

22 January 2020

Veros Property Services  
78 Second Avenue  
Tauranga

Dear Rebecca

**Resource Consent Application RM19-0774 – Retrospective Consent for Coastal Reclamation and a Seawall within the Coastal Marine Area – Request for Further Information pursuant to Section 92 of the Resource Management Act 1991 (RMA)**

Following review of your application the Bay of Plenty Regional Council requests the further information in order to gain a full understanding of the proposal and/or its potential environmental effects as detailed below.

**The resource consent application should cover the old PVC wall, reclamations, new seawall and any additional structures associated that are within the Coastal Marine Area (CMA).**

In order to understand the potential effects of the proposal on **landscape, natural character and visual values**, the following information is required:

- a) Section 6.2 of the Assessment of Environmental Effects (from Veros) includes commentary around an assessment of the landscape, natural character and visual effects of the proposal. This commentary essentially isn't supported by a Technical Assessment and therefore cannot be relied upon.

A full technical assessment is therefore required by an appropriately qualified landscape architect (Registered NZILA Landscape Architect). To assist this assessment please see attached a copy of the New Zealand Institute of Landscape Architects (NZILA) Best Practice Guidelines.

A thorough assessment of landscape, natural character and visual effects, which meets the requirements set out in the NZILA Guidelines should be provided. This assessment should be proportionate to the scale of the proposal's potential effects and the sites landscape qualities and sensitivities and build upon (i.e. not repeat) the assessment provided by Veros. The landscape, natural character and visual assessment should address as a minimum the following:

**Landscape considerations:**

1. Analysis of the site-specific landscape values;
2. Assessment of the site-specific landscape sensitivities, identification of the nature of the effect (beneficial, neutral or adverse) and the degree of effect;
3. Evaluation of effect in regard to the NZILA Best Practice Guide 10.1, relativity to the Resource Management Act 1991 terms of *less than minor, minor, more than minor*

and reference to the relevant objectives and policies of the NZ Coastal Policy Statement, Regional Policy Statement and the Bay of Plenty Regional Coastal Environment Plan.

4. Assessment of effects upon the natural character of the Waipapa Estuary and its margins taking into account the Bay of Plenty Regional Coastal Plan.

**Natural Character Considerations:**

5. Assessment of effects on the existing condition of the natural character of the Waipapa Estuary and its margins,
6. Analysis of natural character and consideration of the wider margin and the proposals effects on these values.

**Visual Effects**

7. Identification and representation of the visual catchment and identification of potential viewing audiences by way of mapping and/or photography;
8. Evaluation of the level of effect with reference to the NZILA Best Practice Guide 10.1,relativity to the Resource Management Act terms of *less than minor*, *minor*, *more than minor* and reference to the relevant objectives and policies of the NZ Coastal Policy Statement, Regional Policy Statement and Bay of Plenty Regional Coastal Environment Plan.

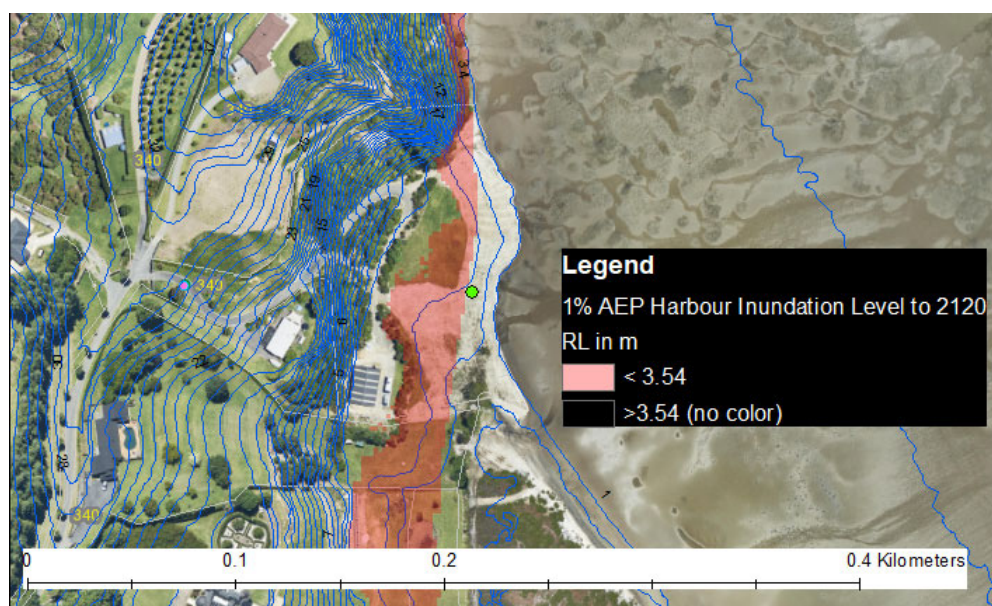
**Please Note: As this is a retrospective consent, the Landscape Assessment will need to assess the landscape and natural character prior to the seawall (old PVC and new retaining wall)/reclamation activities taking place on-site and assess the change/effects of the seawall and reclamation on this character. The assessment should refer to the relevant objectives and policies of the NZ Coastal Policy Statement, Regional Policy Statement and the Bay of Plenty Regional Coastal Environment Plan.**

- b) Mangrove establishment has been proposed as a mitigation measures, on the intertidal flat adjacent to the seawall. This has been considered to be sufficient mitigation to minimise adverse effects resulting from the seawall structure. Limited information/details are provided in the assessment of effects and the Wildlands Report in regard to the planting methodology and how long this planting will take in order to sufficiently establish and mitigate the landscape and visual effects of the seawall. The additional information is therefore required:

**Mangrove Planting Methodology.** Specifically, the area and location of mangrove planting and method/ongoing maintenance to ensure establishment. Additional information in relation of the planting growth rate and time in which this will establish should be included in this assessment.

In order to understand the potential effects of the proposal on **coastal processes (coastal inundation, coastal erosion, climate change and sea level rise)**, the following information is required:

- a) An assessment of effects relating to sea level rise and climate change is required, taking into account the following:
  1. The structure has not been designed to an engineered level. The recommended design level is the 1:100 year inundation level to 2120. This constitutes a 1% annual exceedance probability event (AEP) coupled with a 1.25 metre sea level rise, while taking into account climate change to 2130;
  2. For this site, based on NIWA's latest modelling, inundation will extend to 3.54 metres relative level (RL) as indicated in red on Figure 1 below;
  3. The 1.5 to 1.75m high (FL) wall height will only cater for spring tide elevations, with up to a 0.6 – 0.8m sea level rise, based on NIWA's modelling and would still be overtopped during large storm events. The infill placed behind the structure could for a source of sedimentation to the harbour;



**Figure 1.** NIWA modelling showing the extent of inundation at the site.

4. The finished design level of the seawall and confirmation of the appropriateness of the design in line with the projected coastal inundation and coastal erosion for the location should be submitted – specifically due to the infill behind the wall and the proximity of the high value area – Natural Character, Indigenous Biodiversity Area A, Tauranga Harbour.
  5. A plan of the seawall with surveyed seawall heights should be provided (PVC seawall and additional new seawall).
  6. Dimensions and details of the seawall and reclamation including the portions of the seawall and reclamation within the CMA and the portions of the seawall and reclamation outside the CMA.
- b) Standard design cross sections should be provided of pile depths and sizes as well as concrete thickness/widths and relevant detail. This will form a record of the structure. This is a requirement of any coastal structure consent and would require the structure to be maintained to the same operational standard;
- c) A management plan should be provided, including but not limited to,
1. Maintenance requirements: maintenance of subsoil drains of the seawall backfill material. Increased fill height behind the wall could increase groundwater pressure on the structure if these drains are not maintained appropriately;
  2. Inspection and monitoring requirements;
  3. Managing effects of coastal processes on the structure and reclamation.

In order to understand the **potential effects of the proposal**, the following information is required:

- a) **Mitigation Measures/Options** – Please provide an assessment of other mitigation measures/options, including “soft options” (such as nourishment, coastal planting) and the “do nothing option”. The other options may still achieve the aims of the proposal but would also better respond to the sites landscape context, qualities, sensitivities and coastal processes. Within this assessment details of why a hard erosion protection structure is required at the site – for example; a report by a technical expert to demonstrate the rates of erosion at the site.

In order to understand the potential effects of the proposal on **cultural values**, the following information is required:

- a) A Cultural Values Assessment that Ms Julie Shepherd recommended as being commissioned in her email dated Thursday 31 October 2019. If this isn't to be undertaken/provided please provide comment;
- b) Please confirm the iwi/hapū groups that consultation has been undertaken.
- c) The Bay of Plenty Regional Council's database identifies the following group as also having an interest in the area of the site. Consultation is recommended as the most effective way to determine effects (Regional Policy Statement IW 2B (b) Recognise that only tangata whenua can identify and evidentially substantiate their relationship and that of their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga):
  - Ngāti Hinerangi – Contact: Hinerangi Vaimoso: [hvaimoso@gmail.com](mailto:hvaimoso@gmail.com)

Please send the application to the following MACA groups and ask for any comments to be provided within 10 working days:

- a) Ngāti Ranginui (CIV-2017-485-294): Contact: Kimiora Rawiri – [kimiora@ngatiranginui.org.nz](mailto:kimiora@ngatiranginui.org.nz)
- b) Ngāi Te Rangī (CIV-2017-485-244): Contact: Joshua Gear – [joshua@ngaiterangi.iwi.nz](mailto:joshua@ngaiterangi.iwi.nz)
- c) Ngāti Pūkenga (MAC-01-05-15-Area-A): Contact: Areta Grey – [aret@ngatipukenga.com](mailto:aret@ngatipukenga.com)
- d) Ngā Hapū o Ngāi Te Rangī (MAC-01-05-06): Contact: Joshua Gear – [joshua@ngaiterangi.iwi.nz](mailto:joshua@ngaiterangi.iwi.nz)

#### Planning Clarifications:

- a) You have sought consent under discretionary activity Rule RM 2 of the Regional Coastal Environment Plan, however, I have assessed that this activity actually requires consent under Non-complying Rule RM 4 of the Regional Coastal Environment Plan. Please comment.  
RM 4 – Non-complying – Authorisation of an unlawful reclamation under section 355A of the RMA that was constructed after 24 June 2014 in Indigenous Biological Diversity Areas or areas of Outstanding Natural Character;
- b) You have sought consent under discretionary activity Rule SO 10, SO 11 and non-complying activity Rule SO 12 of the Regional Coastal Environment Plan, however, I have assessed that this activity requires consent under discretionary Rule SO 13 (areas outside of IBDA A) and non-complying Rule SO 15 (areas within the IBDA A) of the Regional Coastal Environment Plan;
- c) The application is missing an assessment of the proposed activities against the relevant objectives and policies of the Regional Coastal Environment Plan, the Regional Policy Statement and the New Zealand Coastal Policy Statement. An assessment of all relevant objectives and policies, of the above documents, should be provided as per Schedule 4 of the Resource Management Act 1991.

Once we have received all information necessary to assess the effects of your proposal on the receiving environment, we will continue processing your application.

#### When and how should I respond?

In accordance with section 92A(1) of the Resource Management Act 1991 (RMA) you must respond to this request by **Friday 14 February 2020**. You may either:

- Provide the required information;
- Write to us stating that you will supply the required information, but require a longer period in which to do so; or
- Write to us stating that you refuse to provide the required information.

### What happens if I do not respond or refuse to provide the information?

If you do not respond by **Friday 14 February 2020** or respond indicating your refusal to provide the requested information, then under section 92B(2) of the RMA we must continue to process your application but your application is likely to be notified (incurring extra costs) and/or declined. If we decline your application, you have the right of appeal (s120 RMA) to the Environment Court.

Please feel free to contact me regarding the requirements of this letter, on 0800 884 881 extension 8330.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'E. Christensen', enclosed within a blue oval.

