - a) *Details of how the structure will be integrated into the landform.*
  - b) *Details of how stormwater discharge and overland flow will be managed from adjacent properties into the channel.*
  - c) *Details and location of fencing along the sides of the channel.*
  - d) *Details and location of any landscaping provided either side of the channel*
4. *THAT design and construction shall be carried out to ensure that stormwater overland flow paths are provided clear of the buildable area of each Lot and to take into account the runoff from areas of road, including adjacent catchment where relevant.*
5. *THAT the consent holder's or approval, with the appropriate engineering inspection fee; construction drawings, specifications, calculations and project cost estimate; covering all*

**Attachment G**

*sections of work which it is proposed to be built in accordance with Council's Development Code and vest in Council. Any requests for dispensation from the Development Code requirements in respect to road carriageway widths / road cross fall geometry, vehicle entrance type and private way design will need to be assessed in the Design Road Safety Audit and will require specific approval from the Council's duly Authorised Officer at the Engineering document approval stage.*

6. *THAT the consent holder's representative shall submit to the Chief Executive Officer or duly Authorised Officer, all quality assurance and testing records that are required in accordance with Council's Development Code, including sealing records.*
7. *All activity on site associated with the bulk earthworks shall comply with the limits of New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".*
8. *Construction work shall only occur between 0730hrs and 1800hrs, Monday to Saturday. No construction work shall occur on site on Sundays or Public Holidays.*

**Fencing & Landscaping**

9. *That the Council ensure the childcare centre located at 43 Edinburgh Street is separated from the construction area at the rear of that property by a fence during the construction period. The fence shall be located and designed to prevent children being able to access the construction area.*
10. *That the Council be responsible for the cost of any new or replacement fencing and landscaping required on properties affected by the construction work.*