

# WHAKARIRE REVETMENT CONSULTATION SUMMARY

## INTRODUCTION

The Whakarire Revetment project was included in the Long Term Plan 2018-28 following the granting of resource consent which expires in May 2021. The project was scheduled to start in 2019/20. Council identified that there would be private benefit as a result of the installation of the revetment to the 14 residential properties on Whakarire Avenue that face the revetment site and as such recommended a targeted rate be implemented as a contribution to the project cost.

The introduction of the proposed targeted rate was included for consultation in the Annual Plan 2019/20 Consultation Document with targeted engagement with the affected residents (letters, meeting and site visits).

## Annual Plan Submissions – Targeted Rate Response

Council received 107 submissions with 33% of submitters agreeing with the targeted rate, 14% opposing and 53% neutral.

Seven residents submitted through the Annual Plan consultation process and the Revenue and Financing Policy consultation that was running concurrently. Of the residents, 86% opposed the targeted rate (6) and 14% were neutral (1). A submission was also received from the Westshore Residents Association opposing the targeted rate.

There were several issues raised by the residents including the revetment project itself and the development of the reserve.

The full submissions report can be found:

[http://napier.infocouncil.biz/Open/2019/06/CO\\_20190604\\_AGN\\_394\\_AT\\_EXTRA\\_WEB.htm](http://napier.infocouncil.biz/Open/2019/06/CO_20190604_AGN_394_AT_EXTRA_WEB.htm)

Council decided to put the matter on hold while further consultation with the affected residents took place.

## POST ANNUAL PLAN 2019/20 CONSULTATION PROCESS

All owners and occupiers of the affected properties were invited to a meeting to discuss the project, the targeted rate and any subsequent landscaping of the reserve.

The meeting was held on 28 November 2019 at St Andrews Church, Westshore with 14 people attending. A presentation (Appendix 1) was made by Jon Kingsford – Director Infrastructure followed by questions and answers. Residents were asked to consider their support for the revetment project itself and the targeted rate proposal. At the meeting, all those present bar one resident advised they supported the revetment proceeding. Residents were advised that a letter requesting their feedback in writing by 31 January 2020 would be sent all residents including those that did not attend the meeting.

A letter (Appendix 2) was sent on 4 December 2019 summarising the points covered at the meeting and the impacts of proceeding or not proceeding with the revetment project.

A reminder email was sent to those who had not provided written feedback on 22 January 2020.

## RESPONSE

Residents from 12 of the 14 affected properties responded. The results are as follows:

Revetment Project

- Of the 12 respondents, 11 support the project proceeding (92%)

- Of the residents, 11 support the project proceeding, one is against the project proceeding and two did not respond. A total of **79% of residents support the revetment proceeding**.

#### Targeted Rate

- Of the 12 respondents, seven agree with the targeted rate (58%), four were against (33%) and one response was inconclusive.
- Of the residents, with seven agreeing, four against, one inconclusive and two with no response, a total of **50% of residents agree to the targeted rate**.

Several residents wished to pay the full amount in a one-off payment and that the contribution be based on the \$1.8 million originally proposed as the project cost.

#### Other feedback

Comments were received regarding the reserve development and some residents desire to be involved in the process. Residents have been advised on several occasions that the walkway would be installed on the reserve as far away as possible from their properties and that a landscaping concept would be shared with them for their feedback following Council's decision on the matter.

One resident asked that the Council guarantee that the capital values of the properties affected do not diminish as a result of the project and that Council should promote the advantages of the revetment to reassure prospective purchasers of the advantages and possible increases of value as a result of the project.

#### Summary list of feedback

All written feedback is attached (Appendix 3)

Received from	Summary of feedback	Officers response
Mark Johnson	Supports the revetment proceeding. Agrees to targeted rate, would like more information on the term and interest at some stage. Commended consultation process.	Further information will be provided about the payment of the targeted rate once the Council decision is made.
Judy Tindall	Supports the revetment proceeding and quickly to avoid further resource consent applications. Requests ongoing consultation Not satisfied with stormwater arrangements. Agrees to targeted rate.	Further engagement with residents is planned regarding the landscaping plans for the reserve. The plan for stormwater is not based on 'pooling' water.
Jim and Robin Cranford	Supports the revetment proceeding. Agrees to targeted rate based on the 3% previously proposed.	The consultation was based on 3% of the cost of the work. Project costs have increased since the original estimate, however, it is recommended any targeted rate is based on the estimate project cost given it was the basis of the 2019/20 consultation.
Dorothy Townshend	See attached letter Opposes the revetment proceeding and requests that if the project is to proceed, it needs to be clearly understood that this is expressly against her will Opposes the targeted rate	The full written feedback is attached for noting. Further engagement with residents is planned regarding the landscaping plans for the reserve which will consider the safety concerns raised by residents

	<p>Requests that Council engages with residents regarding the landscaping plan for the reserve</p> <p>Highlights concerns regarding safety and security</p> <p>Requests that the pathway be located as close to the coastal edge as possible</p> <p>Suggests that a strip of land bordering private titles along Whakarire Ave is reclassified as local purpose reserve and subsequently leased to residents.</p>	<p>The public good derived from the revetment project (and recognised in the cost split) is the protection and improved access to the reserve land. Reducing the reserve size by leasing a portion to residents could reduce the public good resulting from the project.</p>
Simon and Hettie Tremain	<p>Supports the revetment proceeding.</p> <p>Does not support the targeted rate.</p> <p>Raised some concerns regarding the proposed stormwater drain as being a hazard.</p> <p>Makes some suggestions for landscaping with the offer to pay for plants in front of their property</p> <p>Highlights concerns regarding drugs and crime that may occur in the reserve.</p>	<p>Officers have visited the Tremains to discuss the proposed stormwater drain that would be located in front of their property on the reserve. Officers confirmed that the point at which any drain would discharge to the swale would be placed to ensure water would not flow back into their property. The swale itself won't be made of solid concrete which had been a concern for these residents.</p> <p>Further engagement with residents is planned regarding the landscaping plans for the reserve, which will consider the safety concerns raised by residents.</p>
John Sutherland	<p>Supports the revetment proceeding.</p> <p>Agrees to the targeted rate based on 3% proposed.</p>	<p>The consultation was based on 3% of the cost of the work. Project costs have increased since the original estimate, however, it is recommended any targeted rate is based on the estimate project cost given it was the basis of the 2019/20 consultation.</p>
Adrienne Wakeling	<p>Supports the revetment proceeding.</p> <p>Agrees to the targeted rate based on 3% proposed.</p>	<p>The consultation was based on 3% of the cost of the work. Project costs have increased since the original estimate, however, it is recommended any targeted rate is based on the estimate project cost given it was the basis of the 2019/20 consultation.</p>
Alan and Karen Willis	<p>Supports the revetment proceeding.</p> <p>Does not support the targeted rate as there is already erosion protection around the property.</p> <p>Would like input into the development of the car park and landscaping so concerns around security and privacy can be considered.</p>	<p>Further engagement with residents is planned regarding the landscaping plans for the reserve, which will consider the safety concerns raised by residents.</p>
Brendan Mahoney on behalf of the BJ Mahony Farming Trust	<p>Does not support the targeted rate as this was not what was discussed when the project was planned initially.</p> <p>Should the targeted rate proceed, would like to negotiate the payment terms.</p>	<p>Further information will be provided about the payment of the targeted rate once the Council decision is made.</p>

<p>Janet Davidson</p>	<p>Supports the revetment proceeding.          Agrees to the targeted rate as long as it is based on 3% of the \$1.8 million as the project was costed at the time of the initial consultation and that no extra charges be added (e.g. interest on loans).          Suggests that Council must guarantee that capital values do not diminish as a result of the project either at this indecisive stage, during or following the revetment process.          Suggest that Council should promote the advantages of the revetment.          Requests that Council works with homeowners on the landscaping plan and highlights the care of cedar trees in particular.          Suggests the work takes place in Winter to reduce dust and when there are less people in the area.</p>	<p>The consultation was based on 3% of the cost of the work. Project costs have increased since the original estimate, however, it is recommended any targeted rate is based on the estimate project cost given it was the basis of the 2019/20 consultation.          Council is unable to guarantee capital values, there are a range of factors that contribute to the value of properties. The revetment project, should it proceed, would be added to the Land Information Memorandums (LIMs) for the appropriate properties as the project is initiated and progressed until its completion          Further engagement with residents is planned regarding the landscaping plans for the reserve, the information raised by Janet Davidson can be considered during this process.          Council acknowledge the request to time the work in the Winter, and the reasoning for it but cannot guarantee the timing and associated construction programme until a full process is complete.</p>
<p>Dennis and Pip Glenn</p>	<p>Supports the revetment proceeding.          Concerned about the location of the pathway being too close.          Would like to know more about the targeted rate amount and process.</p>	<p>Further engagement with residents is planned regarding the landscaping plans for the reserve. However, officers confirmed at the meeting with residents, that the pathway would be located on the sea side of the reserve.            Further information will be provided about the payment of the targeted rate once the Council decision is made.</p>
<p>Max and Raewyn Goodall</p>	<p>Supports the revetment proceeding.          Against the targeted rate.          Against the pathway and reserve development.          Concerned about the pathway increasing crime in the area, particularly affecting the Whakarire Ave properties.          Would be prepared to pay for plantings in front of their property but would like to retain the fence that encroaches on the reserve.</p>	<p>Further engagement with residents is planned regarding the landscaping plans for the reserve, which will consider the safety concerns raised by residents. The landscaping and pathway is intended to increase access to the reserve, current encroachment may restrict this access and will be considered as part of the landscape plan.</p>

**APPENDIX 1: WHAKARIRE RESIDENTS MEETING 28 NOVEMBER 2019 – PRESENTATION**

# Whakarire Ave Revetment



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*Te Kaunihera o Ahuriri*

# Looking Back



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# Today



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*Te Kaunihera o Ahuriri*



# CHZ-Napier District Plan – Dr J Gibb



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CITY COUNCIL  
*Te Kaunihera o Ahuriri*



# T&T CHZ – Coastal Hazards Strategy

## Present Day erosion



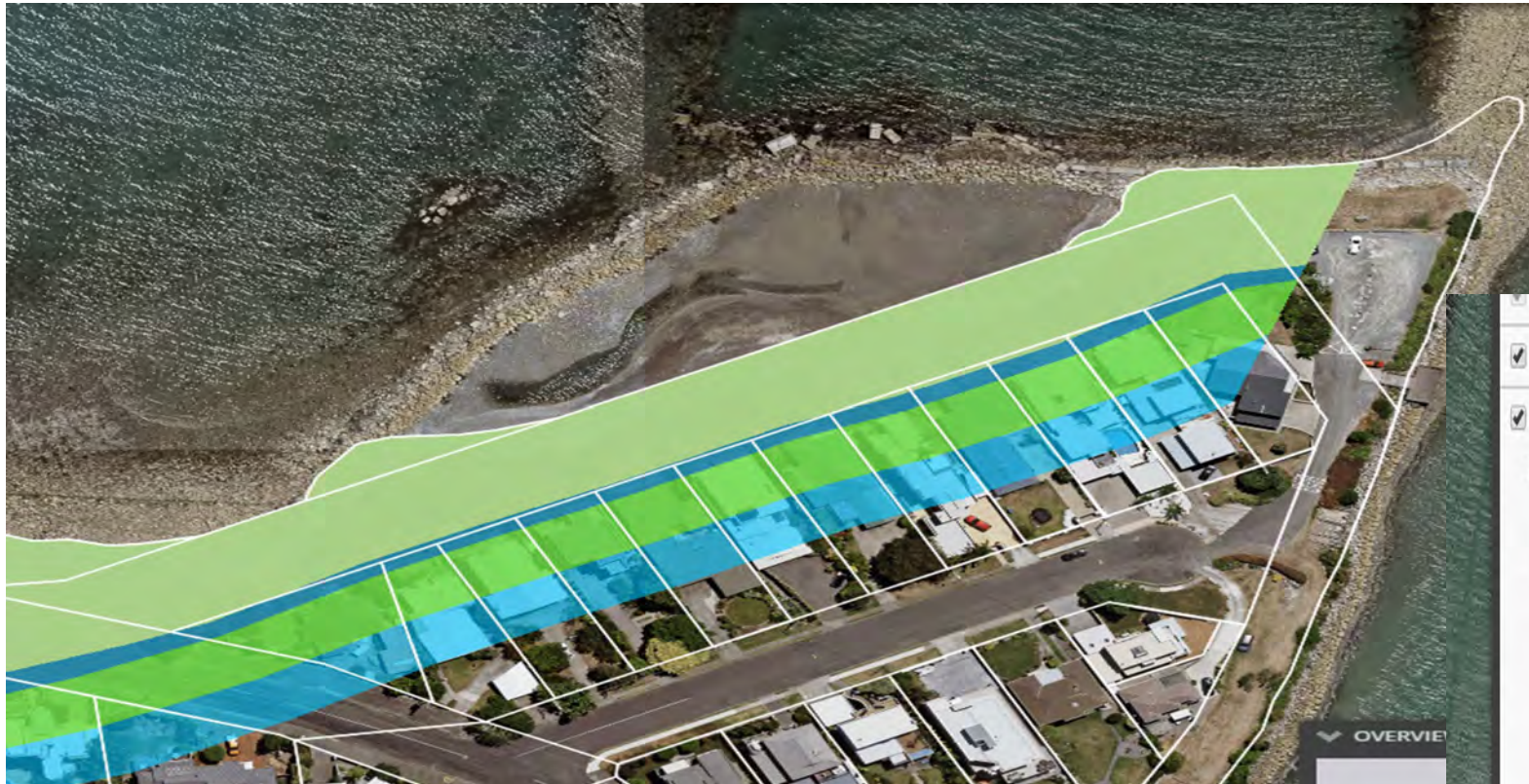
OVERVIEW MAP

- Property Valuation
- Coastal Hazards
  - Coastal Erosion Extent (New Information 2016)
    - Present Day
    - Year 2065
      - Likely - 66%
      - Possible - 33%
      - Very Unlikely - 5%
      - Highly Unlikely - 1%





# T&T CHZ – Coastal Hazards Strategy 2065 erosion



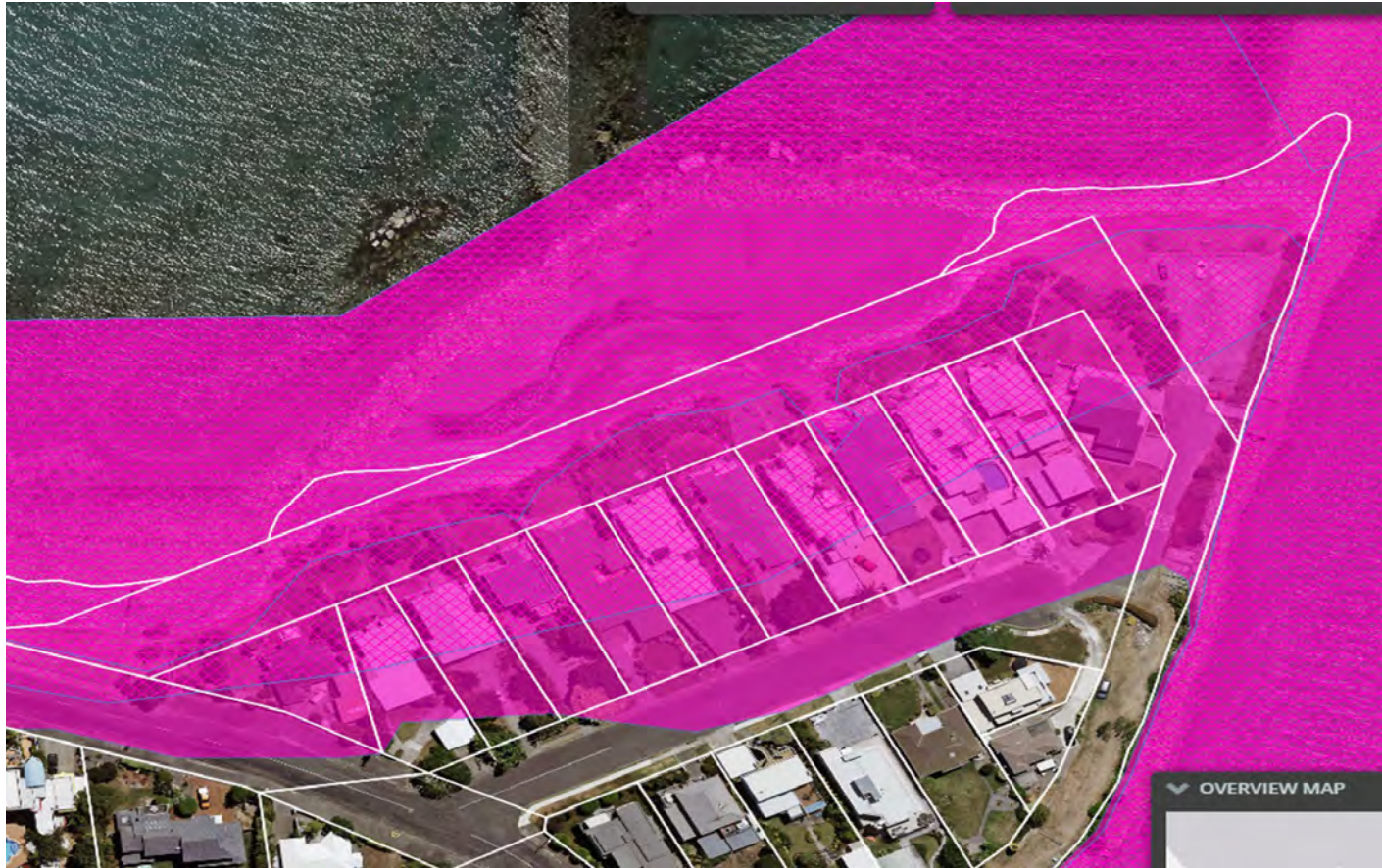


# T&T CHZ – Coastal Hazards Strategy 2120 erosion





# T&T Coastal Inundation – 1% AEP 2065&2120



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*Te Kaunihera o Ahuriri*

# History behind the Project

- Whakarire Ave recognised as erosion zone in 1990s
- The original protection were placed in recognition that erosion of the shoreline was occurring in 1994
- Further work in 1997
- This work caused erosion issues at the south end of Westshore beach
- in early 2000's recognised that existing protection not robust enough to provide long term protection
- Investigation and consent process to reinforce and enhance existing protection

# Original proposal

- Reasons for work in consent:
- Protect Whakarire Avenue Properties
- Creation of new recreational beach
- Public access to coastal marine area by lagoon improved
- No sediment transportation to Westshore beach interrupted
- Improve environment for future beach renourishment

Figure 4.1 H-Shaped Breakwater Layout





# Consented Design



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# Council's Position



The Consent Application identified reasons for the project:

- Protect Whakarire Avenue Properties
- Creation of new recreational beach
- Public access to coastal marine area by lagoon improved
- No sediment transportation to Westshore beach interrupted
- Improve environment for future beach renourishment
- The consented option does not achieve all of these goals, and will now only protect the reserve and private properties

# Do Nothing is an Option, but



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- Council funding will be removed
- Ability to insure may be compromised
- Existing sea wall will fail with Sea Level Rise and/or during storm event
- Reserve land will be eroded
- Whakarire Ave properties at risk
- Future protection work would need to be re-litigated
- Full cost of future protection works may fall on property owners
- Consenting Timeframes very long

## **If Council's Decision is to proceed:**

The following issues will need to be resolved:

- Location and alignment of pathway
- Landscaping/encroachment
- Public access
- Funding split



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## Next Steps:

- Residents to provide written feedback on position regarding the revetment by 31 January 2020.
- All feedback taken to Council for decision.
- Decision communicated to residents.





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# Discussion

**APPENDIX 2: SUMMARY LETTER 4 DECEMBER 2019**

4 December 2019

Name 1  
Name 2  
Address 1  
Address 2  
Address 3  
Address 4 <> Postcode

Kia ora Name 1 and Name 2

**Whakarire Revetment Meeting**

Thank you for attending the meeting last Thursday where we discussed the future of the Whakarire Revetment project. The main points covered were:

- Current and future coastal erosion affecting the reserve and the northern Whakarire properties
- Inundation zoning
- History and current status of the project
- Next steps

As discussed at the meeting, we are seeking confirmation in writing of your position about whether you support the revetment project to proceed or not. We discussed the following points about these two courses of action:

Revetment proceeds	Revetment does not proceed
Council will use the funding allocated in 2019/20 as part of its Long Term Plan to build the Revetment	The funding will be removed from the Long Term Plan <ul style="list-style-type: none"> <li>• Recommencing the protection work will need a new funding allocation or may fall fully to private property owners</li> </ul>
Improved protection for the reserve with improved access to the public	The reserve will be further eroded
Improved protection for Whakarire Ave private properties	Whakarire Ave properties will be at risk <ul style="list-style-type: none"> <li>• The ability to insure property may be compromised potentially affecting resale and property value</li> </ul>

	Current sea wall will potentially fail with sea level rise and/or significant storm event
The project will proceed under the current Resource Consent (due to expire on 31 May 2021)	A new resource consent will be required for any future protection work
<p>Next Steps:</p> <ul style="list-style-type: none"> <li>• Landscaping options including placement and alignment of pathway and planting sites and types to be further discussed with residents</li> <li>• Encroachment issues to be resolved</li> <li>• Council decision on funding split and model</li> </ul>	<p>Next Steps:</p> <ul style="list-style-type: none"> <li>• Funding will be removed from Long Term Plan</li> </ul>

Council consulted with private property owners and the general public regarding the proposed funding split that acknowledges private benefit of the project during the Long Term Plan consultation in 2018. There were a number of issues raised by private property owners regarding both the funding split proposal and the project itself through this process. At that time, Council suspended its decision on the funding split matter until further engagement with the private property owners took place to specifically discuss the project proceeding or not.

In order for Council to confirm its position on the project, please provide your feedback in writing on the matter by 31 January 2020. Could you please also let us know your feedback on the proposed funding split at the same time, particularly if your position has changed from any submission you made to the Long Term Plan 2018-28. This will allow Council to consider the funding split matter at the same time, should it decide to proceed with the project.

Enclosed for your information is a copy of the presentation made at the meeting on 28 November 2019 and the information about the funding split for the Whakarire Revetment project in the Long Term Plan 2018-28 Consultation booklet. Also enclosed is the recent survey of your property we completed.

Please send your written feedback on the following matters by **31 January 2020**:

- Your position on the completion of the Whakarire Revetment (proceed or not proceed)
- The funding split proposal
- Any other comments you wish to make



You can submit your feedback by either emailing us at [natasha.mackie@napier.govt.nz](mailto:natasha.mackie@napier.govt.nz) or by post to:

Community Services  
Napier City Council  
Private Bag 6010  
Napier 4110  
Attn: Natasha Mackie

We look forward to hearing from you, and will be in touch to advise when the Council will be considering the matter. Once again, thank you for your participation at the meeting last week.

Nāku noa,nā

**Jon Kingsford**  
**DIRECTOR INFRASTRUCTURE SERVICES**

## APPENDIX 3: WRITTEN FEEDBACK FROM RESIDENTS

## Natasha Mackie

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**From:** ASURE Colonial Motel - Napier <stay@colonialmotel.co.nz>  
**Sent:** Thursday, 30 January 2020 15:53  
**To:** Natasha Mackie  
**Subject:** RE: Whakarire Revetment Feedback - Reminder

Kia ora Natasha

We are 100% in favour of proceeding as soon as possible with this project.

We are agreeable to the funding share proposal as agreed by the full council vote in 2019 and accept our responsibility to pay our share. Clarification on the term and interest if any would be good at some stage.

We consider the N.C.C. initiative in advancing this project has been very professional, excellent consultation with the ratepayers affected, along with making every effort to meet requests with regard to individual owners preparations prior to work commencing.

Well done, Keep up the good work!

Kind regards,  
Mark & Sarah Johnson,  
1 Whakarire Ave, Westshore.

Regards,

Mark Johnson

ASURE Colonial Lodge Motel  
164 Gloucester St,  
NAPIER, 4112  
HAWKE'S BAY

Ph: +64 (0)6 844 7788  
Reservations ( NZ only ) 0800 68 44 77  
Email: [stay@colonialmotel.co.nz](mailto:stay@colonialmotel.co.nz)  
Web: [www.colonialmotel.co.nz](http://www.colonialmotel.co.nz)

**From:** Natasha Mackie <natasha.mackie@napier.govt.nz>  
**Sent:** Wednesday, 22 January 2020 1:39 PM  
**To:** stay@colonialmotel.co.nz  
**Subject:** Whakarire Revetment Feedback - Reminder

Kia ora Mark

Just a reminder to give us any feedback on the Whakarire Revetment Project, including:

- Your position on the completion of the Whakarire Revetment (proceed or not proceed)
- The funding split proposal
- Any other comments you wish to make

Please provide your feedback, in writing, by 31 January 2020. Please submit to my email address, send by post to me at the address below, or drop it into our Customer Service Centre at 215 Hastings Street.

Kind regards

Natasha

**Natasha Mackie**

MANAGER COMMUNITY STRATEGIES

Napier City Council, Private Bag 6010, Napier 4142

† +64 6 833 9953 m +64 21 022 69399 [www.napier.govt.nz](http://www.napier.govt.nz)



This communication, including any attachments, is confidential. If you are not the intended recipient, please delete it. Thank you. Refer to the Electronic Transactions Act 2002.

Please consider the environment before printing this email.

**Judy Tindall**

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Telephone (06) 8337173  
(021) 0314432

Email: [judytindalljt@gmail.com](mailto:judytindalljt@gmail.com)

3 Whakarire Avenue  
Westshore  
Napier 4110

21<sup>st</sup> JANUARY 2020

Attn: Natasha Mackie  
Community Services  
Napier City Council  
Private Bag 6010  
Napier 4110

**RE : WHAKARIRE REVETMENT**

**TO WHOM IT MAY CONCERN**

Firstly I wish to state I fully support the construction of the revetment on the northern side of Whakarire Avenue.

The things I believe must be considered before this can proceed are

1. Ongoing meaningful **consultation** with residents concerned. Late in 2018 this was not done and it is my belief it is the reason the revetment did not proceed at that time.
2. Where the **storm water** from the properties goes. At present I understand the plan is to “pool” it in front of one of the properties. This is not satisfactory and needs to be resolved.
3. The **cost to residents**. Historically resident/Council discussions about the revetment have been going on for many years. We were firstly told the Council had full funding for it. More recently we have been told we must contribute. Handling of this matter was poorly managed by Council with us first being told our contribution would be quite large. After discussion this was reduced to 3%. I believe residents have reluctantly accepted this and it is my belief this must remain in order to save further delays.

I urge the Council to proceed quickly with this matter and resolve outstanding concerns and so remove the possibility of having to apply for further resource consents which would mean further delays.

Yours faithfully

Judy Tindall

## Natasha Mackie

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**From:** Jim Cranford <rattlehead14@hotmail.com>  
**Sent:** Saturday, 4 January 2020 14:25  
**To:** Natasha Mackie  
**Subject:** Whakarire Revetment

Hi Natasha,

In response to Jon Kingsford letter of 4/12/19, on behalf of the Cranford NZ Family Trust we provide the following responses:

We support the completion of the revetment project for Whakarire Avenue.

We agree with the funding split, based on previous 3% proposed.

Kind regards,

Jim and Robin Cranford



31 January 2020

Ms Natasha Mackie  
Community Services  
Napier City Council  
Private Bag 6010  
**NAPIER 4110**

## WHAKARIRE REVETMENT PROPOSAL

I act for Dorothy Townshend, owner of the property at 11 Whakarire Avenue.

I make this response on behalf of my client further to the letter received by her from the Council dated 4 December 2019, the meeting with local residents on 28 November 2019, and previous correspondence regarding this matter (principally between myself and Mr Jack).

The 4 December 2019 letter seeks written feedback on a range of specific matters along with any other comments that my client would wish to make.

I respond in turn as follows.

### Whakarire Revetment – Proceed or Not Proceed?

Consistent with her position advanced during the resource consent process in 2016, and maintained ever since, my client opposes the revetment proposal. She considers the proposed revetment project to be entirely unnecessary in light of the previous coastal protection works completed by the Council some 25 years ago.

If the project is to proceed, it needs to be clearly understood that this is expressly against her will, a point underscoring her concern about the proposed targeted rate (as now addressed).

### Targeted Rate – 3% of Total Cost

My client's understanding from consultation preceding the 2019 Annual Plan is that the Council proposes to levy a targeted rate for 3% of the total cost of the project, against those properties assumed to benefit from the revetment.

As noted, my client sees no such benefit arising.

The reasons why my client opposes any targeted rate being levied against Whakarire Avenue residents as a matter of principle are as set out in more detail in earlier correspondence I prepared on the matter (letter of 13 May 2019 to Mr Jack enclosed).

These points aside, my client is concerned at the reasonable prospect that the estimated project cost (understood to be \$1.8 million) is not accurate. As is so often the case for

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Shakespeare Chambers

Level 1, 21 Browning Street

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Quay Chambers

Level 7, 2 Commerce Street

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Phone: 09 377 5070 Fax: 09 377 5071

construction projects, costs expand as work proceeds; a prospect all the more likely for a coastal protection undertaking.

If the Council is determined to proceed with a 3% targeted rate (presumably to be confirmed through the 2020 Annual Plan), my client seeks that:

- (a) Her objection in principle to the project be expressly recorded;
- (b) Any such targeted rate be set as against a fixed project cost to provide certainty to residents as to their total financial liability over the proposed term of intended rate recovery (understood to be 25 years); and
- (c) There be no recovery within the targeted rate of any loan funding or interest costs to the Council in proceeding with the project.

### **Stormwater**

A further matter recorded in my 13 May 2019 letter is that of stormwater provision and disposal. I raised this issue again in a subsequent letter to Mr Jack dated 6 August 2019 (also enclosed). Mr Jack has confirmed by way of email response that the Council will pay for any changes to stormwater that are required in relation to the reserve area as a result of the revetment project proceeding.

These comments are made in reliance on that written confirmation i.e. on the express understanding that this commitment will remain the Council's position regarding that issue.

### **Landscaping**

The 4 December 2019 letter also refers to the issue of landscaping. I again refer to my letter to Mr Jack of 6 August 2019 in this regard as well.

The Council has previously committed to engage with residents regarding landscaping and design options for the reserve area. The 4 December 2019 letter notes that if the revetment project proceeds, *landscaping options including placement and alignment of pathway and planting 'sites and types'* are to be further discussed with residents.

I need to advise that privacy and security is a critical issue for my client, now nearly 90. Given the considerable history of what would amount to "adverse possession" of the reserve by private plantings, without any step taken or restraint by the Council, my client considers it to be entirely reasonable for her to continue to benefit from *at least* landscaping within the reserve area, to enable her to enjoy both better privacy and continued use of the reserve land immediately seaward of her boundary (for example, for up to 3 to 4 metres beyond that boundary).

This could be achieved in association with a suitably located fence, or more informally through an appropriate landscape arrangement. Specifically, a selection and alignment of appropriate shrubs could delineate an area within the reserve which could continue to be utilised by my client, while also better maintaining her privacy.

My client further requests that public access through the reserve be managed through the alignment of a pathway that minimises the degree of privacy impact from such use, i.e. by locating that pathway as close as possible towards the coastal edge and revetment (assuming the latter proceeds).

Finally, I am aware that as a Recreation Reserve, the Council cannot formally lease or licence the land for private exclusive use, and do not propose as much.

I would note however that it would be open to the Council to reclassify a strip of land bordering the private titles along Whakarire Avenue as (for example) a local purpose reserve under s24 of the Reserves Act 1977, following which a lease to those adjacent land owners of that strip for private planting would appear to be available under s61(2)A of the Act, at least for a period not exceeding 33 years.

I put this option forward as a possible resolution of what is likely to be a significant issue and concern for the various landowners along Whakarire Avenue who face the equivalent situation.

I would of course be available to meet with relevant Council officers to discuss the responses and issues raised in this letter on behalf of my client.

Yours faithfully

A handwritten signature in blue ink, consisting of a stylized 'M' and 'W' that are connected and looped together.

**Martin Williams**

280120 NCC



6 August 2019

Mr Wayne Jack  
Chief Executive Officer  
Napier City Council  
Private Bag 6010  
**NAPIER**

By email: waynej@napier.govt.nz

### **WHAKARIRE REVETMENT – DOROTHY TOWNSHEND – 11 WHAKARIRE AVENUE**

I refer to previous correspondence regarding this matter, and to your letter of 24 July 2019 to my client (Mrs Dorothy Townshend), signalling the provision of information and a future meeting with residents.

Further to my letter of 13 May 2019, and the point made regarding the location of the dwelling relative to the reserve boundary in particular, I have now had the opportunity to review the Council's property and planning file material as received by my client, along with the City of Napier District Scheme as in force at the relevant time.

This review has confirmed that:

- The site plan for Building Permit 33789 as issued on 21 November 1986 clearly illustrated a 1.5 metre setback from the reserve boundary (to the northern extent of the first-floor deck). (refer copy enclosed, including enlargement of part of the site plan to show dimensions)
- That setback precisely met the internal yard requirements of ordinance 4.2.1.1 of the District Scheme (for internal including rear yards).
- A planning dispensation was granted for encroachment of the access stairs to the first-floor deck from the side yard on 31 October 1986 (TP62/15/011).

In summary, the Council approved site plan demonstrated compliance with the yard setback, and where a yard infringement was involved, the requisite planning approval was sought and obtained. I also note that there is evidence of regular inspections by Council officers on the file as the foundations were set out and the framing constructed. If the dwelling was either planned or constructed with any encroachment into the 1.5m yard, this would have been identified and addressed at the time.

There can be no suggestion therefore that the reserve boundary comes right up to my client's back steps, which was the impression given by the Council through the plan attached to the Council letter of 3 April 2019 and her subsequent meeting with you on site as also referred to in my letter of 13 May.

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In the circumstances, my instructions are to request that the Council agree to meet the costs of an independent survey of the reserve/title boundary for 11 Whakarire Avenue, with the surveyor to be instructed by my client directly. It is of course the Council that has initiated the need for an accurate understanding of the reserve boundary through its revetment initiative, alongside the degree of uncertainty created by information presented to my client to date.

Please confirm that the Council will meet that cost.

In addition, my client will require the Council to honour the commitment made at the Regional Council hearing of the revetment application (as recorded in the staff report to that hearing), that she would be specifically consulted on planting and landscape options for the reserve area fronting her property. If necessary, my client would erect a fence at the surveyed boundary, but appropriate landscaping accommodating reasonable continued use of the land involved over her lifetime may avoid the need for that.

Finally, as also referred to in my earlier letter of 13 May 2019, my client again requests confirmation that the Council will not require her to redirect stormwater from the property to the Council's stormwater drain within Whakarire Road Reserve, at substantial cost (quote received for \$30,000).

I look forward to hearing from you as soon as possible, noting that the information and confirmations of position sought in this letter would usefully be received ahead of the planned meeting with residents.

Yours faithfully



**Martin Williams**

050819 ncc



13 May 2019

Mr Wayne Jack  
Chief Executive Officer  
Napier City Council  
Private Bag 6010  
**NAPIER**

By email: waynej@napier.govt.nz

### **WHAKARIRE REVETMENT – TARGETED RATE AND RESERVE PROPOSAL-2019/20 ANNUAL PLAN**

I act for Mrs Dorothy Townshend, owner and occupier of the property at 11 Whakarire Avenue, Westshore.

I have met with my client on her property and reviewed various correspondence and other documentation regarding this matter, including as contained within and attached to a letter to my client dated 3 April 2019.

My client strongly opposes the proposed 3% targeted rate for the revetment, and the City Council's proposed plans for land inside the revetment as outlined in the information received on 3 April 2019, for the following reasons:

- (a) My client was one of 47 submitters to the City Council's resource consent application for the revetment wall, all but 3 of which opposed the application. My client was in turn one of four submitters that maintained their objection following a redesign of that seawall/revetment, with one specific concern being to retain her existing plantings. I am instructed that overt pressure was placed on my client and other submitters to withdraw their objections. That aside, as the Hawke's Bay Regional Council staff report prepared regarding the application (dated 27 October 2016) records, the City Council offered an opportunity for further discussion on planting and landscape options of the reserve area at a later date, and advised that an additional process would follow to determine the landscaping and planting of that area after completion of the revetment structure.
- (b) In reliance on the Council's assurances as to this further process, Mrs Townshend advised the Regional Council that she did not wish to be heard on her submission, and took no further action regarding it, including rights of appeal to the Environment Court. There is of course no going back, and it now appears she has relied on the City Council's assurances in this regard to her significant detriment.
- (c) Instead of the process recorded in the Regional Council officers' staff report, my client received the letter of 3 April 2019 and was presented with what amounts to a "fait accompli" proposal for the reserve area (alongside the targeted rate) whereby all

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**Shakespeare Chambers**

Level 1, 21 Browning Street

PO Box 754, Napier 4140

Phone: 06 835 0665 Fax: 06 835 6269

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**Quay Chambers**

Level 7, 2 Commerce Street

PO Box 106 215, Auckland City 1143

Phone: 09 377 5070 Fax: 09 377 5071

personal effects and plantings need to be removed before the site is cleared, and all stormwater currently discharged onto the reserve redirected either on to her property or to a 'kerb outlet on the roadside'.

- (d) The scale of the plan included with that correspondence is inadequate and gives no detail of the proposed landscaping, again in conflict with the assurances my client received during the hearing process for the revetment application. Without any survey to my client's knowledge, the plan in question appears to locate the landward reserve boundary at the foot of my client's back steps. My client takes this to mean that the Council intends to clear the site right up that backdoor step, such that she has no rear yard whatsoever, and that all of the extensive plantings established on the property over a 30 year period must be removed.
- (e) I understand my client has met with you personally on site to discuss her concerns. Her impression gained is that the Council would give no quarter, with a suggestion instead made that she place some sort of grass gate or fence at the top of her bottom step.
- (f) My client is in her late 80s. Her husband passed away many years ago. They built their house in 1987 on the understanding that it was in compliance with all planning requirements. This would have included the rear or coastal yard then in force under the District Scheme. If the reserve boundary terminates at her bottom step as the Council's latest plan appears to indicate, that simply cannot be the case. My client and her late husband would instead have acted, again irreversibly, to their significant detriment in constructing their home on the false assumption it was lawfully established relative to the reserve boundary.
- (g) In my opinion, the Council must assume some legal liability for this situation and is undeniably legally responsible to ensure that works requiring consent are undertaken and completed in accordance with the District Plan and Building Act requirements. Either the Council is wrong now about the reserve boundary, or it should not have sat back in the 1980s and let this situation unfold.
- (h) In these circumstances, it is in my view unconscionable, inequitable, unfair and unreasonable for the Council to now proceed in such a high-handed manner. That is, without the further consultation or opportunity for her to comment on the proposed works in the reserve area relied on by her in withdrawing her objection to the revetment application, to instead present such an overbearing proposal extending right up to her backdoor step, the privilege for which she must pay by way of a targeted rate beyond the burden imposed on other rate payers.
- (i) It should also be noted in this context that at no stage before my client withdrew her objection to the revetment application, was it disclosed to her that the residents of Whakarire Avenue faced the prospect of a targeted rate for its construction. The Council agenda papers on this topic (16 October 2018) acknowledge this, and the "implicit assumption at the time that the costs would be absorbed by all the city's residents". By contrast, my client now faces the prospect of an additional \$300 per annum on her rates bill, for the rest of her life. (Open Minutes, Council meeting 11 December 2018).
- (j) Compounding her concerns, my client has received a quote for \$30,000 to redirect her stormwater to the Council stormwater drain. My client was advised at the April meeting to 'discuss' the Council's current proposals that the Council would not insist on my client



incurring that cost, but nothing has been received in writing to that effect. She has overall been given the clear impression including through you that the Council is firm in its resolve, and would not even entertain some form of lease or licence arrangement enabling my client to occupy a reasonable portion of her rear yard area, possession of which has been enjoyed (without objection by the Council) for over 30 years.

- (k) My client is also concerned at the potential for physical damage to her home as the proposed works progress, and understandably as to the significant invasion of privacy from the proposed cycleway along the reserve area, again extending right up to her back door step.

My client seeks to be heard, as a matter of basic natural justice, regarding the concerns outlined in this letter in the context of the Annual Plan 2019/2020 consultation regarding the amendment to the Council's Revenue and Financing policy through which the proposed targeted rate would be set.

Beyond that, my client requests an opportunity for an independently facilitated or mediated discussion with the Council whereby her concerns and (as likely appropriate, those of the other residents of Whakarire Avenue) could potentially be resolved in a practical and straight forward way.

I am instructed that in the event the Council is not willing to accommodate this request, my client reserves her right to take this matter up with the Ombudsman's Office, through the media, and/or the Courts. Surely, that should not be necessary.

For the avoidance of doubt, this letter is sent to the City Council in lieu of feedback otherwise able to be submitted to the City Council through the [www.sayitnapier.nz](http://www.sayitnapier.nz) website link.

Yours faithfully



**Martin Williams**

090519 ncc

Simon and Hettie Tremain  
17 Whakarire Avenue Westshore  
Napier 4110  
0274 478174 Simon 0272814086 Hettie  
[simon.tremain@tremains.co.nz](mailto:simon.tremain@tremains.co.nz)  
[hettie.tremain@tremains.co.nz](mailto:hettie.tremain@tremains.co.nz)

7 January 2020

Napier City Council  
Private bag 6010  
Napier 4110

Attn: Natasha Mackie, Jon Kingsford  
Email ; [Natasha.Mackie@napier.govt.nz](mailto:Natasha.Mackie@napier.govt.nz)

Dear Council

In regards to the planned Revetment project at Whakarire Avenue.

Firstly I would like to acknowledge our appreciation of the council finally honouring the consultation process we were promised during the initial stages of the project .

Following the meeting with the Whakarire Avenue residents and the subsequent meeting the Goodalls and ourselves had with Jon and Derek on the 9 December 2019 we no longer oppose the project as long as the following information was correct.

Our property is unique due to it sitting at the lowest point on the northern seaside. The proposed drain required for overflow and most of our neighbours stormwater will be draining on the reserve right in front of us. The above gentlemen both reassured us there will be no flood risk to our property providing the outlet from the stormwater is NO closer than 10 metres from our property and discharge close to the outlet.

We were also reassured at the meeting that no part of the reserve is concrete and the slope into the drain can be widened with a lesser gradient that would be more aesthetic and easier to plant and maintain.

We still have some concern that the drain pipe will be a hazard, possible collection point of drug paraphernalia and rubbish and at risk of blocking ( if high seas ). There are many families that use the pond type area in front of our property and small children are frequent visitors of the rocky shore and crab hunting area ... not sure what will happen post but their inquisitive nature and this type of structure could pose a risk.

The last issue is the soft landscaping ... options available to us as far as planting a visual buffer and options for security are limited within regulations and the proposed structure of the drain. We discussed several options with Jon and Derek but could not come to any conclusion. We are happy to contribute to planting in front of our

property providing it fits within the framework of visual buffer and security for our property at 17 Whakarire Avenue . The council has on several public occasions made the commitment that the proposed pathway will be between the area 10 - 20 metres from boundary between reserve and properties on Whakarire Avenue. Jon and Derek again reassured us that, that would be no different for our property . The options they proposed were the path on the structure itself or dipping down into drain with a gentle slope but not closer than the 10 - 20 metres from the boundary .They also reconfirmed that the slope to the pipe/drain will not be concrete with the reserve area being grassed.

As some of the other residents have already alerted to the issue of drugs and crime in Westshore following emergency housing being provided by local motels. Although it is not a local government policy the council has a responsibility to the ratepayers to provide an environment on their reserves that does not lower the the values of neighbouring property and put residents at risk of harm.

Last issue is the the targeted rate policy the council plan to initiate. We do not agree with any form of targeted rates to specific projects as this sets a dangerous precedent.

Sincerely yours,

Simon and Hettie Tremain

19 JAN 2020

13/1/19

Community Services  
Napier City Council  
Private Bag 6010  
Napier 4110

Attn: Natasha Mackie

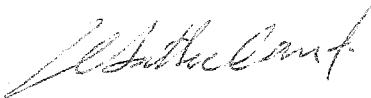
Re: Whakarire Revetment

Hi Natasha,

In response to Jon Kingsford letter of 4/12/19, I support the completion of the revetment project for Whakarire Avenue.

Additionally, I agree with the funding split, based on previous 3% proposed.

Kind regards,



John Sutherland  
21c Whakarire Avenue

13 JAN 2020

13/1/19

Community Services  
Napier City Council  
Private Bag 6010  
Napier 4110

Attn: Natasha Mackie

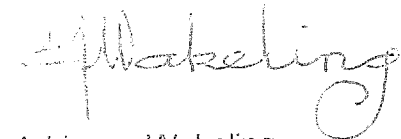
Re: Whakarire Revetment

Hi Natasha,

In response to Jon Kingsford letter of 4/12/19, I support the completion of the revetment project for Whakarire Avenue.

Additionally, I agree with the funding split. based on previous 3% proposed.

Kind regards,



Adrienne Wakeling  
21a Whakarire Avenue



Jenny Andrews

---

**From:** meccatrade@xtra.co.nz  
**Sent:** Wednesday, 15 January 2020 12:08  
**To:** Natasha Mackie  
**Subject:** Whakarire Reventment

Hi Natasha

This e-mail is to confirm that we are in support of the Revetment to proceed.

As far as the funding is concerned for the revetment our property is not going to benefit from the revetment wall as we already have great erosion protection around our property so we do not agree with paying towards the cost.

The only thing that we would like to ask is to have input into the placement of the walkway and the development of the car park and landscaping in the future which could affect our security and privacy.

All The Best  
Alan & Karen Willis  
0275929602  
alanandkaren@xnet.co.nz

## Natasha Mackie

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**From:** b.j.mahony <b.j.mahony@xtra.co.nz>  
**Sent:** Friday, 31 January 2020 15:41  
**To:** Natasha Mackie  
**Subject:** RE: Whakarire Revetment Feedback - Reminder

Hi. I was happy for it to proceed as per the first meeting a number of years ago. This was to be at no cost to the landowners

Unless I now misunderstand the latest proposal you now propose to charge part of the cost to the landowners, to be added to rates with interest. I strongly disagree with this approach as I feel the truth has not been told.

If as you say you can legally charge the landowners then we surely have the right to negotiate how we pay our share.

Your sincerely Brendan Mahony on behalf of the B J Mahony Farming Trust

*Sent from my Samsung Galaxy smartphone.*

----- Original message -----

**From:** Natasha Mackie <natasha.mackie@napier.govt.nz>  
**Date:** 22/01/20 13:45 (GMT+12:00)  
**To:** b.j.mahony@xtra.co.nz  
**Subject:** Whakarire Revetment Feedback - Reminder

Kia ora Brendon

Just a reminder to give us any feedback on the Whakarire Revetment Project, including:

- Your position on the completion of the Whakarire Revetment (proceed or not proceed)
- The funding split proposal
- Any other comments you wish to make

Please provide your feedback, in writing, by 31 January 2020. Please submit to my email address, send by post to me at the address below, or drop it into our Customer Service Centre at 215 Hastings Street.

Kind regards

Natasha

**Natasha Mackie**

MANAGER COMMUNITY STRATEGIES

Napier City Council, Private Bag 6010, Napier 4142

t +64 6 833 9953 m +64 21 022 69399 [www.napier.govt.nz](http://www.napier.govt.nz)



This communication, including any attachments, is confidential. If you are not the intended recipient, please delete it. Thank you. Refer to the Electronic Transactions Act 2002.

Please consider the environment before printing this email.

## Natasha Mackie

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**From:** Janet Davidson <janetinhb@gmail.com>  
**Sent:** Sunday, 19 January 2020 17:41  
**To:** Natasha Mackie  
**Subject:** Whakarire Revetment Project - reply from Barry and Janet Davidson 7 Whakarire Avenue

**Expires:** Monday, 9 March 2020 00:00

Dear Community Services

Our feedback on the completion of the Whakarire Revetment is as follows;

(1) The Council should proceed with the Whakarire Revetment

(2) The funding split should be 3% of 1.8 million and no further requirement of the adjacent Homeowners.

This funding should be quite specific and not subject to extra charges that the council may have by way of interest on loans they may choose to raise.

(3) The Council must guarantee that the capital values( rateable values) of the properties along the seaside( Northern side) of Whakarire Avenue do not in any way diminish as a result of this project whether at this indecisive stage,

Or during, or following the revetment process . The council should promote the advantages of the revetment in such a way that prospective purchasers are reassured of the advantages and possible increase of value as a result of the operation.

(4) The Council has guaranteed that they will help homeowners who wish to save some of their valuable plants to relocate the plants to within the homeowner's boundary.

(5) The Council has guaranteed that they will position the pathway as far away from the Homeowners boundary as possible. This will depend on the awareness that the council has of the fact that the present rock wall is preventing

Splash from occurring onto the revetment area and therefore should be retained at all costs and should be reinforced opposite Numbers 5,7,and9 Properties which can be done with a few bigger rocks and a front-end loader.

(6) The Council has guaranteed that it will work with the Homeowners to plant suitable Screening between the Boundary and the path. This can be a joint mission to provide aesthetics to the area as well as offering some privacy and security for the Homeowners.

(7) The cedar trees between Numbers 5 and 7 were planted by Mr Foreman ( now deceased ) to prevent people walking onto his patio.. That property is now owned by Mr Mahoney. A fence has been put along the side of No. 5 which looks as though the trees belong to no.7. That is not the case but we have paid to have them topped for the sake of everyone along the row. We would expect the council to deal with them from now on as they are in council land.

(8) We hope that the revetment will commence during the winter when there is less dust and less families and people generally gathering in the area.

Thank you for including us in your decision making.

We will do all we can to co-operate with you.

Signed ; Janet Davidson



## Natasha Mackie

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**From:** Den <main.beach@xtra.co.nz>  
**Sent:** Tuesday, 21 January 2020 11:08  
**To:** Natasha Mackie  
**Subject:** 15 Whakarire Aave

Dear Natasha,

While this isn't the outcome that we previously anticipated, moving forward its probably what has to be done. More communication for this project needs to be done to keep residents fully informed. Each house has different issues for us the closeness that you had initially outlined for the public to walk/bike past us is too close for our liking. Also what is going to be the cost for us and how it is to be managed.

Thankyou,

Dennis and Pip Glenn

January 6<sup>th</sup>, 2020

Napier City Council  
Private Bag 6010  
Napier 4110  
Attn: Natasha Mackie, Jon Kingsford

Email: [Natasha.mackie@napier.govt.nz](mailto:Natasha.mackie@napier.govt.nz)

Firstly thank you to Jon and Derek for meeting with us and our neighbours Hettie and Simon Tremain on December 9<sup>th</sup>, 2019 and explaining in more detail what the proposed storm water collection area will look like and how it will impact our properties.

Our thoughts and position is as follows ...

Approximately 28 years ago, we purchased our land from the Napier City Council because of its uniqueness. We believe this will be compromised should the proposed reserve and pathway go ahead.

We are happy for the proposed Revetment Wall to be erected but not in favour for a public pathway and public facilities.

We can't emphasise strongly enough about the spate of burglaries, drug dealing and the increase in crime in general that Westshore is experiencing and believe the pathway will be just another access to our properties.

As discussed at the meeting, we have asked if we can retain the half circle fence that encroaches on the council land, which has been there long before we purchased the property in 1990. With regards to the landscaping and planting etc, we would be happy to contribute to the agreed planting and happy to contribute towards this in front of our property.

Our position on the funding split proposal is that we would not be happy to pay for something on council-owned land. And certainly not for a 25 year period (or however long) with interest tagged on.

Regards

Max and Raewyn Goodall  
19 Whakarire Avenue  
Westshore  
Napier 4110  
Ph: 06 8350671 or 0274 454 025