

**Officer Report for resource consent 11174-1.0**  
**(Pursuant to section 42A of the Resource Management Act)**

**To** Operations and Regulatory Committee  
**From** Kim Giles, Principal Planner, Resource Consents  
**Consent** 11174-1.0  
**Document No** 3274158  
**Date** 15 October 2024

**To erect a replacement bridge and a hard protection structure (rock revetment), and any associated occupation of coastal space, disturbance to the foreshore and seabed, and discharge of sediment**

**Activity type** Coastal Permit  
**Activity subtype** Structure – Access (Coastal)  
**Activity status** Discretionary

**Applicant** New Plymouth District Council

**Site location** Weld Road Recreational Reserve, Oākura  
**Grid reference(s)** 1679803E-5669588N  
**Catchment** Whenuariki  
Timaru

**Recommendation** Grant with conditions  
Expiry: 1 June 2059

## 1. Purpose

1. This report provides the Taranaki Regional Council (Council) officers' assessment of the application lodged by New Plymouth District Council (the applicant) against the provisions of the Resource Management Act 1991 (RMA).

## 2. Introduction

1. The applicant wishes to improve and refine public access to, and through, Weld Road Recreational Reserve. The land is owned by The Crown but is administered by the applicant.
2. The foreshore at Weld Road Beach is a part of the 10 km long Oākura Coast Trail which follows the coastline on either side of the site. Frequent poor weather events have caused coastal inundation to the beach at the site, creating significant public safety and access issues. In 2022, this was exacerbated by a storm causing severe damage to the existing bridge across the Whenuariki Stream.
3. As a result, informal walking and cycling trails have developed within the reserve, which have damaged Hauranga Pā and exposed archaeological features.
4. On 20 October 2023, Tonkin & Taylor Limited ('the agent') lodged an application on behalf of the applicant, to erect a replacement bridge and a hard protection structure (rock revetment) to support a shared pathway for public access to the reserve.
5. An application for the same structures was also lodged with the New Plymouth District Council's planning team.
6. A request for further information was made on 12 December 2023, in accordance with section 92 of the RMA. The request asked for a penguin management plan, and also clarification regarding:
  - the part of the structure located within the coastal marine area (CMA);
  - the landscape and visual effects assessment; and
  - bridge engineering details.
7. A partial response was received on 12 February 2024, while the remainder of the information was received on 11 March 2024.
8. The application was publicly notified on 4 May 2024, in response to a request made by the applicant. Public notification was requested in order to align the consent process with that of New Plymouth District Council (i.e. joint notification).
9. A detailed description of the application is provided in Section 4 of this report.
10. The applicant seeks consent for a duration of 35 years.
11. This report contains my assessment of the application under the RMA, including my recommendation that the consent be issued for a duration of 35 years, subject to conditions.

## 3. Background

12. Hauranga Pā was once a large, heavily populated pre-European Māori settlement in the Taranaki region. As a result, some archaeological features still remain within the site.
13. The foreshore of Weld Road Beach, adjacent to Hauranga Pā, forms part of the 10 km Oākura Coast Trail (a scenic walking and cycling route), which is of high community value.

14. In recent years, there has been an increased frequency of inundation, often leaving debris on Weld Road Beach in periods of high tide or storm surges. This means the foreshore is often unsuitable for access by the general public, which leads people to gain access through Hauranga Pā instead. As a result, informal walking and cycling trails have developed within the pa site, which have caused damage to archaeological features within the site, and exposure of in-situ artefacts.
15. In order to address this issue, the applicant has previously installed signage and fencing to try and prevent the public from accessing the pa site, while also working on a long-term solution.
16. After exploring a number of design options, the applicant now proposes a solution in the form of a bridge (to replace the one badly damaged in 2022), and a shared pathway structure around the pa site.

#### **4. The proposal**

17. As outlined in the application, there are two main components to the proposal; the rock revetment structure (shared pathway) and the replacement bridge.
18. Although a general overview of the whole project is given below, it should be noted here that the structures that form part of this assessment are:
  - the part of the revetment structure that is located within the CMA, and
  - the bridge that is located over the CMA.

##### **4.1 Rock revetment structure**

19. The purpose of the proposed revetment structure is to create a shared pathway linking Lower Weld Road to Lower Ahu Ahu Road (via the replacement bridge). The revetment will begin at the sand ramp located at the Lower Weld Road carpark to the west, wrapping around the headland, and then connecting to the proposed bridge over the Whenuariki Stream (Figure 1). This will provide safe and easy access along the foreshore, as well as providing protection for Hauranga Pā.
20. The proposed revetment structure will be approximately 140 m long and approximately 12 m wide, however the lower part of the structure will typically be below the beach sand level. It will have a gradient of 1V:2H and comprise of locally sourced armour rock. The revetment will be steepened to 1V:1.5H along the Whenuariki Stream to reduce the hydraulic impact to the stream. The toe will be keyed into the lahar bedrock by 1 m, and the crest will be at a height of 3.4 m RL (reduced level<sup>1</sup>). A 2 m wide concrete pathway will be embedded into the top of the revetment (on the inland side) at a height of 2.9 m RL.
21. The application states that the design reflects a balance between an acceptable degree of wave overtopping and reducing visual impacts associated with the overall height of the pathway. Specifically, medium levels of overtopping are unlikely under present conditions, however with beach lowering such events may coincide with the 1-year ARI water level. As a result, public use of the pathway during stormy conditions at higher tides is not assumed, and instead it is considered a 'fair weather' structure.

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<sup>1</sup> The elevation of a point relative to mean seal level.

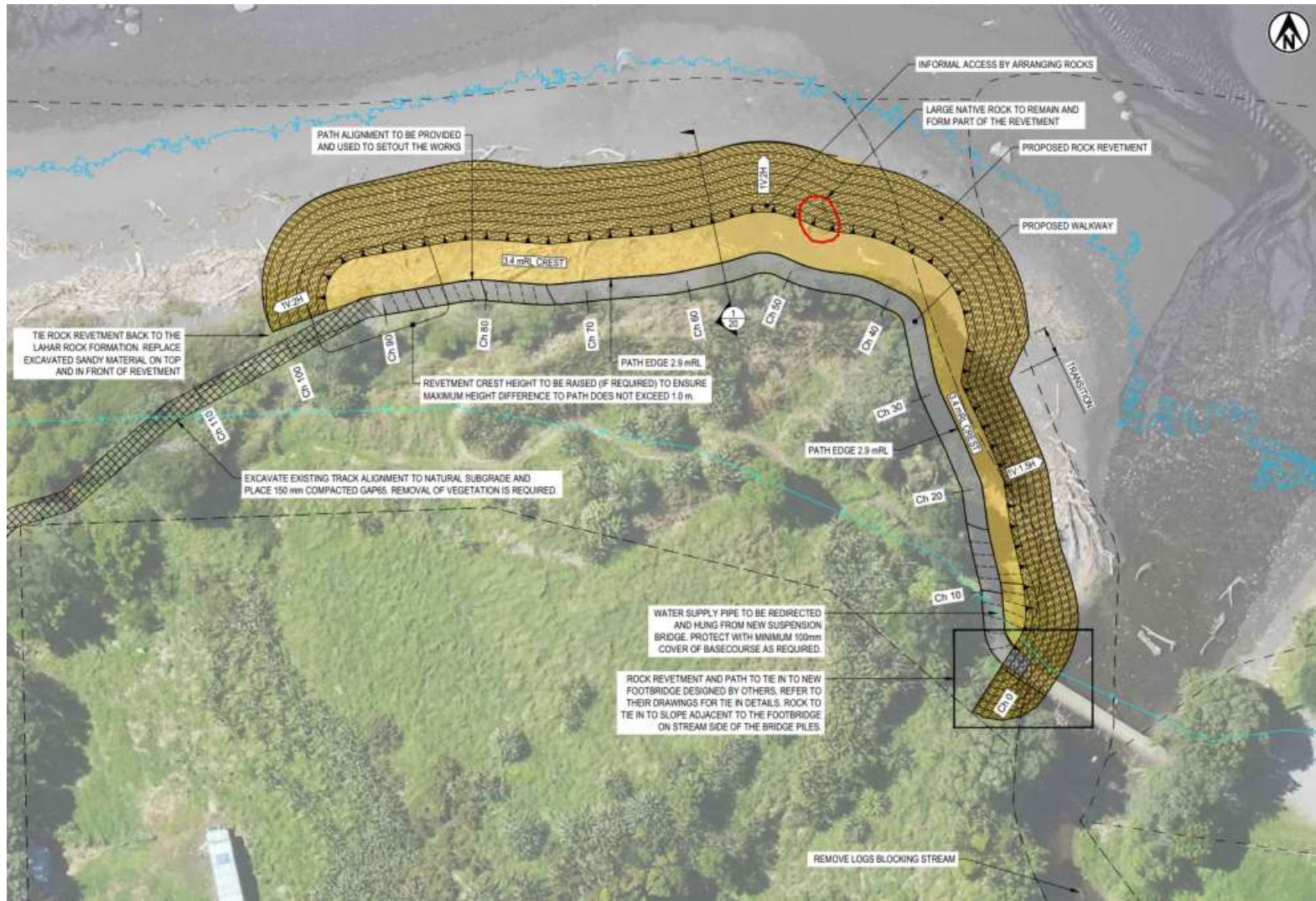


Figure 1: Plan showing proposed revetment structure

#### 4.1.1 Construction methodology (revetment structure)

22. Construction of the revetment structure requires excavation of approximately 1,150 m<sup>3</sup> of existing beach material. Approximately 1,400 m<sup>3</sup> of fill material will be required for the structure itself. Removal of coastal vegetation and trimming of some trees around the headland will also be required. The maximum area of vegetation clearance is approximately 240 m<sup>2</sup>.
23. A preliminary design report and drawings were provided with the application (Appendix C). A detailed construction methodology will be prepared by the approved contractor, however for the purposes of this application, the general sequencing and methodology is outlined below:
  - 1) Lower Weld Road carpark will be used as a construction laydown area (alternative public access will be provided), with rock and other materials being stockpiled in this area and taken to the works area by Moxy truck along the foreshore;
  - 2) Construction vehicles will access the foreshore via an existing pedestrian access point over the dunes, which will need to be widened (including some vegetation clearance);
  - 3) Vegetation clearance and tree trimming will be undertaken via two different methods i.e. digging and removal, or trimming;
  - 4) Existing beach material and part of the Whenuariki streambed will be excavated (to allow for placement of the revetment structure);
  - 5) The slope will be regraded with supplementary granular fill, if required;
  - 6) The toe will be keyed into the lahar bedrock below, and geotextile will be installed behind the rock armour;
  - 7) Informal 'steps' (via strategic placement of components) may be created part way along to provide for access down to the foreshore;
  - 8) Excavated sandy material will be replaced in front of the structure.
  - 9) Following completion, any excess excavated beach material will be distributed back onto the Weld Road Beach foreshore.
24. Construction of the revetment structure is likely to take approximately 3-4 weeks to complete, which takes into account the need to work around the tides and sea conditions. Construction will only be undertaken during low tide, and machinery will not be refuelled on the beach, or stored on the beach overnight. The works will also be timed to avoid key avifauna breeding, nesting and moulting seasons.
25. Following completion, the applicant proposes to undertake a formal inspection by a chartered engineer once every two years. The structure will also be visually inspected following significant storm events, and any rocks that may have moved during these events will be replaced, if required.

#### 4.2 Replacement bridge

26. The bridge proposed as part of this application, is to replace an original bridge (circa 2000) that was badly damaged in a storm event in 2022. A preliminary concept design drawing has been provided with the application (Appendix D), however the application states that detailed design and construction methodologies will be provided at a later date by a bridge specialist company. The location of the bridge is shown in Figure 2.
27. The preliminary design plan increases the bridge length allowing the eastern abutment to be relocated approximately 1.5 m east of the original bridge. The deck of the bridge will be raised by approximately 0.7 m at the abutments, and the deck will be flat. As the original deck had a sag of up to 0.8 m, the deck of the new bridge may be up to 1.5 m higher in the middle. The proposed length of the bridge is approximately 21 m.

28. The deck of the bridge will be 5 m RL, therefore the freeboard from the deck to the 1 in 25-year Serviceable Limit State (SLS) event is approximately 1.52 m. Depending on the thickness of the deck (to be confirmed in detailed design), this is anticipated to meet the 1.2 m minimum freeboard required by the Waka Kotahi bridge manual<sup>2</sup>.
29. The bridge will require raised approaches to tie back into the carpark (east end), and the revetment pathway (west end). Based on a 1V:9H gradient, this will require boardwalk ramps of approximately 10 m to the east, and 19 m to the west, to tie into existing levels. The area of earthworks associated with construction of the bridge i.e. for the approach ramps and abutments on either side, is approximately 150 m<sup>2</sup>. The volume of earthworks is approximately 14 m<sup>3</sup>.
30. On the eastern side of the Whenuariki Stream, a corridor of trees and scrubs (approximately 28 m<sup>2</sup>) will need to be trimmed or removed. Additionally, approximately 80 m<sup>2</sup> of grassland will be impacted, most of which will be reinstated following completion of works. No tree trimming is anticipated on the western side of the stream, however approximately 70 m<sup>2</sup> of grassland will be affected.

#### 4.2.1 Construction methodology (bridge)

31. A Construction Method Statement has been provided with the application (Appendix E). However for the purposes of this application, the general sequencing and methodology is outlined below:
  - 1) Lower Ahu Ahu Road carpark will be used as a construction laydown area (alternative public access will be provided) with materials being stockpiled in this area;
  - 2) Removal and/or trimming of some trees and coastal scrubland vegetation will be undertaken on both sides of the Whenuariki Stream;
  - 3) The existing pōhutukawa tree on the eastern bank will be retained, but cutting and removal of dead roots may be required (to be confirmed by an arborist);
  - 4) A 'no go area' will be observed in order to reduce surrounding vegetation damage;
  - 5) The excavator will follow the formed tracks, access to the stream is not anticipated;
  - 6) A service check will be undertaken prior to excavations;
  - 7) Silt fences will be installed around excavation areas;
  - 8) Following excavation, concrete will be poured for the anchor blocks and then backfilled;
  - 9) Pile holes will be drilled and the timber posts installed with concrete (no concrete will be pumped over the stream or within 4 m of the stream);
  - 10) Existing tree roots may be backfilled with onsite material (sand/ash).
32. The Whenuariki Stream is highly dynamic, therefore the banks may need to be temporarily trained using sandbags/bunding to prevent the stream from encroaching on the works site.
33. As with the revetment structure, works will only be undertaken during low tide, and not during wet weather conditions. Machinery will not be refuelled on the beach, or stored on the beach overnight. The works will also be timed to avoid key avifauna breeding, nesting and moulting seasons.
34. Construction is expected to take approximately 3-4 weeks.

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<sup>2</sup> Waka Kotahi NZ Transport Agency (May 2022). *Bridge Manual SP/M/022, Third edition.*

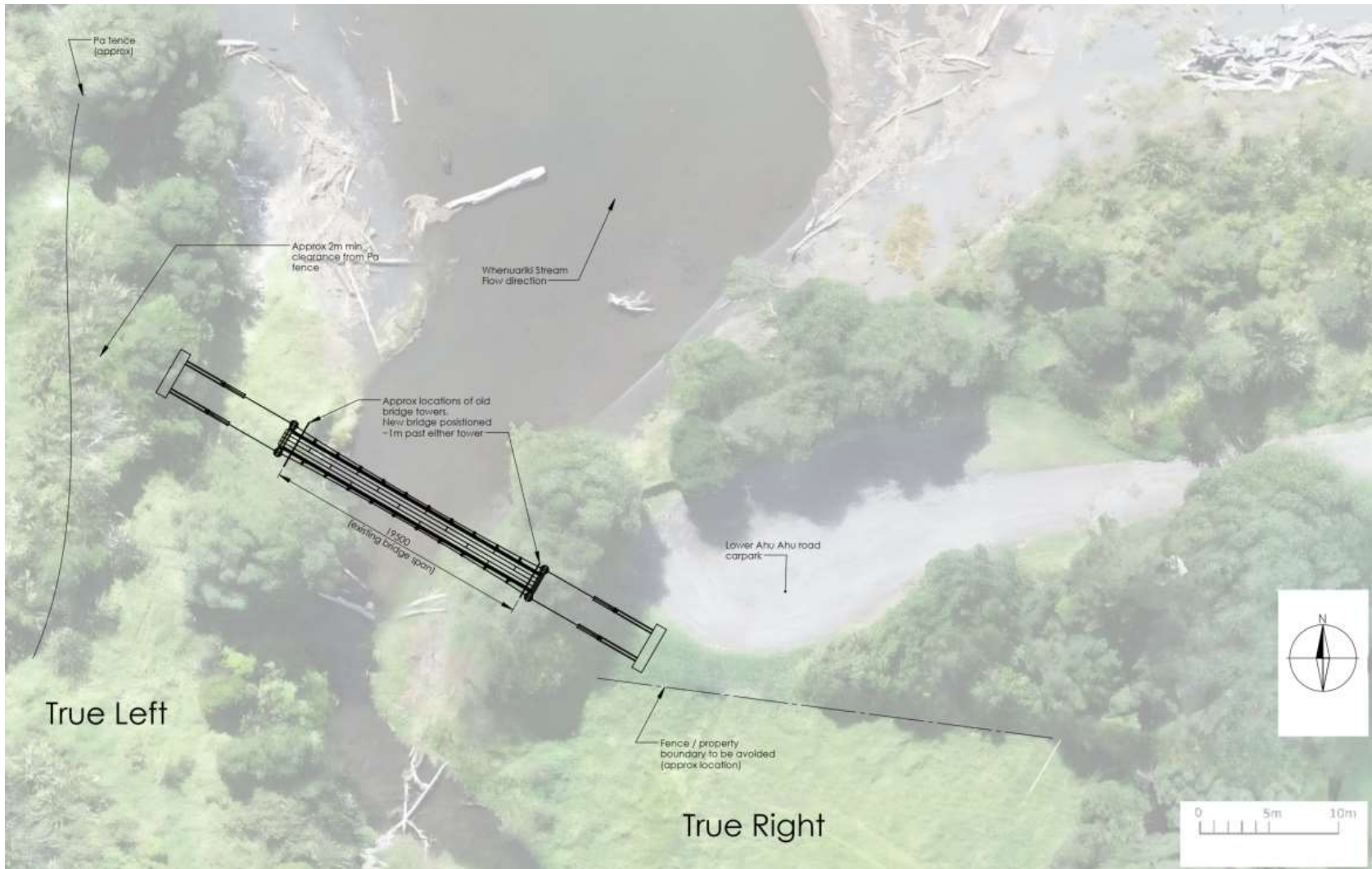


Figure 2: Location of the proposed bridge

## 5. Existing environment

35. The subject site is adjacent to Weld Road Recreational Reserve, located near the Oākura township, approximately 10 km southwest of New Plymouth (Figure 3). The reserve is situated on the coast and bordered by the Timaru Stream (west) and the Whenuariki Stream (east). The surrounding land use is predominantly rural farmland.
36. The site is classified as recreation reserve under the New Zealand Gazette, No 34 (17 March 1983). The underlying title of the reserve identifies it as Crown Land, but it is administered and maintained by NPDC under the Reserves Act 1977.



Figure 3: Site location

### 5.1 Coastal marine area

37. The foreshore at the subject site is primarily sand-covered, with medium sized rounded pebbles located closer to the sea. It is often covered with driftwood and vegetation of varying sizes, and several large boulders are located at the eastern end of the beach.
38. The CMA is defined in the *Coastal Plan for Taranaki* (CP) as:  
*the foreshore, seabed, and coastal water, and the air space above the water:*
- (a) *of which the seaward boundary is the outer limits of the territorial sea;*
  - (b) *of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point will be whichever is the lesser of:*
    - (i) *one kilometre upstream from the mouth of the river; or*
    - (ii) *the point upstream that is calculated by multiplying the width of the river mouth by five.*
39. The Taranaki coastline is highly dynamic, therefore beach sand levels and the alignment of river/stream mouths vary greatly over time. As a result, the line of mean high water springs (MHWS) also moves over time. The CP provides an 'indicative CMA line', however it is acknowledged that this line is only a snapshot in time.



40. For the purposes of this application, the agent has provided a plan showing the approximate location of MHSW (Figure 4). This is based on sand level data collected from a beach survey undertaken in April 2021.

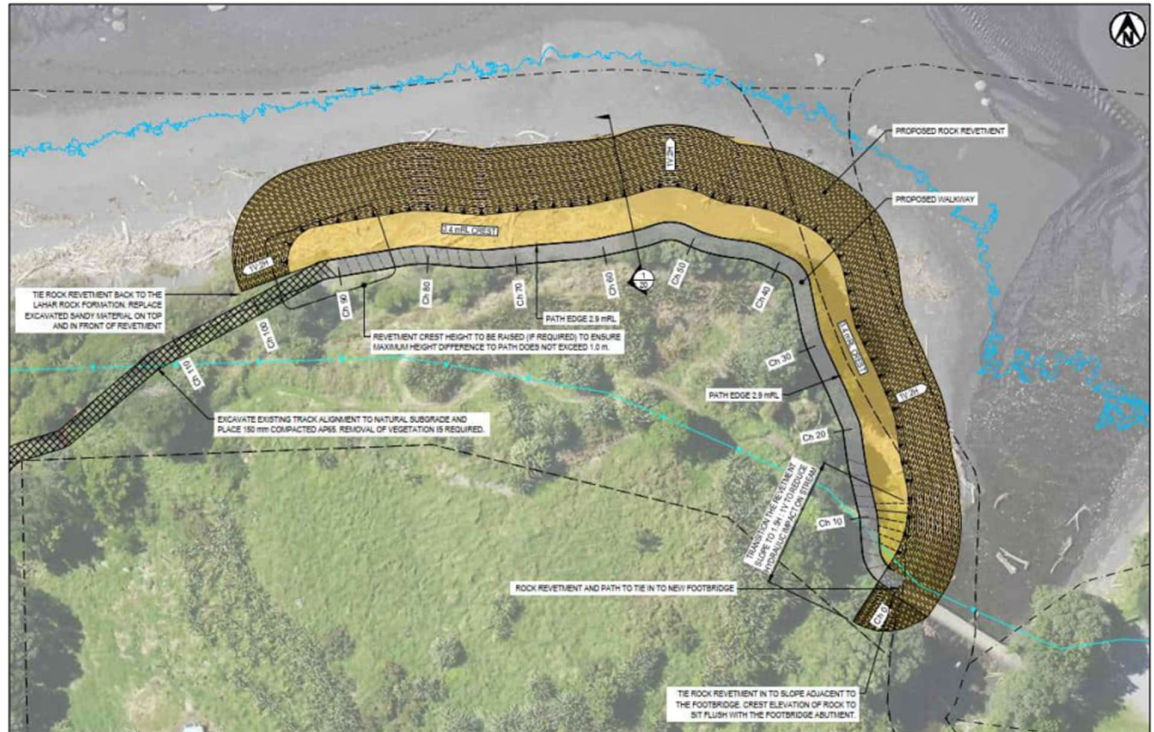


Figure 4: Approximate location of MHSW shown by the blue line

41. Using the definition above, Figure 5 demonstrates that only a small section of the proposed revetment structure is located within the CMA.

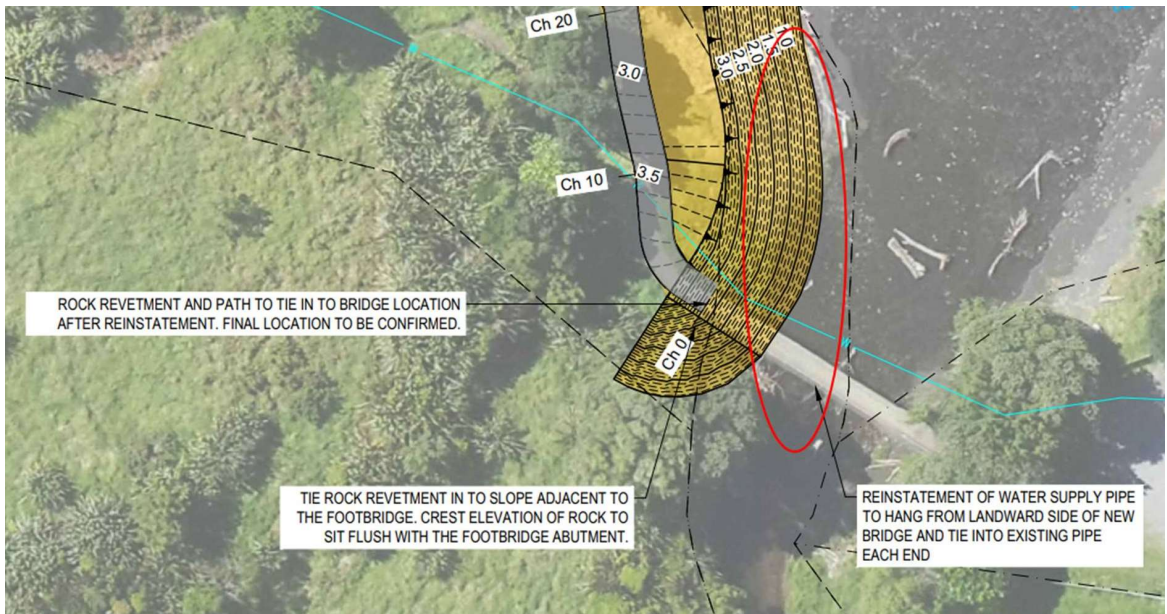


Figure 5: Aerial image showing part of the revetment structure located within the CMA.

## 5.2 Landscape character

42. The Landscape and Visual Effects Assessment (LVEA) provided with the application (Appendix H) states that the area comprises a generally modified agricultural landscape with remnant dune systems located between MHWS and low cliffs. Although there has been modification of the landscape, the beach and dune systems with associated vegetated cliff edges provides a strong sense of natural character (Figure 6).



**Figure 6: Photo looking north with Weld Road Reserve to the right**

43. The LVEA states that the streams are characterised by natural elements, processes and patterns such as highly dynamic sand, the ebb and flow of the tides, and the periodic appearance of wading birds. The containment of views within the creeks by the fringing vegetation increases perceptions of natural character.
44. The Inventory of coastal areas of local or regional significance in the Taranaki Region (January 2004) identifies Ahu Ahu, Weld and Timaru Road Beaches as having high amenity, recreational, and cultural/historical values, and excellent access. It describes the area as having wide sandy beaches backed by small dunes, with offshore cobble and boulder reefs.
45. A Regional landscape study of the Taranaki coastal environment was undertaken to feed into the development of the CP. The study identifies areas of high and outstanding natural character, and outstanding natural features and landscapes, within the Taranaki coastal environment.
46. The study was undertaken to meet Policies 13 and 15 of the New Zealand Coastal Policy Statement (NZCPS), and was done on a regional scale. The assessments of natural character and natural features and landscapes are related to scale, meaning that the coastal environment can be perceived as having different levels of natural character at different scales. As a result, an area assessed as outstanding at a district scale may not be considered to be outstanding at a regional scale, and vice versa.
47. For the purposes of the study, the Taranaki coastline was divided into 12 coastal units through landscape characterisation. The subject site is located in Coastal Unit 6, Oākura River to Hangatāhua (Stony River), which is described as comprising lower

relief cliffs up to 5 m in height with a narrow and patchy frontal dune system wedged up against the cliff face.

48. Although the area can be described as having a high degree of natural character, it is not identified in the CP as being an area of outstanding natural character, nor does it contain any outstanding natural features or landscapes.

### 5.3 Coastal processes

49. The Coastal Processes Effects Assessment (CPEA) provided with the application (Appendix G), states that lidar data captured in 2016 shows that the Weld Road Reserve headland is located approximately 10 m above the surrounding beach levels.
50. Waves approaching the Taranaki coast from the west are dominated by long period swell waves and locally generated storm waves. While the offshore wave climate is relatively large, wave focusing over shallow offshore reefs result in wave breaking energy dissipation that reduces wave heights that reach the coastal edge.
51. Sand and gravel is present along much of the surrounding coastline, though levels fluctuate depending on sediment supply. Historic photos viewed by the agent indicate the Ahu Ahu and Weld Road beaches were devoid of sand and characterised by boulders in the 1950s. Based on observations and comparison of satellite imagery it is apparent that the stream mouths each side of the headland fluctuate over time and this significantly influences the surrounding beach levels.
52. During a 2020 beach survey, it was evident that the Whenuariki Stream wrapped around the toe of the headland, whereas during a 2021 survey, the Whenuariki Stream was discharging in a northward orientation (Figure 7). This indicates that depending on where the stream mouth is positioned, the bed levels around the headland can show up to 3 m of variation.
53. As a result, the subject site is considered a dynamic coastal environment with significantly variable beach levels.

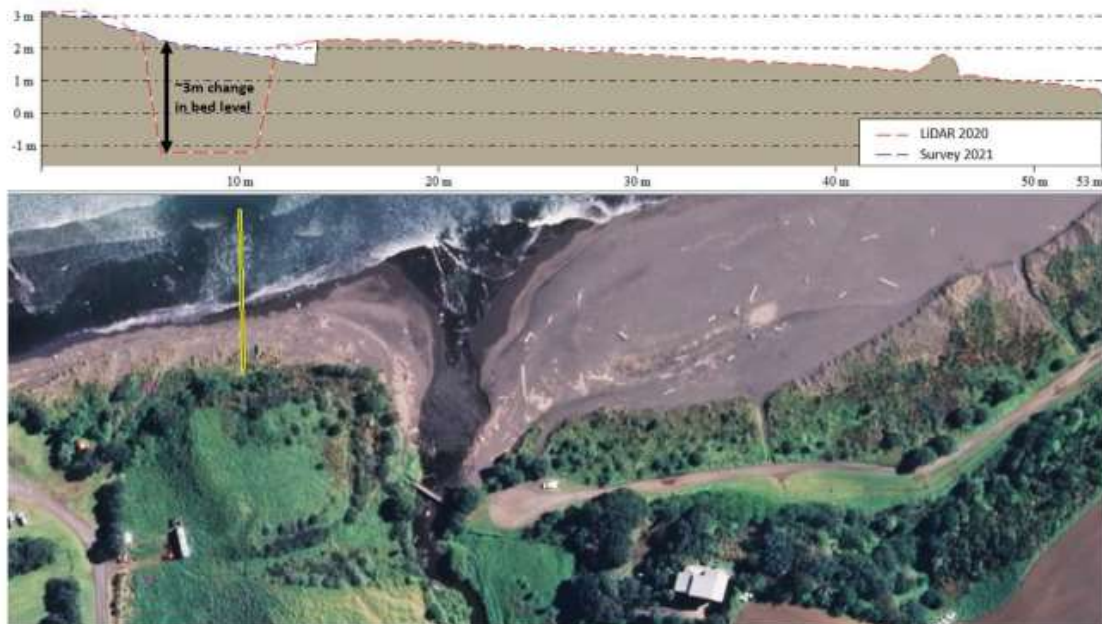


Figure 7: Cross section of the 2020 and 2021 elevation survey showing the change in bed level in front of the headland.

#### **5.4 Streams**

54. The foreshore of Weld Road beach is bordered by two freshwater streams, the Whenuariki and the Timaru. Both streams originate from the Pouakai Range in Te Papakura o Taranaki (Egmont National Park), and are fed by tributaries along the southern side of the Kaitake Ranges.
55. Observed flow characteristics within the Whenuariki Stream were slow runs and pools. Where the stream mouth of the Timaru Stream flows out through the beach, it is considered to be an estuarine environment. Timaru estuary is mostly open to the sea but can become restricted during period of low flow. Upstream of the estuary, the flow characteristics were also slow runs and pools.
56. As discussed above, historical investigations indicate that the mouths of both streams naturally fluctuate over time, rapidly removing or contributing sediment which can significantly influence the surrounding beach levels by several metres.

#### **5.5 Ecology and vegetation**

57. A near shore reef located adjacent to part of the project site (for the revetment structure) is identified in the CP as an area of significant indigenous biodiversity.
58. An Assessment of Ecological Values and Effects (AEcE) was provided with the application (Appendix F). The document states that the coastal vegetation around the site is highly modified, and comprises of treeland/duneland species such as pōhutukawa, puka, karo, puahou with exotic grass, rank pasture and herbaceous species interspersed with duneland complex. Herekawe is also present.
59. A total of 12 terrestrial bird species were identified from online records and/or observed during site visits. No lizards were observed on site, however potential lizard habitat has been identified within the periphery of the Whenuariki Stream.
60. A total of 11 exotic and native/naturalised bird species (including seabirds and waders) were identified from online records and observations, including Reef Heron, New Zealand Dotterel, Common-Diving Petrel, Blag Shag and Red-billed Gull.
61. Kororā (Little Blue Penguin) may also be present within the pathway and bridge sites and/or the surrounding area, given the available habitat and historical presence of these species in the area. The shoreline between the Oākura River and Unnamed Stream 58 is also identified on the Council's Biodiversity mapping information as being a hotspot area for Kororā (Figure 8).



Figure 8: Aerial map illustrating Little Blue Penguin hotspots (dark blue hatched area).

62. Marine invertebrates including bivalves, gastropods, molluscs, echinoderms, and crab species have been identified within the site. No invasive or disturbance tolerant species of benthic ecology were observed.
63. A visual assessment identified that instream habitat diversity was limited within the lower tidal sections of both the Whenuariki and Timaru Streams. Substrates comprised of fine substrates/coarse sand, and undercutting of the banks/woody debris (including large logs) provided habitat for freshwater fauna. The riparian margins of both streams were dominated by native/exotic treeland with a sparse understory of native and exotic grasses, sedges and ferns, and harakeke.
64. Potential inanga spawning habitat was located upstream of the Whenuariki Stream mouth, within the wider bridge project site, however no habitat was identified directly within the location of the bridge or the revetment structure. Kōura (freshwater crayfish) were identified within both the Whenuariki and Timaru catchments.

## 5.6 Cultural landscape

65. The reserve is located within the rohe of Taranaki Iwi, and the area is of significant historic and cultural value to Ngā Mahanga and Ngāti Tairi Hapū. Hauranga Pā is also considered a waihi tapu (sacred place or site).
66. The Whenuariki and Timaru Streams (and their tributaries) are statutory acknowledgements of Taranaki Iwi.
67. The wider site includes several 'sites of significance to Māori', identified in the CP (Figure 9). The sites shown below include Hauranga Pā, Huranga pūkawa, and the Timaru Stream.

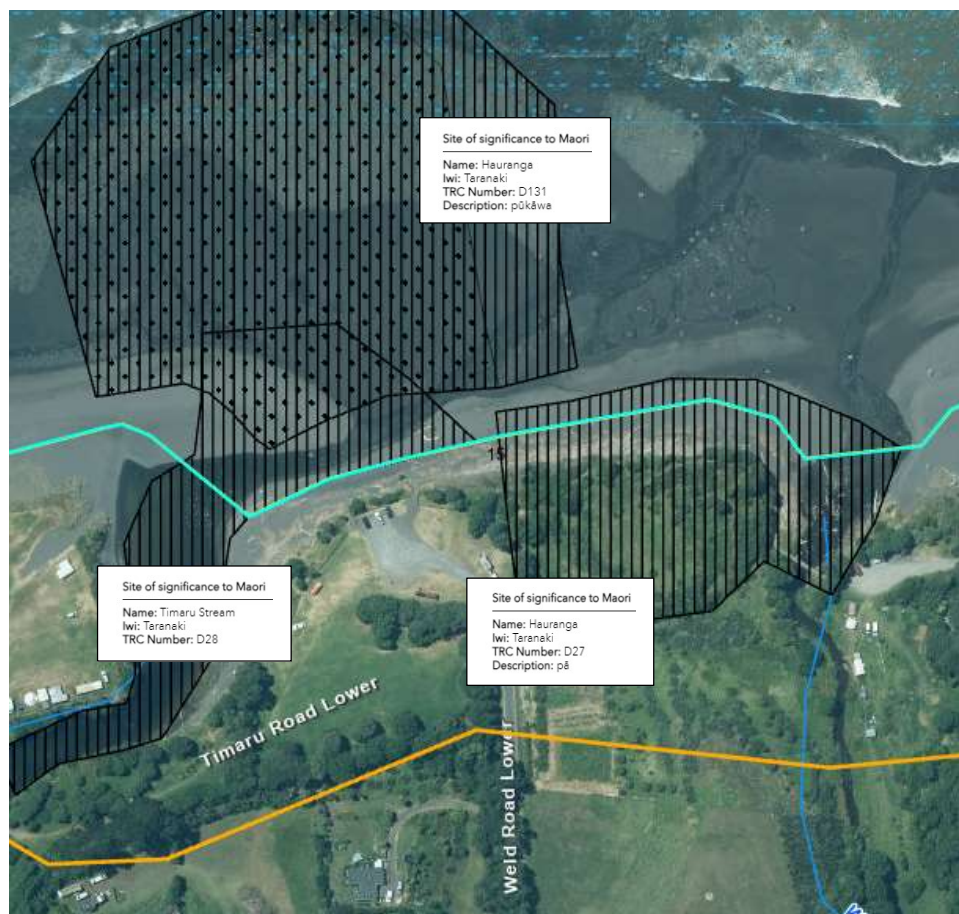


Figure 9: Sites of significance to Māori identified in the CP

## 5.7 Recreation

68. Access to the foreshore of Weld Road Beach for recreational purposes is highly valued by the community as it is part of the Oākura Coast Trail, and used by motorbikes, mountain bikers, horse riders, and walkers (primarily during low tide).
69. A Coastal Processes Effects Assessment (CPEA) provided with the application (Appendix G) states that the surf break at Weld Road is used by a wide range of board sports that include surfers, kite surfers, and wind surfers. The wave is favoured for its protection from prevailing southwest winds and offshore conditions around these times. The wave is mostly surfed on mid to low tides, and as wave heights increase and the breaking extent enlarges offshore, the majority of waves ridden become 'reformed' waves.
70. The Weld Road (Hauranga) surf break, and the nearby Ahu Ahu Road (Oraukawa) surf break, are also identified in the CP as regionally significant.

## 6. Consultation

71. The applicant has undertaken extensive consultation with a number of stakeholders since the early stages of the project, including site visits, hui, email communications, targeted surveys, and media releases.
72. Parties that were consulted with include:
- Ngā Mahanga hapū
  - Ngāti Tairi hapū
  - Oākura Pa Trustees
  - Department of Conservation (DOC)
  - Heritage New Zealand Pouhere Taonga (HNZPT)
  - Neighbouring landowner - Jason and Nicole Andrews of 385 Ahu Ahu Road
  - The local community
73. Following lodgement, the Council informed Maritime New Zealand (MNZ) of the application. MNZ responded on 1 November 2023 stating that they have no navigation safety concerns.
74. As the proposed activity is in the rohe of Taranaki Iwi, the Council also sent a copy of the application to them in accordance with agreed procedure. No return correspondence was received as of the requested response date, or as of finalising this report.

## 7. Planning matters

### 7.1 Resource Management Act 1991

75. Section 12 of the RMA relates to restrictions on use of coastal marine area, and is therefore relevant to this consent application. Its states:
- (1) *No person may, in the coastal marine area,—*
- (a) *reclaim or drain any foreshore or seabed; or*
  - (b) *erect, reconstruct, place, alter, extend, remove, or demolish any structure or any part of a structure that is fixed in, on, under, or over any foreshore or seabed; or*
  - (c) *disturb any foreshore or seabed (including by excavating, drilling, or tunnelling) in a manner that has or is likely to have an adverse effect on the foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal); or*
  - (d) *deposit in, on, or under any foreshore or seabed any substance in a manner that has or is likely to have an adverse effect on the foreshore or seabed; or*
  - (e) *destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on plants or animals or their habitat; or*
  - (f) *introduce or plant any exotic or introduced plant in, on, or under the foreshore or seabed; or*
  - (g) *destroy, damage, or disturb any foreshore or seabed (other than for the purpose of lawfully harvesting any plant or animal) in a manner that has or is likely to have an adverse effect on historic heritage—*

*unless expressly allowed by a national environmental standard, a rule in a regional coastal plan as well as a rule in a proposed regional coastal plan for the same region (if there is one), or a resource consent.*

(2) *No person may, unless expressly allowed by a national environmental standard, a rule in a regional coastal plan or in any proposed regional coastal plan for the same region, or a resource consent,—*

*(a) occupy any part of the common marine and coastal area; or*

*(b) remove any sand, shingle, shell, or other natural material from that area.*

(3) *Without limiting subsection (1), no person may carry out any activity—*

*(a) in, on, under, or over any coastal marine area; or*

*(b) in relation to any natural and physical resources contained within any coastal marine area,—*

*in a manner that contravenes a national environmental standard, a rule in a regional coastal plan, or a rule in a proposed regional coastal plan for the same region (if there is one) unless the activity is expressly allowed by a resource consent or allowed by [section 20A](#) (certain existing lawful activities allowed)...*

## **7.2 Coastal Plan for Taranaki 2023**

76. The *Coastal Plan for Taranaki* (CP) details objectives, policies and rules in relation to management of the coastal environment in Taranaki. The proposed CP was notified in February 2018 and became fully operative on 4 September 2023.

77. The placement or erection of a hard protection structure and the associated occupation of coastal space, disturbance of the foreshore or seabed, and discharge of sediment, is a discretionary activity under Rule 27 of the CP. There is no permitted activity rule for the placement or erection of a hard protection structure within the CMA.

78. The placement or erection of a bridge structure and the associated occupation of coastal space, disturbance of the foreshore and seabed, and discharge of sediment, is a discretionary activity under Rule 38 of the CP. There is no permitted activity rule for the placement or erection of a bridge structure within the CMA.

79. Overall, the application is assessed as a discretionary activity.

## **8. Notification**

80. The applicant requested that the application be publicly notified (in accordance with Section 95A(3)(a) of the RMA).

81. The application was publicly notified on 4 May 2024, with the submission period closing on 31 May 2024. This was a joint process between the Council and the New Plymouth District Council (NPDC). Notice was served on a total of 14 people, including individuals and organisations.

82. A total of 2 submissions were received. Of the 2 submissions, 1 was in support of both applications, and 1 was in opposition of both applications.

83. On 9 August 2024, the submitter in opposition withdrew their request to be heard at a hearing. On 13 August 2024, the submitter in support also withdrew their request to be heard at a hearing. Therefore, a decision can be made by the Council's Operations & Regulatory Committee (without the need for a hearing).



**9. Submissions**

84. A summary of the submissions is provided in Table 1 below.
85. The points raised in both submissions have still been taken into consideration as part of this assessment.

**Table 7: Summary of submissions**

Submitter	Stance	Submission details	Relief sought	Decision request	Request to be heard?
Clive Neeson	Support in whole or in part	<p>I make this submission on behalf of our local group of engineers, walkers, and cyclists who have worked voluntarily over 35 years to create the Oakura Coast Trail between Oakura and Fort St George as documented on:  <a href="https://www.facebook.com/OakuraCoastNatureTrail/">https://www.facebook.com/OakuraCoastNatureTrail/</a></p> <p>The trail constitutes the most popular exercise facility for Oakura, and also a link for locals and tourists to cycle onto Pukeiti Park via safe country roads.</p> <p>We have restored the surrounding environment along the trail from gorse/boxthorn to native bird habitat and spectacular natural beauty, winning an environmental award from TRC. Natural beauty is of highest priority and visual effects of the replacement Weld Rd link are therefore equally important to us.</p> <p>A safe link between AhuAhu Rd and Weld Rd (once a traffic bridge) has been in existence since living memory and is as vital to the Oakura Coast Trail as the Te Wera Wera bridge is to the NP coastal trail. We eagerly await reinstatement of this link for the sake of community physical/mental health, saving petrol, biking to school etc. and because it has always provided the vision and impetus to continuance of our environmental volunteer effort.</p> <p>Construction of the boardwalk and footbridge has been eagerly awaited and overwhelmingly advocated by public survey and councillor vote.</p> <p>Secondly, since the bridge and boardwalk consents have been combined, “no boardwalk” would mean “no bridge” which is a totally unacceptable scenario for which there seems to be no contingency plan.</p> <p>We therefore support not only the bridge/boardwalk construction but also all initiatives and precautions to mitigate its visual impact.</p>	Grant with amendments and/or conditions	<p>The “artists impression” shown in the “Landscape and Visual Effects Assessment” is three years old and shows the use of angular boulders (as opposed to rounded boulders of local natural character as specified). This confusing drawing may have elevated concern over visual effects.</p> <p>The artwork also shows the boardwalk height in relation to current sand levels. There is no mention that, six years ago the entire structure would have been barely visible because of the surrounding sand dune which was undermined by the recent diversion and conjoining of the two rivers. This may however be the long permanent state of the beach due to continued sand migration from the Stony River so that the drawing would visually represent the “worst case scenario” in terms of visual height of the rock structure.</p> <p>The armouring rocks shown in the drawing would seem too small and light to withstand dislodgement and rollaway due to strong river current scouring and large tree/log battering in NW storms which have been recorded on video during spring tides at this location. This may have also drawn concern regarding possible long-term change in visual effects, particularly as there seems to be no calculation and specification of rock size.</p> <p>Rock revetment structures have been visually and structurally acceptable throughout Taranaki, provided rocks are not dislodged over time. However, there have been cases of failure where rock displacement has impacted use and visual appeal of both the structure and of the beach itself. This can be avoided with sufficient specification of rock size, shape, arrangement and tight quality control of contractor works.</p> <p>I suggest NPDC proceed with construction but apply the appropriate budget, specification, contractor expertise and tight quality control of the construction process to address the visual impacts of concern and thereby ensure against visual and structural degradation in the long term.</p>	Y

		We have faith this can be done with adherence to appropriate design and construction specifications. (detailed below)		Further note in relation to construction window by penguin breeding season: Forty years ago, blue penguins were very numerous along the Oakura and Weld Rd coast. The population was decimated in the 1990s partly from a disease but mainly due to massive increase in off-lead dogs as evidenced by shredded carcasses which were commonly discovered whilst walking and planting along the coast trail. Today there are massively more dogs continually rummaging the beach at Weld Rd headland. The extremely rare penguins attempting to nest there have to my knowledge all been killed. This includes a penguin pair that tried to nest in front of my own property in Oakura and several times a day attracted dogs till they were eventually killed. Imposing a construction window at Weld Rd shows that TRC is very concerned about penguin survival but I suggest it pales into insignificance compared to the carnage from dogs which deserves far greater consideration and action.	
Sarah Smither	Oppose in whole or in part	<p>I live on Ahu Ahu Road and walk the beach most days and talk to my neighbours and regular users. Despite a statement from Renee Davies that "there was a fully public consultation process undertaken with local community". Few were aware of the impending project or had only recently learned of it due to an article in the local magazine. Noone I've spoken to is supportive of the walkway being built.</p> <p>Some would like to see the bridge reinstated, however no one's enjoyment of the beach has been impeded by its lack. After all it's a bridge to nowhere – the Whenuariki stream is seldom deep and easily crossed. Surfers at Weld Road wade that river to get to the surf break so it seems most people accept the possibility of wet feet while at the ocean and river mouth!</p> <p>Bikers use the existing path and rd to ride from Oakura and back. Who is it who wants to cycle up weld rd and onto the highway? To make hazards of themselves.</p> <p>Your previous cycle count, taken from the motor camp, would have included my children as they biked to school, or went to the skate park, and as such provided false information and a perfect example of Mark Twain's quote – "there's white lies, damn lies and statistics".</p>	Decline	<p>I ask the Council to reconsider this entire project, money already spent aside.</p> <p>The damage it will cause outweighs the convenience of a few people unable to remove their shoes.</p> <p>Recently up north (Otama Beach) I took friends to view the Shags nesting spot (has been there for 20 years – large Pohutukawa on edge of estuary). But trees and nests were abandoned – on asking locals the reason became clear – local roading contractors has used a lay-way not far from the trees as their staging area, and the constant movements of heavy machinery had scared them off.</p> <p>This same scenario will play out at Ahu Ahu and Weld Road. Driving off nesting shags who have recently increased in no. and the pairs of grey herons.</p> <p>Please consider shelving this project in a show of actual conservation, and respect for the environment.</p>	Y

	<p>I ask for what minority public funds are being spent? While rates rise and pot holes bloom, so my first reason for opposing resource consent is the spending of public money.</p> <p>My second reason for opposing resource consent is consent for this unique environment. Despite reports that “the area in question is not identified as having high natural character” (Coastal plan maps 2023). This tiny strip of sand between stream and cliff is value packed, close to the car park, sheltered from western/ southern winds and a rare provider of shade in the afternoon.</p> <p>Has Renee Davies, who rates the landscape effects of the proposed cutting of trees and heavy-handed placement of rocks and concrete – moderate, and the visual effects – very low, ever spent a summer day parked up with the family and friends at this much coveted spot?</p> <p>As for the squeaky wheel that has pushed for this project, it is common knowledge that Clive Neeson has a personal problem with the occupant of Hauranga Pā. (Racist or just envious of location?). The photo of Mr Neeson, posed in not a quite upright position, in water in the midst of a storm to demonstrate the impassability of the point at high tide, shows more his dedication to personal cause than to a hazard that he and his photographer survived! And goes against logic as one report states that “public use during stormy weather is not assumed”.</p> <p>However, Clive’s involvement seems fully backed by Council as he presumes to act as some sort of consultant – marking trees to cut etc. The Council supported the cutting of a track from the toilets at Weld Rd, exiting down the dune. This track has resulted in the dune’s erosion, where it had previously been stabilised by trees. The section on the seaward side now cut off, its foliage dying and foot traffic reducing it to shifting sand.</p> <p>This track is the only area public can possibly damage now, since the rest has been inaccessible for years. This site has looked after itself perfectly well for a long time, helped by its trees.</p>			
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		Pruning and removing Pohutukawa will only destabilise the cliff – making a reality of a hazard that has up til now only been hypothetical.			
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## 10. Assessment of Effects

86. Section 104(1)(a) of the RMA requires decision makers to have regard to the actual and potential effects of an activity.
87. It should be noted that, although this consent only relates to the bridge structure and the part of the revetment structure that is located within the CMA, the agent's assessment relates to the structures in their entirety. Therefore, the key parts of the applicants AEE have been summarised below, along with Council comments.
88. In some cases, Council comments identify situations where it is more appropriate to consider how the effects relate specifically to the part of the revetment structure being authorised by this consent.
89. The agents AEE states that the proposed activities have the potential to result in the following adverse effects on the environment:
- Construction effects;
  - Ecological effects;
  - Coastal process effects;
  - Natural character/landscape and visual amenity effects;
  - Archaeological effects;
  - Cultural effects.

### 10.1 Construction effects

90. A Construction Method Statement was provided with the application (Appendix E), which details the management measures that will be undertaken with regards to bridge construction. A Construction Management Plan (CMP) is expected to be prepared for the proposed revetment structure.
91. For public safety reasons, access to the Weld Road foreshore and Whenuariki Stream will be restricted during construction. The existing Lower Weld Road and Lower Ahu Ahu Road carparks will be closed and utilised as construction laydown areas. These will be clearly marked and fenced off to avoid public access risk. The restriction will be limited to the construction period, which is expected to be approximately 3-4 weeks for the revetment structure, and approximately 4-6 weeks for the bridge works.
92. The works will be undertaken during daylight hours, and in accordance with NZS 6803 Construction Noise Standards. The site is not located in proximity to residential dwellings.
93. All construction work will be undertaken around low tide, scheduled appropriately around suitable weather conditions, and machinery and materials will not be stored on the beach overnight. It will not be possible to lay protective matting on the foreshore (due to tidal windows), therefore moxy trucks will be used to reduce damage. There is potential for some unavoidable erosion and entrainment of sediment to occur as the tide comes in, however this is expected to be minor and will not cause a visible plume. Silt fences will be installed around the excavation areas to prevent the flow of sediment to water. An ESCP will also be prepared for the site.

#### **Council comments:**

94. The Council's Compliance Manager, Jared Glasgow, has reviewed the application and made the following comments:
- The proposed earthworks cover a small footprint, and the main risk is associated with the shared pathway works being undertaken on an exposed section of the coast;

- There is limited information regarding the process to control silt during the construction phase of the shared pathway, however this can be included in an ESCP that is provided to the Council for certification prior to commencement of works;
- Noting that the pathway will be exposed to wave action during poor sea conditions, I am particularly interested to see how the site will be managed during the construction phase – the applicant must be able to forecast and react if the site becomes inundated with a storm surge e.g. by utilising a stockpile of rocks to stabilise the area prior to such an event. This information should be included in the ESCP;
- Undertaking the works mostly within the summer months may aid in reducing the risk associated with poor weather conditions.

## 10.2 Ecological effects

95. The AEcE provided with the application (Appendix F) states that adverse effects associated with the installation of the proposed structures on ecological values could occur primarily through:
- Removal of approximately 240 m<sup>2</sup> of mixed native/exotic treeland, grassland, and dune land vegetation for the revetment structure;
  - Removal/trimming of approximately 28 m<sup>2</sup> of mixed native/exotic treeland, and removal of 150 m<sup>2</sup> grassland and shrubland and potentially some dune land vegetation for the bridge replacement construction (70 m<sup>2</sup> on the western bridge side, and 80 m<sup>2</sup> on the eastern side);
  - Potential injury and/or mortality of native fauna (avifauna, herpetofauna) during vegetation clearance and site works, including the loss of eggs and chicks if vegetation clearance is undertaken during bird breeding season;
  - Disturbance related effects on coastal birds, including effects on breeding/nesting and moulting species (penguins) and effects on food sources (intertidal habitat);
  - Potential injury and/or mortality of native freshwater fish during river diversion activities;
  - Effects on freshwater habitat diversity and condition through temporary modification as a result of construction activities potentially occurring in the Whenuariki Stream mouth;
  - Potential uncontrolled discharge of sediment laden water to the surrounding environment during works; and
  - Permanent change in the project site substrate from a soft sandy-beach habitat in the intertidal zone to a hard artificial structure (in relation to the revetment structure and associated pathway).
96. While most of the existing vegetation at the site is highly modified and heavily disturbed, some plant species are considered 'at risk' or 'threatened' e.g. pōhutukawa. In order to avoid and/or mitigate adverse effects such as decreased landscape and habitat connectivity, and recolonisation by exotic weedy species, the applicant proposes to physically delineate the footprint boundary and any vegetation to be retained; use appropriate construction methodology; and replant lost vegetation with the same or similar species.
97. In order to avoid and /or mitigate adverse effects on avifauna during site works, an Avifauna Management Plan (AMP) will be prepared which will include provisions such as:
- Scheduling vegetation clearance to avoid peak bird breeding/nesting season (September to March inclusive) – should such restrictions not be practicable, breeding and nesting bird surveys are proposed to undertaken by a suitably qualified ecologist prior to construction activities commencing;

- The use of noise/vibration deterrents prior to vegetation clearance;
  - The use of accidental discovery procedures for harm to 'at risk' and 'threatened birds'.
98. A Penguin Management Plan (PMP) is also proposed which will include provisions such as:
- Undertaking a penguin detection survey by a suitably qualified contractor prior to commencement of construction works;
  - Scheduling construction works to avoid coastal bird moulting timeframes (January to March), where practicable;
  - The use of accidental discovery protocols.
99. To date, no lizards have been observed at the location of the proposed structures, however habitat assessments and desktop data suggest that several species may be present across the wider project site. In order to avoid/mitigate any adverse effects on herpetofauna the applicant proposes to prepare a Lizard Management Plan (LMP) which will include provisions such as:
- Limiting vegetation clearance during warmer months when lizards are more active and easier to capture/can self-relocate;
  - The use of noise/vibration deterrents prior to vegetation clearance;
  - Mowing of rank and/or pasture grass to a long length to aid salvage or lizard dispersal, where practical.
100. A Wildlife Act Authority permit (WAA) will be acquired from the Department of Conservation (DOC) for the handling and relocation of lizards, and any manual destructive and machine-assisted salvaging will be undertaken by a suitably qualified ecologist.
101. In order to avoid and/or mitigate adverse effects on freshwater ecology (e.g. water and sediment quality, changes to hydraulic complexity of the Whenuariki Stream, impacts on freshwater fish community dynamics and migration), the applicant proposes to prepare an ESCP and a Freshwater Fish Management Plan (FFMP). The ESCP will aim to minimise the discharge of sediment laden water, and the FFMP will address the finding, capturing and relocating of fish which may be required. The FFMP will also confirm īnanga spawning habitat upstream and ensure fish passage is provided for i.e. by maintaining a flowing channel.
102. Changes in hydraulic conditions are also part of riverine systems near coastal edges, although it is expected that once specific construction activities cease (after approximately 6 weeks), the Whenuariki Stream will naturally revert back to conditions similar to those existing before construction works.
103. Uncontrolled sediment discharge has the potential to impact benthic ecology, however undertaking works in accordance with the ESCP will minimise the discharge of sediment, including by avoiding working when the tide is high. The proposed revetment structure creates a permanent change in the surrounding substrate type of Weld Road Beach from a sandy, intertidal habitat to an artificial, hard-rock substrate. This change may impact food sources and foraging habitats for wading and coastal birds. However, the affected area is considered small when compared to the available surrounding coastal habitat.
104. Overall, based on the findings of the AECE, availability of surrounding habitat, relatively short duration of construction works, and proposed management measures (including the AMP, PMP, LMP and FFMP which will be captured in an Environment Management Plan (EMP)), the adverse effects of the proposed structures on terrestrial, freshwater, and coastal ecology are considered no more than minor.



**Council comments:**

105. The Council's Coastal & Marine Scientist, Jesu Valdes, reviewed the application and made the following comments:
- It has been identified that the works will take place in Kororā habitat (Nationally At Risk – Declining). Additionally, another 11 coastal bird species have been identified in the area, including: Reef Heron (Threatened – Nationally Endangered), Black Shag (Threatened – Naturally uncommon), Red-billed gull (Nationally at risk – Declining), Northern NZ Dotterel (Nationally at risk – Recovering) and Northern Diving Petrel (Nationally at Risk – Relict);
  - The application states that “*construction will be undertaken at low tide only. Construction works will be timed to avoid key avifauna breeding, nesting and moulting seasons, if possible, as well as the adverse weather conditions often experienced in the area throughout the winter months*”. The application also implies that it is only the Kororā's moulting times that are critical to avoid;
  - My recommendation is to avoid working during breeding, nesting and moulting seasons of Kororā. Works should adhere to the “Coastal Structure Maintenance Guidelines for Blue Penguin<sup>3</sup>” and take place during the “penguin safe window” i.e. between April and May.
106. Following this, a request for further information was made<sup>4</sup> which asked that a Penguin Management Plan (PMP) be provided. The PMP<sup>5</sup> was received by the Council on 11 March 2024. It was prepared in consultation with and/or reviewed by the following experts/advisors:
- Rebekah Gee – New Plymouth Marine Biodiversity Ranger for DOC;
  - Conrad Pattison – Park Services Lead for NPDC;
  - Joanna Sim – Certified DOC penguin detection dog owner/trainer at DabChickNZ; and
  - Kat Smith – Ecologist (penguin specialist) at Tonkin & Taylor Ltd.
107. Ms Valdes has reviewed the PMP and is satisfied that if followed, any adverse effects on kororā will be appropriately avoided/mitigated. The PMP notes that, although the aim is to undertake works between April and June (to try and avoid the moulting and breeding season), kororā can be found onshore at any time of the year/day. Therefore, the project ecologist will make the final call as to when construction works will commence. It also states that, if pre-construction surveys identify kororā nests (with eggs or chicks) then 2-weekly monitoring will be undertaken by a suitably qualified ecologist, and a follow up survey (with a penguin dog) will be undertaken every 3 weeks. If pre-construction surveys identify kororā burrows then daily walkovers will be conducted. The recommended consent conditions require the applicant to undertake the works in accordance with the PMP.
108. The Coastal Structure Maintenance Guidelines have been prepared in relation to maintenance, minor alterations/extensions of existing structures. Although still relevant, the guidelines do not specifically provide for the construction of new structures as it may not be possible or practical, to undertake these works entirely within the penguin safe window.

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<sup>3</sup> Coastal structure maintenance – Guidance for planning works with regard to Kororā/Little Blue Penguins. Taranaki Regional Council, April 2022.

<sup>4</sup> In accordance with s92(1) of the RMA.

<sup>5</sup> Penguin Management Plan for Weld Road. Tonkin & Taylor Ltd, February 2024.

109. Although the submission received by Mr Neeson states that penguins attempting to nest in the project area have “all been killed”, no evidence has been provided to substantiate this.
110. The submission received by Ms Smither states that the proposed works will drive out “nesting shags (who have recently increased in numbers) and the pairs of grey herons”. In response to this, Ms Valdes visited the site on 12 July 2024 but found no evidence of nesting birds in the project area, including shags and herons. No nests or burrows were found in the vegetated areas around the proposed bridge and revetment structure. Any shags that were present at the time of inspection were drying their plumage on the rocks by the sea, and not roosting anywhere near the trees. Therefore in the opinion of Ms Valdes, there is no reason to believe that there will be any adverse effects on nesting shags and herons.
111. Ms Valdes stated that there is a risk of concrete and/or sediment discharges to the CMA which may result in adverse effects on ecology/marine biodiversity. These effects can be avoided by not pumping/pouring concrete over the water, or within 4 m of the Whenuariki Stream; not refuelling machinery on the beach; monitoring machinery for hydraulic oil leaks; and adhering to a certified ESCP.
112. The Council’s Senior Ecologist (terrestrial), Halema Jamieson, has also reviewed the application and stated that there are Oi (grey faced petrel) nesting in the near vicinity. Although not nationally threatened, they are significant and rare in Taranaki (which is known to be the southernmost nesting area on the west coast of the North Island). Given the measures proposed by the applicant, Ms Jamieson is satisfied that any adverse effects on these birds can be appropriately avoided and/or mitigated.
113. Ms Jamieson also stated that native lizards (skinks and geckos) may be present in the vegetation that will be cleared on the landward side of MHWS (i.e. outside of the CMA). Is it expected that the landuse consent issued by NPDC will include a condition requiring a lizard management plan.

### **10.3 Coastal processes effects**

114. A CPEA was provided with the application (Appendix G), which is summarised below. This assessment focuses on the proposed revetment structure, as the bridge is not expected to have any impact on coastal processes.
115. Overtopping of the revetment structure may present an impediment to access and even a potential hazard for users. Overtopping involves the combination of high coastal water levels and large waves, resulting in waves breaking over the top of the structure. As the structure will not be relied on to provide vital ‘life-line’ access, it is expected that it will only be used in fair weather conditions. This will be reinforced by the erection of appropriate signage conveying this information to the public. The structure has also been designed with a wide crest width of 4 m which separates the embedded pathway from the sloping face, further reducing the risk of overtopping.
116. The proposed revetment structure has the potential to affect coastal wave processes, as the introduction of a rock armoured structure may contribute to ‘backwash’ waves being reflected offshore or into adjacent areas such as the regionally significant Weld Road and Ahu Ahu Road surfbreaks. However the reflective impact is likely to be less than that of the existing lahar cliff face, due to the sloping design and permeable construction materials proposed.
117. A portion of the lower part of the revetment structure will be located within an area that is, at times, occupied by the Whenuariki Stream channel. Constriction of the stream flows as a result of the revetment has the potential for small, short duration increases in stream currents adjacent to the eastern end of the structure, typically following large

rainfall events. A report prepared by WSP<sup>6</sup>, assesses the potential for upstream ponding during flood events. A 'ponding map' provided with the assessment demonstrates that upstream ponding during a 1 in 250 year flood event would be slightly greater than what would otherwise occur without the presence of the rock revetment i.e. over a 200 m length of stream, on average there is less than 4 m difference in flood widths. However it is also noted that the modelling uses a previous design that included rock riprap armouring on both sides of the stream. As the rock riprap of the eastern side has been removed in the final design, the impact of ponding is expected to be less.

118. Increased accretion of sediment and debris is likely to occur in places along the foreshore which are sheltered from wave action, in particular, the eastern extent of the revetment structure. This is most likely to occur during storm events, however the excess sediment is also likely to be removed again through erosion associated with similar storm events. Constriction of the Whenuariki Stream is likely to result in down-cutting of more erodible materials to the east of the structure, and potential channel realignment in this direction. However these effects are expected to be less than those associated with the natural, highly variable, channel dynamics of the stream.
119. There is a potential risk of shoreline scour along the toe of the revetment structure and increased erosive degradation of the dunes at each end of the pathway, particularly following large storm events. This process involves incoming wave energy being refracted sideways from the revetment structure into the adjacent unprotected length of sand dune, eroding it towards the west and increasing the ongoing degradation of this part of the shoreline. However, as the existing shoreline at Weld Road Beach is naturally dynamic and the location of MHWS is highly changeable, the structure is not expected to have a significant impact on coastal processes.
120. Overall, any adverse effects on coastal processes as a result of the structures are considered to be no more than minor, largely due to the highly dynamic nature of the existing environment.

***Council comments:***

121. The Council engaged Beca to undertake a review of the application with regards to adverse effects on coastal processes. Their findings are summarised below:
  - The revetment structure will largely be buried in sand and will therefore only very infrequently (following large storm events) have any effect on the surrounding wave climate. The structure will provide a sloping, porous surface designed to absorb and dissipate wave energy, therefore the reflective impact is likely to be less than the existing hard and vertical lahar cliff face.
  - The revetment structure is considered to have a less than minor impact on the Whenuariki Stream as there is minimal encroachment, therefore the stream channel is not constrained.
  - The revetment structure itself is unlikely to generate significant changes to the local sediment processes due to it being positioned largely above MHWS and therefore allowing littoral drift to occur in front of the structure. However the beach area is noted as being highly dynamic, therefore there may be periods when the beach and sediment in front of the structure are more depleted. Such changes are expected to be transient and will occur irrespective of the structure due to the channel positions and storm events.
  - There is a potential risk of shoreline scour along the toe of the structure and increased erosion at each end of the pathway, particularly following large storm

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<sup>6</sup> Ahu Ahu Road end – Footbridge Reinstatement, Supplementary Information for Resource Consent. WSP, 27 September 2023.

events. However this risk is already present due to the vertical cliffs, and the highly dynamic and fluctuating shoreline.

- Overall, the reviewer found the applicants assessment to be thorough and agreed that any adverse effects as a result of the proposed activity, would be no more than minor.

122. The reviewer also pointed out that, although monitoring either end of the structure could provide early indications of effects post construction, it would be difficult to fully attribute these effects to the structure (given the existing changing beach levels and fluvial discharges). Regardless, recommended consent conditions require the applicant to monitor the structure in accordance with a monitoring plan that has been certified by the Council.
123. Conditions that require an ESCP to be certified by the Council have also been recommended to ensure any effects of erosion, contamination or damage are avoided/mitigated during the construction phase.
124. Although not specifically addressed in the agent's AEE, I have also considered whether there are any adverse effects associated with the placement of the bridge within the CMA. The Council's Rivers Officer, Matt Cathie, has reviewed the application and made the following comments:
- The proposed grading of the rock on the true left bank is considered suitable based on the modelled flow velocities;
  - What is the difference in flood level/freeboard now that rock armouring is only proposed on the west side of the stream? (noting however, that the 250 year ARI is highly conservative for a bridge of this nature);
  - The extent of the rock armouring on the true left bank is limited by the property boundary – what is the risk of erosion occurring in this area?
125. A request for further information was made which asked for clarification on the points above. The agent confirmed that the expected flood level will be less, with a greater freeboard than that shown in the flood modelling (Appendix D).
126. With regards to potential erosion on the true left bank of the Whenuariki Stream, Peter Quilter, Senior Coastal Engineer at Tonkin & Taylor, stated that *“exposures in material that form the headland generally demonstrate scour resistance. It will be necessary to terminate the end of the rock revetment into this material to avoid the possibility of outflanking (scour around the ends of the structure that could compromise its stability)”*. Therefore, the agent considers that the risk of erosion outflanking the structure has been appropriately addressed through the design of the structure.
127. Recommended consent conditions also require that an as-built survey plan of the bridge be provided following completion of the works, along with confirmation from an appropriately qualified person that both structures have been installed in accordance with good engineering practice.

#### **10.4 Natural character and landscape effects**

128. A LVEA was provided with the application (Appendix H). The LVEA states that due to natural topography, the site has a relatively small visual catchment within the broader area. Accordingly, the primary viewing audience for the revetment structure and bridge would be users of the pathway, coastal reserves, foreshore, and ocean environment which are immediately adjacent.
129. To this audience, the proposed bridge is assessed as appearing similar to the previously existing bridge with the exception of some additional structural height at the abutments and associated timber ramps up to the bridge.

130. The revetment structure will appear as a new, visibly man-made structure around the foreshore. However, due to the presence of the vegetated lahar cliff face, the visual impact from a distance is reduced as the structure recedes against a strong natural backdrop (Figure 10).



**Figure 10: A visual simulation of the proposed revetment structure, facing northwards towards the Weld Road Reserve headland.**

131. To further mitigate against visual impacts, the structures will be constructed with sympathetic materials which blend into the natural environment. The proposed bridge will be a mix of timber and steel, and the revetment will primarily be made of locally sourced natural volcanic rocks. The concrete pathway will also be treated with a black oxide to reduce the reflectivity, and allow it to integrate better with the natural rocks. Over time, these design features are expected to become more effective as the structures age and blend further into the surrounding environment.
132. Temporary visual effects are anticipated during the construction period, however these effects will be limited to a period of approximately 4-6 weeks.
133. The potential impact of the proposed structures upon the physical landscape of the site and the surrounding area has been considered alongside visual effects. The LVEA notes that this section of the coastline displays a high degree of natural character. However, the proposed design has helped to minimise any adverse effects on landscape character. The generally low profile of the revetment structure ensures that the integrity of the headland, including cliffs and vegetation, will remain and form a natural backdrop. A Landscape Restoration and Planting Methodology provided with the application (Appendix 3 of the LVEA) also aims to help mitigate effects on landscape character by maintaining a vegetated edge along the headland behind the shared path.
134. The LVEA concludes that the proposed revetment structure will have moderate effects on the landscape character of the site. However, the character and style of the proposed structures are considered to be appropriate and sympathetic to the local area, and will not detract from the overall quality of the natural environment.
135. Overall, any adverse effects on visual amenity and natural character are considered to be less than minor.

**Council comments:**

136. The applicants LVEA was reviewed by Richard Bain – Principal Landscape Architect, Bluemarble, at the request of NPDC. The review was based on peer review guidelines in the NZILA Aotearoa New Zealand Landscape Assessment Guidelines – Te Tangi A Te Manu.
137. The review states that *“it is unfortunate (from a landscape character perspective) that the preferred solution is to construct a 12m wide rock revetment and concrete path in an area of high natural character. The resultant landscape change is to introduce a*

*man-made 'hard' structure into a coastal edge that is defined by natural coastal and river processes. Therefore, there is not contextual rationale that mitigates potential adverse effects on the area's natural character. However, effects on the wider area's character are reduced by the relatively small scale and extent of the works".*

138. Mr Bain agrees that the landscape and visual effects of the rock revetment structure are moderate, and therefore considers that this equates to adverse effects being more than minor<sup>7</sup>.
139. Mr Bain considered that the landscape and visual effects associated with the proposed bridge are low, which equates to less than minor.
140. Renee Davies – Landscape Architect, NPDC, provided an addendum to the application, dated 31 January 2024. The addendum was in response to a request for further information from the Council, and the review undertaken by Mr Bain. The addendum states that *"the visual effects for the proposal range in the medium to long-term (after construction) from very low to moderate. For the different viewing audiences, there are two that sit at moderate effects with the remaining there being very low, low-moderate or low. As the viewing audience and proposed component of the proposal (bridge or shared pathway) are quite different, there is no overall visual effect that summarises in totality"*.
141. Both the review undertaken by Mr Bain, and the addendum provided by Ms Davies, concur that the landscape and visual effects associated with the bridge structure are low, and are therefore less than minor. Both also consider the effects associated with the revetment structure to be moderate. However for the purposes of this assessment, I consider that any adverse effects associated with the part of the structure that falls within the CMA are less than minor, as it is likely that this part of the structure will be covered by sand and/or the river for the majority of the time, and will therefore rarely be seen.

## **10.5 Archaeological and cultural effects**

142. Hauranga Pā, located within the Weld Road Reserve, was of significant and symbolic importance to Māori before and post-European settlement. Therefore, it remains an important marker of whakapapa and a waahi tapu to local Māori.
143. An Assessment of Archaeological Effects (AAE) was provided with the application (Appendix I), which identifies several archaeological sites in the vicinity of the proposed structures. As a precaution, given the proximity to recorded archaeological sites, a general Archaeological Authority to modify the identified sites is being applied for under s42(1) of the Heritage New Zealand Pouhere Taonga Act (HNZPTA) 2014. The scope of the authority application covers all earthworks, vegetation removal, and construction.
144. Minimising any adverse effects on cultural values is another central aim of the proposal. As only mana whenua can determine the potential cultural effects associated with the activities, the applicant engaged Ngāti Tairi, Ngā Mahanga, and Oākura Pa Trustees, and invited the hapū groups to prepare a Cultural Impact Assessment (CIA). This was not provided with the application.
145. The application states that in the absence of a CIA at the time of lodgement, it is difficult to quantify the exact level of effects of the proposed structures on cultural values. However, the applicant continues to consult with hapū and have asked them to provide draft consent conditions. Proposed measures such as avoiding key periods for birds, adhering to an Accidental Discovery Protocol, and implementing the Landscape

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<sup>7</sup> In accordance with the matrix included in NZILA Te Tangi te Manu (page 151).

Restoration and Planting Methodology (Appendix 3 of the LVEA) will address some of the potential effects identified in the Taiao Taiora Taranaki Iwi Management Plan.

146. Overall, it may be concluded that the effects on cultural values are no more than minor.

**Council comments:**

147. Although the Council cannot comment on or assess the effects of this proposal on mana whenua values, and consider it best practice for applicants to undertake consultation prior to lodgement, it is considered that the proposal within the scope of the application, would not contravene the relevant objectives and policies of the Taiao, Taiora – Environmental Management Plan for Taranaki Iwi (identified in Table 3 of this report).
148. In this case, the Council informed Te Kahui o Taranaki Iwi Trust of the applications and invited any comments. No return correspondence has been received as of finalising this report.
149. Te Kahui o Taranaki Iwi Trust, Ngā Māhanga hapū, and Ngāti Tairi hapū were all served notice of the application, but did not make a submission.

## 10.6 Positive effects

150. The definition of 'effect' in the RMA also includes "*positive effects*". The applicant has identified the following positive effects:
- The revetment structure will provide an alternative route around Hauranga Pā which, in addition to the existing fencing, will help to preclude public access directly across the pa site. This will help to avoid further degradation of the archaeological features caused by informal walking and cycling trails that have developed;
  - The works will provide safe and convenient public access to and through the coastal environment, which forms part of the 10 km Oākura Coast Trail. The replacement of the bridge will reconnect Lower Ahu Ahu Road to Weld Road, and the new pathway will allow people to safely navigate this area at high tide.
  - The new bridge has been designed to create more resilience against scour by increasing its length.
151. Section 104(1)(ab) of the RMA also requires the decision maker to have regard to any measure proposed by the applicant to ensure positive effects to offset or compensate for adverse effects. The applicant has not proposed any offset or compensation measures in this case, as the application states that they are not considered necessary.

## 10.7 Summary of effects

152. Overall, I believe any adverse effects can be appropriately avoided and/or mitigated by undertaking the proposed works in accordance with the information provided in the application, and adhering to the recommended consent conditions.

## 11. Statutory assessment

### 11.1 Consideration of application (Section 104)

153. Section 104(A) of the RMA outlines the matters which, subject to Part 2 of the RMA, the consent authority must have regard to in considering an application.

154. The Court of Appeal considered the application of Part 2 under section 104 in *R J Davidson Family Trust v Marlborough District Council*<sup>8</sup>. That decision found it is necessary to consider Part 2 in making decisions on consent applications, where it is appropriate to do so. Whether it is "*appropriate*" depends on the planning documents in question.
155. The Court of Appeal stated that consent authorities should continue to undertake a meaningful assessment of the objectives and policies of the relevant plan. Where those documents have been prepared having regard to Part 2 of the RMA, and with policies designed to achieve clear environmental outcomes, consideration of Part 2 is not likely to be necessary as "*genuine consideration and application of relevant plan considerations may leave little room for Part 2 to influence the outcome*". The consideration of Part 2 is not prevented, but it cannot be used to justify an application that is otherwise not supported by objectives and policies.
156. In light of this judgment, Part 2 of the RMA is required to be considered when determining an application for resource consent, but the objectives and policies still hold significant weight, and in most cases (unless the plan has not been prepared in accordance with Part 2), will largely be determinative unless the consent authority has doubt as to whether the planning documents have been prepared in a manner that appropriately reflects Part 2.
157. In this case I am satisfied that, with respect to the activity being considered, the policy documents give effect to Part 2. I have therefore made no specific Part 2 assessment.
158. Section 104(1)(b) of the RMA requires the decision maker to have regard to the relevant provisions of the following documents:
  - a. A national environmental standard;
  - b. Other regulations;
  - c. A national policy statement;
  - d. A New Zealand coastal policy statement;
  - e. A regional policy statement or proposed regional policy statement; and
  - f. A plan or proposed plan.
159. Of relevance to this application are the following documents and provisions:
  - a. New Zealand Coastal Policy Statement (NZCPS)
  - b. National Policy Statement for Freshwater Management 2020 (NPS-FM)
  - c. Regional Policy Statement for Taranaki (RPS)
  - d. Regional Coastal Plan for Taranaki (RCP)
160. Section 104(3)(c)(v) states that a consent authority must not grant a resource consent contrary to section 55(2) of the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA). To date, no protected customary rights or customary marine titles have been issued for the Taranaki region. Section 62(3)(b) of MACA requires a consent applicant to notify and seek the views of any group that has applied for recognition of customary marine title in the relevant area. In this case, the applicant has consulted with, and sought the views of, Ngā Mahanga and Ngāti Tairi hapū (on behalf of Taranaki Iwi) before lodging the application.

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<sup>8</sup> *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316, [2018] 3 NZLR 283.



### 11.1.1 New Zealand Coastal Policy Statement (NZCPS)

161. The NZCPS is a statutory document which is required under the RMA. The purpose of the NZCPS, as stated in section 56 of the RMA, is ‘... to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand’.
162. The NZCPS became operative on 3 December 2010 and provides directives regarding the management of the natural and physical resources within New Zealand’s coastal environment. Regional policy statements and regional coastal plans must give effect to the NZCPS, therefore the majority of its objectives and policies have been refined and expanded in the CP, which is assessed below. Accordingly, only those relevant policies of the NZCPS which are not already covered by the CP, have been considered here.
163. The only policy that is not specifically discussed in section 10.1.3 below is Policy 10 – reclamation and de-reclamation. Reclamation has not been assessed as a separate activity (i.e. reclamation is considered to be covered by occupation), however for completeness, it is included here. Policy 10 states that reclamation should be avoided unless there are no practical alternative methods. In this case, the application states that it was not viable to achieve convenient, sustainable access without some reclamation of the CMA.

### 11.1.2 National Policy Statement for Freshwater Management (NPS-FM)

164. The NPS-FM came into effect on 3 September 2020, and sets out the objectives and policies for freshwater management under the RMA. It applies to all freshwater and, to the extent they are affected by freshwater, receiving environments that include estuaries and the wider coastal marine area.
165. In this case, the proposed activity will not result in any loss of river values or extent, and will not restrict fish passage.

### 11.1.3 Regional Policy Statement for Taranaki (RPS)

166. The Regional Policy Statement for Taranaki (RPS) is a statutory document which provides an overview of the resource management issues of the Taranaki region, and the policies and methods required to achieve integrated management of the natural and physical resources of the whole region. The RPS has been operative since January 2010.
167. The RPS contains a number of objectives and policies which are relevant to this application. Chapter 8 – *Coastal environment* of the RPS includes objectives and policies relating to protecting the natural character of the coast; maintaining and enhancing coastal water quality; and maintaining and enhancing public access to and along the coast environment. The RPS also includes objectives and policies regarding indigenous biodiversity and resource management issues of significance to iwi authorities. As these policies have been refined and expanded on in the CP (which is assessed below) they have not been repeated here.

### 11.1.4 Coastal Plan for Taranaki (CP)

168. The CP addresses the sustainable management of the coastal environment in the Taranaki region.
169. The CP includes objectives and policies that give effect to the NZCPS and the RPS.
170. Objectives and policies of the CP that are particularly relevant to the activity are summarised and discussed in Table 2 below.

**Table 2: CP objectives and policies of particular relevance**

Objective/Policy Number	Commentary	Assessment
<b>Objectives and General policies (apply in the whole coastal environment)</b>		
Objective 2 Policy 5	Determine whether use and development of the coastal environment is in an appropriate place and form and within appropriate limits by having regard to specific listed matters.	There is a functional and/or operational need for the proposed structures to be located within the CMA. The structures will enhance public access/use of the coast, while also helping to protect Hauranga Pā. Adverse effects associated with the proposal will not be more than minor, and can be appropriately avoided and/or mitigated.
Objective 6 Objective 7 Policy 10	Protect the natural character, features and landscapes of the coastal environment not addressed in Policy 9 by avoiding significant adverse effects, and avoiding, remedying and mitigating other adverse effects on natural character and natural features and landscapes.	The adverse effects on natural character, and natural features and landscapes is discussed in section 10 of this report. Overall, and with particular regard to what is being authorised by this consent, any adverse effects are considered no more than minor. The bridge will be similar in visual appearance to the original bridge, and the part of the structure located within the CMA will be covered by sand and/or the stream.
Objective 4 Objective 5 Policy 12	Maintain coastal water quality where it is good or enhance coastal water quality where it is degraded by avoiding, remedying and mitigating the adverse effects of activities.	Any impact on coastal water quality will be temporary during construction works. The site can be managed to ensure any adverse effects are avoided and/or mitigated.
Objective 8 Policy 15 Policy 16	Protect significant indigenous biodiversity in the coastal environment, and maintain or enhance indigenous biodiversity generally in the coastal environment.	As discussed in section 10, any adverse effects on indigenous biodiversity are expected to be no more than minor. Several management plans are proposed to ensure that site is managed in such a way to avoid and/or mitigate any effects on vegetation, avifauna and herpetoana.
Objective 11 Policy 17	Maintain or enhance taonga species as identified in Schedule 5.	The proposal will not have any adverse effects on taonga species.
Objective 11 Policy 18	Protect historic heritage in the coastal environment from inappropriate subdivision, use and development.	The proposal aims to help protect Hauranga Pā from further coastal erosion and damage caused by inappropriate access.
Objective 9 Objective 10 Policy 19	Recognise and provide for the relationship of tangata whenua culture, values and traditions with the coastal environment and take into account the principles of the Treaty of Waitangi, and Kaitiakitanga.	The applicant has consulted with, and continues to consult with Ngā Mahanga and Ngāti Tairi hapū. The views of the hapū were taken in to consideration during design of the structures, and they were also invited to prepare a CIA. No submissions were received by either hapū.
Objective 12 Policy 20	Identifying specific provisions to maintain and enhance public access along the coast.	The proposed structures will enhance and improve public access to this part of the coastal environment in the long term. Access will be temporarily affected during construction, however this is for safety purposes.
Objective 12 Policy 21	Maintain and enhance significant amenity values by avoiding, remedying or mitigating adverse effects on scheduled: coastal sites, surf breaks and historic heritage sites.	Amenity values will be improved in the long term as the proposed structures will create better access around the headland, and over time they will blend into the surrounding environment. Amenity may be affected during construction, however any adverse effects will be temporary.
Policy 22	Protect surf breaks and their use and enjoyment from the adverse effects of other activities.	As discussed in section 10, the proposed structures will not adversely affect the adjacent surf breaks.
Objective 13 Policy 23	Avoid increasing the risk of social, environmental and economic harm from coastal hazards or posing a threat to public health and safety, or aircraft or navigation safety.	The structures are not expected to exacerbate the coastal hazard risk, and instead will provide safer public access through the foreshore in most weather/tide conditions.
<b>Activity specific policies (apply only in the CMA)</b>		
Policy 25	Discharges of contaminants to water in the CMA must be of an acceptable quality; avoid the accumulation of persistent toxic contaminants in the environment; adopt the best practicable option for treatment and discharge; reduce adverse environmental effects where appropriate; use the smallest mixing zone necessary to achieve the desired water quality; and avoid, remedy or mitigate adverse effects after reasonable mixing.	Any discharges of contaminants (mainly sediment) will be temporary, and can be managed in such a way to avoid and/or mitigate any adverse effects.

Policy 34	Allow structures in appropriate locations subject to the appropriate management of adverse effects if the structure provides for public access and use of the CMA; public health and safety; scientific or educational study or research; and the efficient operation of regionally important infrastructure.	The proposed structures will provide for public access and use of the CMA.
Policy 35	Placement of structures in the CMA, must generally be limited to those that have a functional need or operational need in the CMA; must not be located in areas identified in Schedule 1; should be placed in an appropriate location with consideration given to the sensitivity of the environment; must be designed, located and managed to avoid, remedy or mitigate adverse effects; should be available for public use; where appropriate, should be made of materials that minimise effects on natural character and amenity.	There is a functional and operational need for the proposed structures to be located within the CMA. The revetment structure will help to protect Hauranga Pā from further degradation, and it has been designed to avoid and/or mitigate any adverse effects on the environment.
Policy 37	Hard protection structures are discouraged and the use of alternatives promoted, whilst recognising that hard protection structures may be the only practicable means to protect existing nationally and regionally important infrastructure.	The application states that many alternatives to the shared pathway/revetment structure were considered. However it was not viable to achieve convenient, sustainable access around the pa site without some form of hard protection structure. The revetment structure is considered the best practicable option when balancing the need to provide safe access with having the least amount of environmental impact. Both structures will also provide a connection to the Oākura Coast Trail (a highly valued walking/cycling route).
Policy 41	Decommissioning and removal of any new structure must be considered as part of the initial design and installation and removal will generally be required.	In this case, removing the structure may result in adverse effects that are greater than leaving it in situ, particularly with regards to penguins.
Policy 42	Structures and activities occupying space in the CMA should be established and operated in a manner that does not reasonably restrict or prevent other users of the CMA. Occupation should be avoided where it will have significant adverse effects on public use.	The proposed structures will not restrict or prevent other users of the CMA.
Policy 45	Activities that cause disturbance of the foreshore or seabed must be managed with regard to site specific values; avoid significant adverse effects caused by contaminants; avoid, remedy or mitigate adverse effects; ensure that the foreshore or seabed is reinstated as far as practicable, that is consistent with the natural character and visual amenity.	There will be some minor disturbance of the foreshore/seabed associated with the installation of the revetment structure. This activity will be managed to avoid and/or mitigate any adverse effects on site specific values. Any disturbance will also be temporary.

171. Overall the proposal is not considered contrary to the relevant objectives and policies above.

#### 11.1.5 Other relevant matters

172. In accordance with Section 104(1)(c), the consent authority can consider any other matter relevant and reasonably necessary to determine the application. In this case, *Taiao, Taiora – An Iwi Environmental Management Plan for the Taranaki Iwi Rohe*, is a matter that the decision maker may wish to consider.

173. *Taiao, Taiora* is a document which supports the vision of Taranaki Iwi to guide and inform decision making by empowering marae/pa, hapū and whanau as kaitiaki of their rohe. The issues described in the document describe the challenges to achieve this vision, and the policies and actions guide Taranaki Iwi and others to connect with, enhance and sustain the environment.

174. Iwi Management Plans are also guides to assist central government agencies, regional and district councils and other consenting authorities with understanding the issues of significance to Iwi, and for input into resource consent and plan development/review processes.
175. Although the Council cannot comment on or assess the effects of this proposal on mana whenua values, it is considered that the proposal within the scope of the application, would not directly contravene the relevant objectives and policies of the Taiao, Taiora. The relevant objectives and policies are included in Table 3 below.

**Table 3: Taio Taiora objectives and policies of particular relevance**

Objective/Policy Number	Commentary
Objective 11.2.2 (8)	The natural character of the coastal margins will be protected from inappropriate use and development.
Objective 11.4.2 (1)	"Mai i te Kāhui Mounga ki Tangaroa" – the capacity and integrity of the aquatic environment, habitats and species are sustained and enhanced at levels that provide for current and future use.
Objective 11.4.2 (2)	The mouri of Tangaroa-ki-tai in the Taranaki Iwi rohe will be protected, cared for and restored.
Objective 11.4.2 (3)	That all coastal waters are clean enough for swimming and kai gathering.
Objective 11.4.2 (4)	Coastal habitats are protected from adverse development and introduced species.
Policy 11.4.3 (2)	A holistic approach will be taken to activities in the coastal area considering the impacts on the wider environment which may arise.
Objective 11.6.2 (5)	Important habitats for wildlife will be protected from external threats so they are sustained and are able to flourish.

## 12. Summary and conclusions

176. The applicant proposes to erect a replacement bridge and a hard protection structure (rock revetment) within the CMA, adjacent to Weld Road Reserve.
177. Only the main part of the bridge (not the abutments), and the section of the revetment structure located within the Whenuariki Stream, are located within the CMA i.e. below MHWS.
178. As both structures straddle the CMA, the applicant also requires a landuse consent from NPDC.
179. The applicants LVEA was reviewed by Richard Bain – Principal Landscape Architect, Bluemarble, at the request of NPDC. Mr Bain agreed that the landscape and visual effects of the rock revetment structure were moderate, and therefore determined that adverse effects were more than minor (in accordance with the matrix included in NZILA Te Tangi te Manu). The landuse consent was publicly notified on this basis.
180. In order to align the consenting process with that of NPDC, the applicant requested that this application also be publicly notified. Overall, I don't consider the adverse effects associated with the proposed structures to be more than minor, therefore this application would not have been publicly notified had the applicant not requested it.
181. Although beneficial in the long-term, the proposed structures may have some impact on Hauranga Pā during construction. As the pa site is of significant value to Taranaki Iwi, Ngā Mahanga hapū and Ngāti Tairi hapū, they are considered to be adversely affected by the activity. Notice was served on all three parties (as part of the public notification process), however no submissions were received.

182. Two submissions were received, one in support, and the other in opposition. Both submitters have subsequently withdrawn their request to be heard at a hearing. The points raised in both submissions have still been given regard to as part of this assessment.
183. The submission from Ms Smither questioned the idea that the subject site is not identified as having high natural character. The applicants AEE and the peer review by Mr Bain both state that the area *does* have high natural character. However, it is not identified in the CP as an area of 'outstanding value'. Regardless, as this consent only assesses the section of the revetment structure located within the CMA i.e. within the Whenuariki Stream, any adverse effects on natural character and visual amenity are considered less than minor as it is likely that this section of the revetment structure will not be seen for the majority of the time.
184. Ms Smither's submission also mentioned potential adverse effects on nesting shags and grey herons. However, as discussed in section 10, the Council's Marine and Terrestrial Ecologists don't have any reason to believe that these birds are nesting in this area.
185. An assessment of environmental effects has been undertaken in section 10 of this report. Overall, any adverse effects are considered acceptable and can be appropriately managed by consent conditions.
186. In order to address the main effects associated with the proposed activity, recommended consent conditions require the applicant to submit an Erosion and Sediment Control Plan (for certification by the Council); undertake the works in accordance with the Penguin Management Plan (already provided to the Council); and provide confirmation that the structures have been installed in accordance with good engineering practice.
187. Recommended consent conditions also require the applicant to continue to monitor the structures and the surrounding area following completion of works.

### **13. Recommendation**

188. Having had regard to:

- the matters in Section 104,
- the relevant objectives and policies of the NZCPS, the RPS, and the CP;
- the concerns raised by submitters; and
- that consent is able to be granted in accordance with Section 104B of the RMA;

my recommendation to the Operations & Regulatory Committee is that consent 11174-1.0, *to erect a replacement bridge and a hard protection structure (rock revetment), and any associated occupation of coastal space, disturbance to the foreshore and seabed, and discharge of sediment, be granted* for a period ending on 1 June 2059, subject to the recommended conditions.

#### **13.1 Conditions of Resource Consent (Section 108)**

189. Section 108 of the RMA enables the consent authority to impose conditions subject to those restrictions specified in Section 108 and Section 108AA.
190. If the decision maker agrees with my recommendation to grant this consent, I recommend conditions be imposed.

### 13.2 Consent duration and review dates (Section 123)

191. Section 123 of the RMA details the possible durations of resource consents. The applicant has sought a consent duration of 35 years.
192. In considering an adequate consent duration, I have had regard to the following factors developed through case law that are relevant to the determination of the duration of a resource consent<sup>9</sup>:
- a. The duration of a resource consent should be decided in a manner which meets the RMA's purpose of sustainable management;
  - b. Whether adverse effects would be likely to increase or vary during the term of the consent;
  - c. Whether there is an expectation that new information regarding mitigation would become available during the term of the consent;
  - d. Whether the impact of the duration could hinder implementation of an integrated management plan (including a new plan);
  - e. That conditions may be imposed requiring adoption of the best practicable option, requiring supply of information relating to the exercise of the consent, and requiring observance of minimum standards of quality in the receiving environment;
  - f. Whether review conditions are able to control adverse effects (the extent of the review conditions proposed is also relevant bearing in mind that the power to impose them is not unlimited);
  - g. Whether the relevant plan addresses the question of the duration of a consent;
  - h. The life expectancy of the asset for which consents are sought;
  - i. Whether there was/is significant capital investment in the activity/asset; and
  - j. Whether a particular period of duration would better achieve administrative efficiency.
193. Taking the above reasoning's into consideration, including the applicants requested consent duration, I have recommended a duration of 35 years for the proposed activity.
194. The recommended conditions also provide for 6-yearly reviews of the consent conditions to ensure the ongoing effects of the activity are suitability mitigated.

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<sup>9</sup> *Ngati Rangi Trust v Genesis Power Ltd* [2009] NZRMA 312 (CA); *Genesis Power Ltd v Manawatu-Wanganui Regional Council* (2006) 12 ELRNZ 241, [2006] NZRMA 536 (HC); *Royal Forest and Bird Protection Society of New Zealand Inc v Waikato Regional Council* [2007] NZRMA 439 (EnvC); *Curador Trust v Northland Regional Council* EnvC A069/06.

Prepared by: Knoll Date: 9 September 2024

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Name: Kim Giles  
*Principal Planner - Resource Consents*

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Reviewed by: Miller Date: 12 September 2024

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Name: Leah Miller  
*Manager – Resource Consents*

## RECOMMENDED CONDITIONS

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### Resource Consent: 11174-1.0

**Applicant: New Plymouth District Council**

**Recommended Expiry Date: 1 June 2059**

**Purpose: To erect a replacement bridge and a hard protection structure (rock revetment), and any associated occupation of coastal space, disturbance to the foreshore and seabed, and discharge of sediment**

#### General condition

- a. The consent holder must pay to the Taranaki Regional Council (the Council) all the administration, monitoring and supervision costs of this consent, fixed in accordance with section 36 of the Resource Management Act 1991.

#### Special conditions

1. The exercise of this consent must be undertaken in general accordance with the information submitted in support of the application for consent 11174-1.0. In the case of any contradiction between the documentation and the conditions of this consent, the conditions of this consent shall prevail.
2. The rock revetment structure must be erected in general accordance with the tender issue plans, dated Feb 22, included in document #3254675 (Appendix B), provided to the Council on 11 March 2024. In the case of any contradiction between the drawing(s) and the conditions of this consent, the conditions of this consent shall prevail.
3. The consent holder must notify the Council in writing, at least 48 hours prior to commencement and upon completion of work. Notification must include the consent number, a brief description of the work, and the intended commencement date/completion date. Unless the Council advises that an alternative method is required, this notice must be served by completing and submitting the 'Notification of work' form on the Council's website (<http://bit.ly/TRCWorkNotificationForm>)
4. At least 2 days prior to commencing works, the consent holder (or their representatives) must request a meeting on site with a Council Officer directly responsible for monitoring compliance with this consent. The purpose of the meeting is for the consent holder to detail the proposed measures to achieve compliance with the conditions of this consent.
5. No works shall commence on site until an Erosion and Sediment Control Plan (ESCP) has been certified by the Council. The ESCP must be prepared in accordance with the current Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region (Guideline Document 2016/005, Incorporating Amendment 3), with specific reference to Section H – Works within the Coastal Environment, unless otherwise agreed upon by the Council. If there is any conflict between the ESCP and the consent conditions, the consent conditions shall prevail. The ESCP must provide all relevant information to the activity, including but not limited to, the following:



- a. the timing of works;
  - b. good site practices;
  - c. access to and from the site for vehicles and machinery;
  - d. the staging of each area and how the staging relates to the erosion and sediment control devices;
  - e. the design criteria and dimensions of all key erosion and sediment control structures;
  - f. works monitoring, including routine monitoring, rainfall triggers and significant rainfall event contingencies;
  - g. identification of key roles and responsibilities for ESCP implementation;
  - h. spill contingency planning; and
  - i. stabilisation methods that will be used, including where and when.
6. The site must be operated in accordance with the certified ESCP and any certified variation thereafter. Any amendments to the ESCP must be submitted to the Council for re-certification prior to commencing earthworks subsequent to those changes.
  7. The consent holder must, as far as practicable, minimise disturbance of the foreshore and coastal marine area by:
    - a. completing all works as quickly as possible;
    - b. minimising the area and volume of disturbance;
    - c. reinstating any disturbed areas as quickly as possible.
  8. Fish passage must be provided for in the Whenuariki Stream, during and after the completion of works.
  9. The consent holder must take all practicable steps to prevent contaminants discharging to the foreshore or coastal marine area, including by:
    - a. checking any machinery for leaks, and ensuring that machine refuelling and fuel storage occurs where no fuel can enter a water body in the event of a spillage; and
    - b. ensuring that machinery is not cleaned or stored on the foreshore or in the coastal marine area.
  10. Any uncured concrete work carried out within the foreshore or coastal marine area must be completely separated from tidal and/or moving water.
  11. The consent holder must undertake the works in accordance with the *Penguin Management Plan for Weld Road* (PMP), dated February 2024, document #3254675 (Appendix A), and any certified variation thereafter, in order to avoid any adverse effects on penguins or active penguin nests. Any amendments to the PMP must be submitted to the Council for re-certification prior to commencing works subsequent to those changes.
  12. The consent holder must install signage in public view near the construction area. The signage must include, at a minimum:
    - a. a description of the works being undertaken;
    - b. the purpose of the works;
    - c. any safety precautions for the public; and
    - d. the construction schedule, including days and times when public access will be restricted.

13. The signage must be installed prior to commencing works, must remain in place for the duration of the works, and must be removed upon completion.
14. The consent holder must maintain unrestricted public access to the greatest extent practicable, except during construction activities or in areas where public safety would be endangered as a result of the works being undertaken.
15. In the event that any archaeological remains are discovered as a result of works authorised by this consent, the works must cease immediately at the affected site and tangata whenua and the Council, must be notified within one working day. Works may recommence at the affected area when advised to do so by the Council. Such advice must be given after the Council 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 Heritage New Zealand Pouhere Taonga must also be contacted as appropriate, and the work must not recommence in the affected area until any necessary statutory authorisations or consents have been obtained.
16. Noise generated by work in the coastal marine area associated with undertaking activities authorised by this consent must meet the following:
  - a. the activities will not cause excessive noise (defined in Section 326 of the Resource Management Act 1991); and
  - b. any construction activities must comply with the requirements of *New Zealand Standard NZS 6803:1999 Acoustics – Construction noise*.
17. Within 2 months of completion of the structures authorised by this consent (the rock revetment and bridge), the consent holder must submit documentation to the Council as set out below:
  - a. A baseline "as built" survey plan of the structures authorised by this consent;
  - b. Written certification from a person with a professional qualification and proven current competence through registration on a national competence-based register, such as Chartered Professional Engineer (CPEng), confirming that the structures have been built in accordance with good engineering practice and in accordance with the conditions of this consent.
18. The consent holder must maintain the structures in a safe and sound state such that:
  - a. They do not fall into a state of disrepair and continue to function effectively for the purpose they were designed;
  - b. Their structural integrity is maintained;
  - c. There is no settlement or loss of foundation material; and
  - d. Erosion of the foreshore or seabed which has been demonstrated by monitoring to be a direct result of the rock revetment structure, is minimised as far as practicable.
19. Within 6 months of completion of the rock revetment structure, the consent holder must undertake monitoring of the foreshore and seabed in the vicinity of the structure in accordance with a Monitoring Plan that has been certified by the Council. The Monitoring Plan must identify the techniques, methodologies, procedures and reporting requirements that will determine compliance with condition 18 above.

**Advice note:** *Compliance with this condition would generally be achieved by using techniques, methodologies and procedures that align with those in the “Coastal Structure Monitoring Specification Report” prepared for the Taranaki Regional Council by Tonkin & Taylor Ltd November 2014. Compliance may also be achieved using other means provided they achieve an equivalent or greater level of survey accuracy and the results can be compared with those from the methods outlined in the Coastal Structure Monitoring Specification Report.*

20. This consent lapses 5 years after its date of commencement, unless the consent is given effect to before the end of that period or the consent holder has applied for an extension before the end of that period or the Council fixes a longer period pursuant to section 125(1)(b) of the Resource Management Act 1991.
21. In accordance with section 128 and section 129 of the Resource Management Act 1991, the 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 2030 and every 6 years thereafter, 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.