



19 July 2018

PPL Ref: 130/041

Thames Coromandel District Council  
C/- Karl Baldwin  
Email – [karl@ktbplanning.co.nz](mailto:karl@ktbplanning.co.nz)

Dear Karl

**Re: Coastal Defence Structure – Buffalo Beach.**

On behalf of the applicant, I am responding to the Council's further information request dated 19 May 2017.

Further information was requested as follows:

Rock Wall Design

1. Relationship with the Thames-Coromandel District Council's Macrocarpa Reserve Proposed Seawall.

The Macrocarpa Reserve application was submitted to the Council before the applicant's application. The applicant would like to know if the same question was asked of the TCDC application and what was the applicant's response? The Macrocarpa Reserve application contains a seawall that protrudes into the coast and could create significant effects of sand build up on one side of the wall and coastal erosion on the other side of the wall. It would be useful if this detail of sand drift/coastal processes effects could be made available to the applicant.

The applicant's coastal expert has provided a brief response to this matter (**Attachment A**).

2. Rock Wall Design Options

As a result of various comments from the local and regional authorities, the applicant has requested that Tonkin and Taylor redesign the Coastal Defence Structure (seawall) (**Attachment A**). The proposed seawall has been redesigned to be located within the same location as the existing seawall. The height of the seawall would be very similar to the existing seawall. The main differences between the two seawalls are:

- (i) The rocks will be slightly larger (750mm plus);
- (ii) Geotextile would be established underneath the redesigned seawall;
- (iii) An improved angle face of the seawall;
- (iv) The southern end of the seawall would be relocated and pulled away from the ocean to align with the existing coastal foreshore dunes to the south (i.e. past the yacht club); and
- (v) 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 redesign of the seawall is a significant improvement to the originally submitted proposal. The seawall has been designed for the larger predicted storm events for the 100 year period storm event. The seawall would be reasonably consistent with the existing seawall in terms of its location along the foreshore with significant improvements to the southern end of the seawall.

#### Public Access

It is proposed to establish the seawall along the entire length of the applicant's properties including the pedestrian accessways. The Council's Community Facilities department agrees to this outcome (**Attachment B**), subject to the applicant paying for the reconstruction costs of the public accessways. Whilst the applicant appreciates the support on this matter, the cost of re-construction of the walkways should really be funded by the Council. It is suggested that the funding of the walkway structures is a matter between the two parties and not a RMA matter.

I can confirm that no private accessways would be established within the seawall design and an appropriate condition of consent can be imposed confirming that no private accessways are to be established without the approval of the Thames-Coromandel District Council.

Further and detailed assessment of public access options is contained within the response to the Waikato Regional Council (**Attachment C**).

#### Southern End of the Seawall

The Council agrees to the ongoing management of the southern end of the seawall (**Attachment B**). As already mentioned above, the applicant's Coastal Experts have proposed a redesign of the southern end of the seawall and based on this evidence, a more natural dune system is proposed to be created including dune replanting.

#### 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 Brophy's Beach. I cannot

say total agreement between all the parties was reached, but the following comments can be made with regard to 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 area 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 landscape 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.

#### Consideration of Alternative Options

The original seawall was established after two significant storm events which created some damage to existing residential houses and threatening of other houses. The seawall was established under emergency provisions of the Resource Management Act 1991. At the time of the establishment and consenting process for this particular seawall, it was apparent that the Council had no policy on the establishment of seawalls and apart from unconsented seawalls at Cooks Beach and other areas, the proposal was very much the first seawall application in the Mercury Bay area. Since this consent was granted, there has been at least 5 other seawall consents granted by the Thames-Coromandel District Council at Cooks Beach; Buffalo Beach and Brophys Beach. There has certainly been a policy shift with regard to protecting major infrastructure; reserves and existing housing.

The main reason for the limited consent term was that the existing seawall was not designed by a coastal expert or engineer and therefore considerable uncertainty for the authorities when processing the consent. This uncertainty affected the consent term.

There is no magic bullet relating to the protection of infrastructure including housing along the coastline. The applicant's only option at this stage is to establish a seawall that has been designed for significant storm events and sea level rise for the next 50 years. It should be acknowledged that only a 35 year term consent can be obtained from the Waikato Regional Council and if alternatives; technological advances; or the effects of sea level rise are actually known in 35 years' time, then alternative measures could be considered at that time. When considering the performance of the existing seawall, the proposed seawall design is an adaptive planning measure for the next 35 years if consent is obtained from the Regional Council for this timeframe.

After careful consideration of the New Zealand Coastal 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 Council when you are dealing with an existing subdivision development already granted consent including lawfully established residential dwellings. If it was known back then 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 requires the Council to *recognise that there are activities that have a functional need to be located in coastal marine area, and provide for those activities in appropriate places.*

The proposal provides for the '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, 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 the

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.

Waikato Regional Council S92 Request for Further Information

The response to the Waikato Regional Council is attached (**Attachment C**).

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 'DLamason', with a long horizontal stroke extending to the right.

David Lamason  
**Director**

Cc WRC  
C/ - Richard Duirs  
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