

**Hearing Committee Report
and Recommendation
on an application by
New Plymouth District Council
for a coastal permit
for a 311 metre seawall at Urenui Beach,
adjoining an existing 295 metre seawall**

Taranaki Regional Council
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STRATFORD

8 August 2007

**Report and recommendation
of the Hearing Committee which heard
at 9.00 am on 26 July 2007
at the Taranaki Regional Council offices, Stratford,
one application by:**

New Plymouth District Council

for coastal permit 7007 to erect, place and maintain a 311 metre boulder rock rip rap seawall, including a boat ramp, to the west of, and adjoining, the existing 295 metre seawall in the coastal marine area of the Urenui Beach foreshore for coastal erosion protection purposes.

Pursuant to Sections 100, 101, 117 and 118 of the Resource Management Act 1991.

Taranaki Regional Council Hearing Committee

Cr David Lean [Chairperson]

Cr Tom Cloke

Mr Richard Heerdegen [Representative of the Minister of Conservation]

Applicant — New Plymouth District Council

Jeff Bondy

Mitchell Dyer [MWH NZ Ltd]

Peter Atkinson [Duffill Watts & King Ltd]

Applicant

Consultant

Consultant

Submitters

to be heard - in opposition [request to be heard since withdrawn]

- New Zealand Historic Places Trust

to be heard - in support [request to be heard still remains]

- Bill & Melva Bailey
- Laurie Jordan
- Roger & Tui Maxwell
- Urenui Beach User Group Monitoring Committee
- Urenui Golf Club

not to be heard - in support

- Alan & Noeline Western
- Anthony Burn
- Ash Peters
- Brian & Nola McMillan
- Brodie McGill
- Carla Moore
- Claude Pattinson
- Clifton Community board
- Colin Clarke
- D West

- Darcy & Juliette Mace
- David & Pauline Barr
- Dean Larsen & Carla Moore
- Derek & Joan Moles
- Des Mahon & Jill Walsh
- DH Lepper
- Elma Honeyfield
- Fiona Peters
- Gail Parr
- Gary Brown
- Geoffrey Davidson
- Ian Larsen
- Ian Bullock
- Ian Parker
- Jason Quickenden
- Jo Pattinson
- John & Carolie Lundt
- John & Noeline Prankerd
- John Bramley
- John Larmer
- Justin Lunden
- Karen Bullock
- Kathleen May
- Kenneth & Shirley Butler
- Kerry Larsen
- Malcom McKercher
- Margaret Hurley
- Mary West
- Neil & Andrea McMillan
- Neil & Bev Larsen
- Rex & Jane Phillips
- Richard & Anne Jordan
- RJ Avery
- Russell Moore
- RW & CP Swindlehurst
- Sally Moore
- Selwyn & Shellie Vesty
- Stephen Houghton
- Strangers Corner Trust
- Trevor Downing
- Urenui Bach Holders Association
- William May

Late [Invalid] - in support

- Susan McMillan

Taranaki Regional Council

Fred McLay	Director – Resource Management
Colin McLellan	Consents Manager
Amanda Lambert	Consents Officer
Richard Reinen-Hamill [Tonkin & Taylor Ltd]	Coastal Engineer
Darlene Ladbrook	Senior Consents Administration Officer
Janette Harper	Consents Administration Officer

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The application

1. New Plymouth District Council [hereafter referred to as NPDC] currently hold coastal permit 5761 for a 295 metre boulder rock rip rap seawall in the coastal marine area on the eastern end of the Urenui Beach foreshore for coastal erosion protection purposes. NPDC and the local community wish to build a further 311 metre boulder rock rip rap seawall, including a boat ramp, to the west of the existing 295 metre seawall. NPDC has therefore applied for a coastal permit from the Taranaki Regional Council [Council] for the new structure.
2. The application is for an activity in Coastal Management Area C [Open Coast] as specified in the Council's Regional Coastal Plan for Taranaki [RCP]. As the structure is 300 metres or more in length parallel to the line of mean high water springs, the application falls under Rule C1.8 "Erection or placement of a large structure or structures, and related occupation of the coastal marine area" and is classified as a discretionary and restricted coastal activity. As such, the Minister of Conservation is the consent authority for this application.
3. The application was received on 26 October 2006, accompanied by an assessment of environmental effects [AEE] prepared by the applicant's consultant, MWH NZ Ltd [MWH, 2006]. In response to a submission, information on previous disturbance to the foreshore and domain area was provided on 15 February 2007.
4. The application was placed on hold under section 37A(2)(b) of the Resource Management Act 1991 [the Act] to pursue the pre-hearing process. Two requests for further information dated 26 March 2007 and 3 May 2007 were issued, the first requesting an archaeological assessment, and the second regarding design of the seawall. The requested information was received on 7 and 15 June 2007.
5. It is considered that there is sufficient information submitted in support of the application to allow an informed decision to be made.
6. The application has been processed in accordance with the Council's Resource Consents Procedure Document, and the Act.

Notification and submissions

7. The application was processed on a publicly notified basis in accordance with section 93 and 117(3) of the Act because it is for a restricted coastal activity. The application was publicly notified on 28 October 2006. The submission period closed on 24 November 2006.
8. An advertisement was placed in the Taranaki Daily News, and a sign affixed at the site. The following parties were also individually notified:
 - Department of Conservation
 - Minister of Conservation
 - Maritime New Zealand
 - Ministry of Fisheries
 - New Zealand Historic Places Trust

- All Iwi in the Taranaki Region, including the local Iwi Ngati Mutunga
 - Urenui Bach Holders Committee
 - Urenui Beach Motor Camp & Store
 - Urenui Boat Club
 - Urenui Domain User Group
 - Urenui/Onaero Domain Liaison Sub-Committee
 - The 121 bach owners.
9. Fifty-eight submissions were received by the Taranaki Regional Council. One submission in opposition to be heard, five in support to be heard, and 52 in support that did not wish to be heard. One late submission was received.
10. A summary of submissions received is contained in a table on the following pages.

Summary of matters raised in submissions

11. The submission in opposition raised historical heritage matters, and requested that an archaeological assessment be completed.
12. Most submitters in support noted that the area is a popular camping and recreational area enjoyed by many, submitting that a seawall would stop erosion and protect the existing land and assets. Submitters referred to observations of the erosion over many years.
13. Submitters in support considered the existing rock wall is effective, with some stating that extension of the wall would be 'completing the job'. Most submitters requested that the consent be granted and the seawall built 'as soon as possible'. One submission requested that the seawall be completed in stages if necessary.
14. Various submissions in support also referred to sand push-ups and other coastal protection methods used in the past. One submitter requested provision for sand push-ups over the new protection works for aesthetic reasons. Many submitters stated that the sand push-ups and the placing of cobbles on the beach had been a waste of time and money. Two submissions referred to sand push-ups affecting boats using the river to access the sea.
15. The history of coastal protection works for the beach was presented in the officer's report. It is clear from the submissions that locals have become sceptical about the past erosion protection efforts, particularly the cobble placement, and are seeking more certain options, even if these may have some actual or potential adverse effects on the beach.

Pre-hearing process

16. NPDC provided an archaeological assessment on 15 June 2007. The New Zealand Historic Places Trust [NZHPT] withdrew their request to be heard on 19 June 2007 on the basis of that assessment, and inclusion of a consent condition relating to accidental discovery of archaeological remains.
17. As the remaining submissions were in support, no pre-hearing meetings were held.

Submitter	Response	To be heard [Y/N]	Summary of submission
New Zealand Historic Places Trust [contact persons: E Brooks and L Paynter]	Opposition	Y	Do not believe the assessment of effects thoroughly addresses historical heritage matters. The AEE states “ <i>no adverse effects on sites or areas of historical or cultural significance are anticipated</i> ”; however, there is no mention of evidence used to reach this conclusion, and Urenui Beach is an area known to have considerable archaeological remains. NZHPT submits that the applicant should commission an archaeological assessment. The NZHPT requests that the consent be declined, but will review its position on receipt of an archaeological assessment.
Laurie Jordan	Support	Y	Supports immediate construction of the proposed rock wall.
Roger & Tui Maxwell	Support	Y	To protect the entire foreshore, provision of access to the beach, and suitable landscaping of the area. Their reason for making the submission is the public domain area has wide public use (200 cars use the beach road in the summer period), and service a variety of recreational uses. The submission would be satisfied by approving the application, ensuring the design maximises access to the foreshore, and ensuring that any adjacent trees do not affect the structure.
SW & MA Bailey	Support	Y	To maintain an irreplaceable provincial asset that erosion will destroy. The submission notes that individually Urenui’s attractions are okay, but collectively they are superb. The submission lists the attractions: beach, river, tidal mud flats, tent city, caravan park, baches, hall, camp, public facilities, shop and caretaker, public green, golf course and club house, boat ramp, boat club, and bridge to village. The submission notes that to remove any one would be a major loss and threaten the viability and desirability of each asset. The submission would be satisfied by granting consent so NPDC can build the structure as soon as possible.
Urenui Beach User Group Monitoring Committee [contact person: R Maxwell]	Support	Y	Support all aspects of the application designed to protect the existing land at the foreshore and proposals to facilitate beach access. Observations and detailed monitoring of the erosion of the foreshore has been undertaken for decades, and the only solution to manage the erosion is to protect the whole area with hard rock protection. The submission would be satisfied by granting the proposed works, with provision for sand push-ups to aesthetically present the new protection works. Consideration should be given to removing some of the stones deposited on the beach previously.
Urenui Golf Club [contact persons: J Clements and R Maxwell]	Support	Y	To extend existing rock protection to protect the entire beach front from further erosion. Golf club members have observed the performance of the existing protection works, which has stopped erosion and retained the sandy beach, and believe they are an outstanding success. The consent should be granted with suitable conditions so that suitable planting and sand management can be undertaken so the activities of the area can be maintained.
Alan & Noeline Western	Support	N	Would like to see the project completed as soon as possible
Anthony Robert Burn	Support	N	Support completion of the rock wall to protect the coastline.
Ash Peters	Support	N	To protect the beach and domain facilities for future generations to enjoy. The submission seeks the extension of the rock wall to adequately protect the entire camp and domain.
Brian & Nola McMillan	Support	N	A necessary project to protect the popular camping and recreational area.

Brodie McGill	Support	N	Building of the retaining wall is well overdue.
Carla Moore	Support	N	To support finishing the rock wall to prevent any further erosion/damage. Wants to know the holiday retreat will be around to stay.
Claude Pattinson	Support	N	Supports building the wall at the earliest opportunity to ensure the future of the resort. Considers that money has been wasted on bulldozing up sand which has ended up out at sea.
Clifton Community Board [contact person: I Vickers]	Support	N	To allow the necessary length of sea wall to be completed or completed in stages should this be necessary. As representatives of the local community, the Clifton Community Board see the wall protection is the most practical method of controlling erosion damage by the sea, which has been proved by the first stage of a rock wall. A staged construction programme would facilitate any funding difficulty in any one year, but not over a two to four year period. Concerns relating to sea erosion at the Urenui Domain have been observed by the Community Board for a number of years.
Colin Clarke	Support	N	Further erosion will take place if do not complete the rock wall.
D West	Support	N	To halt erosion.
Darcy & Juliette Mace	Support	N	Consultation, research and studies over a period of time support this method to control coastal erosion at Urenui. All other erosion control methods implemented to the west of the existing rock wall have failed, and completion of the boulder rock wall is essential in preventing ongoing erosion, as demonstrated by the existing rock wall. Seeks acceptance of the application in its entirety, and immediate commencement including damage created by sand push-ups that have drastically restricted river access for boating.
David & Pauline Barr	Support	N	To avoid further erosion at the Urenui Beach Domain.
Dean Larsen & Carla Moore	Support	N	Completion of the wall to protect existing land and baches on the domain.
Derek & Joan Moles	Support	N	To ensure that the rock wall at Urenui goes ahead and gets completed so that the bach holders and the Councils investments are not eroded away.
Des Mahon & Jill Walsh	Support	N	Can see how well the rocks already in place are working, with more sand appearing since the wall was put in place.
DH Lepper	Support	N	Erosion will take baches if do not complete the wall.
Elma Florette Honeyfield	Support	N	To halt the ongoing erosion. Submitter is a bach owner and over 20 years has been astounded at the amount of land lost. Seeks consent to be granted to protect the beach for the future, and without more valuable time being lost.
Fiona Peters	Support	N	To ensure the protection and enjoyment of the beach, domain, and the facilities at Urenui for now and future use. Seeks extension of the rock wall to give adequate protection for the entire Urenui domain.
Gail Lea Parr	Support	N	The unique qualities of Urenui domain would be diminished considerably for all current and future users if it is destroyed by the sea. Seeks extension of the rock wall to give more than adequate protection.
Gary Brown	Support	N	Completion of the wall as soon as possible. The land will continue to erode if action to build the wall is not taken.
Geoffrey Davidson	Support	N	Supports erection of a boulder rock wall to the river mouth and up the river. The existing rock wall is working well, and any further delay could cause ongoing loss of the domain. Metal previously deposited on the beach and sand from the river mouth/bay area should be used in the rock wall.

Ian Larsen	Support	N	Wants the job to be completed before there is more land erosion, and to avoid costs of temporary measures. Seeks for the wall to be finished with no conditions.
Ian Noel Bullock	Support	N	To ensure the foreshore camping and recreational facilities can be kept safe and intact for the future
Ian Parker	Support	N	Completion of the wall as soon as possible to stop erosion.
Jason Quickenden	Support	N	Installation of rock wall to stop erosion of Urenui Beach. It is costing rate payers money to try and keep the beach with no rock wall.
Jo Pattinson	Support	N	Vital to protect a public asset used by many. Supports an early start to the project. Considers the past five years of pushing up sand have been a waste of money.
John & Carolie Lundt	Support	N	So the protecting rock wall can be continued to avoid further erosion to the outstanding seafront reserve, and for the work to be done as soon as possible to avoid further cost increases. Wants the wall to be completed with no ongoing restrictions.
John & Noeline Prankerd	Support	N	Urenui Beach and camping ground is one of the biggest and best in Taranaki, and the golf course and bach area make it one of the most popular. Requests the consent be granted so the wall could be built, which would save money being spent on pushing sand up.
John Bramley	Support	N	Believes the seawall and boat ramp should be started immediately for the following reasons: the Council and local residents should work together to make decisions that stop the erosion caused by the sea in Taranaki; ongoing erosion is devaluing prices of baches in the domain; sand relocation is a waste of money, and is causing more erosion; and sand relocation places at greater risk the boats using the river to access the sea.
John Larmer	Support	N	Completion of the wall before more erosion occurs. Requests the wall be finished to a similar standard as the existing wall.
Justin Lundon	Support	N	To conserve the existing coastline. Wants the seawall to be erected with no conditions.
Karen Bullock	Support	N	So that the foreshore camping and recreational facilities can be kept safe and intact for the future.
Kathleen Marion May	Support	N	So that an extended rock wall be put into place as soon as possible and be maintained by the district council. Urenui Beach is a facility that is enjoyed by the community, and there have been many meetings, consultants fees and poor advice over the years, for example the placing of small stones on the beach. The existing rock wall has had a much better effect to stop further erosion.
Kenneth & Shirley Butler	Support	N	The submitters have a bach and are concerned at the amount of erosion over the last 30 years. The wall needs building before more erosion endangers the camp site.
Kerry Larsen	Support	N	To complete the unfinished existing seawall, to stop wasting money on temporary measures, and to protect the coastline from further erosion. Asks for completion of the rock wall as soon as possible with no conditions.
Malcom McKercher	Support	N	To ensure the protection and enjoyment of the beach, domain, and the facilities at Urenui for now and future use. Wants extension of the rock wall to give adequate protection for the entire Urenui Domain.
Margaret Hurley	Support	N	Bach is getting too close to the erosion. The present seawall has proved invaluable. Wants construction of the continued wall to start very soon.
Mary West	Support	N	To stop the erosion, that is getting worse. Other things have been tried to no avail, and this is the best thing that can be done for all concerned.

Neil & Andrea McMillan	Support	N	To continue the rock wall along the entire beach to protect campers and dwellings.
Neil & Bev Larsen	Support	N	To complete the existing rock wall as soon as possible to protect the valuable asset, and avoid continuing push-up costs.
Rex & Jane Phillips	Support	N	Final completion of rock wall, and finishing the job before land is lost.
Richard & Anne Jordan	Support	N	To save and secure the domain for the foreseeable future.
RJ Avery	Support	N	Further erosion is evident where the wall stops, and completion would protect the remaining reserve.
Russell Moore	Support	N	This wall should have been completed when the first part was done.
RW & CP Swindlehurst	Support	N	Support protection of domain area, and their bach, from further erosion.
Sally Moore	Support	N	To complete the stone wall, and get the job finished, to stop further erosion.
Selwyn & Shellie Vesty	Support	N	Necessary project to protect popular camping and recreational area.
Stephen Houghton	Support	N	Rock wall built in 2003 works extremely well and the continued destruction of the foreshore through to the river mouth will have a disastrous effect on the camp if no preventative measures are taken. Metal on the beach put there by the NPDC some years ago should be used, and sand in the river mouth should be used in construction of the new wall.
Strangers Corner Trust	Support	N	Protection of an extremely valuable natural Taranaki asset. Seeks granting of the consent to allow construction immediately.
Trevor Downing	Support	N	Necessary project to protect this popular camping and recreational area.
Urenui Bach Holders Association [contact person: J Mace]	Support	N	Urenui Camp is appreciated by many as a great kiwi holiday asset, and that coastal erosion is a major problem which must be addressed without further delay. No one wants to see further erosion when the existing wall has proved the method of erosion control at Urenui. Enable NPDC to proceed without delay.
William David May	Support	N	Installation of a rock wall to protect the foreshore from further erosion. Urenui Beach is a valuable community asset enjoyed by thousands of visitors every year and must be protected. The benefits of a rock wall as proposed can be seen at Bell Block and East End Beaches, and the existing wall has been very effective with no detrimental effect to the beach. Proceed with the wall as soon as possible.
Susan Maree McMillan	Support (late)	N	Support protecting the existing coastline and the Urenui Domain.

Procedural matters

18. The Chairperson, Cr David Lean, opened the Hearing, noting that the Hearing was being held pursuant to sections 100, 101, 117 and 118 of the Act. The Hearing Committee [the Committee] is delegated the power to make recommendations to the Minister of Conservation.
19. Cr Lean introduced members of the Committee, and welcomed the applicant, submitters and Council staff and asked parties to introduce themselves.
20. Cr Lean outlined the hearing process, noting that submissions would be taken as read, but that submitters were welcome to amplify on any points they wished to. Cr Lean also noted that proceedings were being recorded.

Summary of evidence heard

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

Evidence of the applicant

22. **Mr Mitchell Dyer** [consultant for NPDC] outlined his role in the preparation of the Assessment of Environmental Effects [AEE] and stated that the AEE can be taken as read. However he drew attention to some key points from the AEE, being:
 - There has been a very long history of erosion at Urenui Beach and there has been an equally long period of community deliberation as to the options and appropriate methods to mitigate that erosion;
 - There have been numerous options tried, starting with trying to protect Lion Rock, renourishment of the beach and erection of a seawall at the eastern end of Urenui Beach;
 - Management of the western end of the beach has been attempted by sand push-ups, which is an on-going effort, and although there is a fore dune there it cannot be considered natural. The on-going push-ups are untenable in their current form;
 - There is a very strong community feeling with respect to protecting the key amenity asset of Urenui Domain. This is reflected in the application by NPDC today.
23. **Mr Jeff Bondy** [NPDC] noted that the applicant's reaction to the officers' report is that it is generally well researched, thorough and balanced although there are some issues identified around beach access and amenity, and proposed mitigation which is inappropriate.
24. Mr Bondy also drew the Committees attention to the following:
 - Regarding the existing status of the sandy beach, only at high tide is it readily useable for access between the high water mark and the bank down to the domain;

- Low tide access is available to the beach and this will continue to be the case after the construction of the seawall;
- Fencing designed to prevent passage through the areas of erosion currently limits access to and from the beach;
- There is existing timber step access which is vulnerable to damage. Access after construction of the seawall will be enhanced with three points of access including a small dinghy launching ramp;
- Sand push-ups, which currently disrupt access along the beach, will no longer be required. They are ineffective and expensive in any case;
- The effect of the planting of the dunes is prevented by recent erosion and sand push-ups. On the currently exposed dunes there is difficulty in the initial establishment of vegetation and in such a setting mitigation cannot be justified;
- The issue of global warming and rising sea levels was introduced in the context of the appropriateness of the seawall design. If it is raised here it also needs to be raised in the context of beach access. After the eventual and inevitable rise of sea levels of any measurable amount there will be no sandy beach at high or low tide. The seawall proposal, capable of modification provides a resistance to the rising sea levels;
- Access along the foreshore is available along the sealed access road and across the grassed area at the edge of the golf course so NPDC questions the need for an additional path as proposed in the officers' report;
- The suggestion that the existing seawall, which is subject to a previous resource consent, should attract mitigation measures under this consent is disingenuous and possibly outside the provisions of the Resource Management Act.
- Adverse effects on the area are not sufficient to require any mitigation;
- The open-ended mitigation requirement proposed in the officers' report, which put the onus on the applicant to initiate mitigation measures with no scope and no guidelines, is unacceptable.

25. Mr Dyer then presented further evidence. He emphasised that NPDC opposed conditions 13, 14 and 15 of the officers' report for the following reasons:

- No need to provide a public walkway as the public already have the right to walk freely throughout the domain;
- Urenui Beach is already highly modified and contains little remaining natural character. The proposed boulder rock rip rap is the most natural form of coastal erosion protection and is a form of protection accepted by the Taranaki community. The existing Urenui fore dune is not a natural feature but has been highly modified through historic removal of dune vegetation and capping with clay, and the Urenui Beach foreshore relies on artificial sand push-ups to retain its limited useful function;
- The key amenity is considered by the community to be that of the public use of the Urenui Domain. NPDC propose to protect that key public amenity through the proposed seawall;
- The proposal is considered to have specifically provided for the protection of amenity and to fit with the natural form, function and natural character of the local coast;
- Additional uncertain mitigation as is currently being recommended by the consent conditions is strongly opposed by NPDC ;
- The potential additional cost of the mitigation as required by proposed conditions 13 to 15 of the officers' report, may tip the cost of the project such that the proposal will not proceed;
- The protection of the key and highly valued community amenity asset of the Urenui Domain is reflected in the strong number of public submissions in support of the proposal to protect it;

- NPDC request that the requirement for mitigation be omitted from any recommendation to allow the application. Should it remain it needs to be specified and clear, not open-ended and uncertain.
26. In response to a query from Mr Heerdegen regarding the use of existing Spinifex and Pingao in the area for mitigation, Mr Dyer responded that the NPDC has a strong dune planting network and operates Coast Care groups throughout the district. He stated that he is confident that where it can be recovered and reused it will be.
27. Cr Lean acknowledged the original application and thanked the applicant for providing the additional information for the Committee's consideration.

Evidence of submitters

28. Cr Lean noted the presence of the submitters and the submission in opposition by the New Zealand Historic Places Trust, which was to be heard, but had subsequently been withdrawn. He also noted the additional 54 submissions in support of the application who do not wish to be heard, and the late [invalid] submission that was received.
29. **Mr Bill Bailey** confirmed his support for the proposed rock wall; however, he had concerns regarding clause 8.5 of the application, the wording of which is designed to provide vehicular access to Urenui Beach for the launching of small boats. Mr Bailey stated that situating a third access way in front of the public toilets is a good idea and should be provided for but the Committee should give substantial thought to the effect of it. Mr Bailey expressed concerns that the boat ramp would promote the use of motorised craft, such as jet skis, which would be incompatible with other uses of the beach area and immediate coastal environment.
30. **Mr Laurie Jordan** advised that he was here to add his voice to submitters in support of the proposed seawall. Mr Jordan briefly described his interest in the area and how he has watched the erosion effects in the area since 1970. Mr Jordan stated how he has seen the failure of previous NPDC protection attempts and drew the attention of the Committee to the photo in the engineer's report, which shows the erosion over the years. Mr Jordan emphasised that the Committee had a responsibility to preserve what is there for the future and that the rock wall is a proven method and will do that.
31. Mr Heerdegen asked Mr Jordan if he could describe what the beach looked like in 1970. Mr Jordan replied that the foreshore and sand dunes were much further forward. Mr Jordan further described an old railway line stake at the eastern end of the beach, now in the surf, that marked the previous extent of the beach.
32. **Mr Roger Maxwell** expanded on Mr Jordan's description of the area. Mr Maxwell stated that Lion Rock was critical as it protected the eastern end of the beach. When it collapsed it led to a dramatic speeding up of erosion at the beach.
33. Mr Maxwell then presented his evidence. He opened his submission by stating that he was speaking to his own submission, the Urenui Beach User Group Monitoring Committee [UBUGMC] and the Urenui Golf Club submissions. Mr Maxwell also introduced two more members of the UBUGMC, Mr Ian Vickers, who is the Chairman

of the Clifton Community Board and active in the Urenui Domain management, and Mr Neil Larsen, who is a long-term bach owner in the area, a supporter of the Coast Care programme and has recently received a citation from the New Plymouth District Council for his work in helping to restabilise fore dunes and the foreshore.

34. Mr Maxwell outlined that the UBUGMC was set up by the NPDC to assist in maintaining links with the community and to act as advocates for the community in matters relevant to foreshore protection. The UBUGMC represents the interests of all the beach and domain users, and acts as a monitoring group on changes occurring at the beach. The group also maintains detailed written and photographic records of events and changes in the coastal area.
35. Mr Maxwell described the area as the 'jewel in the crown' of coastal community assets in the Taranaki region. The level of popularity can be measured by the approximate 2000 vehicles per day in summer that use the no exit road. Approximately 3000 individuals pay green fees at the Urenui Golf Club in addition to the regular use by the 350 members.
36. Mr Maxwell stated that the UBUGMC was in full agreement with the intention of the application but do have some differences on minor details on how the protection is carried out, how works are designed and their effect and appropriate mitigation measures.
37. Mr Maxwell also stated that there was general endorsement of the officers' report but did have the following areas of comment and/or critique:
 - Limited foreshore access at high tides which needs to be taken into account when discussing beach access post-wall construction. In most tidal conditions there will be access, but it is just in a real high tide that access may be blocked. It is the case now and has been the case historically. Access at the eastern end of the beach has always been: via constructed ramps, around the river, or people jumping over what foreshore bank there was at the time causing more erosion;
 - Monitoring of the existing sea wall indicates that it is very stable, with minor toe movement and just minor scouring at five sites by peak waves overtopping in extreme storm conditions. One of those sites is at the end of the existing structure;
 - The existing wall was designed for overtopping in peak storm conditions. It is manageable and only occurs on occasions;
 - End-wall effects are more a product of the beach dynamics and profile than the existing rock wall;
 - In normal tidal conditions the sand push-ups offer some protection, but new erosion of the foreshore scarp occurs at peak storm conditions. The volume of sand on the beach varies considerably over time and location;
 - The group has participated in discussions about alternative methods of protection and has on occasion challenged advice given to NPDC. The recommendation to dump shingle /cobbles has also had adverse results including dislodging sand, destroying the beach as an amenity and discouraging bathing on the open beachfront because of the concentration of stone in the surf line;
 - Valuable public land is threatened during episodic damage;
 - Since the existing sea wall has been constructed there has always been sand in front of the wall. This is contrary to earlier expert advice. However, sand does come and go on the beach;

- The group advocates for an emergency access point to be incorporated with the public access. It is not intended that larger boats use this access. The group's preference is for public access points to be built into the rock design because the damage from logs makes other structures impractical;
- The group questions whether the American Coastal Design Manual is a good benchmark for the design of the seawall given the proven performance of the existing wall;
- The earlier wall design allowed for overtopping in extreme events. Experience shows that this is manageable and any damage can be easily rectified. The group believes the secret is to grow kikuyu at the crest of the wall as it withstands salt spray, public wear and forms a solid mat;
- The rock mass has been adequate for the existing wall and allows the rocks to knit together increasing the stability of the structure. The group believe the slumping referred to in the existing wall is more a reflection of the settling of fill behind the wall rather than a failure of the structure;
- The relatively sheltered location of the new structure is a reason why the group questions the need for the additional foundation support of the new wall given the performance of the existing structure;
- The group has consistently recommended that further protection should be carried out in a staged process. This is in recognition of the vulnerable part of the beachfront yet to be protected and acknowledge that there are financial considerations. The group state that, if necessary, three stages of construction could be employed, with the first 100 metres being the area most vulnerable to the peak episodic storm conditions;
- At high tides there is very limited beach access under natural conditions;
- The group believes construction should coincide with a low tide sequence and avoid the busy holiday periods;
- The group is in general agreement with the conclusions on effects on adjacent property. As most damage is done by peak storms, the end wall effect is minor in this particular location;
- Public access is important but the public does not currently have access to the top of the beachfront due to sand push ups. This is fenced off and protected by a row of trees. This is why access paths are an important part of the design but believes the creation of a walkway on top of the new rock wall is not appropriate or necessary and they are in support of NPDC's submission that it is not required; and
- Based on the group's experiences and careful weighing up of the coastal protection alternatives, they believe the proposed rock wall is the best possible option.

38. Mr Maxwell then stated that the UBUGMC was in support of the conditions of the officers' report with the following reservations or opposition:

- Recognition should be given that sea wall overtopping on occasions is acceptable and manageable;
- More construction flexibility should be allowed for. The area is readily accessible for construction as long as the identifiable busy periods are avoided;
- They do not believe a public walkway immediately landward of the structure is necessary; and
- Suitable reinstatement in the immediate area of the works should be adequate mitigation. For example, sand push-ups over the new structure and appropriate reinstatement of the affected area.

39. Mr Maxwell concluded that on behalf of the community they were in support of the issuing of the consent to allow the work to be commenced as soon as possible, with the minor reservations as stated above.
40. Cr Lean queried at what point the 100 metres began. Mr Maxwell replied that it is the unprotected area, from the end of the existing seawall.
41. Cr Lean sought clarification on the group's views on proposed condition 13 regarding the provision of a public walkway. Cr Lean stated his understanding is that the walkway would be on the landward side and not along the top of the wall. Mr Maxwell responded that they believed no extra provision is required for public access as the area is already a public domain.
42. Mr Heerdegen queried as to why the group had concerns that the use of the USA Coastal Design Manual could lead to an over-design of the wall. Mr Maxwell replied that the concern was due to costs essentially associated with an over-design situation and noted that the existing wall has proved its worth. Mr Heerdegen queried whether ultimately it becomes an engineering decision, to which Mr Maxwell replied the group was providing information and observations and were not experts.
43. Mr Heerdegen then asked how the group's suggestion could be incorporated into the design of the wall. Mr Maxwell suggested that the design had been conservative and that smaller works than planned have proven to be effective in other areas. Mr Maxwell further elaborated that acknowledging global warming and sea level rise being factored into a wall design overtopping was accepted for the original wall design and should be for the extension.
44. In response to a query from Mr Heerdegen as to whether the views of the front row bach residences has been surveyed regarding overtopping as they were most affected, Mr Maxwell responded that he was one of those individuals, and that he believes his views and those of Mr Vickers and Mr Larsen fairly represent the views of the bach holders, even though they hadn't been formally surveyed in regard to that particular issue.
45. **Mr Larsen** submitted that the overtopping that occurs now is wind driven foam and sand with some water, it is episodic and usually of a relatively short duration. He stated that the overtopping is manageable.
46. Mr Larsen elaborated on pictorial evidence from the group given to the Hearing Committee that showed overtopping where the rock wall is and stated where the wall isn't, there were significant stones and debris in the toilet block 22 metres away. Mr Larsen stated that the rock wall takes the sting out of the force of the storm. He further stated that the sand push-ups are a waste of money because when the first significant high tides with storm conditions arise all the sand is moved and generally disappears.
47. Mr Maxwell clarified that the wave energy gets absorbed when the wave hits the rock wall. The existing rock wall was designed to absorb a lot of the energy and that's what it does with occasional overtopping.
48. Cr Cloke sought clarification on Figure 1 and 2 of the officers' report where the erosion appears to be minimal over a 40-year period. Cr Cloke also referred to paragraph 40 of the officers' report which states the western end has a much lower rate of historic erosion and that it will be number of years before there is any significant erosion in this

area and queried whether “we risk putting out the fire before the fire has started”. Mr Maxwell replied that one of the reasons why the existing wall was designed and placed where it is was because that’s where the most exposure occurred, aggravated by the loss of Lion Rock which accelerated erosion along the beach. Mr Maxwell also stated that there is a lot less rate of exposure at the western end and noted that the sand push ups have worked to a degree, but valuable land is still being lost through erosion now and again and erosion will get progressively worse unless something else is done.

49. Mr Lean sought clarification that from Mr Maxwell’s response to Mr Cloke’s question that Mr Maxwell does not believe that the proposed sea wall is an extreme response. Mr Maxwell replied that the group believes the wall is required but the design may be an over-design for what is required to protect that area.
50. Mr Cloke queried as to whether the group had any technical evidence to back up their challenge to the design and aspects of the officers’ report and the recommendations the UBUGMC made in their submission. Mr Maxwell replied that amongst the bach holders, bach users and golf club members there were people with qualifications but they had not contracted anyone for input and had just made their own observations and conclusions. Mr Maxwell stated the group was not trying to be critical of engineers who are attempting to do the best possible job but wished costs to be taken into consideration.
51. Mr Larsen advised that he was a Urenui Coast Care representative and has had the same bach for 38 years. During that time he has been horrified to watch the beach getting closer through erosion and that he believes the area is being threatened. Mr Larsen stated that in the early days there used to be a five-gang mower run in front of the pohutukawa trees and nowadays the area is starting to slide into the sea significantly. Mr Larsen also stated that he had been frustrated in the past with the Department of Conservation’s attitude of ‘yes, you can do nothing and natural retreat is the way’, so it has made him do whatever he can. Mr Larsen informed the Committee that he was involved in planting the Spinifex plants that were recommended for the river end of the beach and that it has been extremely successful right up to the first access steps. Mr Larsen assured Mr Heerdegen that as a Coast Care group they will continue to work with NPDC to try and manage any sand dunes that are left on top of the proposed rock wall.
52. Mr Vickers submitted that he had consulted with Ngati Mutanga Iwi, who are the new owners of the domain following the Treaty settlement process, and they support the group’s suggestions. Mr Vickers emphasised that the area is a very important community facility and that the population of the beach camp rises to 3000 in holiday periods.
53. Mr Larsen referred to a series of pictures presented to the Committee, which shows the area as it is today, and an artist’s impression of what it could look like with the proposed wall including the boat ramp.
54. Mr Richard Reinen-Hamill asked for clarification on the group’s description of what limited movement of the rocks along the toe of the structure comprised. Mr Maxwell clarified that some rocks have moved from the bottom. Mr Maxwell believes there has been a little bit of settling and that the rock wall is very stable with little maintenance required.

55. Mr Bailey sought clarification as to whether there was a maintenance period built into the overall costs of the original wall and whether the minor toe slumping that Mr Maxwell referred to should have been looked at during this time. Mr Bailey felt the NPDC was remiss in not doing so. Mr Bailey urged that if or when the proposed seawall goes ahead that the contract be fully assessed and a maintenance period be included in the contract price.
56. Cr Lean thanked the submitters for their detailed explanation and input to the proceedings.

Taranaki Regional Council Officers' report

57. **Ms Amanda Lambert, and Mr Richard Reinen-Hamill** are the Council Officers who prepared the officers' report. The report was taken as read, but Ms Lambert noted that the officers wished to raise some key points particularly in response to matters raised to date.
58. Ms Lambert began by stating that the officers' report considers the application against the requirements of the Resource Management Act. Section 104 of the Act requires that they consider the application and any submissions, subject to the provisions of Part 2 of the Act, and have regard to, environmental effects, relevant policies and other relevant matters reasonably necessary to determine the application. Ms Lambert noted that there was no opposition to the application but that the national and regional policies and the Resource Management Act essentially require a balancing of the positive effects and the adverse effects of the application on the environment. Ms Lambert stated that these policies also require adverse effects of activities to be avoided, remedied or mitigated.
59. Mr Reinen-Hamill outlined the following points:
- Coastal hazards are identified in the officers' report and the assessment of environmental effects. In this location there are low rates of shoreline erosion but they are ongoing. Structural erosion as well as storm induced erosion and fluctuation exist on the beach;
 - In terms of natural character of the beach environment, even modified environments retain a degree of natural character;
 - There are a number of cascading effects of the seawall that need to be considered and he referred to page 17 of the AEE, which summarises the likely effects of a seawall on coastal processes and noted that it is important to acknowledge that a seawall actually occupies an area of the Coastal Marine Area[CMA] and the upper beach. The width of the actual beach area is reduced and a wall can also lock up sand that would be supplied to the beach area. The actual function of the seawall is to prevent further land erosion. Wave reflections can also be increased;
 - The existing seawall has been in place less than six years and as a model it is interesting to look at the effects of the wall. From what has been presented there is some movement of the toe and some overtopping. The wall is designed for a certain event return period and those events can be exceeded. NPDC has provided a level of design that it is comfortable with, and he would support the consideration of overtopping being included in the final design;

- In terms of mitigation measures the seawall does occupy an area of the CMA and beach and as identified in the AEE it does have some adverse effect on the beach system. An appropriate form of mitigation was suggested in that there could be a consideration of planting of the landward side of the seawall crest. Mr Reinen-Hamill challenged the use of kikuyu as stabilising vegetation and suggested something with more root binding properties would be more appropriate. Offset mitigation at another location could be considered as a trade-off for the effects of the seawall in this particular location. Reporting officers can make the suggestion but off set mitigation has to be offered by NPDC as it is something that can't be required but it could be as simple as delineating an area which could retain its natural character without further modification from seawalls or structures, or it could be in providing access or amenities. It could be something done on site in terms of planting in the landward area of the seawall or in the domain area, or even off-site is also possible.
60. Mr Heerdegen noted that there was a slightly critical view of the current design of the seawall expressed in the officer's report, especially that larger material should be used and asked Mr Reinen-Hamill to explain the reasons for the view. Mr Reinen-Hamill explained that the selection of rock size was larger, not the overall dimension of the wall, and that the rock has to be of a certain size to withstand the wave forces that operate in that area. Mr Reinen-Hamill applied a formula that came up with a larger wave height. This raised a caution that the final design needs to consider. Mr Reinen-Hamill stated that the plans submitted with the application are appropriate for the environmental effects assessment stage and he doesn't believe the overall platform will be exceeded by the change in rock size, but some re-evaluations do need to be done.
61. Mr Heerdegen queried the effects of the seawall in regard to changes in beach area, and the size of the footprint of the current push-ups relative to the proposed wall footprint. Mr Reinen-Hamill replied that the area currently maintained by the push ups would be replaced by the wall.
62. Cr Lean asked for an explanation of the exact intent of recommended condition 14 as to what nearby coastal areas meant. Mr Reinen-Hamill replied that the application is wishing to secure the reserve as an important public space. That is the land above the Mean High Water Spring [MHWS]. This is at a cost of an area below the MHWS due to occupation of the seawall and the effect that seawall has on the coastal environment. There is no proposal at present to mitigate the effects of the area below MHWS. The seawall would preserve land above the MHWS and this condition is to mitigate the loss below the MHWS. The area below MHWS is also an important area in terms of amenity as the beach is part of what makes that environment special. If the wall goes ahead and the adverse effects can't be mitigated, Mr Reinen-Hamill suggested consideration of preserving natural functioning of a system at another site which doesn't have a wall. Mr Lean sought further clarification as whether this was to be within the Urenui Domain. Mr Reinen-Hamill replied it could be the estuary, and that there were potential areas identified but not specific areas. The philosophy is preserving an area to be natural.

63. Ms Lambert further clarified that no mitigation was suggested by the applicant but according to the Resource Management Act adverse effects are to be mitigated. Ms Lambert suggested that the condition may need some review and acknowledged NPDC had agreed to planting behind the wall and the ongoing maintenance of the domain. Mr Reinen-Hamill further explained that the offset mitigation can't be dictated but can be volunteered.
64. Cr Lean stated that mitigation is an important matter that the Committee will have to consider. Cr Lean then sought clarification of recommended condition 13 – the provision of a public walkway landward of the structure. Cr Lean stated that the detail submitted by the applicant alluded to the area being a public domain and therefore it would suggest the public already has access. Mr Reinen-Hamill accepted Cr Lean's point but also clarified that the issue is about more vegetation, types of vegetation and provision of access. Cr Lean replied that it would be reasonable for the Committee to make specific reference to the requirement of public access on the landward side.
65. Mr Dyer sought clarification on the intent of condition 14 and referred the Committee to paragraph 189 of the officer's report and queried as to whether planting and management of vegetation of the Domain at Urenui above and around the seawall would be acceptable mitigation. Ms Lambert replied that yes it would be suitable.

Applicant's right of reply

66. Mr Dyer and Mr Atkinson presented the applicant's right of reply. Mr Atkinson began by commenting on the following submitter's points and technical assessment of the design:
- The discussion on reflective waves is to be taken into account. The design as noted by Mr Reinen-Hamill is for consenting purposes. Three important points to take into account are seawall foundation, slope and crest. Foundation in particular has the greatest uncertainty, hence the conservative design. A worst case seawall end effects scenario was used with the application;
 - It needs to be recognised there is a considerable change in the wave height at the eastern and western ends of the proposed wall and it should be provided for in the design to reduce the height of the wall in particular;
 - Overtopping has been provided for. The land immediately behind the wall is not sensitive so if there is some overtopping there is not a major asset under threat. The wall height is set to allow a reasonable amount of overtopping and is in accordance with international standards; and
 - This design is for 50 years and non-engineered seawalls seldom last that long.
67. Mr Dyer noted a number of points in summing up:
- There has been some discussion with regard to mitigation for loss of natural character. This application is unusual as it has not received a submission from the Department of Conservation who have a role to play in the management of the natural character of the coast and that it is worth noting;
 - Access is always limited at high tide as the sand push-up area is already fenced off and not accessible to the public. The footprint of the sand push-ups will essentially be replaced by the seawall. The wall will not be fenced off so the potential available area for public access will be increased;

- Mitigation in the form of planting and management of vegetation behind the seawall has been accepted by the Council, and NPDC will also accept that as an adequate form of mitigation but NPDC does not accept the current recommended conditions 13,14 and 15 of the officers' report;
 - There is strong community support for the NPDC application and for the protection of the key amenity asset that is Urenui Domain.
68. Mr Heerdegen queried whether the whole Hearing revolved around the assumption that the protection of the Domain is more important than the preservation of the beach environment, to which Mr Dyer replied that if it's a case of foreshore over domain, NPDC and the local community have put the protection of the Domain ahead. Mr Dyer expanded that NPDC also needs to look at the geomorphology of Urenui beach. The eastern end has no protection from the wave cut delta, so that essentially waves can slam in there at full force. The western end is somewhat protected by a substantial delta which is armoured to an extent by cobbles and boulders and so provides protection from further down cutting and does provide a limit to maximum size of the waves. Mr Dyer believes the delta will provide some protection of amenity value of the foreshore in front of the seawall in the long term and that it is quite different to other types of open coast that do not have that protection.

Hearing closure

69. Cr David Lean, on behalf of the Committee, thanked the submitters, applicant, and Council staff for the information they provided and the manner in which it was presented. Cr Lean noted that the Hearing Committee conducted a site visit the day before to familiarise themselves with the area.
70. Cr Lean stated that the Committee would seriously consider the evidence of all parties, including submissions, and matters raised at the Hearing. The Committee would then make its recommendations to the Minister of Conservation, who would make the decision on the application.
71. The Hearing was closed at 11.45 am.

Deliberations of the Committee

72. The Committee deliberated on the application, submissions, Council officers' report, and evidence placed before the Hearing, with particular regard to the matters which it is required to address under the Resource Management Act.

Principal issues and main findings of fact

73. During the Hearing, the following issues were identified that require specific consideration by the Committee:
- Need for the wall;
 - Design of the wall;
 - Construction of the wall;
 - Public access;
 - Natural character; and
 - Mitigation.
74. More detailed comment on each of these issues follows.

Need for the wall

75. The principal matter the Committee considered is the need for the wall.
76. The Committee notes that the eastern and western ends of the beach are quite different, and that erosion at the eastern end has been much greater. The Committee also notes that erosion of the eastern headland has been quite severe, and the outcrop that was known as 'Lion Rock' has completely eroded away. Photographs showing erosion were presented to the Committee by submitters, and submitters talked about their observations of erosion over the years. Evidence on erosion rates in the officers' report was not challenged in the Hearing. Submitters noted that the sand push-ups have offered some protection at the western end of the beach; however, it is the more severe episodic erosion events that they seek to protect against.
77. The Committee notes that the application is driven by local residents, and there is a distinct lack of opposition to the proposal. It is clear to the Committee that the community gives greater weight to protecting Urenui Domain compared to protecting Urenui Beach.
78. The Committee considers that there is a degree of inevitability about extending the wall, and notes that if the wall is extended as proposed it will run the entire length of the beach, giving full protection to all the adjacent land.
79. The Committee also notes that seawalls do have a positive side to them, as they can be used to climb over and sit on. Whereas dune areas and the sand push up area, for example, are often 'no go' zones.

80. The Committee notes the values of Urenui Domain as contained in both the application and the officers' report. The Committee notes that flat areas of low lying land adjacent to a beach are not common in Taranaki, so that Urenui Domain is very important in that respect.
81. Considering the clear and determined view of the community that protection of the Urenui Domain as an asset is more important than the protection of Urenui Beach, the Committee considers that it would be difficult to deny the application.

Design of the wall

82. The Committee heard that from the submitters' perspective the wall is over designed, and that overtopping of the wall at times is acceptable. The Committee also heard from the applicant's consultant (Mr Atkinson) that the wall has a design life of about 50 years, and that some of the other nearby seawalls referred to by submitters would not last as long. Mr Atkinson also noted that the plan submitted with the application is 'worst case' in terms of size. That is, during the detailed design process, it may be determined that a less substantial toe is required. The Committee also noted Mr Reinen-Hamill's evidence that the indicative plans submitted with the application are sufficient to determine the environmental effects of the proposal.
83. The Committee considered the evidence presented on design of the wall, and considers the wall should be built to accepted engineering specifications.

Construction of the wall

84. The Committee heard evidence from submitters that the first 100 metres of wall from the existing wall is the most important part, and that building the wall in three stages of about 100 metres should be allowed. The Committee also considered the plans of the structure, and evidence in the officers' report. The Committee generally considers that two stages are appropriate because the first stage of 165 metres would incorporate both the boat ramp and first access ramp, which has positive benefits for public access to the beach. However, the Committee recommends some flexibility be retained, recognising the funding issues identified by the submitters, and that as long as the boat ramp and access way were part of stage one, then this would be appropriate. Accordingly the condition recommended in the officers' report has been modified.
85. The timing of construction was also raised by submitters. A recommended condition in the officers' report would require that no works occur on weekends, public holidays, or between 1 December and 31 January. While the applicant presented no evidence on this matter, the Committee considers that more flexibility should be allowed as long as busy periods are avoided. A construction management plan would be the appropriate place for the applicant to address timing of works to avoid periods of high use.

Public access

86. The Committee heard evidence that there is a limited area of beach available for use at high tide, and on the 'footprint' of sand push-ups compared to that of the proposed seawall. It appears that at far western end of the beach, where the sand push-ups occur, the proposed seawall will not occupy any more beach space than the current 'artificial dune' that the push-ups create.
87. A condition recommended in the officers' report required a walkway to be provided above the structure, as was required for the existing wall. However, both the applicant and submitters consider this unnecessary as it is already a public area. The Committee has therefore amended the recommended condition so that it would require the applicant to retain public access immediately landward of the structure.
88. The access ramps, particularly the 3 metre wide boat ramp, were also discussed. A submitter raised concerns about potential conflicting uses resulting from this ramp. The Committee notes that management and use, including that associated with the navigation and safety of boat/jet ski users, who gain access to the beach via the ramp, will need to be addressed by NPDC. Also section 12 of the Act, which sets the consent regime for coastal structures, has no provision for applicants to gain consent to 'use' a structure, whereas section 13 requires use consents for river and lake bed structures.

Natural character

89. The Committee heard evidence about natural character. The applicant submitted that the area is already highly modified and contains little remaining natural character. They also noted that no submission was received from the Department of Conservation who were involved in the previous application and have a role in coastal management. Council officers submitted that even modified environments retain a degree of natural character.
90. The Committee considers that there will be some effect on natural character, and the proposal does not maintain or enhance natural character. However, the Committee notes that areas of the Taranaki coast naturally have boulders. The Committee therefore considers that this type of wall is generally in keeping with the natural character of the Taranaki coast.

Mitigation

91. The Committee notes the determination of the local community that the Domain is more important than the beach, and that they accept the actual and potential effects on the beach.
92. Proposed conditions in the officers' report requiring mitigation were challenged by both the applicant and submitters. The applicant requested that the requirement for mitigation be removed, or that the required mitigation be more clearly specified if the requirement for it remains. Submitters consider that suitable reinstatement, such as sand push-ups over the new structure and in the immediate area of the works, should be adequate mitigation.

93. Council officers gave evidence on the intent of the mitigation conditions proposed. The wall would occupy an area of the CMA, and have some adverse effects on the beach system. The applicant and submitters accept the potentially degraded beach, so offset mitigation could be considered as a trade off by preserving another area in its natural state. Mitigation could be within the estuary, above the wall, or at another site.
94. The Committee notes that, in accordance with sections 108 (2)(a) and 108(10) of the Act, the Council may impose conditions requiring a financial contribution, and that a 'financial contribution' includes planting of trees or vegetation, restoration or enhancement of any natural resource.
95. The Regional Coastal Plan provides for financial contributions to be imposed by way of consent conditions for purposes including:
- a) maintenance or improvement of public access along the coast;
 - b) enhancement of recreational amenities in the coastal marine area; and
 - c) planting or maintenance of coastal vegetation.

The Committee notes the financial contributions policy allows adverse effects to be mitigated or offset or compensated for in the coastal environment, in the same general locality or serving the same general community, including for recreational amenities, the maintenance or enhancements of public reserves.

96. The Committee considers that the seawall is a major change to coastal environment, and that given the requirements of policies and the Act, mitigation of effects is a reasonable requirement. However, on the basis of evidence presented, the Committee considers that mitigation measures should relate to Urenui. The Committee considers that there are plenty of opportunities to enhance amenity around the Urenui Estuary and Urenui Domain. The Committee considers that special conditions relating to reinstatement of the foreshore after construction will satisfy the submitters' request for suitable reinstatement.
97. The Committee has given much consideration to what would be appropriate mitigation. The Committee considers that an agreed planting programme that enhances the amenity of the Domain area and retains coastal view shafts above the entire seawall and beside the seawall along the estuary towards the existing boat ramp would be an appropriate requirement. The planting programme would need to enhance the amenity of the area, and needs to be integrated with estuary and beach access. The Committee notes that in summing up, the applicant accepted planting and management of vegetation beside and above the seawall as an adequate form of mitigation. It is also noted there are existing plantings in the areas recommended and it may be matter of enhancing these to fulfil this requirement.
98. The Committee recommends that mitigation be implemented through a special condition requiring a landscape plan to be submitted for the approval of the Regional Council. The Committee notes that the applicant wanted certainty around any mitigation condition and the Committee accepts this as a reasonable request. Hence a financial limit is set of \$10,000 plus GST, and it is noted this represents a small fraction of the budget for the wall, which is in the order of \$800,000. This would apply to the first stage of the seawall.

Statutory considerations

99. In considering this application, the Committee has had regard to the matters outlined in section 104 of the Act. Section 104(1) of the Act requires a consent authority, subject to Part 2 of the Act, when considering an application for a resource consent, and any submissions received, to have regard to:
- (a) *Any actual and potential effects on the environment of allowing the activity; and*
 - (b) *Any relevant provisions of-*
 - (i) *a national policy statement;*
 - (ii) *a New Zealand coastal policy statement;*
 - (iii) *a regional policy statement or proposed regional policy statement;*
 - (iv) *a plan or proposed plan; and*
 - (c) *Any other matter the consent authority considers relevant and reasonably necessary to determine the application.*
100. The actual and potential effects on the environment of the change to the activity have been assessed and discussed in the officers' report, and further considered above.
101. The following policy documents need to be considered: the New Zealand Coastal Policy Statement [NZCPS], the Regional Policy Statement for Taranaki [RPS], and the Regional Coastal Plan for Taranaki [RCP]. The hierarchy for considering the application is as follows:
- Part 2 of the Act;
 - New Zealand Coastal Policy Statement;
 - Regional Policy Statement for Taranaki;
 - Regional Coastal Plan for Taranaki.
102. It is noted that the development of documents under the Act is required to be consistent with the Act, and any overlying statutory documents. Thus the NZCPS is consistent with the Act, and in particular Part 2 of the Act. The RPS is consistent with the NZCPS, and the Act. The RCP is consistent with the RPS, the NZCPS, and the Act.
103. The application must be considered primarily against the most specific and relevant statutory document, that is the RCP.

Regional Coastal Plan for Taranaki

104. The Regional Coastal Plan for Taranaki [RCP] became operative on 1 October 1997. The RCP is a statutory document outlining Council policy with respect to activities in relation to the coastal marine area under the Act.
105. The application falls under Rule C1.8 of the RCP and is classified as a discretionary and restricted coastal activity. As such, the Minister of Conservation is the consent authority for this application. It is noted that there are no matters over which the Council and the Minister's discretion has been restricted for Rule C1.8 of the RCP.
106. The Committee notes that RCP objectives and policies were considered and assessed within the Council officers' report. The Committee notes that Policy 7.1 is the most specific in the RCP for determining when coastal hazard protection works will be allowed, which requires a balancing of positive effects of allowing the works against the adverse effects. The Committee also considered the other policies, including those on

natural values and uses of the coastal marine area, protection of social and cultural values (such as the regionally significant amenity values of Urenui Estuary and Beach), and occupation and public access. The officers' consideration of these policies was not challenged during the hearing, and is therefore accepted by the Committee.

Regional Policy Statement

107. The Regional Policy Statement for Taranaki [RPS] is a statutory document which outlines the Regional Council's policies relating to resource management in the Taranaki region. As indicated above, the RPS has been developed to be consistent with both the Act and the NZCPS. The RPS has been operative since September 1994. The RPS is in the process of being reviewed, and a Proposed RPS [PRPS] was notified in September 2006.
108. Part Two section 3.2 and 3.5 of the RPS relates directly to this application which addresses natural hazards, and the effects of activities on the coastal environment. In this regard it is noted that the policies outlined in the RPS are refined and expanded on in the RCP. The RCP has been considered in detail above, in the application, and in the officers' report. The Committee therefore considers that the relevant policies in section 3.5 of the RPS have been adequately addressed in consideration of the RCP, and therefore do not require further consideration here. PRPS policies relevant to this application are very similar to those in the RPS.

New Zealand Coastal Policy Statement

109. The New Zealand Coastal Policy Statement [NZCPS] is a national policy statement covering activities within the coastal marine area. The purpose of the NZCPS, as outlined in section 56 of the Act, is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. The NZCPS is therefore a statutory document under the Act.
110. Overall the NZCPS is a broad document, which provides general rather than specific directives regarding management of the natural and physical resources within the coastal environment. The NZCPS basically outlines the principles of the Act and then goes on to refine these principles in terms of the coastal environment. In this regard it is noted that these policies are refined and expanded with the RCP, which is required to be consistent with the NZCPS. The policies outlined in the NZCPS are specifically addressed within the RCP, which has been considered in detail in section 5.2.1 of the officers' report, and which is accepted by the Committee. As the RCP is required to be consistent with the NZCPS it is considered that the policies of the NZCPS have been adequately addressed.
111. The Committee notes that the NZCPS policies were considered and assessed within the Council officers' report. The Committee notes that Policy 3.4.6 of the NZCPS is particularly relevant and requires coastal protection works to be the best practicable option for the future, and to be located and designed to avoid adverse environmental effects to the extent practicable. The Committee acknowledges the decision to apply for a seawall consent has not been taken lightly and NPDC has given extensive consideration to alternative erosion control measures over the years and the mixed success of these, as described in section 3.3 of the officer's report and in many submissions on this application. The officers' consideration of the best practicable option policy was not challenged during the hearing, and is therefore accepted by the Committee.

Part 2 of the Act

112. Section 5 of the Act states that the purpose of the Act is to promote the sustainable management of natural and physical resources. Sustainable management means enabling people and communities to provide for their social, economic and cultural well-being, and for their health and safety, while sustaining the potential of natural and physical resources [excluding minerals] to meet the reasonable needs of future generations, safeguarding the life supporting capacity of ecosystems, and avoiding, remedying, or mitigating any adverse effects of activities on the environment.
113. The proposal would enable the community to provide for their social, economic, and cultural wellbeing by protecting the Urenui Domain from further erosion. However, social and cultural wellbeing from use and appreciation of Urenui Beach would be potentially affected. Future generations would benefit from the ongoing use of the domain, but would also experience the loss of natural character and amenity of Urenui Beach. The effects of the application have been considered in section 5.2 of the officer's report and are accepted by the Committee. Some effects have been avoided, remedied, or mitigated through design of the seawall, or can be avoided, remedied or mitigated through consent conditions.
114. Section 6 of the Act states matters of national importance that all persons shall recognise and provide for. Specifically subsection 6(a) provides for the preservation of the natural character of the coastal environment, section 6(d) provides for the maintenance and enhancement of public access to and along the coastal marine area, and section 6(f) provides for the protection of historic heritage as matters of national importance. The proposal protects historic heritage, but does not preserve the natural character of the coastal environment, nor maintain and enhance public access along the coastal marine area. However, the Committee notes the seawall may enhance access and amenity opportunities over part of the beach given the existing sand push up regime restricts occupation and access.
115. Section 7 of the Act states other matters that all persons shall have particular regard to. Specifically, section 7(c) provides for the maintenance and enhancement of amenity values. The proposal does maintain the amenity values of Urenui Domain, but does not maintain and enhance amenity values of Urenui Beach.
116. Section 8 of the Act requires all persons to take into account the principles of the Treaty of Waitangi. Ngati Mutunga Iwi was consulted by the applicant prior to lodgement of the application, and no submission was received on these matters. The principles of the Treaty of Waitangi have been taken into account.
117. It is considered that all matters in sections 6, 7, and 8 of the Act have been recognised and either provided for, or at least had regard to, in considering the objectives and policies of the RCP, RPS, and NZCPS. Therefore, it is considered that there are no matters in sections 6, 7 and 8 of the Act of relevance to the application that have not already been considered.
118. On balance, the proposal is considered not inconsistent with the purpose of the Act in that the first part of the definition of sustainable management means allowing people and communities to provide for their social, economic, and cultural wellbeing. Effects on the regionally important Urenui Domain have been mitigated through design of the seawall. Effects during construction, including effects on historic heritage, and ecology, can be

avoided using appropriate measures during construction. The losses of natural character and potential effects on amenity values of Urenui Beach have been recognised and accepted by the applicant and the local community, and mitigated, as required by section 5(2)(c) of the Act, by way of proposed consent condition 13.

119. The Committee notes the term of the recommended consent is to 1 June 2015, with provision for reviews in June 2009 and/or 2012, and that a lapse date of eight years is proposed.

Concluding remarks and reasons for recommendation

120. The Committee therefore recommends to the Minister of Conservation that the consent be approved, subject to the conditions detailed below.

121. The reasons for the Committee's recommendation are as follows:

- The Committee has considered all submissions and evidence, and has concluded that erosion at Urenui Beach is a real threat to a regionally significant public asset and that building the seawall is the best practicable option for protecting it.
- The granting of this application is consistent with policies of the NZCPS, RPS, RCP and the sustainable management of natural and physical resources. The proposal is therefore in keeping with the purpose and principles of Part 2 of the Resource Management Act.

Recommendation

122. The Hearing Committee recommends to the Minister of Conservation, that application 4425 to erect, place and maintain a 311 metre boulder rock rip rap seawall, including a boat ramp, to the west of, and adjoining, the existing 295 metre seawall in the coastal marine area of the Urenui Beach foreshore for coastal erosion protection purposes, be approved for a period to 1 June 2015, with provision for review in June 2009 and/or June 2012, subject to the policies and conditions of the Taranaki Regional Council, and the following special conditions:

General conditions

- a) On receipt of a requirement from the Chief Executive, Taranaki Regional Council the consent holder shall, within the time specified in the requirement, supply the information required relating to the exercise of this consent.
- b) Unless it is otherwise specified in the conditions of this consent, compliance with any monitoring requirement imposed by this consent must be at the consent holder's own expense.
- c) The consent holder shall pay to the Council all required administrative charges fixed by the Council pursuant to section 36 in relation to:

- i) the administration, monitoring and supervision of this consent; and
- ii) charges authorised by regulations.

Special conditions

1. The exercise of this consent shall be undertaken generally in accordance with the documentation submitted in support of application 4425. In the case of any contradiction between the documentation submitted in support of application 4425 and the conditions of this consent, the conditions of this consent shall prevail.
2. The consent holder shall submit the following plans for approval of the Chief Executive, Taranaki Regional Council, at least 15 working days prior to exercise of this consent:
 - a) Detailed plans showing that the final design is consistent with information submitted with application 4425, with a re-evaluation of rock armour size and allowance for sea level rise and possible seabed level adjustment.
 - b) A Construction Management Plan outlining the volume and location of material to be disturbed, location of temporary set down areas, the construction sequence and measures for sediment control and management;
 - c) The Plan in condition 2(b) shall also address the timing and methods of construction to demonstrate compliance with condition 7 as well as matters of public safety.
3. The landward position of the wall shall be determined by survey to the satisfaction of the Chief Executive, Taranaki Regional Council, prior to the commencement of works.
4. The construction of the structure shall commence from the eastern end adjacent to the existing structure. Should the wall be constructed in stages, only two stages shall be permitted, the first extending between 100 metres and 165 metres from the end of the existing wall and including the boat ramp and access way.
5. The consent holder shall notify the Taranaki Regional Council in writing at least 48 hours prior to the commencement and upon completion of the initial construction and again at least 48 hours prior to and upon completion of any subsequent construction, and maintenance works which would involve disturbance of or deposition to the foreshore or seabed or discharges to the coastal marine area. Notification shall include the consent number and a brief description of the activity consented and be emailed to worknotification@trc.govt.nz. Notification by fax or post is acceptable if the consent holder does not have access to email.
6. The consent holder shall erect advice notices at both ends of the construction area. These notices shall provide warning of the construction activities noting any precautions that should be taken, as well as advising the period(s) during which these activities will be occurring and public access restricted. The notices shall be erected at least ten working days prior to the commencement of the works and shall remain in place for the duration of the works before being removed on completion of the works.

7. The consent holder shall ensure that unrestricted public access along the reserve or adjacent beach is maintained to the greatest extent practicable, with the exception of such construction times and areas where safety of the public would be endangered as a result of the works being undertaken.
8. The consent holder shall at all times adopt the best practicable option, as defined in section 2 of the Resource Management Act 1991, to avoid or minimise the discharge of silt or other contaminants into water or onto the foreshore or seabed and to avoid or minimise the disturbance of the foreshore and seabed and any adverse effects on water quality.
9. The construction of the works shall occur at such stages of the tide so as to not occur within, or be impacted or affected by, the ebb and flow of seawater.
10. The consent holder shall ensure that the area and volume of foreshore disturbance shall, so far as practicable, be minimised and any areas which are disturbed shall, so far as practicable, be reinstated.
11. The excavated loose unconsolidated beach material shall be used only for foreshore reinstatement purposes seaward of the structure, and shall not be used for construction purposes. Further, all excavated basement rock shall be used for foundation reshaping or be removed from the coastal marine area.
12. The consent holder shall retain public access immediately landward of the structure licensed by this consent.
13. Prior to the exercise of this consent the consent holder shall provide a landscaping and planting plan for the Urenui Domain area behind the seawall licensed by this consent and the area to the existing boat ramp, bounded by the motor camp, to enhance the amenity values of Urenui Beach and Urenui Estuary. The plan shall be provided to the Chief Executive Officer of the Taranaki Regional Council for approval and this approval shall not be unreasonably withheld. The total value of the works in the landscaping plan shall be no less than \$10,000 (plus good and services tax) and works may be spread over two years.
14. In the event that any archaeological remains are discovered as a result of works authorised by this consent, the works shall cease immediately at the affected site and tangata whenua and the Chief Executive, Taranaki Regional Council, shall be notified within one working day. Works may recommence at the affected area when advised to do so by the Chief Executive, Taranaki Regional Council. Such advice shall be given after the Chief Executive has considered: tangata whenua interest and values, the consent holder's interests, the interests of the public generally, and any archaeological or scientific evidence. The New Zealand Police, Coroner, and Historic Places Trust shall also be contacted as appropriate, and the work shall not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.

15. The structure authorised by this consent shall be removed and the area reinstated, if and when the structure is no longer required. The consent holder shall notify the Taranaki Regional Council at least 48 hours prior to the structure removal and reinstatement and ensure that all relevant requirements of the Resource Management Act 1991 are met.
16. This consent shall lapse on the expiry of eight years after the date of issue of this consent, unless the consent is given effect to before the end of that period or the Taranaki Regional Council fixes a longer period pursuant to section 125(1)(b) of the Resource Management Act 1991.
17. In accordance with section 128 and section 129 of the Resource Management Act 1991, the Taranaki Regional Council may serve notice of its intention to review, amend, delete or add to the conditions of this resource consent by giving notice of review during the month of June 2009 and/or June 2012, for the purpose of ensuring that the conditions are adequate to deal with any adverse effects on the environment arising from the exercise of this resource consent, which were either not foreseen at the time the application was considered or which it was not appropriate to deal with at the time.

Hearing Committee



Cr David Lean [Chairperson]



Cr Tom Cloke



Mr Richard Heerdegen [Representative of the Minister of Conservation]

References

- ASR Ltd (2005): *Urenui Beach – A review of coastal management and an assessment of options*. Technical Report prepared for New Plymouth District Council.
- Bruce, Ivan (2007): *Survey and Assessment of the Proposed Urenui seawall, Urenui*. Prepared by Archaeological Resource Management for New Plymouth District Council.
- Department of Conservation (1994): *New Zealand Coastal Policy Statement*.
- Duffill Watts & King Ltd (2006): *Report on design of seawall at Urenui, New Zealand*.
- Gibb, J. (1978). *Rates of coastal erosion and accretion in New Zealand*. New Zealand Journal of Marine and Freshwater Research 12:429-56.
- Gibb, J. (1996): *Strategic options for the sustainable management of coastal erosion along Urenui Beach, New Plymouth District*.
- MWH New Zealand Limited (2006): *Assessment of Environmental Effects: Coastal Permit to erect, place and maintain a new 311 m sea defence structure at Urenui Beach*. Report prepared for New Plymouth District Council.
- New Plymouth District Council (2006): *New Plymouth District Coastal Strategy*.
- New Plymouth District Council (2006a): *Urenui Structure Plan*.
- New Plymouth District Council (2005): *New Plymouth District Plan*.
- New Plymouth District Council (2001): *Proposed Urenui Beach Seawall. Application-Coastal Permit-Taranaki Regional Council*.
- Taranaki Catchment Commission (1987): *Coastal Erosion Hazard Assessment for Clifton County*.
- Taranaki Regional Council (2006): *Proposed Regional Policy Statement for Taranaki*.
- Taranaki Regional Council (2001): *Memorandum: Officer Report prepared for application for coastal permit 5761 to erect, place and maintain a 295 metre boulder rock rip rap seawall in the coastal marine area on the eastern end of the Urenui Beach foreshore for coastal erosion protection purposes*.
- Taranaki Regional Council (1997): *Regional Coastal Plan for Taranaki*.
- Taranaki Regional Council (1994): *Regional Policy Statement for Taranaki*.