	RESOURCE MANAGEMENT ACT 1991 ASSESSMENT AND DETERMINATION OF AN APPLICATION FOR RESOURCE CONSENT
	NON-COMPLYING ACTIVITY LAND USE CONSENT

Reporting Officer:	Anna Lunjevich-Belz, Consultant Planner
Consent Number:	RCA/2023/0353
Applicant:	Thames Coromandel District Council
Site Address:	91 Buffalo Beach Road, Buffalo Beach, Whitianga
Legal Description:	LOT 3 DPS 4704
Application:	To authorise an existing 225 metre long section of seawall, and to construct a new 30 metre long extension, as well as ongoing repair and maintenance of both existing and new seawall.

Anna Lunjevich-Belz, Associate Principal Planner from Boffa Miskell Limited has prepared this report on behalf of Thames-Coromandel District Council. This report reviews the application to authorise an existing 225 metre long section of seawall, and to construct a new 30 metre long extension, as well as ongoing repair and maintenance of both existing and new seawall. This report has been prepared to assist the Independent Commissioner in considering the application. This report has no status other than as a report on the recommendation. It is not a decision, and the recommendation should not be constructed or used as such.

1.0 Introduction

1.1 Description of the Proposal

Thames Coromandel District Council (TCDC) has made an application for resource consent to re-consent two sections of seawall within Buffalo Beach, Whitianga. The two sections are referred to as 'Toilet Block' (in blue opaque in **Figure 1** below) and 'Extension' (in red opaque in **Figure 1** below). These two sections form 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 225 metres and is mostly between 6 and 11 metres wide as measured from the toe to the crest. The existing seawall was constructed under two separate consents which have both expired (refer to Section 1.2 below). While the existing seawall was lawfully constructed, it no longer has consent.

Resource consent is being sought to re-consent the seawall so that it may remain in situ, and for associated repair and maintenance activities.



Figure 1: Approximate locations of seawalls drawn on Planning TCDC SMART Map.

It is also proposed to extend the existing seawall by approximately 30 metres to the north to address erosion effects that have been occurring and exacerbated by recent storm events. The 'tie-off' is shown in yellow opaque in **Figure 1** above.

The tie-off design is shown indicatively in **Figure 2** below. In order to construct the seawall, a small amount of sand will need to be excavated to allow the toe of the rock to be embedded. The rock will then be lifted in place to form the seawall structure. Behind this will be backfilled with and excavated sand, and imported fill, and then reestablished with grass and vegetation, as well as the missing section of pathway.

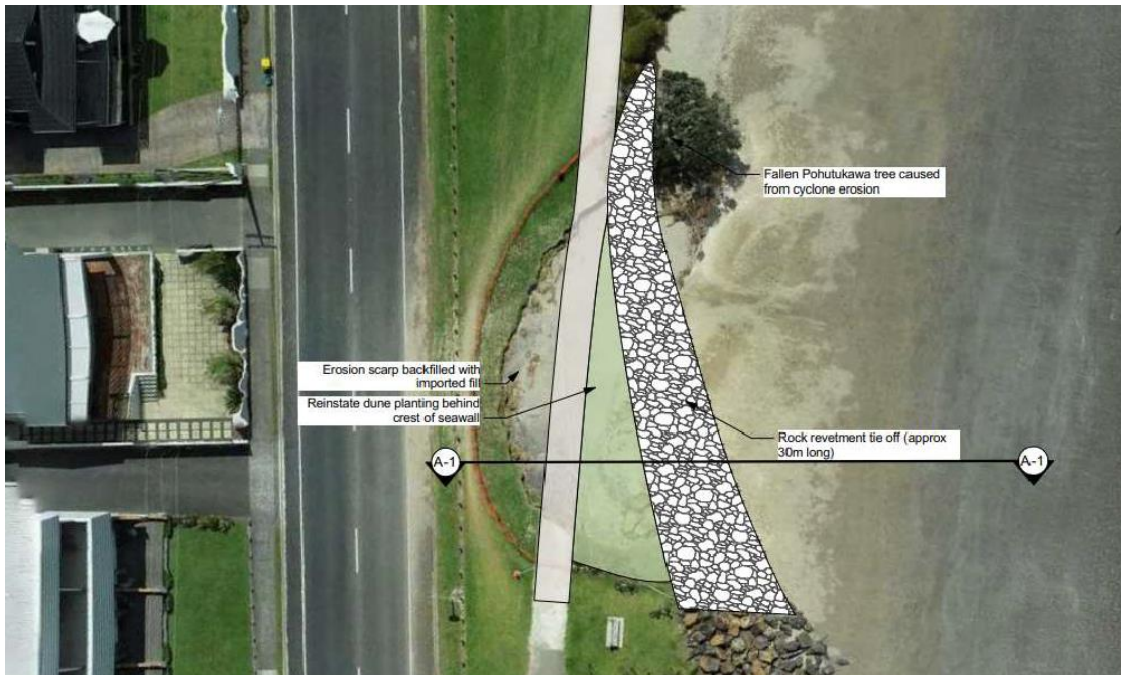


Figure 2: Indicative Tie-Off Concept Plan sourced from Application AEE (Figure C).

1.2 History

The history of the existing seawall is provided in Section 4.0 and 4.1 of the SLR Application AEE as noted below, and is included here for completeness:

“TCDC hold a number of current resource consents, or have previously held resource consents (authorised by WRC and TCDC) along Buffalo Beach to enable the construction, use and maintenance and occupation of a number of seawalls and enabling activities such as sand push ups.

In 2016, the section of the seawall known and hereby referred to as the ‘NZTA’ seawall was reconsented. This seawall forms the most southern section of the seawall that runs along Buffalo Beach, that is made up of the NZTA, Toilet Block and Extension seawalls ...

While the seawalls protect the coastline and infrastructure, they have also caused end effects in the dunes at the northern end of the structures. In 2014 TCDC Councillors resolved that a further seawall was required to address end effects being generated at the time by the Toilet Block seawall and subsequently approved funding from the Hazard Management Activity Fund to construct an extension to the north (this now being the Extension Seawall – Stage 1). A section stage to the Extension seawall (Stage 2) was proposed and consented at the same time. However, it was only to be constructed if the extent of any ongoing erosion reached a specified trigger point. This did not occur prior to the lapse of the consent, such that Stage 2 was never constructed. Notwithstanding this, it is clear from the grant of consent for a second stage of the Extension seawall and the assessment undertaken by WRC’s Coastal Scientist at the time, that end effects erosion to the north of the Extension Seawall - Stage 1 was anticipated as likely to occur.

Currently end effects are being managed as best as possible through sand push ups and planting. However, it has been identified and recommended by SLR Consulting as part of a review of coastal processes along Buffalo Beach that the end effects from

the Existing seawall in this area, are further mitigated to protect land and assets behind this area.”

The consenting history is included in Section 4.1 of the Application AEE as follows:

“TCDC has previously held regional resource consents AUTH130216 and AUTH134340 from WRC for the Toilet Block and Extension seawalls (respectively) subject to this application. The Toilet Block and Extension seawall consents both expired in 2021.

District land use consents were also granted in relation to the seawalls, being RMA/2013/0193 for the Toilet Block seawall and RMA/2014/0237 for the Extension seawall. While it is not common for a district land use consent to have an expiry date, in this case the land use consent for the Extension seawall (RMA/2014/20—0237) was given an expiry (pursuant to Section 123(a) of the RMA) to align with the expiry of the regional consent (30 October 2021). ...”

In addition to the above, an application was made to WRC for the construction, use and maintenance of the 255-metre-long seawall (including existing and proposed), and to undertake earthworks and to deposit approximately 600 cubic metres of cleanfill in a high-risk erosion area (referenced AUTH146362.01 and AUTH146362.02 respectively).

The WRC resource consent application was processed on a non-notified basis and granted subject to conditions of consent on the 14th of August 2024. The consent term was as requested by the applicant, expiring on 1 February 2040, which was proposed in order to align with the adjoining NZTA seawall to the south (not part of this application). The WRC Combined Section 95 and 42A Planning Report for Resource Consent for both consents is hereby referred to as the ‘WRC Report’.

1.3 Site and Locality Description

A site visit was undertaken on the 17th of January 2024. The photo in Figure 3a below was taken at this site visit, while standing on the timber stairs looking in a northwestern direction towards the eroded area where the tie-off is proposed. The photo in Figure 3b below was taken in the same location but looking southwards.

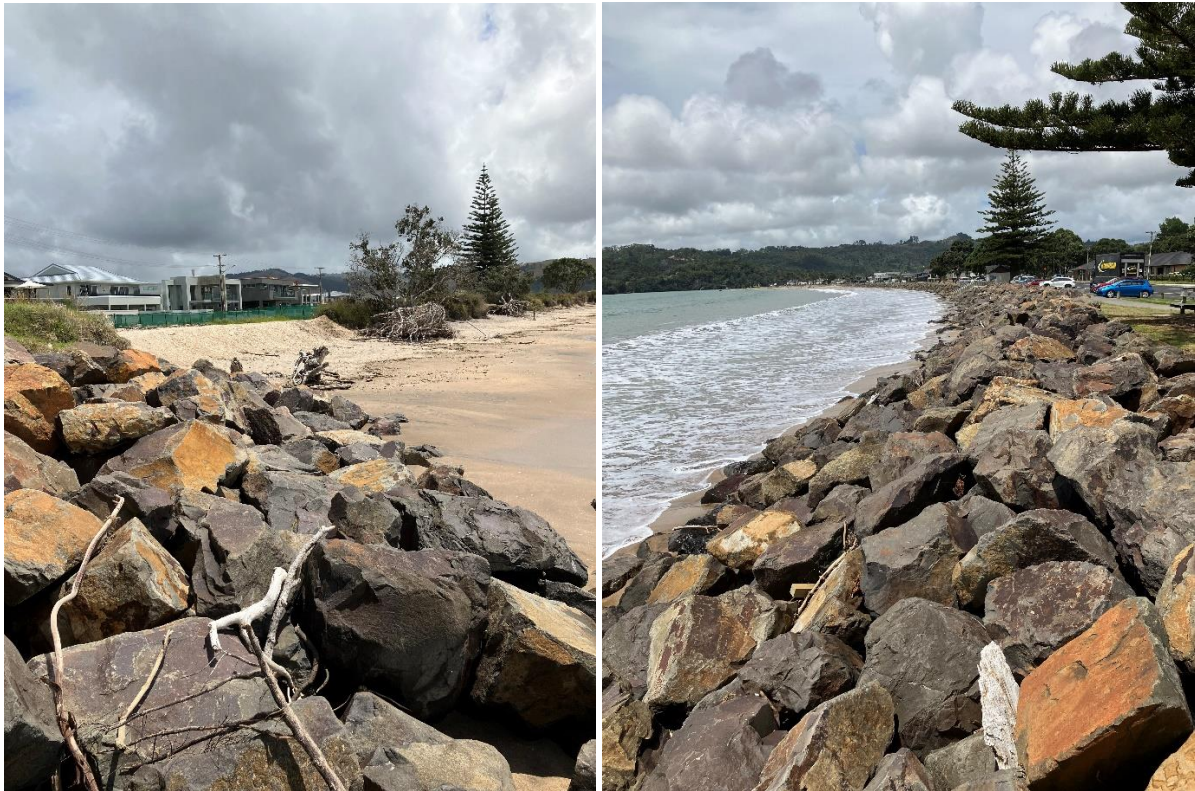


Figure 3a (left) and 3b (right): Photos taken from site visit by Anna Lunjevich-Belz on the 17th of January 2024.

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

Due to the dynamics of the shoreline in this location there are several 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.

The site is a TCDC Recreation Reserve that is held together with a number of allotments, and are collectively known as 91 Buffalo Beach Road, however the proposal is solely located within Lot 3 DPS 4704. On TCDC's Planning Smart Maps and the Record of Title this parcel appears to extend out towards the beach, however a significant portion of this (approximately 20 metres in distance) appears to be located below mean high water springs.

The location of the existing seawall and proposed extension are shown in **Figure 1** earlier in this report.

1.5 Internal Referrals

The application has been referred to Council's Development Engineer and the Parks and Open Spaces Manager for comment and assessment.

Council's Development Engineer has Dean Murphy provided feedback via email on the 16th of January 2024 and recommended only a "general accordence" condition.

Councils Parks and Open Spaces Manager have provided the following comments:

“While Parks and Open Spaces are mindful that the seawall and extension (tie back) will affect how people access the beach and potentially reduce public open space the RMP for Buffalo Beach South identifies coastal erosion as an issue and has a management action in place to ‘...Investigate coastal erosion issues and where appropriate identify options for intervention to manage erosion in a sustainable way through the Shoreline Management Plan...’.

In this case Parks and Open are satisfied that the proposal is a suitable compromise given the beach can still be accessed at low tide via the stairs through the existing seawall and that seawalls in their entirety will help protect the adjacent reserve land and associated infrastructure from further coastal erosion.

2.0 Planning Framework

The Thames - Coromandel District Plan was declared Operative in Part on the 15th of March 2024 in accordance with clause 17 (2) of Schedule 1 of the RMA. All provisions relating to the subject application are confined to the sections of the District Plan which are Operative in Part, therefore I do not consider the applicable provisions of the Operative Plan (2010) to have any relevance.

I have assessed the proposal against the relevant rules of the Operative in Part District Plan (hereby referred to as the Operative District Plan), and I am satisfied that they are not the subject of an appeal and may therefore be 'treated as operative'. I do not consider the applicable provisions of the Operative District Plan to have any weight in this matter.

2.1 Special Purpose Provisions, Overlays and Zoning

Operative in Part District Plan
Current Coastal Erosion Line
Residual Risk Area
High Flood Hazard Area
Open Space Zone

2.2 Definitions

In respect of the definitions in the Operative District Plan, the proposal meets the definition of 'Earthworks'. In addition, seawalls are also specified as included within the definition of 'Hard Defence'.

A seawall is excluded from the definition of 'Building' under this plan as it specifically excludes "structure authorised by the Council or Waikato Regional Council for erosion control..".

2.3 Designations, Limitations, and Interests

The following interests are registered against the Record of Title:

- S121671 Proclamation proclaiming [sic] part as road - 16.5.1957 at 9.00 am
- S148029 Proclamation proclaiming Lots 4 & 5 DPS 4704 as road - 12.9.1958 at 11.00am
- S164861 Gazette Notice changing the purpose of Lots 1, 2 & 3 DPS 4704 to Recreation Reserve - 21.7.1959 at 12.25 pm
- 11916141.1 Gazette Notice 2020-In4925 changing the purpose [sic] of Lot 6 DPS 4704 to Recreation Reserve subject to the Reserves Act 1977 - 5.11.2020 at 7:00 am
- 11916170.1 Gazette Notice (2020-In4926) hereby declares Lots 1, 2 and 3 DPS 4704 to be Recreation Reserve, subject to Reserves Act 1977 - 5.11.2020 at 7:00 am

None of these interests hinder the ability for the proposed resource consent to be undertaken.

2.4 Reasons for Consent

Resource consent is required under the RMA for the following reasons:

Operative District Plan

Section 34.11 – Current Coastal Erosion Area Rules

- Rule 10 – Earthworks required to construct the tie-off cannot comply with the permitted, controlled, or restricted discretionary activities in the underlying zones are a **discretionary** activity pursuant to Rule 10.2.
- Rule 11 - 'Hard' coastal defences are specifically listed as a **non-complying** activity in Rule 11.1.

Section 50– Open Space Zone

- Rule 5 – Earthworks are unable to meet the permitted rules in Rule 5A 1. are specified as a **restricted discretionary** activity in Rule 5A 2.

There are no National Environmental Standards that are relevant to this application.

2.5 Activity Status

The application shall be assessed as a **NON-COMPLYING ACTIVITY**.

2.5 Process Matters

The resource consent application was lodged on the 14th of December 2023. A Section 92 request was made on the 14th of February 2024 as follows:

- Requesting more detail on the consideration of alternative locations and methods (items 1 and 2)
- Requesting more detail in the assessment of landscape and natural character effects (items 3 to 6)
- Requesting more detail and clarification in relation to ecological effects, including the scale of occupation and structures proposed (items 7 to 9)
- Requesting more detailed assessment on recreational values, public open space, and accessibility (item 10)

The following 'other matters' were also included in the letter which are outside of the scope of Section 92:

- Seeking clarification of the 'existing environment' assessment in relation to the proposal, and;
- Providing the applicant with advanced notice of the potential requirement for Peer Review in relation the landscape planning and ecological effects of the proposal.

A response to the matters above was received on the 12th of March 2024. This response was deemed insufficient to resolve the original Section 92 and "other matters" as was communicated in a letter dated 4th of March 2024. The outstanding matters related to alternative locations and methods, landscape and natural character assessment and recreational values public open space and accessibility assessments.

Further clarification was also sought on the 4th of April letter in relation to the Existing Environment, this having an inherent potential influence upon all technical assessments. In addition, further mention was made about the bundling of the applications to TCDC and WRC

should be bundled together for consideration. This picked up from earlier conversations about potential for joint processing which were had with the applicants' agent and Katy Dimmendaal from TCDC in January 2024, and with Nicola Holmes from WRC in June 2024.

A lot of subsequent correspondence was had between myself and the applicant and their agent including a meeting and numerous emails, seeking to reach agreement on the outstanding matters. These discussions were centred around the application of the existing environment in this application, as I did not agree with the approach set out in the Application AEE. Following these discussions, SLR produced a technical memorandum on 14th of June 2024 which set out their current stance on the receiving / existing environment in a more detailed manner.

I met WRC planner Nicola Holmes and Katy Dimmendaal (TCDC Acting Development Planning Manager) in an online meeting on the 1st of July 2024, to gain an understanding of the WRC 'approach' and with the aim of having alignment and consistency between the WRC and TCDC assessment. Helpfully, at the meeting Ms Holmes set out her approach to the application which did align with my approach, notably she agreed that the existing environment was not appropriate to be applied to the seawall application, and she agreed that the assessment of effects should be undertaken on an 'unfettered' basis. From this meeting we also learned that some of the remaining outstanding technical effects matters were being addressed by WRC technical experts. For consistency and cost efficiency reasons, it was discussed that the TCDC planning process may be able to rely on these technical inputs.

Subsequently on 4th of July 2024 it was communicated to the applicant and their agent by email that the application would remain on hold under Section 92(1) awaiting the WRC reporting, and that, if it was deemed suitably comprehensive and relevant, the TCDC application could to a large extent rely on, and adopt the existing environment' approach as well as technical assessment inputs.

Processing of this application commenced on the 14th of August 2024, upon receipt of the WRC Report (approved notification report and decision).

Section 95A and 95B Report Determining Notification of an Application

3.0 Public Notification Assessment - Section 95A

3.1 Public Notification

Section 95A of the RMA requires a step by step process to determine whether public notification of an application is required or precluded in certain circumstances.

Step 1: The provisions in sections 95A(2) and (3) explain when public notification is mandatory. The application must be publicly notified if any one of the following apply:

- (a) the applicant has requested that the application be publicly notified; or
- (b) public notification is required under section 95C; or
- (c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

The applicants have not requested public notification of the application, public notification is not required under section 95C, and the application does not involve an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

Step 2: If none of the criteria in sections 95A(2) and (3), Step 1, are met, then we are required to proceed to sections 95A(4) to (6) which describe when public notification is precluded. Where public notification is precluded we are then required to go to **Step 4** section 95A(9) and consider whether there are any special circumstances.

Sections 95A(4) and (5)(a), precludes public notification of the application if the resource consent is for one or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification. The Operative in Part District Plan does not preclude public notification.

Section 95A(4) and (5)(b) precludes public notification of the application if it is for a boundary activity that is a Non-Complying Activity, unless there are special circumstances. The application is not for a boundary activity and notification is not precluded for this reason.

Public notification of this application is not precluded under Step 2, sections 95A(4) to (5).

Step 3: If any of the criteria in step 2, section 95A(5) are not met, then we must consider sections 95A(7) and (8) and whether public notification is required. If either of the criteria in section 95A(8) are met, then the application should be publicly notified. For example a rule in a plan or national environment standard requires public notification or the activity will have or is likely to have adverse effects on the environment that are more than minor under section 95D.

Under sections 95A(7)(a) and (8)(a), public notification is required if the application is for a resource consent for one or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification. In this case the Operative in Part District Plan does not require public notification of the application.

Under section 95A(8)(b), public notification is required if the Council as consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.

3.2 Effects that may or must be disregarded – Section 95D(a), (b), (d) and (e)

In determining whether an application will have adverse effects on the environment that are more than minor, section 95D requires that Council disregard:

- any 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; and
- trade competition and the effects of trade competition; and
- any effect on a person who has given written approval to the application.

In addition, the Council may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect.

Permitted Baseline

Sections 95D(b) requires that when determining the extent of the adverse effects of an activity or the effects on a person respectively, a council 'may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect'. In this case there is no permitted baseline that is relevant to this application.

Existing Environment

The WRC Report includes a summary of the Existing Environment. I agree with this assessment, and adopt it in accordance with RMA Section 42A(1B)(b).

"The 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 seawall¹ 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 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 Green² and Mr Jennings³, 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."⁴

I agree with the WRC Consent assessment in terms of the 'existing environment', specifically concluding that the existing seawall should not be included in the 'existing environment'. Although the existing seawalls are physically in situ, they are currently not authorised and therefore in my opinion cannot form part of an 'existing environment'. The existing environment therefore becomes convoluted 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' and is a hypothetical environment which cannot be clearly defined. As the discretion lies with the consent authority in respect of the existing environment, I have chosen not to include the existing seawall as part of the existing environment when assessing the adverse effects on the environment.

I do accept and acknowledge that the existing seawall provides a very good representation of the types of actual and potential environmental effects that could be generated.

¹ Reference to the existing seawall, is the seawall being sought for authorization by the Buffalo Beach Homeowners Association

² Legal counsel for TCDC

³ Legal counsel for Forest and Bird, as a submitter to the application

⁴ Paragraph 114 of the decision for resource consent AUTH138330.01.01

Written Approval

No written approval has been provided with this application.

Land Excluded from the Assessment

For the purpose of assessing an application to establish whether public notification is required, effects on owners and occupiers of the subject site and adjacent sites, and persons who have given written approval must be disregarded. The adjacent properties to be excluded from the public notification assessment are listed in Table 1 and Figure 4 below:

Table 1: Adjacent Sites

ID#	Street Address	Legal Description	Owner Name
1	36 Buffalo Beach Road	Lot 48 DP 30976	G E and LR Balme
2	35 Buffalo Beach Road	LOT 51 DP 30976	A M and G R White
3	34 Buffalo Beach Road	LOT 54 DP 30976	C and R R Shortland
4	32 Buffalo Beach Road	Lots 57 and 58 DP 30976	C A and R M Payne
5	31 Buffalo Beach Road	LOT 1 DPS 1051	G H and M P Blair, and C G Vickery
6	30 Buffalo Beach Road	FLAT 2 DP 338085 ON LOT 2 DPS 1051 - HAVING 1/2 INT IN 837 SQ M	None listed
7	29 Buffalo Beach Road	LOT 3 DPS 5599, LOT 2 DPS 84156	P E H Gard and WMC Trustee Limited
8	6 Halligan Road	LOT 3 DPS 84156	Oceania Village Company Limited
9	19 Buffalo Beach Road	LOT 2 DPS 70434	None listed
10	18 Buffalo Beach Road	LOT 2 DPS 70434	V W Grey Family Trustee Ltd and V W Grey Family Trustee No 2 Ltd
11	None	Part Weiti 1 Block	None listed
12	91 Buffalo Beach Road (parcels to north of the site)	LOT 6 DP 21167, LOT 1 DPS 4704, LOT 2 DPS 4704, LOT 3 DPS 26491	Thames Coromandel District Council

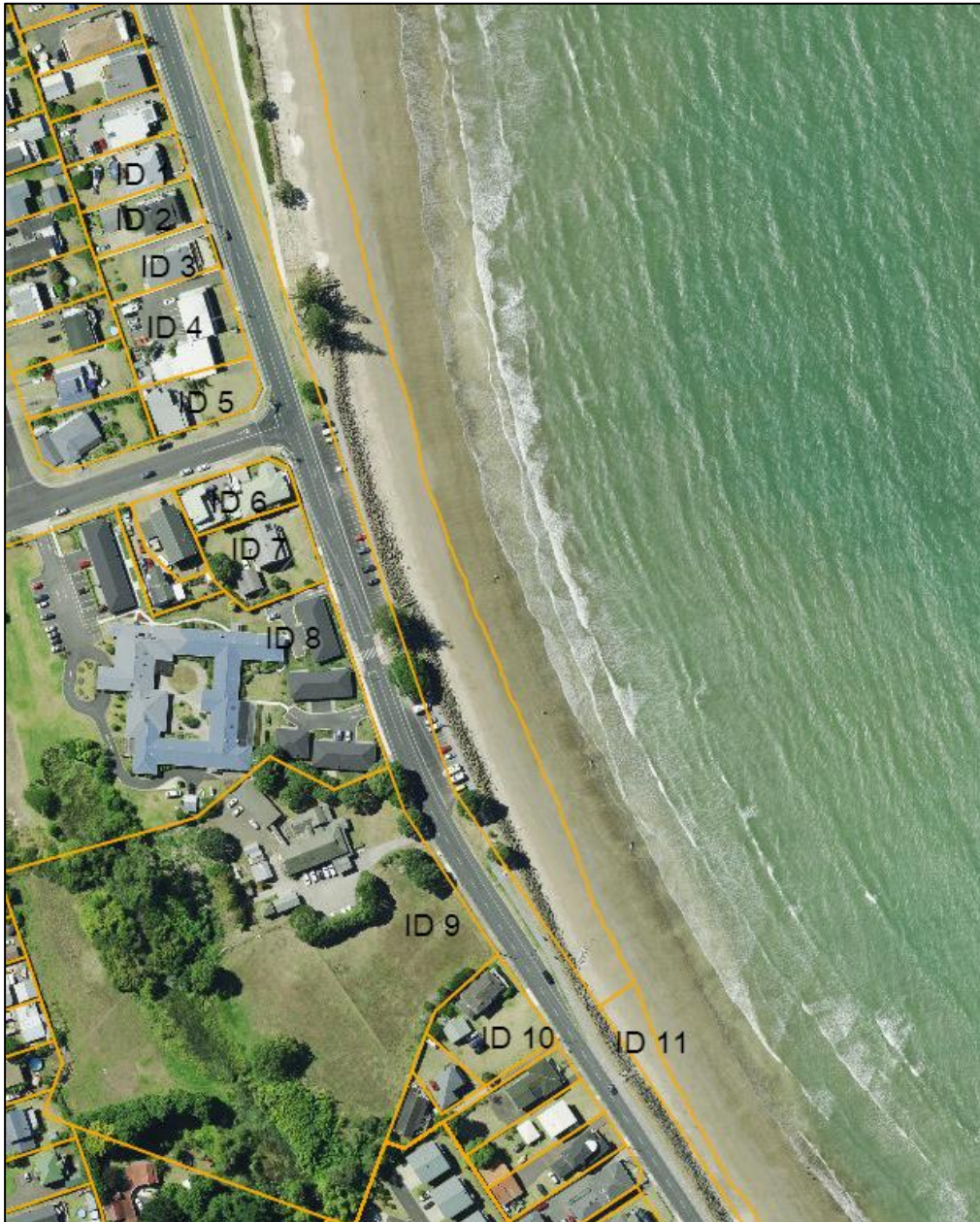


Figure 4: Adjacent Sites shown over the TCDC Planning Smart Map with ID reference as noted in Table 1 above. ID 12 parcels are not shown, as these are located further to the north of this Figure.

3.3 Assessment of Adverse Effects on the Environment

I have considered this application and it is my opinion that any adverse effects that may arise from this proposed activity would fall into the following categories:

- Coastal Processes
- Ecological Effects
- Landscape and Natural Character Effects
- Public Access and Recreational Effects
- Residential Amenity Effects
- Archaeological Effects
- Māori Cultural Values Effects.

3.3.1 Coastal Processes Effects

The proposal will alter coastal processes on site which has the potential to effect land and cause erosion and scouring effects on the coastal edge in the area.

The assessment included in the WRC Report is adopted in accordance with RMA Section 42A(1B)(b), and included below for completeness.

“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.”

In order to address some of the uncertain elements of the tie-off design an End Effects Management Plan is to be required as a condition of consent, if the resource consent should be granted, alongside adaptive management approaches undertaken alongside monitoring. Overall, I agree with this assessment and conclude that the effects on coastal processes will be less than minor, if undertaken in accordance with conditions of consent.

3.3.2 Ecological Effects

An Ecological Assessment was provided with the application. The assessment is summarised within the Application AEE as follows:

“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 WRC Report concludes the following in respect of ecological effects, including additional assessment provided by Dr Townsend from WRC:

“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).

...

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.”

I agree with this assessment. In conclusion, in consideration of ecological effects, the proposal will have less than minor effects.

3.3.3 Landscape and Natural Character Effects

The proposed continued existence of the existing seawall and proposed 30-metre-long tie-off, have the potential to impact upon the landscape and natural character effects of the site and surrounds, in terms of their construction, operation (existence in situ) and maintenance effects.

The Landscape Advice Memo was provided with the application. A peer review of the Landscape Advice Memo was undertaken by Amanda Anthony from Boffa Miskell. In this peer review it is noted that the Landscape Advice Memo does not identify the baseline of landscape character or landscape values. Further assessment is provided in the peer review which is included as relevant below.

Landscape Effects

The peer review includes the following assessment in relation to Landscape Effects:

“The physical, perceptual and associative values identified for the Site (Section 5.2 above) will all be adversely affected in some form as a result of the proposal. While the natural, coastal edge for much of the Site has already been compromised, an additional 30m extension will further degrade the legibility of the coastal dunes north of the Site through the introduction of angular rock boulders. On top of this, the 30m extension, even though it is relatively small in scale, adds to a larger modified edge illustrated in Figure 5 above. Including the 240m length of the Site, the total hardened edge along this section of Buffalo Beach equates to approximately 550m.

Coastal processes will remain evident and legible in the landscape; however, they will be interrupted by the proposed extension to the hardened seawall edge. The proposed seawall will reduce the Site’s naturalness due to the increased length of the overall seawall (550m) and its expansion into a more natural dune environment. Buffalo Beach will remain memorable and a popular destination to visit by locals and visitors however this stretch of the beach will reinforce a contrast between natural and hard coastal edges. The transient nature of the tides and weather systems will remain apparent in the landscape although the high tide will become more distinct and limit further use of this section of the foreshore due to the rock wall intruding into the coastal marine area.

Overall, the Site will still retain its coastal location and ultimately provide recreational access along this stretch of Buffalo Beach (at low tide) albeit in a reduced capacity. Based on the above, a low (adverse) effect is anticipated on the Site’s landscape values.”

These conclusions in the peer review are based on the Te Tangi a te Manu⁵ seven-point level of effect scale. Overall, adverse landscape effects are anticipated to be less than minor.

Natural Character Effects

The Landscape Advice Memo does not include an assessment in relation to natural character. The peer review provided by Ms Anthony provides the following assessment:

⁵ Te Tangi a te Manu – Aotearoa New Zealand Landscape Assessment Guidelines – NZILA July 2022

“The Site has been relatively modified from its natural state due to coastal erosion processes at play, roading/parking infrastructure and the existing seawall in place. While the LAM does not provide any details relating to the construction of the seawall, the proposed earthworks are outlined within Section 3.3 of the AEE. During the construction of the 30m seawall extension, the undertaking of earthworks and the presence of machinery on the beach will signal modification in the coastal marine area. The LAM does not specify the depth of excavation required or the quantities/extent of earthworks within the coastal marine area, with regard to natural character.

Without these details, it is difficult to evaluate and understand how the assessor reached the conclusions for the potential natural character effects. It is considered that based on the above analysis, baseline and assessment a temporary, very localised, temporary low-moderate adverse effect on the natural character of the 30m extension area will result during the construction phase. This is primarily due to the potential for limited beach access along this stretch of Buffalo Beach during the construction phase and the further modification as a result of earthworks and the 30m extension of the seawall within the coastal marine area.

On completion of the seawall extension, adverse natural character effects are expected to lessen to low as the coastal processes settle the edge of the seawall into the sand. While the proposed native vegetation planted along the crest of the wall will enhance the biotic attributes, it is unlikely to be visible from the beach itself (based on the RL of the crest of the wall). The ‘low-moderate’ level of natural character is expected to decrease to ‘low’ based on further modifications being introduced as a result of the proposal.

I agree with the conclusions drawn in the peer review. In this case I think that if the application is granted, it would be appropriate to impose a condition(s) of consent in relation to the timing and duration of the works in order to ensure the construction period is reduced as much as possible (while also factoring in the limitations posed by the tide and other constraints).

In conclusion, the effects upon natural character will be less than minor.

3.3.4 Public Access and Recreational Effects

The proposal includes the construction and on-going occupation of the coastal edge of a 255-metre-long seawall, as well as required repair and maintenance activities. The AEE provides the following assessment in relation to the impact of structures on public land:

“The seawalls are necessary to mitigate erosion of the adjacent road reserve which is valued within the community to provide recreational space adjacent to the CMA, and road which is a critical asset providing access along the coast to housing and essential services within Whitianga town centre. The seawall also protects critical subterranean council owned infrastructure and likely other infrastructure such as telecommunications and electricity. Any maintenance/reconstruction works to the structure will not further inhibit access and the existing timber access steps will be retained.

The tie-off works at the northern end of the seawall will mean that the beach in this area will be closed off to the public during the work activity so the contractor can carry out the work safely. During the works most areas of the beach will remain accessible and appropriate pedestrian routes identified where necessary. These works will be temporary in nature and therefore so are the adverse effects on public access.

The structures will be maintained in a structurally sound condition to ensure safe public access to the CMA is maintained. 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. ...

I agree with this conclusion, in particular that the proposal will provide for the reinstatement of walking access linkage where it has been eroded, and that the retained coastal edge contributes to meeting public open space needs.

However, it is important also to recognise that this type of formalised coastal edge is dictated by the existence of the seawall. Seawalls prevent coastal processes from moulding the coastal edge into a more naturalised and varied coastal beach environment. Seawalls also act as a barrier from accessing from the land to the beach, except for the locations where stairs are provided, and these do not provide all-ability access.

A more naturalised coastal edge would host a range of different informal recreational activities, but also commonly provide challenges for all-ability access, except where specifically provided for through design treatments.

Council's Parks and Open Spaces Manager also recognises the advantages and disadvantages of seawalls as noted below:

"While Parks and Open Spaces are mindful that the seawall and extension (tie back) will affect how people access the beach and potentially reduce public open space the RMP for Buffalo Beach South identifies coastal erosion as an issue and has a management action in place to '...Investigate coastal erosion issues and where appropriate identify options for intervention to manage [sic] erosion in a sustainable way through the Shoreline Management Plan...' .

In this case Parks and Open are satisfied that the proposal is a suitable compromise given the beach can still be accessed at low tide via the stairs through the existing seawall and that seawalls in their entirety will help protect the adjacent reserve land and associated infrastructure from further coastal erosion.

Overall, it is recognised that more naturalised coastal environments can be found elsewhere in the locality, notably further to the north of the site where the wider reserve does not elicit a coastal protection structure. In consideration of this application, the formalised style of reserve and pathway do provide some recreational value for locals, visitors, and the public.

As such, effects on recreational values will be less than minor.

3.3.5 Residential Amenity Effects

The proposal includes some construction activities including construction of the new tie-off and general maintenance activities within an Open Space Zone that is adjacent to an Extra Density Residential Zone. Construction activities have the potential to introduce effects that can impinge upon the amenity of residential properties in this location, such as construction noise, traffic and visual / landscape character effects.

The Landscape Advice Memo provided with the application does not look specifically at visual effects during construction. A peer review of the Landscape Advice Memo was undertaken by Amanda Anthony from Boffa Miskell. In this peer review Ms Anthony notes the following:

“While the LAM does not provide any details relating to the construction of the seawall, the proposed earthworks are outlined within Section 3.3 of the AEE. During the construction of the 30m seawall extension, the undertaking of earthworks and the presence of machinery on the beach will signal modification in the coastal marine area. The LAM does not specify the depth of excavation required or the quantities/extent of earthworks within the coastal marine area, with regard to natural character.

It is considered that based on the above analysis, baseline and assessment a temporary, very localised, temporary low-moderate adverse effect on the natural character of the 30m extension area will result during the construction phase. This is primarily due to the potential for limited beach access along this stretch of Buffalo Beach during the construction phase ...”

I agree with Ms Anthony’s conclusions in respect to natural character effects, and how they may be received by nearby residences.

As such, it is not expected that the temporary construction works will have any impacts beyond the adjacent sites listed in Table 1 and Figure 4 above.

Overall, the adverse effects on residential amenity values associated with construction works during construction of the tie-off and maintenance activities are anticipated to be less than minor.

3.3.6 Archaeological Effects

The proposal includes earthworks and construction on the coastal edge. The WRC Consent includes the following assessment in relation to 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.”

I note that the only one of these that is listed on the Map 18E overlays as a Historic Heritage Item is the Former Mercury Bay Hospital (Item number 205).

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

3.3.7 Māori Cultural Values Effects

The proposal involves construction in an area that has identified significance and value for iwi and hapū.

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, 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.

Overall, it is considered any potential adverse effects on tangata whenua values will be less than minor.

Step 3 Conclusion

Having considered the information submitted with the application and visited the site, it is my opinion that the adverse effects on the environment arising from the proposal to authorise an existing 225 metre long section of seawall, and to construct a new 30 metre long extension, as well as ongoing repair and maintenance of both existing and new seawall, would be less than minor.

Public notification of the application is therefore not required under sections 95A(7)(b) and (8) of the RMA unless there are special circumstances.

Step 4: If any of the section 95A(8) criteria are not met, then there must be an assessment of whether any special circumstances exist pursuant to section 95A(9). If there are, then section 95A(9)(a) states that the application should be publicly notified. If there are no special circumstances, then section 95A(9)(b) states that the application should not be publicly notified.

I am satisfied that there are no special circumstances that warrant public notification of this application.

4.0 Recommendation

That the application **is not publicly notified** in accordance with sections 95A(7)(b), (8)(b) and (9)(b) of the RMA, because under section 95D it is my opinion, the activity will not have or is not likely to have adverse effects on the environment that are more than minor, and there are no special circumstances.

5.0 Limited Notification Assessment - Section 95B

If public notification of the application is not required under section 95A, then section 95A(9)(b) of the RMA requires the Council to determine whether limited notification of the application is

required under section 95B. Under section 95B, the Council must undertake a step by step process to determine whether limited notification of an application is required or precluded in certain circumstances.

Step 1: Sections 95B(2) to (4) set out the instances when certain affected groups or persons must be notified. Essentially, the following groups or persons must be notified:

- (a) any affected protected customary rights groups; or
- (b) any affected customary marine title groups (with regard to a consent application for an 'accommodated' activity as defined in the Marine and Coastal Area (Takutai Moana) Act 2011); or
- (c) if the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11, and the person to whom the statutory acknowledgment is made is an affected person under section 95E.

I do not consider that there are any affected protected customary rights groups, customary marine title groups or persons to whom a statutory acknowledge is made that are affected by the proposal.

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.

In conclusion, while the statutory acknowledgements do exist which relate to this site, the proposal will not impact the ability to give effect to this acknowledgement.

Furthermore:

- The proposal will have less than minor effects on the coastal environment below mean high water springs as noted in the WRC Report; and
- There are no applications made under the Marine and Coastal Area (Takutai Moana) Act 2011 of relevance to the proposal.

Step 2: If none of the persons or groups in sections 95B(2) to (4) are affected then sections 95B(5) and (6) require, an assessment of whether limited notification of the application is precluded in certain circumstances. If either of the criteria in section 95B(6) apply, then limited notification is precluded and we are then required to go to **Step 4** section 95B(10) and consider whether there are any special circumstances.

Under sections 95B(5)(a) and (6)(a), limited notification is precluded where the application is for a resource consent for one or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification.

Limited notification of this application is not precluded under Step 2, sections 95B(5) and (6) of the RMA. Therefore an assessment as to the persons who are adversely affected by the proposal is required.

Step 3: If an application does not meet the criteria in section 95B(6), then we are required to consider the provisions in sections 95B(7) to (9) on whether, certain other affected persons must be notified in accordance with section 95E of the RMA.

Assessment of Affected Persons

I do not consider that there are any persons who may be adversely affected by this activity because:

The adverse effects on persons are captured above in Table 1 and Figure 4. In summary, it is considered the adverse effects on any persons will be less than minor as access to the recreational areas are retained, and 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 considering 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 effects will have a less than minor adverse effect on the residents. In this case, if the consent is granted, it is considered appropriate that condition(s) of consent are put in place that require a Construction Management Plan and Construction Noise and Vibration Management Plan prepared to address construction effects.

Written Approvals

It is not known whether the applicants have consulted with any persons regarding this application. No written approvals were provided with the application.

Step 3 Conclusion

Limited notification of the application is not required under section 95B(9) of the RMA unless there are special circumstances. Further, the proposal is not for a boundary activity. Finally pursuant to section 95B(8), limited notification is not required as there are no identified affected persons under section 95E.

Step 4: Use of Step 4 turns on the assessment in Step 2 i.e. if the application meets either of the criteria in section 95B(6), then a consent authority must determine "whether special circumstances exist in relation to the application which warrant notification of it to any other persons not already determined to be eligible for notification under section 95B (excluding persons assessed under section 95E as not being affected persons)". If special circumstances exist then those persons must be notified of the application. If the answer is no, then do not notify anyone else.

I am satisfied that there are no special circumstances that warrant any other person being eligible for limited notification of this application.

6.0 Recommendation

That the application **is not limited notified** because in my opinion there are no groups or persons that are affected by the proposed activity under sections 95B(2), (3), (7), (8), (9), (10)(b) of the RMA, and there are no special circumstances.

Reporting Officer:



Anna Lunjevich-Belz
Consultant Planner
Boffa Miskell Limited

Dated 30th of August, 2024

Reviewed and accepted by:



.....
Katy Dimmendaal
Acting Development Planning Team Leader
REGULATORY SERVICES

Dated at Thames, this 2nd Day of September 2024

Section 104, 104B and 104D Recommendation Report for a Non-Notified Resource Consent Application

8.0 Consideration of the application

Section 104 states the matters Council must have and must not have regarded when considering the application and are relevant in relation to determining conditions of consent.

8.1 Actual and Potential Effects

Subject to Part 2, section 104 and 104B of the RMA requires the Council to have regard to any actual and potential effects on the environment of allowing the activity. Under section 104D the Council can only grant a non-complying activity where it is satisfied that the adverse effects on the environment will be minor or the proposal will not be contrary to the objectives and policies of the relevant plan/s.

Assessment of Actual and Potential Effects on the Environment

The assessment of adverse effects in the notification report is also relevant for the purposes of the assessment under s104. In summary it was concluded that the adverse effects on the coastal processes, ecological, landscape and natural character, public access and recreational, residential amenity, archaeological and Māori cultural values will be less than minor.

In terms of positive effects, the proposed seawall will protect this part of the coast and the 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 therefore acceptable.

8.2 Thames-Coromandel District Plan

Subject to Part 2 and in accordance with section 104(1)(b) of the Act it is my opinion that the following Operative in Part District Plan provisions are relevant to this application: A full assessment of the relevant objectives and policies are included below.

Section 7 - Coastal Environment

Objective 1 - Subdivision, use and development in the Coastal Environment:

- *Enables people and their communities to provide for the social, economic, and cultural well-being and their health and safety;*
- *Maintains or restores the integrity, form, functioning and resilience of the Coastal Environment; and*
- *Protects the indigenous biodiversity values of the Coastal Environment in relation to the biodiversity values present; and*
- *Preserves the natural character of the Coastal Environment in relation to the level of natural character present; and*
- *Protects natural features and landscapes values of the Coastal Environment in relation to the level of natural feature and landscape values present; and*

- *Recognises and provides for the relationship of tāngata whenua with the Coastal Environment; and*
- *Maintains and enhances public open space and recreation opportunities in the Coastal Environment; and*
- *Manages coastal hazard risks, including the long-term projected effects of climate change; and*
- *Protects and enhances historic heritage values; and*
- *Avoids sprawling or sporadic patterns of development and enabling consolidation of existing settlements.*

Policy 1a - New subdivision, use and development along the coast shall provide a setback from the coastal edge to allow for:

- a) *Preserving natural character; and*
- b) *Maintaining and enhancing public access to public areas; and*
- c) *Natural ecosystems functioning; and*
- d) *Natural functioning of physical processes, including the ability of natural features and ecosystems to migrate inland.*

Policy 1b - Subdivision, use and development in the Coastal Environment (outside of the Natural Character and Outstanding Natural Features and Landscape Overlays) shall:

- a) *avoid significant adverse effects on the values and characteristics of natural character, natural features and natural landscapes; and*
- b) *avoid, remedy or mitigate other adverse effects on the values and characteristics of natural character, natural features and natural landscapes.*

Comment: In consideration of Objective 1 and Policies 1a and 1b above, the application supports the residents and communities in this neighbourhood by providing protection of their properties, as well as Buffalo Beach Road and the infrastructure underneath in the road which services the properties and surrounding areas. However, the application is not consistent with Policy 1a as it does not preserve natural character, nor natural ecosystem functioning or natural functional of physical processes. However, it does maintain public access to public areas, specifically these grassed coastal edges and pathway. The proposal is not anticipated to result in significant adverse effects on natural character or natural landscapes. Overall I consider that the application is not inconsistent with Objectives 1 and 1a, and is consistent with Policy 1b.

Objective 2 - Opportunities for restoration or rehabilitation of modified or degraded areas of natural character are promoted.

Policy 2a - The restoration or rehabilitation of modified or degraded natural character in the Coastal Environment shall be promoted.

Comment: In consideration of Objective 2 and Policy 2a the application does not include much restoration or rehabilitation apart from a small amount of planting proposed, in order to restore natural character. The application is inconsistent with this Objective and Policy.

Section 7A – Natural Character of the Coastal Environment

Objective 1 - Recognise that there are different levels of natural character in the Coastal Environment and natural character is preserved and protected from inappropriate subdivision, use and development.

Comment: The site has been identified as having a modified natural character and the assessment and the proposed use is deemed appropriate in this location. The application is consistent with Objective 1 above.

Section 8 – Historic Heritage

Policy 2b - Land disturbance activities shall be managed to provide for the protection of historic and cultural values of Sites of Significance to Māori and the relationship of iwi and hapu with those sites.

Comment: While the proposal is not located in a site of significance to Māori, approximately 500m from the northern extent of the seawalls is a mapped wāhi tapu site (Taputapuatea). The proposal is consistent with Policy 2b.

Section 10 Natural Hazards

Objective 1 - Natural hazard risk to life, property, community facilities and lifeline utilities resulting from subdivision, use and development do not increase, and are at acceptable or tolerable levels.

Policy 1a - Subdivision, use and development shall ensure that life, property, community facilities and lifeline utilities, including on adjacent sites, are protected from the adverse effects of natural hazards to an acceptable or tolerable level of risk, in a manner that maintains the resilience of the natural environment.

Policy 1b - 'Soft' coastal defences that defend existing dwellings, community facilities and lifeline utilities from coastal hazard risk should be encouraged where they do not increase coastal hazard risk to other sites.

Policy 1e - Community facilities, lifeline utilities and 'greenfield' subdivision and development shall be located in areas of acceptable natural hazard risk, including outside areas with projected coastal erosion and coastal inundation risk in 100 years' time, to avoid the need for any natural hazard defences or major mitigation work.

Policy 1g - Development should be 'future proofed' to allow retreat and/or relocation of structures and buildings where there is a potential future hazard risk in the next 100 years.

Policy 1j - A precautionary approach should be adopted when assessing development proposals in areas subject to natural hazard risk where information about that risk is either absent or uncertain.

Policy 1k - The potential effects of future climate change over the next 100 years, including sea level rise, river flooding, drought and other, should be considered when assessing natural hazard risks.

Comment: The proposal protects the adjacent properties and infrastructure from the effects of coastal erosion natural hazards, and it has been identified that 'soft' coastal defences would not be effective in coastal protection in this location. The proposal includes future proofing considerations including futureproofing via the Shoreline Management Plan and Coastal Management Strategy adopted by TCDC. It is also identified that the application includes a specified consent term ending in 2040. The proposal is consistent with Objective 1 and Policies 1a, 1b, 1e, 1g, 1j, and 1k.

Objective 2 - Natural hazard defences authorised by the Council, the Regional Council or their predecessors maintain their resilience from activities so they can protect against natural hazards for their designed life-span.

Comment: The proposal is a natural hazard defence authorised by the Council and has been designed to be resilient to protect against natural hazards for term of the consent proposed. The proposal is consistent with Objective 2.

Objective 4 - New 'hard' coastal defences to reduce coastal hazard risk are not established in the coastal environment, except where no other option is available to safeguard life, existing dwellings, community facilities and lifeline utilities.

Policy 4a - Natural hazard mitigation measures and defences should be in keeping with the coast's natural character, landscape and continue to provide for recreational opportunities and public access, with 'soft' coastal defences preferred out of the practical options available.

Policy 4b - Subdivision, use and development adjacent to the coast shall enhance the ability of natural coastal environment defences, such as sand dunes, to strengthen natural character, resilience against coastal erosion and coastal inundation.

Policy 4c - New subdivision, use and development in the coastal environment shall not occur where it is dependent on installation of new defences to make natural hazard risk tolerable, or may become dependent on installation of new defences to avoid increasing coastal hazard risk to intolerable levels over the next 100 years.

Policy 4e - Once a 'hard' coastal defence requires replacement or major restoration work, the structure should be replaced with a 'soft' coastal defence if this is feasible to maintain existing protection from coastal erosion and/or coastal inundation.

Comment: The proposal should be considered a 'new' coastal defence and is identified by the applicant as being specifically required in this location with no feasible alternative. The proposal will be in keeping with the coast's established natural character and landscape in this area, and will continue to provide for some formalised recreational activities. The proposal does not enhance the ability of natural coastal environment defences to strengthen natural character and resilience against coastal erosion and inundation. While replacement of the hard coastal defence structure has been considered by the applicant, replacing it with a soft coastal defence is deemed inappropriate in this location, and will not maintain existing protection. The application is consistent with Objective 4 and Policies 4a and 4e, but is inconsistent with Policy 4c.

Section 17 – Tangata Whenua

Objective 1 - Tangata whenua are able to exercise kaitiakitanga over their ancestral lands, water, sites of significance, wāhi tapu and other taonga, and on resource management matters of importance to tangata whenua, in a manner that promotes sustainable management of natural and physical resources.

Policy 1a - Māori entities such as iwi authorities, tribal runanga, Māori landowners, iwi, hapū, whanau and marae-based organisations should be consulted on resource consent applications when they involve sites of significance to Māori listed in Appendix A1.2, known archaeological sites, earthworks, water bodies, biodiversity, cross-boundary issues, waste management, and any other matters that are identified in iwi management plans.

Policy 1b - Iwi management plans should be used to guide the identification of Māori cultural values and resource management interests.

Policy 1c - Development on a site of significance to Māori (whether on Māori land or not) should incorporate Māori values by consultation with tangata whenua, for example: using site avoidance and protection techniques for sensitive locations such as wāhi tapu, adopting traditional place names, appropriate street names, the restoration of mauri through ecosystem enhancement, waterways restoration, the use of appropriate plant species, appropriate tangata whenua access to the site, incorporation of traditional/sympathetic Māori design elements and/or management of important view shafts to and from the site.

Objective 2 - The historical and cultural relationship of tangata whenua with the Coastal Environment is recognised and provided for in relation to subdivision, use and development.

Policy 2a - Subdivision, use and development in the Coastal Environment should recognise in appropriate circumstances the historical and cultural relationship of tangata whenua with the Coastal Environment, including as expressed in any iwi management plans.

Comment: The applicant has undertaken engagement with tangata whenua in relation to the application and identified relevant values in relation to the site of significance and the general relationship with the coastal environment. The application is consistent with Objectives 1 and 2 and Policies 1a, 1b, 1c, and 2a.

Section 18 – Transport

Objective 1 - The District's transport network meets the foreseeable needs of the District's communities, is safe for all transport users and enables efficient use of resources (including being energy efficient).

Policy 2c - New transport networks shall avoid outstanding natural features and landscapes, large-scale clearance of indigenous ecosystems, areas of cultural/heritage value, and areas of natural character unless the route selection process has identified no feasible alternative. Then adverse effects on these values should be remedied or mitigated.

Comment: The proposal is consistent with these policies as the seawalls protect Buffalo Beach Road from coastal erosion, and there is no feasible alternative for this road due to the location of houses and development along this coastal edge.

Section 19 – Utilities

Objective 1 - The social and economic benefits of network utilities are recognised and provided for while ensuring that their adverse effects are mitigated.

The proposal protects the network utilities including the road and underground infrastructure in Buffalo Beach Road and this protection function of the seawall structure is recognised. The proposal is consistent with Objective 1.

Conclusion

The application has been assessed against the relevant objectives and policies of the Operative in Part District Plan above. The application is 'inconsistent' with three objectives and policies and is 'not-inconsistent' with a few. However, when considered in the round, the proposal is 'consistent' with most of the objectives and policies.

8.3 National Environmental Standards, National and Regional Policy Statements and Plans, Other Regulations

Subject to Part 2 and in accordance with section 104(1)(b) of the RMA, the Council must have regard to any relevant provisions of policy statements and plans.

New Zealand Coastal Policy Statement

An assessment of the application against the NZCPS has been undertaken in the WRC Report, and included below:

“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.”

I agree with this assessment, and that the proposal is consistent with the NZCPS.

Waikato Regional Policy Statement

An assessment of the application against the RPS has been undertaken in the WRC Report, and included below:

“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.”

I consider the proposal to be consistent with the policies and objectives of the Operative Regional Policy Statement.

Waikato Regional Plan

An assessment of the application against the Waikato Regional Plan has been undertaken in the WRC Report, and included below:

“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.”

I consider the proposal to be constant with the policies and objectives of the WRP.

Waikato Regional Coastal Plan

An assessment of the application against the Waikato Regional Coastal Plan (WRCP) has been undertaken in the WRC Report, and included below:

“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.”

I consider the proposal to be constant with or not inconsistent with the policies and objectives of the WRCP.

Proposed Waikato Regional Coastal Plan

An assessment of the application against the Proposed Waikato Regional Coastal Plan (WRCP) has been undertaken in the WRC Report, and included below:

“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.”

I consider the proposal to be constant with or not inconsistent with the policies and objectives of the PWRCP.

National Environmental Standards

There are no National Environmental Standard relevant to the proposed development.

8.4 Other Relevant Matters

Other relevant documents

The WRC Report contains an assessment in relation to the following:

- Hauraki Iwi Environmental Management Plan (HIEMP)
- Thames-Coromandel District Council Coastal Management Strategy
- Thames-Coromandel District Council Coastal Hazards Policy
- Thames-Coromandel Coastal Adaptation Pathways

Part 2

I have considered the relevant provisions of the Operative in Part District Plan and I consider that the plan has been competently prepared under the Act with a coherent set of policies designed to achieve clear environmental outcomes. Accordingly, there is no need to consider Part 2, because doing so, would not add anything to the evaluative exercise required under 104(1).

Term of Consent

The applicant has requested that the consent term for the overall 255-metre-long seawall (existing and proposed tie-in) expires on 1 February 2040, to align with the consent expiry of the NZTA wall to the south and the WRC consents just recently granted.

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 proposed in the Application AEE.

8.5 Conclusion

Taking into account the comments above and any recommended conditions of consent, it is my opinion that the effects of allowing the application to be undertaken will not be contrary to the purpose and principles of Part 2 of the RMA or any relevant provisions in a national environmental standard; regulation; policy statement; regional plan; or with the Thames-Coromandel Operative in Part District Plan.

Subject to compliance with any recommended conditions of consent, it is my opinion that the effects of the allowing the proposed seawall activity will result in less than minor adverse effects.

9.0 Reasons for Recommendation

The following is a summary of the reasons for the decision, subject to conditions:

1. I am satisfied the activity meets the requirements of section 104D of the RMA for non-complying activities.
3. I am satisfied the proposal will generally be consistent with the relevant objectives and policies of the Operative in Part District Plan and other relevant plans.
4. I am satisfied that the activity will not be contrary to the purpose and principles of Part 2 of the RMA or any relevant provisions in a Regulation, Policy Statement, or Regional Plan.
6. No persons were deemed to be adversely affected by the proposal.

10.0 Recommendation

That the application be **granted** pursuant to sections 104, 104B and 104D of the RMA, subject to conditions.

Report Prepared by:



Anna Lunjevich-Belz
Consultant Planner
Boffa Miskell Limited

Dated this 30th day of August 2024

Reviewed and accepted by:



.....
Katy Dimmendaal
Acting Development Planning – Team Leader
REGULATORY SERVICES

Dated this 2nd of September 2024.

Conditions

This consent will expire on 1st of February 2040 unless it has lapsed, been surrendered, or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

The consent holder shall comply with the following conditions:

Fees and Charges

1. The consent holder shall not give effect to this consent (or any part thereof) until such time as the following charges, have been paid in full:
 - (a) All fixed charges relating to the receiving, processing, and granting of this resource consent under sections 36(1), 36AAA and 36AAB of the Resource Management Act 1991 (RMA) including a consent compliance monitoring fee of \$825 (inclusive of GST); and
 - (b) All additional charges imposed under section 36(5) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application.
 - (c) All development contributions relating to the development authorised by this consent, which will be invoiced separately. Please refer to the advice notes for further information.
2. The Council's administrative charges for receiving and processing this application in accordance with sections 36, 36AAA and 36AAB of the RMA, must be paid in full within 15 working days of receipt of the invoice for this decision, unless otherwise agreed in writing with the Council's Development Planning Manager. The consent compliance monitoring fee shall be paid as part of the resource consent fee and the consent holder will be advised of any further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

General

3. Prior to works commencing the consent holder is to notify the Council, in writing, of their intention to begin works a minimum of three days prior to the commencement of the proposed works by completing the "Notice of Commencement of Works" attached to this decision and sending it by post or email to the Council's Environmental Compliance Officer.
4. Except where modified by any of the following conditions of this decision, all activities authorised by this consent must proceed in accordance with the following plans and information provided with the application, namely:
 - Application AEE prepared by SLR Consulting New Zealand dated December 2023, revision v1.
 - Plans of existing structure footprint and proposed tie-off plan included in two unnamed figures in response to Item 7, Page 3, provided in RFI response by SLR Consulting dated 12 March 2024.
 - Plans in Figure C of the Application AEE "Indicative Tie-Off Concept Plan. Sourced from 4Sight Consulting Tie-Off Plan".

- Coastal Processes Assessment prepared by SLR Consulting New Zealand dated November 2023, version 1.3 Final.
- Ecological Impact Assessment prepared by SLR Consulting New Zealand dated March 2024, version 3.0.
- Landscape Advice Memorandum prepared by SLR Consulting New Zealand dated July 2023 V 1.1.
- RFI Response from SLR Consulting New Zealand, dated 12 March 2024.
- Technical Memorandum from SLR Consulting New Zealand dated 14 July 2024.

If there is a discrepancy between the information referred to in this condition and the consent conditions, the consent conditions will prevail.

Prior to the commencement of physical works for the 30-metre-long seawall extension, the following conditions (6 to 12) shall be complied with:

End Effects Management Plan

5. The consent holder must engage a suitably qualified and experienced Coastal Scientist/Engineer, 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. Prior to construction of the 30m extension wall, a survey to establish a baseline for monitoring of morphological changes.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. 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.
 - vi. 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.

6. The EEMP required by condition 5 must be certified in writing by TCDC 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) – vi) of condition 5. The consent holder must ensure that the certified EEMP is adhered to at all times.

Construction Management Plan

7. The consent holder shall submit a Construction Management Plan (CMP) at least 10 working days prior to the commencement of construction works to Council's

Development Engineer for certification that it satisfactorily addresses all the matters listed below as being required in the CMP. The CMP shall include specific details proposed to avoid, remedy, or mitigate adverse effects on the environment, including the following matters specified, and any other relevant matters:

- Construction staging and sequencing especially in relation to tides,
- Hours and days of work proposed,
- Advanced notification to adjacent properties,
- Site compound location,
- Traffic management methods, including vehicle parking and access locations and storage of heavy machinery,
- Perimeter controls and design parameters,
- Limits of disturbance,
- Erosion protection measures, and
- Revegetation methods for temporary and permanent stabilisation.

Erosion and Sediment Control

8. The consent holder must provide an Erosion and Sediment Control Plan (ESCP) at least 10 working days prior to the commencement of construction works to Council's Development Engineer for certification that it satisfactorily addresses all the matters listed below as being required in the ESCP. The ESCP must be adhered to during all maintenance works in order 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).

Note: The CMP required by condition 7, and the ESCP required by condition 8 may be incorporated into one document if it suits the consent holder to do so.

Construction Noise

9. All noise generating activities associated with the construction of the 30-metre-long seawall extension, either on, or in the vicinity of, the subject site, which is including, but not limited to, operation of machinery and placement of rock and any other construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc) shall not exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision).
10. In order to demonstrate compliance with the condition above, the consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP) for certification by TCDC. The CNVMP shall be prepared by a suitably qualified and experienced person, and shall be provided at least 10 days prior to construction works.

Landscaping

11. Prior to construction works commencing, the consent holder must submit a Seawall Extension Planting Plan (SEPP) to TCDC for certification for certification that it

satisfactorily addresses all the matters listed below as being required in the SEPP. The SEPP must be prepared by a suitably qualified person, as approved by TCDC 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.
12. 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 11.
13. The planting required by conditions 11 and 12 above shall be maintained for the life of this resource consent. Any dead or damaged plants must be replaced in the next planting season.

Following the construction of the 30-metre-long seawall extension, the following conditions shall be complied with:

Maintenance and Repair Works

14. The consent holder must maintain the 255-metre-long seawall authorised by this resource consent to ensure its structural integrity and therefore the coastal erosion protection function.
15. The consent holder must provide TCDC with an “Erosion and Sediment Control Plan” (ESCP), at least 10 working days prior to the commencement of any maintenance works on the 255-metre-long seawall. The ESCP must be developed and adhered to during all maintenance works to:
 - a. 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
 - b. 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 TCDC 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.

Advice Notes

1. Should the applicant/consent holder wish to formally object to this decision under section 357A of the RMA, please advise the Council's Development Planning Manager in writing within 15 working days of the receipt of this letter, stating reasons for the objection and the preferred outcomes.

If no response is received within 15 working days it will be assumed that the applicant accepts this decision and it will be regarded as final.

2. Pursuant to section 125 of the RMA, this consent lapses on the 1st of February 2040.
3. There are recorded archaeological sites in the vicinity of the proposed work. The applicant is advised to contact the Heritage New Zealand Pouhere Taonga (HNZPT) for further information. Work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014. If any activity associated with this proposal, such as earthworks, fencing or landscaping, could modify, damage or destroy any archaeological sites(s), an authority from HNZPT must be obtained for the work prior to the commencement. It is an offence to modify, damage or destroy a site for any purpose without an authority. The Heritage New Zealand Pouhere Taonga Act 2014 contains penalties for unauthorised site damage.
4. That a copy of this consent is to be held on site at all times while the works to which the consent relates are being carried out.

Development Contributions Advice Note

The proposal has been assessed against the requirements of the Development Contributions Policy and we confirm that no development contributions are payable.

DECISION AND ADDITIONAL COMMENTARY BY THE APPOINTED COMMISSIONER

I have been appointed in accordance with the provisions of the Resource Management Act 1991 (**RMA**), to consider the above application and the associated Council report above regarding the notification or otherwise, of the application and to make the decision on the application.

I have been able to visit the site of the application and the immediately neighbouring area. Having considered the application details, including the accompanying specialist reports, I find agreement with the recommendations made in the Council's report for **non-notification** of the application and for resource consent to be **granted, subject to conditions**.

I acknowledge the reporting planner has provided an excellent and comprehensive report for the Council. I adopt the reasons in that report for recommending resource consent be granted with only some minor edits to the recommended conditions.

I note in granting resource consent, that whilst the application is found to be inconsistent with some of the objectives and policies of the Thames Coromandel District Plan, it is not contrary to those District Plan provisions, as stated in the planning report above. Further, the adverse effects of the proposal on the environment will be minor, with the conditions of consent, and it will result in positive effects for the protection of the beachfront and for the community.

Accordingly, the application is **granted** resource consent, pursuant to sections 104, 104B and 104D of the RMA, subject to the above conditions and for the above reasons.

A handwritten signature in black ink, appearing to read 'AR Watson', with a stylized, cursive script.

AR Watson

Independent RMA Commissioner
4 September 2024