

**IN THE MATTER OF**  
**AND**

The Resource Management Act 1991

**IN THE MATTER OF** Application to remove existing rail and log  
structure and install new rock protection  
works at Wainui Beach by Gisborne  
District Council (Rivers and Drainage  
Section)

**STATEMENT OF EVIDENCE OF CHRISTOPHER STAITE ON BEHALF OF THE  
DIRECTOR GENERAL OF CONSERVATION**

East Coast Bay of Plenty Conservancy  
Department of Conservation  
PO Box 1146

## Rotorua 3010

**INTRODUCTION**

1. My name is Christopher Staite. I am a Community Relations Officer – Planning at the East Coast Bay of Plenty Conservancy of the Department of Conservation.
2. I have a Bachelor in Science with Honours in Geology from the University of Otago and a Masters of Regional and Resource Planning, also from the University of Otago. I been employed by the Department for over eight years in the field of resource management planning, and have been involved in a number of significant coastal hazard issues in the Bay of Plenty, including similar seawall application.
3. I am presenting these comments to support the Director General of Conservation in these proceedings and to elaborate on the Director General's submission.

**THE SITE - WAINUI BEACH**

4. Wainui Beach is a popular coastal location, with high amenity and public recreational values. It also has a significant number of houses that were situated on erosion prone dune areas, and this has resulted in a number of historical attempts at protecting property.

5. From the late 1920s (shortly after settlement) to recent times, hard structures have been placed to attempt to protect this land from erosion.
6. It is noted that the proposed rock revetment is designed for partial protection of land, rather than full protection, as the design height is considerably lower than the estimated wave run-up during the predicted "1 in 100 year" event.

### **THE RESTRICTED COASTAL ACTIVITY STATUS OF THE APPLICATION**

7. The application is well described in the Officers' Reports, and is a non-complying activity under the Part Operative Combined Land and District Plan.
8. The rock revetment structure is classified as a Restricted Coastal Activity (RCA) by Schedule 1 of the NZCPS 1994, the Transitional Regional Coastal Plan, and the Proposed Regional Environment Coastal Plan due to its length parallel to the shore.
9. For RCA's notified after the commencement of the Resource Management (Simplifying and Streamlining) Amendment Bill 2009 on 1 October 2009, the Hearing Committee makes the final decision as the Regional Council is the consent authority for the coastal permit, as per Section 117(2) of the RMA.

### **THE OFFICERS REPORT**

10. The Officers report covers the relevant planning instruments in detail. I will refer to specific provisions where required in this evidence.

### **STATUTORY AND NON –STATUTORY DOCUMENTS**

#### **The New Zealand Coastal Policy Statement**

11. Most of the applicable policies of the NZCPS have been appropriately addressed in the Officer's Report, both in the Statutory Framework analysis in Appendix II and in the individual reports.

12. However, Policy 3.4.6 has not been addressed. I consider that particular emphasis should be placed upon this policy, as the provisions contained in it are critical in the consideration of applications for coastal protection works;

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

13. It is clear that coastal protection works should only be permitted where they are the best practicable option for the future. I note that “best practicable option” is not defined in the NZCPS. Instead, the committee must refer instead to the provisions provided by section 2 of the Act in light of the submissions and evidence presented to it, in order to determine if this policy is being met.<sup>4</sup>

### **Wainui Beach Management Strategy**

14. Following a decade of court action, mediation on a consent application to construct foreshore protection works resulted in a consent order establishing a Wainui Beach Management Strategy Committee consisting of Council, local residents and the Department to develop the Wainui Beach Management Strategy.

15. This Strategy (Appendix F of the application) was accepted by the Gisborne District Council on 14 August 2003. Although a non-statutory Strategy, I believe that it should be taken into account in your decision pursuant to the provisions of Section 104(1)(c) of the RMA.

16. As summarised in the Planner's Reports, this Strategy recognises that Wainui Beach has varying physical features over its length, and that management strategy proposals made must be on the basis of considering what is the best practical option for each section of the beach.
17. It identifies the preferred beach management option for the coastline from Tuahine Crescent Accessway to Wainui Stream in section 4.3, which forms the basis of this application.

### **THE SUBMISSION OF THE DIRECTOR GENERAL**

18. The submission of the Director-General expressed conditional support for the application, provided conditions were imposed addressing potential adverse effects, including;
- Restoration of the Natural Character of the Coastal Environment
  - The maintenance and enhancement of public access to and along the Coastal Marine Area
  - The avoidance of adverse effects on indigenous wildlife
  - Future planning for a more permanent solution at the end of the consent term

### **Restoration of the Natural Character of the Coastal Environment**

19. The removal of the existing degraded rail irons and log wall, and construction of a new rock revetment has the potential to restore some of

the natural character of Wainui Beach, and is consistent with Policy 1.1.5 of the NZCPS.

20. Generally coastal protection structures designed in a comprehensive manner and installed and maintained by an authority have less impacts on natural character than unmaintained ad-hoc structures.
21. It is important that, if consented, the structure is monitored and maintained, to ensure it does not become derelict or ineffective.

### **Maintenance and Enhancement of Public Access to and Along the Coastal Environment**

22. Section 6(d) of the RMA identifies this matter as one of national importance.
23. The Further Information provided by the applicant (Appendix IV of the Officer's Report) addresses this through stating that the three current public accessways to the beach will be maintained, aside from the temporary unavailability of a single accessway for safety reasons. This will maintain the current access to the beach, and the proposed replacement of the Tuahine Accessway Steps will serve to enhance this access slightly.
24. Proposed condition 16 of consent no. PD-2009-104168-00 requires that at least one public access to the foreshore, within the affected portion of the beach, shall remain open at all times. Given that the further information states that at all times at least two public accessways will be available for use, it may be appropriate that this condition be changed to require that two public accessways remain open at all times.
25. The information given in the application, that sand will cover the majority of the revetment for most of the year is accepted, and this will result in no

more disruption to access along the foreshore as at present, given seasonal and storm event changes.

### **The avoidance of adverse effects on indigenous wildlife**

26. The imposition of the proposed condition requiring a visual assessment prior to any works to determine the location of any bird nesting sites, and a 100m 'buffer' to the commencement of any work around an identified nest site, is supported as enabling the avoidance of these adverse effects (Proposed condition 10, consent no. PD-2009-104168-00).
27. The attached advice note requires that an appropriately skilled and experienced person carry out this work, and suggests that this may be completed by the Department. This would be dependant on staff availability at any time.
28. I suggest that this advice note be amended to require the consent holder to contact the Department at the Gisborne Area Office at least 5 working days before planned work commencement to be informed of the potential for bird nesting and any requirements for nest identification and potential relocation.

### **Future Planning**

29. The submission of the Director-General requested a condition that Council be required to, over the life of the consent, investigate further more permanent solutions to the erosion issue at this location so as to be in a position to address the issue at the end of the consent term, taking into account climate change and sea level rise.
30. The response by Mr D H Peacock in the Additional Information attached to the Officer's Report is considered appropriate. Although it is agreed that

fixing a hard structure on a retreating coastline is only an 'interim' solution, I accept that there will be opportunities to review the Wainui Beach Management Strategy, as well as the hazard lines, policies and rules of the Proposed Regional Coastal Environment Plan, as required by both physical changes and legislation.

31. The Wainui Beach Management Strategy is considered an appropriate document to address this concern.

## **SUMMARY**

32. I have outlined in my evidence the key policy of the NZCPS relating to the proposal, and an assessment of the application and the proposed conditions on the concerns raised in the Director-General's submission.

33. As stated in the submission, provided these concerns are addressed through appropriate conditions and advice notes, I consider that the Director-General does not oppose the granting of consent.

34. Thank you.



## **APPENDIX ONE – New Zealand Coastal Policy Statement 1994.**

### **CHAPTER 1 - NATIONAL PRIORITIES FOR THE PRESERVATION OF THE NATURAL CHARACTER OF THE COASTAL ENVIRONMENT INCLUDING PROTECTION FROM INAPPROPRIATE SUBDIVISION, USE AND DEVELOPMENT**

#### **Policy 1.1.1**

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

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

#### **Policy 1.1.4**

It is a national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment in terms of:

- (a) the dynamic processes and features arising from the natural movement of sediments, water and air;
- (b) natural movement of biota;
- (c) natural substrate composition;
- (d) natural water and air quality;
- (e) natural biodiversity, productivity and biotic patterns; and
- (f) intrinsic values of ecosystems.

#### **Policy 1.1.5**

It is a national priority to restore and rehabilitate the natural character of the coastal environment where appropriate.

### **CHAPTER 3 - ACTIVITIES INVOLVING THE SUBDIVISION, USE OR DEVELOPMENT OF AREAS OF THE COASTAL ENVIRONMENT**

#### **3.1 Maintenance and Enhancement of Amenity Values**

##### **Policy 3.1.1**

Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.

### **3.2 Providing for the Appropriate Subdivision, Use and Development of the Coastal Environment**

#### **Policy 3.2.2**

Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effects should be mitigated and provision made for remedying those effects, to the extent practicable.

### **3.4 Recognition of Natural Hazards and Provision for Avoiding or Mitigating their Effects**

#### **Policy 3.4.3**

The ability of natural features such as beaches, sand dunes, mangroves, wetlands and barrier islands, to protect subdivision, use, or development should be recognised and maintained, and where appropriate, steps should be required to enhance that ability.

#### **Policy 3.4.6**

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

