

NORTHLAND REGIONAL COUNCIL

**Report and Decision of the Council, through its Hearings Committee meeting
held in the Council Chambers, Northland Regional Council, Whangarei
on Friday 12 December 2008,
commencing at 10.00am**

The Hearings Committee ("the Committee") of the Northland Regional Council was convened to hear resource consent application(s) lodged by the Whangarei District Council relating to the reclamation of 230 square metres of seabed; place, use and occupy space within the coastal marine area with a 125 metre long seawall, and; remove a timber seawall structure, using heavy machinery at Paradise Point, Whangarei Harbour. The application, made in accordance with the Resource Management Act 1991 ("the Act"), was lodged with the Northland Regional Council and referenced as (NRC Application No. CON20071820401).

PRESENT: **Hearings Committee**
Cr L Hill
Cr J Bain
Mr G Shaw, Representing the Minister of Conservation

APPLICANT: **Whangarei District Council**
Mr P MacDonald
Mr M Beazley
Mr A LaBonte
Mrs R LaBonte

CONSENT AUTHORITY: **Northland Regional Council**
Ms R Dasent

SUBMITTERS: Mrs K Aarts

Director General of Conservation
Mr A Riddell

IN ATTENDANCE: Ms K Nahi-Taihia

1. DESCRIPTION OF THE PROPOSED ACTIVITY

The Whangarei District Council proposes carrying out shoreline protection works at Paradise Point. The application is to remove an existing timber seawall structure using heavy machinery, to place, use and occupy space in the coastal marine area with a new revetment seawall, and to reclaim a 230 square metres of seabed at Paradise Point, Marsden Point, Whangarei.

The existing seawall to be removed is in an advanced state of disrepair. The new revetment wall will be 125 metres long, 1.1 metres thick, and have a slope of 1 in 4. Sandstone at the foundation will be excavated, and geotextile laid. A 150 millimetre layer of GAP65 aggregate and two layers of basalt stone armour rock will construct the new revetment wall. At the top of the revetment wall a 1.5 metre wide walkway will be constructed, with access steps at either end of the wall. Backfill behind the wall to the existing bank will consist of sand, and kikuyu vegetation planted. The natural cliff face will not be modified by earthworks, the revetment wall and reclamation will be built up against the cliff.

The backfill is considered a reclamation because it will permanently infill the seabed with rock and similar material to form land above the level of mean high water springs between the revetment wall and the existing cliff. An area of 230 square metres will be reclaimed, and the reclamation will be 125 metres long. The reclamation material will be obtained from off-site.

Construction is intended to take place between April and October when there is little recreative use of the area.

The Whangarei District Council has previously been granted consent to carry out foreshore protection works both east and west of Paradise Point at Marsden Point and One Tree Point.

2. REGIONAL PLAN RULES AFFECTED

Consent Type	For	Detail	Classification
Coastal Permit	Reclamation	Reclamation of seabed that will be 125 metres long and 230 square metres	Restricted Coastal Activity Discretionary Activity pursuant to under Section 77C of the Resource Management Act: the activity not being provided for under the Regional Coastal Plan rules.
Coastal Permit	Structure	New revetment seawall	Discretionary Activity pursuant to Rule 31.4.4(w) of the Regional Coastal Plan.
Coastal Permit	Heavy machinery in the coastal marine area	Remove old timber seawall and debris using heavy machinery	Controlled Activity pursuant to Rule 31.4.4(e) of the Regional Coastal Plan.

3. NOTIFICATION AND SUBMISSIONS RECEIVED

The application was publicly notified on 4 July 2008 with the submission period closing 1 August 2008. A total of 26 submissions were received, of which 23 were in support and three were in opposition. Four submitters wish to be heard.

The main issues in **support** of the application were:

- The removal of the existing seawall will improve amenity and public safety.
- The new revetment wall will reduce erosion.

The main issues in **opposition** to the application were:

- Further information is required about effects on heritage values.
- Further technical information is required about the revetment wall design.
- The proposal will have more than minor adverse effects on the environment.
- The proposal does not discuss best practicable options and is not consistent with Dr Gibb's report.

A summary of these submissions is included in **Appendix A**.

4. PROCEDURAL MATTERS

Late submissions had been received from AN and N McCullough and ER Jenkins and J Kilpatrick, five days and 62 days late respectively.

The Hearings Committee determined not to waive the failure to meet the statutory time frames in respect of the submissions by AN and N McCullough and ER Jenkins and J Kilpatrick as they are more than just a day late and raise no matter already covered by other submitters.

5. EVIDENCE HEARD

The Committee heard evidence from the applicant, expert witnesses, submitters, and the Council's reporting officer. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's Evidence

Mr MacDonald of the Whangarei District Council introduced Mr Mike Beazley of Richardson Stevens Consultants Ltd and expert witnesses Andre and Robin LaBonte of LaBonte Coastal Consultants Ltd.

Mr Beazley spoke to the application for the rock revetment construction prepared by Richardson Stevens Consultants (1996) Ltd, Consulting Engineers.

Mr LaBonte submitted photographs in support of his spoken evidence. He told the Committee that his site inspection revealed that previous attempts to construct shore protection structures at the Paradise Point site and the adjacent shoreline were not successful due to poor design and construction methods. He stated that wave erosion combined with fracturing of sandstone cliff faces by the root systems of large trees are contributing to the recession of the shoreline and failure of inappropriate shore protection structures.

Mr LaBonte said that that attempts were made to build a timber seawall that was backed by geotextile with rubble fill at the Paradise Point site. It appears the rubble punctured the geotextile that was needed to retain the sediment behind the wall. Once the geotextile was punctured, wave action caused retained sediment to be washed from behind the timber seawall. The steep sandstone cliff behind the timber seawall is slowly being fractured by mature tree roots. Once this fractured sandstone material falls behind the timber wall, wave action erodes it further until it passes through the failed timber seawall.

Mr LaBonte said inspection of sediment depth seaward of the failed timber seawall revealed a thin veneer of sand lying on top of a sandstone pan and further submitted that his visual inspection of the shoreline adjacent to Paradise Point revealed no obvious indicators of a predominant direction for longshore transport. He considered that this is likely due to being dominated by predominant wind direction rather than a dominant circulation pattern in this area of the Whangarei Harbour.

Mr LaBonte stated that a visual inspection of existing shoreline protection structures adjacent to Paradise Point revealed that the most effective protection was afforded by relatively low profile structures backfilled with sufficient soil to a height which acts to stabilise any landward cliff face. The backfill was vegetated with grasses or small shrubs with root structures that did not threaten the integrity of the retention structure or adjacent sandstone cliff face. In areas where large trees are present it was obvious that the sandstone cliff faces were being fractured by roots. Stabilisation of these cliff faces had sufficient backfilling to retain fractured sandstone material and the trees located along the cliff face.

Mr LaBonte further submitted that the initial January 2007 revetment seawall drawings were revised to limit the toe of the shore protection structure and this design revision would reduce the seaward footprint while facilitating retention of fill material that will be utilised for stabilisation of sandstone cliff face. The design objective is shoreline protection and retention, not reclamation.

Mr LaBonte addressed alternatives and discussed the 1998 report by Dr. Jeremy Gibb indicating that no privately owned properties would be at risk until well after 2100. Mr LaBonte said that the report failed to recognise that large trees, which give the shoreline its visual character, would be at risk due to the erosion and also that all tide access would become limited or non-existent by 2007. It is Mr LaBonte's opinion that the removal of the failed timber wall and monitoring of cliff stability will not provide protection of the aesthetic values offered by mature trees growing near the edge of the cliff, nor will it provide the recreational value associated with safe public access along this portion of the shoreline.

Mr LaBonte considered that the effects associated with the proposed structure on adjacent shorelines would be no more than minor.

The applicant was also questioned with regard to rock types that could be used in the revetment wall and replied that they proposed to use grey stone that fits in with the rocky outcrops and that dredge spoil from the Marsden Point channel was available for the beach.

When asked if the Whangarei District Council has provided for the sand replenishment in their budget, Mr MacDonald replied affirmatively.

5.2 Submitters' Evidence

Kay Aarts – Submitter in support.

Mrs Aarts has been a resident at Paradise Point since 1980/81 and stated she had noticed substantial erosion over the years. Her concern was that the man-made structures put in place, after being approved by Council engineers and initiated by Council, had not been maintained and have proven to be unsuccessful.

In her opinion, while natural erosion had occurred caused by storms and waves, the unmaintained structures have exaggerated the problem.

Mrs Aarts paramount concern was for public safety and referred to the serious accident at Paradise Point where two children were seriously injured by a cave-in of the cliff.

She concluded by saying that this area is a Council public reserve and therefore it is Council's responsibility to keep the area maintained and free from safety hazards.

Mr Andrew Riddell - Resource Management Planner for the Director General of Conservation – Submitter in Opposition.

Mr Riddell first gave his opinion on whether or not the proposal is the best practicable option and quoted Policy 3.4.6 of the NZ Coastal Policy Statement;

“Where existing subdivision, use or development is threatened by a coastal hazard coastal protection works should be permitted only where they are the best practicable option for the future. The abandonment and or relocation of existing structures should be considered among the options. Where coastal protection works are the best practicable option, they should be located and designed so as to avoid adverse environmental effects to the extent practicable.”

He further referred to Policy 21.4(a)4 of the Regional Policy Statement for Northland which sets out rules for activities such as reclamations of no practicable land based alternative, using the minimum area necessary and a significant public benefit and also to the Coastal Plan for Northland, policies 15.4.3, 17.4.3 and 18.4.1 which continue the same policy theme. He stated that consideration of the best practicable option required consideration of the need for the reclamation and revetment wall.

In his opinion there was no justified need for the reclamation and revetment wall because:

- There is no immediate (or even medium term) threat from coastal erosion as the report from Dr Gibb (Coastal Management Consultant) claimed it would take 300 to 2,000 years for the esplanade reserve to erode away and threaten any existing houses.
- The high tide naturally blocks access along the coast and it is common for access along such coastlines to be tide dependant.
- There are already impediments to reliance on the esplanade reserve in the vicinity of Paradise Point for all tide access, the lack of a ready path from the beach on the eastern side up to the top of Paradise Point and the encroachment of private properties onto the reserve.

Mr Riddell stated that he considered three possible alternatives: the proposed seawall, remove the existing failed seawall and do not replace it or do nothing.

He considered some positive effects of the proposal included the improvement of amenity by the removal of the existing remnants of timber seawall, public access around the point at all times and some protection for the midden on the point. However, in his opinion the positive effects were minor overall.

Mr Riddell considered that covering of this interesting and unusual cliff with the proposed revetment wall and reclamation would have a more than minor adverse effect on natural character.

To remove the existing failed wooden seawall, he said would have significant positive effect on natural character, landscape and amenity values. The shoreline would be reinstated to its natural state and natural erosive processes allowed to continue. He considered other potential adverse effects would arise from the loss of the trees that are close to the cliff edge but if replacement trees were planted on the reserve the effects would be less than minor. Mr Riddell suggested that if the resources for the construction of the proposed seawall were put to replenishing the small beaches either side of the headland to improve access would be a positive effect.

The alternative to do nothing option and leave the deteriorating wooden wall would have only adverse effects.

He sought that consent be refused for the proposed new seawall and consent should be granted for the removal of the derelict wooden seawall.

Mr Riddell was questioned by the Hearings Committee regarding the public safety factor of the cliff erosion, taking into consideration the serious accident to children referred to by Mrs Aarts. Mr Riddell submitted that he considered this could be addressed with appropriate signage.

5.3 Council's Reporting Officer's Report and Evidence

R Dasent, the Reporting Officer outlined the proposed activity and the site description.

Pre Hearing Meeting

Ms Dasent reported that a Pre-Hearing meeting was scheduled on 28 August 2008 but, due to submitters declining attendance, the meeting was cancelled. A second Pre-Hearing meeting was scheduled for 17 November 2008. The Applicant and the Applicant's consultants and the opposing submitters attended but there was no resolution.

Indication of Withdrawal of Submission

The Patuharakeke Te Iwi Trust Board held a meeting on the 7th of November, 2008 and considered withdrawing their submission on the proviso that the following conditions were included in the consent:

- A landscape plan be prepared.
- Protection of the archaeological midden site.
- Protection of the pohutakawa tree.
- A Cultural Impact Assessment Report is prepared.
- Appointment of an iwi representative to monitor the conditions.

The Reporting Officer suggested that the Applicant prepare a third party agreement with the Patuharakeke Te Iwi Trust Board to include the requests in a separate document as the conditions requested by the Trust Board were of a nature that will not be appropriate for consent conditions as secondary approval of documents would be required.

Effects Assessment:

Effects on Coastal processes were assessed and as the proposed revetment wall comprises of design components similar cited in Komar Paul D 1998 : Beach Processes and Sedimentation 2nd Edition Prentice Hall Inc. It was the Ms Dasent's opinion that:

- The proposed 1 in 4 sloped revetment wall will allow wave energy to be more dispersed during storm events than a tall rigid seawall would.
- The roughness of the rock material will dissipate wave energy, allowing less overtopping of the revetment by waves.
- Layers of different sized rock prevent strong surges of water penetrating through the structure and causing the escape of the finer material from behind it.
- Geotextile fabric placed under the wall to reduce armour stones sinking into sediment and also assist in preventing fines from escaping from behind the wall.
- After considering the evidence of Ocean Engineer A LaBonte and Dr Jeremy Gibb, there is the possibility that the construction of the revetment wall will create further erosion of unprotected areas in the form of "end effects" as waves washing around either end of the proposed revetment wall may promote scouring of the adjacent coastline. Wave action around either end of the proposal will likely be no worse than existing waves as waves naturally refract around the headland.

Natural Character

Ms Dasent reported that natural character at the location had already been modified by the mooring area, existing coastal structures, the adjacent residential development and the nearby port, oil refinery and entrance to Marsden Cove Marina. The cliff face and the intertidal zone provide some of the residual natural character remaining in the area.

The current amenity levels are low in this area. The removal of the deteriorating timber seawall will improve some of these values and restore some natural character.

The proposed revetment wall and reclamation will contribute to cumulative adverse effects on natural character and will add to the modified nature of One Tree Point coast which has a myriad of seawalls in various states of repair. The proposed revetment wall and reclamation will also hide the base of the sandstone cliff from view.

Residents that submitted did not raise concerns that the proposal will decrease natural character.

The effects on flora and fauna will be less than minor.

Effects on water quality will be minor and transitory during construction. Potential effects can be controlled by imposing appropriate conditions of consent.

Potential effects on historic heritage can be reduced by appropriate conditions of consent.

The proposed pathway along the revetment wall will enhance pedestrian access around the base of Paradise Point headland at higher stages of the tide. Residents

have submitted that the proposal will improve the safety of members of the public walking under the cliff and also walking along the esplanade reserve.

Alternatives

The alternatives considered were:

- To do nothing. This would be detrimental to the adjacent esplanade reserve as further undermining and erosion of the terrestrial land by coastal processes would occur.
- To remove the old timber seawall only and not construct a new revetment wall. This would only improve amenity, but the esplanade reserve would continue to be at risk from coastal erosion of the cliff.
- Soft engineering options. This option was not favoured by the applicant as the supply of sand available for renourishment was limited.
- Hard engineering options. This option could include the repair of the existing timber seawall; however this would have to be completely rebuilt. A sloping revetment wall reduces wave energy and is less likely to cause scouring than an upright structure.

Monitoring

If consent is granted it was recommended that monitoring occur during the construction and upon completion to ensure compliance with consent conditions. Upon completion the structure will be monitored as part of the Northland Regional Council's general monitoring programme for the area.

6. PRINCIPAL ISSUES

The principal issues that were in contention:

The submission for the Director General of Conservation considered consent should only be given for the removal of the deteriorating existing wall, and consent refused for the reclamation and seawall as it is considered that it would have adverse effects on natural landscape values that would be more than minor.

The submission from the New Zealand Historic Places Trust (NZHPT) stated that the Trust is an affected party due to the proximity of recorded archaeological sites and requested further information as to whether or not these sites could be affected. The applicant commissioned an archaeological report. Two sites were recorded site Q07/1040 and site Q07/324. The archaeologist advised that if the works on the proposed revetment wall disturbed the sites an application to modify an archaeological site must be made to the NZHPT before work commences. The NZHPT recognises that natural erosion of archaeological sites, occur and they do not advocate for structures for the sole purpose of the protection of sites that are degrading naturally.

The submitters from the community support the application as they consider it would:

- Prevent further erosion.
- Public access would be improved at all tides.
- Protect the coast and make it safer.
- Replace the existing wall, which is hazardous and an eyesore.

- Make the area safer for children, as there is a primary school and a youth camp nearby.
- Meet their concerns for the safety of children, who play around the unstable cliffs.
- Provide a walkway for the community and visitors to the area.
- Be safer for maintenance of the reserve.

7. MAIN FINDINGS OF FACT

The Committee considers that the following are the main facts relating to this application were:

- (a) The Whangarei District Council is seeking consent for works to improve the safety and amenity values for the community and visitors at Paradise Point with the removal of a deteriorating sea wall structure, and a reclamation incorporating a new revetment seawall which will also provide a 1.5 metre wide walkway with access steps at either end. A total of 26 submissions were received with 23 supporting submissions from the adjacent community.
- (b) The opposing submissions request further information about effects on heritage values and consider the proposal will have more than minor adverse effects on the environment.
- (c) Erosion of the cliffs has resulted in serious injury to children in the past and the local community is concerned for the safety of children playing in the area. There is a primary school and a youth camp nearby.
- (d) Whangarei District Council has previously been granted consent to carry out foreshore protection works both east and west of Paradise Point at Marsden Bay and One Tree Point.
- (e) The natural character and amenity of the location has already been modified by existing developments.

8. RELEVANT STATUTORY PROVISIONS

8.1 Policy Statements and Plan Provisions

In considering this application, the Committee has had regard to the matters outlined in Section 104 of the Act. In particular, the Committee has had regard to the relevant provisions of the following planning documents:

- (a) The Resource Management Act 1991;
- (b) The New Zealand Coastal Policy Statement;
- (c) The Northland Regional Policy Statement;
- (d) The Regional Coastal Plan for Northland,

as follows:

New Zealand Coastal Policy Statement

The most relevant policies under this statement in relation to this proposal are:

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (a) encouraging appropriate subdivision, use and development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use and development.*
- (b) taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- (c) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

Policy 3.4.6

Where existing subdivision, use and development is threatened by a coastal hazard, coastal protection works should be permitted only when they are the best practical option for the future. The abandonment or relocation of existing structures should be considered among the options. Where coastal protection works are the best practical option, they should be located and designed so as to avoid environmental effects to the extent practicable.

Regional Policy Statement for Northland

The most relevant objectives under this statement in relation to this proposal are:

21.3 Objective: Natural Hazards

To avoid or mitigate the adverse effects of natural hazards by minimising and where practicable, avoiding the risk to life and damage to property, infrastructural services and other aspects of the environment, from natural hazard events.

The most relevant policy under this objective is:

- (c)2. to ensure that new protection works have minimal impact of amenity values, heritage features and indigenous habitats and ecosystems, especially in the coastal environment and associated with rivers, lakes, wetlands and their margins.*

22.3.1 Objective: Natural Character

The preservation of natural character of the coastal environment, including protection from inappropriate subdivision, use and development.

The most relevant policy under this objective is:

- (a) 2 In protecting the coastal environment from inappropriate subdivision, use and development (including any adverse effects associated with location and/or character) Councils will have particular regard:*
 - (a) In relation to preservation of natural character avoiding*
 - (i) Types of use and development (including sporadic and sprawling subdivision) that would be likely to have adverse effects on the coastal environment; and*
 - (ii) Cumulative adverse effects (including those associated with incremental change and a shift towards dominance of the built form; and*

- (iii) *Any conflict (potential or actual) with current or existing uses, values and the natural character of adjacent land and water areas.*

Where it is not practicable to avoid these matters, Councils will have regard to the extent to which they may be mitigated or remedied.

24.3. Objective: Heritage Features

1. *Protection and where possible, enhancement of the cultural, historical and amenity values of heritage features.*

The most relevant policy under this objective is:

b) *Protection and Enhancement of Heritage Features:*

- i. *To encourage and, where appropriate, require the protection of heritage features including waahi tapu.*

Regional Coastal Plan for Northland

The most relevant objectives under this plan in relation to this proposal are:

7.3 Objective: Preservation of Natural Character

The preservation of the natural character of Northland's coastal marine area, and the protection of it from inappropriate subdivision, use and development.

The most relevant policy under this objective is:

- 7.4.2.1 *As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities which collectively make up the natural character of the coastal marine area including:*

- (a) *Natural water and sediment movement patterns;*
- (b) *Landscape and associated natural features;*
- (c) *Indigenous vegetation and the habitats of indigenous fauna;*
- (d) *Water quality;*
- (e) *Cultural heritage values, including historic places and sites of special significance to Maori; and*
- (f) *Air quality*

And where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

12.3.2 Objective: Cultural Heritage Values

The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value that exist adjacent to the coastal marine area and may be adversely affected by use and development of the coastal marine area.

The most relevant policy under this objective is:

- 12.4.3.1 *In assessing the potential effects of a proposed activity to identify whether an activity will have an adverse effect on a known site, building, place or*

area of cultural heritage value within the coastal marine area or adjoining land.

15.3.1 Objective: Natural Hazard Management

The avoidance, remediation or mitigation of the adverse effects of natural hazards on coastal use and development.

The most relevant policy under this objective is:

15.4.3 In consideration of coastal permit applications to ensure that any natural hazard control measures undertaken in the coastal marine area are the best practical option and most effective in the long term.

17.3 Objective: Structures

The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures.

The most relevant policy under this objective is:

17.4.3 Within all Marine Management areas, to consider structures generally appropriate where:

- (a) there is an operational need to locate the structure within the coastal marine area; and*
- (b) there is no practical alternative location outside the coastal marine area; and*
- (c) multiple use is being made of structures to the extent practicable; and*
- (d) any landward development necessary to the proposed purpose of the structure can be accommodated; and*
- (e) any adverse effects are avoided as far as practicable, and where avoidance is not practicable, to mitigate adverse effects to the extent practicable.*

A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.

18.3 Objective: Reclamation and Impoundment

The avoidance, remediation or mitigation of the adverse effects of reclamation and impoundment of Northland's coastal marine area.

The most relevant policy under this objective is:

18.4.1.1 To restrict new reclamations and impoundments of the coastal marine area by ensuring that only those reclamations and impoundments proceed which:

- 1 are associated with uses and developments which have an operational need to be located within the coastal marine area; and*
- 2 are of the minimum area for the proposed use; and*
- 3 have no practical land-based alternative; and*
- 4 avoid adverse effects as far as practical, and where avoidance is not practical, mitigate adverse effects and provide for remedying those effects to the extent practicable.*

8.2 Part II Matters

In considering this application, the Committee has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act as well as the overall the purpose of the Act as presented in Section 5.

DECISIONS:

A DECISION ON LATE SUBMISSIONS

That the Hearings Committee does not waive the failure to meet the statutory timeframes in respect of the submissions by A N and N McCullough and E R Jenkins and J Kilpatrick.

REASONS FOR DECISION A

The submissions from A N and N McCullough and E R Jenkins and J Kilpatrick, being five days and 62 days late respectively, are more than just a day late and raise no matter that is not already covered by other submitters.

B RECOMMENDATION TO MINISTER OF CONSERVATION ON RESOURCE CONSENT

That the Hearings Committee recommends to the Minister of Conservation that consent be granted as follows:

CON20071820401 **Notified New**

WHANGAREI DISTRICT COUNCIL, C/O RICHARDSON STEVENS, 2 SEAVIEW ROAD, WHANGAREI 0110

To carry out the following activity at Paradise Point, Marsden Bay at or about location co-ordinates 1732710E 6033830N.

(01) Place and occupy space in the coastal marine area with a reclamation.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Subject to the following conditions:

- 1 This consent applies only to the reclamation identified on Richardson Stevens Consultants (1996) Limited Plan entitled "Whangarei District Council Paradise Point Seawall", Site Plan/Detail, Project 7710, Sheets 1a/4, Dated January 2007 **attached**.
- 2 The Consent Holder shall notify the Northland Regional Council in writing of the date work at the site associated with the placement of the reclamation is intended to commence at least two weeks beforehand, and as soon as construction work is completed.
- 3 The Consent Holder shall ensure that a copy of this consent is provided to the person who is to carry out the construction work. A copy of the consent shall be held on site, and available for inspection by the public, during construction.
- 4 The Consent Holder shall maintain the reclamation covered by this consent in good order and repair.
- 5 The Consent Holder shall exercise this consent in a manner which ensures that the quality of the receiving waters, at any point 10 metres from the position of the reclamation, as a result of the exercise of this consent always meets the following standard:

Standard	Contact Recreation Standard CB
Natural visual clarity	Not reduced more than 20%.
Natural hue	Not changed more than 10 Munsell units.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour.
Concentration of dissolved oxygen	Not reduced below 80% saturation.
Natural temperature	Not changed by more than 3°C.

- 6 Fuelling and maintenance of plant and equipment used shall not be carried out in the coastal marine area or in any other location near the site where fuel or oil could enter the coastal marine area.

- 7 All vehicles or equipment entering the coastal marine area associated with the exercise of this consent shall be in good state of repair and free of any leaks e.g. oil, diesel etc. No machinery shall be left within the intertidal zone during high tide periods in a position where it could come into contact with coastal water.
- 8 The Consent Holder shall ensure that an oil spill kit is kept on site during removal, construction and maintenance works on the reclamation.
- 9 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 10 No construction materials shall be stored in the coastal marine area.
- 11 Work associated with the construction of the reclamation shall only be carried out during the hours between 7.00 a.m. and sunset or 8.00 p.m., whichever occurs earlier, and only on days other than Sundays and public holidays.
- 12 Sand or shell from the adjacent foreshore shall not be used in any repair or maintenance of the reclamation.
- 13 Noise levels associated with the works in the coastal marine area shall not exceed those in Schedule 1, **attached**.
- 14 In the event of archaeological sites being disturbed, activities in the vicinity of the site shall cease. The Consent Holder shall then consult with the New Zealand Historic Places Trust, and shall not recommence works in the area of the archaeological site until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note: Archaeological sites Q07/1040 and Q07/324 have already been identified in the area of the reclamation.

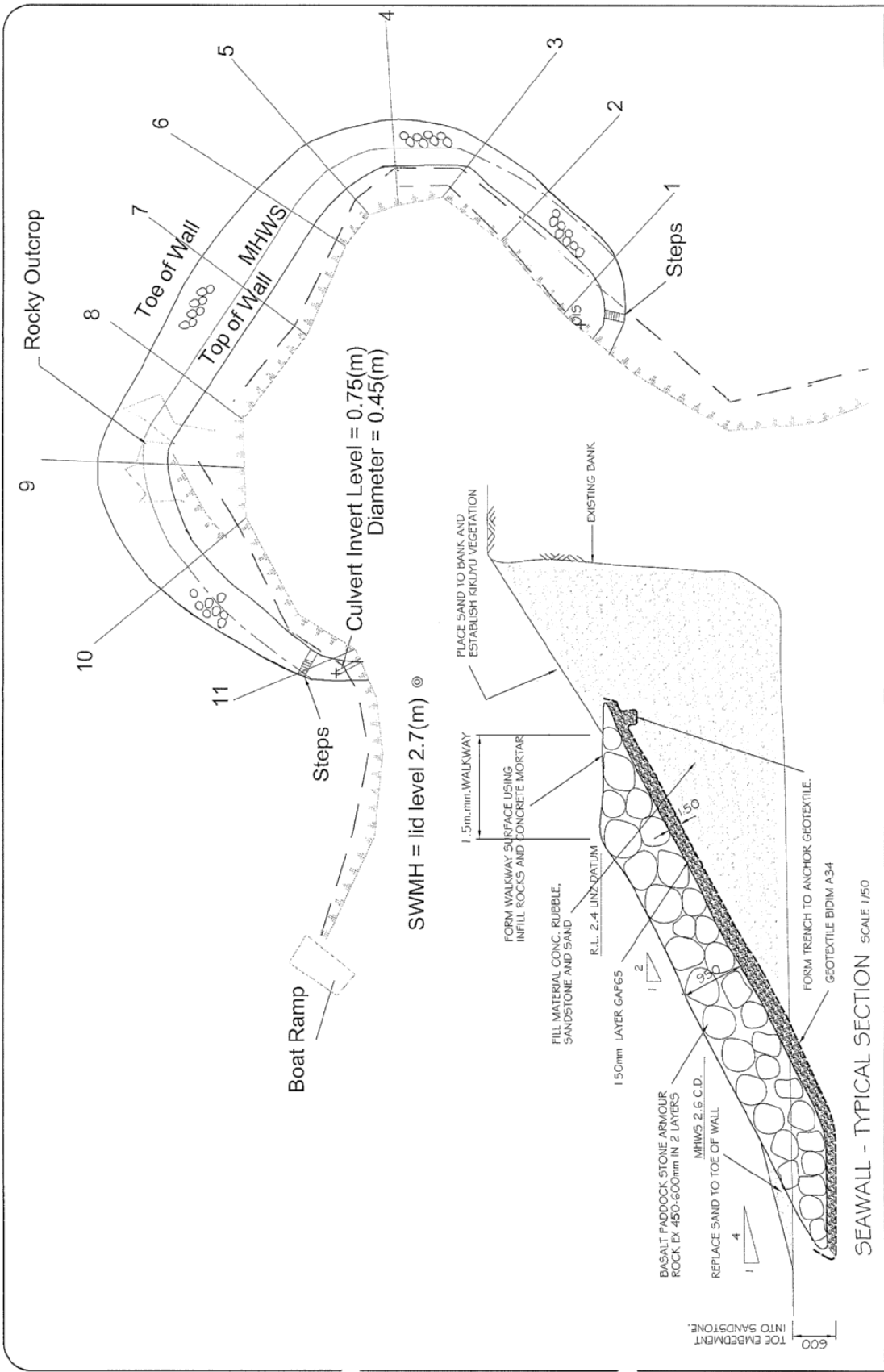
- 15 Prior to commencing construction of the reclamation, the Consent Holder shall provide the Regional Council with a statement, which may be part of a producer statement under the Building Act 2004, signed by the Chartered Professional Engineer who supervised the development of the detailed design and the construction, describing the particular works to be constructed and confirming that the particular works have been suitably investigated and properly designed in accordance with good engineering practice.
- 16 Within three months of completion of the works, the Consent Holder shall provide the Regional Council with a statement, which may be part of a producer statement under the Building Act 2004, from the same Chartered Professional Engineer who designed and supervised this part of the works stating that the reclamation has been constructed in accordance with his/her design, and in accordance with good engineering practice.
- 17 The survey plans submitted to the Minister of Conservation under Section 245 of the Act shall show all of the reclaimed land as esplanade strip.
- 18 All material used in the construction of the reclamation shall be of sufficient size and density and placed so as to preclude its movement into the coastal marine area.

Advice Note: Use of an appropriate grade of geotextile may assist in compliance with this condition.

- 19 Materials used in the construction of the revetment wall shall be similar to the natural colours found in the immediate environment.

- 20 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with this consent:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Northland Regional Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Northland Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 21 The Northland Regional Council may, in accordance with Section 128 and subject to s119A of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent annually during the month of August. The review may be initiated for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Regional Council's monitoring of the state of the environment in the area;
 - (b) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason.)
- The Consent Holder shall meet all reasonable costs of any such review.
- 22 Prior to a cancellation, or lapsing of this consent the Consent Holder shall remove all structures and other materials and refuse associated with this consent from the consent area and shall restore the consent area to the satisfaction of the Regional Council, unless an application for a replacement consent has been properly made beforehand.

EXPIRY DATE: IN PERPETUITY



Project: 7710	
Sheet	
Checked: MHR	Drawn: MHR
Date: 19/03/08	Date: JAN. 2007
Scale: 1/400@A3	

SITE PLAN/DETAIL	
Date: 19/03/08	Amendments
SEAWALL PROFILE, SAND ABOVE WALL	

WHANGAREI DISTRICT COUNCIL
PARADISE POINT SEAWALL

2, Seaview Road, Whangarei.
Ph. (09) 4385733. Fax. (09) 4385734.
engineers@richardsonstevens.co.nz
Richardson Stevens Consultants (1996) Ltd CIVIL & STRUCTURAL ENGINEERS

SEAWALL - TYPICAL SECTION SCALE 1/50

SCHEDULE 1:

ENVIRONMENTAL STANDARDS – NOISE

Based on Rule 36.3.11 Living 1 Environmental Rules section of the Whangarei District Plan, measured at the boundary of the nearest site or notional boundary of any residential unit:

<i>Time Period</i>	<i>All Days</i>	
	<i>L₁₀</i>	<i>L_{max}</i>
<i>0700hrs – 2200 hrs</i>	<i>45</i>	<i>**</i>
<i>2200 hrs - 0700 hrs</i>	<i>35</i>	<i>60⁽¹⁾</i>

⁽¹⁾ Except for emergency service vehicles and the operation of emergency call-out sirens.

Notes:

Sound levels shall be measured in accordance with NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.

Noise levels L_{10} and L_{max} are measured in dBA. Definitions are as follows:

- (a) dBA means the sound level obtained when using a sound level meter having its frequency response A-weighted. (See IEC 651).
- (b) L_{max} means the maximum noise level (dBA) measured.
- (c) L_{10} means the noise level (dBA) equalled or exceeded for 10% of the measurement time.

C DECISION ON RESOURCE CONSENTS

Pursuant to Section 104B of the Act, the Hearings Committee **GRANTS** consent subject to conditions imposed pursuant to Section 108.

CON20071820402 and 03 Notified New

WHANGAREI DISTRICT COUNCIL C/O RICHARDSON STEVENS, 2 SEAVIEW ROAD, WHANGAREI 0110

To carry out the following activities at Paradise Point, Marsden Bay at or about location co-ordinates 1732710E 6033830N.

(02) Place and occupy space in the coastal marine area with a revetment wall.

(03) Remove a timber seawall and debris from the coastal marine area.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Subject to the following conditions:

- 1 This consent applies only to the revetment wall and removal of timber seawall and associated debris identified on Richardson Stevens Consultants (1996) Limited Plan entitled "*Whangarei District Council Paradise Point Seawall*", Site Plan/Detail, Project 7710, Sheets 1a/4, Dated January 2007 **attached**.
- 2 The Consent Holder shall mark the revetment wall with the number **18204** in black lettering on a white background clearly displayed in such a manner as to be clearly visible from land and sea.
- 3 The Consent Holder shall notify the Northland Regional Council in writing of the date work at the site associated with removal of the timber seawall and debris is intended to commence at least two weeks beforehand, and as soon as construction work associated with the placement of the revetment wall is completed.
- 4 The Consent Holder shall ensure that a copy of this consent is provided to the person who is to carry out the removal and construction work. A copy of the consent shall be held on site, and available for inspection by the public, during construction.
- 5 The Consent Holder shall maintain the revetment wall authorised by this consent in good order and repair.
- 6 The materials used for the revetment wall shall be of colours similar to natural colours found in the immediate environment.
- 7 The Consent Holder shall exercise this consent in a manner which ensures that the quality of the receiving waters, at any point 10 metres from the position of the revetment wall, as a result of the exercise of this consent always meets the following standard:

Standard	Contact Recreation Standard CB
Natural visual clarity	Not reduced more than 20%.
Natural hue	Not changed more than 10 Munsell units.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour.
Concentration of dissolved oxygen	Not reduced below 80% saturation.

Natural temperature	Not changed by more than 3°C.
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- 8 Fuelling and maintenance of plant and equipment used shall not be carried out in the coastal marine area or in any other location near the site where fuel or oil could enter the coastal marine area.
- 9 All vehicles or equipment entering the coastal marine area associated with the exercise of this consent shall be in good state of repair and free of any leaks e.g. oil, diesel etc. No machinery shall be left within the intertidal zone during high tide periods in a position where it could come into contact with coastal water.
- 10 The Consent Holder shall ensure that an oil spill kit is kept on site during removal of timber seawall, construction and maintenance works on the revetment wall.
- 11 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities. All demolition material shall be collected and disposed of on land to an authorised disposal facility, unless it is reused.
- 12 No construction materials shall be stored in the coastal marine area.
- 13 Work associated with the removal and construction shall only be carried out during the hours between 7.00 a.m. and sunset or 8.00 p.m., whichever occurs earlier, and only on days other than Sundays and public holidays.
- 14 Sand or shell from the adjacent foreshore shall not be used in any repair or maintenance work to the revetment wall.
- 15 Noise levels associated with the works in the coastal marine area shall not exceed those in Schedule 1, **attached**.
- 16 In the event of archaeological sites being disturbed, activities in the vicinity of the site shall cease. The Consent Holder shall then consult the New Zealand Historic Places Trust, and shall not recommence works in the area of the archaeological site until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

Advice Note: Archaeological sites Q07/1040 and Q07/324 have already been identified in the area of the revetment wall.

- 17 Prior to commencing construction of the revetment wall, the Consent Holder shall provide the Northland Regional Council with a statement, which may be part of a producer statement under the Building Act 2004, signed by the Chartered Professional Engineer who supervised the development of the detailed design and the construction, describing the particular works to be constructed and confirming that the particular works have been suitably investigated and properly designed in accordance with good engineering practice.
- 18 Within three months of completion of the works, the Consent Holder shall provide the Regional Council with a statement, which may be part of a producer statement under the Building Act 2004, from the same Chartered Professional Engineer who designed and supervised this part of the works stating that the revetment wall has been constructed in accordance with his/her design, and in accordance with good engineering practice.
- 19 All material used in the construction of the revetment wall shall be of sufficient size and density and placed so as to preclude its movement out of the wall.

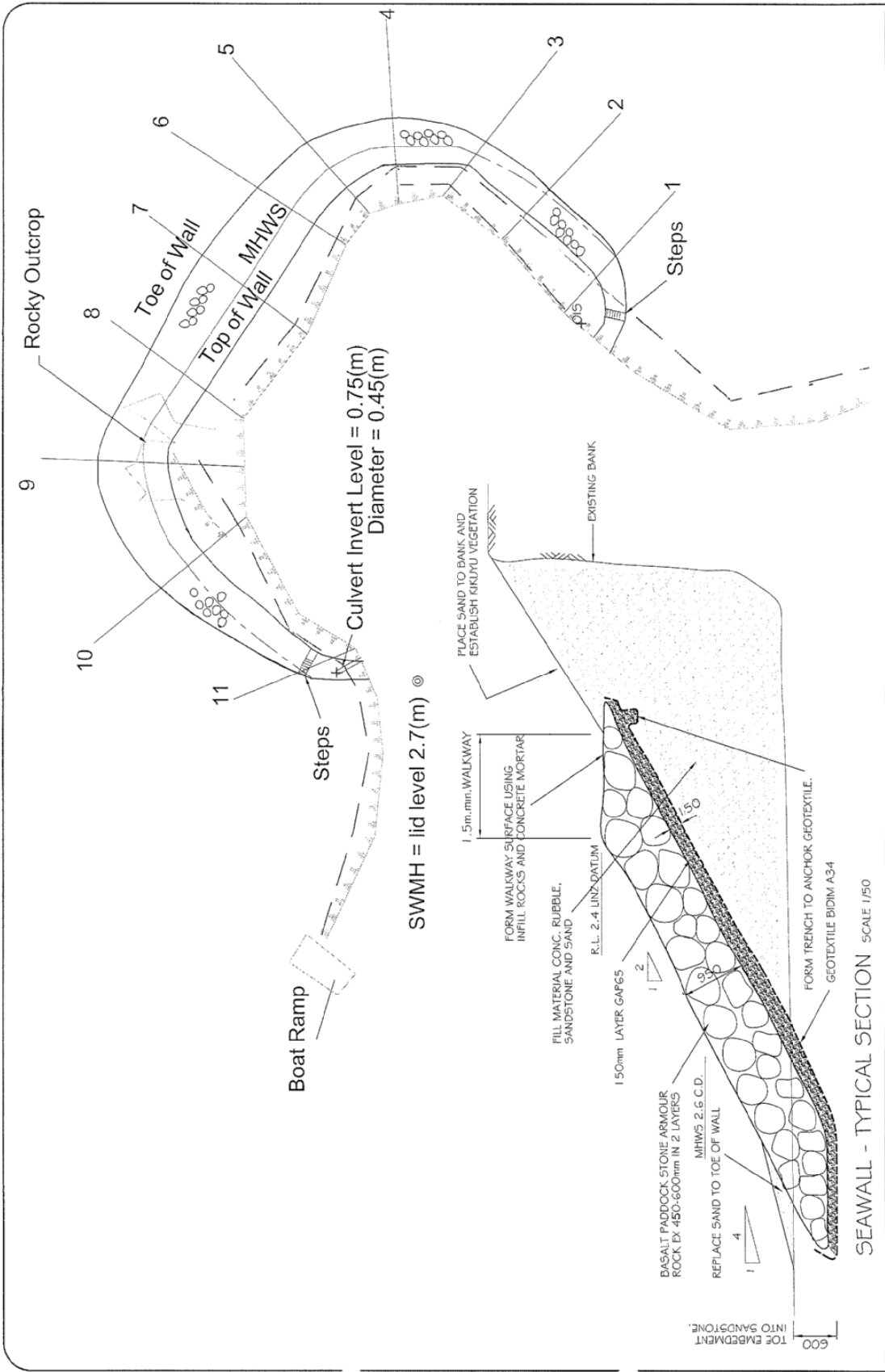
Advice Note: Use of an appropriate grade of geotextile may assist in compliance with this condition.

- 20 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with this consent:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Northland Regional Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Northland Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 21 The Northland Regional Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent annually during the month of August. The review may be initiated for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Northland Regional Council's monitoring of the state of the environment in the area.
 - (b) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason.)

The Consent Holder shall meet all reasonable costs of any such review.

- 22 Prior to the expiry, cancellation, or lapsing of this consent the Consent Holder shall remove all structures and other materials and refuse associated with this consent from the consent area and shall restore the consent area to the satisfaction of the Regional Council, unless an application for a replacement consent has been properly made beforehand.

EXPIRY DATES:	(02) REVETMENT WALL:	31 DECEMBER 2043
	(03) REMOVAL OF TIMBER SEAWALL AND DEBRIS:	31 DECEMBER 2013




SWMH = lid level 2.7(m) ©

SEAWALL - TYPICAL SECTION SCALE 1/50

Project: 7710	
Sheet	
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SITE PLAN/DETAIL	
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SEAWALL PROFILE, SAND ABOVE WALL	
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WHANGAREI DISTRICT COUNCIL
PARADISE POINT SEAWALL

SCHEDULE 1:

ENVIRONMENTAL STANDARDS – NOISE

Based on Rule 36.3.11 Living 1 Environmental Rules section of the Whangarei District Plan, measured at the boundary of the nearest site or notional boundary of any residential unit:

<i>Time Period</i>	<i>All days</i>	
	<i>L₁₀</i>	<i>L_{max}</i>
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Notes:

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- (b) L_{max} means the maximum noise level (dBA) measured.
- (c) L_{10} means the noise level (dBA) equalled or exceeded for 10% of the measurement time.

REASONS FOR THE RECOMMENDATION AND THE DECISIONS

The Hearings Committee having considered all the evidence and the actual and potential effects of the proposal, concluded that:

- The removal of the old timber seawall will increase amenity. The adverse effects on natural character caused by the construction of the proposed revetment wall and the reclamation are not considered to be more than minor, taking into consideration the overall development of the coastline in that vicinity.
- The proposal will increase public access options along the coastal marine area.
- The proposal will reduce coastal erosion at Paradise Point and there has been no evidence presented indicating that adverse effects on coastal processes will occur.
- The location of the proposal is in an area of high community use which has also been the site of serious injury caused by cliff subsidence. The community have actively canvassed the Whangarei District Council for replacement of the seawall for safety reasons.
- The potential effects of the proposal on marine flora and fauna will be less than minor and temporary during works.
- The proposal will assist in protecting the identified archaeological midden sites from continued coastal erosion.
- The proposed revetment wall is consistent with the policies and objectives of the New Zealand Coastal Policy Statement, the Regional Policy Statement for Northland, and the Regional Coastal Plan for Northland, other than those policies and objectives regarding natural character.
- With the proposed conditions of the consent, the effects will be no more than minor.

APPENDIX A:

SUMMARY OF SUBMISSIONS

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
16.07.08	New Zealand Historic Places Trust C/O Northland Co-ordinator PO Box 836 Kerikeri 0245	Oppose	No	The application does not address any potential effects on a recorded archaeological site that is in close proximity. There is not enough information about effects on heritage.	Further information is required to make a decision.
22.07.08	Patuharakeke Trust Board The Chairperson PO Box 168 Ruakaka 0151	Oppose	Yes	The Board requires consultation and more technical detail.	Refuse consent.
01.08.08	Director General of Conservation C/O Northland Conservator PO Box 842 Whangarei 0140	Oppose	Yes	New seawall not consistent with Dr Gibb recommendation, nor with the NZ Coastal Policy Statement. The application does not discuss best practicable options. New seawall and reclamation will have more than minor effects.	Refusal of consent for reclamation and proposed new 125 metre long seawall. Grant consent for removal of a timber seawall structure using heavy machinery.
31.07.08	K F Aarts 30 Paradise Point Place Marsden Point 0118	Support	Yes	Proposal will increase safety and make area more user friendly for the public. Proposal will prevent erosion.	Grant consent, with condition that works are maintained.
31.07.08	P O'Brien 124 One Tree Point Road RD 1 Whangarei 0171	Support	Yes	New seawall will prevent further erosion. Public access will be improved by the walkway. Removal of existing seawall will make area safer.	Grant consent.
31.07.08	A & M Ahern 18 Paradise Point Place One Tree Point 0118	Support	No	Existing concrete structure has safety implications, and do not appear to be preventing erosion. Neglect of structures prevents people from using beach. Rates should be allocated to protect coast and making it safe.	Grant consent.
31.07.08	L E & R R Bongard 47 One Tree Point Road Ruakaka 0118	Support	No	Existing seawall is a hazard and an eyesore. New seawall should be a more durable structure than the existing. Concern over suitability of step placement. Walkway is very small, needs to be continued around the beach.	Grant consent.
31.07.08	N W N Capes 8 Aarts Place RD 1 Whangarei 0171	Support	No	General clean up of area is required for public safety and to stop further erosion. Steps should be able to be used at any stage of the tide.	Grant consent.
31.07.08	B T Carmichael 20 Paradise Point Place RD 1 Whangarei 0171	Support	No	The submitter hopes that other eroding points are also addressed. The area should be cleaned up.	Grant consent.

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
31.07.08	P J Courtney 12 Paradise Point Place RD 1 Whangarei 0171	Support	No	Currently beach is unsafe; structures are not being maintained so natural erosion is still occurring. People are not using the area due to possible injury. Any structure approved should have good engineering design and be properly maintained by local bodies.	Grant consent.
31.07.08	S C Crawford 14 Paradise Point Place RD 1 Whangarei 0171	Support	No	Concern that steps would be covered at high tide. First priority is that potentially dangerous structures are removed for public safety. Protection from erosion is second priority.	Grant consent.
31.07.08	J A & W J Crum 10 Palm Grove RD 1 Kamo 0185	Support	No	Proposal will improve functionality and safety of area. Removal of structures and improvements should occur to prevent further erosion and public safety issues.	Grant consent.
31.07.08	L B & P M Hayward 7 Aarts Place RD 1 Whangarei 0171	Support	No	Existing seawalls are unsafe and ugly. Concern the steps will only be accessible at low tide. Concerns over the rest of the foreshore not being protected.	Grant consent.
31.07.08	M G Hoare 26 Paradise Point Place RD 1 Whangarei 0171	Support	No	Supports shoreline protection works. Currently the area needs a tidy-up. Position of steps means that they will be covered at high tide, making the steps slippery and dangerous.	Grant consent.
31.07.08	T J Hutchinson 7 Paradise Point Place One Tree Point 0118	Support	No	Steps need to be amended so access is available at all tides. Removal of debris should be top priority. Proposal will increase public safety and prevent erosion.	Grant consent.
31.07.08	J B & R M Keith 10 Marama Place RD 1 Whangarei 0171	Support	No	In support of application. Work should have been done a long time ago.	Grant consent.
31.07.08	P S & K Lawrence 6 Marama Place One Tree Point 0118	Support	No	In support of application.	Grant consent.
31.07.08	K Lister 9 Paradise Point Place One Tree Point 0118	Support	No	Existing seawall is dangerous. New seawall must be appropriately engineered for durability. New seawall should compliment Paradise Point environment.	Grant consent.
05.08.08 LATE	A N & N McCullough 102 One Tree Point Road One Tree Point Whangarei 0118	Support in part	No	Concern that GAP 65 layer will washout during storms. Suggestion that GAP 65 is not used or that it is covered by geotextile cloth.	Grant consent with minor change to proposed GAP 65.
31.07.08	R D Neal 150 One Tree Point Road RD 1 Whangarei 0171	Support	No	Existing seawall is in disrepair and has had no maintenance, and this situation needs to be remedied.	Grant consent.
31.07.08	S M Neal 150B One Tree Point Road RD 1 Whangarei 0171	Support	No	Existing seawall is dangerous. Proposal will protect cliffs from erosion and increase public safety.	Grant consent.

Date Received	Name of Submitter	Oppose/Support	Wish to be Heard	Issues of Concern	Relief Sought
31.07.08	S G Neal 115 One Tree Point Road One Tree Point 0118	Support	No	Proposal will increase safety of the unstable cliff. Amenity will be improved by removal of existing structure. Walkway will enhance public access.	Grant consent.
31.07.08	G R Porteous 49 Marsden Point Road Ruakaka 0116	Support	No	Currently the bank is collapsing and the proposal will increase public safety.	Grant consent.
18.07.08	Ruakaka Parish Residents & Ratepayers Association PO Box 151 Ruakaka 0151	Support	No	Proposal is necessary to protect public land from erosion. Walkway will enhance public access.	Grant consent.
31.07.08	D J Spires 8 Paradise Point Place RD 1 Whangarei 0171	Support	No	Proposal will increase public safety.	Grant consent.
31.07.08	B G & N M Wortelboer 13 Paradise Point Place RD 1 Whangarei 0171	Support	No	Currently the bank is collapsing and the proposal will increase public safety.	Grant consent.
28.10.08 LATE	E R Jenkins & J Kilpatrick 17 Mangrove Drive Orewa Whangaparaoa 0931	Support	No	Proposal will clean up Paradise Point, and increase safety.	Grant Consent.

Issued this Day of 2009

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Cr L Hill
Chairperson
Hearings Committee

