



19 July 2018

PPL Ref: 130/041

Waikato Regional Council  
C/- Richard Duirs  
Email – [Richard@wainuienvironmental.co.nz](mailto:Richard@wainuienvironmental.co.nz)

Dear Richard

**Re: Coastal Defence Structure – Buffalo Beach (WRC Ref: APP138330).**

On behalf of the applicant, I am responding to the Waikato Regional Council's (WRC) further information request dated 17 May 2017.

Further information was requested as follows:

#### Plans

The Coastal Defence Structure (seawall) plans have been updated as requested (**Attachment A**).

#### Beach Encroachment Effects

The applicant has instructed their coastal expert to redesign the seawall to limit as far as practical beach encroachment (i.e. very similar encroachment to the existing seawall). The updated seawall plans was provided to WRC on 18 May 2018, but have been refined. The seawall plans have been further updated and are attached (**Attachment A**).

#### Coastal Processes Effects

A detailed coastal processes report of the proposed redesigned seawall has been prepared by Tonkin and Taylor and is attached (**Attachment B**).

#### Public Access Effects

Public access effects are an important consideration under the provisions of the New Zealand Coastal Policy Statement 2010 (NZCPS 2010).

I recently completed a site visit with the applicant's ecologist on 17 June 2018 at high tide. It is apparent that at certain peak high tides, it can be difficult to walk along the

beach. However, it is also apparent that there is no beach access along Brophy's Beach to the north, which is considered to be a far worse situation in terms of beach access than the access in front of the proposed seawall. It is also apparent that at peak high tide on 17 June 2018 access along the beach south of the site (i.e. in front of the yacht club looking south) resulted in a very difficult walking option. The high tide was very close to the natural sand dune which contains soft sand with limited pedestrian access. If there was any wave action I would consider pedestrian access to be very difficult or unavailable for large portions of Buffalo Beach and not just the beach in front of the proposed seawall.

The WRC needs to acknowledge and take into account the existing restricted access along Buffalo Beach. With the outgoing tide, access is again available for Buffalo Beach; the beach in front of the seawall and Brophys Beach. Pedestrian access along Buffalo Beach is already severely restricted even with the seawall located in its current position or not.

There are other public access restrictions as follows:

- (i) To the north of the proposed seawall the property at 139 Buffalo Beach Road is not party to this application and it is not known if public access is available over this property or behind the property's existing seawall;
- (ii) The seawall would be located over several properties (117 (partially); 119; 121; 123 Buffalo Beach Road) and it is my understanding that to establish a public walkway on private land would be a difficult civil process;
- (iii) Private land holdings to the south (i.e. 99 and 101 Buffalo Beach Road – **Attachment C**) protrude into the beach and again it is considered a difficult process to gain access over private land;
- (iv) The redesign and realignment of the southern end of the seawall would enable the applicant to establish natural sand dune and coastal dune planting to mitigate the end wall effects. It will be the Thames Coromandel District Council's decision if sand ladders and/or other structures are proposed at the southern end of the seawall to gain access to the reserve land behind the seawall and there will need to be some investigation by TCDC to ensure the sand dunes are maintained as far as practical;
- (v) The applicant's coastal expert has illustrated a couple of public walkway options behind the seawall that can be established by the Thames-Coromandel District Council if required;
- (vi) As described by the ecologist, the applicant proposes to establish coastal amenity planting towards the rear (western side of the seawall) and close to the Coastal Defence Structure as possible, which has biodiversity and landscape benefits. A coastal walkway located directly behind the seawall may affect the ability to establish the planting; and
- (vii) The applicant's coastal expert has prepared a response relating to whether a walkway structure could be established over or on top of the proposed seawall. The independent expert advice confirms that a structure established over the seawall would create numerous difficulties. Please refer to Section 7 of the Coastal Processes Report (**Attachment B**).

I have undertaken a review of access along the beach during high tides on 17 June 2018 and also on 10 July 2018. The 10 July 2018 high tide was a 2.0m tide at 4.23pm. There was no wave action and a south-westerly wind direction. In my opinion, the proposed seawall would have similar access restrictions along Buffalo Beach if the seawall was established or not.

Policy 6(2)(e)(i) of the NZCPS 2010 requires the Council to consider whether *structures be made available for public or multiple use wherever reasonable and practical*. The key words associated with this policy are 'reasonable' and 'practical'. From the evidence provided, it seems that establishing a walkway on top of a seawall is not practical or reasonable.

The Thames-Coromandel District Council (TCDC) has the ability to establish a pedestrian walkway within the recreation reserve if and when needed. The applicant is fully aware that TCDC could establish the walkway and the applicant has no control over this process. TCDC will need to make a decision to determine whether a walkway is practical and reasonable. Whether the walkway location would be used and the effects of privacy between the public and private landowners are also considerations.

The NZCPS 2010 places reasonable emphasis on maintaining access to the coast. The proposal has been designed to ensure access to the beach is still available via existing pedestrian reserves. Access along the beach would be restricted during high tides and during storm events in front of the seawall. There is no beach access to the north of the seawall or in front of Brophys Beach. In terms of access along Buffalo Beach, the proposed seawall would have similar restrictions as the natural dune system to the south of the seawall from the yacht club south (i.e. currently limited access along the beach). When inspecting high tide effects along Buffalo Beach and Brophys Beach, the proposed seawall would not adversely affect the public use and enjoyment of the coastal environment (NZCPS Policy 4(c)(ii)) as beach access is already affected to a certain degree.

Approximately 60 metres of the southern end of the seawall would be relocated inland and create additional beach space and at least 8 metres of the southern end of the seawall would bend back towards the west (inland) and be buried within the existing reserve.

The improvements to the design of the seawall; the existing pedestrian accessways to the coast and the option of the Thames-Coromandel District Council establishing pedestrian linkages, that the proposal is able to maintain and enhance walking access linkages between public open space areas in the coastal environment (NZCPS Policy 18(c) and Policy 19(1) and 19(2)(c)).



### Amenity and Visual Effects

An on-site meeting was held with TCDC and WRC representatives on 6 September 2017. At that meeting, all parties viewed the existing seawall from Brophys Beach. I cannot say that there was total agreement between all the parties, but the following comments can be made with regard to the landscape effects of the proposed seawall:

- (i) The seawall uses natural materials and does not have the same reflectivity as the sand bags along Brophys Beach;
- (ii) To the north of Brophys Beach (i.e. Davies Point) is a dark rock clad coastal environment. When you stand at Brophys Beach and view the existing seawall and the natural rocky coastline at Davies Point, there are reasonable comparisons between the two shorelines;
- (iii) The applicant's ecologist has suggested an ecological planting plan for the public portions of the seawall, which although would not mitigate the visual effects of the eastern face of the seawall, would provide some softening of the seawall structure within the local environment;
- (iv) The main boating channel for Whitianga is from the Whitianga Estuary. I have undertaken several boat trips from the main boating channel and from the naked eye the existing seawall is not noticeable. All you can view is a very thin dark line only and the seawall itself cannot be viewed;
- (v) The local environment is highly modified and contains existing residential houses; roading; and various existing public seawall structures along Buffalo Beach and Brophys Beach;
- (vi) The NZCPS 2010 (Policy 15) requires the Regional and Local Authorities to identify outstanding natural features and landscapes. Under the Proposed District Plan provisions, the subject site (i.e. location of the seawall) has not been identified within a high natural character area or an area with outstanding natural features or landscape; and
- (vii) The Council should recognise the existing characteristics and qualities that contribute to natural character and landscape values. The local environment is no longer a pristine environment and the proposed seawall would be located basically in the same position as the existing seawall.

Based on the assessment above, the visual effects and amenity values of the local environment would be maintained and the ecological enhancement planting would add to the biodiversity value of the local environment.

### Backstop Wall Protection

I assume this matter does not require any further comment due to the amended seawall design. Please refer to the coastal processes assessment and comments from the applicant's coastal expert (**Attachment B**).

### Private Stairs

I can confirm that the proposal does not include any private stairs on the seawall apart from access from the TCDC pedestrian access reserves.

### Beach Nourishment

I have discussed with the applicant and given that a majority of the property owners have purchased after the original consent was granted there is not a lot of history of what actually happened.

The applicant has confirmed with me that beach nourishment was undertaken in late 2004 (September and December 2004). The placement of 10,000 cubic metres was monitored for a period of 1 year, which included 8 visual inspections. The beach nourishment maintained a wide high tide mark over the summer period. In January 2005, a storm event flatten the beach profile. The beach profile reformed, but by May 2005 portions of the 'existing' seawall did not continue to provide full beach access at high tide. It became apparent to the consent holder that significant beach nourishment costs for a short period of high tide access would be established. However, the high tide beach access was only retained for a short period only (5 months).

Point 9 of the further information request requires further comment/assessment of the end wall effects at the southern end of the seawall. As described by the coastal expert, the southern end of the seawall (approximately 60 metres) is to be relocated inland and away from the ocean. At least 8 metres of the southern end of the seawall would be relocated and will bend back towards the west (inland). The very southern end of the seawall is proposed to be buried and sand dune restoration and planting undertaken to mitigate the southern end seawall effects. Full details and assessment of the end wall effects has been addressed within the Coastal Processes assessment.

The applicant has also consulted with the Council's Community Facilities Department who administer Council reserves and their response (point 3 of the TCDC letter) to the southern end wall effects is attached (**Attachment D**).

### Ecology

The applicant has engaged a marine biologist and ecologist to assess the ecological effects of the proposal. The ecologist has also prepared a suggested a planting plan for the seawall and southern end dune restoration area. The ecological assessment is attached (**Attachment E**). The ecologist confirms that there is an opportunity to increase native biodiversity of the site area after the construction process.

### Previous Consent Compliance

Points 11 and 12 of the further information request require an assessment of compliance of previous conditions of consent for the original consent. Some conditions were met and some conditions were not addressed by the consent holder. As previously mentioned, a majority of the current property owners were not involved with the original consent. I can only speculate why some of the conditions were not met or why the 'Northern Buffalo Beach Management Plan' was not completed.

In my opinion, it is certainly important that the applicant meets the conditions of consent moving forward and a close relationship with the Regional Council's monitoring team should be developed to ensure full compliance with conditions of consent.

I can only attach a monitoring report obtained for the previous consent (**Attachment F**).

### Construction Effects

A response to the construction effects is attached (**Attachment G**). The assessment of construction effects is preliminary at this stage and it is expected that a detailed Construction Management Plan would be required prior to any works undertaken on the property. It is certainly difficult to provide absolute details of the construction methodology until resource consent is obtained and a tender process and contractor engaged to undertake the physical works.

### Consultation

In terms of consultation, the applicant has met with the local iwi authority on 18 July 2018. Once the applicant obtains a response from the local iwi authority I will forward their comments to TCDC and WRC. I can confirm that Ngati Hei Iwi Authority's representative is not opposed to the seawall proposal and the applicant will continue to consult with the Iwi Authority prior to any on-site physical works.

Consultation has been undertaken with TCDC as land owner of the reserve and their response is attached (**Attachment D**).

I met with DOC staff on Thursday, 5 July 2018. Once I have obtained a response from DOC, I will forward their comments to you. I can confirm that DOC representative was a lot more comfortable with the redesigned seawall and additional beach space made available at the southern end of the structure.

### Conclusion

When considering the performance of the existing seawall, the proposed seawall design is an adaptive planning measure for at least the next 35 years if consent is obtained from the Regional Council for this timeframe.

After careful consideration of the New Zealand Policy Statement 2010 (NZCPS 2010), a number of the Objectives and Policies relate to development and the management of 'new' development. There are certainly some Objectives and Policies relating to existing development. However, it is a difficult situation for the applicant and the local and regional authorities when you are dealing with an existing subdivision development already granted consent including lawfully established residential dwellings. If known what was to occur along the western and eastern coastlines of the Coromandel Peninsula there may have been greater setbacks from the coastline. However, this is not always the case and the applicant's proposal has been designed to protect their properties for at least the next 35 years.

Policy 6(2)(c) of the NZCPS 2010<sup>1</sup> requires the Council to *recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places.*

The proposal provides for that 'functional need' to protect the existing development along Buffalo Beach.

Policy 27 of the NZCPS 2010 lists a range of options available to existing development likely to be affected by coastal hazards. One option is the relocation or removal of existing development or structures at risk (Policy 27(1(a))). However, the managed retreat option is also discussed within Policy 25(c) as occurring in extreme circumstances. Based on the expertise of the Coastal expert and the performance of the existing seawall over the last 18 odd years, extreme circumstances do not currently exist.

Policy 27(1)(d) of the NZCPS 2010 seeks to *recognise and consider the environmental and social costs of permitting hard protection structures to protect private property.* Policy 27(3) confirms that *where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.* Part II of the Resource Management Act 1991, which trumps the NZCPS 2010 also requires the decision maker to consider people and communities' social, economic and cultural wellbeing and their health and safety.

Of course the applicant would like to retain a natural beach and dune system in front of their residential properties. However, based on historical storm events and the expert evidence and recommendations of the applicant's coastal experts, at this stage, the seawall is the only viable option.


Based on the additional information and the redesigned seawall, I am of the opinion that the resource consent application can be processed on a non-notified basis. As already discussed within the resource consent application, it is acknowledged that the notification decision is the Council's decision.

TCDC S92 Request for Further Information

For your information the section 92 response to the Thames-Coromandel District Council is attached (**Attachment H**).

If you have any questions, please call me on 0274 994 833.

Yours sincerely  
**Planners Plus Limited**

A handwritten signature in blue ink, appearing to read 'D. Lamason', with a horizontal line extending to the right.

David Lamason  
**Director**

Cc TCDC  
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