

Combined s95 Non Notification and s42A Planning Report for Resource Consent

Applicant: Thames Coromandel District Council
Address of Site: Buffalo Beach: Whitianga, Buffalo Beach Rd: Whitianga
Application Number: APP146362 **File No.:** 60 53 75A
Project Code: RC13058 **Application document:** 28344235

1 PROPOSAL

Thames Coromandel District Council (TCDC) has made an application for resource consent to re-consent two sections of seawall within Buffalo Beach, Whitianga, referred to as 'Toilet Block' and 'Extension' which is a contiguous wall and for the purpose of this application is referred to as the 'existing' seawall. This existing seawall has a total length of approximately 225m and consent is being sought for its ongoing occupation of the coastal marine area (CMA) and for its ongoing repair and maintenance. The existing wall was constructed under two separate consents¹ which both expired in 2021. Whilst the existing wall was lawfully constructed it no longer has consent for occupation within the CMA.

It is also proposed to extend the existing seawall approximately 30m to the north to address erosion effects that have been occurring and exacerbated by recent storm events. This 'tie-off' is to cover the existing area of erosion and ensure the structure is designed appropriately to mitigate end effects.

To construct the tie-off excavation of sand will be required which will remain on site to be used as fill to contour the dunes around the tie-off and enable dune planting.

Consent is being sought for a duration until 1 February 2040, to align with the expiry date of a seawall that extends south in a contiguous manner from the existing seawall subject to this application, and which is referred to by the applicant as the 'NZTA seawall' (refer to Figure 1).

Buffalo Beach is a popular recreational beach with adjoining reserve land, roading and housing. However, due to severe storm events seawalls have been constructed to protect the built environment. The seawalls protect the coastline and infrastructure but unfortunately create end effects in the dunes on the northern end.

¹ AUTH130216 and AUTH134340



Figure 1 – Aerial photograph displaying existing seawalls at Buffalo Beach (blue line – NZTA seawall, red line – toilet block, green line – extension wall to the toilet block)

The activities to be considered are as follows:

Reference Id	Activity Subtype	Activity Description
AUTH146362.01.01	Occupation	To construct, use and maintain a 255 metre long rock seawall extension at Buffalo Beach, including ongoing occupation, vehicle use and disturbance activity, all in the coastal marine area
AUTH146362.02.01	Land - disturbance	To undertake earthworks and to deposit approximately 600 cubic metres of cleanfill (total volume dependant on final engineering design) in a high risk erosion area in association with seawall construction

This report assesses the application, the potential environmental effects and the relevant planning provisions in the Resource Management Act 1991 and Waikato Regional Council policies and plans. The report recommends whether to process the consent with or without notification and whether consent should be granted.

2 SITE

The site is comprehensively described in section 5 of the AEE, and in summary, the site is located within Buffalo Beach which is an embayed beach located on the eastern coast of the Coromandel Peninsula, adjacent to the Whitianga township.

Due to the dynamics of the shoreline in this location there are a number of revetment structures along this part of the coastline, and the seawalls subject to this application form part of 660 metres of seawall that protect Buffalo Beach Road, a public walkway and reserve, public toilet and carpark, dwellings, utilities and infrastructure.

Approximately 500m from the northern extent of the seawalls is a mapped wāhi tapu site (Taputapuatea).



Figure 2: Aerial photo of site & surrounds

3 STATUS OF ACTIVITIES UNDER THE PLANS

The application has been assessed against the Waikato Regional Coastal Plan (WRCP) as follows:

- Consent as a discretionary activity pursuant to rule 16.4.24 for the erection and occupation of the new and existing seawalls within the CMA.
- Consent as a discretionary activity pursuant to rule 16.6.3 for the use of motorised vehicles on the foreshore during the construction of the new seawall and associated with any maintenance work required on the seawalls for its duration.
- Consent as a controlled activity pursuant to rule 16.6.11 for the earthworks associated with the construction of the new wall. It is anticipated that approximately 600 cubic metres of earthworks will be required, but to be confirmed at detailed design stage. Rule 16.6.11 provides for up to 1000 cubic metres of earthworks.

The application has been assessed against the Proposed Waikato Regional Coastal Plan (PWRCP) as follows:

- Consent is sought as a discretionary activity pursuant to rule STR-R13 for the erection, construction and occupation of a structure within the CMA.
- Consent is sought as a discretionary activity pursuant to rule DD-R6 for vehicle use within the CMA associated with the construction of the new seawall and for any associated maintenance activities for the existing and proposed seawalls.
- Consent is sought as a discretionary activity pursuant to rule DD-R22 for the deposition of cleanfill associated with the construction of the new seawall.

The application has been assessed against the Waikato Regional Plan (WRP) as follows:

- Consent as a controlled activity under Rule 5.1.4.14 for soil disturbance of between 250 and 1,000 cubic metres in a high-risk erosion area associated with the construction of the new seawall.
- Consent as a discretionary activity under Rule 5.2.5.6 for approximately 600 cubic metres of cleanfill disposal (total volume dependant on final engineering design) in a high-risk location area, associated with the construction of the new seawall.

For the purposes of decision making the application has been bundled and is assessed as a discretionary activity overall.

4 PROCESS MATTERS

The resource consent application was lodged on 13/12/2023.

A section 92 request was made on 1st March 2024 requesting the following information:

1. Since lodgement of the application, can you please advise if any further correspondence has been received from any of the iwi groups, and if so, provide details on the feedback?
2. Details on any alternative options that were discussed, and the rationale for proceeding with the renewal and extension of the seawall.
3. The ecological assessment has used the principles for evaluating the level of ecological effects as outlined within the 'Ecological Impacts Assessment' guideline as published by EIANZ, however this document states that it does not include coastal-marine ecosystems as it differs in many ways from the terrestrial and freshwater environments. Please provide details on the principles that were used in assessing the ecological values for this application.
4. The need for the seawall extension, is due in part to the 'end effects' of the existing seawall, where elevated levels of erosion occur immediately where the wall ends. Please provide an assessment of the potential physical and ecological effects to the area just north of the extension and what the effects of focused wave energy will be.
5. The ecology assessment refers to 53m² of vegetation removal and to address the loss of this coastal vegetation, planting is proposed. Please identify the spatial extent of the proposed planting and demonstrate that it is commensurate with the proposed works and provides an appropriate level of mitigation.
6. Section 5.2 of the AEE refers to the structural integrity of the existing seawalls. Can you please provide an inspection report prepared by a suitably qualified person that demonstrates the existing seawall is structurally sound?
7. In terms of the extension to the wall, please outline a potential monitoring and mitigation plan that assesses the success of the seawall in preventing end effects.
8. Please outline a monitoring plan to assess and ensure that the seawall is not causing beach lowering.

9. The 'Coastal Processes Impact Assessment' under section 6.2 states "*However, given the beach is already highly modified with many erosion protection structures located along Buffalo Beach, it is expected that these effects will be similar to the effects generated by adjacent seawalls.*" Please provide context to this statement and describe the effects being referred to and how they relate to the seawall being considered as part of this application.
10. Please provide details on any monitoring undertaken for the existing seawalls to assist in assessing the impacts of the structure on coastal processes, and the effectiveness of the previous mitigation efforts.

The applicant provided a response to these queries on 12th March 2024 (WRC document #28701864) however this was deemed insufficient in terms of the responses to queries related to coastal ecology and coastal processes. Updated responses were received from the applicant in relation to these matters (WRC document # 28867964, 28866379, 28866912). The responses in relation to these matters never fully addressed the queries, particularly in relation to the method used to assess the ecological effects (the use of guidelines that specifically state they have not been developed for assessing coastal ecological effects) and the assessment of 'end effects', and possible mitigation measures if erosion occurs. However, WRC experts, Dr Townsend and Mr Hunt, have indicated that based on their own knowledge and experience of the area and by utilising monitoring reports held by WRC in relation to the monitoring of the existing seawall as required by the conditions of consents, they have sufficient information to understand the effects of the proposal.

5 ASSESSMENT FOR THE PURPOSE OF NOTIFICATION

5.1 Adequacy of information

It is my opinion that the information contained within the application is substantially suitable and reliable for the purpose of making a recommendation of and decision on notification. The information within the application is sufficient to understand the characteristics of the proposed activity as it relates to provisions of the Regional and Regional Coastal Plans, for identifying the scope and extent of any adverse effects on the environment, and to identify persons who may be affected by the activity's adverse effects.

5.2 S95A: Determining whether the application should be publicly notified

Step 1(a): Has the applicant requested public notification? (s95A(3)(a))

The applicant has not requested public notification.

Step 1(b): Is public notice required under s95C due to required information not being provided? (s95A(3)(b))

There are no further information requests (s92(1)) or reports to be commissioned (s92(2)) that have not been responded to or provided. Although it is noted above that insufficient information has been supplied in relation to effects on coastal ecology and processes, the applicant has nonetheless in the end provided sufficient information to enable WRC experts to use their own expertise to 'fill the gaps'. While not ideal and recognising the applicant's responsibility to support their own application I do not consider that there is a need to notify the application pursuant to section 95C.

Step 2(a): Is there a Rule or NES that precludes public notification? (s95A(5)(a))

There are no rules in the Regional and Regional Coastal Plans or national environmental standard relevant to this proposal that preclude public notification.

Step 2(b): Is public notice precluded on the basis that the application is for a controlled activity under the Regional and Regional Coastal Plans? (s95A(5)(b)(i))

The activity is not for a controlled activity, as it is being processed on a bundled basis as a discretionary activity overall. However, there are aspects of the proposal that are a controlled activity, for the earthworks associated with the construction of the seawall. In terms of this aspect of the proposal I have focussed on the matters over which control is reserved as per rule 5.1.4.14 and detailed in 5.1.6 of the WRP and rule 16.6.11 of the WRCP and referenced below.

As per rule 5.1.4.14 of the WRP, WRC reserves control over the following matters:

- i. Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability.
- ii. The carrying out of measurements, samples, analyses, surveys, investigations or inspections.
- iii. The method of sediment retention and sediment runoff control to be adopted.
- iv. Measures to avoid, remedy or mitigate damage to riparian vegetation or soil.
- v. Measures to avoid, remedy or mitigate damage to any lawfully established structures.
- vi. The location, timing of construction, design and density of soil disturbance and vegetation removal activities.
- vii. Any measures necessary to rehabilitate the land following the completion of the activity.
- viii. Measures to avoid, remedy or mitigate damage the adverse effect of the activity on areas of significant indigenous vegetation and significant habitats of indigenous fauna, and significant natural features such as cave and karst systems and outstanding landscapes.
- ix. Measures to control the effect on air quality from objectionable particulate matter.
- x. Effects on any waahi tapu or other taonga from the activity.
- xi. Effects on the relationship of tangata whenua and their culture and traditions with the site and any waahi tapu or other taonga affected by the activity.
- xii. Effects on the ability of tangata whenua to exercise their kaitiaki role in respect of any waahi tapu or other taonga affected by the activity.

Rule 16.6.11 Minor Disturbances/Deposits of the WRCP, WRC reserves control over the following matters:

- The location of material to be disturbed or deposited.
- The information and monitoring requirements.
- The method and timing of the disturbance/deposit.
- The frequency of any disturbance or deposit.
- The particle size and composition of the deposition.
- The location, extent and timing of the use of vehicles.

Step 3(a): Is there a rule or NES that requires public notification? (s95A(8)(a))

There are no rules in the Regional and Regional Coastal Plans that require public notification. There is no NES relevant to this proposal.

Step 3(b): Is public notification required on the basis that the activity will have adverse effects on the environment that will be, or are likely to be, more than minor? (s95A(8)(b))

- (a) I confirm that I have disregarded effects on persons who own or occupy the land in, on or over which the activity will occur or any land adjacent to that land.

(These persons are set out in Table 1).

Table 1: Persons on whom effects must be disregarded for the public notification assessment

Person	Land	Reason(s)*
Thames – Coromandel District Council	PT Weiti 1 (Parcel ID 4285508)	Land immediately adjoining to the south with the connected seawall
Thames – Coromandel District Council	Lot 3 DPS 4704 and Lot 6 DPS 4704	Land immediately adjoining the site of works and includes part of the 'subject site' (Lot 3) and an adjoining section that is also part of the reserve area (Lot 6)

***TCDC is the landowner of the adjoining sites as referenced above, and given TCDC is also the applicant, their approval is considered inherent in the application.**

- (b) There are no rules in the Regional and Regional Coastal Plans or national environmental standard relevant to this proposal that permit an activity with this effect. (s95D(b))
- (c) There are no restricted discretionary activities which limit the effects that may be considered (s95D(c))

However, as referenced above the application entails controlled activities and in assessing this bundled application, I confirm that I have limited effects considerations to those particular matters over which WRC has reserved its control.

- (d) I confirm that I have had no regard to any trade competition matters.
- (e) There are no persons who have given written approval (s95D(e)) however as noted above, the adjoining land is within the ownership of the applicant and therefore written approval is considered inherent in the application.

Section 104(1)(a) of the RMA provides that when considering a consent application, the consent authority must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity. Case law has determined that the "environment" must be read as the environment which exists at the time of the assessment and as the environment may be in the future as modified by the utilisation of permitted activities under the plan and by the exercise of resource consents which are being exercised, or which are likely to be exercised in the future. It does not include the effects of resource consents which might be sought in the future nor any past reversible effects arising from the consent being considered. In this instance both the permitted baseline and existing environment have been considered, and their relevance to the assessment of this application is discussed further below.

Permitted Baseline Assessment

The permitted baseline refers to permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects where an activity is not fanciful. In this case the permitted baseline is not relevant as whilst the plan provisions do provide for structures as a permitted activity these are in relation to temporary structures, monitoring and sampling structures, maimai, whitebait stands, tide fences and navigational aids. Given the form and scale of these permitted structures, the type and complexity of effects associated with the proposed activity are

such that the permitted baseline does not provide a useful comparison for the purpose of discounting effects.

Existing Environment

The existing environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

I am not aware of any unimplemented consents and the existing environment includes the following consents that are still active:

AUTH137759 – Consent to authorise an existing coastal erosion protection structure for road protection purposes, including the associated occupation of space in the CMA. Expires 01/02/2040.

AUTH135001 – To undertake up to 10,000 cubic metres of beach nourishment per year on Whitianga Harbour and open coast beaches including associated vehicle use in the CMA. Expires 28/02/2050.

AUTH124173 – To undertake beach scraping to a maximum volume of 25,000 cubic metres for coastal dune repair purposes at Whangapoua, Matarangi, Brophy's, Buffalo, Cook's, Hahei, Tairua and Whangamata Beaches, including the use of vehicles in the CMA. Expires 30/03/2037.

AUTH124175 – To undertake beach scraping to a maximum volume of 1000 cubic metres for coastal dune repair purposes at all eastern Coromandel Peninsula open coast beaches, including the use of vehicles in the CMA. Expires 31/03/2027.

The existing seawall that forms part of this application does not benefit from an active consent, with the consents authorising it expiring in 2021 (AUTH130216 and AUTH134340). These applications were received in 2023 and therefore there is no S124 protection available. Therefore, in terms of the 'existing environment' I do not consider the seawalls subject to this application form part of it. Although they are in existence they are currently not authorised and therefore in my opinion cannot form part of an 'existing environment'. The existing environment therefore becomes somewhat problematic as the removal of the existing seawall requires resource consent, and the beach without the wall therefore also does not form part of the 'existing environment'. I have therefore not considered the seawall as existing but when assessing the adverse effects, acknowledge that it provides a very good representation of the types of actual and potential environmental effects that could be generated.

This approach was taken with the 'Buffalo Beach Homeowners' seawall further to the north of the subject site, whereby consent was sought to authorise an existing seawall structure. In the decision for this consent, the Hearing Commissioner states:

"I understand the agreed position of the planning experts to be that resource consent is required for the existing seawall to be both extended/upgraded and to continue to occupy the land it does. As a consequence, I have advanced by subsequent analysis on the basis that the existing seawall² does not form part of the environmental baseline."

"...the existence of the existing seawall cannot, and should not be merely ignored. Particularly as I understand that a range of restricted discretionary, discretionary and non-complying resource consents

² Reference to the existing seawall, is the seawall being sought for authorization by the Buffalo Beach Homeowners Association

would be needed to remove the existing seawall, and that they could be declined if it is found that unacceptable adverse effects would be generated. As a consequence, I have accepted the approach recommended by the planning experts, Mr Green³ and Mr Jennings⁴, and have treated the existing seawall as providing a very good representation of the types of actual and potential environmental effects that the seawall could generate.”⁵

Assessment

The assessment below considers adverse effects on the environment that are potentially more than minor.

Table 2: Potential Adverse Environmental Effects Assessment

Coastal Processes

An assessment of the effects on coastal processes arising from the proposal has been provided with the application and summarised within the AEE as follows:

- *There is an impact in terms of beach lowering and beach width reduction as a result of maintaining the existing structure and holding the shoreline seaward of where it would otherwise naturally be, meaning sand is not generally able to accumulate in front of the wall. In the short-term, however, beach push-ups are considered a practical temporary fix commensurate to the consent term sought (~17 years) and will help buy some time for consideration of more sustainable long-term management options at Buffalo Beach.*
- *With the incorporation of an appropriate tie-off combined with indigenous dune planting, it is expected that the impact in terms of end effects erosion will be minimal. It is accepted by TCDC that sand push-ups (as authorised by AUTH124175) and planting may be required following particularly significant storms to repair erosion that may occur immediately north of the new tie-off section. This erosion is expected to be low given the stability of the area north of the seawalls and design of the tie-off to minimise these effects.*
- *The impact of overtopping does not appear to have resulted in any significant structural damage to the existing revetment to date. It is therefore considered that any adverse effects with respect to overtopping are likely to be no more than negligible with respect to the continued occupation of the existing seawall, and the construction of the proposed tie-off which will have the same crest height and design specifications as the adjoining wall. Any localised remedial works required as a result of overtopping will be identified during post-storm inspections by TCDC and can be rectified on an ‘as-needed’ basis.*
- *Overall, the potential for adverse effects on the local coastal processes and the receiving environment as a result of the continued occupation of the existing revetment and proposed tie-off are considered to be indiscernible in the context of the existing situation. The new tie-off is intended to reduce the existing issue of end effects erosion through appropriate design.*

Mr Stephen Hunt (WRC Senior Scientist – Coastal) has reviewed the application documents and the latest monitoring report provided to WRC as part of the conditions of consent for the existing seawall. Mr Hunt is not convinced that the proposed sand push-ups that are to manage any end effects arising from the extension to the seawall will be sufficient mitigation. Mr Hunt has therefore recommended that in the event consent is granted a condition is imposed that requires on-going monitoring of the new wall and in the event erosion at the end of the wall becomes an issue, adaptive management approaches need to be identified. Provided the applicant undertakes monitoring of the new wall and manages any erosion end effects that may arise, I consider the proposal will have adverse effects on coastal processes that are likely to be less than minor.

³ Legal counsel for TCDC

⁴ Legal counsel for Forest and Bird, as a submitter to the application

⁵ Paragraph 114 of the decision for resource consent AUTH138330.01.01

Ecology

Accompanying the application is an ecological assessment undertaken by Daniel Ahern, Senior Ecologist at SLR. The findings of which are summarised with the AEE:

Existing Seawall

- *Considering there is negligible coastal vegetation value in these areas due to their highly mobile and eroding nature, the overall ecological effects on coastal vegetation is considered to be very low.*
- *The overall ecological effect of the seawall is considered to be very low for avifauna. A seawall will likely provide temporary roost sites for coastal birds such as red-billed gull.*
- *The overall ecological effects of the seawall on intertidal habitat and biodiversity are very low.*

Proposed tie-off

- *The overall effect of the proposed structure on coastal vegetation is considered to be very low.*
- *The overall ecological effects on avifauna are considered to be very low.*
- *The overall ecological effects of the seawall on intertidal fauna are considered to be very low.*

Cumulative Effects

- *While this consent is not expected to have a substantial effect on the habitat's ecological functionality, given the upper intertidal zone does not support the most ecologically rich and diverse habitat, it is still an environment that the gradual loss of which should be considered in future when addressing coastal erosion at Buffalo Beach.*

The ecological assessment provided by the applicant was based on the principles for evaluating level of ecological effects as outlined within the Ecological Impacts Assessment guidelines published by the Environmental Institute of Australia and New Zealand (EIANZ). However, these guidelines are not developed for use in assessing marine ecological effects. The manner in which these guidelines have been used in assessing this application has not been clearly detailed, in the original assessment and within subsequent responses to the section 92 request. It is not clear what criteria from the EIANZ guidelines have been used and why. Dr Townsend has therefore not relied on the conclusions reached within the ecological assessment. Based on his own knowledge of the area, including involvement with the consenting of the Buffalo Beach Homeowners seawall further to the north (APP138330.01.01), he considers that the ecological effects overall will be low. This is due to the upper intertidal adjacent to the eroding scar not likely to be suitable habitat for coastal vegetation, low diversity of benthic invertebrate, and having regard to the fact that the area is not considered suitable roosting or nesting habitat.

In regard to noise effects, it is considered that the construction related activity, being of a short duration and temporary is unlikely to adversely affect the health of fauna, or cause a public nuisance.

Based on the comments received from Dr Townsend and given the existing modified nature of the beach in this location, and that the area is not identified within any of the regional plans as having ecological value, I consider that the potential adverse ecological effects will be less than minor.

Water Quality

Water quality issues may potentially arise during the construction activity required to construct the new wall. The AEE notes that any earthworks will only occur along the foreshore during low tides and any stockpiling of material required during construction will be above the high tide mark and within the adjoining reserve. Furthermore, any imported rock to construct the wall will be clean and will be imported onto the site during low tide.

Taking these factors into account, the short duration of the works, and provided the works are undertaken in accordance with an 'Erosion and Sediment Control Plan' (ESCP) it is considered that any

potential adverse effects on water quality will be less than minor.

Landscape Effects and Natural Character

The applicant has provided an assessment undertaken by a Landscape Architect of the proposal against landscape values⁶. The assessment concludes *“the seawall revetment will be of a nature, scale, intensity and location that is appropriate within the receiving environment because the proposal will be of the same material and height of the existing seawall structure, presenting a continuous line of development along the coastal edge. On this basis, it is considered that the overall landscape effects will be low.”*⁷

To clarify, the landscape assessment has been based on the existing seawall not considered part of the physical environment, and the reference to the ‘existing seawall structure’ is a reference to the NZTA seawall immediately to the south.

The assessment was undertaken in accordance with the assessment guidelines adopted by the New Zealand Institute of Landscape Architects and I concur with the conclusion reached by the applicants Landscape Architect. Although the proposal will result in additional built structures within the landscape, when viewed in the context of existing development within this area (as evident in Figure 3 below), including existing consented seawalls, public amenities on the reserve area and the adjoining residential area which all add to creating a modified environment, I consider that the adverse effects on landscape values are likely to be less than minor.



Figure 3 – Aerial photograph of Buffalo Beach identifying coastal structures (Map LA02 from Appendix I of the application)

The NZCPS includes comment on the elements that constitute ‘natural character’, including the following:

⁶ Memorandum from Lucia Caves, dated 07 July 2023, Appendix I of the application (WRC document #28110843)

⁷ Page 6, Appendix I ‘Landscape Advice Memorandum’ of the application

- Natural elements, processes and patterns;
- Biophysical, ecological, geological and geomorphological aspects;
- Natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;
- The natural movement of water and sediment;
- The natural darkness of the night sky;
- Places or areas that are wild or scenic;
- A range of natural character from pristine to modified; and
- Experiential attributes, including the sounds and smell of the sea; and their context or setting.

As referenced above, the site is located within a modified environment, and is not considered a pristine or wild area. The construction of the wall and ongoing occupation of this part of the coast will affect natural coastal processes and the movement of sediment, however when taking into account existing development along this part of the beach and the existing effect these have on coastal processes, it is considered that the adverse effects on natural character values will be less than minor.

Overall, for the reasons as outlined above, I consider the entire extent of seawall as proposed is likely to have a less than minor adverse effect on natural character and landscape values.

Archaeological effects:

The WRC 'Ourmaps' identifies three archaeological sites within proximity to the works as referenced below:

- T11/562 – wreck of the HMS Buffalo within the coastal environment.
- T11/2872 – site of shipwreck survivors camp
- T11/1043 – Mercury Bay Hospital and Doctor's Residence

Given the extent of the works area being located within the beach reserve, and the separation distance from these features (as identified in Figure 3 below) it is considered unlikely any disturbance to any archaeological feature will occur. In the event consent is granted, a condition of consent will also be imposed requiring protocol to be followed in the event a new archaeological feature is discovered.

Overall, for the reasons as outlined above the adverse effects on cultural heritage will be less than minor.



Figure 4 – Archaeological sites identified with blue dot

Public Access

The AEE notes *“Because of the magnitude of the rock revetment within this beach compartment, access from the esplanade reserve to the foreshore is generally limited to access at either end of the seawalls or via a number of wooden stairs which mitigate the effects on public access to the CMA. Access along the beach at high tide is often not possible along some sections of the beach where the seawalls exist, with narrow areas available along other sections of the seawalls.”*

During the construction period, public access to the beach will be restricted in this location due to safety concerns. Upon completion of the proposed extension to the seawall access will be further restricted by the proposed extension however there will be no change to the existing arrangement in terms of the stairs linking the reserve with the beach and I concur with the following statement within the AEE and consider the potential adverse effects on public access will be less than minor:

The seawalls will also help in maintaining public access along the coastal margin via the reserve and walkway, by protecting this land. Access across coastal margins is commonly managed to protect dunes and coastal habitats. Therefore, the presence of the seawall and the provision of controlled access between the TCDC reserve land and the beach, by way of access stairs the beach does not result in significantly difference adverse effects compared to the usual management of access through the dunes to the beach.

Tangata Whenua values

The applicant undertook consultation prior to lodgement as part of the requirements under the Marine and Coastal Area (Takutai Moana) Act 2011. At the time of lodgement responses had been received from Ngāti Porou ki Hauraki and Ngāti Whanaunga. Ngāti Porou ki Hauraki have stated that they are aware of the challenges associated with this part of the coastline and have no objection to the proposal. Ngāti Whanaunga stated that they would like to undertake a site visit but despite the applicant following up on this request, to the knowledge of WRC, no further contact between the applicant and Ngāti Whanaunga has occurred at the time of writing this report.

As aforementioned, approximately 500m from the northern extent of the seawalls is a mapped wāhi tapu site (Taputapuatea). It is considered that the 500m separation distance between the subject site and this wāhi tapu site is sufficient to ensure that any construction activity will not adversely affect the extent of, and values, associated with this site.

It is considered that access to this part of the coast will be maintained for use by tangata whenua, any changes to water quality will be short term in duration arising from sediment discharge during construction, and the works will not adversely affect any identified wāhi tapu sites. For these reasons it is considered any potential adverse effects on tangata whenua values will be less than minor.

Climate change effects from the proposal

Given the nature of the proposal, related to the renewal and construction of a seawall, with no air emissions, there will be no climate change effects from the proposal.

Climate change effects on the proposal

Appendix G of the application provides a comment on sea level rise and it is noted that the original design for the existing wall, subject to renewal, and the proposed extension have been designed to accommodate sea level rise. The design takes into account a +0.31m rise in sea level to cover the life of the wall, which is consistent with 'Interim guidance on the use of new sea-level rise projections', as prepared by the Ministry for the Environment.

As noted in Appendix G any overtopping of the wall is only expected in extreme weather events, similar to Cyclone Gabrielle, and is expected to have a negligible effect. In the event that there is any damage that is identified during post-storm inspections, remedial works will be undertaken as required.

Overall, it is considered that the design and life span of the seawall will ensure that the potential adverse effects arising from climate change effects, notably sea level rise, will be less than minor.

Conclusion

The actual or potential adverse effects of the proposal on the environment will be, or are likely to be, minor or less than minor. Therefore, public notification is not required on this basis.

Step 4: Are there special circumstances that warrant public notification (s95A(9))?

There are no other matters or special circumstances that warrant public notification. In coming to this conclusion, I have taken into account all the matters discussed earlier in this report.

Conclusion

The application does not require public notification.

5.3 S95B: Determining whether the application should be limited notified

Step 1: Is there a Statutory Acknowledgment Area under s95E? (s95B(3)(a))

On 31 May 2017, Ngati Hei and the Crown initialled a Deed of Settlement and recognised through statutory acknowledgement areas the association between Ngati Hei and a particular site or area. The area of interest of Ngati Hei is located on the eastern seaboard of the Coromandel Peninsula from Onemana to Whangapua and centred around Tairua and Ahuahu, and includes offshore islands. The Deed identifies the association Ngati Hei have historically held with the coastal area, including its importance for the undertaking of cultural activities, navigation, trade and aesthetic values.

Access to Buffalo Beach and this part of the coast will be maintained, the construction activities will be undertaken in accordance with appropriate erosion and sediment control techniques to maintain water quality, and given the modified nature of the surrounding environment and existing erosion protection structures, it is considered that the proposal is unlikely to adversely affect the relationship Ngati Hei have with their statutory acknowledgment area, and their written approval is not required.

Step 2: Is there a rule or NES that precludes limited notification? (s95B(6)(a))

There are no rules in the Regional and Regional Coastal Plans or national environmental standard relevant to this proposal that preclude limited notification.

Step 3: Is limited notification required on the basis that there are persons who are affected to a "minor or more than minor" extent? (s95B(8))

In forming this opinion I have had appropriate regard to the matters in s95E which I assess as follows:

- (a) There are no rules in the Regional and Regional Coastal Plans or national environmental standard relevant to this proposal that permit an activity with this effect on a person. (s95E(2)(a))
- (b) There are no controlled or restricted discretionary activities which limit the effects that may be considered; (s95E(2)(b))

As aforementioned the application entails controlled activities and in assessing this bundled application, I confirm that I have limited effects considerations on persons to those particular matters over which WRC has reserved its control.

- (c) There are no persons who have given written approval (s95E(3)(a))
- (d) There are no persons whose approval is required for the reasons as outlined below. (s95E(3)(b))

Assessment

The adverse effects on persons are capture above in Table 2 but in summary, it is considered the adverse effects on any persons is less than minor as access to the beach via the stairs from the reserve will be maintained, the wall will be designed and constructed in a manner that will not adversely affect the stability of surrounding land. Given the scale and height of the wall and taking into account existing built development, the adverse effects on natural character and landscape values will be less than minor. Any construction effects will be temporary and short in duration and therefore I consider that any construction related noise and dust will have a less than minor adverse effect on the residents

occupying the dwellings on the opposite side of Buffalo Beach Road, and also any users of the adjoining reserve and beach.

Conclusion

The application does not require limited notification on the basis of Step 3.

Step 4: Are there Special Circumstances? (s95B(10))

There are no special circumstances existing that warrant notification to any other persons not already determined to be eligible for limited notification. In coming to this conclusion, I have taken into account all the matters discussed earlier in this report.

Conclusion

The application does not require limited notification.

6 SECTION 95 NOTIFICATION RECOMMENDATION AND DECISION UNDER DELEGATED AUTHORITY

It is recommended the application proceed on a non notified basis for the reasons discussed above:

Reporting Officer:



Nicola Holmes
Principal Consents Advisor
Resource Use Directorate

Date: 30th July 2024

Approved By:



Diane Palmer
Team Leader
Resource Use Directorate

Date: 30th July 2024

Acting under authority delegated subject to the provisions of the RMA 1991 which at the time of decision had not been revoked.

7 SECTION 104

A decision was made under section 95 of the Act to process the application on a non-notified basis. An assessment of, and decision on, the application under section 104 of the Act is provided below.

8 SECTION 104(1)(a) - ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

8.1 Effects of the proposal

The assessment of adverse effects in the approved notification report is also relevant for the purposes of the assessment required under s104(1)(a). In summary it was concluded that the adverse effects on natural character and landscape values, cultural values, tangata whenua values, coastal processes, public access and water quality will be less than minor.

In terms of positive effects, the proposed seawall will protect this part of the coast and adjoining public reserve, footpath and road from erosion.

In summary, it is considered the actual and potential effects of the proposal are able to be avoided, remedied or mitigated through the imposition of conditions and are therefore acceptable.

9 SECTION 104(1)(b) - RELEVANT POLICIES & PLANS

9.1 National Policy Statement for Fresh Water Management / Renewable Electricity Generation / Electricity Transmission/ NZ Coastal Policy Statement / Urban Development / Highly Productive Land / Greenhouse Gas Emissions from Industrial Process Heat / Indigenous Biodiversity

The NZ Coastal Policy Statement (NZCPS) is relevant to this proposal. The NZCPS provides guidance to a consenting authority around appropriate use and development of the CMA. Protection of the natural character, amenity values and public access to the CMA are priorities within the statement, in addition to taking into account the principles of the Treaty of Waitangi.

There is a steer away from hard protection structures with an emphasis on promoting and identifying long-term strategic approaches to protect existing development from coastal hazards. However, the NZCPS does acknowledge that hard protection structures may be the only practical means for protecting existing infrastructure. On balance, I find that the proposal is overall consistent with the NZCPS as adverse effects will be less than minor, whilst protecting existing development from further erosion at the same time as a long-term approach to managing this coastline is developed.

9.2 National Environmental Standard for Air Quality / Sources of Drinking Water / Electricity Transmission Activities / Telecommunication Facilities / Assessing and Managing Contaminants in Soil to Protect Human Health / Plantation Forestry / Freshwater / Marine Aquaculture / Greenhouse Gas Emissions from Industrial Process Heat

There are no national environmental standards relevant to this proposal.

9.3 Waikato Regional Policy Statement

The RPS is a high-level broad-based document containing objectives and policies of which the purpose is to provide an overview of the resource management issues of the region and to achieve integrated management of the natural and physical resources of the Region.

The objective and policies relevant to the coastal area are outlined within Part 3 of the RPS. Objective CE-CMA-O2 seeks to recognise and provide for the mauri and health of marine waters and objective CW-O1 seeks to manage the coastal environment in an integrated way that preserves the natural character and values of the coastal environment, avoids conflict between users, recognises interconnections between marine and land-based activities and recognises the natural processes within the coastal environment. Policy CE-P1 is particularly relevant to this proposal as it seeks to manage development within the coastal environment.

Overall, it is considered that the proposal is consistent with the relevant objectives and policies as the structure and associated construction works will not be of a scale and location that will detract from the nature character and landscape values of the area, given the modified nature of the surrounding area. In addition, any adverse effects on ecology and coastal physical processes occurring will be less than minor.

9.4 Waikato Regional Plan

The Waikato Regional Plan (“WRP”) is operative. The purpose of regional plans is to help the Council carry out its functions under s30 of the RMA.

Section 5.1 of the WRP addresses accelerated erosion within the coastal margins, including the dune systems on the coastlines of the Waikato region. Objective 5.1.2 seeks to manage activities that cause or have the potential to cause accelerated erosion and avoids significant adverse effects on natural character and ecological values associated with the coastal environment. Section 5.1.3, Policy 1 also seeks to manage activities that cause or have the potential to cause accelerated erosion whilst Policy 2 requires a use of regulatory and non-regulatory approaches to minimise the adverse effects of soil disturbance. The construction works, including the sediment disturbance, will be undertaken in accordance with an appropriate sediment and erosion control plan to minimise sediment discharge and the proposal and will not result in significant adverse effects on the natural character and ecological values of this coastal area. Overall, it is considered that the proposal will be consistent with the relevant provisions of the WRP.

9.5 Waikato Regional Coastal Plan

The WRCP seeks to promote sustainable and integrated management of the CMA. The objectives and policies outlined within Chapter 3 are of relevance to this application. In summary, the objectives are to preserve the natural character of the coastal environment (Objective 3.1 and Policy 3.1.6), protect areas of significant vegetation and habitat (Objective 3.2 and Policy 3.2.1), maintain and enhance amenity and heritage values (Objective 3.3 and Policy 3.3.1) and protection of natural coastal processes (Objective 3.4 and Policy 3.4.2).

The proposal is considered to overall be consistent with these objectives and policies as given the scale of the development, any adverse effect on coastal processes will be less than minor, the works are not within an area that holds significant habitat value and will not have any significant adverse ecological effect. Given the location of the area of works in relation to identified items of cultural or heritage value it is unlikely that there will be any adverse impact, and in the event of consent being granted conditions of consent will be imposed requiring accidental discovery protocol to be followed. Given the existing coastal structures (NZTA seawall) and urban development occurring within this section of the coast, it is

considered that the environment is highly modified, and the seawalls will have a less than minor effect on the natural character and landscape values of the area.

9.6 Proposed Waikato Regional Coastal Plan

The PWRCP was notified on 18 August 2023 and the rules have legal effect. Although, it is noted that there have been a number of submissions received against the proposed provisions. Given that these submissions have yet to be heard, and any decisions made, greater weight in this assessment is afforded to the provisions of the Operative Regional Coastal Plan.

Chapter 22 'Structures and occupation of space' is particularly relevant to this proposal. The objectives and policies seek to ensure that structures within the CMA have a functional need to be there and are located and designed to minimise adverse effects on the values of the coastal area and maintain public access. Policy STR-P9 recognises that hard protection structures may be appropriate if it is the only practicable means to protect public assets from coastal hazard risk during the lifetime of the plan. STR-P11 seeks to ensure that erosion protection structures do not prevent public access to and along the CMA.

Whilst there is clear direction away from enabling hard protection structures within the coastal environment, the Plan does provide for these in particular circumstances, and as this proposal assists in the protection from erosion of a public road and reserve area, whilst still providing for access to this section of the CMA, and as assessed above, the adverse effects will be less than minor I consider that the proposal overall is consistent with the outcomes sought within the PWRCP.

10 SECTION 104(1)(c) – ANY OTHER MATTER CONSIDERED RELEVANT AND REASONABLY NECESSARY

10.1 Other Relevant Matters

Hauraki Iwi Environmental Management Plan (HIEMP)

The HIEMP is a strategy for collective action by the iwi to sustain the mauri of the natural environment and cultural heritage of the Hauraki rohe. The HIEMP includes a number of objectives and outcomes sought for the coastal environment. In summary, the HIEMP seeks to protect and restore the coast, beach and estuarine habitats and ecosystems within the region and improve greater integration between communities and government agencies to achieve the objectives.

As assessed in section 5 of this report, the adverse effects overall on the values associated with this coastal environment will be less than minor and the proposal will not be inconsistent with the outcomes sought within the HIEMP.

Thames-Coromandel District Council Coastal Management Strategy

The Thames-Coromandel District Council Coastal Management Strategy was adopted in 2018 and sets out a range of initiatives that Council will undertake over the coming years to better manage coastal assets and to understand the risk of coastal inundation and coastal erosion, which has funding allocation in its 2018-2028 Long Term Plan.

In relation to coastal hazards the strategy includes the following goals:

- Coastal hazards on the District's coastal foreshore land are sustainably managed to ensure risk to life and property is maintained at an acceptable or tolerable level.

- Landowners and the community are prepared for natural hazards and are aware of appropriate risk reduction measures they can take.
- Emergency response procedures and infrastructure are well established to protect people.
- Coastal defences are in keeping with the coast's natural character and continue to provide for recreational opportunities and public access where practical.

The proposal forms part of the 20 year work programme for managing coastal hazards and risks whereby the areas at risk from coastal hazards are identified and prioritised with a service delivery plan put in place.

Thames-Coromandel District Council Coastal Hazards Policy

The Coastal Hazard Policy was adopted by Thames-Coromandel District Council (TCDC) in August 2018 and has the following objectives:

- To sustainably manage the effects of coastal hazards on the District's coastal foreshore land by ensuring risk to life and property is maintained at an acceptable or tolerable level.
- To guide decisions on the level of service TCDC will provide at any location subject to a coastal hazard.
- To enable TCDC to respond consistently and efficiently to emergency events threatening public and/or private coastal property or infrastructure.

The Policy outlines TCDC's overall approach to assessing risk and outlines a hierarchical approach to managing effects whereby it states that "New 'hard' coastal defences should be avoided except where no other option is available to safeguard existing dwellings, community facilities or a lifeline utility."

As referenced above, hard coastal defences should be avoided if possible, however given the existing situation, taking into account the existing structures, the close proximity of public and private property to the shoreline and erosion effects, and the 17-year consent duration sought, the proposal is considered appropriate. The seawalls will provide protection whilst TCDC and community and other stakeholders work together to formulate a longer-term response to managing coastal erosion issues in this location.

Thames-Coromandel Coastal Adaptation Pathways

In April 2019 a project was initiated by TCDC to develop Coastal Adaptation Pathways that addressed short and medium term issues whilst focusing on how local communities and hapu may need to adapt in the long term in response to coastal hazards. Over a 3-year period the project identified hazards, assessing vulnerability and risk to determine adaptation options. This work eventuated in 138 adaptation pathways that were adopted by TCDC in September 2022. The adaptation pathway for Buffalo Beach states:

"The adaptation strategy advocated for Buffalo Beach (south) in the short and medium term is to maintain natural defences north and south of the existing seawall and to undertake beach push-ups to try to mitigate end effects. In the medium term, a requirement to maintain or improve the seawalls is envisaged.

With 0.4m sea level rise, it is predicted that the properties behind the seawalls will be significantly affected by 5% AEP (and larger) storm events. Therefore, prior to this point (i.e., with 0.2m of sea level rise), a decision needs to be taken by the residents of Whitianga and other stakeholders regarding whether to protect Whitianga into the future (and construct new defences, to be raised in phases over time) or to plan to retreat and, in due course, retreat; in which case soft engineering should be

undertaken south of the seawall, to maintain the dune as a buffer to erosion. It is recommended that a spatial plan for the next 100 years is prepared for Whitianga.”

The proposal is consistent with the short and medium term approach to managing the issues in Buffalo Beach.

11 PART 2 MATTERS

The Court of Appeal’s decision on *RJ Davidson Family Trust v Marlborough District Council* addresses consideration of Part 2 of the RMA in the context of consent applications. The Court held that if it is clear that the plan, or the relevant policies in the plan, have been prepared having regard to Part 2, and with a coherent set of policies designed to achieve clear environmental outcomes, then reference to those policies should suffice and reference to Part 2 is, in most cases unnecessary because it would likely not add anything, nor result in a different outcome. Given the age of the WRP and the WRCP, this statement may be debatable. Therefore, for completeness I have compared the proposal against Part 2 matters as referenced below:

- Section 5 of the RMA outlines the Act’s purpose, sustainable management of natural and physical resources.
- Section 6 of the RMA outlines matters of national importance. The matters of relevance are:
 - *The preservation of the natural character of the coastal environment... and the protection of them from inappropriate subdivision, use and development.*
 - *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga:*
 - *The management of significant risks from natural hazards.*
- Section 7 outlines the other matters for consideration. The matters of relevance are:
 - *The efficient use and development of natural and physical resources:*
 - *Intrinsic values and ecosystems:*
 - *Maintenance and enhancement of the quality of the environment.*
- Section 8 concerns the principles of the Treaty of Waitangi.

I have established throughout my report that the activity will have a less than minor effect on the environment and is consistent with the policy intent of the relevant objectives and policies of the Waikato Regional, Regional Coastal Plan and the Proposed Regional Coastal Plan.

Overall, the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose (section 5) of the RMA, being the sustainable management of natural and physical resources.

12 CONCLUSIONS

In considering the subject resource consent the main potential adverse environmental effects associated with the proposed works are considered to be coastal processes, ecology, natural character and landscape, public access and cultural effects.

However, for the reasons outlined in section 5.2 of this report, I am satisfied that these adverse effects can be avoided, remedied or mitigated such that the adverse environmental effects associated with the works are likely to be minor.

The overall proposal has been assessed in respect to their consistency with the objectives and policies of the Regional Council’s policies and plans, and the statutory provisions of the RMA. Provided the activity is undertaken in accordance with the application for consent and subsequent supporting

documentation, and the recommended consent conditions in the attached Resource Consent Certificate, I consider that the application will not be inconsistent with Council's policy and plans, or the statutory provisions of the RMA.

13 CONSENT TERM

AUTH146362.01.01

For the construction, use and maintenance of the 255 metre long rockwall the Applicant has requested a consent term to expire on 1 February 2040, to align with the consent expiry of the adjoining NZTA wall to the south.

In assessing the consent term, I have considered the following matters

- The permanency of the structure;
- The consent terms for similar activities in the coastal environment; and
- The nature and scale of the activity.

I conclude there are no resource management reasons to grant a term less than what has been requested by the Applicant for the consent duration for the structures.

AUTH146362.02.01

The applicant has not requested a consent term for the earthworks and deposition of clean fill associated with the construction works. In terms of the deposition I recommend a term be granted for 5 years, although noting that given the erosion occurring, the works are likely to be undertaken as soon as possible. A five-year consent duration for construction activity will provide a buffer in the event of unforeseen circumstances which delay the works from occurring.

14 MONITORING

The Waikato Regional Council has a statutory obligation under section 35 of the RMA 1991 to monitor the exercise of resource consents being carried out within the Waikato Region. Consequently, Waikato Regional Council staff or its authorised agents will monitor this site both during and after the works have been completed.

I recommend that the activity be regularly monitored as the consent holder has a responsibility to ensure that the structural integrity of the structure is maintained, and erosion end effects are not occurring.

15 RECOMMENDATION

I recommend that in accordance with s104B resource consent application APP146362 be granted in accordance with the duration and conditions prescribed in the attached Resource Consent Certificate for the following reasons:

- The activity will have less than minor actual or potential adverse effects on the environment
- The activity is not contrary to any relevant plans, policies or regulations
- The activity is consistent with the purpose and principles of the Resource Management Act 1991

Reporting Officer:



Nicola Holmes
Principal Consents Advisor
Resource Use Directorate

Date: 14th August 2024

16 DECISION

I hereby grant the resource consent application in accordance with above recommendations.



Diane Palmer
Team Leader
Resource Use Directorate

Date: 14th August 2024

Acting under authority delegated subject to the provisions of the RMA 1991 which at the time of decision had not been revoked.

RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH146362.01.01

File Number: 60 53 75A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Thames Coromandel District Council
Private Bag 1001
Thames 3540

(hereinafter referred to as the Consent Holder)

Consent Type: Coastal Permit

Consent Subtype: Occupation

Activity authorised: The occupation and on-going maintenance activities including vehicle use, of a 255-metres-long rock seawall at Buffalo Beach.

Location: Buffalo Beach Rd: Whitianga

Map reference: NZTM 1841083.0000 E 5920973.0000 N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on 1 February 2040.

Subject to the conditions overleaf:

CONDITIONS

General

1. This consent authorises the ongoing maintenance and occupation of a 255-metre-long seawall (as depicted in Figures B and C of the AEE – Waikato Regional Council (WRC) document #28110843). All activities authorised by this resource consent must occur in general accordance with the application for this resource consent titled ‘Buffalo Beach Seawall consenting – Occupation and Maintenance of Seawalls’, prepared by SLR, dated 8 December 2023 and referenced by Council as APP146362 (WRC document #28110843) and the conditions below which must prevail should any inconsistency occur between the documentation and conditions.
2. Ongoing minor maintenance of the 255-metre-long seawall is authorised for the duration of this consent. For the purpose of this consent, ‘minor maintenance’ is defined as being maintenance activities which do not increase the footprint and dimensions of the 255-metre-long seawall.
3. The consent holder is responsible for all contracted operations relating to the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
4. The consent holder must pay to the WRC any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.

Maintenance

5. The consent holder must maintain the 255-metre-long seawall authorised by this resource consent to ensure its structural integrity.
6. The consent holder must be responsible for the structural integrity and maintenance of the 255-metre-long seawall so that no part of the structure is lost (i.e., due to water or wind action) or results in a navigational hazard.
7. The 255-metre-long seawall authorised by this resource consent must be inspected by an appropriately experienced and qualified coastal engineer, or other suitably qualified person as prior approved by WRC in writing, for its structural integrity by 31st January 2029 and thereafter on a five yearly basis, and within 3 months following any significant storm event. For the purposes of this consent, a significant storm event is defined as a 1 in 10 year, or greater storm event.
8. A report must be submitted to the WRC within two months after each inspection required by condition 7. This report must identify any defects relating to the structural integrity of the 255-metre-long seawall, the required remediation works, and timeframes for remediation works to ensure ongoing structural integrity. The consent holder must after obtaining any necessary resource consents undertake all remediation works necessary to remedy any defects identified within the report within the timeframes specified.
9. The consent holder must engage a suitably qualified and experienced Coastal Scientist/Engineer as prior approved by WRC in writing, to prepare an End Effects Management Plan (EEMP). The objective of the EEMP is to gather necessary data so that robust conclusions can be drawn regarding any ‘end effects’ (morphological changes) that may be arising from the 30 metres long seawall extension and include alignment with wider coastal management plans for Buffalo Beach. The EEMP must include and is not limited to:

- i. The name and contact details for the person responsible for writing and implementing the EEMP.
- ii. Prior to construction of the 30m extension wall, a survey to establish a baseline for monitoring of morphological changes
- iii. The frequency of the monitoring inspections and methods to be used in monitoring the end effects and informing management options. Monitoring methods may include photographic evidence or surveys.
- iv. The information that is to be gathered by the monitoring conducted, including approximate volumes and profile of sand in front of and to the side of the 30m extension wall, any trends that are apparent, and how this information will be presented to the Waikato Regional Council.
- v. A requirement that an annual assessment be undertaken by 31st January commencing from when the 30 m extension is first constructed, and repeated after significant storm events, including how this will be presented to the Waikato Regional Council.
- vi. Reporting requirements that include all the data collected and a critical assessment of that data and all previous data collected to determine any trends; identify when the 'end effects' require adaptive management; and what form of adaptive management to undertake.
- vii. Details of any adaptive management methods to be utilized in the event erosion is evident at the end of the 30-metre-long seawall based on the monitoring undertaken and these results being compared with the baseline survey.

10. The EEMP required by condition 9 must be certified in writing by the WRC acting in a technical certification capacity prior to any construction works on the 30-metre-long seawall extension. The Council's certification will be based on its assessment as to whether the EEMP addresses the matters in i) – vii) of condition 9. The consent holder must ensure that the certified EEMP is adhered to at all times.

Advice Note: Any remedial action to address erosion may require additional resource consents under the Waikato Regional Coastal Plan(s) and does not provide for the importation of fill or an increase in the footprint of the seawall.

Any alignment with wider coastal management plans for the Buffalo Beach also includes alignment with the objectives and policies of the Operative and Proposed Waikato Regional Coastal Plans.

For efficiency, the Consent Holder may incorporate the requirements of the EEMP into a new 'End Effects Management' section of the existing 'Monitoring Plan – Buffalo and Brophy's Beach', currently required by AUTH137759.01.01.

Erosion and sediment control related to ongoing maintenance activities

11. The consent holder must provide the WRC with an "Erosion and Sediment Control Plan" (ESCP), at least 10 working days prior to the commencement of maintenance works on the 255-metre-long seawall. The ESCP must be developed and adhered to during all maintenance works to:
- i. Give effect to the objective of the ESCP, which is to minimise sediment discharge from the site during maintenance works to the extent practicable; and
 - ii. Ensure all erosion and sediment control measures are established and maintained in accordance with WRC document titled "Erosion and Sediment Control – Guidelines for Soil Disturbing Activities" (Technical Report No. 2009/02 – dated January 2009).

The ESCP must be certified in writing by the WRC acting in a technical certification capacity prior to any maintenance works occurring as authorised by this consent. The Council's certification will be based on its assessment as to whether the ESCP when implemented meets the objective of minimising sediment discharge as far as practicable.

Public access during ongoing maintenance activities

12. The exercise of this resource consent must not prevent the free passage of any member of the public through the coastal marine area, except as required for safety purposes, during maintenance works authorised by this resource consent.

Archaeology discovery

13. The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the WRC, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may commence on the written approval of the WRC after considering:
 - a. Tangata whenua interests and values;
 - b. Protocols agreed upon by Tangata Whenua and the consent holder;
 - c. The consent holders interests;
 - d. Any Heritage New Zealand Pouhere Taonga authorisations;
 - e. Any archaeological or scientific evidence; and
 - f. The assessment of the discovery by the registered archaeologist.

Machinery use during ongoing maintenance activities

14. There must be no discharge of contaminants (e.g. oil, diesel, petrol) to the coastal environment as a result of the exercise of this resource consent. In particular all machinery must be refuelled above the line of mean high water springs.
15. Machinery in the coastal marine area must be restricted to operating within the general construction site and shall travel the most direct route to and from the site to minimise environmental damage.
16. Vehicle use in the coastal marine area must be undertaken, so far as practical, outside of the tidal range/water.
17. All machinery must be operated in a manner that ensures that spillage of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out away from any water body such that any spillage can be contained so it does not enter surface water or the coastal marine area.
18. The operation of machinery in the coastal marine area must be carried out in a manner that complies with the noise levels set out in NZS 6803: 1999 "Acoustics - Construction Noise" or any subsequent updated version of that document.
19. The consent holder must ensure that all machinery used in the exercising of this consent is cleaned prior to being transported to the site to ensure that all seed and/or plant matter has being removed and documented in accordance with the document titled 'KEEP IT CLEAN - Machinery hygiene guidelines and logbook to prevent the spread of pests and weeds (June 2013)' (waikatoregion.govt.nz/services/publications/keepitclean/)

Landscaping

20. Unless otherwise approved by WRC in writing, prior to the construction of the 30-metre-long seawall extension, the consent holder must submit a Seawall Extension Planting Plan (SEPP) to the WRC for certification. The SEPP must be prepared by a suitably qualified person, as approved by WRC in writing and must include the following details:
 - i. The location, extent, density of planting to be undertaken along the crest of the 30-metre-long seawall extension;

- ii. The species of native plants to be used, including salt-tolerant species along the crest and salt-tolerant and sand binding species at the northern terminus of the 30-metre-long seawall extension; and
 - iii. The maintenance and replacement planting regime to maintain the planting.
21. Within 12 months following completion of the construction of the 30-metre-long seawall extension, planting of the 30-metre-long seawall extension must have been completed in accordance with the SEPP required by condition 20.

Review

22. Pursuant to sections 128 to 131 of the Resource Management Act 1991, the Waikato Regional Council may, during the period 1 June 2029 and 31 July 2029, and subsequently at five-year intervals during the same period, serve notice on the consent holder of its intention to review any or all of the conditions of this resource consent for any of the following purposes:
- (a) To review the effectiveness of the conditions of this resource consent in avoiding, remedying, or mitigating any adverse effects on the environment that may arise from the exercise of this resource consent;
 - (b) To address any adverse 'end effects' which may arise, and that are not adequately managed by the consent conditions;
 - (c) To address any adverse effects on the environment which have arisen because of the exercise of this resource consent that were not anticipated at the time of commencement of this resource consent, including addressing any issues arising out of complaints; and
 - (d) To deal with any adverse effects on the environment that may arise from the exercise of this resource consent and which it is appropriate to deal with at a later stage.

Advice Note: *Costs associated with any review of the conditions of these resource consents will be recovered from the consent holder in accordance with the provisions of section 36 of the Resource Management Act 1991.*

Advice Notes - General

1. In accordance with section 125 RMA, this consent shall lapse five (5) years after the date on which it was granted unless it has been given effect to before the end of that period.
2. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
3. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
4. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
5. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
6. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
7. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.
8. If at any time during the resource consent period, you no longer require your consent, it may be surrendered, in whole or part, by giving written notice of such to the consent authority. Alternatively, please contact Resource Use staff on 0800 800 402 and we can provide you with a surrender form. Note that the surrender takes formal effect when you receive a notice of acceptance of the surrender from the Council.

RESOURCE CONSENT CERTIFICATE

Resource Consent: AUTH146362.02.01

File Number: 60 53 75A

*Pursuant to the Resource Management Act 1991, the
Regional Council hereby grants consent to:*

Thames Coromandel District Council
Private Bag 1001
Thames 3540

(hereinafter referred to as the Consent Holder)

Consent Type: Coastal Permit

Consent Subtype: Disturbance

Activity authorised: To undertake earthworks and to deposit approximately 600 cubic metres of cleanfill in a high-risk erosion area in association with the construction of a 30-metre-long seawall.

Location: Buffalo Beach Rd: Whitianga

Map reference: NZTM 1841083 E 5920973 N

Consent duration: This consent will commence in accordance with section 116 of the Resource Management Act 1991 and will expire on 14 August 2029.

Subject to the conditions overleaf:

CONDITIONS

General

1. This consent authorises earthworks activity and the deposition of approximately 600 cubic metres of cleanfill for the construction of a 30-metre-long seawall extension (as depicted in Figure C of the AEE – Waikato Regional Council (WRC) document #28110843). All activities authorised by this resource consent must occur in general accordance with the application for this resource consent titled 'Buffalo Beach Seawall re consenting – Occupation and Maintenance of Seawalls', prepared by SLR, dated 8 December 2023 and referenced by Council as APP146362 (WRC document #28110843) and the conditions below which must prevail should any inconsistency occur between the documentation and conditions.
2. The consent holder must be responsible for all contracted operations relating to the exercise of this resource consent and must ensure contractors are made aware of the conditions of this resource consent and ensure compliance with those conditions.
3. The consent holder must pay to the WRC any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.
4. The consent holder must inform the WRC in writing at least 10 working days prior to the commencement of construction and earthworks of the start date for the construction of the 30-metre-long seawall extension.
5. Prior to the construction and earthworks activities authorised by this consent commencing, the consent holder must erect notice(s) at the location informing the public of the construction activity occurring. The notice must be erected at least 5 days before the commencement of the works and shall remain in place for the duration of the works.
6. All cleanfill deposition authorised by this consent shall be limited to natural materials such as clay, soil and rock, and other inert materials such as concrete and brick, or mixtures of any of the above. Cleanfill, deposition authorised by this consent shall exclude;
 - i. material that has combustible, putrescible or degradable components
 - ii. materials likely to create leachate by means of biological or chemical breakdown
 - iii. any products or materials derived from hazardous waste treatment, hazardous
 - iv. waste stabilisation or hazardous waste disposal practices
 - v. materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health
 - vi. soils or other materials contaminated with hazardous substances or pathogens
 - vii. hazardous substances.

Structural Integrity

7. The consent holder must engage a suitably qualified and experienced coastal engineer (Chartered Professional Engineer), or other suitably qualified person as prior approved by WRC in writing, to undertake the design and supervise the construction of the 30-metre-long seawall extension authorised by this resource consent.
8. On completion of the works authorised by this resource consent, a suitably qualified and experienced coastal engineer, or other suitably qualified person as prior approved by WRC in writing, must provide as built plans and a statement or certificate stating whether the seawalls authorised by this resource consent have been constructed in accordance with the application for

resource consent, and good engineering practice such that they are suitable to withstand coastal processes. A copy of this certificate for the entire 255 m seawall must be forwarded to the Waikato Regional Council within two months of completion of the construction of the 30-metre-long seawall extension authorised by this resource consent.

Erosion and sediment control

9. The consent holder must provide the WRC with an “Erosion and Sediment Control Plan” (E&SCP), at least 10 working days prior to the commencement of construction works on the 30-metre-long seawall extension. The ESCP must be developed and adhered to during all construction and maintenance works to:

- i. Give effect to the objective of the ESCP, which is to minimise sediment discharge from the site during construction works, to the extent practicable; and
- ii. Ensure all erosion and sediment control measures are established and maintained in accordance with the WRC document titled “Erosion and Sediment Control – Guidelines for Soil Disturbing Activities” (Technical Report No. 2009/02 – dated January 2009).

10. The ESCP required by condition 9 must include;

- i. Details of all principles, procedures and practices that will be implemented to undertake erosion and sediment control to minimise the potential for sediment discharge from the site, including flocculation if required;
- ii. The design criteria and dimensions of all key erosion and sediment control structures;
- iii. A site plan of a suitable scale to identify;
- iv. The locations of waterways;
- v. The extent of soil disturbance and vegetation removal;
- vi. Any “no go” and/or buffer areas to be maintained undisturbed adjacent to watercourses;
- vii. Areas of cut and fill;
- viii. Locations of topsoil stockpiles;
- ix. All key erosion and sediment control structures;
- x. The boundaries and area of catchments contributing to all stormwater impoundment structures;
- xi. The locations of all specific points of discharge to the environment; and
- xii. Any other relevant site information
- xiii. Construction timetable for the erosion and sediment control works and the bulk earthworks proposed;
- xiv. Timetable and nature of progressive site rehabilitation and re-vegetation proposed;
- xv. Maintenance, monitoring and reporting procedures;
- xvi. Rainfall response and contingency measures including procedures to minimise adverse effects in the event of extreme rainfall events and/or the failure of any key erosion and sediment control structures;
- xvii. Procedures and timing for review and/or amendment to the E&SCP; and
- xviii. Identification and contact details of personnel responsible for the operation and maintenance of all key erosion and sediment control structures.

The E&SCP must be certified in writing by the Waikato Regional Council acting in a technical certification capacity prior to any construction works authorised by this consent commencing. The certification or agreement (or withholding of certification or agreement) of the ESCP shall be based on the Waikato Regional Council’s assessment of whether the ESCP achieves the objective of minimising sediment discharges from the site to the extent practicable.

11. Any changes to the ESCP must be confirmed in writing by the consent holder and the WRC, acting in a technical certification capacity, prior to the implementation of any changes proposed.

12. All earthworks must be undertaken during mid to low tide periods and outside of the wetted area of the beach to avoid the generation of turbidity and suspended solids in coastal waters.

Public access

13. The exercise of this resource consent must not prevent the free passage of any member of the public through or along the coastal marine area, except as required for safety purposes, during construction works authorised by this resource consent.

Archaeology discovery

14. The consent holder must ensure that the exercise of this resource consent does not disturb any sites of archaeological value or of cultural significance to Tangata Whenua. In the event of any archaeological artefacts being discovered the works must, in the vicinity of the discovery, cease immediately and the WRC, Heritage New Zealand Pouhere Taonga and representatives of local iwi (where artefacts are of Māori origin) must be notified within 24 hours. Works may commence on the written approval of the Waikato Regional Council after considering:
 - a. Tangata whenua interests and values;
 - b. Protocols agreed upon by Tangata Whenua and the consent holder;
 - c. The consent holders interests;
 - d. Any Heritage New Zealand Pouhere Taonga authorisations;
 - e. Any archaeological or scientific evidence; and
 - f. The assessment of the discovery by the registered archaeologist.

Machinery Use

15. There must be no discharge of contaminants (e.g. oil, diesel, petrol) to the coastal environment as a result of the exercise of this resource consent. In particular all machinery must be refuelled above the line of mean high water springs.
16. Machinery in the coastal marine area must be restricted to operating within the general construction site and shall travel the most direct route to and from the site to minimise environmental damage.
17. Vehicle use in the coastal marine area must be undertaken, so far as practical, outside of the tidal range/water.
18. All machinery must be operated in a manner that ensures that spillage of fuel, oil and similar contaminants are prevented, particularly during refuelling and machinery servicing and maintenance. Refuelling and lubrication activities must be carried out away from any water body such that any spillage can be contained so it does not enter surface water or the coastal marine area.
19. The operation of machinery in the coastal marine area must be carried out in a manner that complies with the noise levels set out in NZS 6803: 1999 "Acoustics - Construction Noise" or any subsequent updated version of that document.
20. The consent holder must ensure that all machinery used in the exercising of this consent is cleaned prior to being transported to the site to ensure that all seed and/or plant matter has being removed and documented in accordance with the document titled 'KEEP IT CLEAN - Machinery hygiene guidelines and logbook to prevent the spread of pests and weeds (June 2013)' (waikatoregion.govt.nz/services/publications/keepitclean/)

Advice Notes - General

1. This resource consent does not give any right of access over private or public property. Arrangements for access must be made between the consent holder and the property owner.
2. This resource consent is transferable to another owner or occupier of the land concerned, upon application, on the same conditions and for the same use as originally granted (s.134-137 RMA). The transfer of water, including changes of location, may occur as provided for in Chapter 3.4 of the Waikato Regional Plan, subject to the requirements of those rules.
3. The consent holder may apply to change the conditions of the resource consent under s.127 RMA.
4. The reasonable costs incurred by Waikato Regional Council arising from supervision and monitoring of this/these consents will be charged to the consent holder. This may include but not be limited to routine inspection of the site by Waikato Regional Council officers or agents, liaison with the consent holder, responding to complaints or enquiries relating to the site, and review and assessment of compliance with the conditions of consents.
5. Note that pursuant to s332 of the RMA 1991, enforcement officers may at all reasonable times go onto the property that is the subject of this consent, for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
6. If you intend to replace this consent upon its expiry, please note that an application for a new consent made at least 6 months prior to this consent's expiry gives you the right to continue exercising this consent after it expires in the event that your application is not processed prior to this consent's expiry.
7. If at any time during the resource consent period, you no longer require your consent, it may be surrendered, in whole or part, by giving written notice of such to the consent authority. Alternatively, please contact Resource Use staff on 0800 800 402 and we can provide you with a surrender form. Note that the surrender takes formal effect when you receive a notice of acceptance of the surrender from the Council.