



RESOURCE CONSENT

Coastal Permits

In accordance with the provisions of the Resource Management Act 1991 (RMA), and subject to the attached conditions, the Hawke's Bay Regional Council (the Council) grants a resource consent for a non-complying activity to:

Napier City Council
Private Bag 6010
Hawke's Bay Mail Centre
Napier 4142

Consent no.	Activity	Consent type
CL130253R	To undertake a reclamation of the foreshore or seabed.	Discretionary
CL130254M	To temporarily dam water within the CMA, to enable construction of the coastal protection structure	Discretionary
CL130257C	To construct, repair and maintain a coastal protection structure (a rock revetment, a wave spending beach and associated beach support structure) and to modify an existing coastal protection structure (seawall) within the Coastal Marine Area (CMA).	Non-Complying
CL130258O	To occupy space within the CMA with the proposed structures.	Discretionary
CL130259D	To undertake associated construction activities, being to disturb the foreshore or seabed, to deposit materials on the seabed and foreshore, to deposit materials on the foreshore in a manner that will affect an historic heritage feature, and to discharge contaminants (namely soil, cleanfill, sediment, rock, rock fines, and water containing these contaminants) to land within the Coastal Environment and within the CMA	Discretionary

LOCATION

Address of site: Whakarire Avenue, Napier

Legal description (site of structure): Pt Town Section 664 Napier, Sec 1 & 2 SO 10603, and Lot 21 DP 6965.

Map reference (NZTM): Between about: 1934631, 5622713 and 1934908, 5622794.

CONSENT DURATION

The consents are granted for a period expiring on 31 May 2051, except for CL130253R, for which there is no expiry date.

LAPSING OF CONSENT

This consent shall lapse in accordance with section 125 of the RMA on the 31 May 2021, if it is not exercised before that date.

Iain Maxwell
Group Manager
RESOURCE MANAGEMENT GROUP
Under authority delegated by Hawke's Bay Regional Council
27th October 2016

CONDITIONS

1. All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and shall be maintained and repaired as necessary to ensure that the structure remains in a safe and serviceable state.
2. The consent holder shall undertake all operations in accordance with any drawings, specifications, and statements of intent, proposed mitigation measures and other information supplied as part of the application for this resource consent. The consent holder shall undertake all operations in accordance with the following documents provided in support of the application (and as shown in Appendix 1):
 - a) Report dated 20 November 2015: 'Whakarire Ave: Coastal Protection Works Concept Design'. Prepared by: Beca Ltd.
 - b) Plans attached as Appendix 1, and the Final Construction Plan(s) required by condition 4 and 6.

If a conflict arises between any conditions of this consent and the application, the conditions of this consent will prevail.

3. Notwithstanding Condition 2, the wave spending beach shall be constructed from suitably sized limestone rocks, and not greywacke cobbles as shown in the plans attached as Appendix 1.

Notification / Approval of Final Plans

4. At least **20 working days** prior to construction commencing, the consent holder shall provide to the Regional Council (Manager Resource Use) **for approval** a 'Final Construction Plan' of the structure. The Final Construction Plan shall include a layout plan and cross sections of the proposed structures. The consent holder shall also provide at this time a description of any changes from the plan referenced in Condition 2 (and attached Appendix 1), and explain the reasons for these changes.

The Regional Council (Manager Resource Use) shall consider the 'Final Construction Plan' and if it considers that the Final Construction Plan is in general accordance with the plan as specified by condition 2(b), it shall approve the Final Construction Plan. Once approved, the structures shall then be constructed in accordance with the approved Final Construction Plan.

5. The consent holder may commence construction of the structures in accordance with the 'Final Construction Plan' that was submitted in accordance with Condition 4 unless the Regional Council (Manager Resource Use) advises the consent holder in writing within 10 working days of receipt of the Final Construction Plan that it refuses to approve it, and provides reasons why that view is held.
6. Should the Regional Council (Manager Resource Use) refuse to approve the 'Final Construction Plan', construction shall not commence, and the consent holder shall submit a revised plan to the Regional Council (Manager Resource Use) for approval. The approval process for the revised Final Construction Plan shall follow the same procedure as outlined in Conditions 4 and 5 above.
7. At the time that information is provided to the Regional Council in accordance with Conditions 4 - 6, a copy of this information (i.e. the 'Final Construction Plan' and description of any changes to design) shall also be sent to the following parties:

- a) The Westshore Residents and Development Association; and,
 - b) the occupants of properties on Whakarire Avenue that adjoin the work area (i.e. 1, 3, 5, 7, 9, 11, 13, 15, 17 19, 21A, 21B, 21C and 23 Whakarire Avenue); and,
 - c) Marguerite Vujcich (C/- 71 Darkys Spur Road, RD1, Napier 4181); and,
 - d) Any other person upon request.
8. The consent holder shall, at least **10 working days** prior to commencing construction works:
- a) Place a public notice in a newspaper with a circulation area that includes the Napier and Westshore area; and,
 - b) Erect and maintain in place for the duration of the construction works signs at the entrance to the carpark off Whakarire Avenue and at the western end of the works area.
 - c) The public notice and signs required by Condition 8 a) and b) shall include, but not be limited to, the following information:
 - i. A description of the works that will occur pursuant to this resource consent;
 - ii. The Final Construction Plans of the proposed structure,
 - iii. An estimation of the duration of works, including when works are likely to commence, the expected completion date, and the hours of works.
 - iv. Contact details to allow community members to place feedback and to gain updates of work status.

Certification

9. Within **one month** of the completion of works, the heights (RL) and extent of the completed structures (including the existing seawall) shall be surveyed by a registered professional surveyor, and an accurate, to scale, 'as built' layout and cross sectional plans of the structures (including the existing seawall) shall be provided to the Regional Council (Manager Resource Use).
10. Within **one month** of the completion of works, a suitably qualified engineer who is experienced in coastal protection structure design and construction shall certify that the completed structure has been constructed in accordance with the design requirements of Conditions 1, 2, 3, 4 and 5 and a copy of this certification shall be provided to the Regional Council (Manager Resource Use).

Construction

11. The consent holder shall give the Regional Council (Manager Resource Use) at least **two working days**' notice of the intention to commence any works authorised by this consent, and shall advise the Regional Council (Manager Resource Use) of having finished the works within **two working days** following their completion.
12. The consent holder shall take all reasonable measures to ensure the site of works is managed to provide for the safety of the public and adjoining property owners, while ensuring that where practicable and safe, public access is maintained to and along the coastal marine area and the foreshore.

Advice note: the consent holder should be aware of the need to access the CMA via the Whakarire Avenue carpark at the eastern end of the structure for recreational purposes (e.g. surf access) and should take all

measures to avoid unnecessary restriction of public access to this area. If the carpark must be closed to vehicles, consideration should be given to ensuring that pedestrian access remains available.

13. The consent holder shall take all practicable measures to limit the amount of sediment and prevent contaminants from entering the CMA or any other water bodies during the construction and any maintenance and repair works. Such measures include, but are not limited to:
 - a) Any surplus soil, rock, cleared vegetation or other construction debris shall be removed and deposited at an appropriate disposal site;
 - b) The wash water from containers and tools shall not be discharged into the CMA or any other water bodies and the washing of equipment shall not occur in the CMA or any other water bodies; and
 - c) Refuelling and carrying out machinery maintenance away from the CMA and other water bodies.
 - d) The bunding and containment of all refuelling and fuel storage areas so as to prevent the accidental spill of any such contaminants from entering the CMA, any water bodies, or any stormwater drainage system.

14. At least **20 working days** prior to commencing any works authorised under this consent the consent holder shall submit a spill management plan to the Regional Council (Manager Resource Use) for certification prior to the commencement of any works. The plan shall be prepared by a suitably qualified person and shall include (but is not limited to) procedures for preventing contaminants such as diesel and oil entering the CMA or any other water body in the event of a spill.

A copy of the approved spill management plan, as well as all equipment required to deal with a spill shall be present on site at all times while the work is being undertaken. All contractors engaged to undertake work on the site shall be trained to implement the spill management plan at any time if necessary.

15. Where, by any cause (accidental or otherwise), contaminants associated with the consent holder's operations escape to water other than in conformity with the consent, the consent holder shall:
 - a) Immediately take all practicable steps to contain and then remove the contamination from the environment;
 - b) Immediately notify the Regional Council (Pollution Hotline: 0800 108 838) of the escape; and
 - c) Report to the Regional Council in writing and within 7 working days, describing the manner and cause of the escape, steps taken to control it and prevent its occurrence, and steps taken to prevent a reoccurrence.

16. The consent holder shall ensure that the natural profile of the foreshore and lagoon area is reinstated as far as practicable at the completion of any construction or repair or maintenance works. This includes the repair of any tracks, holes or spoils left by any machinery or other aspects of construction or maintenance or repair.

17. The consent holder shall ensure that the construction works are only undertaken Monday to Saturday (inclusive), between the hours of 7 am and 7 pm. No construction shall be undertaken on Sundays or Public Holidays, or between 24 December and 15 January (inclusive). Maintenance or repair activities requiring the use of machinery shall only be undertaken Monday to Friday (inclusive), between the hours of 8 am and 5 pm.

18. The consent holder shall ensure that the construction activities are undertaken in compliance with the New Zealand Construction Noise Standard (NZS 6803:1999, Acoustic – Construction Noise).
19. If construction results in a need to re-position, disconnect or alter an existing private stormwater pipe, then the consent holder shall ensure the stormwater pipe is returned to good working order upon completion of the construction works. The location of each stormwater pipe that is encountered shall be recorded by the consent holder. The recorded location (e.g. GPS coordinates) of each stormwater pipe encountered shall be placed on the corresponding property file held by the Napier City Council.
20. All rocks used to construct the revetment and wave spending beach shall be in a clean condition. If not already clean they shall be cleaned off-site, prior to being transported to the construction site.
21. All works shall occur on dry seabed and foreshore areas when practicable.
22. The consent holder shall construct the structures and undertake any associated filling or reclamation using methods and materials non-toxic to marine life.
23. The reclamation of the foreshore landward of the proposed structure shall be undertaken with rock and gravel and any other inert and non-toxic materials (e.g. topsoil) that consists of:
 - a) Natural materials such as soil, rock, gravel that are free of:
 - i. Combustible or putrescible components; and,
 - ii. Hazardous substances or materials (such as municipal waste) likely to create leachate by means of biological or chemical breakdown; and,
 - iii. Any products derived from hazardous waste treatment, stabilisation or disposal processes.
24. The consent holder shall record the source and volume of any materials used in the reclamation and shall provide this information to the Council (Manager Resource Use) upon request.
25. Appropriate drainage shall be installed and maintained to ensure that in wave overtopping events there is the ability for seawater flows to drain from behind the structures while minimising scour or damage to adjacent properties or to any coastal protection structure.

Monitoring and Reporting

26. The consent holder shall undertake a visual inspection of the structures, the foreshore in front of the structures, the foreshore area within 100 m west of the end of the structure, and the reclaimed areas landward of the structures at least once every year following construction. As part of each annual inspection a set of photographs shall be taken that show the full extent of the structures (including the existing seawall). The location of the points where photographs have been taken shall be recorded using GPS equipment. As far as practicable, photos shall be taken from the same location each time. Additional inspections shall be undertaken immediately after each significant storm event (see Advice Note III) or if/when the consent holder is notified of any damage to the structures, and during these inspections photographs shall be taken detailing the extent of any of the matters identified in (a) to (d) below. The location of these photographs shall also be recorded using GPS equipment.
27. Both the routine inspections and event driven inspections required by condition 26 shall consist of a visual assessment of the following:

- a) Whether accretion or erosion is taking place;
- b) Formation of any scour holes at the toe of the structures;
- c) Any indication of erosion at the ends of the structures and within a distance 100 m west of the end of the structure; and
- d) Any displacement or loss of rock from which the structures are constructed.

The consent holder shall keep a written record of the date of each inspection, and details of whether any of matters listed in (a) to (d) were observed.

28. The records of the visual inspection observations and sets of photographs taken by the consent holder under Conditions 26 and 27 shall be made available to the Regional Council (Manager Resource Use) upon request.
29. The consent holder shall engage a suitably qualified registered professional surveyor, experienced in beach profiling, to undertake a beach profile survey at the survey lines "W40" and "W42", as used in the Regional Council's coastal cross-section monitoring program and as shown on the plan attached as Appendix 2. This profiling shall be undertaken once within one month of completion of construction of the structure, and then **twice each year** thereafter within the period 1 March to 30 November.

The data shall be in a form that is compatible with the Council's coastal cross-section monitoring program data, and shall be provided to the Council (Manager Resource Use) within 10 working days of the profile having been surveyed.

A lesser survey frequency may be agreed with the Regional Council (Manager Resource Use) if after a period of five years there is no apparent change in the rate and or pattern of erosion or accretion.

Advice note: The Regional Council currently undertakes an annual cross-section survey at W40 and W42, usually in December – January. The surveys required by condition 29 are in addition to any surveys undertaken by the Regional Council. The Council currently uses Zorn Surveying Limited to undertake its coastal cross-section survey work, and the Council would recommend the use of this provider to ensure that the data derived from the surveying required by condition 29 is compatible with the cross-sectional survey data generated as part of the Regional Council's ongoing survey programme.

Terrain modelling can now be undertaken using Remotely Piloted Aircraft Systems (RPAS). Use of terrain modelling technology may be an efficient technique for assisting the consent holder to meet the requirements of conditions 9, 26, 27, 28, 30, 31 and 33. If use of this technology is being considered, it is recommended that the consent holder first discuss this approach with the Regional Council prior to undertaking any such work.

Repair and Maintenance

30. The consent holder shall monitor the integrity of the structures over the term of this consent and ensure that the structures are adequately maintained in a safe and in sound condition and fit for purpose. Any debris or displaced rocks shall be removed or put back in place within the structures as soon as practicable.
31. Any repair and maintenance of the structure shall not alter the length, height or footprint of the structure, and shall be in accordance with the original design specifications of the structure, detailed in the documents specified in Condition 4 and verified by the surveying required by Condition 9.
32. The consent holder shall give the Regional Council (Manager Resource Use) at least **2 working days'** notice of the intention to commence any maintenance or repair works, and shall advise the Regional Council (Manager Resource Use) of having finished the maintenance works within two working days of their completion.

33. The existing seawall structure shall be maintained at a height that is not less than Mean Sea Level (RL 10 m) and is not greater than the post-construction height, as determined in accordance with Condition 9.
34. The existing seawall structure shall be maintained and repaired in order that as far as is practicable it will act to retain accumulated sediment within the lagoon area.

Advice note: The amount of sediment retained in the lagoon will vary as a result of natural processes (e.g. storm events). The intent of the condition is to ensure that significant structural deficiencies (e.g. significant holes in the seawall through loss or displacement of rock material) are repaired to avoid preventable sediment loss.

Complaints

35. The consent holder shall establish and maintain a 'complaints register' to record the date and time of any complaints received and from whom, the nature and location of the complaint, the weather conditions at the time of the complaint, and any actions taken in response to that complaint. A copy of the complaints register shall be made available to the Hawke's Bay Regional Council on request.

Heritage and Archaeological Features

36. In the event of any archaeological site or waahi tapu being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall contact the Regional Council (Manager Resource Use) to obtain contact details of the relevant tangata whenua. The consent holder shall then consult with the relevant local hapu or marae and the Heritage New Zealand Pohere Taonga, and shall not recommence works in the area of the discovery until the relevant Heritage New Zealand Pohere Taonga and tangata whenua approvals to damage, destroy or modify such sites have been obtained.

Reporting

37. Two years after the construction is completed and every three (3) years thereafter, the consent holder shall provide to the Regional Council (Manager Resource Use) a report produced by a suitably qualified and experienced coastal engineer. The report shall include:
 - a) A summary of the visual inspection observations, required by Condition 27 above;
 - b) The sets of photographs taken, required by Condition 26 above;
 - c) A comment on any observable trends in the rate of erosion and/or accretion based on the cross section data available for survey lines W40 and W42;
 - d) A comment on any actual environmental effects of the structures observed, and any potential future effects;
 - e) A summary of any complaints received in relation to the structure since the last report was provided, and what actions (if any) were taken to address these complaints.
 - f) Comment on any observed erosion to the foreshore in the immediate area west of the structure(s) (i.e. within 100 m) including:
 - a) Whether there is any apparent trend of an increasing rate of erosion taking into account any beach renourishment volumes applied to this area over the report period; and,
 - b) Whether erosion in this area is attributable to the ongoing functioning of the structures.

- g) Recommendations detailing what (if any) maintenance work is required to be undertaken on the structures, the foreshore below the structures, or areas landward of the structures, and the timeframe within which that maintenance should be completed.
- h) Details of any maintenance undertaken since the last report was written shall also be provided; and
- i) An assessment of the overall effectiveness of the structures(s).

Miscellaneous

38. The consent holder shall ensure that any contractors engaged to undertake work authorised by this consent abide by the conditions of this consent. The person responsible for the work on site shall be familiar with the consent conditions and a copy of this consent shall be present on site at all times while the work is being undertaken.

ADVICE NOTES

- I. A building consent and/or resource consents may be required for the works/structure from Napier City Council, and the need for any additional authorisations should be confirmed prior to the commencement of works.
- II. An authority to modify or destroy an archaeological site (historic timber seawall remnants) is required from Heritage New Zealand Pouhere Taonga before any modification to the heritage features of the site.
- III. A “significant storm event” is defined as a coastal storm that results in any of the following conditions:
 - a. It causes observable damage to any of the structures;
 - b. Storm waves overtop the revetment structure;
 - c. It causes ground/sea bed levels in front of the structures to fall by at least 1 metre by visual estimate; or

The MetService website (<http://www.metservice.co.nz/public/index.html>) provides weather forecasts and includes information about storm swells. This information would be useful in identifying “significant storm events”.

- IV. All information required to be provided to the Regional Council (Manager Resource Use) by conditions of consent can be provided to the council by email to ComplianceReturns@hbrc.govt.nz.

REVIEW OF CONSENT CONDITIONS BY THE COUNCIL

The Council may review conditions of this consent pursuant to sections 128, 129, 130, 131 and 132 of the RMA. The actual and reasonable costs of any review undertaken will be charged to the consent holder, in accordance with section 36 of the RMA.

Times of service of notice of any review: During the month of May, of any year.

Purposes of review: To deal with any adverse effect on the environment which may arise from the exercise of this consent, which it is appropriate to deal with at that time, or which became evident after the date of issue.

To require the adoption of the best practicable option to remove or reduce any adverse effects on the environment.

To modify any monitoring programme (including requiring additional monitoring or decreasing the frequency of monitoring required) if

there is evidence that current monitoring requirements are no longer appropriate.

REASONS FOR DECISION

The reasons for the decision are outlined in the associated s42A report.

MONITORING NOTE

Routine monitoring

Routine monitoring inspections will be undertaken by Council officers on at least one occasion during construction and/or after the completion of works. The costs of **any** routine monitoring will be charged to the consent holder in accordance with the Council's Annual Plan of the time.

Non-Routine monitoring

"Non routine" monitoring will be undertaken if there is cause to consider (e.g. following a complaint from the public, or routine monitoring) that the consent holder is in breach of the conditions of this consent. The cost of non-routine monitoring will be charged to the consent holder in the event that non-compliance with conditions is determined, or if the consent holder is deemed not to be fulfilling the obligations specified in section 17(1) of the RMA shown below.

Section 17(1) of the RMA states:

Every person has a duty to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by or on behalf of the person, whether or not the activity is carried on in accordance with

- a) *any of sections 10, 10A, 10B, and 20A; or*
- b) *a national environmental standard, a rule, a resource consent, or a designation.*

DEBT RECOVERY

It is agreed by the consent holder that it is a term of the granting of this resource consent that all costs incurred by the Council for, and incidental to, the collection of any debt relating to this resource consent, whether as an individual or as a member of a group, and charged under section 36 of the RMA, shall be borne by the consent holder as a debt due to the Council, and for that purpose the Council reserves the right to produce this document in support of any claim for recovery.

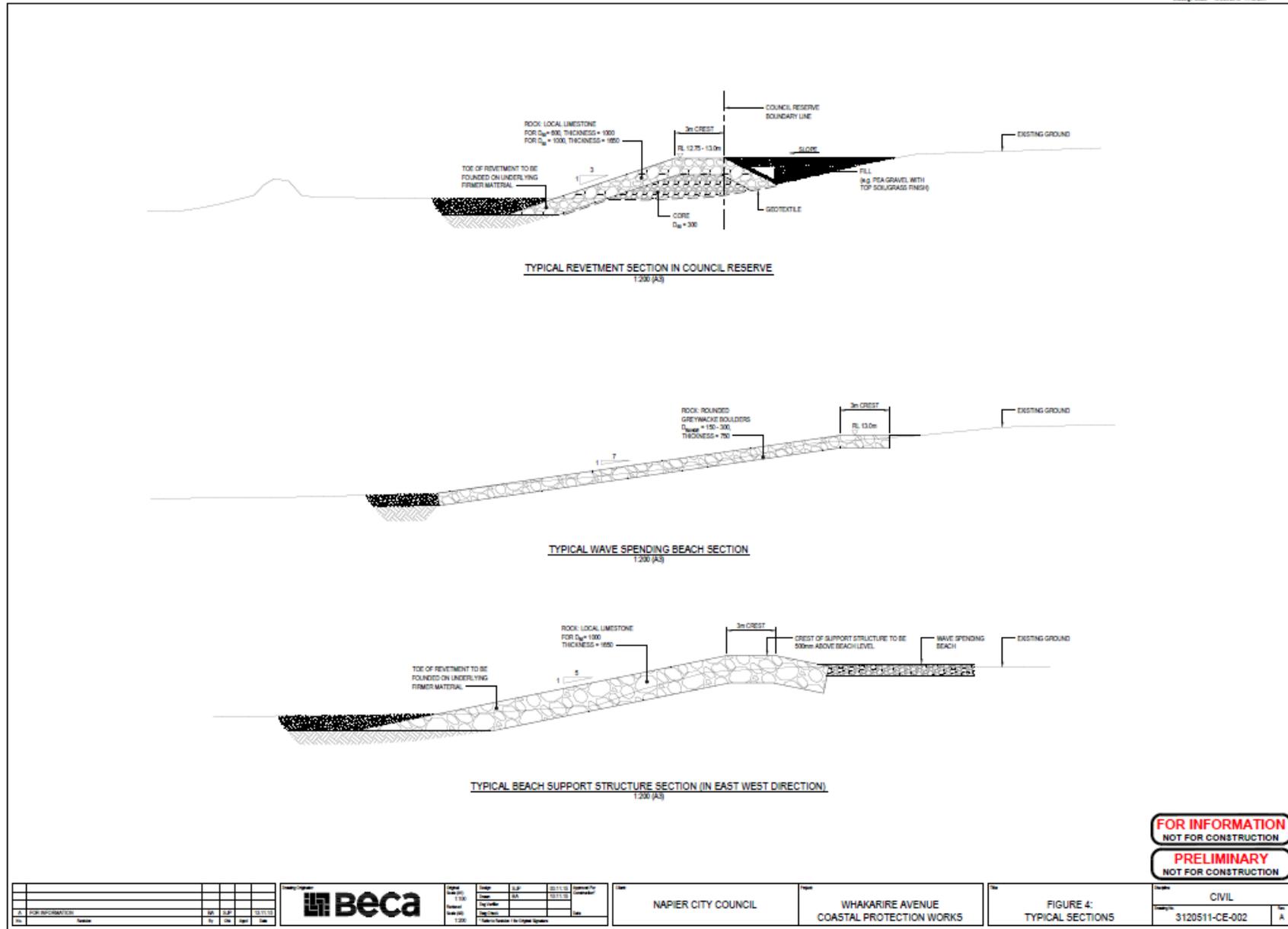
CONSENT HISTORY

Consent No. (Version)	Date	Event	Relevant Rule	
			Number	Plan
CL130253R, CL130257C, CL130258O, CL130259D	27/10/2016	Consent initially granted	9, 111, 125, 130, 141, 178	Regional Coastal Environment Plan

APPENDIX 1 – STRUCTURE/SITE PLANS



Drawn/Revised: 15 Dec 2015 11:45am



Appendix 2 – Cross section locations (condition 29)

